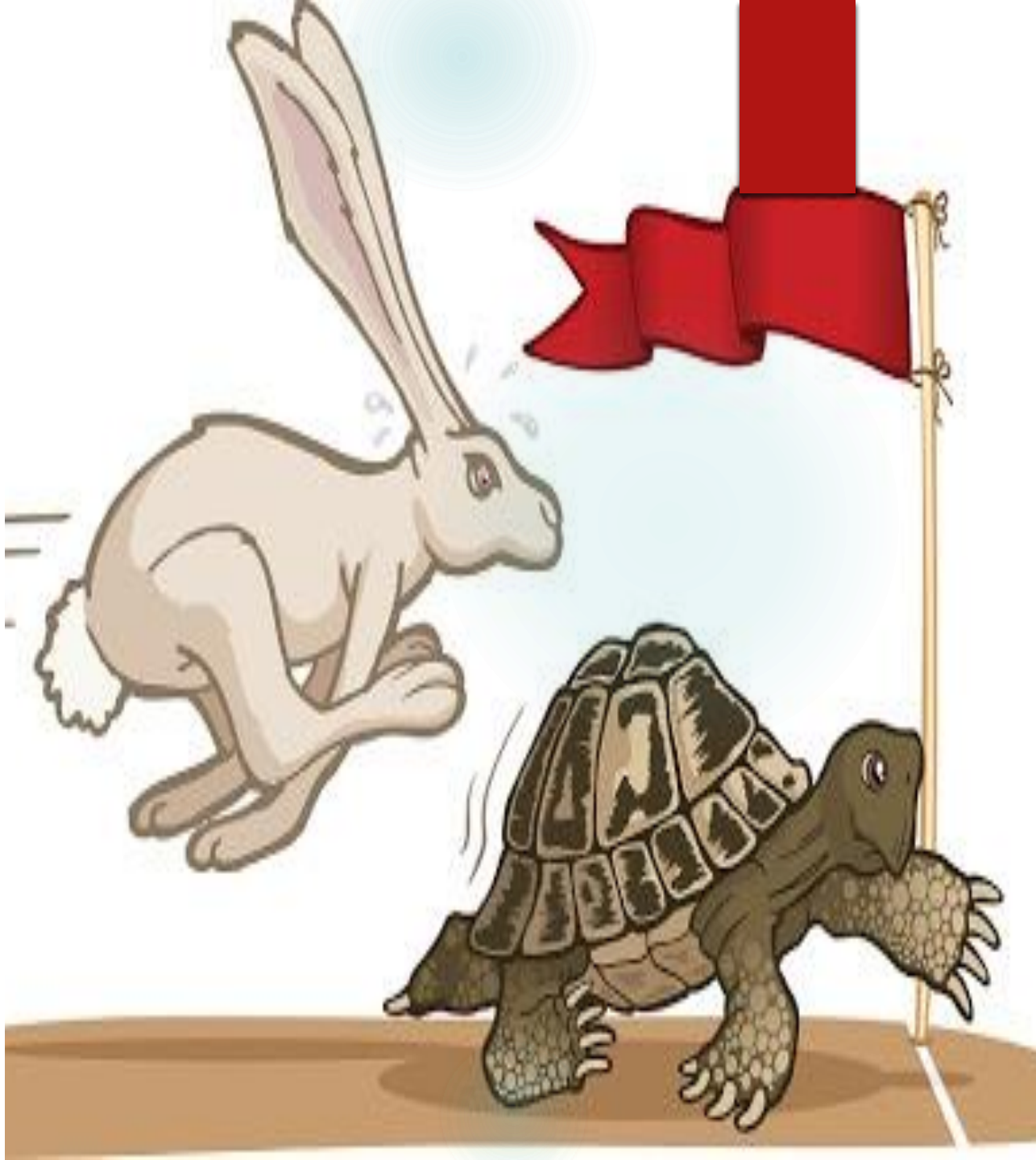
April 14, 2020

2020 Legislative Update

APA UT

UTAH LEAGUE OF CITIES AND TOWNS



LAND USE ADMINISTRATION

HB388 – Land Use Development & Management Revisions

- Modifies definitions of utility and public easements, enumerates powers and rights for each
- Makes more explicit powers and duties of PC
- Land use application submitted under county jurisdiction has right to proceed if annexed
- Plats voidable only by land use authority
- Makes consistent allowing up to 10 lots without plat
- Makes all changes to plats “subdivision amendments”
- Limits rights of appeal for “adversely affected parties”

