



Legislative Policy Committee

March 1, 2021

The Diehl family paper chain is almost gone!

Agenda

Minutes

Legislation

- Transportation
- Land use
- Public safety
- Revenue
- Other
- Bills from LPC members

Session review

Ratify staff recommendations

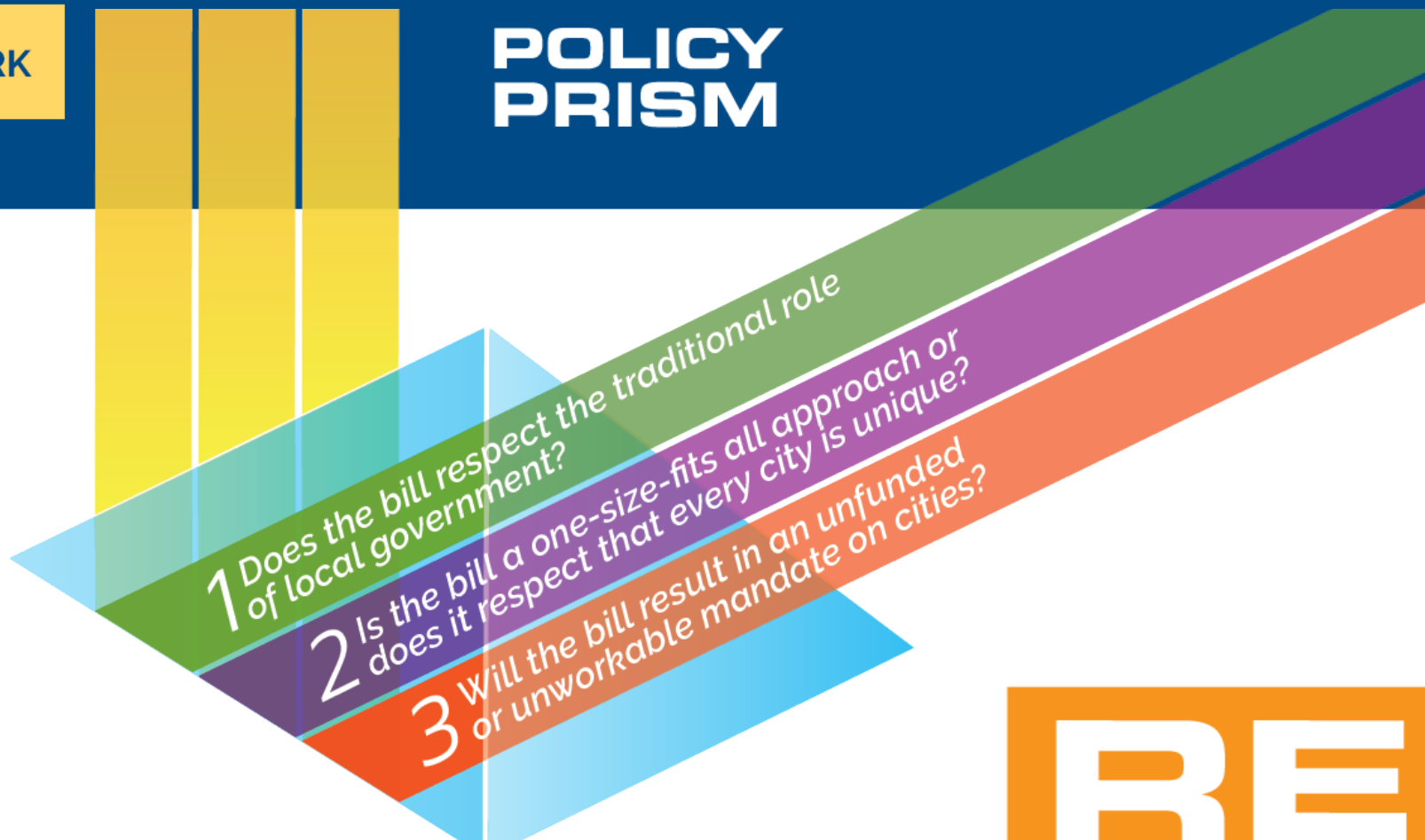


LPC Voting

- Use the voting software
- Keep voting software tab open
- Votes in chat box will not be counted (other than minutes)

