



LPC

February 27, 2023



ROADMAP

1. Minutes and Bill Tracker
2. DIDs update - Update & Action
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

Land Use & Housing Updates

HB 564 - Limited-use Infrastructure District Amendments (J. Dunnigan)

- AKA LIDs
- Pulled from committee agenda

SB 295 - Dedicated Infrastructure District Act (D. McCay)

- AKA DIDs
- Passed out of Senate Economic Development and Workforce Services this morning.

DIDs Assignments (SB 295)

<https://senate.utah.gov/senate-roster/>

DIDs Summary (SB 295)

DIDs

- Quasi municipal corporation, constitutes a local entity.
- Limited tax bond payable from and secured by **property tax**.
- Bonds must mature within 40 years of issuance
- Bonds may fund construction, operation, and maintenance of infrastructure
- Proposal:
 - Estimated cost for constructing infrastructure and improvements \geq \$2,000,000
 - Min proposed development \geq 50,000 square feet of non-residential development
 - Min development \geq 100 ERU OR
 - Min development valuation upon completion \geq \$50,000,000
- Area outside boundaries of DID may be annexed w/ consent of DID board and Property owners

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.

HOMELESSNESS

CODE BLUE:

Temperatures below 15°

Local Response (All)

- Cannot abate camps unless camp poses a greater health/safety risk than weather
- Cannot confiscate personal property that would be used for survival
- Allows churches/non-profits to allow folks to sleep overnight
- Street outreach for homeless populations (need clarity here)

Shelter Response

- Increased capacity by 35%
- Expedited intake
- Provide service unless at increased capacity or individual poses threat

HOMELESSNESS

MITIGATION FUND

Mitigation Fund Contributions:

- Increased local contribution: \$2.5m
 - 2.55% contribution of population sales tax
 - \$275k contribution cap
- Increased state contribution: \$2.5m

Impact: +\$5m in the fund, Ability to help combat \$21m+ deficit in shelter cities.

Distribution & Accountability: Formula distributes mitigation to shelter city based on relative impact. Cities report back to the Utah Homelessness Council with key metrics for reimbursement.

HOMELESSNESS

WINTER RESPONSE PLANS

Counties of the 1st Class

- Winter overflow plans for the next 3 winters.
- Clarifies expectations and resources for the winter response plans

Counties of the 2nd Class

- Requires winter overflow plans for winter 24/25 and 25/26 after a one year runway
 - Discussion of mandate and concern of prescriptive response

HOMELESSNESS

WINTER RESPONSE PLAN: BILL AS DRAFTED

Slido of 2nd class county cities at 11

- 10% very comfortable
- 43% somewhat comfortable
- 15% uncertain
- 28% somewhat concerned
- 5% very concerned

53% comfortable, 15% uncertain, 33% concerned

HOMELESSNESS

Brammer Substitute

Counties that are not counties of the first class [i.e., 2nd class counties] shall provide the overflow plan to the offices demonstrating the objectives of the county's overflow plan and how the overflow plan will meet the stated objectives

HOMELESSNESS

WINTER RESPONSE PLAN: BRAMMER SUBSTITUTE

Slido of 2nd class county cities at 11

- Very comfortable: 23%
- Somewhat comfortable: 40%
- Somewhat concerned: 26%
- Very concerned 11%

63% comfortable, 37% concerned. Uncertain was not an option.

***This did not include uncertain as an option.*

HOMELESSNESS

HB 499: Homeless Services Amendments

LPC Position:

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)
 - \$45 mill one-time, \$45 mill ongoing
- Corridor preservation (4 of 71)
 - \$60 mill one-time \$120 mill
- Rural roads (SB 175)
 - \$40 mill one-time
- Secondary water
 - \$15 mill one-time
- State Infrs. Bank (30 of 71)
 - \$100 mill
- Zero fare pilot (low)
 - \$25.5 mill one-time

FYI: \$775 mill to pay off GO transp. debt which facilitates \$ in state TIF

Housing (Whyte)

- Deeply affordable (\$50 mill one-time)
- Rural housing (\$2.75 mill) (27 of 55)
- State low-income housing tax credit (\$44.5 one-time, \$53.4 mill ongoing)
- Homeless services (\$12 mill ongoing)

General gov't

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

TBD: Public safety retirement (HB 104)

Transportation Utility Fee & UT Supreme Court last week:

- Reversed the district court
- Determined that PG's fee was a "specific charge for a specific service"
- Remanded to district court to determine if the fee was "reasonable"
- Validated city authority for general welfare!



