

## LPC Supplemental Materials

December 14, 2020

- Draft legislation: Single-Family Housing Modifications (Rep. Ward)
- HB 374 Building Regulation Amendments: Municipal Plan Review and Building Inspection Times
- State of the HBA update from Executive Officer Paul Ray
- Deseret News: Utahns Trust City Over State Government in Planning for Growth, Group Says
- Deseret News: Housing Affordability in Utah Entering Perilous Territory Study Says
- Gardner Policy Institute: Housing Affordability: What Are Best Practices and Why Are They Important?
- SB 163 White Paper- Community Reinvestment Agency Amendments (Sen. Harper)
- Key legislative committee rosters, freshmen legislators, find your legislator
- Utah Policy: Messages to new legislators from ULCT
- Fees information: Mandator Fees in the State System of Higher Education (State Auditor)



Rep. Ward will attend LPC and field questions from members about his internal ADU legislation. We have communicated to him that members have voiced concerns about restricting city standards for internal ADUs and changing the statutory definition of “single-family limit” ([10-9a-505.5\(1\)](#)) to remove the reference to “unrelated” individuals. **If you have concerns about these or other parts of his bill, please come prepared to explain and provide specific examples where changing this authority or definition is detrimental to your city.**

Review Rep. Ward’s update draft here:

<https://www.ulct.org/Home/ShowDocument?id=2046>



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12/4/2020

## HB 374 Building Regulation Amendments: Municipal Plan Review and Building Inspection Times

In [House Bill 374 \(2020 GS 4<sup>th</sup> Sub. Rep. Ray\)](#) the Legislature asked municipalities to examine whether cities and towns met land use process deadlines—plan review and building inspections— in the face of unprecedented population growth.

### **Background**

- ULCT collected plan review and building inspection process data and was required to report findings to the Business and Labor Interim Committee.
- In accordance with the legislation, ULCT collected data for the period between April and October of 2020.
- ULCT focused on the 82 large and fast-growing cities identified in Senate Bill 34<sup>1</sup> (2019). These communities comprise 81% of Utah's total population and most of the state's residential and commercial construction activity. All municipalities were provided the opportunity to submit data.
- To ensure robust data collection complicated by COVID-19, ULCT partnered with the American Planning Association – Utah Chapter and several planners to design the information gathering process and hired an intern to aggregate data and help cities navigate the reporting form.
- Not all municipalities provide plan review and inspection services. Towns and smaller cities often contract with their county.

### **Plan Review Findings**

“Plan review” is statutorily defined as the verification that the following conditions have been met before a municipality issues a building permit (UCA 10-5-132(1)(d)):

- The construction project complies with the State Construction and Fire Codes Act (Title 15A);
- The construction project complies with the energy code adopted under UCA 15A-2-103;
- The construction project received a planning review;
- The applicant paid required fees;

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<sup>1</sup> UCA 10-9a-401 identifies these as cities of the first, second, third, or fourth class and cities of the fifth class located in counties of the first, second, or third class. This cross-section of municipalities includes communities ranging geographically from Smithfield to St. George.



- The applicant obtained final approvals from any other required reviewing agencies;
- The construction project complies with federal, state, and local storm water protection laws;
- The construction project received a structural review, which includes<sup>2</sup>:
  - Footing size and bar placement
  - Foundation thickness and bar placement
  - Beam and header sizes
  - Nailing patterns
  - Bearing points
  - Structure member size and span
  - Sheathing
- an account of the total square footage for each building level of finished, garage, and unfinished space; and
- The plans include a printed statement indicating that the actual construction will comply with applicable local ordinances and the state construction codes.

## Highlights

- Cities are required to complete plan reviews for single- and two-family dwellings and townhomes within 14 business days. Multifamily homes must be completed within 21 business days. (UCA 10-6-160 (3)) These deadlines do not include time for applicant corrections. HB 374 tasked ULCT to report on the net length of time from when a plan is requested to when a permit is issued.
- The average length of time across all reporting municipalities was 8.34 business days for detached single family, two family, and townhome construction.
- 93% of respondents' average single family detached and townhome plan review lengths fell within the statutory parameters.
- The average length of time for multifamily construction plan review across all reporting municipalities was 9.5 business days.
- 93% of respondents' average multifamily residential plan review lengths fell within the statutory parameters.
- Municipalities were asked what their longest plan review time was. The mean response value was 25.3 business days for single-family detached, two-family, and townhomes. The mean response was 16.2 business days.
- The average length of time for commercial plan review was 12.9 business days.
- The average value for longest reported times was 29.4 business days.

