

U & CT

MIDYEAR CONFERENCE INFO

ST. GEORGE | APRIL 17-19



Legislative Policy Committee

February 5, 2024



AGENDA:

1. Appropriations
2. Natural Resources
3. Transportation
4. Housing & Land Use
5. Homelessness
6. Other Bills
7. Ratify Positions

REMINDERS:

- Make sure you are signed up for daily updates and Friday Facts
- **1) Partnership, not preemption**
- **2) The state has a tight budget and so do cities**

UPCOMING MEETINGS:

Legislative Policy Committee:

- February 12th @ 12 PM *(hybrid)*
- February 20th @ 12 PM *(hybrid)*
- February 26th @ 12 PM *(hybrid)*



UTAH LEAGUE OF
CITIES AND TOWNS

POLICY PRISM

- 1 Does the bill respect the traditional role of local government?
- 2 Is the bill a one-size-fits all approach or does it respect that every city is unique?
- 3 Will the bill result in an unfunded or unworkable mandate on cities?



Appropriations



Appropriations Tracking

Social Services **ONGOING** appropriation recommendations

Out of 53 items

- #6: Shelter City Mitigation (\$2.5m)
- # 50: Housing and Community Development Staff (\$238k)
- #51: Statewide Homeless System Support (\$10m)
- #52: Olene Walker Housing Loan Fund (\$10m)

NOT PRIORITIZED:

- Deeply Affordable Stabilization Grants (\$15m)

Appropriations Tracking

Social Services **ONE-TIME** appropriation recommendations

Out of 42 Items

- #15: Shared Equity Revolving Loan Fund (\$5m)
- #24 Shelter Your Neighbor Public Education & Outreach (\$250k)
- #27: Statewide Affordable Housing Construction(\$250k)
- #28: Utah First Homes (\$25m)
- #29: Low Barrier Shelter Development (\$25m)

- #30: Low Barrier Shelter Operations for 3 Years (\$33.9m)
- #31: Non-Congregate Shelter Operations for 3 Years (\$27.3m)
- #32: Winter Response and System Stabilization for 3 Years (\$28.8m)
- #33: Utah Housing Preservation Fund (\$10m)
- #39: Municipal Planning Technical Assistance (\$4m)

NOT PRIORITIZED:

First Time Homebuyer Program (\$50m)
Deeply Affordable Housing Grants (\$35m)

Appropriations Tracking

Other appropriations we are tracking

General government

- Grant for cameras for city councils (\$100k, one-time)

Taxation

- STR tax compliance (\$600k, ongoing)

Transportation (UEOC)

- Transit innovation grants (\$2.5 mill, one-time)



Natural Resources

DRAFT LEGISLATION

SB 172 – Protection Areas
Revisions (D. Hinkins)



Changes to Mining & Critical Infrastructure Protection Areas

- Expands definition of mine operator to include the owner of a mining use in a notice of intent
- Expands the mining protection area vesting from existing operations to future mines if the area hasn't been excavated
- Extends extends critical infrastructure operations preemption to acquisition of adjacent property regardless of whether it has been excavated.
- Extends vesting to mining property if mining operation was conducted on any portion of the property.

Staff recommendation: Oppose

DRAFT LEGISLATION

SB 172 – Protection Areas
Revisions (D. Hinkins)



Staff recommendation: Oppose

Changes to Protection Area Preemptions

- Removes the ability of local governments to choose the minimum acreage in a protection area.
- States that critical infrastructure protection area applications are deemed approved if the local government does not take action within 120 days
- States that critical infrastructure material land uses maintain their status even if annexed by a municipality.
- Protection areas cannot be terminated by a municipality unless the area has not been used for the purpose in prior 15 years.
- Allows local governments to impose reasonable conditions on protection areas if there is clear and convincing evidence that they present an imminent danger to public health, safety, or welfare

DRAFT LEGISLATION

SB 172 – Protection Areas
Revisions (D. Hinkins)



Staff recommendation: Oppose

Other Preemptions

- Extends nuisance preemption to mining protection areas
- Prohibits eminent domain of mining protection areas
- Modifies the notice requirements for eligibility
- States that if a party unsuccessfully challenges vested mining use declaration, they are responsible for the costs incurred by the mining operator (including attorneys fees)
- Presumes critical infrastructure materials operators that are permitted or local NCUs to be protection areas
- Presumes critical infrastructure materials operations have been established unless a person claiming otherwise has clear and convincing evidence to the contrary.
- Automatically extends protection area preemption to critical infrastructure operators.

