

# UTAH LEAGUE OF CITIES AND TOWNS

Legislative Policy Committee

March 5, 2018



# Week 6 – PRIORITY BILLS

1400 bills \* 295 in the ULCT bill tracker \* 3.5 days to go!

SUPPORT	OPPOSE	NEUTRAL or TBD
HB 259 moderate income housing HB 430 aff housing commission HB 464 affordable housing bond SB 136 transportation governance SB 189 small cells	HB 203 nighttime construction HB 255 extra-jurisdictional property HB 124 water transparency HB 135 extra-territorial property HB 361 billboards HB 462 homeless shelter funding SB 218 container regulation SB 154 law enforcement quotas	HB 303 drinking water source size SB 204 secondary water <hr/> SB 234 inland port SB 235 homelessness funding

# THANK YOU!

- Brian Allen
- Kate Bradshaw
- Laura Briefer
- David Brickey
- Mara Brown
- Kimberly Chytraus
- Mark Christensen
- Nicole Cottle
- Gary Crane
- Megan DePaulis
- Clint Drake
- Evelyn Everton
- Fred Finlinson
- Brandon Hill
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- Jodi Hart
- Kory Holdaway
- Mark Johnson
- Rob Jolley
- Shawn Guzman
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- Joel Linares
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- Ryan Loose
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- Dave Millheim
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- Melinda Nagai-Seager
- Lynn Pace
- Issac Paxman
- Craig Peterson
- Ryan Peterson
- Bryan Rodgers
- Tom Ross
- Randy Sant
- Heather Schreiber
- Lincoln Shurtz
- Samantha Slark
- Ashley Spatafore
- Dave Spatafore
- Mark Stratford
- Adam Trupp
- Garrett Wilcox
- Gary Williams



# SB 189 (2<sup>nd</sup> Sub) Small wireless facilities deployment

## Overview

- Wireless providers have the right to:
  - install small wireless facilities and utility poles within ROW; and
  - collocate small wireless facilities on non-electric municipal poles.
- Municipalities are required to recognize small wireless facilities (“SWF”) in ROW as a permitted use in all zones and districts (strictly an administrative process).
- A small wireless facility consists of: an antenna of 6 ft<sup>3</sup> or less; ground equipment of 28 ft<sup>3</sup> or less; and it is collocated or installed on a utility pole no taller than 50 ft. (potential additional 10ft. for antennae).



# Small cells continued

## **Municipality Powers**

- Design/Historic and Underground Districts - must allow SWF including utility poles (heightened design standards).
- May limit new utility poles in ROW that is 60 ft. wide or less and adjacent to residential property.
- May adopt reasonable, nondiscriminatory design standards.
- May adopt nondiscriminatory police-power-based regulations for management of ROW.
- May deny applications for articulable public safety reasons.
- May require agreement dealing with indemnification, insurance and bonding before ROW work.

# Small cells continued

## Compensation

- Annual ROW Access Rate
  - 3.5% of gross revenue under Municipal Telecommunications License Tax; or
  - the greater of 3.5% of gross revenue or \$250 per small wireless facility.
- Annual Authority Pole Attachment Rate
  - \$50 per collocated small wireless facility per authority pole.
- Application Fees
  - \$100 per collocated small wireless facility.
  - \$250 per utility pole with a small wireless facility.
  - \$1000 per non-permitted use.
- Other applicable permit fees.

# Small cells continued

## Application Limits

- Consolidated application: up to 25 small wireless facilities of substantially the same type.
- Category One Authority: Population of 65,000 or greater
  - Up to 75 small wireless facility (3 consolidated) applications per 30 days.
- Category Two Authority: Population of 64,999 or less.
  - Up to 25 small wireless facility (1 consolidated) applications per 30 days.

## Shot Clocks

- Completion: 30 days
- Collocation: 60 days (including completion review)
- New, modified, or replacement utility pole: 105 days (including completion review)
- One additional extension of 10 business days.
- Deemed complete and/or granted if municipality does not meet deadlines.



# HB 361: Billboard amendments

- Objective: require city to use the eminent domain process to purchase a billboard
- Actual Result: Functionally impossible for a city to purchase a billboard
  - City cannot get appraisal of the billboard from the billboard owner to ascertain it's value
  - The current eminent domain statutes require steps that are inapplicable
    - For example, how does a city pay relocation costs for a billboard when the city just wants to purchase it?
- ULCT offered a counter proposal to create a good faith process to determine the value of a billboard—while the billboard is still displayed—and to allow a city to purchase the billboard for its fair market value
  - Counter proposal denied

# SB 136 ... as of when I wrote this slide

## State revenue

- \$10 increase on all vehicle registration fees (\$44 to \$54)
  - Dedicated to Transit Transportation Investment Fund (TTIF)
- Phase in for hybrids (\$40), plug in hybrids (\$52), \$122 for electric vehicles
- State and local corridor preservation funding can be spent on transit