- Every city but one reported they allow non-substantive plan changes<sup>3</sup> without requiring resubmission.
- 27% of respondents cited waiting on plan corrections by applicants or their engineers (sometimes repeated corrections) as the reason for prolonged plan review.
- The pandemic significantly affected city budgets, particularly in the spring and early summer, and initially, though briefly, disrupted city services. Most cities established hiring freezes. This left some planning and building departments lacking resources and personnel.

Residential Plan Review	
Statutory review maximum	14 business days
Multifamily residential (condos and apartments)	9.5 business days
Single family residential (SFD and townhomes)	8.3 business days

Commercial Plan Review	
Statutory review maximum	21 business days
Commercial plan review	12.9 business days

## **Building Inspection Findings**

Building inspection is the final oversight step in the construction process. Building inspectors confirm that the builder has followed the state building code, ensuring the structure is safe for occupation.

## **Highlights**

- The data suggests that the average building inspection is executed within one (1) day of the date requested.<sup>4</sup>
- The average value for the longest reported residential inspection delays was 4.3 business days.

<sup>3</sup> UCA 10-6-160(4)(b) and (c) imply “minor changes” are “items with which the city is concerned and may enforce during construction;” and “building code violations found in the plan.” Feedback from stakeholder groups suggest there may not be clear consensus amongst respondents.

<sup>4</sup> A previous version of this document identified the average length of delay as 0.6 business days. This number was the mean result of the most frequently reported delay values: 0 and 1 business days. The decimal metric was replaced as it may have been misleading. The majority of response values fall within the 1-day timeline and all respondents’ average inspection lengths fell within the statutory parameters.



- The average length of time reported for commercial building inspection completion was .95 business days.
- 90% of respondents' average commercial plan review lengths fell within the statutory parameters.
- The average value for the longest reported commercial inspection delays was 4.1 business days.
- Many cities reported they do not schedule same day inspections.
- Several cities contract all building inspections with a private firm.
- The averaged response for the longest number of business days between request and completion was 3.26.
- Cities collectively contracted with private inspectors for approximately 5,277 hours (4,976 residential and 301 commercial) to meet the three-day requirement.<sup>5</sup>
- Cities cited staffing shortages and a high volume of inspection requests as the primary reason for delays.

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<sup>5</sup>2020 HB 29 requires municipalities to contract with a private inspector to perform inspections if the city inspector is unable to complete the inspection within three business days.

Nov. 25, 2020



### State of the HBA update from Executive Officer Paul Ray

**Government Affairs:** NWHBA continues to lead the fight on the Hill with 6 of our members being members of the state legislature, including the Speaker of the House, Senate President and House Majority Whip. We are working on legislation this year to completely modernize plan checks, building permit approvals and inspections. Most cities are good to work with, but we do have many that do not follow state law on turn around times for plan check approvals and building permits. We have decided to allow a plan check that is stamped and certified by an engineer to bypass the city review. We will allow the builder to hire a third-party inspector to complete the inspections instead of waiting several days for a city to schedule one. We are also restricting what type of building ordinances that can be implemented by a city or county. It will be limited to health and safety; aesthetics will not be allowed. Gone will be the days of requiring rock and brick, pitch of a roof, what color the door is and other things that should be up to the buyer. I am tired of government redlining neighborhoods to keep lower income families out. I have been working with a roundtable in Washington DC, created by President Trump and chaired by HUD Secretary Ben Carson to make housing more affordable. We believe that by limiting the role of government and especially elected officials who try to discriminate against families based on social and economic factors, we can decrease the cost of housing and again make the American Dream attainable to all citizens.

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## Utahns trust city over state government in planning for growth, group says

By [Ashley Imlay@ashley\\_imlay](mailto:Ashley Imlay@ashley_imlay) Dec 7, 2020, 5:43pm MST

SALT LAKE CITY — As the Beehive State continues to grapple with issues caused by rapid growth, the majority of residents trust local leaders over the state government to plan for infrastructure needs, according to the Utah League of Cities and Towns.

