LPC

December 12, 2022

Cybersecurity

Travis Scott, Information Security Supervisor

Utah Cyber Center

City/County Government Cybersecurity Outreach/Support

Utah Division of Technology Services

UTAH LEAGUE OF CITIES AND TOWNS

#CitiesWork

ULCT's Your Land Your Plan program is a new opportunity for Utah's cities and towns to learn how to unlock the value of their real estate assets to enhance the wellbeing of their residents and improve fiscal stability. There will be two free workshops where national experts will provide you with information on how a city of any size can think differently about, and get more from, real estate assets it already owns.

The January 9th workshop will introduce the framework for making the most of your public assets and thinking differently about new solutions. **9 am – 1 pm** at the Zions Technology Center. This will be a hybrid event. Lunch will be served.

Second Workshop will explain how to implement the ideas covered in the first workshop.

9 a.m.-4 p.m.

|	
February 21, 2023 - Price	February 22,2023- Vernal
March 14, 2023- Brigham City	March 15,2023- Provo
May 2, 2023- Richfield	May 3,2023- St. George

Register online at ULCT website under Events Tab
ulct.org/resources/planning-and-zoning/your-land-your-plan

Pre-session Legislative Outreach
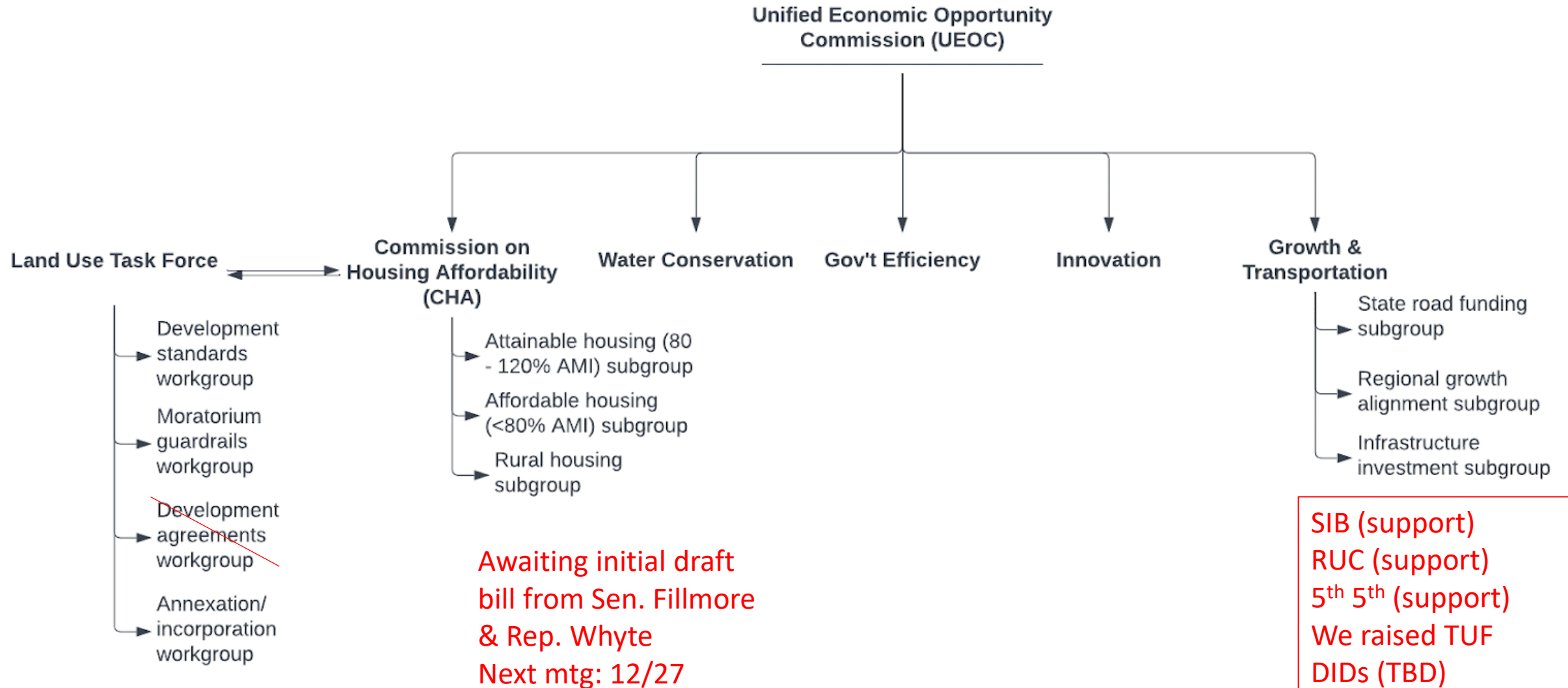
#CITIESWORK

