



**STAFF REPORT: DRAFT 2022 MODERATE INCOME HOUSING PLAN AMENDMENTS FOR
UNINCORPORATED SALT LAKE COUNTY**

PUBLIC BODY: Salt Lake County Council

LOCATION: All areas within Unincorporated Salt Lake County

PLANNER: Kayla Mauldin, Senior Long Range Planner (KMauldin@msd.utah.gov)

MEETING DATE: September 20th, 2022 (Public Hearing Date)

REQUEST: Staff recommends adoption of the Moderate Income Housing Plan Amendments as written, or with revisions as applicable following the public hearing.

SUMMARY

During the legislative session this year, the State approved HB 462, which made updates to SB34 (2019). HB 462 *Housing Affordability Amendments* made significant changes to the process and requirements for community moderate-income housing plans regarding both implementation and annual reporting on how the community fulfills its housing plan goals. The legislative changes necessitate an amendment to the County's Moderate Income Housing Plan for Unincorporated Salt Lake County, which was initially adopted in 2019.

As a part of the amendment process, MSD Planning Staff updated demographic and housing data, reviewed and made minor changes to the County's selected Moderate Income Housing strategies (based on public engagement and input from County personnel), and added an implementation plan for the selected strategies.

Public hearings for the drafted 2022 Moderate Income Housing Plan, which replaces the 2019 Plan, were held on August 24th (Salt Lake County Planning Commission) and September 1st (Mountainous Planning District Planning Commission). Both Planning Commissions gave a positive recommendation, with revisions including:

- Clean-up of formatting and any typos;
- Inclusion of language on household energy costs / energy-efficient housing; and
- Modification of included metrics to be more measurable.

An additional public hearing must be held by the Council before the Council may adopt the Plan. The amended 2022 Moderate Income Housing Plan must be adopted by October 1st, 2022, to comply with State Code.

The amended Moderate Income Housing Plan for Unincorporated Salt Lake County selects five (5) strategies from the list of options provided by the State. The proposed strategies include:

- B. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of Moderate Income Housing.
- E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
- F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers
- O. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, [...] or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.
- V. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single family residential dwellings and located in walkable communities within residential or mixed-use zones.

These strategies vary slightly from those initially adopted in the 2019 Plan. As a general rule of thumb, staff coordinated with various departments to select the strategies that had the greatest implementation feasibility and the most support from previously adopted plans and community engagement results.

In addition to the modified strategies, the 2022 Plan includes a new section required by HB 462: The Implementation Element. In this section, a timeline and benchmarks for implementation must be presented. Each of the five strategies listed above were broken down into three implementation categories: research, coordination, and action. These categories were then presented with their anticipated timeline for each of the five strategies. Additional details on implementation can be found in later sections of this staff report.

EXHIBITS

The following exhibits are included at the end of this staff report.

1. 2022 Draft Moderate Income Housing Plan for Unincorporated Salt Lake County, including the revisions recommended by the Planning Commissions
2. HB 462
3. Unincorporated SLCo Moderate Income Housing Plan (adopted in 2019)

LEGISLATIVE CHANGES RELATED TO MODERATE INCOME HOUSING

The Utah League of Cities and Towns (ULCT) and the Wasatch Front Regional Council (WFRC), with many other partners, were involved in drafting HB 462. During the session, there were four main bill goals (from ULCT).

1. To meet the needs of people of various income levels living, working, or desiring to live or work in Utah communities.
2. To allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life.
3. To determine how the jurisdiction will provide a realistic opportunity to meet the need for additional moderate income housing within the next five years.
4. To tie State project and grant funding with communities' demonstrated compliance with the moderate income housing requirements.

The State Code changes described on the following pages became effective on June 1, 2022 and will need to be completed by October 1, 2022.

While not all the changes in the legislation impact Unincorporated County, the changes made in HB 462 can be broken down into the following sections:

1. **Moderate Income Housing Plan Changes** -discussed in detail below.
2. **Station Area Plan Requirements** – These changes impact communities that have or plan to have station areas with a fixed rail or BRT (Bus Rapid Transit). This does not apply to Unincorporated Salt Lake County.
3. **Changes to Internal Accessory Dwelling Units** – Prohibits local governments from charging impact fees to IADUs constructed within an existing dwelling.
4. **Changes to the Point of the Mountain** – Applies to changes at the Point of the Mountain area. These changes do not apply to Unincorporated Salt Lake County.
5. **Changes to the Olene Walker Board** – Modifies the Olene Walker Housing Board changes. This does not apply to Unincorporated Salt Lake County.
6. **Other Changes and Appropriations** – Other changes include rural housing funds, housing affordability data and methodology, public transit hubs, and appropriations.

Moderate Income Housing Plan Changes

These changes most significantly impact Unincorporated County. The changes outlined in this section necessitated amendments to the Salt Lake County Moderate income Housing Plan for Unincorporated Salt Lake County, which must be adopted by October 1, 2022.

Change #1: The menu items provided in the bill have been altered and expanded from to 24 options now available for counties. The new options are as follows:

24 Strategy options (2)(b)(iii) (line 679):

- A. Rezone for densities necessary to facilitate the production of moderate-income housing.
- B. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing.
- C. Demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing.
- D. Identify and utilize county general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county/municipality for the construction or rehabilitation of moderate income housing.
- E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
- F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.
- G. Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors.
- H. Amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as a residential development near major transit investment corridors or senior living facilities.
- I. Amend land use regulations to allow for single room occupancy developments.
- J. Implement zoning incentives for moderate income housing units in new developments.
- K. Preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund.
- L. Reduce, waive, or eliminate impact fees related to moderate income housing.
- M. Demonstrate creation of, or participation in, a community land trust program for moderate income housing.

- N. Implement a mortgage assistance program for employees of the county/municipality, an employer that provides contracted services for the county/to the municipality, or any other public employer that operates within the county/municipality.
- O. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.
- P. Demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing.
- Q. Create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- R. Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530.
- S. Create a Program to transfer development rights for moderate income housing.
- T. Ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing.
- U. Develop a moderate income housing project for residents who are disabled or 55 years old or older.
- V. Create or allow for, and reduce regulations related to, multi-family residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.
- W. Demonstrate implementation of any other program or strategy to address the housing needs of residents of the county who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing.

Change #2: The County must provide an implementation element as part of their moderate income housing plan.

There are no explicit details about what this implementation plan looks like, but at a minimum, the implementation plan must include a timeline to implement the required strategies. If the strategies include adopting new legislation, it would be anticipated that the implementation plan will describe the estimated time of adoption and other milestones as are necessary for adoption.

Change #3: Annual reporting requirements have been modified and the timeline has been adjusted.

Instead of delivering reports to the State's Department of Workforce Services on December 1st of every year, reports are now due on October 1st. In addition, the reporting period is now tied to the County's fiscal year. The first reporting year for 2022 must include the updated MIH plan with the implementation plan and new strategy choices. Subsequent reporting years must include the County's MIH plan, description of each action and implementation, description of land use regulations adopted, description of barriers encountered, description of how the private sector and market have responded, and information regarding IADUs in the County, as well as recommendations to the State about implementation.

Change #4: Prioritization and penalties have been changed.

Priority Consideration: If the County adopts five (5) strategies rather than the minimum requirement of three (3) strategies and the Department of Workforce Services (DWS) determines the County is making efforts to implement each of the strategies, the County may receive priority consideration for funding pools such as the Transportation Investment Fund (TIF), Transit Transportation Investment Fund (TTIF), and the COVID-19 local assistance matching grant. If the County does not meet these requirements, they will still be able to apply for funding from these programs but will not be given priority status.

Penalties: If the County is found to be in violation of the minimum requirements of HB 462, notice will be sent to the County, UDOT, and the Governor's Office of Planning and Budget (GOPB), and the County will not be eligible for any funding from TIF, TTIF, or COVID-19 local assistance matching grants. Once the notice has been delivered to the required agencies, the legislative body of the County (Council) has 90 days from the day the notice is sent to cure identified deficiencies or they will lose eligibility for TIF/TTIF funding.

CONTENT OF THE 2022 DRAFT PLAN

The drafted 2022 Moderate Income Housing Plan for Unincorporated Salt Lake County, which is intended to replace the 2019 Plan, includes the required elements to ensure compliance with State Code. The Plan proposes five (5) strategies for addressing Moderate Income Housing, allowing the County to qualify for funding prioritization so long as actions are taken to implement each strategy. The selected strategies include:

B. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of Moderate Income Housing.

E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.

F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers.

O. Apply for or partner with an entity that applies for state or federal funds or tax incentives [...] or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.

V. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

The drafted Plan includes seven sections:

1. Executive Summary: a one-page briefing on the plan purpose, selected strategies, and reporting requirements.
2. Introduction to the Moderate Income Housing Plan: an overview of the State's Moderate Income Housing requirements, the scope of the Plan, and how to use the Plan document.
3. Unincorporated Salt Lake County's Existing Housing Conditions: an analysis of demographics, housing supply and demand, housing conditions, and land uses in the Unincorporated portions of the County. This section examines housing affordability and sets the foundation for understanding the County's Moderate Income Housing needs.
4. Unincorporated Salt Lake County – Community Engagement and Housing Vision: summarizes community engagement results related to housing from the County's various plans from an online survey that was included in this planning process.
5. Selected Strategies for Addressing Moderate Income Housing: provides an analysis of why each of the five (5) strategies was selected.
6. Moderate Income Housing Implementation Plan: identifies how the County anticipates implementing each selected strategy and proposes a timeline for doing so. This section includes detailed work programs and metrics for evaluating long-term success.

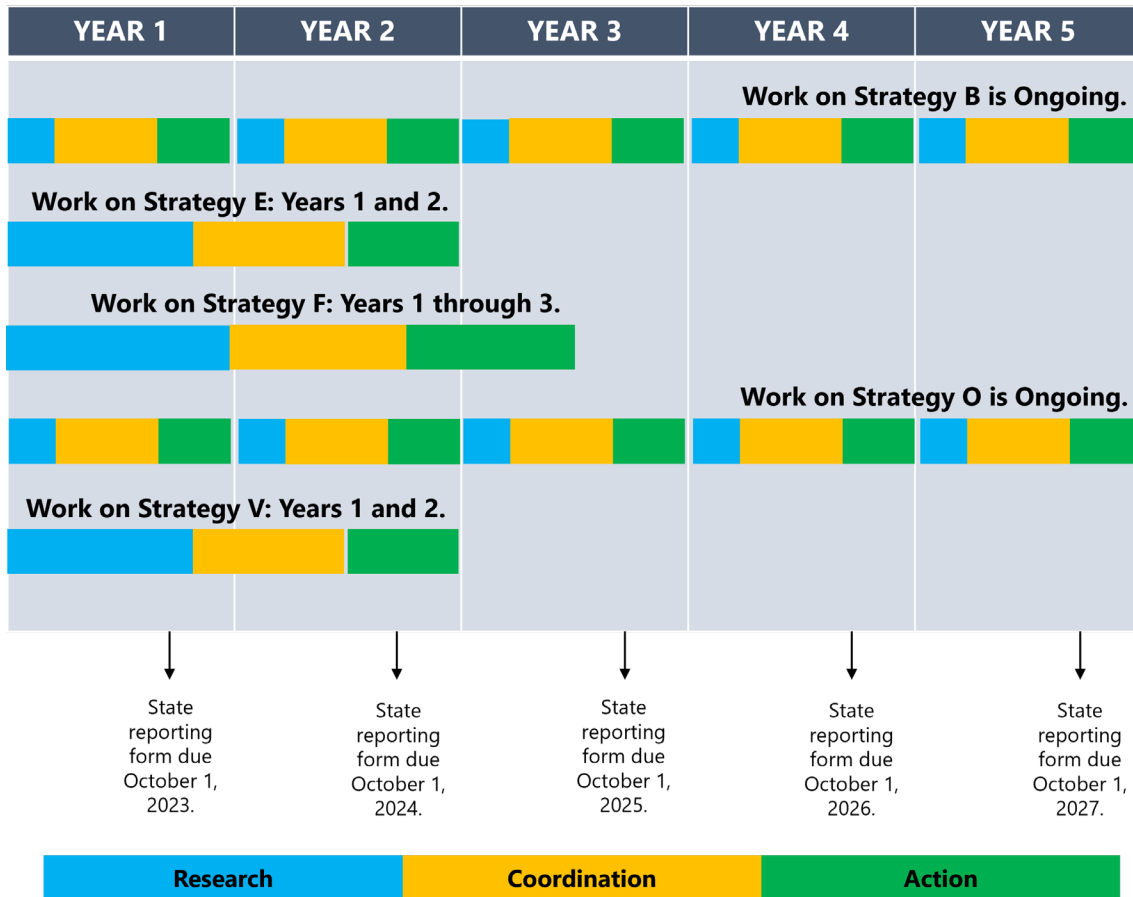
- 7. Appendix: includes relevant definitions, references, the raw survey results, and an analysis of the County’s zoning by acreage.