In a survey of 2,000 residents conducted by Y2 Analytics, the league found that 63% of residents in fast-growing counties feel the state is growing too quickly.

“The biggest takeaway for us was that there was this level of trust at the local government level to get infrastructure right,” Cameron Diehl, executive director of the league, said during a meeting with the Deseret News editorial board ahead of the upcoming legislative session.

By comparison, only 6% trust the Legislature the most and 5% trust the governor the most compared to local governments to plan for long-term infrastructure needs in cities, according to the survey.

“There was also a level of responsibility that residents put on local government to get it right. So we’ve got both the credit and the blame for getting it right, and there’s where this balance between the state doing their role and local governments doing their role is critical to find,” Diehl said.

South Jordan Mayor Dawn Ramsey said cities have the ability to develop creative solutions to housing needs. South Jordan has been “looking hard” at what it can do to provide more affordable housing, according to Ramsey. This year, the city partnered with Ivory Homes in a project to build town houses and single-family homes.

South Jordan used redevelopment funds to pay for the upfront construction cost of nine of the town houses, which will be dedicated to moderate-income housing for those who make up to 80% of the median income for Salt Lake County. The homes will be designated for public employees who work for the city or the school district, she said, who will get the opportunity to buy the houses before others.

“Because we have such good people who work in our city who can’t afford to live in our city, and we want them to be able to,” she said.

The city changed zoning in the area and worked with surrounding neighbors to get support on the project.





“And that really kind of counteracts the mindset that people have that we don’t want anybody different than us, or smaller homes than us, or more dense housing than us anywhere near us,” Ramsey said.

While it’s an example of something the city can do, she said, solutions aren’t “one-size-fits-all.” Cities should be able to do what works best in their own communities, according to Ramsey.

“One of the things that I think we would not like to see is a state mandate of some kind or a state takeover of some of the local control regarding zoning and how we zone for housing. We all know that cities don’t build housing, and we can’t control the cost of the land in our city,” Ramsey said.

“Cities work. Cities are addressing the issues of the day that we’re confronting, and we do constantly joust with the Legislature, but we want them to know that we are the ones that are better equipped to deal with actually interfacing with the public about a lot of these issues,” Millcreek Mayor Jeff Silvestrini said.

He noted that city leadership has more time to hear from residents during city council meetings and other hearings.

Diehl said in recent years there has been a “flood” of bills from “certain legislators who are trying to interfere with those traditional roles of local government.”

“Based on what we’ve seen this interim, I think we’re going to go back to what we saw prior to last year, which is, ballpark, third of all bills that get introduced impact local government in some way,” Diehl said.

But he expressed optimism because Gov.-elect Spencer Cox once served as a mayor, councilman and county commissioner and “understands those unique challenges” faced by cities.

Ogden Mayor Mike Caldwell noted that cities don’t hold “all the keys” in addressing the issue of housing affordability in the state, but cities have helped hasten housing construction by not raising impact fees and by reducing the time spent in planning and permitting for housing projects over recent years.

Cities throughout the state have seen 23,279 new residential units built this year through September, and the state is expected to either match or exceed the nearly 27,000 built in 2019, according to data from the Kem C. Gardner Policy Institute shared by the league.

“In the last few years, the number of units is keeping pace with population growth. We still have a gap because of the depths of the recession, but we’re seeing this equalization as we’ve had this emphasis on coordination over the last few years,” Diehl said.

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## Housing affordability in Utah entering 'perilous territory,' study says

By [jasen.lee@jasenlee1](mailto:jasen.lee@jasenlee1) Dec 9, 2020, 10:01pm MST

SALT LAKE CITY — The Wasatch Front is on the verge of a housing affordability crisis, analysts say, and unless measures are taken immediately to address the issue, thousands of Utahns will be in danger of being priced out of the market.

The Kem C. Gardner Policy Institute, in conjunction with the Salt Lake Chamber's Housing Gap Coalition, Wednesday released a research study identifying several "best practices" that may give local municipalities the greatest chance to meeting the state's housing affordability challenge, which has seen housing prices skyrocket since 2014.

