



# LPC

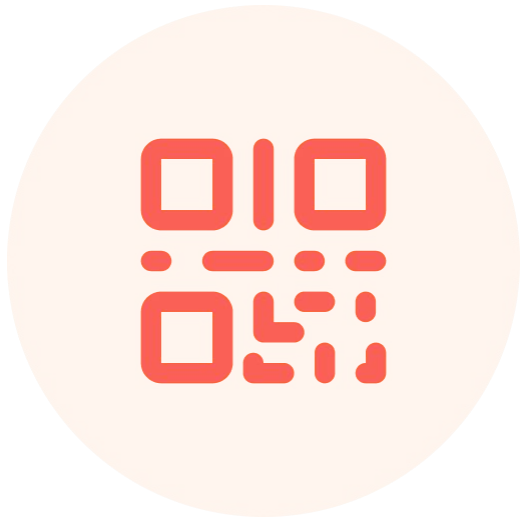
January 23, 2023

## Approval Of Minutes from 1/18/2023

# ULCT Emails

- Sign up (up front) or reach out to ULCT staff if you stopped receiving Friday Facts or LPC emails.

slido



**Join at [slido.com](https://slido.com)  
#2687420**

① Start presenting to display the joining instructions on this slide.

slido



**Which city do you represent?**

① Start presenting to display the poll results on this slide.

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**What is your title?**

① Start presenting to display the poll results on this slide.

# Local Administrative Advisor (new title)

**What:** a state-funded program to provide administrative support to small cities and towns without administrative staff. Smaller cities and towns would receive proactive administrative support on a consistent basis which will improve their efficiency and effectiveness.

**Appropriations Request:** \$1.58m ongoing

**Appropriations Timeline:** Will be presented with the GOPB budget priorities at the 8 AM Wednesday Executive Offices and Criminal Justice Appropriations Subcommittee.

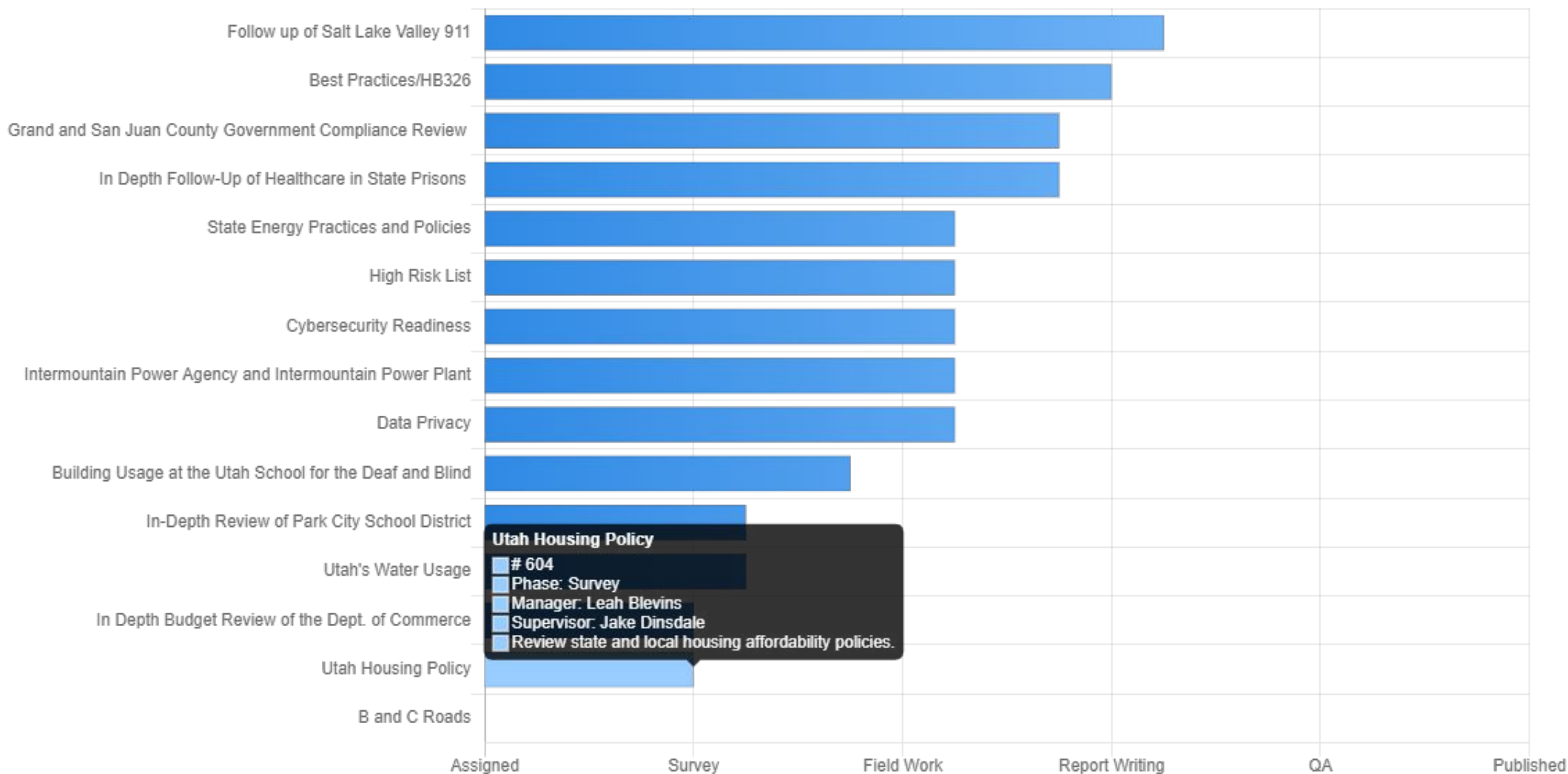
# Local Administrative Advisor (new title)