ANALYSIS OF CHANGES FROM 2019 PLAN

Implementation: The biggest changes between the 2019 and 2022 Moderate Income Housing Plans is the inclusion of an implementation element. The County was not previously required to address implementation or include a timeline for when actions would be completed. This section is entirely new in the 2022 Plan.

The implementation element of the Plan is divided into a few sections. The two primary sections are the proposed timeline for implementation (shown in Figure 1) and the Moderate Income Housing Work Program. The timeline considers a five-year implementation horizon, with steps categorized based on whether they reflect research, coordination, or action. Strategies B and O are ongoing, meaning work on these strategies is anticipated to occur annually. The other strategies are anticipated to be implemented by the end of 2025.

Figure 1: Proposed Timeline for Strategy Implementation.



Credit: MSD Long Range Planning, 2022.

The work program organizes each of the strategies in tables, with recommended actions, involved parties, anticipated funding sources, metrics for measuring success, and resources to aid in implementation (see Figure 2). The work program tables are intended to provide detailed guidance to staff in implementation efforts and to facilitate easy annual reporting.

Figure 2: Example of Moderate Income Housing Work Program Table.

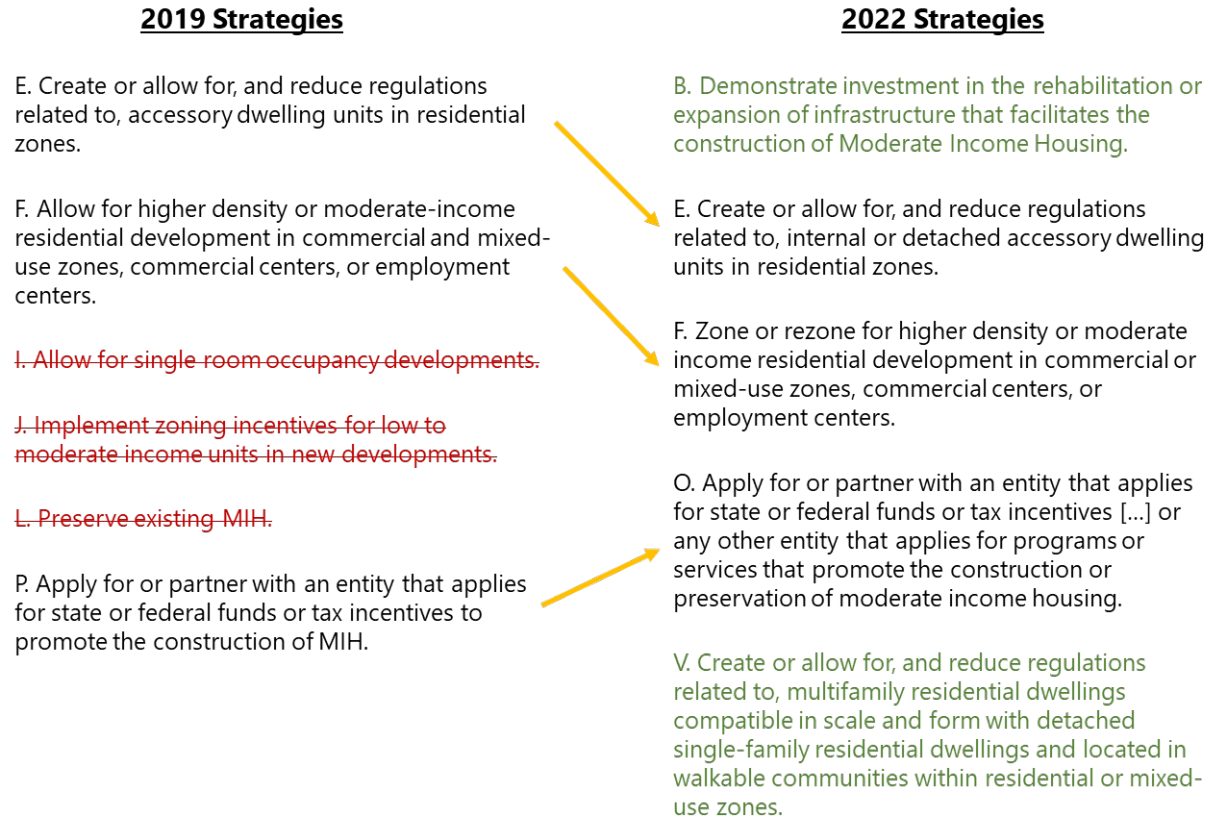
E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.				
<u>Actions</u>	<u>Involved Parties</u>	<u>Anticipated Funding Source</u>	<u>Anticipated Output</u>	<u>Resources</u>
1A. Conduct research with residents to understand what barriers to constructing ADUs exist.	MSD PDS, Residents	Staff Time	Staff engage with residents and identify the top barriers to ADU construction in Unincorporated Areas. (Q3 2023)	Portland Study of ADU-Owners
1B. Staff study case studies related to the top barriers identified in 1A.	MSD PDS	Staff Time	Staff prepare a summary of pertinent case studies and potential paths forward. (Q1 2024)	HUD Article on U.S. Efforts to Encourage ADU Production

Credit: MSD Long Range Planning, 2022.

Data: While the data section in the 2022 Plan has been updated with different table layouts and more recent numbers, many of the data points collected remain the same. The Plan still analyzes key demographic indicators, the supply and demand of housing units at various price points, the percentage of households that are cost-burdened, and more. New in 2022 is the inclusion of a zoning and housing choice opportunity analysis. This analysis utilizes zoning data from the MSD as well as ‘Missing Middle Housing’ data from Salt Lake County Regional Development.

The Strategies: The strategies selected in 2022 differ slightly from those selected in 2019. This is partially due to language of each strategy changing in the State Code requirements. However, there were also three strategies that were dropped from the 2019 Plan and two new strategies that were added. Although only three strategies were required in 2019, the previous plan had selected six. In 2022, only five strategies were selected intentionally, so that the County could committ adequate resources to implementing and reporting on each of these per state code requirements. See Figure 3 for additional information.

Figure 3: Comparison of 2019 and 2022 Strategies.



Notes:

- Strategy I was eliminated because there are so few places in Unincorporated Salt Lake County that could support Single-Room Occupancy Development.
- Strategy J was eliminated because the County does not have the resources to offer incentives, and the inclusion of MIH units can no longer be required through zoning.
- Strategy L was eliminated in favor of Strategy O, which recognizes the diverse programs offered by Salt Lake County Housing and Community Development – related both to rehabilitation and new construction.
- Strategy B was added because the County already does a lot of work related to infrastructure that supports housing needs, including digital infrastructure and transportation networks.

Credit: MSD Long Range Planning, 2022.

STAFF RECOMMENDATION

Throughout the planning process, MSD Staff worked closely with staff in the Salt Lake County Office of Regional Development, the Mayor's Office, and with the County's legal team. Staff have reviewed the drafted 2022 Moderate Income Housing Plan, finding that the drafted Plan:

- Includes all content required by State Code related to Moderate Income Housing, including an analysis of how the County will provide a realistic opportunity for the development of moderate income housing within the planning horizon and a recommendation for how the County will implement three or more moderate income housing strategies (17-27a-403);
- Places Unincorporated Salt Lake County in a position that would allow it to receive priority funding status in the future;
- Provides a realistic plan and timeline for implementation, given the County's available resources; and
- Incorporates public input and recommendations from the Planning Commissions to ensure the Plan adequately reflects residents' vision for housing and future land uses.

Both Planning Commissions for Unincorporated Salt Lake County forwarded a recommendation of adoption to the Salt Lake County Council, following their respective public hearings. Staff made a few substantive changes since the Planning Commission Public Hearings. These include:

1. Language regarding household energy and utility costs was added to the narratives for Strategy B and O. The Plan now discusses how Salt Lake County could take action to improve energy efficiency of housing units in order to reduce household costs. This is largely tied to the already successful Green and Healthy Homes Program.
2. A new section on metrics was added to page 37 of the Plan. This section establishes a series of indicators for staff to track over time to evaluate the long-term success of the adopted strategies in Unincorporated Salt Lake County.
3. The fourth column in the work program tables was renamed to "Anticipated Output". This language more adequately reflects the intention of this column which was to identify the target result of each action taken. In addition to renaming the column, staff added estimated timelines for completion in this section for each identified action.

In order to meet the State's deadline of October 1st adoption, it is imperative that the Council holds its September 20th public hearing and makes a motion regarding adoption of the Plan Amendments.

CONCLUSION

HB 462, passed by the Utah State Legislature in 2022, made significant changes to the State's Moderate Income Housing planning and reporting requirements. Most notably, the legislative changes amended the strategies available for the County to pursue in addressing Moderate Income Housing and required that the County prepare a plan for implementation of each strategy it selects.

The drafted 2022 Moderate Income Housing Plan for Unincorporated Salt Lake County (Exhibit 1) incorporates these recent changes and is intended to replace the 2019 Moderate Income Housing Plan. The drafted Plan proposes five strategies for Unincorporated Salt Lake County:

- B. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of Moderate Income Housing.
- E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
- F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers.
- O. Apply for or partner with an entity that applies for state or federal funds or tax incentives [...] or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.
- V. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

The Plan also establishes an implementation element for each strategy, within a five-year timeframe. Amendments must be adopted by October 1st, 2022, to ensure compliance with State Code.

Exhibit 1

2022

Moderate Income Housing Plan for Unincorporated Salt Lake County



GREATER SALT LAKE
**Municipal Services
District**

An Element of the Unincorporated
Salt Lake County General Plans

Acknowledgments

Salt Lake County Mayor: Jenny Wilson

Salt Lake County Council: Laurie Stringham (Chair), Richard Snelgrove, Jim Bradley, Arlyn Bradshaw, David Alvord, Aimee Winder Newton, Ann Granato, Steve DeBry, and Dea Theodore.

Salt Lake County Planning Commission: Christopher Collard (Chair), Sara Hiatt (Vice Chair), Neil Cohen, Ronald Vance, Mark Elieson, Jeff Watkins, and Ofa Matagi.

Mountainous Planning District Planning Commission: James Palmer (Chair), Victoria Reid (Vice Chair), Don Despain, Neil Cohen, Nicole Omer, Christie Hutchings, Harris Sondak, Burke Staker, Sarah Reale, and J Daniel Schoenfeld (Alternate).

Salt Lake County Staff: Lisa Hartman (Associate Deputy Mayor), Dina Blaes (Director of the Office of Regional Development), Helen Peters (Regional Planning & Transportation Director), Zach Shaw (Legal Counsel), Michael Gallegos (Director of Housing and Community Development), Randy Jepperson (Housing Program Manager), Karen Kuipers (Program Development Coordinator), David Rodgers (Transportation Program Manager), and Katie Romig (Transportation Coordinator and GIS Analyst).

Greater Salt Lake Municipal Services District Staff / Project Team: Trent Sorenson (Director of Planning and Development Services), Brian Tucker (Planning Manager), Kayla Mauldin (Senior Long Range Planner – Project Lead), Wendy Gurr (Planning Coordinator), Erin O’Kelley (Long Range Planner), Matt Starley (Long Range Planner), Hannah Kalantari (Summer Intern – Project Data Analyst), Bianca Paulino (Summer Intern), and Lilian Taft (Summer Intern).

And a huge thank you to the residents who participated in our engagement efforts!

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Executive Summary

Purpose: The 2022 Moderate Income Housing Plan for Unincorporated Salt Lake County incorporates new requirements adopted by the State in June 2022, through HB 462. The biggest changes between the 2019 and 2022 Moderate Income Housing Plans for Unincorporated Salt Lake County are the modification of selected strategies and the addition of an implementation plan for each Moderate Income Housing (MIH) strategy.

Analysis: This Plan analyzes demographics and housing unit characteristics, housing supply and demand, affordability, and zoning. It also synthesizes community engagement data from previous General Plans, the 2019 Moderate Income Housing Plan, and 2022 Moderate Income Housing engagement efforts. Analysis by staff found that over 23% of Unincorporated Salt Lake County's households were cost-burdened (spending more than 30% of their income on housing costs) in 2020. Unincorporated County currently has a shortage of 69 housing units for owner households making 80% or less than Area Median Household Income (AMHI). This deficit is expected to grow given rising housing costs, stagnant wages, and regional population increases.

Selected Strategies: From the State's list of available Moderate Income Housing Strategies, the following were selected for Unincorporated Salt Lake County:

- B. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of Moderate Income Housing.
- E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.
- F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers.
- O. Apply for or partner with an entity that applies for state or federal funds or tax incentives [...] or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.
- V. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

A plan for implementing each of these strategies is available starting on page 34.

Next Steps: Following adoption of the 2022 Moderate Income Housing Plan, staff are required to submit a copy of the Plan to the Utah Department of Workforce Services – Housing and Community Development Division. In future years, staff will be required to report on progress toward implementation of Unincorporated Salt Lake County's selected strategies. Failure to comply with planning and reporting requirements may jeopardize Unincorporated Salt Lake County's eligibility for certain funding sources from the State's Transportation Commission and the Governor's Office of Economic Opportunity.

