

Senator Michael K. McKell proposes the following substitute bill:

WATER AS PART OF GENERAL PLAN

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Ryan D. Wilcox

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 with exceptions;
- ▶ 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:



26 None

27 **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) Except for a city of the fifth class or a town, on or before December 31, 2025, a
80 municipality that has a general plan that does not include a water use and preservation element
81 that complies with Section [10-9a-403](#) shall amend the municipality's general plan to comply
82 with Section [10-9a-403](#).

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

84 **10-9a-403. General plan preparation.**

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

88 when the planning commission initiates the process of preparing [its] the planning
89 commission's recommendation.

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

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

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

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

102 (i) a land use element that:

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

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

109 (C) except for a city of the fifth class or a town, is coordinated to integrate the land use
110 element with the water use and preservation element; and

111 (D) except for a city of the fifth class or a town, accounts for the effect of land use
112 categories and land uses on water demand;

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

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

117 (B) for a municipality that has access to a major transit investment corridor, addresses
118 the municipality's plan for residential and commercial development around major transit

119 investment corridors to maintain and improve the connections between housing, employment,
120 education, recreation, and commerce;

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

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

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

129 (iv) except for a city of the fifth class or a town, a water use and preservation element
130 that addresses:

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

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

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

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

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

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

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

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

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

149 (iii) for a town, may include, and for other municipalities, shall include, a

150 recommendation to implement three or more of the following strategies:

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

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

155 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
156 income housing;

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

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

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

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

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

168 (I) allow for single room occupancy developments;

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

171 (K) [~~utilize~~] use strategies that preserve subsidized low to moderate income units on a
172 long-term basis;

173 (L) preserve existing moderate income housing;

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

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

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

180 (P) apply for or partner with an entity that applies for state or federal funds or tax

181 incentives to promote the construction of moderate income housing;

182 (Q) apply for or partner with an entity that applies for programs offered by the Utah
183 Housing Corporation within that agency's funding capacity;

184 (R) apply for or partner with an entity that applies for affordable housing programs
185 administered by the Department of Workforce Services;

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

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

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

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

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

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

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

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

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

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

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

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

212 Transportation, if the municipality is not within the boundaries of a metropolitan planning
213 organization.

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

215 (i) shall consider:

216 (A) applicable regional water conservation goals recommended by the Division of
217 Water Resources; and

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

220 (ii) shall include a recommendation for:

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

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

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

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

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

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

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

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

234 (E) reduction of yard waste; and

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

237 (v) shall consult with the public water system or systems serving the municipality with
238 drinking water regarding how implementation of the land use element and water use and
239 preservation element may affect:

240 (A) water supply planning, including drinking water source and storage capacity
241 consistent with Section 19-4-114; and

242 (B) water distribution planning, including master plans, infrastructure asset

243 management programs and plans, infrastructure replacement plans, and impact fee facilities
244 plans;

245 (vi) may include recommendations for additional water demand reduction strategies,
246 including:

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

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

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

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

255 (E) adopting water concurrency standards requiring that adequate water supplies and
256 facilities are or will be in place for new development; and

257 (vii) for a town, may include, and for another municipality, shall include, a
258 recommendation for low water use landscaping standards for a new:

259 (A) commercial, industrial, or institutional development;

260 (B) common interest community, as defined in Section [57-25-102](#); or

261 (C) multifamily housing project.

262 (3) The proposed general plan may include:

263 (a) an environmental element that addresses:

264 (i) the protection, conservation, development, and use of natural resources, including
265 the quality of:

266 (A) air[;];

267 (B) forests[;];

268 (C) soils[;];

269 (D) rivers;

270 (E) groundwater and other waters[;];

271 (F) harbors[;];

272 (G) fisheries[;];

273 (H) wildlife[;];