- 37 Days until the Legislative Session Starts

- Lunch with the League – December 13
  - Get for the 2023 Session 12:00 – 1:00

- Local Officials Day – January 18

- Friday Facts December 16
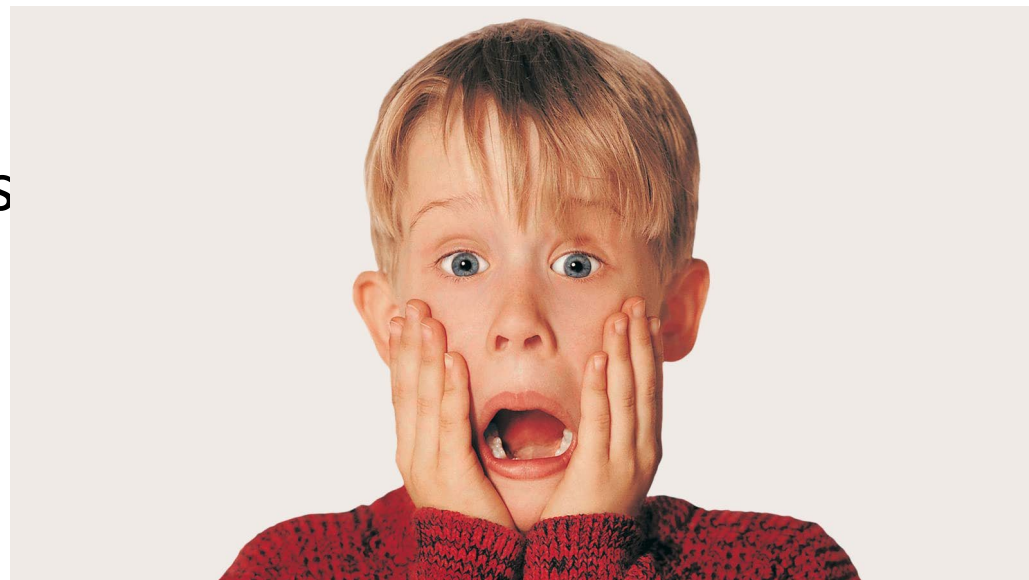
Pre-session Legislative Outreach

1. Be polite and professional.

2. Be concise.

3. Be prepared.

4. Be focused.

5. Be organized.

Unified Economic Opportunity Commission (UEOC)

Land Use Task Force → **Commission on Housing Affordability (CHA)**

Land Use Task Force:
- Development standards workgroup
- Moratorium guardrails workgroup
- Development agreements workgroup
- Annexation/ incorporation workgroup

Commission on Housing Affordability (CHA):
- Attainable housing (80 - 120% AMI) subgroup
- Affordable housing (<80% AMI) subgroup
- Rural housing subgroup

Water Conservation

Gov't Efficiency

Innovation

Growth & Transportation
- State road funding subgroup
- Regional growth alignment subgroup
- Infrastructure investment subgroup

Awaiting initial draft
bill from Sen. Fillmore
& Rep. Whyte
Next mtg: 12/27

SIB (support)
RUC (support)
5th 5th (support)
We raised TUF
DIDs (TBD)

ULCT framing questions for CHA

1) Will the proposals result in good planning for growth?

2) Will the proposals result in more housing units that are actually affordable to the buyer or renter?

3) Do the proposals respect the traditional land use planning role of local gov'ts?

Once the CHA bill comes out, we'll need all local gov't leaders to frame the bill this way with your legislators!