#CITIESWORK

POLICY PRISM



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What to expect this week:

Mon & Tue: final committee hearings

Tue midnight: finish own bills

Wed, 1-1:30: Gov. Cox & cities call

Wed-Fri: finish bills from the other chamber

- 200+ bills will be considered this week

Fri at midnight: sine die

Jan. 17, 2022: 2022 Legislative session will start in 322 days!

Action alerts as necessary

- Bills
- Substitutes
- Amendments
- **Please contact legislators immediately, even if it is 11 pm!**
 - 2012 last minute counter-punch
 - 2015 last minute passage

What to expect this interim ... so far

Process

- Legislative interim starts in May
 - LPC will resume in May/June
- Comm. on Housing Affordability in April
- Justice Court Task Force (goal of 2022)
- NEW commissions/task forces w/ULCT reps
 - Unified Economic Opportunity Commission
 - Community & Police Relations
 - ULCT/UCOPA: Love, Listen, Lead
 - Mental Health of 1st responders
 - Food insecurity
 - State Flag
 - Data and personal privacy (law enf. reps)
 - 988
- NEW homelessness governance
- Midyear Conf. on April 21-23

Topics (so far)

- COVID-19 recovery
- Infrastructure investment/planning
- Housing
 - Inclusionary zoning, fees, SB 34, PIDs, public assets, etc.
- Public safety
 - Data, new training, qualified immunity, use of force, advisory boards, retirement, etc.
- Economic development
- Sales tax (Sen. Bramble)
- Water conservation
- Bills that didn't pass
 - Gravel pits, billboards, Utah Lake
- And much, much more



Transportation



HB 433 Amendments Related to Infrastructure Funding

Infrastructure investment endorsement (LPC Feb 1)

ULCT Principles (Board mtg Jan 20):

- 1) Invest in infrastructure
- 2) Support multi-modal options
- 3) Utilize prioritization process
- 4) Be fiscally prudent



January 27, 2021

Joint Letter of Support and Principles for State Infrastructure Investment

HB 433 Amendments Related to Infrastructure Funding

Rep. Mike Schultz

- One-time appropriation: \$862,900,000
 - \$621 M state roads
 - \$107.5 M for state parks/rec
 - \$101.6 for transit
 - Double track Frontrunner
 - \$32.5 M for active transp
 - Local match drops from 40% to 20%
- Follows project prioritization process (Transportation Commission, Unified Plan)
- **Staff recommends: Support, w/understanding of House v. Senate v. Gov on bond**

- Bond: \$1,400,000,000
- \$1.15 B for state roads
- \$220 M for transit
 - Double track Frontrunner, Salt Lake County midvalley BRT, etc.
- \$30 M pass through for rail bridge

For more info, check out WFRC summary:

<https://myemail.constantcontact.com/Government-Affairs-Update---Infrastructure-Bill-Released.html?soid=1118153086076&aid=EThpOgHDJGo>

SB 217 Housing and Transit Reinvestment Zone

Sen. Harper

Housing and Transit Reinvestment Zone

- Certain radius from the station
- Mixed use plan
- High-density housing with affordable component
- State & property taxing entities cooperation
 - Bill currently contemplates mandatory taxing entity participation if statutory req'ts met
- Prioritize state infrastructure investment related to the HTRZ
- Objective: maximize land use planning around Frontrunner
- **LPC position: Support**





Land Use

SB 164 UT Housing Affordability (Anderegg)

2nd sub coming; interim: IZ, all fees, public assets

Positive components:

- Pilot Program for workforce employees
- Rental assistance and mediation for landlord/tenants
- Predevelopment grants for rural communities
- Limited gap funding for eviction proceedings

TBD components:

- Ability for cities to grant real property for affordable housing (waive 10-8-2(3) study in narrow circumstances)
 - Deed restriction %, waiver of prop., ~~needs clarifying~~
- ~~Economic dev req't to plan for housing~~
- SB 34 menu items from 3 to 4 and 4 to 5 (transit)
- ~~RDA expansion of set aside to "support" housing~~
- ~~Public asset inventory (but WFRC county-level inventory)~~

Staff recommendation: support

Concerning components:

~~1) Inclusionary zoning/housing fund~~

- ~~City has to cover all of the developer's costs~~
- ~~Property Rights Ombudsman decision~~
- ~~ULCT proposed alternative language~~

~~2) Fees: ULCT has urged removal~~

- ~~New standard from "reasonable" to "estimated actual" for~~
 - ~~Culinary/secondary water hookup, land use applications, inspection/review~~
- ~~Collection process~~
 - ~~Require cities to collect fee revenue into separate ledgers for each type of building and development fee and report the year, project, & schedule for expenditure to the state auditor~~

-
- ~~Key takeaway: huge expense to city with NO nexus to housing affordability~~

SB 221 Short-term Rentals

Sen. Anderegg

Municipality may not:

- enforce an ordinance prohibiting short-term rental if the owner of the short-term rental occupies the short-term rental structure; or
- use tax revenue to rent a short-term rental that is offered on a short-term rental website for purpose of enforcing an ordinance that prohibits the act of renting a short-term rental.
- This bill undermines both the 2017 compromise and the HB 82 4th sub enforcement
- **Staff recommendation: Oppose**



Where we are: NEUTRAL as of Feb 18 (credibility matters)

HB 82 NEUTRAL FRAMEWORK w/REP. WARD

A) Partial zoning preemption

- 1) IADUs allowed in at least 75% of area zoned residential in most cities
- 2) IADUs allowed in at least 33% in area zoned residential in college towns (10,000+ students, main campus)

B) Standards

- 1) City may require ADU in detached house only, inspection, license, permit, 30+ day lease, 1 off-site parking, appearance of house to be unaltered, limit to 1 IADU per site, no separate meter, preclude mobile homes, egress of windows, septic tank sufficiency, building, health, & fire code compliance
- 2) City may deny ADU for lots under 6,000 square feet
- 3) City may not regulate % of house, # of rooms, frontage

C) Enforcement options

- 1) Lien, daily fine
- 2) IADUs for long-term residents, not vacation rentals

2nd Sub HB 98 Local Gov't Building Regs (Rep. Ray)

LPC: neutral as of Feb 24 (credibility matters)

Direction last LPC:

1. Clarity on fencing
2. Increase min. square footage > 400
3. Historic district exemption for design elements
4. Conflict of interest for inspectors
5. Exterior cladding materials*

2nd Sub

- Builder who engages inspector must engage "independent third-party licensed inspector"
- DOPL est. insurance amount for licensed inspector
- National Register of Historic Places; state register; or local historic district or local landmark designated before Jan 1, 2021
- Dwellings in primarily residential zone substantially developed before 1950

* "Type or style of exterior cladding material" language not changed in sub

- (1) As used in this section, "building design element" means:
- (a) exterior color;
 - (b) type or style of exterior cladding material;
 - (c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
 - (d) exterior nonstructural architectural ornamentation;
 - (e) location, design, placement, or architectural styling of a window or door;
 - (f) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;
 - (g) number or type of rooms;
 - (h) interior layout of a room;
 - (i) minimum square footage over 1,000 square feet, not including a garage;
 - (j) rear yard landscaping requirements;
 - (k) minimum building dimensions; or
 - (l) a requirement to install front yard fencing.