Executive Offices and Criminal Justice  
Appropriations Subcommittee.

- Senator Owens
- Representative Burton
- Representative Hollins
- Senator Bramble
- Senator Cullimore
- Senator Harper
- Senator Ipson
- Senator Pitcher
- Senator Plumb
- Representative Acton
- Representative Clancy
- Representative Dunnigan
- Representative Gwynn
- Representative Lisonbee
- Representative Musselman
- Representative Weeks
- Representative Romero



# Legislative Audit (not Auditor Dougall): Housing policy



# ULCT general rules of engagement on growth

<https://www.ulct.org/home/showpublisheddocument/1086/637234034950930000>

<https://www.utahbusiness.com/utah-most-new-construction-homes-being-developed-built-houses/>

Utah  
**Business**

PRESS RELEASES

## **New data reveals Utah is the state with the most new construction homes being developed.**

by Press Release / January 19, 2023 /

- Utah is the state with the most new construction homes being developed, with 11.7 new builds per 1,000 residents.

**TELL YOUR  
LEGISLATORS!**

# UEOC - Unified Economic Opportunity Commission

## Commission on Housing Affordability report (initial bill coming soon)

### 1) Subdivisions (ULCT Board & LPC proposal from Oct/Nov)

- Proposal: standardized 2 step process; preliminary review and final approval and staff administers the final approval

### 2) Station Area Plans and administrative approval & timelines

- Proposal: if application (site plan?) is 100% consistent with SAP and zoning, then staff approval only (staff rec: TBD)
- Proposal: potential shot clocks (staff rec: nay)
- NOTE: these are separate from SAP tech issues (e.g. credit for prior plans) we are working on in SB 27 & HTRZ tech issues in SB 84

### 3) Internal accessory dwelling units (IADUs) modifications

- Proposal: clarify that units above garages are IADUs (staff rec: aye)
- Proposal: clarify that local gov'ts may not regulate "internal circulation" (staff rec: aye)
- Other: remove ability of local gov'ts to require 1 parking spot or have areas in the city without IADUs (staff rec: nay)