Perceived problem: planning, zoning, public clamor, 462	PRC proposal	ULCT concerns	ULCT counter proposal, Board endorsed frame	LPC survey results to date (Sep 12)
I) "public clamor" part 1: GP & zoning (legislative actions)	A) Make general plans binding & zoning administrative; B) by right MIH development when GP calls for MIH	A1) Moves zoning map to GP; A2) courts would say zoning is legislative; A3) neuter residents; B) by right development lacks infrastructure	1) Raise referendum signature (HB 462) thresholds for MIH 2) 2/3 majority makes significant MIH rezone non-refer 3) "Guiding Growth"	All PRC proposals are very concerning; referendum changes are very comfortable
II) "public clamor" part 2: subdivisions (admin actions)	See A and B above; PRC referred to ULCT proposal as "big deal"	1) State law allows public input on admin land use acts but lacks clarity on process	1) 2 step subdivision process in state law SYSTEMIC CHANGE 2) Clarify public input 3) Leg body does not make sub decision	In-person LPC: Somewhat comfortable
III) HB 462 MIHP non-compliance	A) Withhold B&C funds, B) allow plaintiff to sue city, get attorneys fees	A) Precedent of limits on B&C (which is insufficient now); B) Precedent; what would standing & remedy be?	1) Make city receipt of "5th 5th" portion tied to HB 462 compliance **2) Tight "rip cord" for non-compliant cities** 3) State Infra Bank	All PRC proposals are very concerning; more incentives are somewhat comfortable

Perceived problem: local land use processes, fees	PRC proposal	ULCT concerns	ULCT counter proposal, Board endorsed frame	LPC survey results to date (as of Sep 12)
IV) "local land use process takes too long"	A) Redlines deemed approved after 3 reviews if applicant "materially complies"; B) shot clocks with fee refunds after clock	A) Deemed approved means applicant won't fix redlines B) delay often due to applicant (see ULCT Oct 22 data)	1) Subdivision proposal would streamline admin land use process **SYSTEMIC CHANGE** 2) **Data shows city review timing**; projects are different scale, size 3) OPRO review panel	PRC proposals are very concerning; expedited process was somewhat concerning
V) "local gov't won't make a decision" (i.e. dev. agreements)	Deemed approved after X time	A) Applicant will have no reason to work with city B) bad projects move	1) Deemed *denied* after time frame to trigger appeal to move process (PRC dislikes "denied")	Deemed approved is Somewhat concerning
VI) Role & accounting of development fees	A) Put dev. fees in restricted accounts; B) only use for development services	A) Won't account for year-to-year diffs B) already do studies C) how to account for admin costs?	1) None; how would this produce MIH? 2) Transparency on real estate transaction price (realtor, materials, etc.)	Somewhat concerning (ULCT letter to State Auditor in spring 2022); very comfortable w/real estate price disclose

Perceived problem: infrastructure, dev. standards, STRs	PRC or other proposal	ULCT concerns	ULCT counter proposal, Board endorsed frame	LPC survey results to date (as of Sep 12)
VII) Infrastructure: funding	Other UEOC: Expand PIDs as "Developer Infra District" (DIDs)	A) Must have local gov't approval for new mill levy for PID B) Reviewing DID now	1) State Infra. Bank 2) **DID TBD** 3) 5th 5th	Very comfortable on SIB, somewhat comfortable on new $; very concerning on PIDs
VIII) Infrastructure: development standards Note: water flow standard at UEOC	Consistent infra standards for ALL public improvements	A) One size misfits all (soil, geology, connect to other roads, etc.)	1) Consistent standards for residential roads (base, width, etc.) w/some local flexibility *(negotiations ongoing)*	Very concerning on uniform standards; somewhat comfortable on consistent w/flex
IX) Short-term rentals	They see no impact on housing; concerned about more regs on prop. rights	A) 19,000+ STRs (Gardner) impacts housing availability B) neighborhood QOL C) equity w/hotels D) health, safe, welfare	1) Clarify local regulatory authority & revenue; 2) sales tax req'ts 3) ensure compliance w/state & local law	Very comfortable on more reg. authority; very concerning with state mandated STRs in residential zones w/o local approval
X) Economic development incentives	1) Tie housing plans & econ. dev. 2) RDA "sweep"	A) Need to consider redevelopment B) small economic dev C) rural, low-income	1) HB 151, SAP model 2) TIF bill (audit) 3) Let RDA database work (start 6/22)	Surveyed HB 151 concepts in 2021

Governor Cox on Dec. 9 budget press conf. and House GOP email survey

Gov. Cox budget press conf., Dec. 9 Des News:

"The (housing) market forces are the most important," Cox said. "But government is skewing the market. The market is telling us we need more housing, but what's holding that back, or was at least until we saw significant rate increases, is … local governments."

Cox said that while some local governments excel in their regulatory roles, others are in need of reform when it comes to things like permitting and zoning. Cox also said referendum processes can impede housing solutions because, in some instances, small groups of people can shut down any type of development.

House GOP survey to residents:

- "Local housing and zoning policies should do more to support increasing the supply of housing in order to reduce housing prices."