5th 5th: .20 authorized in 2018, 100% for transit, expires June 23, no voter approval

HB 500: keep .20 OR

UTA counties:

.10 to transit

.05 to county

- Up to 40% for mental or behavioral health in county of 1st class

.05 to cities

Other transit counties:

.05 to transit

.075 to county

.075 to cities

Non-transit counties:

.12 to county

.08 to cities

SB 260: keep .20 OR

SL Co:

.10 to County of First Class Highway Fund, w/flex for transit

.05 to county, and 100% could go to mental or behavioral health

.05 to cities

Other counties follow HB 500



**FOR CITIES IN 2ND CLASS COUNTIES:
how do you feel about your county having
flexibility to spend all of their .05 on
transportation AND behavioral/mental
health?**

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



FOR SL CO CITIES: how do you feel about the county having flexibility to spend all of their .05 on transportation AND behavioral/mental health?

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

Slido results from last week

SB 199:

Plurality of respondents
recommended neutral

Only **23% were in combined support** (strongly support as is, quietly support as is, strongly support w/affordability, quietly support as is w/affordability)

SB 75 veto request:

- 67% would support
- 23% were unsure
- 10% would oppose

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

- 1) **Clarifications to MIHPs**
- 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

What SB 174 does and doesn't do: clarifies leg & admin roles on subdivisions

Legislative: general plan

Legislative: zoning

Administrative:
preliminary
subdivision

Administrative:
final subdivision
review

Time frame of SB 174

Sep APA convention: discussion about administrative land use and role of public hearings

Sep LPC: discussion about administrative land use and role of public hearings

Annual Convention: discussion about administrative land use, role of public hearings, and subdivisions

Oct Board mtg: direction to staff to discuss changes to administrative land use processes

Oct LPC: discussion to codify 2 step subdivision process and final approval without public hearing

Nov Commission on Housing Affordability: discussion about subdivisions

Jan Unified Economic Opportunity Commission: discussion about subdivisions

Jan/Feb: SB 174 drafted and negotiated

What SB 174 does and doesn't do: clarifies leg & admin roles on subdivisions

Legislative: general plan

Legislative: zoning

Administrative:
preliminary
subdivision

Administrative:
final subdivision
review

**SB 174: No change to
public process**

ULCT fought off:

- 1) making general plans binding
- 2) General preemptions

**SB 174: No change to
public process**

ULCT fought off:

- 1) making zoning "administrative"
- 2) by-right housing
- 3) state mandated density or upzoning
- 4) state appeals board
- 5) withholding B&C funds due to local zoning

**SB 174: *city may hold one
public hearing***

ULCT fought to:

- 1) Preserve a public hearing if desired
- 2) Improve quality of engineering plans submitted to city
- 3) Prevent 25 foot road width standard
- 4) Prevent \$ penalties on shot clocks
- 5) Prevent "deemed approved"

SB 174: *the city shall approve or deny the application and may not require city council or planning commission approval*

What SB 174 does and doesn't do: clarifies leg & admin roles on subdivisions

Legislative: general plan

- General guidelines for development
- Leg action: land use authority recommends to the legislative body
- Robust community engagement process w/public hearings
- **SB 174: no change to public process**

Legislative: zoning

- Zoning map
- Leg action: land use authority recommends to the legislative body
- Robust community engagement process w/public hearings
- **SB 174: no change to public process**

Administrative: preliminary subdivision

- Application congruent w/general plan & zoning map
- Required to meet shot clocks w/4 rounds of review
- City may approve or deny
- **SB 174: may have 1 public hearing for prelim. application**

Administrative: final subdivision review

SB 174: Approve or deny the subdivision based on standards and not in a public hearing

HOWEVER, if application is not congruent with the general plan or zoning map, then would need legislative approval

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 (plus 5th 5th elsewhere)

- \$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 pushed to remove in 3rd Sub.

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

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

This bill is still stuck in Rules and has not been assigned to a committee.

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~~

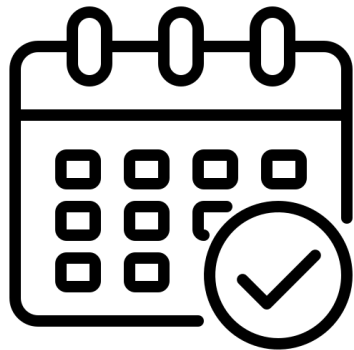
H.B. 173 Citizen Empowerment Task Force

-Task Force and ULCT has a seat

Bill Tracker – Ratify Positions

www.ULCT.org/bills

OTHER KEY DATES & INFORMATION



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

Appendix