



LPC

February 21, 2023



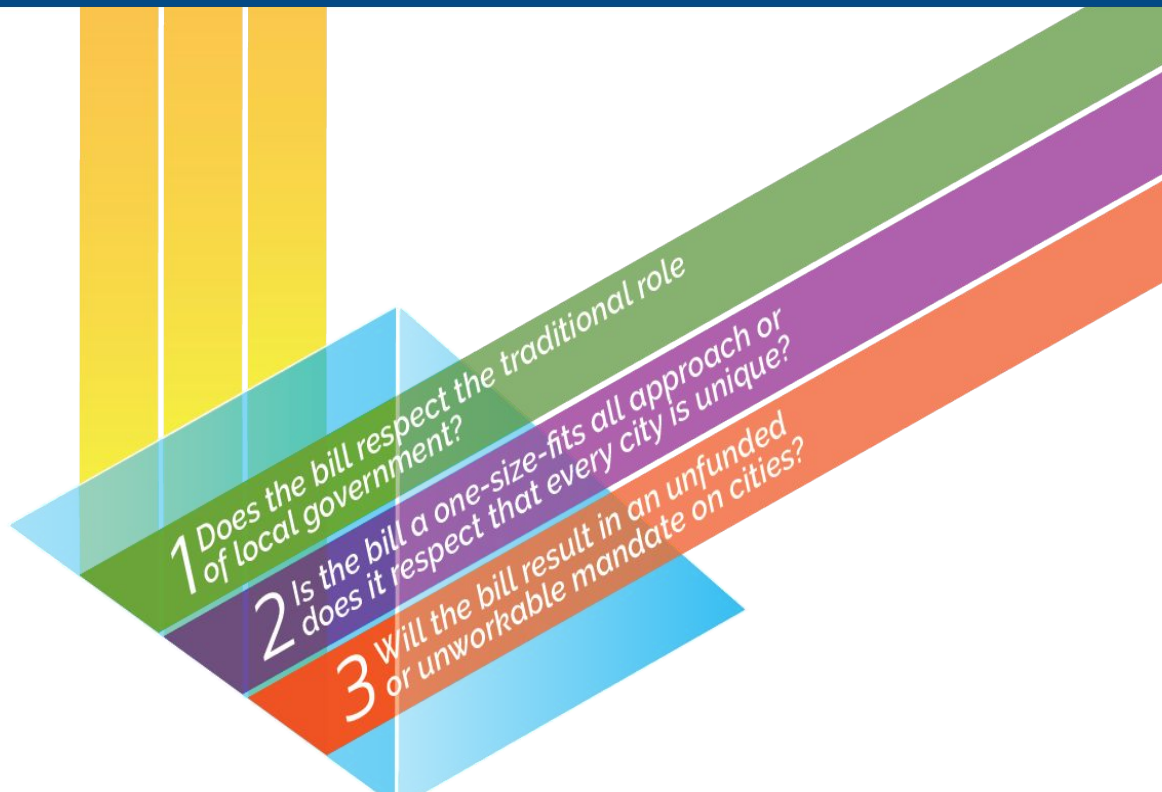
ROADMAP

1. Minutes and Bill Tracker
2. Recap of Past 35 Days – Update
3. Homelessness – Update & Discussion
4. Transportation Funding & Taxes – Update & Discussion
5. LUTF & Housing – Discussion & Positions
6. Other Land Use Updates – Update & Discussion
7. Other Updates – Update & Discussion
8. Ratify Bill Tracker Positions – Action



- Approve Minutes
- Bill Tracker Preview – ulct.org/bills

Legislative Policy Prism





What city do you represent?

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What is your title?

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Where are we at with 1 ½ weeks left?

- Tracked Bills - 221 in 2023 - 50+ more than last year
- Highest bills numbered in 2022 - HB492; SB263
- Highest bills numbered in 2023 (so far) - **HB531; SB273**
- ULCT has worked close to 100 bills
(amendments, testimonies, meetings, negotiations, etc.)

