

# U & CT

## MIDYEAR CONFERENCE INFO

ST. GEORGE | APRIL 17-19



# Legislative Policy Committee

January 29, 2024



## AGENDA:

1. **Water & Natural Resources**
2. **Infrastructure Funding**
3. **Homelessness**
4. **Transportation**
5. **Elections**
6. **Housing & Land Use**
7. **Other Topics**
8. **Aggregate Fiscal Impact**
9. **Ratify Positions**

## REMINDERS:

- Make sure you are signed up for daily updates and Friday Facts
- Make sure you have your legislators contact information and contact them as needed

## UPCOMING MEETINGS:

### **Legislative Policy Committee:**

- February 5th @ 12 PM *(hybrid)*
- February 12th @ 12 PM *(hybrid)*
- February 20th @ 12 PM *(hybrid)*
- February 26th @ 12 PM *(hybrid)*

# Infrastructure



# DRAFT LEGISLATION

HB 280 – Water Related  
Changes (Snider)



*Staff recommendation: TBD*

- Beginning July 1, 2027, the Board of Water Resources shall assess an annual fee on a retail water supplier as a condition of the retail water supplier providing water to an end user.
- The board shall calculate the amount of the annual fee assessed by:
  - determining the amount of money committed to fund prioritized water infrastructure projects in fiscal year 2026; and
  - calculating the proportional share of the amount for each retail water supplier based on the amount of water the retail water supplier supplies to an end user.
- The board shall deposit money collected from the fee into the Water Infrastructure Fund.



# DRAFT LEGISLATION

**HB 13 – Infrastructure  
Financing Districts (Dunnigan)**



- New form of special service district
- Initiated via petition with consent of 100% surface property owners
- Governed by an appointed board of trustees or elected body
- .0004 property tax levee (same as mosquito abatement district, cemetery district, etc.)
- Property tax cannot be used to repay bonds
- Bonds are repaid with an assessment.
- Debt must be repaid prior to issuance of C/O
- District is dissolved within 180 days of debt being repaid
- No eminent domain authority

*Staff recommendation: TBD*

# DRAFT LEGISLATION

SB 86 – Local Government  
Bonds Amendments (Fillmore)



*Staff recommendation: Oppose  
but waiting on another draft*

- Prohibits local government entities from issuing lease revenue bonds unless:
  - The bond is issued to pay for correctional facilities construction, reconstruction, or remodeling; OR
  - The total amount of the bond is less than \$10m (for local governments other than school districts); OR
  - The total amount is less than \$30m (for school districts).

# DRAFT LEGISLATION

SB 86 – Local Government  
Bonds Amendments (Fillmore)



*Staff recommendation: Oppose  
but waiting on another draft*

## NEW PROPOSAL

- Prohibits local government entities from issuing lease revenue bonds unless:
  - The total amount of the bond is less than **\$90m** (tied to Producer Price Index)
  - Can only issue one LRB in a 12 month period