DRAFT LEGISLATION

SB 172 – Protection Areas
Revisions (D. Hinkins)



Staff recommendation: Oppose

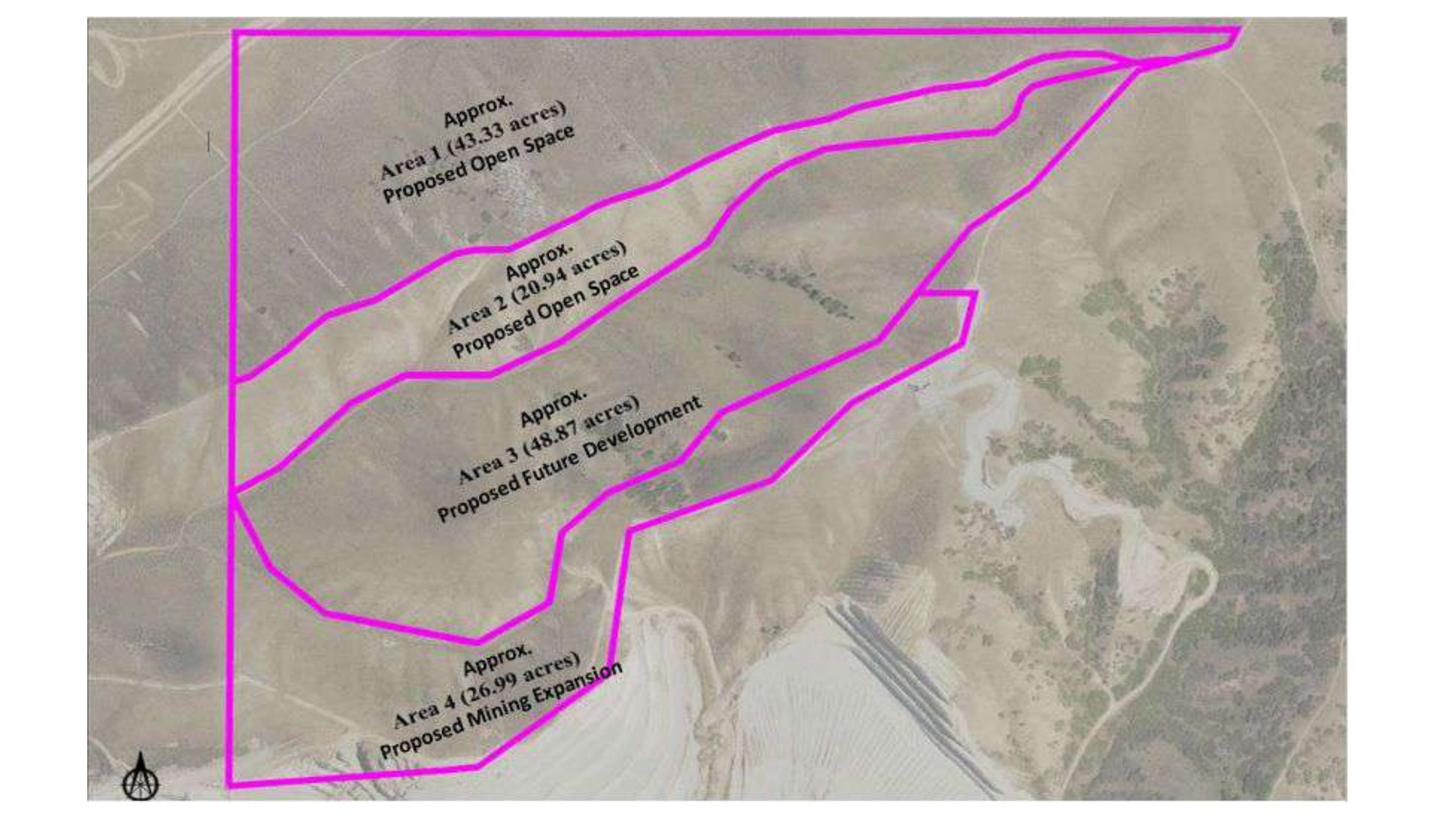
Major Takeaways

- 1. These changes are unnecessary because existing operations are already protected. This tips the scales in favor of new operations and limits local land use controls.**
- 2. This bill is expansive and has impacts across the state.**
- 3. Limits local ability to address health, safety, and property right concerns.**
- 4. A bill this big should have additional interim study and input from all stakeholders.**

Updated Geneva Defined Areas

Legend





Approx.
Area 1 (43.33 acres)
Proposed Open Space

Approx.
Area 2 (20.94 acres)
Proposed Open Space

Approx.
Area 3 (48.87 acres)
Proposed Future Development

Approx.
Area 4 (26.99 acres)
Proposed Mining Expansion





Transportation



DRAFT LEGISLATION

HB 367 – Local Gov't Fees
Modifications



*Staff recommendation: Support,
after final edits*

ULCT Board principles, summer 2024

- 1) fee v. tax; preserve user fee
 - a) *done*
- 2) TUF specific; don't impact other revenues
 - a) *restricts some fee authority on broadband, public safety*
- 3) Make process "doable, but not easy"
 - a) *done, details on next slide*
- 4) Transparent process
 - a) *done, details on next slide*
- 5) Req'd needs analysis
 - a) *done*
- 6) local discretion to set fees
 - a) *done; methodology details left to locals*
- 7) accountability of funds (dedicated account)
 - a) *done*
- 8) supplement, not supplant, other funds
 - a) *done; "maintenance of effort"*

DRAFT LEGISLATION

HB 367 – Local Gov't Fees
Modifications



*Staff recommendation: Support,
after final edits*

- 3) Make process “doable, but not easy”
 - a) *do study, reasonable calculation of need*
 - b) *reasonable relationship for fee & user*
 - c) *have different rates for different users*
 - d) *provide enhanced notice*
 - e) *separate vote*
 - f) *10 year sunset, renewal process*

ULCT LPC sub group provided input & specific priorities throughout the deliberations
LPC sub group finalizing language

DRAFT LEGISLATION

HB 430 – Local Gov't
Transportation Services
Amendments