### 4) Consequences for HB 462 non-compliance on moderate income housing plans

Note: ULCT and DWS are working to fix these issues from HB 462:

a) technical definitions; b) plan adoption process; c) reporting process; d) how to count ongoing action

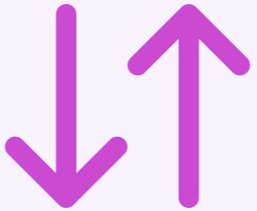
# UEOC - Unified Economic Opportunity Commission (Slido)

## Board authorized staff to look at non-compliance consequence

Assuming we fix HB 462 and have better housing data, rank consequences for non-compliance from least objectionable to most objectionable:

- auto “rip cord” requiring affordable housing proposal to be reviewed in 45 days
- development fee refund for housing proposal if review is longer than 45 day rip cord
- housing proposal deemed approved if city doesn’t review it within 45 day rip cord
- state mandate that housing units are permitted uses anywhere in the city
- state mandated “density bonus” to upzone a residential area
  - i) city zoning: 3 units to acre; state “bonus” would make it 4 units to acre
- state housing appeals board to review housing proposals/denials in the city
- withhold class B&C revenue during period of non-compliance
- authorize attorneys fees for a plaintiff who sues to enforce HB 462
- pay a fine to the Olene Walker Housing Fund
- Non-compliant cities are ineligible for 5th 5th transportation dollars (new local revenue) or the State Infrastructure Bank (new revenue)

slido



**Assuming we fix HB 462 and have better housing data, rank these consequences for non-compliance from most objectionable (1) to least objectionable (10):**

① Start presenting to display the poll results on this slide.

# Land Use Task Force (some housing related)

1. Annexation
  - a. def. of rural real property; consider preference of owner; other changes likely for 2024
2. Development agreements
  - a. can't require DA to access underlying zoning
3. Development standards (see next slide)
4. HB 98 (2021)
  - a. technical changes for plan resubmission, review to determine complete applications
5. Landscaping bond
  - a. When a local gov't can require a bond to complete privately owned landscaping that has a quasi-public use
6. Moratorium
  - a. def. of how and when moratoriums may be used; overlap with temporary land use regulations

Non-LUTF/CHA but housing related: LIDs (subgroup underway)

# Development standards as of last week

## Current State of Negotiations

- 1) No right of way standard
- 2) 32 feet - In progress - exceptions to standard (i.e. complete streets)
- 3) No vesting as part of this
- 4) No mtg req'ts in code
- 5) *Review timelines - shot clock for both sides*
  - Four Review Maximum - no additional requirements*
  - Must have all redlines addressed to county toward a review*
  - List is complete pending req'd studies
- 6) *Requirement to have checklist for all items necessary for complete application*



# ULT KEY MESSAGE TO LEGISLATORS:

The State of Utah has a surplus but cities don't.

# Retirement

	HB 104 (Gwynn)	HB 125 (Birkeland)	HB 126 (Birkeland)
<b>Applies to</b>	Public safety only	Public safety and teachers	“Qualifying” (public safety and teachers) and non-qualifying (all other public employees) retirees
<b>Post Retirement Re-Employment</b>	Reduced from 1 year to 90 days with a 2027 sunset	Reduced from 1 year to 60 days	Removed
<b>Additional Changes</b>	<p>Tier 2 hybrid multiplier increased from 2% to 2.27%*</p> <p>Tier 2 years of service reduced from 25 to 22 years*</p> <p><i>*These provisions do not currently have a sunset</i></p>	<p>May not work more than part time (20 hrs/week or equivalent)</p> <p>Cannot earn more than the less of 50% of their pre-retirement salary or \$15k annually</p> <p>May not receive any other employer paid benefits in re-employment (retirement, medical, dental, etc.)</p>	<p>Qualifying Retirees may return to work as long as they do not earn more than \$35k in post-retirement re-employment &amp; are not re-employed as judge.</p> <p>Non-Qualifying Retirees cannot earn more than \$15k in post-retirement re-employment &amp; are not re-employed as judge.</p> <p>Includes an inflationary adjustment for income caps</p>
<b>Fiscal Impact (LFA)</b>	\$23.2m+ ongoing for local governments and employees. Employers may elect to pick up employee contributions.	\$5.4m ongoing for local governments and employees. Employers may elect to pick up employee contributions.	\$4.25m ongoing for local governments and employees. Employers may elect to pick up employee contributions.

