

STATION AREA PLAN AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nelson T. Abbott

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to station area plans.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to a metropolitan planning organization's review of a municipality's station area plan to require the metropolitan planning organization to:
 - provide an objective review of the municipality's documentation; and
 - defer to the judgment of the municipality with regard to the requirements of the station area plan, including affordability of housing, sustainable environmental conditions, and other required objectives; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-403.1, as last amended by Laws of Utah 2023, Chapter 219

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



28 Section 1. Section **10-9a-403.1** is amended to read:

29 **10-9a-403.1. Station area plan requirements -- Contents -- Review and**
30 **certification by applicable metropolitan planning organization.**

31 (1) As used in this section:

32 (a) "Applicable metropolitan planning organization" means the metropolitan planning
33 organization that has jurisdiction over the area in which a fixed guideway public transit station
34 is located.

35 (b) "Applicable public transit district" means the public transit district, as defined in
36 Section **17B-2a-802**, of which a fixed guideway public transit station is included.

37 (c) "Existing fixed guideway public transit station" means a fixed guideway public
38 transit station for which construction begins before June 1, 2022.

39 (d) "Fixed guideway" means the same as that term is defined in Section **59-12-102**.

40 (e) "Metropolitan planning organization" means an organization established under 23
41 U.S.C. Sec. 134.

42 (f) "New fixed guideway public transit station" means a fixed guideway public transit
43 station for which construction begins on or after June 1, 2022.

44 (g) "Qualifying land use petition" means a petition:

45 (i) that involves land located within a station area for an existing public transit station
46 that provides rail services;

47 (ii) that involves land located within a station area for which the municipality has not
48 yet satisfied the requirements of Subsection (2)(a);

49 (iii) that proposes the development of an area greater than five contiguous acres, with
50 no less than 51% of the acreage within the station area;

51 (iv) that would require the municipality to amend the municipality's general plan or
52 change a zoning designation for the land use application to be approved;

53 (v) that would require a higher density than the density currently allowed by the
54 municipality;

55 (vi) that proposes the construction of new residential units, at least 10% of which are
56 dedicated to moderate income housing; and

57 (vii) for which the land use applicant requests the municipality to initiate the process of
58 satisfying the requirements of Subsection (2)(a) for the station area in which the development

59 is proposed, subject to Subsection (3)(d).

60 (h) (i) "Station area" means:

61 (A) for a fixed guideway public transit station that provides rail services, the area
62 within a one-half mile radius of the center of the fixed guideway public transit station platform;

63 or

64 (B) for a fixed guideway public transit station that provides bus services only, the area
65 within a one-fourth mile radius of the center of the fixed guideway public transit station
66 platform.

67 (ii) "Station area" includes any parcel bisected by the radius limitation described in
68 Subsection (1)(h)(i)(A) or (B).

69 (i) "Station area plan" means a plan that:

70 (i) establishes a vision, and the actions needed to implement that vision, for the
71 development of land within a station area; and

72 (ii) is developed and adopted in accordance with this section.

73 (2) (a) Subject to the requirements of this section, a municipality that has a fixed
74 guideway public transit station located within the municipality's boundaries shall, for the
75 station area:

76 (i) develop and adopt a station area plan; and

77 (ii) adopt any appropriate land use regulations to implement the station area plan.

78 (b) The requirements of Subsection (2)(a) shall be considered satisfied if:

79 (i) (A) the municipality has already adopted plans or ordinances, approved land use
80 applications, approved agreements or financing, or investments have been made, before June 1,
81 2022, that substantially promote each of the objectives in Subsection (7)(a) within the station
82 area, and can demonstrate that such plans, ordinances, approved land use applications,
83 approved agreements or financing, or investments are still relevant to making meaningful
84 progress towards achieving such objectives; and

85 (B) the municipality adopts a resolution finding that the objectives of Subsection (7)(a)
86 have been substantially promoted[-]; or

87 (ii) (A) the municipality has determined that conditions exist that make satisfying a
88 portion or all of the requirements of Subsection (2)(a) for a station area impracticable,
89 including conditions that relate to existing development, entitlements, land ownership, land

90 uses that make opportunities for new development and long-term redevelopment infeasible,
91 environmental limitations, market readiness, development impediment conditions, or other
92 similar conditions; and

93 (B) the municipality adopts a resolution describing the conditions that exist to make
94 satisfying the requirements of Subsection (2)(a) impracticable.

95 (c) To the extent that previous actions by a municipality do not satisfy the requirements
96 of Subsection (2)(a) for a station area, the municipality shall take the actions necessary to
97 satisfy those requirements.

98 (3) (a) A municipality that has a new fixed guideway public transit station located
99 within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the
100 station area surrounding the new fixed guideway public transit station before the new fixed
101 guideway public transit station begins transit services.