- Requires a large public transit dist to provide service within a city in the same proportion as the revenue generated within that city
- Large public transit district shall provide an accounting report to each city about revenues and services

Staff recommendation: pending

DRAFT LEGISLATION

HB 449 – Pedestrian Safety and
Facilities Act Modifications
(Abbott)



- Provides flexibility for cities and counties to use B&C funds for bicyclist facilities

Staff recommendation: Support

Housing & Land Use



DRAFT LEGISLATION

HB 289– Property Rights
Ombudsman Amendments
(Birkeland)



Staff recommendation: Oppose

HB 289 adds **consequential damages** to for prevailing parties of land use disputes resolved in court if the decision is consistent with a Property Rights Ombudsman (PRO) opinion.

Property Rights Ombudsman Process (existing law)

- When a land use dispute arises, parties can request an opinion from the PRO.
- If parties disagree with the PRO opinion, they can still proceed to court.
- If the dispute is resolved consistently with the PRO's ruling, the prevailing party can collect reasonable attorneys fees.
- If the court finds that the municipality knowingly and intentionally violated the law governing the cause of action, awards a \$250/day fee.

DRAFT LEGISLATION

HB 237 – Land Use Authority
Amendments (Walter)

HB 188 - Building Permit Req'ts
(Walter)



- HB 237: City may not require an aesthetic feature unless the city defines it in their land use regulation
- TBD: Pending language about permits for tower crane use
- HB 188: after issuance of a building permit, a city may not change/add req'ts to the permit unless it is requested by the holder or is necessary to comply with an applicable state building code

*Staff recommendation: neutral on
188; pending on 237 and crane
language*

DRAFT LEGISLATION

SB 185 – Residential Building
Inspection Amendments (Vickers)



*Staff recommendation: Oppose as
drafted*

- Authorizes building permit holders to contract with 3rd party building inspectors to enforce state construction code.
- Requires local governments to accept approval from 3rd party building inspectors.