## Local revenue: incentives for 4 quarters

- 3<sup>rd</sup> quarter: use it or lose it
- 4<sup>th</sup> quarter: use it or lose it, new process
  - 1) County imposes until June 30, 2019 & receive 100% of it to pay debt service or fund regionally significant projects
  - 2) County imposes between July 1, 2019 and June 30, 2020: .10 cities, .10 transit, .05 counties (HB 362)
  - 3) After July 1, 2020, city may impose quarter; .125 to city, .125 to transit
    - 1<sup>st</sup> and 2<sup>nd</sup> class counties so far

# What is your city's position on diverting local option sales tax to mitigate homelessness?

- Strongly support: 6%
- Support: 5%
- No opinion: 3%
- Oppose: 28%
- Strongly oppose: 58%

# Precedent of a state assessment of each city according to affordable housing.

- Strongly support: 9%
- Support: 15%
- No opinion: 1%
- Oppose: 28%
- Strongly oppose: 46%

# Regardless of the mechanism, would your city be willing to contribute to ...

## The O&M of homeless shelters

- Strongly support: 5%
- Support: 22%
- No opinion: 13%
- Oppose: 31%
- Strongly oppose: 30%

## Public safety impact of the 5 cities w/shelters

- Strongly support: 9%
- Support: 28%
- No opinion: 11%
- Oppose: 32%
- Strongly oppose: 18%

# HB 462: inside the building; SB 235: outside the building

## HB 462:

- **\$3.3 million total city assessment**
  - \$12 million estimated O&M need for 4 SL County shelters; cities = 25%
- **Purpose:** supplement Road Home O&M
- **Formula:** based on inventory of very low income or affordable housing in city
  - More low income housing = smaller fee
  - Less low income housing = greater fee
  - Use 10% set aside, other funds
- **Mechanism:** divert local option 1%
- **Adjustments:** Cities w/qualifying shelters pay \$0; cap of \$200,000
- **Transparency:** rulemaking, TBD

## SB 235:

- **\$2.5 million in FY 19; \$5 million in FY 20**
  - Law enforcement, fire, paramedics
- **Purpose:** Public safety impact in South Salt Lake & Midvale due to state mandated shelters
  - SLC, St. G, & Ogden would qualify later
- **Formula:** divert 1.7% of 50/50
  - Every city would contribute toward mitigation by a portion of 50% pop.
- **Mechanism:** i) City imposed .0135 local sales tax; ii) divert local option 1% and offset cost by RDA/CRA set aside
- **Adjustments:** cap of \$200,000 on 1.7%
- **Transparency:** reimbursement



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# SB 234: Inland Port Authority: land use, tax, board

## Authority Board acts/designates appeals panel

“Panel decides in favor of adversely affected person if-”

(1) is detrimental to achieving or implementing the strategies, policies, and objectives, or

(2) substantially impedes, interferes with, or impairs authority jurisdictional land development that is consistent with the strategies, policies and objectives

Strategies, policies, and objectives: Maximize economic benefits and jobs, promote high quality of life, facilitate infrastructure, sensitive to environment, respect existing land use and agreements w/property owners, make land attractive to regional and int'l trade

## Tax authority

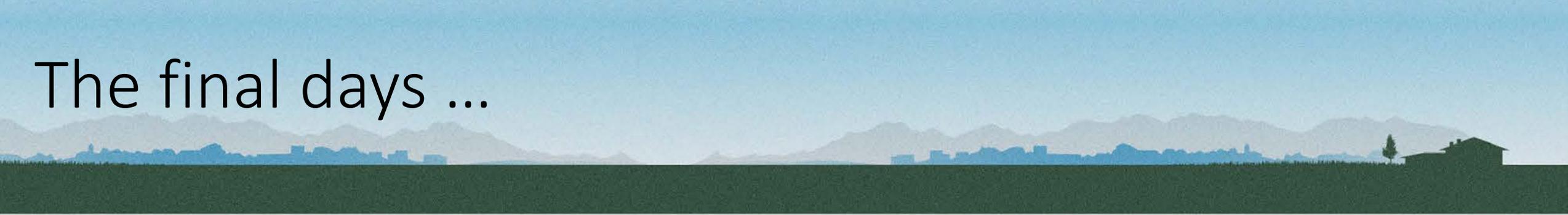
- 5% of tax increment to authority

## Board composition

- 9 members, 3 from SLC
- Entire proposed area is located within SLC



# The final days ...



- Monday: final days to consider bills from your own chamber
- Tuesday: finalize budget; last scheduled committee hearings
- Thursday: session ends at midnight
- Initiatives
  - Our Schools Now, marijuana, and more
- House priorities v. Senate priorities
  - Budget, taxes, homelessness, northwest quadrant
- Legislative branch v. Executive branch
- Election year; changing of the guard