HOMELESSNESS

HB 499: Homeless Services Amendments

Intent: Mid-term policy to address crisis overflow shelter over the next 3 years & update the mitigation fund for increase in shelter cities.

Key Policy Areas:

1. Mitigation Fund
2. Winter Overflow plans in counties of first and second class (builds off last year's HB 440 in SL Co.)
3. Code Blue

Staff Recommended Position: **Position Pending** while ULCT staff negotiates & clarifies the bill's provisions

In depth review available in the HB 499 Whitepaper.

TRANSPORTATION FUNDING & TAXES

State income tax cut

Potential constitutional amendment on income tax earmark (2024)

Potential reduction of state sales tax on food

- No current plan to remove food from city sales tax base; ULCT shared data on impact

Property tax: expiration of minimum basic levy for schools

Potential consti. amendment on 45% primary residential exemption

- ULCT closely watching any potential impacts on city property taxes

HB 301: gas tax short-term reduction (ULCT support)

SB 175: creation of rural TIF, county must impose 4th qtr (ULCT support)

SB 185: creation of active TIF, state infrastructure bank, inclusion of cities & towns in road usage charge program (RUC) (ULCT support)

Appropriations Requests

Transportation/other infra

- Active transp. (ATIF) (7 of 71)
 - \$55 mill one-time, \$45 mill ongoing
- Corridor preservation (4 of 71)
 - \$120 mill
- Redevelopment match grant (low)
 - \$25 mill
- State Infras. Bank (30 of 71)
 - \$100 mill
- Zero fare pilot (low)
 - \$25.5 mill one-time

FYI: \$779 mill to pay off GO transp. debt which facilitates \$ in state TIF

Housing (Whyte)

- Deeply affordable (TBD)
- Olene Walker (\$15 mill) (26 of 55)
- Rural housing (\$2.25 mill) (27 of 55)
- State low-income housing tax credit (\$9 mill) (low)

General gov't

- **Homelessness mitigation (22 of 55)**
 - Add \$2.5 mill to exist. \$5 mill (Eliason)
- **Local Admin. Advisor (15 of 53)**
 - \$1.58 mill (D. Owens)

TBD: Public safety retirement (HB 104)

TRANSPORTATION FUNDING & TAXES

HB 500 – County Sales Tax Amendments (Christofferson)

AKA, the Fifth Fifth

County option: .20 to transit OR:

- UTA: .10 transit, .05 county, .05 cities/towns
- Other transit areas: .05 transit, .075 county, .075 cities/towns
- Non transit areas: .12 county, .08 cities/towns
 - 50/50 distribution

County of the 1st class:

- County can use up to .02 of the .05 to provide services to individuals with a mental or behavioral health condition, including diversion from incarceration to mental/behavioral health treatment, housing stability, or other related services

TRANSPORTATION FUNDING & TAXES

SB 260– Transportation Funding Requirements (Cullimore)

County of the first class imposes the .20 for:

- .05 for the county, including flexibility for mental/behavioral health
- .15 for the County of the First Class Highway Projects Fund
- No direct money for cities within the county of the first class

TRANSPORTATION FUNDING & TAXES

SB 75 – Sand and Gravel Tax Amendments (Sandall)

Has passed the Senate and the House.

Did not pass the House with 50 votes. It is not veto proof.

Staff has calculated, and is trying to clarify, the city by city impact.



Did your legislator contact you about SB 75?

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Would you sign on to a veto request letter for SB 75?

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Growth

Goal 2.2

EXPAND HOUSING ACCESS

We want our children and grandchildren to be able to live in Utah communities. We must increase our housing supply while preserving the quality of life that makes our state a great place to call home.

STRATEGIES

PROJECTED END DATE

Address barriers to increasing the supply of housing types.

June 30, 2024

Maximize housing density along major transit investment corridors.