UTAH PARKING MODERNIZATION GUIDEBOOK

SEPTEMBER 2023

PREPARED BY

FEHR PEERS

**LELAND
CONSULTING
GROUP**



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Rumbling 1 (similar to HB 306)

Key Provisions:

- All residential areas shall allow 8 single family detached units to the acre SO LONG AS 6 units are deed restricted at some AMI

Board principles: *Oppose*

Fillmore Jan ideas

Key Provisions:

- Cities shall allow at least 8 units/acre (single family, townhomes, condos) in % of city's residential zones
- builders would access the zoning so long as they build % affordable, owner-occupied units
- limited "credit" for city's existing/plan housing
- Third party review of zoning

LPC slido 1/22: *concerned*

Rumbling 5

Key Provisions:

- facilitate small units/lots
 - parking, setback, open space
- MIHP reports/data
- tax increment zone, PTIF to facilitate first homes
 - infra \$, or
 - finance housing, or
 - buy down price
- Criteria for use:
 - builder targets: affordable, ownership
 - cities: plan for sufficient density

Staff rec: *deliberate w/ stakeholders*

DRAFT LEGISLATION

HB 306 – Residential Housing
Amendments (Ward)



Applies to cities in all first & second class counties and cities of 15k+ in third class counties

Cities have to allow 8 units to acre

Starter home = 5 year deed restriction to be owner-occupied; must be initially sold to first time buyer

~~Cities can only impose impact fees for roads, sewer, and fire protection~~

Staff recommendation: Oppose

DRAFT LEGISLATION

SB 168 – Housing Affordability
Amendments (Fillmore)



*Staff recommendation: Support as
drafted (more provisions to come)*

- Commission on Housing Affordable bill 1
- Goal: Affordable Home Ownership
 - Lower building costs, faster construction
- Built off-site
- Plan review - Offsite elements
- Inspected offsite by manufacturer
- Spot checked by third-party inspector
 - Licensed by the State of Utah as
 - Combination Inspector
- Transported to building site
- City inspects onsite elements
- Issues Certificate of Occupancy

This technology could help build more houses, faster. The Legislature wants to get involved.

Modular construction could boost Utah's housing supply.