Key legislators in the last month to ULCT:

- "75% of cities are planning well, but we need to do something about the 25%"

- "Every city must have a % of small lots"

- "If a city isn't following state law, that's when the legislature should step in"
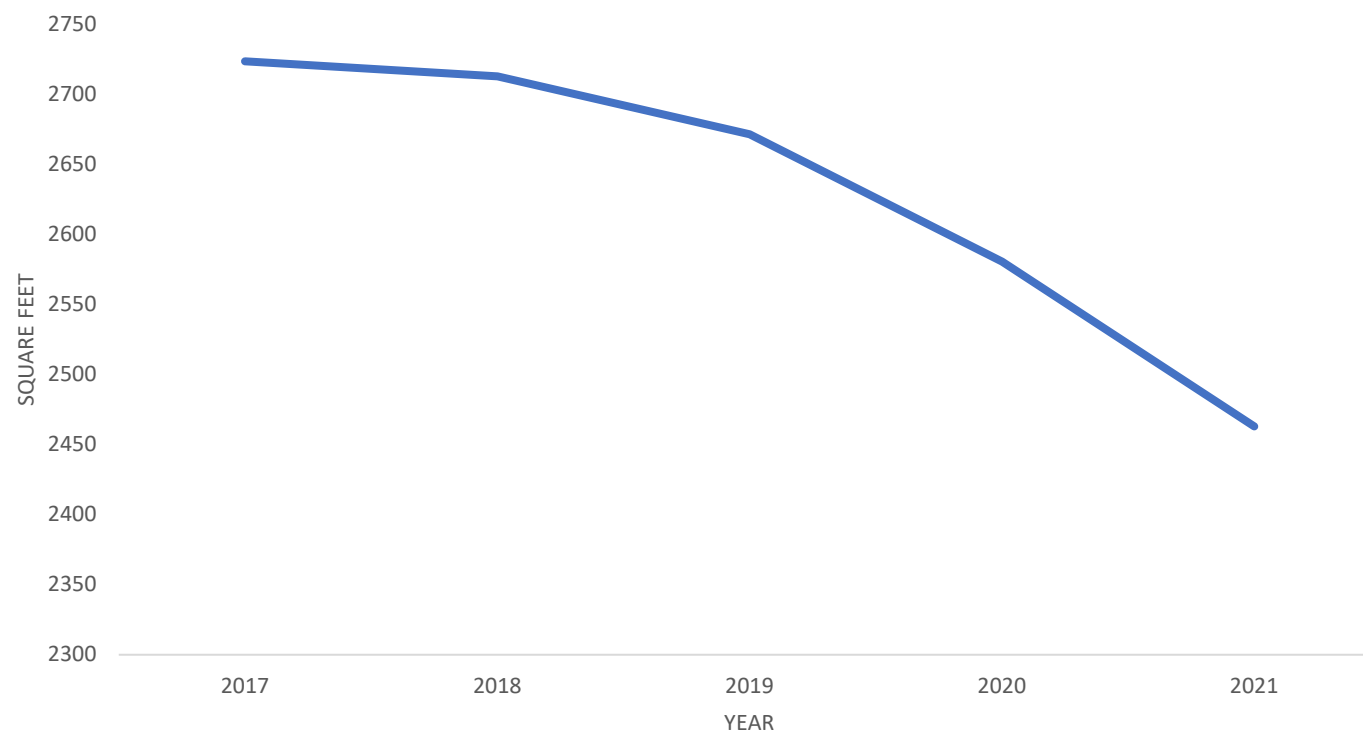
More lots, smaller homes

A) 100,004 residential permits from 2019-2021

B) Across 47 cities who responded to the ULCT survey, at least 93,086 entitled residential units as of Nov 2022 awaiting construction