Introduction to the Moderate Income Housing Plan

What is Moderate Income Housing?

This Plan addresses Moderate Income Housing (MIH), which Utah defines as, “housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.” (State Code 17-27a-103).

In 2022, the Area Median Income (AMI) for Salt Lake County (SLCo) was estimated at \$106,199. A household that would qualify as ‘moderate-income’ would earn \$84,959.20 or less per year. **In Unincorporated Salt Lake County, 1,317 households earn 80% or less of AMI** (Esri Community Analyst, 2022). While planning for Moderate Income Housing helps all residents, this Plan is focused especially on meeting the needs of those households.

Why do we plan for housing?

In short, the County plans for Moderate Income Housing because the State requires it. State Code 17-27a-403, which was amended by House Bill 462 in 2022, requires the County to prepare a General Plan with the following elements:

- Land Use;
- Transportation;
- Resource Management;
- Water Use and Preservation; and
- Moderate Income Housing.

All of these elements have been addressed through Salt Lake County’s various planning efforts. **However, the 2019 Moderate Income Housing Plan needed to be updated in order to reflect the State’s newest requirements which include modified strategies for addressing Moderate Income Housing and the addition of an implementation plan that outlines how the County will advance its selected strategies. This Plan is intended to replace the 2019 Moderate Income Housing Plan.** It is the State Legislature’s mandate that counties facilitate a reasonable opportunity for a variety of housing, including moderate income housing, to:

- Meet the needs of people of various income levels living, working or desiring to live or work in the community; and
- Allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life.

Required components of the County’s Moderate Income Housing Plan are explained throughout the document.

Of course, beyond State requirements, Salt Lake County has a vested interest in addressing housing affordability. Safe, stable, and accessible shelter is critical to all residents – it is a basic human need. In addition, housing availability and cost can impact the County’s ability to attract and retain talented workers, friends, and family members. As problems of housing affordability rise (over half of Utah households could not afford a median-priced home in the State in 2022 according to the Kem C. Gardner Policy Institute), every municipality and county has a role to play.

What is the scope of this Plan?

Salt Lake County is home to twenty-three (23) municipalities. Those municipalities (with the exception of those whose small populations exempt them from the State requirements), are responsible for preparing their own Moderate Income Housing Plans. This Plan addresses only Unincorporated Salt Lake County and the strategies that staff, elected officials, and residents will pursue to meet their Moderate Income Housing needs. Plans related to land use, transportation, resource management, and more can be found in the following documents:

- [Wasatch Canyons General Plan](#): a visioning and advisory document for Salt Lake County decision-makers in the unincorporated canyons of the Wasatch Mountains.
- [SLCo West General Plan](#): a visioning and advisory document for Salt Lake County decision-makers in unincorporated communities along the west bench of the Oquirrh Mountains.
- [SLCo Hazard Mitigation Plan](#): analysis and recommendations related to various natural and man-made hazards experienced in Salt Lake County.
- [SLCo Resource Management Plan](#): a guiding document for how to manage natural resources in Salt Lake County.
- Various other plan documents, including General Plans for the unincorporated communities of Sandy Hills and Granite.

This Moderate Income Housing Plan looks at a five-year planning horizon. After five years, the County should review this Plan and evaluate whether it still fits the needs of residents. At that time, the implementation plan may need to be updated to reflect actions that the County will take to meet Moderate Income Housing needs after 2027.

How should this Plan be used?

This Plan can be used by decision-makers to inform actions and policies related to housing in Unincorporated Salt Lake County, by planning staff to meet State reporting requirements (explored in later sections), and by residents to learn about the vision for housing in their communities. The rest of this document is divided into four (4) major sections:

1. [Unincorporated Salt Lake County’s Existing Housing Conditions](#): this section examines the supply and demand of Moderate Income Housing in Unincorporated Salt Lake County, as well as considering other conditions that influence the County’s housing market.

2. Unincorporated Salt Lake County – Community Engagement: the community engagement section outlines residents’ vision for housing in their communities. Resident input was drawn from a number of sources, including recent General Plan efforts.
3. Selected Strategies for Addressing Moderate Income Housing: this section explains the state requirements for addressing Moderate Income Housing and names the five (5) strategies that the County has selected to pursue to meet its requirements.
4. Moderate Income Housing Implementation Plan: the final section details how Salt Lake County will implement the strategies it selected and provides an anticipated timeline for implementation.

Most important terminology is defined within the text of the Plan. However, additional definitions are provided for users in the Appendix.

Utah Fair Housing Act Acknowledgement

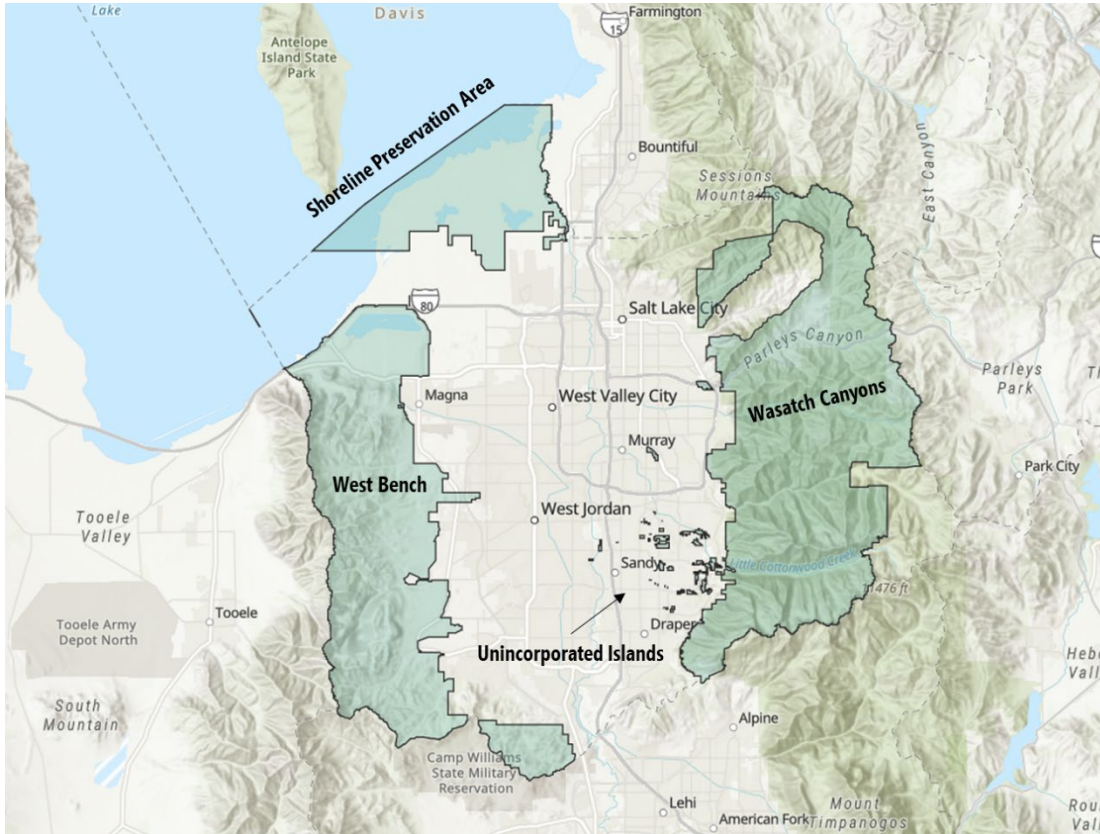
In accordance with State and Federal laws, Salt Lake County exercises the authority to plan, zone, and regulate land-use within its jurisdiction in promoting the community’s health, safety, and welfare. This Moderate Income Housing Plan acknowledges and upholds the Utah Fair Housing Act by promoting the equal protection and equitable treatment of all people who lawfully seek to rent, lease, purchase, or develop real property within its jurisdiction. The County’s housing policies and plans strictly prohibit discrimination based on color, disability, ethnicity, familial status, gender identity, national origin, race, religion, sex, sexual orientation, source of income, or any other suspect classification. It is the policy of Salt Lake County to report housing discrimination to the Utah Antidiscrimination Labor Division immediately. It is the goal of Salt Lake County to prevent, eliminate, and/or mitigate any unfair housing practices that may result from its plans, policies, regulations, and ordinances. It is also the goal of Salt Lake County to affirmatively further fair and affordable housing by reviewing the housing needs of its moderate-income households and its vulnerable populations regularly, and by proactively planning to meet their needs.

Unincorporated Salt Lake County's Existing Housing Conditions

Introduction to Unincorporated Salt Lake County

In 2022, it was estimated that **11,277 residents** were living in the Unincorporated Areas of Salt Lake County (Esri Community Analyst, 2022). The County's Unincorporated Areas are extremely diverse. Figure 1 shows the Unincorporated SLCo boundaries.

Figure 1: Map of Unincorporated Salt Lake County.



Credit: MSD Long Range Planning, 2022.

Figure 2: Snowbird Tram in Little Cottonwood Canyon.



IN THE CANYONS OF THE WASATCH MOUNTAINS, many residents are seasonal. Not all communities have access to year-round water or services. The area's ski resorts are popular tourist destinations, and natural system management as well as traffic mitigation are among the top resident concerns.

Credit: Jake Young – Wasatch Canyons Plan, 2021.

Figure 3: View of Flat Iron Mesa Park and Sandy Hills Unincorporated Area.



Credit: Sandy City, 2022.

Surrounded by Sandy City, there is a series of **UNINCORPORATED ISLANDS** on the east side of the County. These islands are represented by very involved community councils. Most of the islands were developed as residential suburbs in the mid-1900s. Residents prioritize maintenance of their single-family neighborhoods.

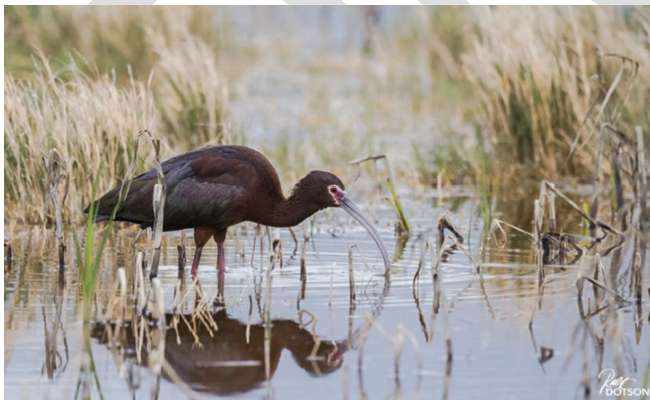
Figure 4: Development Stretches Toward the Oquirrh Mountains.



Credit: West General Plan, 2022.

ON THE WEST BENCH of the Oquirrh Mountains, development is occurring rapidly. Residents struggle with maintaining their rural heritage while faced with growth pressures and changing land uses. In this area, Rio Tinto Kennecott owns vast expanses of land. The mining company's future plans for the area will have huge impact on the surrounding communities.

Figure 5: White-Faced Ibis in the Great Salt Lake.



In the north part of Salt Lake County, between Salt Lake City and the Great Salt Lake, is another section of Unincorporated County (the West General Plan's **SHORELINE HERITAGE AREA**). This land is largely barren but is rapidly changing with the coming of Utah's Inland Port, the expanded Salt Lake City International Airport, and the building of a new State Prison facility. There are important ecological considerations in this area, and this is where the Jordan River meets the Great Salt Lake.

Credit: Audubon-Dotson, from the West General Plan, 2022.

Methodology

Reliable data for Unincorporated Salt Lake County is difficult to obtain. Although 2020 Census Data is available for Salt Lake County, there is no easy way to break that County data into smaller fragments representing only the Unincorporated portions. For the purposes of this report, staff relied on the following methods:

Esri Data through Community Analyst: Community Analyst is an online tool that allows users to access demographic, housing, economic, and psychographic data for a selected geography or boundary. In Community Analyst, staff were able to upload the boundaries of the Unincorporated Area and view Esri estimates for data specific to those boundaries. However, not all variables desired for this report were available through that Esri data. For example, Community Analyst could not produce household incomes according to whether that household rented or owned their home. To obtain data not available through Esri's Community Analyst, staff turned to Census Data.

Census Tracts: Unincorporated Salt Lake County is not a census-designated place, which means that Census reports are not immediately available for the area. Instead, staff had to work with smaller boundaries called census tracts. All of the variables needed for this report were available at the census tract level. Unfortunately, census tract boundaries do not perfectly align with the boundaries of the Unincorporated Area. Using Geographic Information Systems (GIS), staff clipped Utah's census tract data to show only tracts that have their center point within the boundaries of the Unincorporated Area. This method does not produce an exact count of population, housing units, or other variables. However, the data produced was reasonable enough that it could be used for comparison purposes and estimates of affordability.

Summary results, based on the application of the above methods, are presented in the sections that follow.