# 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*

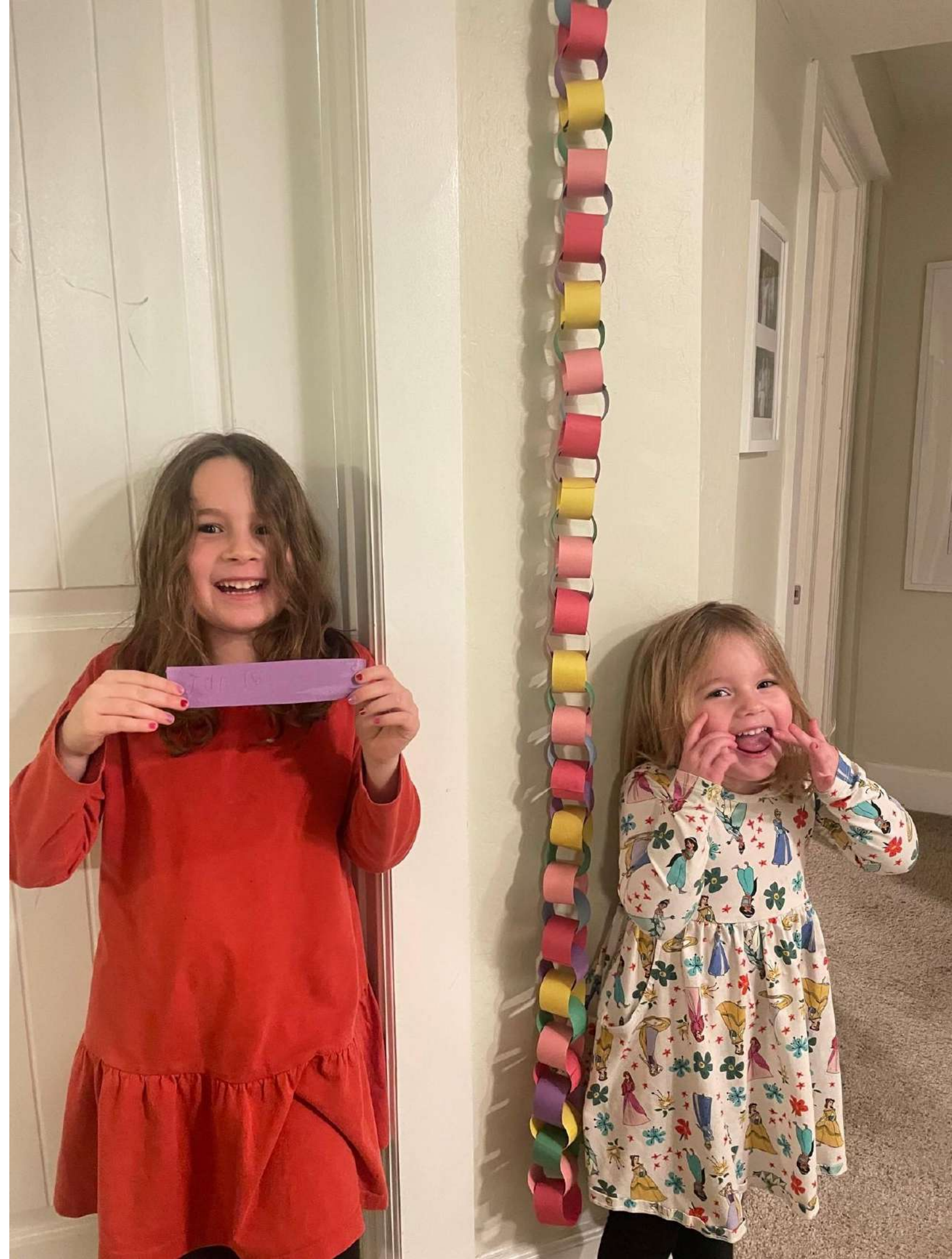
- 3) Make process “doable, but not easy”
  - a) *do study, reasonable calculation of need*
  - b) *reasonable relationship for fee & user*
  - c) *have different rates for different users*
  - d) *provide enhanced notice*
  - e) *separate vote*
  - f) *10 year sunset, renewal process*

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

# Housing & Land Use







UTAH LEAGUE OF  
CITIES AND TOWNS

# DRAFT LEGISLATION

HB 289– Property Rights  
Ombudsman Amendments  
(Birkeland)



Staff recommendation: Oppose  
UCOLA??!!

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 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*

# Modular Housing

- 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.