HB374 – Building Regulation Amendments

- League to submit report by October plan check and building inspection time frames, problems

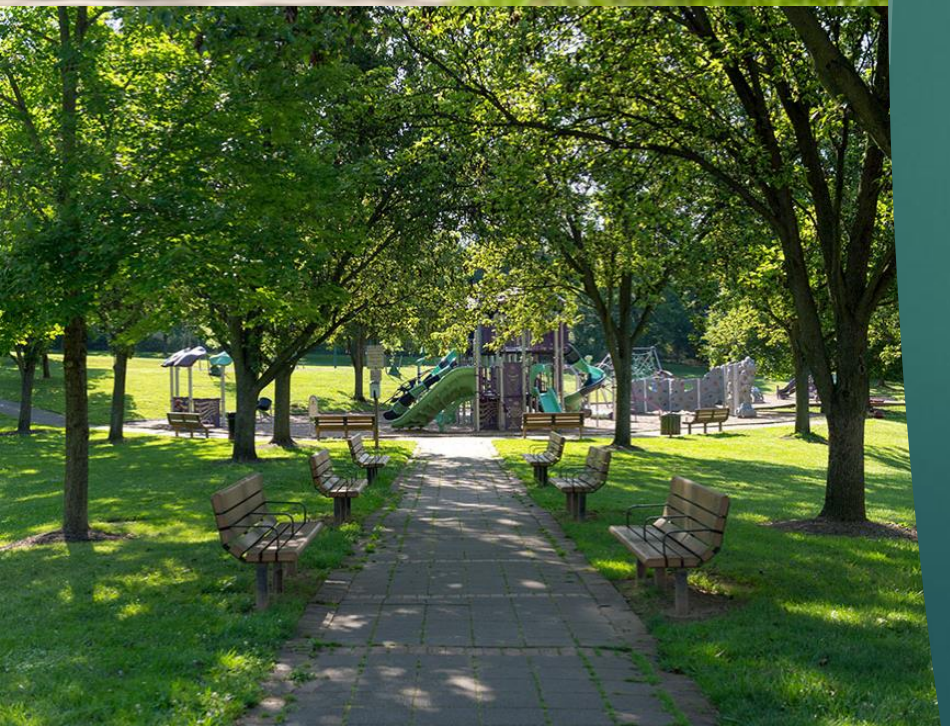
- For MIHP, includes strategy option to reduce building design elements for single-family homes

November 14, 2019 Department of Commerce announces new Director to Office of Property Rights Ombudsman Jordan S. Cullimore appointed as Director of the Office of Property Rights Ombudsman

HB273 – Property Rights Ombudsman Amendments

- In court cases relating to issued advisory opinion, prevailing party may collect damages of $250/day

- Must show "party knowingly and intentionally violated law"



HB198 – Eminent Domain Limitations

- Prohibits use for parks, trails

HB226 – Storm Water Permitting Amendments

- Provides process for reduced storm water requirements for “low impact development

HB297 – Yurt Amendments

- Defines “remote yurts”
- Exempt from construction and fire codes, may be local ordinance exceptions

HB202 – Local Government Nuisance Ordinance Reform

- Applies to pets and use of residence
- Criminal penalty only under specified conditions
- Does not apply to building or fire codes

HB306 – Planning Commission Amendments

- Provides for dissolution of planning advisory area PCs – Counties Only

Housing

SB39 – Affordable Housing Amendments

- Allocates $10M to Olene Walker Housing Loan fund for creation and preservation of affordable housing