# Justice Courts

## HB 210 – Justice Court Changes

- Justice Court Task Force Report/Study Status – November 2022
- HB 210
  - Creation of Legislative Task Force
  - Justice Court Judges Salary
  - All Justice Court Judges to be attorneys – Most currently are - allows for attorneys to move to service area
  - Relationship of Courts/Cities/Counties
  - Current Law/Const: Justice Court part of state judiciary/judicial council/AOC
  - HB 210 – Court support staff
- Future
  - Oppose in current form. Most provisions not controversial
  - Work to make amendments
  - Leave for task force

<https://www.ulct.org/home/showpublisheddocument/1636/637257435788330000>

# Approps requests/revenue update

## Growth, general: (last year, being spent now)

- Guiding Our Growth public engagement effort
- HB 462: Housing database
- Housing ordinance review (Envision Utah)
- Next steps from last summer's town halls: potential state \$ for a center for templates/resources for policies/ordinances/processes

## Infrastructure:

- Modify the "5th 5th," which is currently 100% for transit, so that cities get a direct allocation (HB 462 compliance)
- State Infrastructure Bank: \$35-\$150 mill (HB 462 compliance)
- Active Transportation Investment Fund (Interstate of Trails): Governor requested \$100 mill
  - Sign the letter! [https://unifiedplan.org/utah-trail-network/?utm\\_medium=email&utm\\_source=govdelivery](https://unifiedplan.org/utah-trail-network/?utm_medium=email&utm_source=govdelivery)

## Public safety/homeless:

- Public safety mitigation for cities with homeless resource centers (HRC): \$5 mill (2022 session)
  - ULCT seeking more state \$ w/city match
- Wayne Niederhauser seeking state revenue for HRC operations/services

## Housing:

- Wayne Niederhauser seeking significant state money for permanent supportive housing
- First time home buyer program: \$9.5 mill for teachers; \$1.5 mill for fire fighters
  - Builds on last year's \$5 mill for police officers
- Olene Walker GAP funding: \$10 mill one-time; \$5 mill ongoing
- Rural housing loans for single family homes: \$2.75 mill



# First Responder Mental Health Amendments

HB 59

Sponsor Ryan D. Wilcox

# HB 59 Highlights

- Adds spouses of retired first responders and addresses access to mental health services
  - Adds spouses & children of retired first responders to the list of those who qualify for mental health services
  - Proves that mental health services shall be provide on a regular and continuing basis
- More cost to those with public safety services in time without end



# School Safety Requirements

H.B. 64

Sponsor: Ryan D. Wilcox

# HB 64 – Highlights

- Creates a State security Chief Position within DPS
  - Review security plans for school, functions much like a State Fire Marshal
- Creates the Temporary School Security Task Force
  - Sets up qualifications, duties, and scope of authority of the state security chief with DPS
- Requires the Sheriff to identify and individual with the dept. to coordinate security responsibilities with the state
- Requires that all Secondary Schools to have a School Resource Officer
  - Grades 7 through 12, or any part of those grade, i.e. 6 through 8
  - Defines duties of SRO's
  - Requires a Contract with Law Enforcement and Local Education Agencies
- No Funding for contract shortfalls, Agencies pick up any cost not covered by contracts





# Water Conservation

# Water Efficient Landscaping - Owens - HB272

- Raises the aggregate annual cap for state turf buyback from \$5m to \$12.5m
- A property owner is only eligible for the program if the owner lives in a municipality that implements regional and specific water use efficiency standards
- This is not mandating the standards. It is making the standards a requirement to be eligible for state flip your strip programs.
- We will be asking a question to GSL Basin municipalities about who has already adopted standards