"We've had six years of housing price increases — that's by far the longest period we've ever had continuous significant increases in housing prices," said study author Jim Wood, Ivory-Boyer Senior Fellow at the University of Utah's Gardner Institute. "Not the average like 3% or 4%, this year it's going to be double digits. In the last five years, housing prices have gone up over 60% for the median sales price for a home or a condo."

In Salt Lake County, he expects the median home price this year will be around \$381,000.

"We're in what I would characterize as perilous territory," he said.

Wood said the Salt Lake metropolitan area ranked 22nd out of the top 182 metros in the United States.

"We're almost in the top 10%, so 88% of all metro areas have housing prices lower than Salt Lake metro area," he said. "Several years ago, we were at 44th or 45th, something like that. We leapfrogged over a lot of metro areas and statewide in the last five years."

The state ranked fourth in housing price increases, he added. Besides homeownership, the matter of affordability is also impacting the rental housing market as well, he said.

Statewide, the median housing costs decreased slightly for homeowners, falling from \$1,573 to \$1,551, but increased from \$944 to \$1,037 for renters, data showed.

Eight of the nine counties with changes in median monthly mortgage costs saw prices decrease, while 10 of the 11 counties with changes in median rent showed upticks. The largest median rent increases were in Morgan County, rising from \$833 to \$1,182, along with Wasatch County climbing from \$1,147 up to \$1,364.

Data indicated 36 cities saw median rent costs increase, while three cities — South Jordan, White City and Vernal — experienced declines.

Utah leaders have expressed concern the issue may create a potential long-term problem for the state.



“The seriousness of Utah’s housing crisis is an issue Utah’s business community has been faced with for some time,” said Derek Miller, president and CEO of the Salt Lake Chamber. “Insufficient and unattainable housing impacts businesses’ ability to recruit and retain employees, affects the quality of life of our workforce and limits our potential for economic growth. Support for housing affordability is support for our continued prosperity.

“This report zeros in on the specifics of what needs to be addressed to successfully and sustainably meet the needs of our families and future.”

To mitigate the issue of housing affordability, Wood outlined five specific ways to tackle the problem.

“Addressing the housing crisis requires a multipractice approach and will involve strategies that are tailored to a city’s political climate, development history and socioeconomic conditions,” he said. “While a city’s housing practices are unique to that city’s needs, there are a few universal elements for successful housing strategies: community outreach, commitment and flexibility.”

To pinpoint best practices, the Gardner Institute conducted a survey of 35 practitioners who specialize in housing affordability development throughout the state. The research assessed which practices are best, then examined the implementation of each one and the potential outcomes that could result.

Among the proposed adjustments include changes to local zoning ordinances that control the supply of housing through land use, density and design regulations, which more than any other local policies, govern the annual supply of single-family and multifamily housing, the report stated. They are powerful policy tools that can help to increase the supply of housing, Wood said.

He said redevelopment agencies in the Beehive State have used tax increment financing for more than five decades as a way to promote economic development. Tax increment financing is used to help support investment, generally for 20 to 25 years, in a targeted geographical area designated as a project area, he said.

“At the establishment of a project area, the current local property tax revenue from the land and structures within the project area becomes the base amount of property tax revenue,” Wood explained. “As economic development occurs in the project area, property values rise, and property tax revenues increase. RDAs played a long and important role in providing affordable housing in some areas, particularly in Midvale and Salt Lake City, where they’ve been really beneficial.”

Transit-oriented developments are also a useful option in developing new housing units, he noted.

“(They) are compact, mixed-use developments anchored around transit hubs and walkable communities,” he said. “Zoning for high-density housing often comes with the establishment of a (transit-oriented developments), which has the additional advantage of reducing transportation costs and increasing access to jobs, education, essential goods, and local services.”

He said a low-cost alternative to new development would be preserving and rehabilitating already existing affordable units, which usually cost at least 40% less than new ones.

“Preservation avoids the high development costs of new construction and the neighborhood opposition — ‘not in my back yard’ — associated with developing new units,” he said.

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Lastly, the study cited a recent survey by the Turner Center for Housing Innovation at the University of California, Berkeley, which indicated that an accessory dwelling unit — sometimes called a “mother-in-law” apartment — rents for an average of 58% below market value. He said they are an essential tool for delivering affordable units to the market

“They can quickly provide affordable options in areas with higher rents increasing affordable housing in owner-occupied, high-cost, residential neighborhoods,” Wood said.