-$5M appropriation to be used as private activity bond gap financing

-Allows for the transfer of Low Income Housing Tax Credits (LIHTC) from corporation to individual or vice versa

-Community can contribute 20% housing set-aside to targeted housing along or near a Major Transit Investment Corridor per an Interlocal Agreement

SB122 – Housing Loss Mitigation Amendments

- Requires UDOT to report number of MIH units lost in previous year to UDOT actions

- Commission on Housing Affordability, in consultation with local govs, to then recommend how to address those losses

ANNEXATION

HB305 – Urban Development Amendments

- Applies existing provision for noticing cities of proposed development in unincorporated areas to first class county
- Defines “expansion area urban development” for first class county

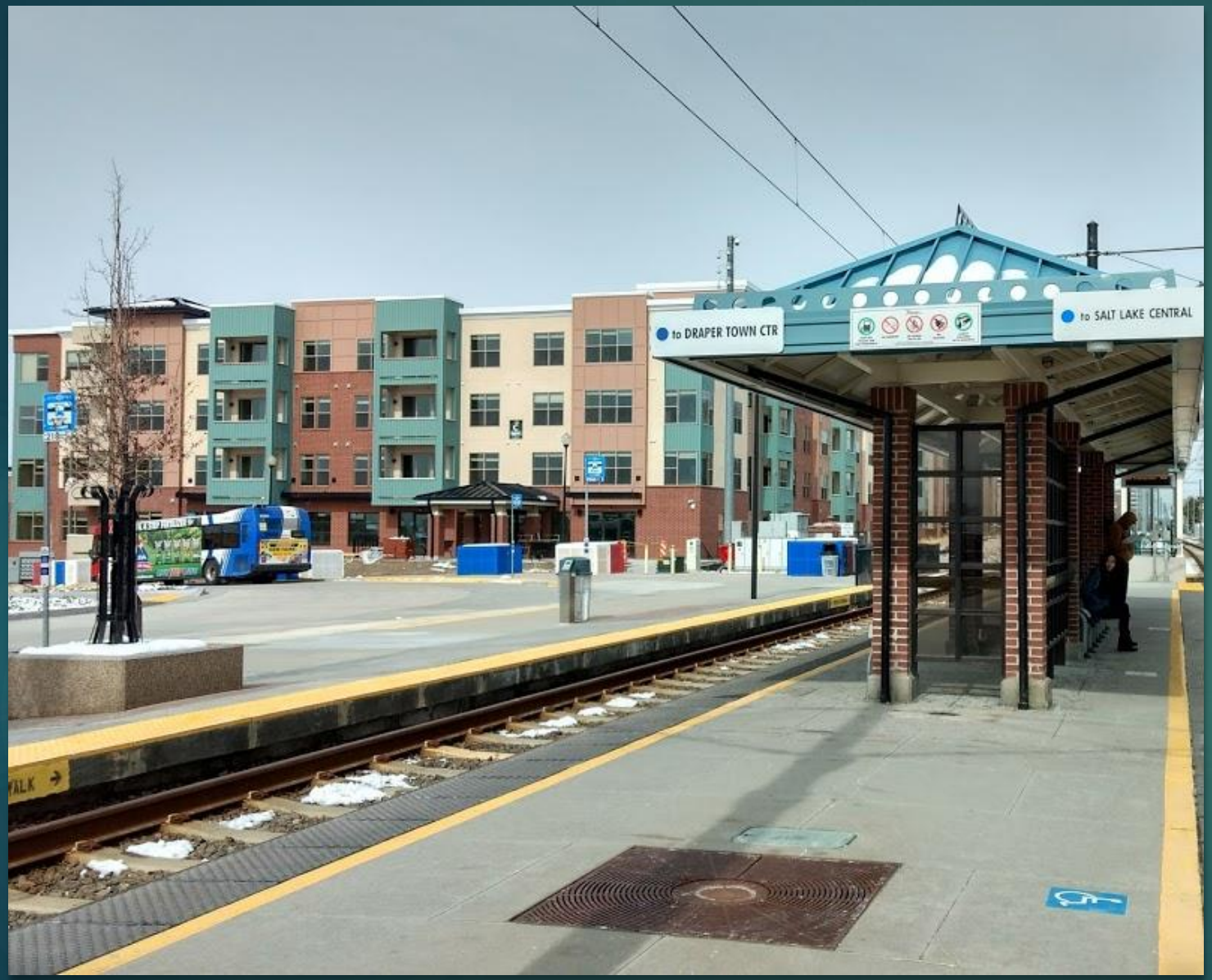
HB359 – Municipal Annexation Revisions

- Allows cities in all counties other than first class to annex without petition if primary purpose is to provide municipal services, and:
  - Area is in declared expansion area
  - County governing body consents
  - Other municipalities with expansion area agree

HB393 – Municipal Annexation Amendments

- Extends to all other counties the provision that areas proposed for incorporation cannot be included in subsequent annexation petition