Demographics and Housing Characteristics

It is estimated that 11,277 people resided in Unincorporated Salt Lake County in 2022 (Table A). The median age of these individuals was 35.2, and household size was just under three (3) people in 2021 (ibid). In total, there are 4,653 housing units in Unincorporated Salt Lake County. The vast majority (75%) of these units are owner-occupied. Data also suggests a high frequency of vacant housing units, at 19% of total housing units. This high percentage may be partially due to the number of seasonal, vacation units in the Wasatch Canyons. Only a small percentage (6%) of Unincorporated Salt Lake County's housing units are renter-occupied.

In 2022, the Median Household Income for Unincorporated residents was estimated at \$106,199 (Table A). However, there are significant disparities in income between renter and owner households. Households that owned their home in 2022 made \$33,750 more per year on average than households that rented.

Table A: Summary of Household Characteristics and Housing Tenure, Unincorporated.

Total Population	11,277
Total Number of Families	2,989
Total Number of Housing Units	4,653
Total Number of Vacant Units	897
Total Number of Occupied Units	3,756
Total Number of Owner-Occupied Units	3469
Total Number of Renter-Occupied Units	287
Median Age	35.2
Average Household Size (2021)	2.97
Median Household Income	\$106,199
Median Household Income for Owner-Occupied Units	\$114,848
Median Household Income for Renter-Occupied Units	\$81,098

Credit: Esri estimate from ACS 2015-2019, MSD’s Estimation Based on 2020 Census Data.

Unincorporated Salt Lake County shows little variation in housing unit types, as evidenced by Table B. **Nearly 89% of all occupied housing units in the Unincorporated County are single-family detached units.** Attached single-family homes, such as townhomes, make up nearly 7% of the housing stock. All other unit types combined, including those in multi-family buildings, make up less than 5% of the housing stock. Interestingly, the majority of rental units in Unincorporated Areas are single-family detached or attached homes. Multi-family buildings in Unincorporated County are home to both renter and owner households.

Table B: 2020 Housing Types in Salt Lake County Unincorporated Areas.

	Total	Percent	Owner	Percent	Renter	Percent
Total Occupied Housing Units	3756	100	3469	100	287	100
1, detached	3338	88.88	3160	91.08	179	62.28
1, attached	257	6.83	193	5.57	64	22.16
2 apartments	18	0.48	5	0.14	13	4.55
3 or 4 apartments	38	1.02	33	0.95	5	1.92
5 to 9 apartments	18	0.47	13	0.37	5	1.68
10 or more apartments	71	1.90	63	1.80	9	3.11
Mobile home or other type of housing	15	0.41	3	0.09	12	4.31

Credit: MSD’s Estimation Based on 2020 Census Data.

Structure age (year built) has implications for housing maintenance and hazards. For example, lead paint was used in homes until 1978 (Utah DEQ, 2022). Modern seismic codes did not come into place until 1980, meaning homes built prior to then are likely to utilize unreinforced masonry (at higher risk for earthquake damage). In 2020, it was estimated that 1,102 (29%) of Unincorporated County’s housing units were built prior to 1980 (Table C).

Table C: Year Built of Unincorporated Housing Stock.

	Total	Percent	Owner	Percent	Renter	Percent
2014 or later	628	16.72	571	16.45	57	19.88
2010 to 2013	190	5.06	172	4.96	18	6.23
2000 to 2009	952	25.33	898	25.87	54	18.80
1980 to 1999	885	23.56	851	24.52	34	11.98
1960 to 1979	686	18.25	608	17.51	78	27.19
1940 to 1959	331	8.82	298	8.58	34	11.74
1939 or earlier	85	2.26	73	2.10	12	4.19
Total	3756	100	3469	100	287	100

Credit: MSD’s Estimation Based on 2020 Census Data.

Incomes and Housing Costs – Metrics on Affordability

Table D shows household incomes and housing allowances for all Salt Lake County households vs Unincorporated County Households. The data is organized based on the household’s relative income bracket. In Utah, households are considered ‘moderate-income’ if they make 80% or less of area median household income (AMHI). Monthly housing allowance in Table D is based on 30% of a household’s monthly income; 30% is the general rule for the maximum percentage of income a household should spend on housing costs, based on the U.S. Department of Housing and Urban Development’s (HUD) definition of affordable housing (HUD, 2011). Table D shows that an Unincorporated household earning 80% of AMHI should spend a maximum of \$2,124.00 per month on their housing.

Table D: Median Household Incomes in Unincorporated Salt Lake County Compared to all of Salt Lake County.

Annual Median HH Income (\$)					
AMHI	>100%	100%	80%	50%	30%
SLCo	>77128	77128	61702.4	38564	23138.4
Unincorporated	>106199	106199	84959.2	53099.5	31859.7
Monthly Median HH Income (\$)					
SLCo	> 6427.3	6427.3	5141.9	3213.7	1928.2
Unincorporated	>8849.9	8849.9	7079.9	4425.0	2655.0
Monthly Housing Allowance (30% of Income)					
SLCo	> 1928.2	1928.2	1542.56	964.1	578.46
Unincorporated	>2655	2655.0	2124.0	1327.5	796.5

Credit: MSD’s Estimation Based on 2020 Census Data.

Based on Census data showing household incomes and their monthly housing costs, it is possible to estimate the number and percentage of households that are housing cost-burdened. Cost-burdened households are spending more than 30% of their income on housing (occupying units that are unaffordable to them). Table E shows that **over 23% of all households in Unincorporated Salt Lake County were cost-burdened in 2020**. An additional 23% of

households were at risk of becoming cost-burdened. These households were spending 20-29% of their income on housing. A small increase in monthly housing costs or a decrease in monthly wages could move these households into the cost-burdened category.

Table E: Number and Percentage of Households that are Housing Cost-Burdened in Unincorporated Salt Lake County.

	Percentage of Income Going toward Housing					
	Not Cost-burdened <20%		Cost-burden risk 20%-29%		Cost-burdened >30%	
	Total	%	Total	%	Total	%
Less than \$20,000	0	0	6	0.16	107	2.85
\$20,000 to \$34,999	10	0.27	32	0.85	105	2.81
\$35,000 to \$49,999	84	2.23	40	1.07	134	3.56
\$50,000 to \$74,999	160	4.26	104	2.77	220	5.87
\$75,000 or more	1768	47.08	676	18.01	308	8.20
Total	2023	53.85	858	22.86	875	23.30

Credit: MSD's Estimation Based on 2020 Census Data.

Table F considers all cost-burdened households and further analyzes whether those households rent or own their homes. While over 35% of renter households are cost-burdened, only 22% of owner households are cost-burdened. Households at every represented income level spend more than 30% of their income on housing costs.

Table F: Cost-Burdened Renter and Owner Households.

	Cost-burdened Households >30% of Income on Housing					
	Total	%	Owner	%	Renter	%
Less than \$20,000	107	12.25	107	12.25	0	0
\$20,000 to \$34,999	105	12.05	85	9.73	20	2.32
\$35,000 to \$49,999	134	15.30	102	11.65	32	3.64
\$50,000 to \$74,999	220	25.19	210	23.95	11	1.24
\$75,000 or more	308	35.20	287	32.84	21	2.36
Total	875	23.30	791	22.48	84	35.51
	of total households (n=3,756)		of owner households (n=3,469)		of renter households (n=287)	

Credit: MSD's Estimation Based on 2020 Census Data.

Data on the number of households at a certain income level and the number of housing units affordable to that income can be compared in order to estimate housing gaps. Housing gaps exist where there are fewer housing units at a certain price point than there are households who need housing at that price point (supply < demand). Table G reveals housing gaps for owner households. There is a deficit of 83 affordable units for households making less than 30% AMHI, a surplus of 51 units for households making 30-50% AMHI, and a 37 unit deficit for households making 50-80% AMHI. In total, **Unincorporated Salt Lake County has a shortage of 69 units for owner households making 80% or less of Area Median Household Income.**

Table G: Housing Gap Analysis for Owner-Occupied Units.

Income Brackets		Max Affordable Monthly Housing Allowance	Max Affordable Monthly Rental Costs (Cost-Utilities)	#Owner HHs	Owner-occupied Units Available	Surplus/Deficit of Units
less than 30% AMHI	14891	711.54	443.54	191	108	-83
30%-50% AMHI	24818	1185.90	917.90	237	287	51
50%-80% AMHI	39709	1897.44	1629.44	497	460	-37
80%-100% AMHI	49636	2371.80	2103.80	384	223	-162
>100% AMHI	>49636	>2371.8	>2103.8	2160	2391	231

Credit: MSD’s Estimation Based on 2020 Census Data.

Table H conducts the same analysis for renter households. The deficit in renter units, at least at the lowest income levels, is less severe. There is a surplus of 53 units for renter households making less than 30% AMHI and a deficit of 26 units for households making 50-80% AMHI. This leads to a total surplus of 27 units at these income levels. However, there is a deficit of 48 units for renters at the highest income levels (> 100% AMHI). Because there are not enough units for these renters, those households are likely to occupy housing units that would otherwise be affordable to households making less. This mismatch can exacerbate deficits for the households in lower income brackets.

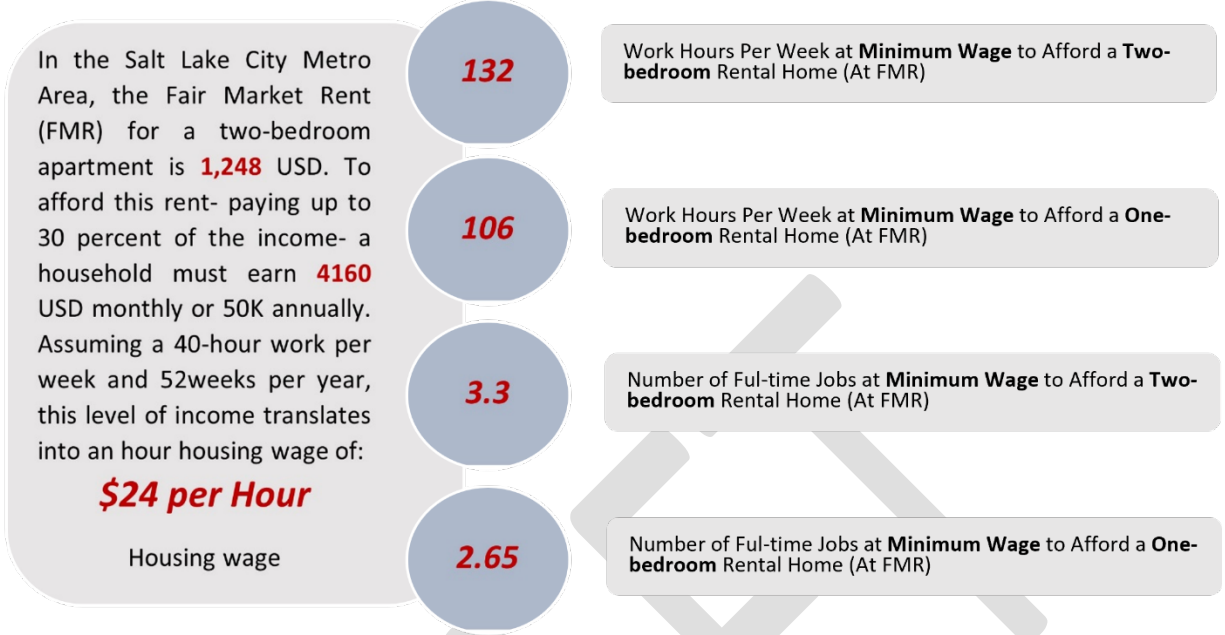
Table H: Housing Gap Analysis for Renter-Occupied Units.

Income Brackets		Max Affordable Monthly Housing Allowance	Max Affordable Monthly Rental Costs (Rent-Utilities)	#Renter HHs	Rental Units Available	Surplus/Deficit of Units
less than 30% AMHI	14891	372.27	104.27	6	59	53
30%-50% AMHI	24818	620.45	352.45	0	0	0
50%-80% AMHI	39709	992.72	724.72	40	14	-26
80%-100% AMHI	49636	1240.90	972.90	26	47	21
>100% AMHI	>49636	>1240.9	>972.9	214	166	-48

Credit: MSD’s Estimation Based on 2020 Census Data.

Figure 6 shows how severe issues of housing affordability are for renters in the Salt Lake Metropolitan Area. At the minimum wage of \$7.25 per hour, an individual would have to work 106 hours per week in order to afford a one-bedroom rental unit at fair market rent. This would require an individual to work 2.65 full-time jobs in order to keep up with their rent payments. In 2020, fair market rent for a 1-bedroom apartment was estimated at \$1,004 in the Salt Lake City Metro.

Figure 6: Fair Market Rent (FMR) Compared to Minimum Wage.