274 (I) minerals[;]; and
275 (J) other natural resources; and
276 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
277 of streams and other waters[;];
278 (B) the regulation of the use of land on hillsides, stream channels and other
279 environmentally sensitive areas[;];
280 (C) the prevention, control, and correction of the erosion of soils[~~;~~protection];
281 (D) the reservation and enhancement of watersheds and wetlands[;]; and
282 (E) the mapping of known geologic hazards;
283 (b) a public services and facilities element showing general plans for sewage, water,
284 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
285 police and fire protection, and other public services;
286 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
287 programs for:
288 (i) historic preservation;
289 (ii) the diminution or elimination of a development impediment as defined in Section
290 17C-1-102; and
291 (iii) redevelopment of land, including housing sites, business and industrial sites, and
292 public building sites;
293 (d) an economic element composed of appropriate studies and forecasts, as well as an
294 economic development plan, which may include review of existing and projected municipal
295 revenue and expenditures, revenue sources, identification of basic and secondary industry,
296 primary and secondary market areas, employment, and retail sales activity;
297 (e) recommendations for implementing all or any portion of the general plan, including
298 the [use] adoption of land and water use ordinances, capital improvement plans, community
299 development and promotion, and any other appropriate action;
300 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);
301 and
302 (g) any other element the municipality considers appropriate.
303 Section 3. Section 10-9a-404 is amended to read:
304 **10-9a-404. Public hearing by planning commission on proposed general plan or**

305 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
 306 **by legislative body.**

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

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

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

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

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

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

321 (4) The legislative body shall adopt:

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

323 (b) a transportation and traffic circulation element as provided in Subsection
 324 10-9a-403(2)(a)(ii); [~~and~~]

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

328 (d) except for a city of the fifth class or a town, on or before December 31, 2025, a
 329 water use and preservation element as provided in Subsection 10-9a-403(2)(a)(iv).

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

331 **17-27a-401. General plan required -- Content -- Resource management plan --**
 332 **Provisions related to radioactive waste facility.**

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

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

- 336 (b) (i) for growth and development of all or any part of the land within the
337 unincorporated portions of the county; or
- 338 (ii) if a county has designated a mountainous planning district, for growth and
339 development of all or any part of the land within the mountainous planning district; and
- 340 (c) as a basis for communicating and coordinating with the federal government on land
341 and resource management issues.
- 342 (2) To promote health, safety, and welfare, the general plan may provide for:
- 343 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
344 activities, aesthetics, and recreational, educational, and cultural opportunities;
- 345 (b) the reduction of the waste of physical, financial, or human resources that result
346 from either excessive congestion or excessive scattering of population;
- 347 (c) the efficient and economical use, conservation, and production of the supply of:
- 348 (i) food and water; and
- 349 (ii) drainage, sanitary, and other facilities and resources;
- 350 (d) the use of energy conservation and solar and renewable energy resources;
- 351 (e) the protection of urban development;
- 352 (f) the protection and promotion of air quality;
- 353 (g) historic preservation;
- 354 (h) identifying future uses of land that are likely to require an expansion or significant
355 modification of services or facilities provided by ~~each~~ an affected entity; and
- 356 (i) an official map.
- 357 (3) (a) The general plan shall:
- 358 (i) allow and plan for moderate income housing growth; and
- 359 (ii) contain a resource management plan for the public lands, as defined in Section
360 [63L-6-102](#), within the county.
- 361 (b) On or before December 1, 2019, a county with a general plan that does not comply
362 with Subsection (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).
- 363 (c) The resource management plan described in Subsection (3)(a)(ii) shall address:
- 364 (i) mining;
- 365 (ii) land use;
- 366 (iii) livestock and grazing;

- 367 (iv) irrigation;
 - 368 (v) agriculture;
 - 369 (vi) fire management;
 - 370 (vii) noxious weeds;
 - 371 (viii) forest management;
 - 372 (ix) water rights;
 - 373 (x) ditches and canals;
 - 374 (xi) water quality and hydrology;
 - 375 (xii) flood plains and river terraces;
 - 376 (xiii) wetlands;
 - 377 (xiv) riparian areas;
 - 378 (xv) predator control;
 - 379 (xvi) wildlife;
 - 380 (xvii) fisheries;
 - 381 (xviii) recreation and tourism;
 - 382 (xix) energy resources;
 - 383 (xx) mineral resources;
 - 384 (xxi) cultural, historical, geological, and paleontological resources;
 - 385 (xxii) wilderness;
 - 386 (xxiii) wild and scenic rivers;
 - 387 (xxiv) threatened, endangered, and sensitive species;
 - 388 (xxv) land access;
 - 389 (xxvi) law enforcement;
 - 390 (xxvii) economic considerations; and
 - 391 (xxviii) air.
- 392 (d) For each item listed under Subsection (3)(c), a county's resource management plan
- 393 shall:
- 394 (i) establish findings pertaining to the item;
 - 395 (ii) establish defined objectives; and
 - 396 (iii) outline general policies and guidelines on how the objectives described in
- 397 Subsection (3)(d)(ii) are to be accomplished.