# First Homes Initiative

## Governor Cox's objectives:

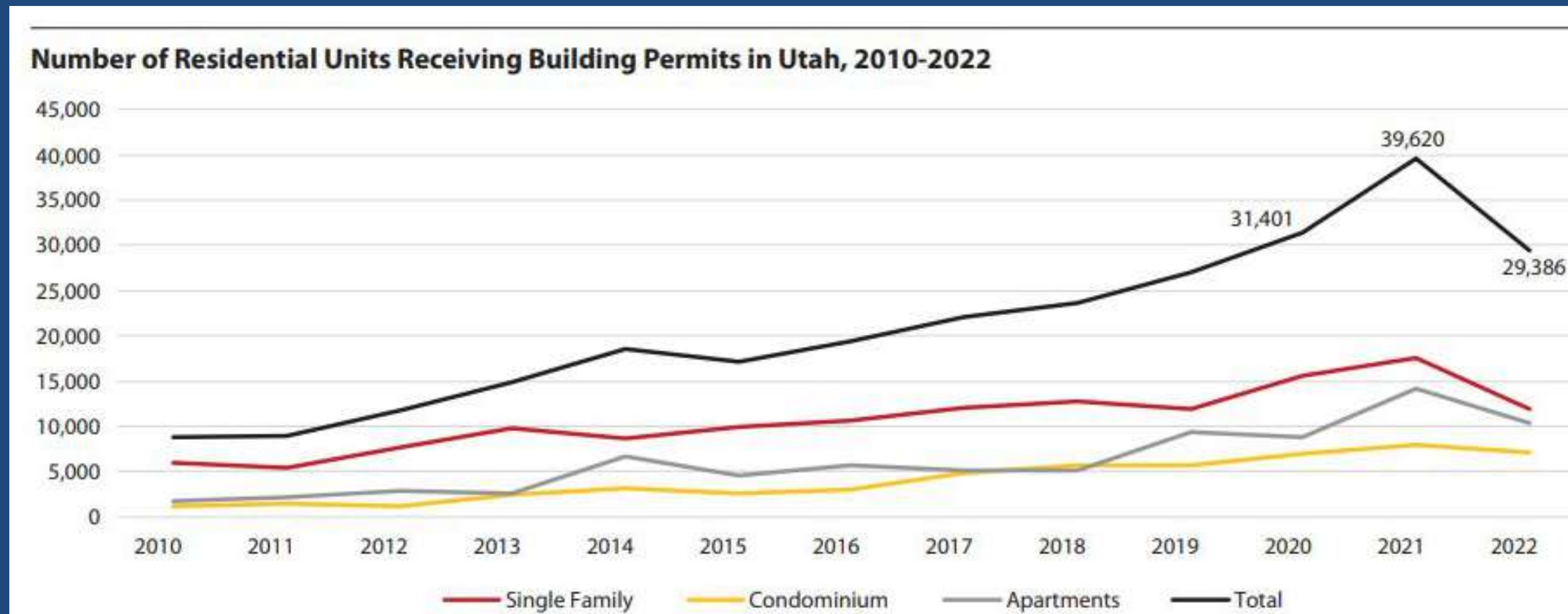
- 35,000 "first homes" in 5 years
- Owner-occupied
- Affordable

## ULCT Board (Jan 17):

- If cities stretch on zoning, then private sector must stretch to facilitate affordable ownership
- Opposed to state mandated "by right" zoning
- Uncomfortable with all of the proposals as of that date

## Data points:

- 28k annual units, pop. growth
- 2023/24 permits are **very low**
- acknowledges our 190,000





# First home data

What does “affordable home ownership” mean?

Well...

- 1) Based on area median income (AMI), and/or
- 2) Median price in area, and/or
- 3) First time home buyers, and/or
- 4) Small units/small lots, and/or
- 5) Subsidized market rate units, and/or
- 6) Owner-occupied
  - a) (no investors, long-term, or short-term rentals)