Salt Lake County Income and Housing Facts	
Salt Lake County Minimum Wage	\$7.25 per hour
Median Renter Wage	\$23.86 per hour
Two-bedroom Housing Wage	\$24 per hour
Number of Renter Households	124,419
Percent Renters	32%

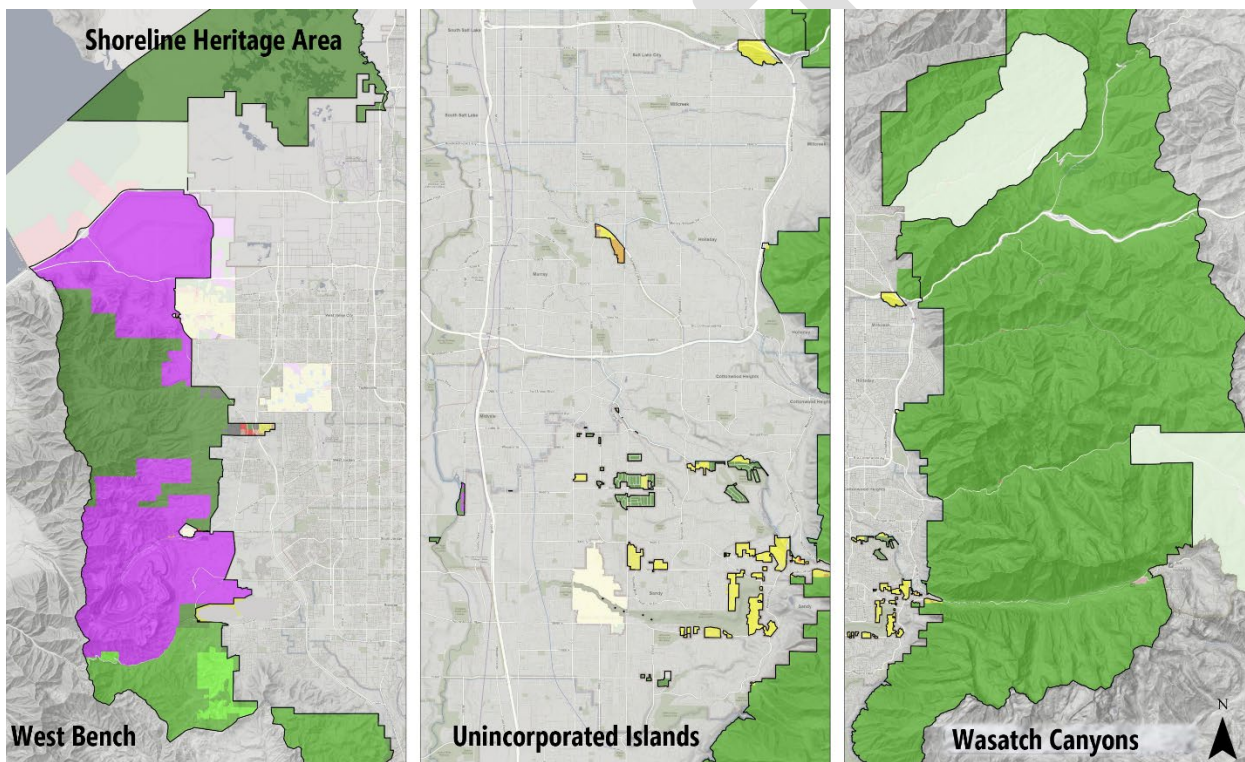
Two-bedroom FMR	\$1248
One-bedroom FMR	\$1004
Rent Affordable At 30% AMI	\$372
Rent Affordable At 50% AMI	\$620
Rent Affordable At 80% AMI	\$993

Credit: MSD Long Range Planning based on Salt Lake City, UT HUD Metro FMR Area Advisory Small Area FMRs (Average), and estimations based on 2020 Census Data.

Zoning and Housing Choice

Figure 7 and Table I show the zoning for Unincorporated Salt Lake County. A breakdown of the acreage in each zone can be found in the Appendix of this Plan. The majority of Unincorporated Salt Lake County's land is zoned Forestry and Recreation (FR). The FR Zones are intended for very low-density development on large lot sizes. Accessory dwelling units are allowed in these zones on lots of a certain size, but few ADUs have been built. Commercial, mixed-development, and multi-family sites exist in the County, but the combined acreage of these designated zones is small. Existing zoning in the Unincorporated Areas allows for few housing choices, as the primary intent of most areas is to protect natural resources and sensitive lands.

Figure 7: Unincorporated Salt Lake County, Zoning.



Credit: MSD Long Range Planning, 2022.

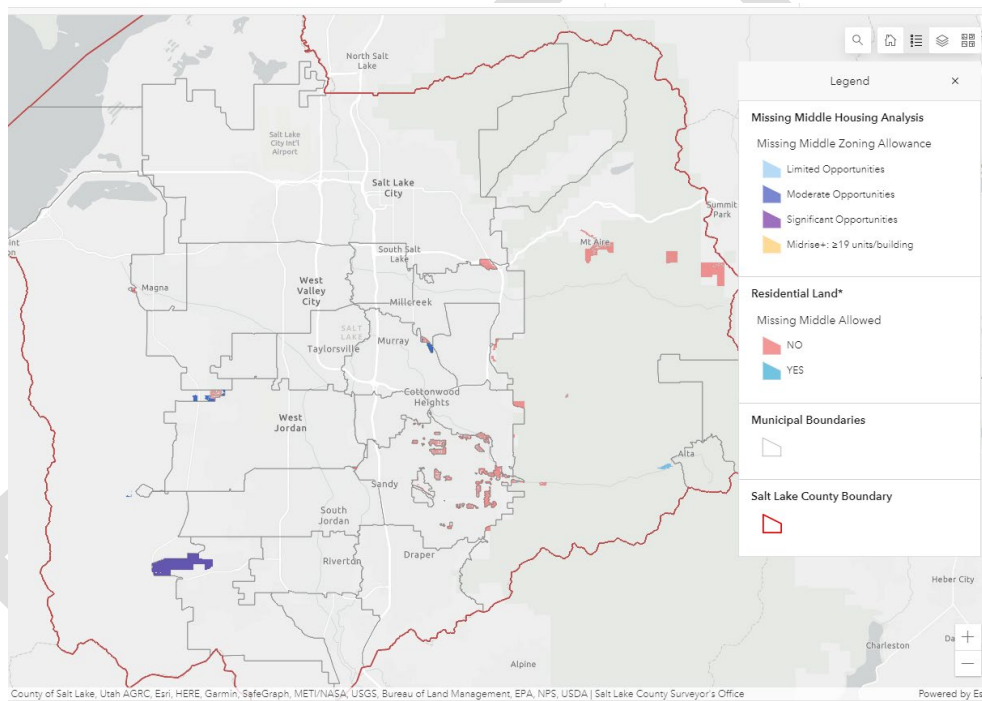
Table I: County Zones and Allowed Residential Uses.

	Zoning Category	Description	Accessory Dwelling Units Permitted?
	Agricultural (A)	Intended for low-density residential development, paired with limited agricultural uses. Density is decided by the Planning Commission but in no cases exceeds 8 du/acre.	iADUs are allowed on lots > 6,000 sq.ft. Detached ADUs are allowed on lots > 12,000 sq.ft.
	Foothill Agricultural (FA)	Intended to allow for rural residential development and limited agricultural uses, while protecting the scenery and resources of the foothill and canyon areas. Density does not exceed 1 du/ 2.5 acres.	iADUs are allowed on lots > 6,000 sq.ft. Detached ADUs are allowed on lots > 12,000 sq.ft.
	Forestry and Recreation (FR)	Intended for foothill and canyon areas, these zones allow recreational and open spaces uses as well as residential development with low density and large lot sizes.	iADUs are allowed on lots > 6,000 sq.ft. Detached ADUs are allowed on lots > 12,000 sq.ft.
	Natural Resource Extraction (S-1-G)	Intended for the extraction of gravel and other natural resources. Agriculture is the only permitted use, with other uses being conditional. No density requirements are specified.	NA
	Commercial (C)	Intended for a range of commercial developments. In some instances, residential uses are allowed up to 25 du/acre.	NA
	Manufacturing (M)	Intended for industrial uses. Residential uses are not encouraged in these zones.	NA
	Planned Community (P-C)	Allows for the development of large properties under a plan, approved through a development agreement.	May be allowed subject to the terms of the development agreement.
	Forestry Multifamily (FM)	Intended to allow high-density residential development while protecting natural and scenic resources in the canyons and foothills. Density is 10-20 du/ acre, and different restrictions apply for lodging / accommodations.	NA
	Mixed Development (MD)	Intended to allow for a mix of uses and serve as a transition between residential neighborhoods and commercial / industrial centers. No density requirements are outlined.	NA
	Single Family Residential (R-1)	Intended for single family neighborhoods. Density ranges from 1 du/acre to 7 du/acre depending on the minimum lot size of the zone.	iADUs are allowed on lots > 6,000 sq.ft. Detached ADUs are allowed on lots > 12,000 sq.ft.
	Medium-Density Residential (R-2, R-4)	Intended for low- to medium-density residential neighborhoods – namely a mix of single family homes and duplexes. Density ranges from 5 to 18 du/acre.	iADUs are allowed on lots > 6,000 sq.ft. Detached ADUs are allowed on lots > 12,000 sq.ft. *ADUs are only permitted for properties that currently have just a single dwelling unit.
	Multi-Family Residential (RM)	Intended for high-density residential development. Up to 25 du/acre are allowed for multi-family uses.	NA
	Mobile Home Park (RMH)	Intended for mobile home parks and mobile home subdivisions through conditional use only. No density is specified.	NA

Credit: MSD Long Range Planning, 2022.

In 2021, Salt Lake County conducted a regional analysis of missing middle housing options based on municipal and county zoning codes. Missing middle housing describes types of housing that fall somewhere between single-family detached homes and high-rise multi-family buildings. Missing middle housing types may include duplexes, triplexes, townhomes, courtyard apartments, and live-work units (Missing Middle Housing, 2022). These units are usually encouraged to be built with a scale and design that is compatible with existing neighborhoods. Figure 8 shows missing middle housing opportunities in Unincorporated Areas. Two-thirds (2k acres) of the analyzed land does not allow for any missing middle housing types. One-third of the land does allow for missing middle housing, but these are primarily limited and moderate opportunities. **The largest tract of land showing 'moderate opportunities' on the map in Figure 8 is the Olympia Hills master-planned community, which has since been annexed into Herriman City.**

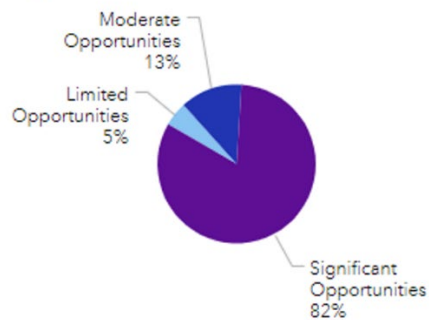
Figure 8: Missing Middle Housing, Zoning Analysis.



Residential land zoned to allow Missing Middle Housing



Breakdown of zoning that allows Missing Middle Housing (acres)



Credit: Salt Lake County, 2022.

What has Salt Lake County done to Address Moderate Income Housing?

As previously discussed, Salt Lake County adopted its first Moderate Income Housing Plan for Unincorporated Areas in 2019. Over the past few years, the County has taken several steps to improve housing choice and affordability.

Accessory Dwelling Units (ADUs) – ADUs are small, self-contained residential units located on the same lot and held under the same ownership as an existing, single-family home. ADUs can be attached or detached units and are commonly referred to as mother-in-law suites, granny flats, basement apartments, or garage conversions. Salt Lake County adopted an ADU Ordinance in November of 2021. This Ordinance complies with State Code related to internal accessory dwelling units, but also allows for detached ADUs when certain conditions are met. Table I describes which Salt Lake County Zones ADUs are currently allowed in. These units have multiple benefits:

- They tend to fit well into existing neighborhoods, without disrupting design compatibility or overburdening infrastructure systems.
- They offer additional rental housing supply.
- Homeowners who add an ADU to their property benefit from rental income or additional spaces where loved ones can stay.

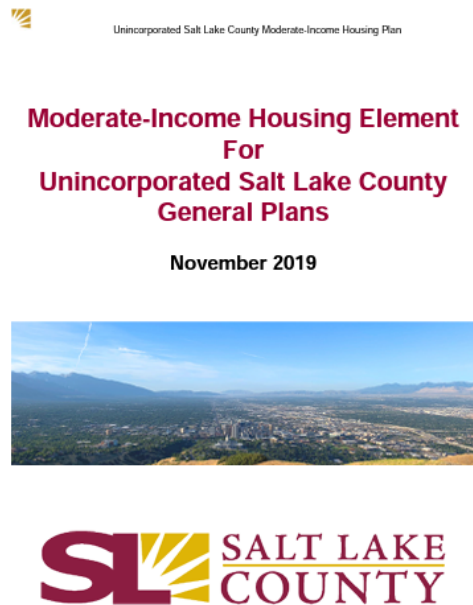
Programs through Salt Lake County Housing and Community Development (HCD) – HCD offers several housing programs to residents. For the rehabilitation of housing units, HCD provides a free assessment of housing unit's deficiencies related to health and safety, reports those deficiencies to the property owner, and connects the property owner with resources (including grants or low interest rate loans) to make needed repairs. In addition, HCD maintains the HOME Investment Partnership Program which serves as a gap financing mechanism for developers who receive Low-Income Housing Tax Credits (LIHTC) for construction. In 2020, \$3,038,624.39 was expended from the HOME fund county-wide.