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

404 (i) the information identified in Section 19-3-305;

405 (ii) information supported by credible studies that demonstrates that ~~[the provisions of]~~
406 Subsection 19-3-307(2) ~~[have]~~ has been satisfied; and

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

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

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

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

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

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

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

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

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

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

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

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

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

433 **17-27a-403. General plan preparation.**

434 (1) (a) The planning commission shall provide notice, as provided in Section
435 17-27a-203, of [its] the planning commission's intent to make a recommendation to the county
436 legislative body for a general plan or a comprehensive general plan amendment when the
437 planning commission initiates the process of preparing [its] the planning commission's
438 recommendation.

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

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

442 (ii) if the planning commission is a planning commission for a mountainous planning
443 district, the mountainous planning district.

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

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

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

453 (i) a land use element that:

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

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

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

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

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

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

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

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

472 (iii) a plan for the development of additional moderate income housing within the
473 unincorporated area of the county or the mountainous planning district, and a plan to provide a
474 realistic opportunity to meet the need for additional moderate income housing; [~~and~~]

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

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

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

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

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

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

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

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

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

- 491 (B) to allow people with various incomes to benefit from and fully participate in all
492 aspects of neighborhood and community life; and
- 493 (ii) shall include an analysis of how the county will provide a realistic opportunity for
494 the development of moderate income housing within the planning horizon, which may include
495 a recommendation to implement three or more of the following strategies:
- 496 (A) rezone for densities necessary to assure the production of moderate income
497 housing;
- 498 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
499 construction of moderate income housing;
- 500 (C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate
501 income housing;
- 502 (D) consider county general fund subsidies or other sources of revenue to waive
503 construction related fees that are otherwise generally imposed by the county;
- 504 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
505 residential zones;
- 506 (F) allow for higher density or moderate income residential development in
507 commercial and mixed-use zones, commercial centers, or employment centers;
- 508 (G) encourage higher density or moderate income residential development near major
509 transit investment corridors;
- 510 (H) eliminate or reduce parking requirements for residential development where a
511 resident is less likely to rely on the resident's own vehicle, such as residential development near
512 major transit investment corridors or senior living facilities;
- 513 (I) allow for single room occupancy developments;
- 514 (J) implement zoning incentives for low to moderate income units in new
515 developments;
- 516 (K) [~~utilize~~] use strategies that preserve subsidized low to moderate income units on a
517 long-term basis;
- 518 (L) preserve existing moderate income housing;
- 519 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate
520 income housing;
- 521 (N) participate in a community land trust program for low or moderate income

522 housing;

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

525 (P) apply for or partner with an entity that applies for state or federal funds or tax
526 incentives to promote the construction of moderate income housing;

527 (Q) apply for or partner with an entity that applies for programs offered by the Utah
528 Housing Corporation within that agency's funding capacity;

529 (R) apply for or partner with an entity that applies for affordable housing programs
530 administered by the Department of Workforce Services;