102 (b) Except as provided in Subsections (3)(c) and (d), a municipality that has an existing
103 fixed guideway public transit station located within the municipality's boundaries shall satisfy
104 the requirements of Subsection (2)(a) for the station area surrounding the existing fixed
105 guideway public transit station on or before December 31, 2025.

106 (c) If a municipality has more than four existing fixed guideway public transit stations
107 located within the municipality's boundaries, the municipality shall:

108 (i) on or before December 31, 2025, satisfy the requirements of Subsection (2)(a) for
109 four or more station areas located within the municipality; and

110 (ii) on or before December 31 of each year thereafter, satisfy the requirements of
111 Subsection (2)(a) for no less than two station areas located within the municipality until the
112 municipality has satisfied the requirements of Subsection (2)(a) for each station area located
113 within the municipality.

114 (d) (i) Subject to Subsection (3)(d)(ii):

115 (A) if a municipality receives a complete qualifying land use petition on or before July
116 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area
117 in which the development is proposed on or before July 1, 2023; and

118 (B) if a municipality receives a complete qualifying land use petition after July 1, 2022,
119 the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in which
120 the development is proposed within a 12-month period beginning on the first day of the month

121 immediately following the month in which the qualifying land use petition is submitted to the
122 municipality, and shall notify the applicable metropolitan planning organization of the receipt
123 of the qualified land use petition within 45 days of the date of receipt.

124 (ii) (A) A municipality is not required to satisfy the requirements of Subsection (2)(a)
125 for more than two station areas under Subsection (3)(d)(i) within any 12-month period.

126 (B) If a municipality receives more than two complete qualifying land use petitions on
127 or before July 1, 2022, the municipality shall select two station areas for which the
128 municipality will satisfy the requirements of Subsection (2)(a) in accordance with Subsection
129 (3)(d)(i)(A).

130 (iii) A municipality shall process on a first priority basis a land use application,
131 including an application for a building permit, if:

132 (A) the land use application is for a residential use within a station area for which the
133 municipality has not satisfied the requirements of Subsection (2)(a); and

134 (B) the municipality would be required to change a zoning designation for the land use
135 application to be approved.

136 (e) Notwithstanding Subsections (3)(a) through (d), the time period for satisfying the
137 requirements of Subsection (2)(a) for a station area may be extended once for a period of 12
138 months if:

139 (i) the municipality demonstrates to the applicable metropolitan planning organization
140 that conditions exist that make satisfying the requirements of Subsection (2)(a) within the
141 required time period infeasible, despite the municipality's good faith efforts; and

142 (ii) the applicable metropolitan planning organization certifies to the municipality in
143 writing that the municipality satisfied the demonstration in Subsection (3)(e)(i).

144 (4) (a) Except as provided in Subsection (4)(b), if a station area is included within the
145 boundaries of more than one municipality, each municipality with jurisdiction over the station
146 area shall satisfy the requirements of Subsection (2)(a) for the portion of the station area over
147 which the municipality has jurisdiction.

148 (b) Two or more municipalities with jurisdiction over a station area may coordinate to
149 develop a shared station area plan for the entire station area.

150 (5) A municipality that has more than one fixed guideway public transit station located
151 within the municipality may, through an integrated process, develop station area plans for

152 multiple station areas if the station areas are within close proximity of each other.

153 (6) (a) A municipality that is required to develop and adopt a station area plan under
154 this section may request technical assistance from the applicable metropolitan planning
155 organization.

156 (b) An applicable metropolitan planning organization that receives funds from the
157 Governor's Office of Economic Opportunity under Section 63N-3-113 shall, when utilizing the
158 funds, give priority consideration to requests for technical assistance for station area plans
159 required under Subsection (3)(d).

160 (7) (a) A station area plan shall promote the following objectives within the station
161 area:

- 162 (i) increasing the availability and affordability of housing, including moderate income
163 housing;
- 164 (ii) promoting sustainable environmental conditions;
- 165 (iii) enhancing access to opportunities; and
- 166 (iv) increasing transportation choices and connections.

167 (b) (i) To promote the objective described in Subsection (7)(a)(i), a municipality may
168 consider implementing the following actions:

169 (A) aligning the station area plan with the moderate income housing element of the
170 municipality's general plan;

171 (B) providing for densities necessary to facilitate the development of moderate income
172 housing;

173 (C) providing for affordable costs of living in connection with housing, transportation,
174 and parking; or

175 (D) any other similar action that promotes the objective described in Subsection
176 (7)(a)(i).

177 (ii) To promote the objective described in Subsection (7)(a)(ii), a municipality may
178 consider implementing the following actions:

179 (A) conserving water resources through efficient land use;

180 (B) improving air quality by reducing fuel consumption and motor vehicle trips;

181 (C) establishing parks, open spaces, and recreational opportunities; or

182 (D) any other similar action that promotes the objective described in Subsection

183 (7)(a)(ii).