Missing Middle Housing Outreach Efforts – Salt Lake County Regional Development has been involved in recent efforts to promote 'missing middle housing' across the Salt Lake Valley. In October of 2021, Regional Development held a Missing Middle Housing Event, which featured a keynote session from Daniel Parolek. The event also included a panel of public and private sector experts who discussed opportunities and challenges in the Utah housing market. Planners across the region attended this event to learn more about missing middle housing and how to apply it in their own communities.

Unincorporated Salt Lake County – Community Engagement and Housing Vision

Although the State-mandated timeline for making the required changes to the Moderate Income Housing Plan was tight, planning staff recognized the importance of seeking and synthesizing resident input on housing. Residents had the opportunity to engage through two in-person events and one online survey during the Summer of 2022. Staff also relied on engagement results from past planning efforts, including the 2019 Moderate Income Housing Plan, the Wasatch Canyons General Plan, and the West General Plan.

The 2019 Moderate Income Housing Plan



Read the 2019 Moderate Income Housing Plan [here](#).

The 2019 Moderate Income Housing planning process included multiple meetings with the Salt Lake County and Mountainous Planning District Planning Commissions, one public open house, and public hearings. The result from that process was the selection of six (6) of the State's strategies:

- E. Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones.
- F. Allow for higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers, or employment centers.
- I. Allow for single room occupancy developments.
- J. Implement zoning incentives for low to moderate income units in new developments.

L. Preserve existing MIH.

P. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH.

At the time the Plan was adopted, accessory dwelling units (ADUs) were not permitted in Unincorporated Salt Lake County; that has since changed.

Strategy I was intended to apply only at the bases of ski resorts, where single room occupancy (SRO) could be desirable for workers. However, since 2019, it has become clear that water availability severely limits the opportunities for new development and occupancy in the Canyons; in addition, complicated contracts with Salt Lake City Public Utilities and U.S. Forest Service make it unlikely that this strategy could be implemented in the next five years.

Salt Lake County originally selected Strategy J, with the intent of requiring MIH set-asides as a part of new development in the Planned Communities (PC) Zone. However, recent legislation prohibits municipalities from requiring the inclusion of MIH units, and the County has insufficient resources available to offer additional incentives.

Note that the strategies listed above vary slightly from the language of the strategies now available to Salt Lake County. The State Legislature updated its listed strategies in 2022.

Housing in the Wasatch Canyons and West General Plans

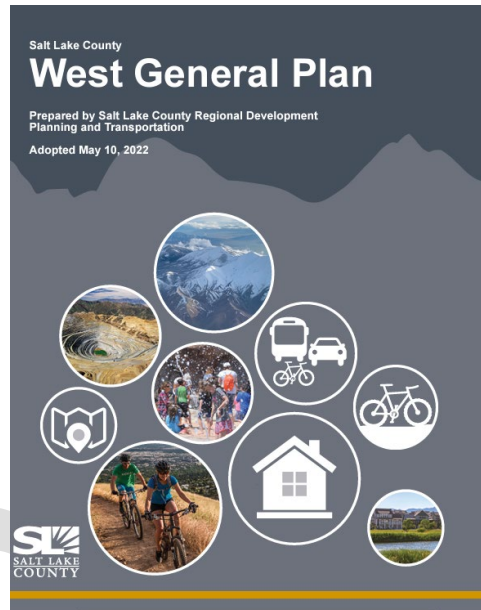


Read the Wasatch Canyons General Plan [here](#).

Wasatch Canyons General Plan – The Wasatch Canyons General Plan covers unincorporated areas of Salt Lake County within the Wasatch Range, including Parleys, Mill Creek, Big Cottonwood, and Little Cottonwood Canyons, and the mountain foothills. Roughly 4,000 people participated in events and surveys during the three-year planning process. The Plan says very little about housing, instead referencing the 2019 Moderate Income Housing Plan. The key message within the Wasatch Canyons General Plan was that residents value recreation access and ecological preservation. The Plan’s Land Use Vision reads:

“Strive for mutually beneficial partnerships among jurisdictions, government agencies, and stakeholders through collaboration and coordination to provide for water resource protection, recreation opportunities, wildlife, approved private property uses, and quality open spaces. Living in the Wasatch Canyons, with abundant wildlife, fresh air, quiet and dark night skies offers a peaceful respite from the nearby urban environment.” (pg.30)

This statement envisions land in the Canyons remaining primarily wild, with any new development occurring at a scale and in a character that preserves viewsheds, habitat, dark skies, and quiet.



Read the West General Plan [here](#).

West General Plan – The vision presented in the West General Plan is far different from that in the Wasatch Canyons General Plan. The West General Plan emphasizes the creation of new ‘vibrant town and village centers’. During the four-year planning process, residents and business owners participated from both Unincorporated Areas and incorporated municipalities on the County’s west side. Various community organizations and non-profits also provided feedback on the Plan. The West General Plan provides the following vision for housing:

“People live in walkable and bikeable neighborhoods and town/village centers. Residents benefit from nearby parks, trails, and access to mountains and foothills. A wide range of housing options, from affordable to high-end, are available within each community. Housing design harmonizes with the natural environment.” (pg.10)

Implementation actions related to this vision included locating housing near amenities such as trails and parks, encouraging missing middle housing, planning for a variety of residential lot sizes, planning residential in close proximity to commercial uses (mixed-use), and connecting residents to housing assistance programs offered through the County. Housing was one of the most contentious issues within the West General Plan, as evidenced by the community engagement

results in the Plan’s appendices. Key feedback from community engagement participants indicated that medium- and high-density housing was only supported when it was located in centers, that design standards are important to residents to ensure compatible development, and that options for mid-range housing types and costs were desired (pg.167).

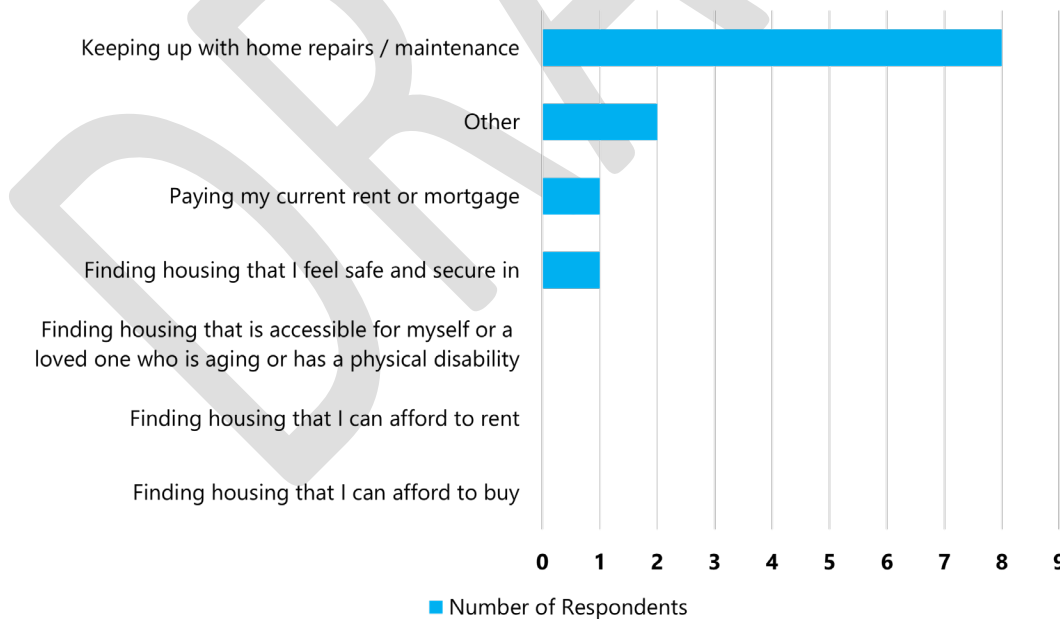
2022 Community Engagement Results

Community members in Unincorporated Salt Lake County had the opportunity to participate in two public workshops – on June 29th and July 13th, 2022. These events were advertised on the MSD Website, MSD Social Media, through the MSD newsletter, and also by email invite to the chairs of each Unincorporated Community Council. Unfortunately, no representatives from Unincorporated County attended the events.

In an effort to connect with community members in different ways, staff launched an online survey that participants could fill out on their own time. This survey was live for three weeks in July and August of 2022. Twelve (12) residents from Unincorporated Salt Lake County took the survey.

When asked what their *most significant* housing challenge was, eight (8) participants answered ‘Keeping Up with Home Repairs / Maintenance’, one (1) participant answered ‘Finding Housing that I Feel Safe and Secure In’, and one (1) answered ‘Paying My Current Rent or Mortgage’. The other two participants selected ‘Other’ (see Figure 9).

Figure 9: Participants’ Most Significant Housing Challenges.



Credit: MSD Long Range Planning – using results from the 2022 Moderate Income Housing Survey.

Five (5) of the twelve participants said they would support the addition of accessory dwelling units, townhomes, courtyard housing, or mixed-use in their community if it helped with housing choice and affordability. However, those who supported these types of housing also wrote that they would prefer these types of housing be located near commercial and mixed-use centers, built along transportation corridors, and held to the same maintenance standards as single-family homes. The participants who answered that they would not support these housing types were primarily concerned with traffic impacts, water availability, and the question of whether those types are truly more affordable.

When asked which three (3) housing features were most important to them, the top features were:

1. Outdoor Space (Yard, Patio, Balcony) – 11 votes;
2. Location in My Current Neighborhood – 5 votes; and
3. Private Entryway – 5 votes.

If new housing development were to occur, focusing on features that allow for privacy, open space, and location within established neighborhood centers may be more palatable to residents.

The final question in the 2022 Moderate Income Housing Survey asked the following question: “What is one reasonable action you think your community could take in the next year to improve housing conditions and options?”. Eight (8) participants responded to this question. Their responses are synthesized in Table J.

Table J: Resident Recommendations for Actions the County Could Take to Improve Housing Conditions and Options.

Action Summarized	Frequency
Focus residential development in land use centers, including commercial areas, mixed-use centers, and employment centers.	2
Pass rent-control legislation or raise the minimum wage at the State level.	2
Limit short-term rentals (Air BnB / VRBO) in order to preserve residential housing.	1
Limit the ability of certain lands to be subdivided so that land values stay low.	1
Focus on maintaining infrastructure and strengthening code enforcement.	1
Provide emergency repair, weatherization, and energy-retrofit assistance to existing homeowners.	1
Create opportunities for single-family home ownership.	1
Boost the image of communities that are naturally have cheaper housing costs so that people will be more excited to move to those areas.	1

Credit: MSD Long Range Planning – using results from the 2022 Moderate Income Housing Survey. Note that some respondents recommended multiple actions, so the frequency of each action combined adds up to more than eight.

Emerging Themes from Engagement Analysis

Across previous General Plans and in the 2022 engagement results, resident values and opinions related to housing generally align:

1. Residents prefer that any new housing development occur in land use centers, including employment and mixed-use centers, rather than in open space areas or existing single-family neighborhoods.
2. Many Unincorporated residents already own their homes and may need additional assistance in maintaining their homes / keeping housing costs affordable.
3. Community members recognize the benefits that accessory dwelling units (ADUs) can provide both for tenants and for the unit owners, who can use the additional income from rent to supplement their own income and housing costs.
4. Residents value open space and access to recreational amenities, privacy, and maintenance of infrastructure and properties in their neighborhoods.

Selected Strategies for Addressing Moderate Income Housing

The State-Offered Strategies

House Bill 462 (2022) amended the list of strategies that municipalities and counties could choose from in addressing Moderate Income Housing. The twenty-three (23) strategies have been reworded to become more actionable. For example, Strategy C – *Facilitate the rehabilitation of existing uninhabitable housing stock into MIH* – became, “demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing”. This places a higher burden of proof on counties to show that they are taking steps to rehabilitate MIH units.

In addition to changing strategy language, HB462 added new provisions related to the *number* of strategies municipalities and counties must select and report on. The minimum number of strategies a county can choose is still three (3). However, a county must choose five (5) in order to receive priority consideration for important funding sources including those from the State Transportation Commission and Governor’s Office of Planning and Budget (COVID-19 Local Assistance Matching Grants). Grant funding is essential to the upkeep of County infrastructure and services. Thus, five strategies are included in this Moderate Income Housing Plan.

From the list of available strategies shown in Figure 10, the County plans to implement the following:

B. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of Moderate Income Housing.

E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.

F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers

O. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, [...] or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.

V. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single family residential dwellings and located in walkable communities within residential or mixed-use zones.

Figure 10: Available State Strategies and Applicability to Unincorporated Salt Lake County.