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

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

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

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

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

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

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

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

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

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

553 (e) In drafting the water use and preservation element, the planning commission:
554 (i) shall consider applicable regional water conservation goals recommended by the
555 Division of Water Resources;
556 (ii) shall include a recommendation for:
557 (A) water conservation policies to be determined by the county; and
558 (B) landscaping options within a public street for current and future development that
559 do not require the use of lawn or turf in a parkstrip;
560 (iii) shall review the county's land use ordinances and include a recommendation for
561 changes to an ordinance that promotes the inefficient use of water;
562 (iv) shall consider principles of sustainable landscaping, including the:
563 (A) reduction or limitation of the use of lawn or turf;
564 (B) promotion of site-specific landscape design that decreases stormwater runoff or
565 runoff of water used for irrigation;
566 (C) preservation and use of healthy trees that have a reasonable water requirement or
567 are resistant to dry soil conditions;
568 (D) elimination or regulation of ponds, pools, and other features that promote
569 unnecessary water evaporation;
570 (E) reduction of yard waste; and
571 (F) use of an irrigation system, including drip irrigation, best adapted to provide the
572 optimal amount of water to the plants being irrigated;
573 (v) may include recommendations for additional water demand reduction strategies,
574 including:
575 (A) creating a water budget associated with a particular type of development;
576 (B) adopting new or modified lot size, configuration, and landscaping standards that
577 will reduce water demand for new single family development;
578 (C) providing one or more water reduction incentives for existing landscapes and
579 irrigation systems and installation of water fixtures or systems that minimize water demand;
580 (D) discouraging incentives for economic development activities that do not adequately
581 account for water use or do not include strategies for reducing water demand; and
582 (E) adopting water concurrency standards requiring that adequate water supplies and
583 facilities are or will be in place for new development; and

- 584 (vi) shall include a recommendation for low water use landscaping standards for a new:
585 (A) commercial, industrial, or institutional development;
586 (B) common interest community, as defined in Section [57-25-102](#); or
587 (C) multifamily housing project.
588 (3) The proposed general plan may include:
589 (a) an environmental element that addresses:
590 (i) to the extent not covered by the county's resource management plan, the protection,
591 conservation, development, and use of natural resources, including the quality of:
592 (A) air[;];
593 (B) forests[;];
594 (C) soils[;];
595 (D) rivers;
596 (E) groundwater and other waters[;];
597 (F) harbors[;];
598 (G) fisheries[;];
599 (H) wildlife[;];
600 (I) minerals[;]; and
601 (J) other natural resources; and
602 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
603 of streams and other waters[;];
604 (B) the regulation of the use of land on hillsides, stream channels and other
605 environmentally sensitive areas[;];
606 (C) the prevention, control, and correction of the erosion of soils[~~protection~~];
607 (D) the preservation and enhancement of watersheds and wetlands[;]; and
608 (E) the mapping of known geologic hazards;
609 (b) a public services and facilities element showing general plans for sewage, water,
610 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
611 police and fire protection, and other public services;
612 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
613 programs for:
614 (i) historic preservation;

615 (ii) the diminution or elimination of a development impediment as defined in Section
616 17C-1-102; and

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

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

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

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

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

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

630 **17-27a-404. Public hearing by planning commission on proposed general plan or**
631 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
632 **by legislative body.**

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

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

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

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

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

644 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
645 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan

646 regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection
647 (3)(b).

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

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

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

658 (iii) Public notice shall be given by publication on the Utah Public Notice Website
659 created in Section 63A-16-601.

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

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

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

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

672 (5) The legislative body shall adopt:

673 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

674 (b) a transportation and traffic circulation element as provided in Subsection
675 17-27a-403(2)(a)(ii);

676 (c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to

677 provide a realistic opportunity to meet the need for additional moderate income housing; ~~and~~

678 (d) before August 1, 2017, a resource management plan as provided by Subsection

679 17-27a-403(2)(a)(iv); and

680 (e) on or before December 31, 2025, a water use and preservation element as provided

681 in Subsection 17-27a-403(2)(a)(v).

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

683 **73-10-36. Division to provide technical assistance in local government planning.**

684 (1) As used in this section:

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

686 (b) "General plan":

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

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

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

690 10-1-104.

691 (2) The division may provide technical assistance to a local government to support the

692 local government's adoption of a water use and preservation element in a general plan.

693 Section 8. **Appropriation.**

694 The following sums of money are appropriated for the fiscal year beginning July 1,

695 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for

696 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures

697 Act, the Legislature appropriates the following sums of money from the funds or accounts

698 indicated for the use and support of the government of the state of Utah.

699 ITEM 1

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

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

702 Schedule of Programs:

703 Program Delivery \$300,000

704 The Legislature intends that the appropriation under this item be used to fund the cost

705 of the Division of Water Resources providing technical assistance under Section 73-10-36 to a

706 local government's adoption of a water use or preservation element in a general plan. The

707 Legislature intends that the appropriation in this item be nonlapsing.