HB 409 Municipal and County Land Use and Development (Land Use Task Force bill)

Rep. Waldrip

- Planning commissioners in SB 34 cities must receive annual land use training
- Standards for conditional uses must be “objective”
- Municipality may not, for 10 years after a subdivision plat is recorded, impose on a SF dwelling building permit applicant in the subdivision any land use regulation that is enacted w/in 10 years after the day plat is recorded. (Doesn't apply to changes for building code, health code, or fire.)
- Clarifies parcel boundary adjustment and lot line adjustment and relation to subdividing
- Defines “development agreement” and appropriate use of DA
- Municipality may not require street width in excess of 32 ft if municipality requires low impact development where the street is located
- Subdivision amendments must preserve culinary/sanitary authority easements. Culinary/sanitary authority rights not impaired by action to vacate public street.
- Clarifications to appeal of land use decision, including defining “substantial evidence”

Staff recommendation: Support

A police officer in a black uniform with the word "POLICE" in large white letters on the back. The officer is standing next to a white vehicle, possibly a patrol car, with their hands raised near the roof. The background is slightly blurred, showing an urban setting.

POLICE

Public Safety

HB 422 Political Subdivision Civil Liability Amendments

Rep. Brammer

- Municipality is liable for injury or damage resulting from a riot or civil disturbance if the municipality's chief executive officer directed law enforcement officers not protect private property or individuals during the riot or civil disobedience

Staff recommendation: Oppose

Love, Listen, Lead support list

- HB 59 (Stoddard): Intimate Image Distribution
 - Officer misconduct
 - HB 62 (Stoddard): POST Certification
 - Officer misconduct
 - HB 84 (Romero): Use of Force Reporting
 - Data collection
 - HB 138 (Winder): POST Council Membership
 - POST Council
 - HB 162 (Romero): Peace Officer Training
 - Training
 - HB 237 (Dailey-Provost): Lethal Force Amendments
 - Use of force
 - HB 264 (Romero): Law Enf. Weapons Use
 - Data collection
- HB 283 (Wheatley): Community and Police Relations
 - DPS big tent continuation; ULCT elected official
 - HB 307 (Christiansen): Training for Peace Officers
 - Training
 - SB 102 (Mayne): Peace Officer Training Qualifications
 - Diversity in officer ranks
 - SB 106 (Thatcher): Use of Force
 - Use of force
 - SB 157 (Thatcher): Citizen Review Boards
 - Resources for cities
 - SB 159 (Anderegg): Law Enf. Data Mgmt
 - Data collection
 - SB 196 (Iwamoto): Law Enf. Agency Disclosure
 - Officer misconduct



Revenue

Photo by Andrey Grinkevich on Unsplash

SB 241 Sales Tax Distribution Amendments



Photo by Lydia Gulinkina on Unsplash

Sen. McCay

- Changes the current “50/50” distribution formula (point of sale/population) to 100% population
- Makes the change incrementally (1/30 per year) over a 30-year period

Staff recommendation: Oppose



Other legislation

SB 214 Official Language Amendments

Sen. Cullimore

- Re-affirms that English is the official language of the state of Utah
- Removes the provision that English is the **sole** language for the government in the state of Utah to provide flexibility for local gov'ts to communicate w/all residents
- Removes provision requiring **all** official government documents, transactions, proceedings, meetings, or publications be in English
- Removes provision relating to the return of state funds for non-English documents
- Priority of Gov. Cox, Salt Lake Chamber, and other signatories of the Compact on Racial Equity, Diversity, & Inclusion
 - Note: ULCT Board endorsed the compact in December

Staff recommendation: Support

1st SB 204 Permitting Amendments

Sen. Kirk Cullimore

- “‘Local permit’ means an objective administrative approval issued by a local entity when the local entity requires a person to obtain the local entity's approval to engage in an activity within the local entity's jurisdiction.”
- Excluded permits: building, LUDMA, contract, airport operator, city issued on behalf of state
- Municipality must approve/deny permit in 30 days or, if permit also requires state/fed approval, 60 days
- May extend an additional 30 days if give written notice explaining need for extension
- If not approved within timeline, deemed approved unless application deficient
- Permit app. must include “clear and unambiguous” language stating criteria municipality uses for approval
- Municipality must provide appeal process for denied permit and applicant may further appeal for judicial review
- **Staff recommendation: Oppose**