STRATEGY	APPLICABILITY
(A) rezone for densities necessary to facilitate the production of moderate income housing	Low resident support for increased density.
(B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing	SELECTED
(C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing	Low frequency of uninhabitable housing.
(D) identify and utilize county general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county for the construction or rehabilitation (continued . . .)	NA. The County charges few fees for construction.
(E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones	SELECTED
(F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers;	SELECTED
(G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors	Generally few transit investment corridors in Unincorporated.
(H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle (continued . . .)	Low resident support for reducing parking.
(I) amend land use regulations to allow for single room occupancy developments	Limited market demand in Unincorporated.
(J) implement zoning incentives for moderate income units in new developments	Few tools available for incentives.
(K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program (continued . . .)	Limited staff capacity to manage programs.
(L) reduce, waive, or eliminate impact fees related to moderate income housing	NA. No impact fees are currently charged.
(M) demonstrate creation of, or participation in, a community land trust program for moderate income housing	Limited staff capacity to manage a Land Trust.
(N) implement a mortgage assistance program for employees of the county, an employer that provides contracted services for the county, or any other public employer that operates within the county	Limited funding available for a loan / grant program.
(O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing (continued . . .)	SELECTED
(P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize (continued . . .)	Limited sites available for new construction.
(Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act	NA. No BRT/TRAX stops in Unincorporated.
(R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530	NA. No impact fees are currently charged.
(S) create a program to transfer development rights for moderate income housing	Low resident support.
(T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing	Limited funding available for acquisition.
(U) develop a moderate income housing project for residents who are disabled or 55 years old or older	Limited funding available.
(V) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable (continued . . .)	SELECTED
(W) demonstrate implementation of any other program or strategy to address the housing needs of residents of the county who earn less than 80% of the area median income (continued . . .)	Not needed – five other strategies selected.

Credit: MSD Long Range Planning, strategies from State Code 17-27a-403.

Unincorporated Salt Lake County's Preferred Strategies

B. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of Moderate Income Housing.



"I have internet service, but it is very inadequate for [my] purposes. I need broader bandwidth. Often use my cell phone as a hotspot because local internet is not sufficient." (Unincorporated SLCo Resident Response – *Digital Infrastructure Survey, 2022*).

Although this Plan focuses on the cost of housing units, there are other pieces that contribute to overall housing affordability. For example, a household's income determines which housing units it can afford. Increasing economic opportunity and wages can help residents address affordability challenges. Transportation also factors into affordability, with transportation and housing costs combined making up over half of the typical American household's monthly expenses ([U.S. Department of Transportation, 2015](#)). In 2022, Salt Lake County residents are estimated to spend \$5,930.09 on average for utilities, fuel, and public services; this makes up approximately 6.2% of the household budget (Esri Community Analyst, 2022). Salt Lake County could allocate resources toward improving energy efficiency and opportunities for household-scale renewable energy production in as a way to reduce household spending. The Green and Healthy Homes Program, discussed later in this Plan, already works toward that goal.

Through investment in the rehabilitation and expansion of infrastructure, Salt Lake County can help its residents to expand economic access and opportunities and to save on transportation-related costs. Actions may look like investing in digital infrastructure so that Unincorporated residents have additional access to remote work and educational opportunities. In 2022, Salt Lake County secured a contract with Google Fiber to provide more reliable and faster Internet options in unincorporated communities. Additionally, the County may prioritize investments in public transit and active transportation infrastructure, especially near existing neighborhoods, so that residents have fewer costs related to driving. Spending less on transportation can free up needed funds allowing residents to purchase housing, keep up with rising rents, or stay in their existing homes.

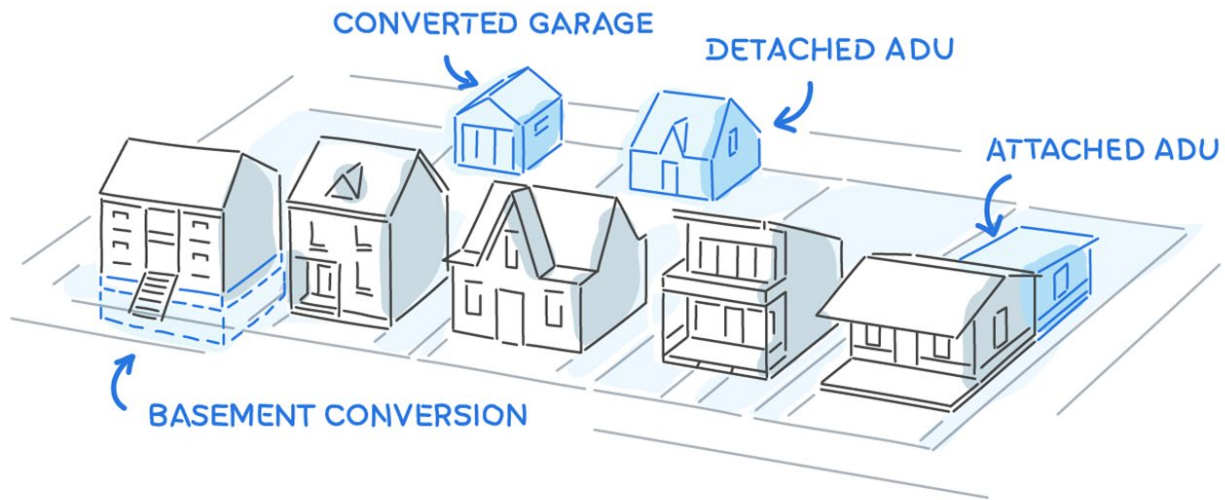
E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.



"I think that ADUs are something that should be available to a homeowner to decide on. As long as the tenant of the ADU is held to the same maintenance and ordinances of homeowners, I don't see a need to stop people from having ADUs on their own property. If anything, wouldn't ADUs help with the housing crisis a bit?" (Unincorporated SLCo Resident Response – *MIH Survey, 2022*).

Accessory dwelling units (ADUs) are habitable dwelling units added to, created within, or detached from a primary residential dwelling and contained on a single lot. They differ from duplexes, which are typically established on two separate but adjoining lots. ADUs come in many different shapes and sizes, as demonstrated in Figure 11.

Figure 11: Types of Accessory Dwelling Units.



Credit: Housable, 2022.

Salt Lake County adopted an accessory dwelling unit (ADU) ordinance for its Unincorporated Areas in 2021. However, since that time, few ADUs have been constructed. This is despite feedback from homeowners that they are interested in adding ADUs to their existing properties. Research into barriers to ADU construction are needed so that the County can better facilitate ADU development, where appropriate, in the Unincorporated Areas. It should be noted that the State requires the County to allow internal accessory dwelling units (iADUs) in most residential neighborhoods with the Unincorporated Areas.

F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers.



"Strip malls and areas that are commercially zoned should be considered for mixed use apartment style housing" (Unincorporated SLCo Resident Response – Moderate Income Housing Survey, 2022).

Feedback on the first Moderate Income Housing Plan, West General Plan, and 2022 Moderate Income Survey made it clear that residents prefer new growth be directed to commercial and employment centers rather than to single-family neighborhoods. Unincorporated Salt Lake County does not currently have much commercial or mixed-use development. However, there are industrial lands in the Unincorporated Areas that could be examined for residential infill development. If it can be done safely (i.e. externalities of industrial uses are limited), there are benefits to including residential development near major employment centers.

Strategy F may be a possibility in the northern section of Unincorporated Salt Lake County, where development is occurring to support the Inland Port, Airport Expansion, and new State Prison facility. This also raises ecological considerations, as there are wetlands and other sensitive sites in this region. Counties and municipalities around the world are beginning to explore the concept of *industrial urbanism* as a way to maintain spaces for the production of goods while also accommodating new residential growth.

Figure 12: Illustrative Example of Light Industrial and Residential Mixed-Use.



Credit: Sidewalk Labs, 2017.

O. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, [...] or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.

"I can say as an owner of an older house (built '67) it would be fantastic if there were programs available to help modernize older homes in a way that's up to code and if possible as a bonus- environmentally conscious. Older homes can be a lot of work, and we're two able bodied late 20s year olds. I can't imagine how intimidating updates are for older generations that can't really DIY." (Unincorporated SLCo Resident Response – Moderate Income Housing Survey, 2022).

In the 2022 Moderate Income Survey, **eight (8) out of eleven (11) Unincorporated residents identified their biggest housing challenge as keeping up with home repairs.** Many residents of Unincorporated Salt Lake County have owned their homes for a long period of time and are not cost-burdened. Issues of unaffordability are much more pronounced for the Unincorporated County's renter households (roughly 7.6% of households). For homeowners, the biggest challenges are home maintenance, energy retrofits, and adaptations for aging populations or those with disabilities.

Salt Lake County Housing and Community Development currently operates and has been working to expand several programs which contribute to Strategy O, including:

Green and Healthy Homes – The Green and Healthy Homes program is open to Salt Lake County households who earn eighty percent (80%) or less of the Area Median Income (AMI). Households are provided with a free home assessment and a report of deficiencies. Then, program staff work with the homeowners to address the critical needs related to health and safety. Repairs and retrofits covered under the Green and Healthy Homes program include lead and radon abatement, energy-efficient upgrades (including those intended to reduce household utility costs), critical repairs (windows, roofing, electrical, plumbing), and accessibility or ageing-in-place upgrades.

Partners involved in the Green and Healthy Homes program include Community Development Corporation of Utah, University of Utah Health Plans, Utah Community Action Weatherization Program, State of Utah Health Department Asthma program, Utah Physicians for Healthy Environment, Green & Healthy Homes Initiative, Utah State Radon Coalition, and Salt Lake County Health Department Asthma program.

HOME Investment Partnership Program - The HOME Investment Partnership Program provides 0-3% loans to help finance the cost of development and construction of rental housing and the cost of purchase and rehabilitation of existing rental housing projects. In 2021, \$3,038,634 was expended county-wide from the HOME Program. These funds were often paired with Low Income Housing Tax Credits (LIHTC) to help resources go further.

HOME funds may also be used for down-payment assistance, mortgage assistance, housing rehabilitation, and new construction of single-family homes for households earning eighty percent (80%) or less of area median income. Staff anticipates that the County will continue to pursue state and federal funding to maintain and enhance these programs for residents.

Figure 13: Cornell Place, Funded through the HOME Investment Partnership Program.



Credit: Apartment Guide, 2022.

V. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.



*"Utahns prefer developments that look like single-family homes, rejecting a garage-heavy row of attached houses." (Utah Foundation - *Missing Middle Housing Study Part III*, 2022).*

In 2022, the Utah Foundation conducted a survey of Utah residents to understand housing preferences, particularly as they relate to *Missing Middle Housing* types (see Appendix and Figure 14). The Foundation's survey found that residents still prefer the single-family housing over other housing types ([Utah Foundation, 2022](#)). However, respondents offered positive reactions to multi-family development (particularly duplexes and triplexes) that shared the same scale and design as single-family homes (ibid).

Figure 14: Missing Middle Housing Types.



Credit: Opticos Design, 2020.

Figure 15: Example of Multi-Family Unit Built at Single-Family Scale.



Credit: Existing Mid-Century Duplex in Sandy Hills – Google Maps Street View, 2019.

Interestingly, many of the established neighborhoods within Unincorporated Salt Lake County, particularly in the islands within Sandy City, historically allowed duplex development (see Figure 15). These units blend into the fabric of the primarily single-family residential neighborhoods. Updated land use ordinances that allow duplexes near transit and at a compatible scale in these neighborhoods could offer additional housing choices for residents.

Moderate Income Housing Implementation Plan

Implementation Steps

Broadly, implementation of each strategy will occur in three parts:

1. Research: in this phase, staff assigned to the strategy will research potential programs, policies, and projects that could facilitate implementation. Staff should also search for case studies, available funding sources, and other resources that can support implementation. Data should be collected to facilitate the needed program, policy, or project – whether that be demographics, market conditions, community input, or some other source.
2. Coordination: in the second part, staff should start reaching out to anticipated partners and team members. A team should be assembled to begin planning for the program, policy, or project, and important partners should be included in discussions about funding, ongoing maintenance, and measures of success.
3. Action: in this stage, the program, policy, or project is carried out. This may look like drafting a land use ordinance and bringing it through the adoption process, applying for a grant for needed support infrastructure, or launching a home maintenance program.