C) Some cities show a trend of smaller lot sizes

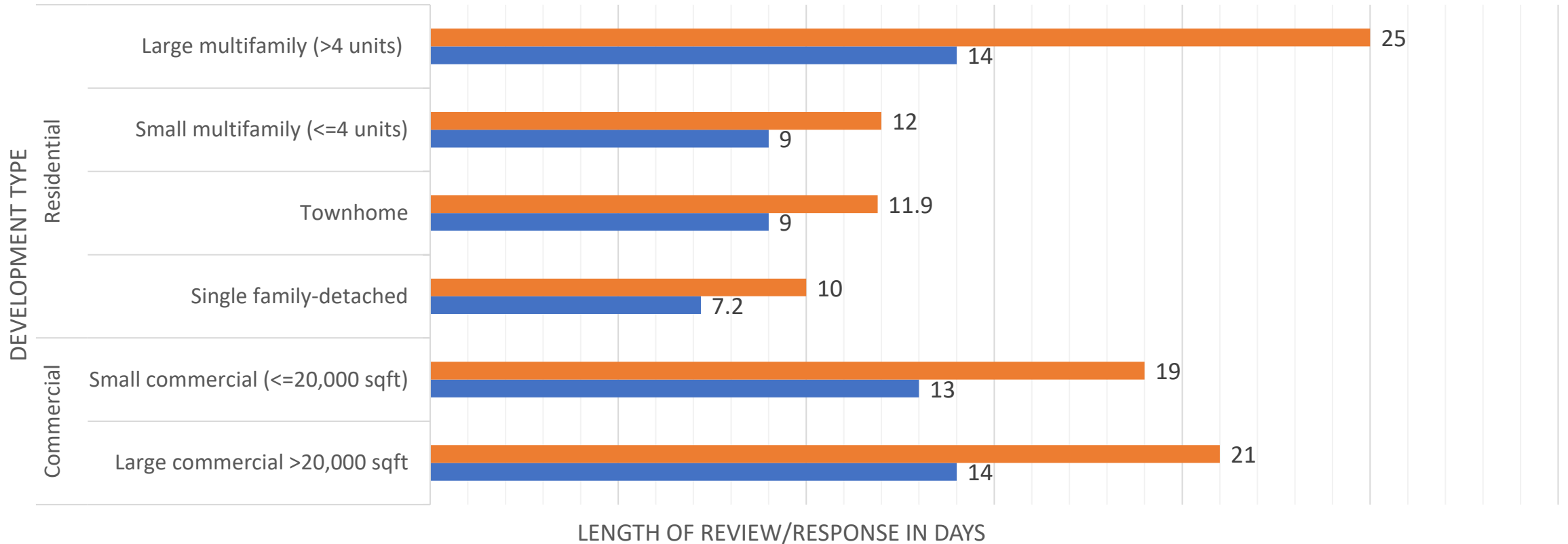D) Record amounts of townhomes, apts in last 3 years

Median Square Feet of Homes Listed for Sale in Utah

#CITIESWORK Typical land use plan review & response times

Typical Review and Response Time

■ Med. Response Time (Applicant)   ■ Med. Review Time (City)

DEVELOPMENT TYPE		Med. Review Time (City)	Med. Response Time (Applicant)
Residential	Large multifamily (>4 units)	14	25
	Small multifamily (<=4 units)	9	12
	Townhome	9	11.9
	Single family-detached	7.2	10
Commercial	Small commercial (<=20,000 sqft)	13	19
	Large commercial >20,000 sqft	14	21

LENGTH OF REVIEW/RESPONSE IN DAYS

#CITIESWORK HB 462 update

- Mid-February 2023: compliance period ends
- 70+ attended our call with DWS on Nov 30; DWS doing 30 minute meetings with every city deemed non-compliant
- Desire by many legislators to have more aggressive consequences for non-compliance
- Database underway to show housing needs & results statewide

HB 462 Technical Fixes (topics)

1. Remove obsolete/outdated definition in 10-9a-403
2. Clarify number of menu items that must be adopted (10-9a-403/408 discrepancy)
3. Make number of actions req'd for future complying cities consistent
4. Clarify plan adoption/reporting process and timeline for future complying cities
5. Reporting timeline
6. Clarify function of "supporting materials" for MIHP report in 2023
7. Modify reporting timeline to cover time since menu item adoption.
8. Fix omission on DWS report review req't

Missing anything high level?

1. Timing of the zoning changes to facilitate the SAP
2. Role of public input in the administrative land use process after SAP zoning is in place (beyond subdivisions, per ULCT counter proposal to CHA)
3. Clarify how plans prior to HB 462 get certified
4. Clarify role of neighboring city that has a tiny amount of land within the SAP radius
5. Timing of SAP req'ts for existing transit stops v. future transit stops
6. Clarify definition of "qualifying land use application"

Last year, by supporting SAPs, we fought off:

- State mandated density near all transit stops
- State land use authority to review applications near transit

Development standards update

Property Rights Coalition proposal:

1) 52 feet for right of way
2) 25 feet asphalt max
3) Vesting at time of application
4) Require a pre-application mtg
5) Review timelines
   1) 14 calendar days for all SF subs
6) Require publication of what constitutes a "complete application"
7) Review deemed approved after 3rd submission
8) Responses to review shall be comprehensive & specific, including citation & index of redline response