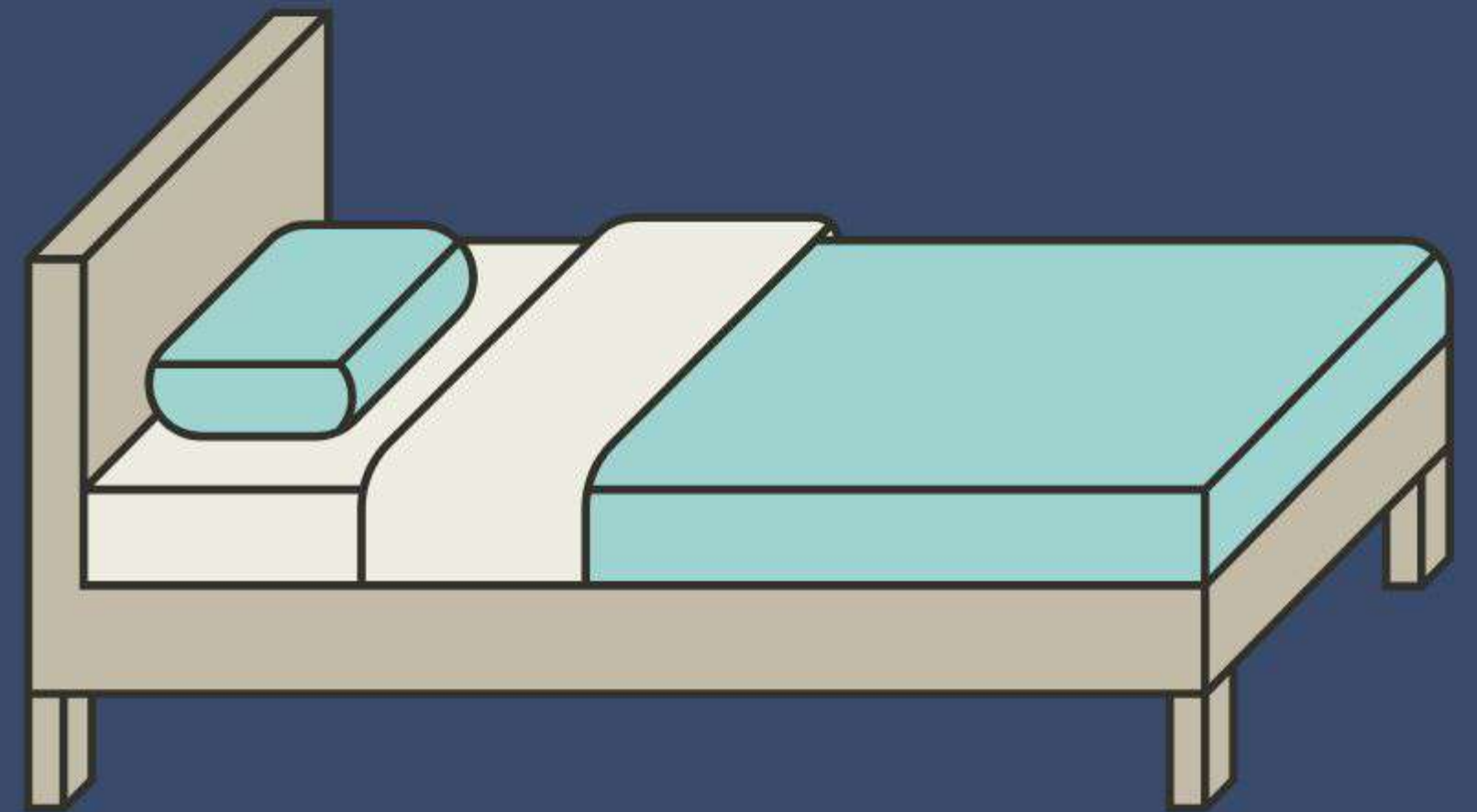
DRAFT LEGISLATION

Two HBs en route (Whyte)

- Commission on Housing Affordability bill 2
 - CHA/RDA flexibility, increased cap to 120% AMI for owner-occupancy
 - garages
 - SITLA
 - note: no State Infrastructure Bank language
- Land Use Task Force items
 - development agreements
 - landscaping req'ts
 - phasing of land use applications
 - rear setbacks
 - sidewalk assurance bonds
 - subdivisions clean up

Staff recommendation: support as drafted (more provisions to come)

Homelessness



DRAFT LEGISLATION

HB 298 – Homelessness
Services Amendments (Clancy)



*Staff recommendation: support
as drafted*

- 1. Reduces the State Homeless Council from 27 members to 9 & renames as the Homeless Service Board**
 - a. Reduces mayors from 5 seats to 2 seats
 - i. SLC mayor
 - ii. Mayor selected from the Shelter City Advisory Council
 - b. Executive Council has 1 of the 2 mayors

- 2. Creates the Shelter City Advisory Council**
 - a. Consists of mayors (or designees) from each Tier 1 & Tier 2 shelter city (10 total)
 - b. Appoint the one mayor to the Homeless Service Board
 - c. May make policy/program recs to Homeless Services Board

- 3. Code Blue Provisions**
 - a. Allows camp abatement
 - b. Building approval for publicly owned building

- 4. Requires increased data collection & reporting from OHS**

DRAFT LEGISLATION

HB 421 – Homelessness
Amendments (Eliaison)



*Staff recommendation: Neutral
as drafted*

- 1. Increases Code Blue from 15° to 18°**
 - a. Includes wind chill
- 2. Allows municipalities to implement their own emergency measures**
- 3. Requires municipalities to enforce pedestrian safety ordinances to qualify for the mitigation fund**
 - a. “Panhandling”
- 4. Rollover mitigation funds**
 - a. Allows for funds to be rolled over rather than have all the contracts redrawn
 - b. Funds will go to corresponding tiers.
- 5. Clarifies contribution offsets**
 - a. \$250 per qualifying bed per year

DRAFT LEGISLATION

SB 91 – Local Government
Officers Compensation
Amendments



- Requires a separate public hearing for the adoption of increased compensation schedules for municipal officers.
- The separate hearing must be noticed.
- Municipal officers statutorily include elected officials, treasurers, clerks, and other individuals as specified in local ordinance.