Position Pending

# SB118 – Sandall

## Water Efficient Landscaping Incentives

- 332      (2) (a) A district or the division may hold a lien on property in the amount  
333      of an  
334      incentive payment together with interest in the amount of 8% per annum  
335      from the date the  
336      incentive payment is made and administrative costs, if a person reinstalls  
337      lawn or turf or  
338      overhead spray irrigation on the property in an area where the lawn or turf or  
339      overhead spray  
340      irrigation was removed under Section 73-10-37.
- If you take the grant, and then put turf back in, they want their money back
- Current Position Neutral

# Wrapping Up

Other bills? (Time permitting)

Bill Tracker – Ratify Positions

[www.ULCT.org/bills](http://www.ULCT.org/bills)

# What do you need to do right now?

- Contact your legislator(s) about the need to respect the role of local government and to discuss ULCT legislative priorities
- General messaging:
  - 1) **Utah was #1 in the nation for new housing (Utah Business, Jan. 19)**
    - Tell your city's story! Cities have permitted more housing--and more multifamily units and townhomes--in last 3 years than any 3 year period in state history
  - 2) **The state has a budget surplus but cities don't**
    - Share your fiscal impact
- As bills arise, be ready to:
  - 1) Reach out immediately to legislator(s) to explain your city's position
  - 2) Use social media to explain the city's position to your residents and urge them to contact your legislator(s)
  - 3) Use social media to thank legislator(s)

# Other key dates/info

- Upcoming LPCs
  - Monday, January 30
  - Monday, February 6
  - Monday, February 13
  - Tuesday, February 21
  - Monday, February 27
- National League of Cities: March 26-28 in Washington, DC
- Midyear Conference: April 19-21 in St. George

# Retirement

## **HB 104: Public Safety Retirement Amendments (Gwynn)**

- Applies to all public safety employees (police and fire)
- Cooling off period: reduced from one year to 90 days (lines 49-50)
- Years of service: Tier 2 reduced from 25 years to 22 years
- Multiplier: Tier 2 multiplier increased from 2% to 2.27% from 1/1/24 on
- Sunset: sunsets the period of separation on 7/1/27.
  - \*The years of service and multiplier are not currently sunsetted. We heard there may be a substitute to sunset them as well.
- Fiscal Impact ([LFA](#)) may cost local governments up to \$23.2m (Employers may elect to pick up employee contributions.)
- Fiscal Impact ([URS](#)) \$27.1m annually for all systems,
  - \$11.71m for Tier 1 period of separation pilot program
  - \$15.39m for Tier 2 rate and years of service adjustments
    - \*note, due to increasing Tier 2 covered payroll, the dollar cost will increase (e.g., \$29m in 2032, \$48m in 2042, etc.)

## HB 125: Post Retirement Reemployment Amendments (Birkeland)

- Applies to all public safety employees (police and fire) and teachers
- Cooling off period: reduced from one year to 60 days
- Requires that they do not work more than 20-hours a week/part-time equivalent
  - Cannot make more than the lesser of \$15k/year or the wages from the above hours
  - Are not eligible for other benefits
- Fiscal Impact ([LFA](#))
  - May cost local governments up to \$4.5m. Employers may elect to pick up employee contributions.
- Fiscal Impact ([URS](#))
  - \$5.6m for all affected systems



## HB 126: Post Retirement Reemployment Modifications (Birkeland)

- Qualifying Retirees: public safety employees and teachers
  - Removes period of separation
  - Requires that the “qualifying retiree” employee does not earn more than \$35,000 per year in post retirement reemployment
    - Includes inflationary adjustment
- Non-Qualifying Retirees:
  - Removes period of separation
  - If reemployed as a judge or is not “qualifying retiree” capped at \$15,000 or ½ final salary
- Fiscal Impact ([LFA](#)) may cost local governments and employees up to \$4.25m
- Fiscal Impact ([URS](#)) may cost \$9.24m for all affected systems