June 30, 2025

RECAP: Housing and land use

Housing and Land Use in the 2022 Interim and happenings in other states ... and what is NOT in SB 174/HB 364/HB 406 as of today

- 1) Binding general plans
- 2) Change zoning from legislative to administrative
- 3) Preemption of local zoning
- 4) Housing allowed in all residential zones (“by right housing”)
- 5) State mandated minimum density in cities
- 6) State mandated reduction of impact fees
- 7) Creation of state appeals board to review local land use regs or decisions
- 8) Withholding B&C funds
- 9) Authorizing collection of attorneys fees (HB 173)



Cities don't build housing, but cities plan for housing. 125k+ permits in last 3 years; 113k+ entitled units now; #1 in USA for housing growth

Cities have no control over market forces (labor, land, interest rates, supply chains, etc.).

UEOC/Comm. on Hous. Aff.: Whyte HB 364

1) Clarifications to MIHPs

- Thanks to everyone who met with Karson; ULCT submitted amendments

2) Appeal process about compliance/non-compliance

3) Increase low-income housing tax credit annual cap from \$1.1 mill to \$10 mill

4) Creation of Housing Support Grant Program and other approps

- Projects for affordable housing for households at 30% area median income or below as approved by homelessness council

UEOC/Comm. on Hous. Aff.: Fillmore SB 174

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

- Addresses administrative land use, NOT legislative land use authority
- Step 1: preliminary approval; Step 2: final approval (by staff)
- Note: are crosswalking with HB 406 on sub engineering standards

2) Station Area Plans: not in this bill but elsewhere

3) Internal ADU modifications

- Garage IADU = connected by common wall to primary dwelling
- City may not regulate “internal circulation” or external unless consistent with other SF units
- Parking: 1 add’l based on local ordinance; 4 maximum off-street units for entire house
- 75%/25%: still there, but excludes new units platted after Oct. 1, 2021 (HB 82 effective date)

4) Consequence for non-compliance with HB 462/MIHP

- \$250 per day fee to Olene Walker Housing Fund (per LPC survey results)
 - Sub bill: double the fee in year 2 of non-compliance
- Withholding of Class B&C revenue is no longer in the current bill

Land Use Task Force: HB 406

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. **Landscaping bonds**

- a. Local gov't can require a bond in a development agreement and for privately owned landscaping for trails

5. **Moratorium**

- a. def. of how & when moratoriums may be used; overlap with temporary land use regs

6. **Preemption on regulating subterranean/CUPs for residential units**

- a. Added without consensus; ULCT pushing to remove and deliberations occurring now

Non-LUTF/CHA but housing related: LIDs (still awaiting a bill)

Results of Feb 9 negotiations on SB 174/HB 406 (red: areas with updates)

Where we are:

- 1) *PRC wanted a 25 foot standard; the bill will instead have a 32 foot standard with exceptions*
- 2) Vesting in improvement standards at the time of a complete application
- 3) Appeal process for technical specs for roads
- 4) Engineering review timelines -
 - Four Review Maximum - no new city requirements after four
 - Must specify reasons for redlines
 - 20 day shot clocks for local gov't administrative review; *if developer responds in more than 20 days, then 20 more days for local gov't review*
 - Must have all redlines addressed to count toward a review
 - **This is a huge step toward improving land use applications & helping cities do our jobs**
 - *PRC wanted "deemed approved" standard after four; ULCT opposed "deemed approved"*
 - *Compromise: if city doesn't respond by day 20 on 4th redline, then developer may call on expert panel to review & decide on tech specs*
- 5) Requirement to have checklist for all items necessary for complete application
- 6) Requirement for pre-application meeting within 15 business days (if requested by applicant)
- 7) *Implementation req't for subs/standards: Feb 1, 2024 for MIHP; Jan 1, 2025 for all others*

Housing package as of today

- 1) Financial:
 - Significant state investment in low-income & permanent supportive housing
 - State Infrastructure Bank
- 2) Administrative land use:
 - Subdivisions systemic change for *administrative* land use but NO changes to your *legislative land use authority* (e.g. planning and zoning)
 - # of hearings
 - Development engineering standards
 - shot clocks
 - Raise the bar for developers on their applications
- 3) Clarifications to past bills
 - IADU clarifications
 - SAP clarifications
- 4) MIHP consequences based on what we plan to do
 - Incentive (5th 5th)
 - Penalty (Olene Walker Fund, in addition to state TIF)
- 5) LUTF:
 - annexation
 - development agreements
 - landscaping bonds
 - moratoriums