County	From Income		From Existing Price	2023 Med Sales Price
	Price_120AMI*	Price_80AMI*	Starter Home Price (@80% of Median)	
Beaver County	\$449,000	\$277,000	\$216,000	\$270,000
Box Elder County	\$393,000	\$233,000	\$328,000	\$410,000
Cache County	\$367,000	\$215,000	\$336,000	\$420,000
Carbon County	\$322,000	\$190,000	\$184,000	\$230,000
Daggett County	\$503,000	\$310,000	\$224,000	\$280,000
Davis County	\$503,000	\$302,000	\$400,000	\$500,000
Duchesne County	\$369,000	\$220,000	\$238,600	\$298,250
Emery County	\$380,000	\$230,000	\$184,800	\$231,000
Garfield County	\$351,000	\$212,000	\$280,400	\$350,500
Grand County	\$333,000	\$192,000	\$416,000	\$520,000
Iron County	\$339,000	\$200,000	\$292,000	\$365,000
Juab County	\$488,000	\$296,000	\$331,200	\$414,000
Kane County	\$391,000	\$236,000	\$334,920	\$418,650
Millard County	\$374,000	\$225,000	\$244,000	\$305,000
Morgan County	\$493,000	\$292,000	\$555,200	\$694,000
Piute County	\$236,000	\$135,000	\$270,000	\$337,500
Rich County	\$389,000	\$237,000	\$426,400	\$533,000
Salt Lake County	\$463,000	\$272,000	\$408,000	\$510,000
San Juan County	\$295,000	\$172,000	\$266,800	\$333,500
Sanpete County	\$348,000	\$205,000	\$288,000	\$360,000
Sevier County	\$349,000	\$207,000	\$236,000	\$295,000
Summit County	\$679,000	\$412,000	\$1,104,000	\$1,380,000
Tooele County	\$493,000	\$297,000	\$352,000	\$440,000
Uintah County	\$394,000	\$238,000	\$247,200	\$309,000
Utah County	\$481,000	\$289,000	\$387,712	\$484,640
Wasatch County	\$540,000	\$320,000	\$773,096	\$966,370
Washington County	\$405,000	\$241,000	\$402,000	\$502,500
Wayne County	\$350,000	\$209,000	\$296,000	\$370,000
Weber County	\$504,000	\$303,000	\$331,200	\$414,000