184 (iii) To promote the objective described in Subsection (7)(a)(iii), a municipality may
185 consider the following actions:

186 (A) maintaining and improving the connections between housing, transit, employment,
187 education, recreation, and commerce;

188 (B) encouraging mixed-use development;

189 (C) enabling employment and educational opportunities within the station area;

190 (D) encouraging and promoting enhanced broadband connectivity; or

191 (E) any other similar action that promotes the objective described in Subsection

192 (7)(a)(iii).

193 (iv) To promote the objective described in Subsection (7)(a)(iv), a municipality may
194 consider the following:

195 (A) supporting investment in infrastructure for all modes of transportation;

196 (B) increasing utilization of public transit;

197 (C) encouraging safe streets through the designation of pedestrian walkways and
198 bicycle lanes;

199 (D) encouraging manageable and reliable traffic conditions;

200 (E) aligning the station area plan with the regional transportation plan of the applicable
201 metropolitan planning organization; or

202 (F) any other similar action that promotes the objective described in Subsection

203 (7)(a)(iv).

204 (8) A station area plan shall include the following components:

205 (a) a station area vision that:

206 (i) is consistent with Subsection (7); and

207 (ii) describes the following:

208 (A) opportunities for the development of land within the station area under existing
209 conditions;

210 (B) constraints on the development of land within the station area under existing
211 conditions;

212 (C) the municipality's objectives for the transportation system within the station area
213 and the future transportation system that meets those objectives;

214 (D) the municipality's objectives for land uses within the station area and the future
215 land uses that meet those objectives;

216 (E) the municipality's objectives for public and open spaces within the station area and
217 the future public and open spaces that meet those objectives; and

218 (F) the municipality's objectives for the development of land within the station area and
219 the future development standards that meet those objectives;

220 (b) a map that depicts:

221 (i) the station area;

222 (ii) the area within the station area to which the station area plan applies, provided that
223 the station area plan may apply to areas outside the station area, and the station area plan is not
224 required to apply to the entire station area; and

225 (iii) the area where each action is needed to implement the station area plan;

226 (c) an implementation plan that identifies and describes each action needed within the
227 next five years to implement the station area plan, and the party responsible for taking each
228 action, including any actions to:

229 (i) modify land use regulations;

230 (ii) make infrastructure improvements;

231 (iii) modify deeds or other relevant legal documents;

232 (iv) secure funding or develop funding strategies;

233 (v) establish design standards for development within the station area; or

234 (vi) provide environmental remediation;

235 (d) a statement that explains how the station area plan promotes the objectives
236 described in Subsection (7)(a); and

237 (e) as an alternative or supplement to the requirements of Subsection (7) or this
238 Subsection (8), and for purposes of Subsection (2)(b)(ii), a statement that describes any
239 conditions that would make the following impracticable:

240 (i) promoting the objectives described in Subsection (7)(a); or

241 (ii) satisfying the requirements of this Subsection (8).

242 (9) A municipality shall develop a station area plan with the involvement of all
243 relevant stakeholders that have an interest in the station area through public outreach and
244 community engagement, including:

- 245 (a) other impacted communities;
- 246 (b) the applicable public transit district;
- 247 (c) the applicable metropolitan planning organization;
- 248 (d) the Department of Transportation;
- 249 (e) owners of property within the station area; and
- 250 (f) the municipality's residents and business owners.

251 (10) (a) A municipality that is required to develop and adopt a station area plan for a
252 station area under this section shall submit to the applicable metropolitan planning organization
253 and the applicable public transit district documentation evidencing that the municipality has
254 satisfied the requirement of Subsection (2)(a)(i) for the station area, including:

- 255 (i) a station area plan; or
- 256 (ii) a resolution adopted under Subsection (2)(b)(i) or (ii).

257 (b) The applicable metropolitan planning organization, in consultation with the
258 applicable public transit district, shall:

259 (i) [review] perform an objective review of the documentation submitted under
260 Subsection (10)(a) to determine the municipality's compliance with this section; [~~and~~]

261 (ii) provide written certification to the municipality if the applicable metropolitan
262 planning organization determines that the municipality has satisfied the requirement of
263 Subsection (2)(a)(i) for the station area~~[-]~~; and

264 (iii) defer to the judgment of the municipality as to the substantive content of the
265 documentation submitted under Subsection (10)(a) in determining whether the municipality has
266 satisfied the requirements and objectives of this section.

267 (c) The municipality shall include the certification described in Subsection (10)(b)(ii)
268 in the municipality's report to the Department of Workforce Services under Section [10-9a-408](#).

269 **Section 2. Effective date.**

270 This bill takes effect on May 1, 2024.