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**James Wood**  
Ivory-Boyer Senior Fellow

**Dejan Eskic**  
Senior Research Analyst

**DJ Benway**  
Research Analyst

**Kathryn Macdonald-Poelman**  
Graduate Assistant

## Housing Affordability: What Are Best Practices and Why Are They Important?

A survey of leading housing practitioners identified five “best practices” for meeting the housing affordability challenge in Utah. This study examines why these practices are “best practices,” the implementation of the practice, and the outcomes produced.

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November 2020

<https://gardner.utah.edu/wp-content/uploads/Best-Practices-Dec2020.pdf>

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SB 163 White Paper – Community Reinvestment Agency Amendments

**Utah State Senate Bill 163**

Chief Sponsor – Wayne Harper – Utah State Senate

House Sponsor – Stephen G. Handy – Utah House of Representatives

This SB 163 White Paper is a proposed draft. **LPC members are encouraged to provide feed back** to Nick Duerksen [nduerksen@sandy.utah.gov](mailto:nduerksen@sandy.utah.gov) and Benj Becker [benjamin.becker@zionsbancorp.com](mailto:benjamin.becker@zionsbancorp.com)

Review the White Paper here: <https://www.ulct.org/Home/ShowDocument?id=2048>

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Please reach out to your legislators who chair or serve on these important committees.

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## Contact your Freshmen

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19/ Morgan, Summit, Weber	Sen. Christensen	John Johnson (R)
25/ Cache, Rich	Sen. Hillyard	Chris Wilson (R)
3/ Cache	Rep. Potter	Mike Petersen (R)
22/ Salt Lake	Rep. Duckworth	Clare Collard (D)
29/ Box Elder, Weber	Rep. Perry	Matt Gwynn (R)
36/ Salt Lake	Rep. Arent	Doug Owens (D)
38/ Salt Lake	Rep. Hutchings	Ashlee Matthews (D)
42/ Salt Lake	Rep. Coleman	Jordan Teuscher (R)
46/ Salt Lake	Rep. Poulson	Gay Lynn Bennion (D)
53/ Daggett, Duchesne, Morgan, Rich, Summit	(Rep. Wilde)	Kera Birkeland (R)
54/ Summit, Wasatch	Rep. Quinn	Mike Kohler (R)
58/ Juab, Sanpete	Rep. Owens	Steve Lunch (R)
60/ Utah	Rep. Daw	Nelson Abbot (R)
66/ Utah	Rep. McKell	Jefferson Burton (R)
67/ Utah	Rep. Roberts	Doug Welton (R)

Find your legislator!

<https://le.utah.gov/GIS/findDistrict.jsp>

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## Messages to new legislators from ULCT

### Details

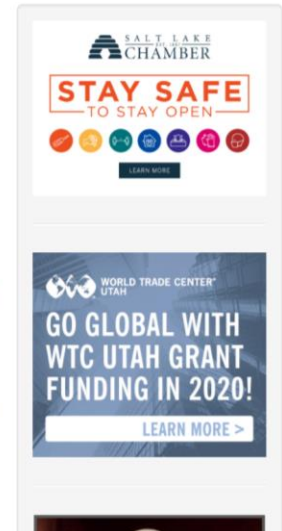
Written by ULCT

Category: [Today At Utah Policy](#)

Created: 08 December 2020



The Utah League of Cities and Towns reached out to their members and asked for their input on what new legislators should know about local government. Here are their answers, summed up well by Mayor Silvestrini: "We want to be partners, not adversaries."



## Q&A With Utah League of Cities and Towns

From Jeff Silvestrini, Mayor, City of Millcreek

My hope for new legislators is for them to know, as I have learned, that Utah local government leaders are exceptional people, dedicated to serving the residents of their communities. There are so many remarkably smart and talented people in elected office in cities and towns all around our state. We like to be seen as a resource to legislators, as we have unique perspectives about our residents' needs and we know the nuts and bolts of serving our communities and providing necessary services.

Local government is hard at work tackling issues of planning smart growth, meeting transportation needs and improving air quality, in addition to providing critical public safety and infrastructure. We are challenged by the lack of funding for affordable housing, drug treatment and mental health issues, which stress our ability to address property crime and homelessness.