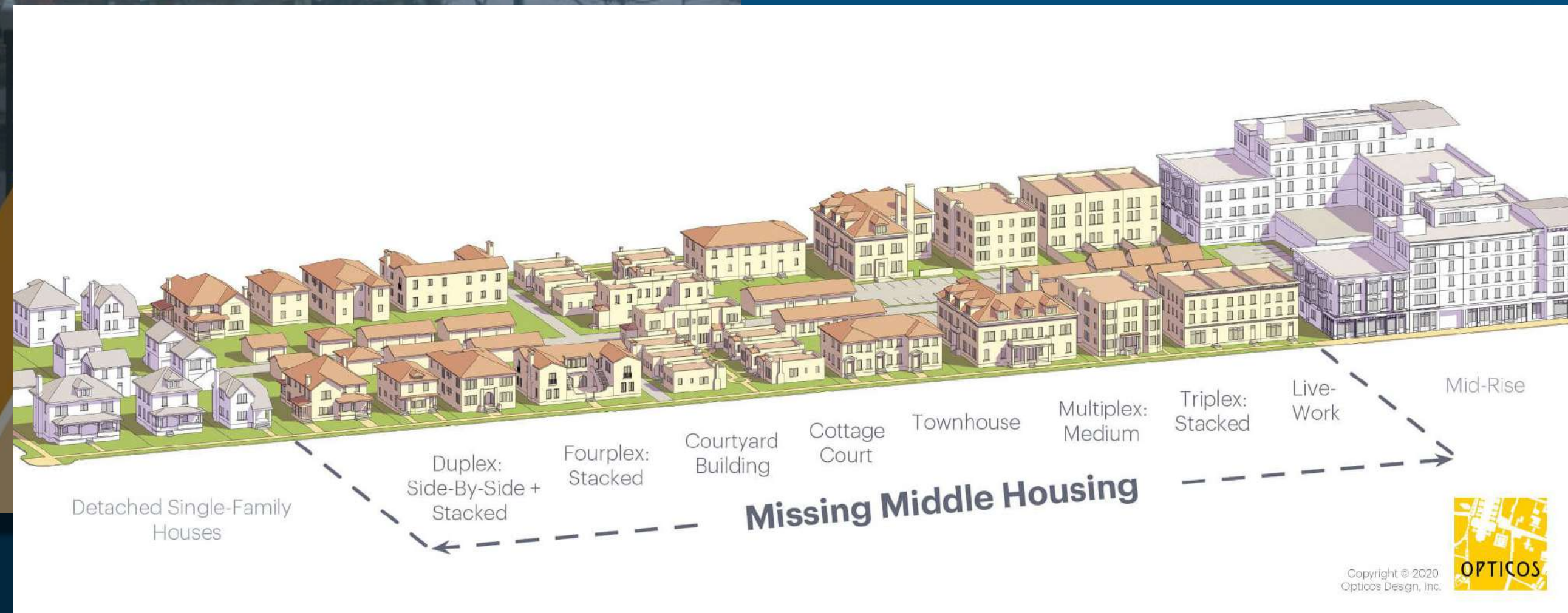
# UTAH PARKING MODERNIZATION GUIDEBOOK

SEPTEMBER 2023

PREPARED BY

FEHR PEERS

LELAND  
CONSULTING  
GROUP





## 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 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 TBD

### Key Provisions:

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

**Staff rec:** *deliberate w/ stakeholders*

# Parking regs: tandem

## Benefits:

- smaller footprint
- smaller housing unit
- meets covered parking req't
- smaller size drives toward affordability

## Challenges:

- inconvenience for residents
- spillover onto public roads (road width, SB174)
- landlord/renter
- some cities count tandem as 2 spots, some cities don't ... which makes it more difficult to fit the smaller units

*Potential legislation around tandem parking to facilitate owner-occupied small units on small lots*