SB 204: Talking Points

1. **Preemption and state interference with local gov't processes**
2. **Timelines:** municipality has no control over time a permit that also requires state/federal determination will take
3. **Administrative costs w/limited benefit to taxpayers:** even if there are no resident concerns about local processes, cities will need to immediately review permits to determine all possible criteria that might be considered for each individual permit
4. **Litigation:** the description “clear and ambiguous” language is an unclear standard that exposes local governments to litigation for any standards they determine
5. **Reducing permitted activities:** permits are issued for activities that may interfere with people adjacent to the permitted activity. SB 204 could increase the amount of staff resources that cities will dedicate to each application, which could result in fewer activities that cities permit.

SB 243: Political Subdivisions Amendments

- Sen. Jerry Stevenson
- Applies to Inland Port Authority, MIDA, & Point of the Mountain Authority
- Creates Loan Approval Committees
 - 5 members of Inland Port board (no city reps)
 - 5 members of Point of the Mtn board (includes Draper)
 - 5 members of MIDA
- “Infrastructure project” for which the loan can be issued and repaid with the city’s increment as:
 - A project to acquire, construct, reconstruct, rehabilitate, equip, or improve public infrastructure and improvements (a) within a project area; or **(ii) outside a project area**, if the loan approval committee determines by resolution that the public infrastructure & improvements are of benefit to the project area
- In IPA, a city’s increment could be used for infrastructure outside the city if loan committee (without a city rep) approves it
- **Staff recommends: amend about city representation & infrastructure loan; then neutral**

Bills from LPC Members

- Open forum for members to highlight other bills to the LPC



Photo by Jason Rosewell on Unsplash



Session review

Other Bills: Where are they now?

SB 61 Billboard Amendments (Sen. Sandall)

- By right upgrade of digital billboards in zones that allowed digital on-premise signs
- **Failed** on Senate floor

SB 144 Billboard Restrictions Amendments (Sen. Hinkins)

- Prohibited municipality from negotiating with property owner to remove billboard; municipality could not require permit for billboards maintenance; municipality could not include restrictive covenant when selling municipal land to prohibit or limit billboards
- **Failed** on Senate floor; reconsidered; circled on 2nd Senate calendar

HB 401 Fee Amendments (Rep. Waldrip)

- Requires land-use associated fees to be managed in a separate account and tracked in a ledger to verify it is spent directly on the project.
- **Held** in House Political Subdivision

Other Bills: Where are they now?

HB 66 Sheriff Amendments (Rep. Snider)

- When a sheriff and local law enforcement disagree during a riot, civil disturbance, or breach of peace the sheriff is in charge
- **House Rules Committee**

HB 76 Firearm Preemption Amendments (Rep. Maloy)

- Asserts State preemption on gun issues. Creates an exception for a violation of the law in government immunity.
- Restricts local governments to honor contracts in public venues.
- **Senate Rules Committee**

HB 139 Competency Based Hiring Amendments (Rep. Thurston)

- Originally required the State and local governments to use competency-based hiring.
- **Amended to exclude** the requirement for local governments and instead makes best practices available to local governments
- Waiting Governor's signature

Other Bills: Where are they now?

HB 243 Privacy Protection Amendments (Rep. Gibson)

- Originally allowed the Privacy Officer to terminate local gov't contracts. **That has been removed.**
- Now offers best practices and review
- Awaiting Senate Action

HB 273 Single-family Housing Amendments (Rep. Peterson)

- Makes an internal ADU a permitted right in all single-family zones. It also restricts impact fees from being collected for an internal ADU.
- **Rules Committee**

HB 342 Government Enterprise Amendments (Rep. Strong)

- Required municipalities to inventory competitive activities, conduct market impact study
- House Political Subdivisions (**not heard**)

Other Bills: Where are they now?