LIDs: still TBD

OTHER LAND USE UPDATES

SB 166 - Education Entity Amendments (L. Fillmore)

Licensing & Land Use

SB 166, **1st Sub Changes**

- Extends charter school status permitted use status **with standards** to micro schools.
 - Setbacks, height, massing, off-site parking, curb cuts, traffic circulation, construction.
- Home schools are capped at 16 students within an individual's residential dwelling.
- Local governments may require business licenses
- Local governments may impose regulations for traffic, parking, hours of operation, anything not in conflict with the permitted use status
- Impose regulations on the location of the project necessary to preserve health or safety.

OTHER LAND USE UPDATES

SB 166 (Cont'd.)

Fire Code, Occupancy

SB 166, 1st Sub Changes

- Specifies that micro schools must meet the occupancy requirements established in Group E (Educational buildings) in the IBC.
 - Capped at 100 students
 - Must have enough space for at least 20 sq ft/student
- May alternatively use Group B (assembly purposes) occupancy requirements if they meet those standards **and:**
 - Has a compliant carbon monoxide and fire alarm system
 - Each classroom in the facility has an exit directly to the outside at level of exit discharge,
 - The structure has an automatic fire sprinkler system in areas greater than 12,000 square feet and has enough space for at least 20 sq ft/student
- Home-based education facilities are subject to occupancy requirements with the primary dwelling, except that they must have enough space for 35 sq ft/student

*Staff recommended position: **Neutral***

OTHER LAND USE UPDATES

SB 199 – Local Land Use Amendments (McKell)

Proposal: A land use law that is approved by two-thirds vote of the legislative body is non-referable

- Applies to all land use laws
- Passed the Senate 19-5-5

Utah State Constitution: Article VI Section 2(a)(i)(B)

OTHER LAND USE UPDATES

HB 527 - Mining Operations Amendments (K. Stratton)

- Grants Vested mining rights to owners of subsurface land and mineral estates who owned/controlled the land before Jan 1, 2019.
- Mining use def. expanded to include: “contiguous or partly contiguous mineral bearing properties, regardless of whether actual excavation or land disturbance has occurred”
- Must challenge mining use by May 1, 2024 or within 1 year

OTHER LAND USE UPDATES

SB 271: Home ownership req'ts (McKell)

Co-owned home: any unit that is jointly owned, in any manner or form, by any combo of individuals or entities

Cities may not enact/enforce a land use regulation that regulates co-owned homes differently than other residential units; or

Use a land use regulation governing co-owned homes to fine, charge, prosecute, or otherwise punish an individual solely for the act of owning or using a co-owned home (similar to STR language)

A legislative body may adopt/enforce land use regulations if they are applied equally to all residential units, including co-owned homes

OTHER UPDATES

HB 173 – Government Attorney Fees Amendments (Birkeland)

- Authorizes attorney fees and expert witness fees for private parties who prevail against government entities

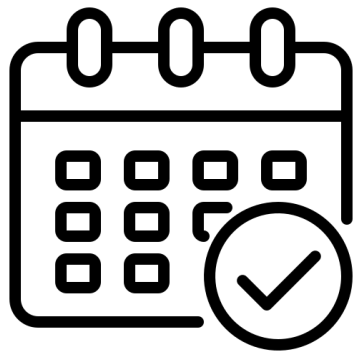
SB 262 - Government Records Amendments (M. McKell)

- Establishes a process by which a government entity may petition for relief against a vexatious GRAMA requester
 - Waives requirement to respond to vexatious requestors
- Enables judicial review of State Records Committee (SRC) decisions
- Allows a court to award attorney fees to persons who substantially prevail in a court decision disputing vexatious petition if the court determines the petition lacked merit.
 - Gov't immunity waived in limited circumstances

Bill Tracker – Ratify Positions

www.ULCT.org/bills

OTHER KEY DATES & INFORMATION



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