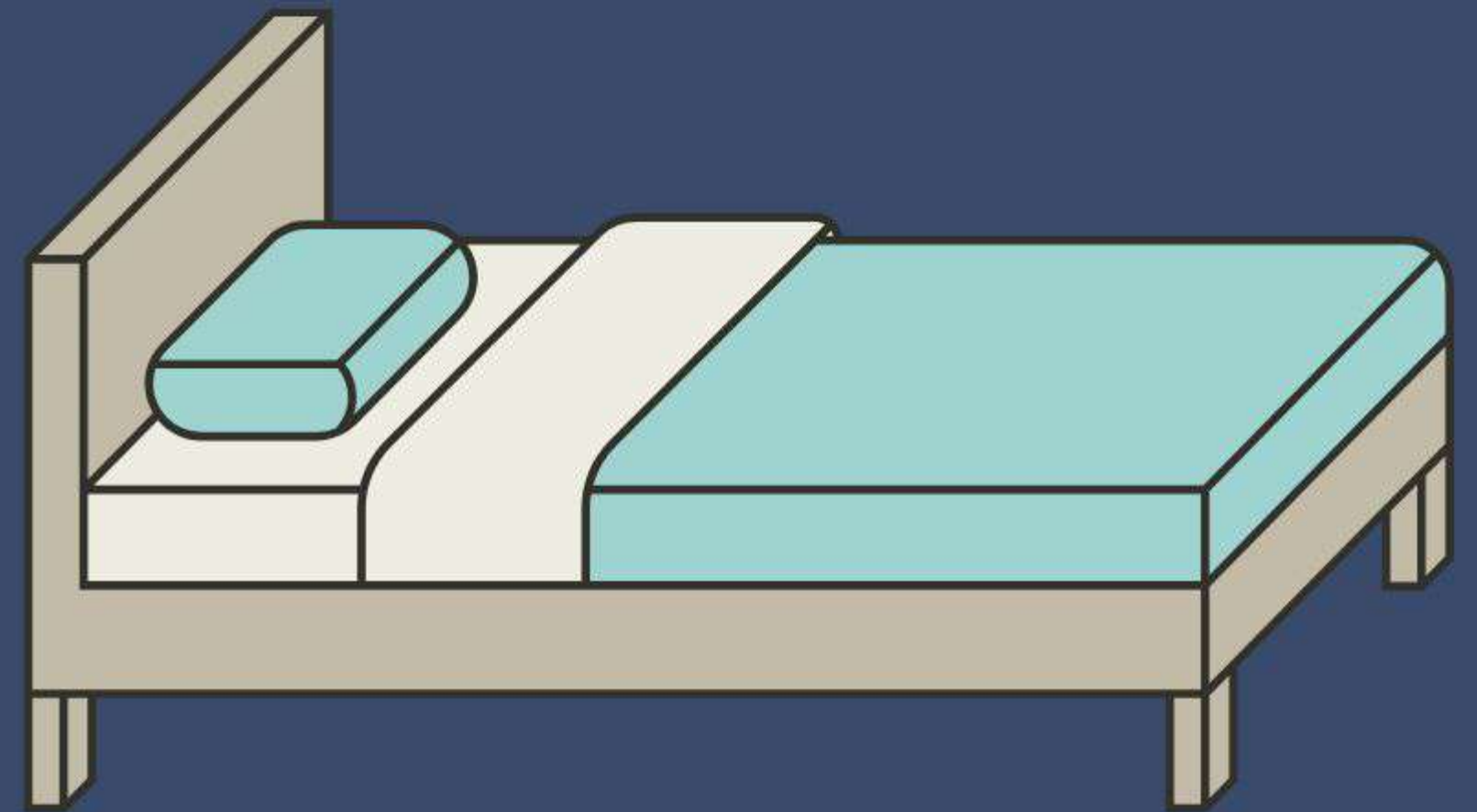
## BLDG. 2

Santa Monica: Total finished sq. ft.: 2,249 | Bedrooms: 3 | Bathrooms: 2 1/2  
Balboa: Total finished sq. ft.: 1,655 | Bedrooms: 2 | Bathrooms: 2 1/2





# Homelessness



# CONVERSATIONS

# & NEGOTIATIONS

## HB 298 Political Landscape

- Last week, LPC voted to oppose HB 298 as it was originally drafted. The original version removed all municipal officials from the State Homeless Council, removed buffers around shelters, and other key provisions.
- Since last Monday, ULCT staff has been in negotiations with Rep. Clancy. He has been amenable to addressing ULCT concerns.
- The new sub will focus on governance exclusively, not code blue or winter response plans.
- The State Homeless Council is being reduced from 27 members (5 of which were local mayors) but... cities will still have representation
- We believe that the bill must pass for major homelessness appropriations to be considered

# DRAFT LEGISLATION

**HB 298– Homelessness  
Services Amendments 1st  
Substitute (Clancy)**



Reduces the State Homeless Council from 27 members & renames as the Homeless Service Board

- Reduces mayors from 5 seats to 3 seats
  - SLC mayor (or designee)
  - Mayor (or designee) from Weber, Davis, Salt Lake, Utah County
  - Mayor (or designee) from outside of Weber, Davis, SL, Utah County
- Executive Council has 1 of the 3 mayors

Creates the Shelter City Advisory Council

- Consists of mayors (or designees) from each Tier 1 & Tier 2 shelter city (10 total)
- Appoint the two mayors to the Homeless Service Board
- May make policy/program recs to Homeless Services Board

Requires increased data collection and reporting from OHS

*Staff recommendation: Support*



# ULCT Board Principles when Addressing Homelessness

(bold + italics = what HB 298 affects)