We want to be partners, not adversaries with the legislature and we want to have a dialog with you and collaborate to arrive at the best policy decisions for our state. We prize local control because that matters to our constituents. We dislike unfunded mandates, which compete for dollars needed for providing the many critical services we provide. We have practical experience, which we love



to share, if given the opportunity, to help you make good policy at the state level. Let's get to know each other. Working together, we can make things better for everyone.

From Emily Niehaus, Mayor, Moab

For me (and with great anticipation of our next governor's leadership), it's worth saying over and over and over again that rural Utah is the heart of the state, while the governor and the legislature are the head. Rural Utah pumps the blood that fuels the state with recreation, oil, gas, minerals, food, and more. Our rural cities organize the distribution of these resources. In return, cities need a return on this investment in our state in the form of funding for housing and further economic diversification efforts. Housing IS economic development...especially in rural Utah.

From Nick Castleton, Mayor, Eureka

Much of rural Utah feels they are being left behind. We need to extend needed infrastructure into rural communities. Most rural communities do not have natural gas, and many don't even have cell phone coverage. Internet access is often slow or non-existent. We need a plan and financial backing to bring all of Utah into modern day reality.

From Robert Hale, Mayor, Midvale

I have a quick list of suggestions for new legislators from the perspective of a municipal leader:

- 1- Get acquainted with us as we work to learn more about you and your priorities.
- 2- Attend city council meetings to hear our concerns and share yours. You have an open invitation.
- 3- Participate in ULCT's legislative policy meetings to discuss key issues.
- 4- Meet and become familiar with our municipal advocates.
- 5- Update local leaders on developments of key interest to them and their residents.

We look forward to a positive and collaborative working relationship with you.

From Andy Beerman, Mayor, Park City

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Local government is non-partisan and focused on local issues, most of which revolve around building and maintaining a healthy community. Each city/town is surprisingly distinct and faces its own unique challenges. Growth and economy are central issues, but local officials are also expected to balance these with issues like traffic, school capacity, housing, safety, and parks/open spaces.

Uniform regulations, although preferred by industries, rarely fit local needs. And de-regulation does not necessarily equate to economic health. Park City is a good example: Our town is nestled on the steep slopes of a narrow valley, with a commercial district that is also a national historic district, and with limited ingress/egress. This creates unique safety issues, creates mixed residential/commercial neighborhoods, and access is constrained by the terrain. Effectively governing this sometimes requires very specific regulations to maintain a sense of community, ensure safety, and still manage 4 million annual visitors to a town of 8,000 residents.

Despite the (overstated) belief the “Park City is highly regulated,” and that “regulations hurt the economy,” Park City has the highest home values in the state and a thriving economy. Local governments look to our state legislature as a critical partner to provide tools, funding, and framework for us to thrive, while respecting our roles and need for local “customization.” Please consider local officials as a resource, an ally, and a partner in building a better Utah, one community at a time.

From Tasha Lowery, City Council Member, Draper

The great thing about our state legislators is that they all live in cities and towns. They drive on local streets and shop at local stores and hike on local trails. Our state representatives are equally invested in our local success because it has a direct impact on their own daily lives. As the new legislature comes into session, we at Draper City hope they bear in mind that just as we elected them with hope and trust to be good stewards of our amazing state, we also work each day to guide our diverse cities in good faith.

Just as we grant the legislature broad agency to make important decisions that impact all of us for years to come, we also hope for their trust to be the authorities in local issues, from land use to zoning. If there are times that local government may differ in opinion with the state legislature, we hope for the opportunity to be heard, and to engage in honest and open dialogue that results in decisions that are best for all of our constituents. As we work diligently to build reliable roads and plan for economic prosperity, we hope to be seen as trusted partners and long term allies, as we all come together to create a Utah that sustains us long into the future.

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**MANDATORY FEES IN THE  
UTAH SYSTEM OF HIGHER EDUCATION**

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Special Project  
For the Period July 2017 to June 2019

Report No. CAU-19-SP



The State Auditor is looking at municipal fees, which may result in legislation. This audit is provided as background.

<https://reporting.auditor.utah.gov/servlet/servlet.FileDownload?file=0151K000040znaQAA>