ULCT counter:

1) No right of way standard
2) *32 feet for asphalt w/flex*
3) No vesting as part of this
4) No mtg req'ts in code
5) *Review timelines*
   1) 20 business days for initial submission
   2) 15 business days for resubmission so long as submittal was returned to city within 30 days
   3) Clock doesn't count confirming that an application is complete OR PRUDs, etc.
6) List is complete pending req'd studies
7) No deemed approved after 3rd subm
8) *Ok with PRC concept, add "city won't process further until all comments addressed"*

Developer Infrastructure Districts (DIDs)

UEOC infrastructure subgroup proposed a DID (developer infrastructure district)

Note: not asking for a position today; awaiting answers to questions

What would a DID be?
1. Potential financing vehicle for developers to fund public infrastructure by accessing the public bond market
2. Unlike PIDs, DIDs would not rely on property tax to pay off the bond
3. Unlike PIDs, no local gov't authorization
4. Debt would be repaid incrementally upon the building permit being issued for a lot
5. Must have 100% of property owners consent prior to creation
6. Must dedicate public infrastructure to the local gov't without debt obligations
7. Must abide by the local gov'ts public improvement standards and entitlement process
8. Must have "sovereign power"

Questions to still be answered (already submitted to proponents):
A. Affordability connection (potential)
B. Process if Default occurs
C. Impact fees, exactions
D. Infrastructure that the DID would finance and NOT encumber
E. Infrastructure completion process
F. Sovereign power
G. Subrogation of debt

HB 98/HB 1003 – Government Building Regulation Amendments (P. Ray)

#CITIESWORK

- Gathering feedback for technical fixes discovered upon implementation.
  - Identifying "non-minor" issues that should warrant plan resubmission (on SF-D & townhomes).
  - Contact Karson Eilers (keilers@ulct.org for survey link ASAP)

Other land use issues

1) Airport land use
- Contact Karson Eilers at keilers@ulct.org or Brady Fredrickson (SLC)
- Objective: state law to define land use in airport buffers per FAA

2) Annexation
- Contact Justin Lee at jlee@ulct.org or Wilf Sommerkorn
- Objective: address rural real property definition and other issues

3) Internal ADUs
- Contact Cameron Diehl at cdiehl@ulct.org
- Objective: clarify HB 82 framework around parking, entrances

4) Landscape (private) bonds
- Contact Todd Godfrey at tjgodfrey@hgblaw.net
- Objective: clarify whether local gov'ts can require bonds for private landscaping

5) Moratoriums
- Contact Todd Godfrey tjgodfrey@hgblaw.net
- Objective: clarify time frames and connections for pending ordinances and moratoriums

Taxes, transportation, and trails ... oh my!

1. Shared local administrator
   - Gov's budget: $1.6 million, plus a shout out at the press conference

2. Property taxes
   - Rumor season
   - Caps, district usage (particularly water), education basic levy (state), tax increment financing (RDA audit)

3. Motor fuel taxes
   - Political pressure to reduce, road usage charge (RUC) program & local gov't participation, surcharge on EV stations, vehicle registration

4. 5th 5th (ULCT Board endorsed)
   - County .20 currently dedicated for transit but expires in June 2023; proposal to share .20 between counties, cities, and transit with hook to planning for housing

5. Trails initiative (ULCT Board endorsed)
   - Gov's budget: $100 million

6. State infrastructure bank (ULCT Board endorsed)
   1. Gov's budget: $50 million

7. Transit investment
   - Free fare transit, Gov's budget: $25.5 for pilot
   - Point of the Mountain transit, Gov's budget: $100 million

8. Corridor preservation
   - Gov's budget: $50 million

Taxes, transportation, and trails … oh my!

9. Municipal Power

10. Water Funding & Property Tax Update

11. Childcare

12. Public Safety Retirement

Making our list and checking it twice

Contact ULCT team & key dates

Cameron Diehl (Exec. Dir.): cdiehl@ulct.org

Justin Lee (Dir. Of Gov't Relations): jlee@ulct.org

Dec. 27: Commission on Housing Affordability
Jan. 11: Unified Economic Opportunity Comm.
Jan. 17: 2023 session begins
Jan. 18: Local Officials Day and LPC
Jan. 23: LPC
Jan. 30: LPC
Feb. 6: LPC
Feb. 13: LPC
Feb. 21: LPC (Tue)
Feb. 27: LPC