## 1. New Legislation & Long Term Solutions

- a. *Establish whether our efforts are solving homelessness and/or mitigating impacts*
- b. *All stakeholders (Office of Homeless Services, service providers, local gov'ts, public safety, residents, individuals experiencing homelessness, etc.) must agree on the short-term and long-term goalposts*
- c. Balance community public safety (e.g. geographic buffers between sensitive community locations and high-impact facilities, metrics) with homeless individuals' needs and service provider needs and outcomes
- d. Recognize the possible need for more facilities (which may include permanent supportive housing, overflow facilities, homeless resource centers, regulated camping, or other needs)

# ULCT Board Principles when Addressing Homelessness

(bold + italics = what HB 298 affects)

## 2. The Role of Cities

- a. *Homelessness is a statewide problem and the State of Utah and all regions should participate in solutions, particularly urban areas.*
- b. *Collaborate with OHS to establish metrics about public safety mitigation, permanent supportive housing locations, and other relevant data points among jurisdictions to fairly analyze outcomes in various jurisdictions.*
- c. Collaborate with OHS to provide incentives for jurisdictions to participate in long-term solutions.

# ULCT Board Principles when Addressing Homelessness

(**bold + italics** = what HB 298 affects)

## 3. Shelter City Mitigation Fund

- a. The Mitigation Fund should not subsidize operations of facilities. Public safety mitigation and operations should be funded independently of each other.
- b. Cities with homeless resource centers (or equivalents) should be reimbursed for most of their direct and indirect public safety costs, as identified by key metrics.
- c. The Mitigation Fund should include state and local dollars and should increase as necessary to meet needs, preferably with new revenue options to do so.



# DRAFT LEGISLATION

SB37 – Municipal and Special  
District Election Amendments  
(Buxton)



*Staff recommendation: TBD*

## *Current Proposal*

- Puts counties in charge of all election - processing all ballots
- Candidates can still declare with municipality
- Municipality still canvasses results
- Municipality can opt out if notice given to county by May 1 of even-numbered year

LPC was neutral on this proposal during the interim

# DRAFT LEGISLATION

SB37 – Municipal and Special  
District Election Amendments  
(Buxton)

## *New Proposal*

- Puts counties in charge of all election - processing all ballots
- Candidates can still declare with municipality
- Municipality can still certify results
- No option for municipality to opt-out

*Staff recommendation: TBD*

# 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...





# Transportation









# DRAFT LEGISLATION

## SB 28 – Scenic Byway Program Amendments (Harper)



*Staff recommendation: TBD*

- 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)
- Legislature would give final approval to recommendations from the committee for scenic byway designations

 Hot	Oppose
 Work	Support
 Watch	Position Pending
 Monitor	Neutral

# Bill

# Tracker

*Ratify Positions*





# *In loving memory of* **Gary Whatcott**

**1977** began public service as a volunteer firefighter in West Jordan

**1978** became a police officer in West Jordan

**1991** became South Jordan's first full-time firefighter

**1993** became South Jordan's first Fire Chief

**2003** moved to city administration in South Jordan

**2006** became Assistant City Manager in South Jordan

**2014** became City Manager of South Jordan

**2022** started at ULCT as an advisor for the Local Administrator Advisor Program

# IMPORTANT DATES



## Legislative Policy Committee:

- February 5th *hybrid*
- February 12th *hybrid*
- February 20th *hybrid*
- February 26th *hybrid*

**MIDYEAR  
CONFERENCE INFO**

ST. GEORGE | APRIL 17-19



# Stay connected



**Sign up for Friday Facts &  
Daily Legislative Recap**

**Facebook:**

**Utah League of Cities and  
Towns**

**X:**

**@ULCTcitycafe**





# Contact ULCT

**Cameron Diehl,  
Executive Director**

 [cdiehl@ulct.org](mailto:cdiehl@ulct.org)

**Justin Lee,  
Deputy Director**

 [jlee@ulct.org](mailto:jlee@ulct.org)

**Karson Eilers,  
Policy Director**

 [keilers@ulct.org](mailto:keilers@ulct.org)

# Questions?