SB 18 Property Tax Exemptions Amendments (Sen. Harper)

- Original bill increased the tangible personal property exemption from 15k to 50k.
- Current bill increases the tangible personal property exemption from 15k to 25k
- House 3rd reading calendar

SB 52 Property Tax Deferral Amendments (Sen. Fillmore)

- Originally allowed a property tax deferral for 66 years and older with a home value of less than 500k
- Current bill allows for a deferral 70 years older, income restrictions, lived in the home 15 years, and approval from bank if there is a mortgage
- House Political Subdivisions Committee

SB 113 Transportation Amendments (Sen. Harper)

- 2nd Sub Restricts local governments leasing cars to three years or 60k miles
- 3rd Sub removes the leasing language from the bill
- House Transportation Committee

SB 199 Water Amendments (Sen. McKell)

- Originally limited secondary systems to 10% rate increases annually
- Current restricts rate increases to 10% unless an explanation is provided to end users
- House Rules Committee

Robert Gehrke: Billboard companies want Utah's Legislature to steamroll cities, so do these other special interests



INSIDE UTAH POLITICS

Cities and towns pushing back on bills they say will impact local authority

Utah House committee advances bill to block cities and counties from creating firearm regulations

In affordable housing crunch, Utah lawmaker wants to let you rent out part of your home

By KUTV | TUESDAY, FEBRUARY 9TH 2021

Advocacy Groups & Their Priorities For The 2021 Utah Legislature On Tuesday's Access

By TOM WILLIAMS • JAN 26, 2021



The Salt Lake Tribune

LOCAL POLITICS



Lights out for digital billboards legislation that would give state more say than local governments

Utah's arts are 'poised for a strong recovery' after COVID-19, leaders say

Dark sky concerns arise in Utah Senate bill allowing electronic billboards without local consent

K. Sophie Will St. George Spectrum & Daily News
Published 5:57 a.m. MT Feb. 12, 2021



Utah legislator seeks \$1M in mental health help for stressed first responders

By Ashley Imlay, Deseret News | Posted - Feb. 9, 2021 at 6:28 a.m.

KSL.com

Utah bill to break barriers for basement apartments sparks local control debate

House legislative leaders like move, but say it needs more work before it can clear first hurdle
By Katie McKellar | @KatieMcKellar | Feb 1, 2021, 8:32am MST

Bill would expand presence of digital billboards in Utah

BY MARY RICHARDS AND SIMONE BEKALY | FEBRUARY 3, 2021 AT 7:11 PM
UPDATED: FEBRUARY 3, 2021 AT 7:11 PM



2 KUTV

NEWS WEATHER SPORTS CORONAVIRUS CHIME IN

Political money, 'fairness' and 'Vegas' style signs surround Utah bright billboard debate

by Brian Mullahy, KUTV | Tuesday, February 2nd 2021

Utah lawmaker sees a way to boost housing: Make mother-in-law apartments easier to build

Bountiful lawmaker laments the "thicket" of barriers, but cities may push back against the state dictating permits.

The Salt Lake Tribune

SEARCH

Utah committee approves bill to prevent local governments from restricting firearms

By Connor Richards Special to the Standard-Examiner Feb 22, 2021 0

Ratification: ULCT Recommended Positions (>60% = consensus) on public bills

- HB 433 Amendments Related to Infrastructure Funding: **Support**
- SB 217 Housing and Transit Reinvestment Zone Act: **Support (no change)**
- SB 164 Utah Housing Affordability Amendments: **Support**
- SB 221 Short-term Rentals: **Oppose (no change)**
- HB 82 Single-Family Housing Modifications 4th Sub: **Neutral (credibility)**
- HB 98 Local Government Building Regulation Amendments: **Neutral (credibility)**
- HB 409 Municipal and County Land Use and Development Revisions: **Support**
- HB 422 Political Subdivisions Civil Liability Amendments: **Oppose**
- SB 241 Sales Tax Distribution Amendments: **Oppose**
- SB 214 Official Language Amendments: **Support**
- SB 204 Permitting Amendments: **Oppose**
- SB 243 Political Subdivisions Amendments: **Amend, then neutral**

Contact ULCT

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See you at Midyear!
April 21-23 in
St. George