Staff recommendation: TBD

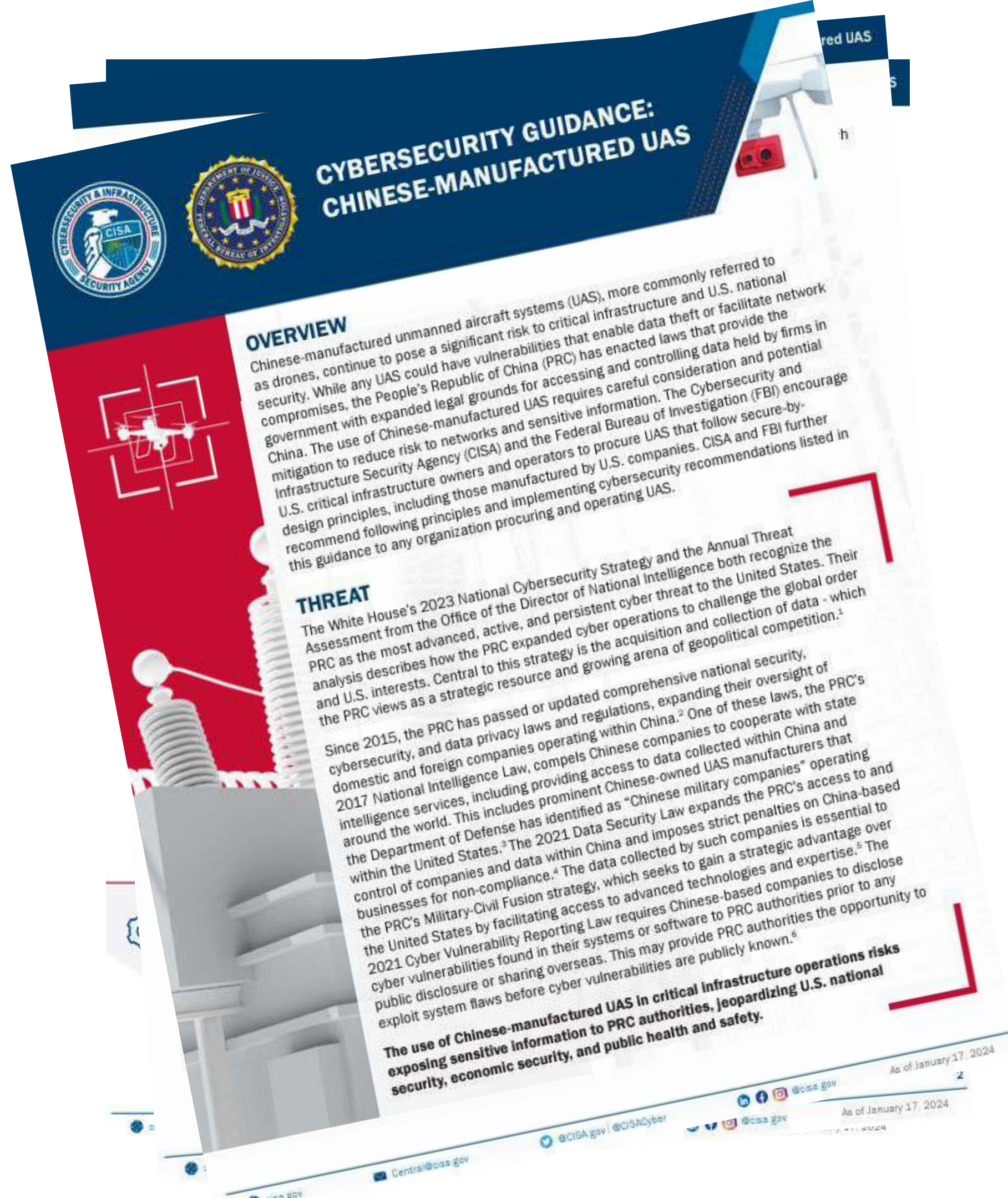
DRAFT LEGISLATION

SB 161 – Energy Security Amendments



- If an interlocal project entity (Intermountain Power Agency) decides to decommission an electrical generation facility, they must first:
 - Provide notice to the public service commission
 - determine fair market value of the facility, and
 - offer to sell the facility at fair market value.
- The bill also gives the state the option to purchase the facility if there are no private buyers for fair market values.
- Modifies the air quality permitting requirements for power plants, allowing the project entity to apply for an alternative permit.