OTHER TOPICS

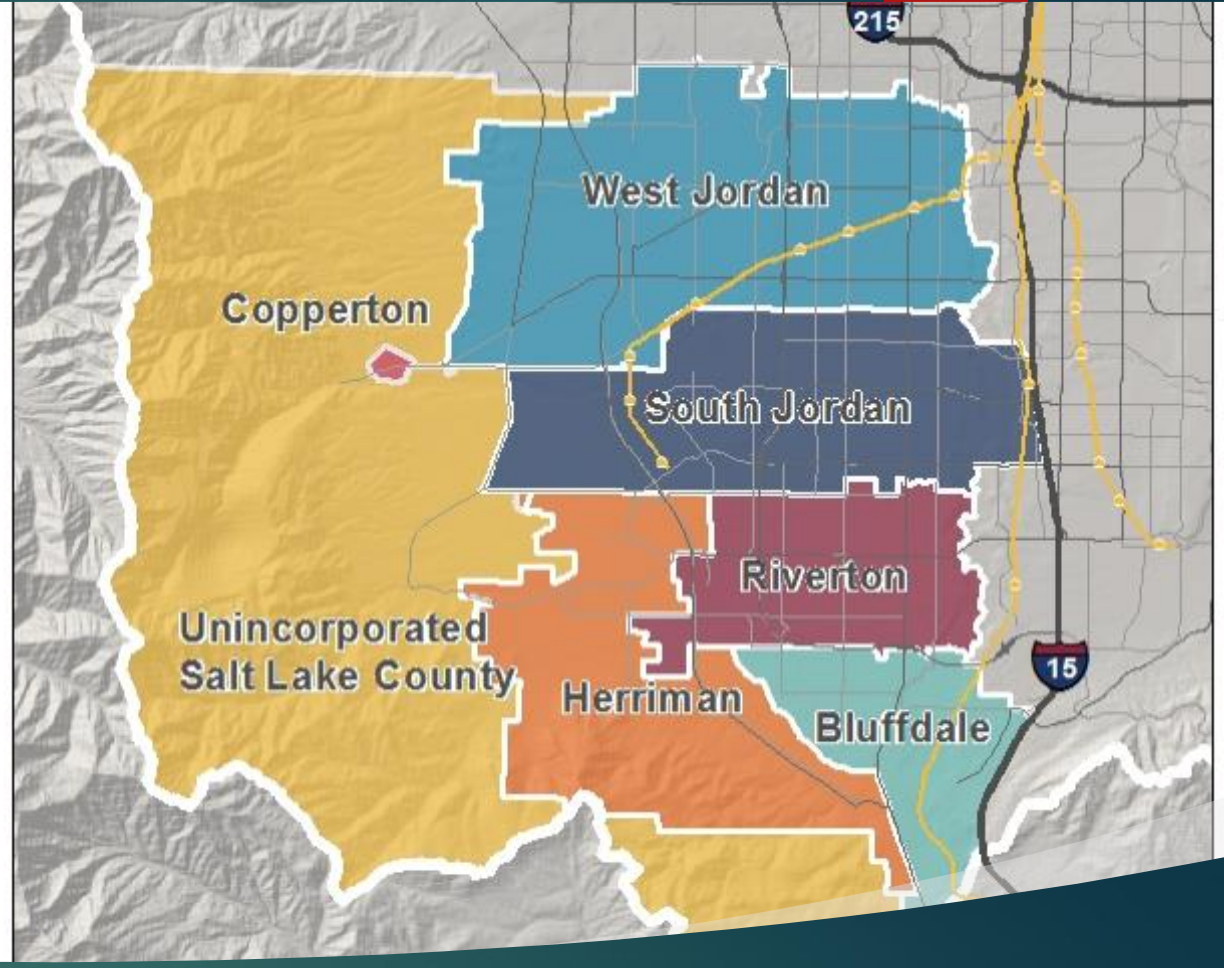


SB150 – Transportation Governance & Funding Amendments

- Eliminates cap on UTA TOD project numbers
- Ties MIH plans & new station area planning requirements to TOD sites
- Transportation Commission to give priority to TOD supportive projects & TRZ projects

SB95 – Economic Development Amendments

- Rural economic development grant program
- Requires rural counties to set up advisory board to participate



SB115 – Bonding Amendments

- UDOT to study connectivity in SW SL County, connections to U-111

- Allows SIB to fund construction of parking structures, and use funds for local government "economic initiatives"

HB347 – Inland Port Modifications

- Makes a number of changes sought by SLC, technical changes

- Eliminates separate land use appeals process – Port only

SB112 – Inland Port Amendments

- Requires Authority to establish Community Enhancement program for adjacent communities

SB158 – Urban Renewal Project Area Amendments

- Specific to Geneva site, extends time period for use of project area funds

SB169 – Transportation Utility Fee Amendments

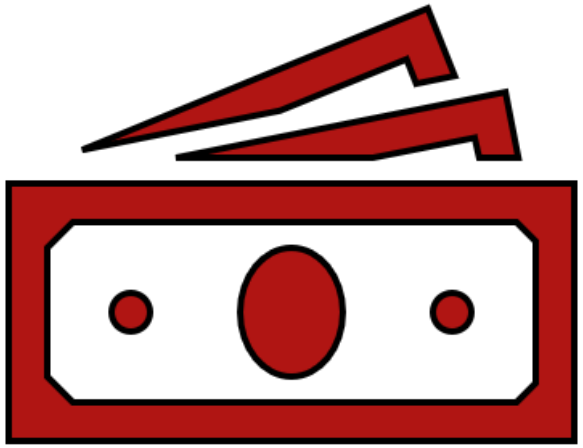
- Eliminates words “or tax” in definition of TUF

SCR6 – Concurrent Resolution for Study of Local Option Sales Tax

- UAC and ULCT to provide legislature with data on impact of e-commerce on local option sales and use taxes