Staff recommendation: Oppose



3 Areas of Concern:

- Data transfer and collection
- Patching & firmware vulnerability
- Broader data collection from peripheral devices

DRAFT LEGISLATION

SB 135 – Advanced Air Mobility
and Aeronautics Amendments



Staff recommendation: TBD

2nd Substitute Changes in Red

- Creates the regulatory process for “roadable aircrafts.”
- Requires a 500 ft airport hazard overlay to be adopted for municipalities approving a public vertiport.
- Clarifies that aircraft flight is lawful unless it is conducted in a way that is imminently dangerous to persons or properties.
- Allows highway authorities to lease navigable airspace above a highway.
- ~~No state funds may be used in connection with drones produced in a covered foreign entity (Russia or China)~~
- ~~Public entities may not operate drones produced in covered foreign entities after 2028.~~
- **Public entities cannot use drones produced in covered foreign entities to inspect critical infrastructure facilities**
 - refinery, chemical manufacturing facility, LNG storage, telecom distribution facility, cell towers, railroad, steel facility, grain mill, water storage, pumping, and treatment station, electrical powerplant/substation, powerlines,

DRAFT LEGISLATION

SB 28 1st sub – Scenic Byway
Program Amendments (Harper)



Staff recommendation: neutral

- Modifies process for designating a state scenic byway
- ~~Restructures Utah Scenic Byway Committee:~~
 - ~~at least 5 members, at least 2 of which are local (40% local gov't)~~
 - ~~1 rep. appointed by the Office of Tourism~~
 - ~~1 rep. appointed by the UDOT~~
 - ~~1+ rep. from the counties with the proposed scenic byway~~
 - ~~1 rep. appointed by ULCT~~
 - ~~1 rep. appointed by outdoor advertising industry~~
- ~~Current Scenic Byway Committee:~~
 - ~~13 members, 3 of which are local (23% local gov't)~~
- Maintains the current Utah Scenic Byway Committee (13 members, 3 of which are local, no industry reps)
- Legislature would give final approval to recommendations from the committee for scenic byway designations

CONVERSATIONS

& NEGOTIATIONS

Data Privacy

- 1/22/2024 State Privacy Officer Report
 - 34% of the 1600+ governmental entities had a compliant formalized privacy policy statement (UCA 63D-2-103).
 - Privacy policies must have
 - Contact info of website operator, summary of PII used, how PII is collected, sharing practices, access/correction procedures, and security measures.
- Rumored bill dealing with AI and government data governance
- Stay tuned for more information...

CONVERSATIONS





& NEGOTIATIONS

Religion in the public workplace

- HB 396
- HB 460
- SB 150

POTENTIAL ACTION ALERT

- a) HB 289 - Property Rights Ombudsman Amendments (House floor - vote nay)
- b) SB 172 - Protection Areas Revisions (Senate GOP, Senate Committee - vote nay)
- c) SB 91 - Local Government Officers Compensation Amendments (House Comm, vote nay)
- d) SB 168 - Housing Affordability Amendments (Sen Comm, vote aye)
- e) HB 367 - Local Government Fees Modifications
(House comm, vote aye)

 Hot	Oppose
 Work	Support
 Watch	Position Pending
 Monitor	Neutral

Bill

Tracker

Ratify Positions

IMPORTANT DATES



Legislative Policy Committee:

- February 12th *(hybrid)*
- February 20th *(hybrid)*
- February 26th *(hybrid)*

**MIDYEAR
CONFERENCE INFO**

ST. GEORGE | APRIL 17-19



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Daily Legislative Recap**

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Towns**

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Questions?