BILLS NOT PASSED

- HB133 – Trail Improvement Amendments
- HB236 – Safe School Route Evaluations
- HB261 – Eminent Domain Revisions
- HB299 – Opportunity Zone Enhancements
- HB480 – Water Source Protection Zone Amendments
- SB92 – Statewide Comprehensive Rail Plan
- SB106 – Agricultural Amendments
- SB108 – State Infrastructure Bank Amendments
- SB163 – Community Reinvestment Agency Amendment
- SB176 – Sign Relocating Amendments
- SB181 – Local Referenda Amendments



Planning Money

-Technical Planning Assistance through UDOT $1M

-Front Runner strategic business plan - $1.6M

-POM environmental analysis for transit - $1M

-Cottonwood Canyon congestion mitigation - $50K

-Wasatch Front Regional Council Transportation and Land Use Connection Program -$1.75M (existing, ongoing funds)

Gov. Gary Herbert, in an early March interview, said all stakeholders need to "sit around a table" to find creative solutions.

"We're going to try, post-legislative session, to get together with developers, Realtors, builders" and cities to pinpoint the biggest issues, whether it be zoning issues or whatever else, Hebert said, to find out how to respond to the "market demand" of affordable housing.

Then the Pandemic took front stage
What will the New Normal Be?

Thank You & Stay Well

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