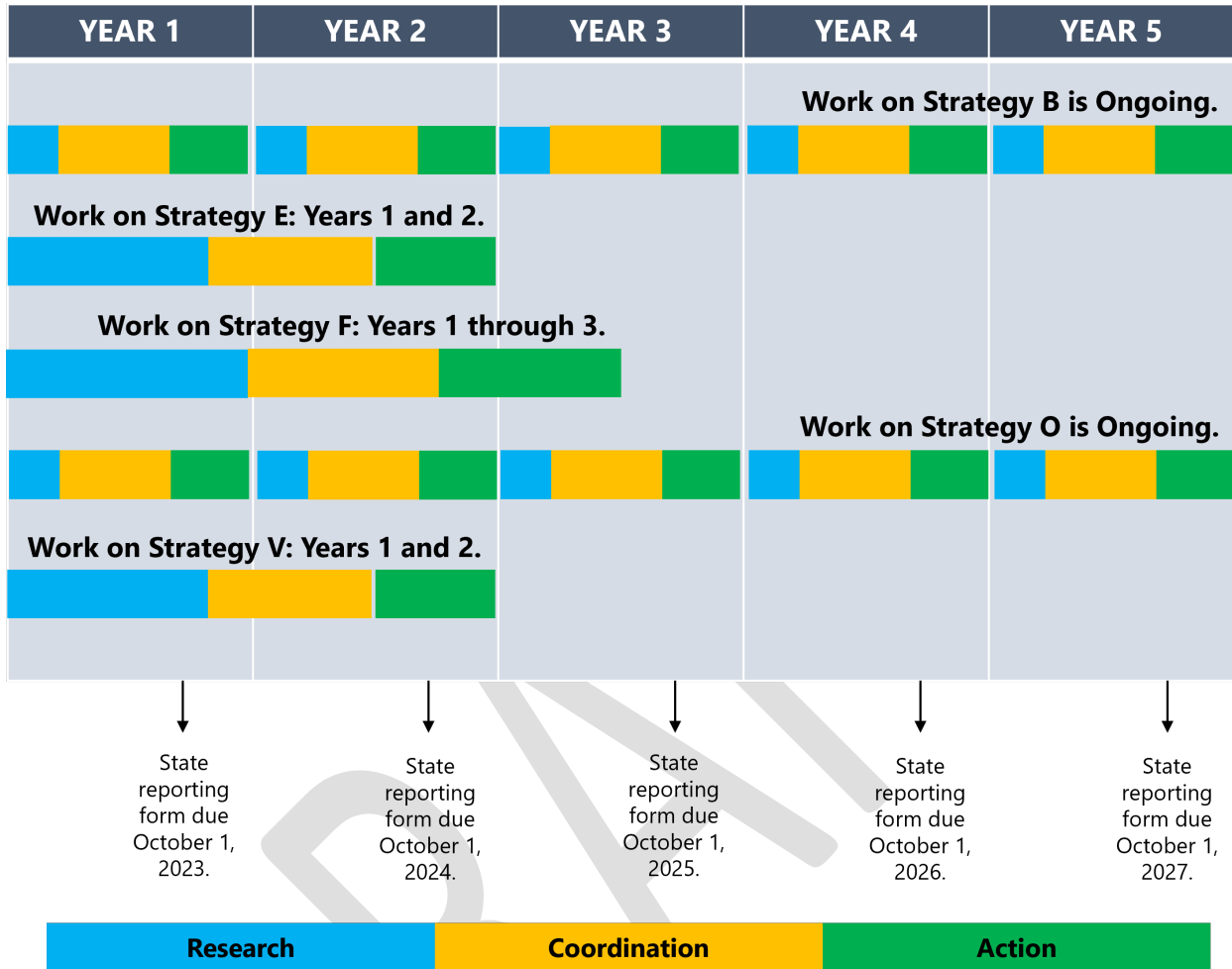
The timeline for each strategy's three phases of implementation is discussed in the next section. More specific action items related to each strategy are included in the Moderate Income Housing Work Program on pg.38.

Proposed Timeline for Implementation

It is anticipated that work on the five strategies will be staggered over the upcoming years. A proposed timeline is presented in Figure 16. Strategy B relates to grant funding, infrastructure projects, and other projects to support residential neighborhoods. Staff meets with Community Councils and Salt Lake County Council annually to determine funding needs and work toward shared goals. Thus, work on Strategy B will be ongoing. Strategy O is also ongoing. On an annual basis, staff will set objectives, collaborate with partners, and report on funding expenditures. Annual research may involve investigating new funding sources or examining case studies in order to enhance and expand current offerings.

In 2023 and 2024, Staff anticipates the County making comprehensive revisions to its land use ordinances. This provides an opportunity to address Strategies E, F, and V, which all pertain to zoning and facilitation of the permitting process.

Figure 16: Proposed Timeline for Strategy Implementation.



Credit: MSD Long Range Planning, 2022.

How will the County Measure Progress?

In the years following the adoption of this Plan, the County is required to report annually on progress made in implementing the selected strategies. Written reports must be submitted to the State’s Housing and Community Development Division within the Department of Workforce Services by October 1st of each year. State Code 17-27a-408 outlines requirements for the annual report, which must include:

- A description of each MIH strategy selected by the County for implementation;
- An implementation plan;
- A description of each action taken by the County during the previous fiscal year to implement the County’s MIH strategies;

- A description of each land use regulation or land use decision made by the County during the previous fiscal year to implement the County's MIH strategies, including an explanation of how the land use regulation or land use decision supports the County's implementation efforts;
- A description of any barriers encountered by the County in the previous fiscal year while implementing its MIH strategies;
- Information regarding the number of internal and external / detached accessory dwelling units located for which the County issued a building permit to construct or issued a business license to rent;
- A description of how the market has responded to the selected MIH strategies, including the number of entitled MIH units or other relevant data; and
- Any recommendations on how the state can support the County in implementing the MIH strategies.

All of the metrics defined above will be tracked by MSD Planning and Development Services, who issues building permits and processes land use applications for Unincorporated Salt Lake County. In addition, staff will track progress with their own internal metrics and measures of success, as outlined in the work program.

What if a strategy is found to be ineffective? Research is the first step in implementing each of the proposed Moderate Income Housing strategies. If staff begins work on a strategy and finds that it cannot be implemented for any reason (lack of political will, unsubstantial funding, lack of staff capacity, or regulatory barriers), it may be necessary to evaluate other options. State law allows for flexibility if the Count finds that a strategy does not work. However, it may be necessary to replace that strategy in future years to ensure that the County continues working on five strategies and can keep its priority funding status.

The Moderate Income Housing Work Program

The following work program (beginning on page 38) identifies the key steps that will help planners and decision-makers implement each Moderate Income Housing Strategy. The work program relies on several departments and partner organizations to carry it forward. That is because planning for housing is a collaborative effort that requires diverse agencies to work toward a collective vision.

This work program is intended to be used by staff and decision-makers to help them organize and report on their implementation efforts. The tables can easily be translated to a progress report to be sent to the State's Housing and Community Development Division as a part of the annual reporting requirements.

While the work programs identify actions that staff can use to track progress on implementation, the following metrics are intended to evaluate overall strategy success in promoting moderate income housing in Unincorporated Salt Lake County. The County should use these metrics to measure and report out on its long-term impact on the housing market for Unincorporated Areas. Baseline data will be collected in 2022 in order to measure progress over time.

Strategy B

Annual spending on infrastructure projects in census blocks with a median income below the median for Salt Lake County.

Completed infrastructure projects in Unincorporated SLCo related to transportation, digital infrastructure, energy-efficiency, or other sectors that significantly reduce household spending.

Strategy E

Number of new permits granted for accessory dwelling units in Unincorporated Salt Lake County.

Strategy F

Number of acres of previously commercial or industrial land re-zoned to allow for infill residential development.

Number of new permits granted for residential development in re-zoned areas of Unincorporated Salt Lake County.

Strategy O

Number of new applications for the Green and Healthy Homes Program received from households in Unincorporated Salt Lake County.

Number of households in Unincorporated Areas assisted through the Green and Healthy Homes Program.

Number of new construction projects in Unincorporated Salt Lake County that receive funding from the HOME Investment Partnership Fund.

Strategy V

Number of Unincorporated SLCo zones in which existing duplexes are permitted to continue without being considered a non-conforming use.

Number of Unincorporated SLCo zones in which new missing middle housing types, including duplexes at a single-family scale, are permitted by right.

B. Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of Moderate Income Housing.

<u>Actions</u>	<u>Involved Parties</u>	<u>Anticipated Funding Source</u>	<u>Anticipated Output</u>	<u>Resources</u>
1A. Review the recommendations of the MSD Digital Infrastructure Study and consider pursuing recommendations.	MSD PDS, SLCO Council / Mayor	Staff Time	Staff meets with various SLCO Departments to determine which projects to pursue. (Q1 2023)	MSD Digital Infrastructure Assessment and Action Plan
1B. Identify and apply for funding sources as needed to implement digital infrastructure projects to support resident telecommuting.	MSD PDS; SLCO Council / Mayor, SLCO Public Works	Digital Equity Act – State and Federal Funding	Staff applies for funding. Funding is applied to projects that support residents’ ability to live and work within their communities. (Q4 2023)	Digital Equity Act
2A. Work with SLCO Public Works to obtain an updated sidewalk inventory for the Unincorporated Area.	MSD PDS; SLCO Public Works; SLCO Regional Development	Staff Time	Staff obtains an updated sidewalk inventory and receives direction on priority projects. (Q1 of each year)	SLCO Public Works Interactive Map
2B. Identify and apply for funding sources to implement needed sidewalk and active transportation improvement projects.	MSD PDS; SLCO Council / Mayor; SLCO Public Works	CDBG, Transportation Alternatives Program, Safe Routes to School	Staff applies for funding. Funding is applied to projects that support residents’ ability to meet daily needs within their neighborhoods. (Q4 of each year)	WFRC Transportation Alternatives Program

E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.

<u>Actions</u>	<u>Involved Parties</u>	<u>Anticipated Funding Source</u>	<u>Anticipated Output</u>	<u>Resources</u>
1A. Conduct research with residents to understand what barriers to constructing ADUs exist.	MSD PDS, Residents	Staff Time	Staff engage with residents and identify the top barriers to ADU construction in Unincorporated Areas. (Q3 2023)	Portland Study of ADU-Owners
1B. Staff study case studies related to the top barriers identified in 1A.	MSD PDS	Staff Time	Staff prepare a summary of pertinent case studies and potential paths forward. (Q1 2024)	HUD Article on U.S. Efforts to Encourage ADU Production
1C. Staff presents findings to SLCo Council and seeks direction on policies, programs, and projects to address barriers.	MSD PDS, SLCo PCs, SLCo Council / Mayor	Staff Time	Staff presents to leadership and receives direction on next steps (Q2 2024) .	Salt Lake City ADU Report 2021
1D. Staff implements selected strategy as directed.	MSD PDS, SLCo PCs, SLCo Council / Mayor, MSD Communications Manager, County Communications Director	Staff Time, CDBG, Fee Waivers (as applicable)	Process may result in: an amortization program for pre-existing ADUs, guides to assist residents with construction, or relaxed policies for ADUs on owner-occupied properties. (Q4 2024)	North Salt Lake Waived Fee for Pre-Existing ADUs

F. Zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers.

<u>Actions</u>	<u>Involved Parties</u>	<u>Anticipated Funding Source</u>	<u>Anticipated Output</u>	<u>Resources</u>
1A. Staff uses GIS and other tools to identify commercial and industrial sites where residential infill may be feasible.	MSD PDS, SLCo Regional Development	Staff Time	Staff produces a list of existing commercial / industrial sites within that may be feasible for infill residential development. (Q2 2023)	GIS Application for Finding Sites Feasible for Mixed-Use Development
1B. Staff engages residents to see which 'feasible' sites are also 'desirable' for residential infill development.	MSD PDS, Residents	Staff Time	Staff produces a report of sites that are both feasible and desirable for infill residential development. (Q1 2024)	Strong Towns Article on Redeveloping Old Strip Malls
1C. Staff gives a presentation to decision-makers and seeks direction on which of the sites would be supported for re-zone.	MSD PDS, SLCo PCs, SLCo Council	Staff Time	Staff provides a presentation to decision-makers and receives direction on next steps. (Q3 2024)	Utah State Code on Preparation and Adoption of Land Use Ordinances
1D. Staff drafts ordinance changes as directed to allow residential infill development in identified commercial and industrial sites. Staff moves ordinances through the adoption process.	MSD PDS, SLCo PCs, SLCo Council	Staff Time	Staff works with PCs and Council to implement ordinance changes as directed. (Q2 2025)	Zoning Considerations for Live/Work Units

O. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, [...] or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing.

<u>Actions</u>	<u>Involved Parties</u>	<u>Anticipated Funding Source</u>	<u>Anticipated Output</u>	<u>Resources</u>
1A. Staff researches the County's moderate-income housing needs as related to Green and Healthy Homes and the HOME Investment Partnership Program and sets annual objectives.	SLCo Housing, SLCo Mayor's Office, and Community Development, Partners	Staff Time	County Staff and the Mayor's Office prepare annual objectives. (Q1 of each year)	About the National Green and Healthy Homes Initiative
1B. Staff researches existing and potential funding sources, looking for opportunities to expand programs as needed.	SLCo Housing and Community Development, Utah Housing Corp	Staff Time	Existing and potential funding sources, as well as application deadlines, are identified. (Q1 of each year)	HUD Funding for Housing and Community Development Activities
1C. Staff applies for annual grants as needed.	SLCo Housing and Community Development, Partners	Staff Time, CDBG and Other Grant Funding	Staff / partners apply for funding and receive it (proceed to next step) or does not receive it (repeat step). (Q2-Q4 of each year)	Salt Lake County CDBG Funds
1D. Staff advertises available programs/ funding and implements programs to meet annual objectives.	SLCo Housing and Community Development Staff, Partners, Residents	Staff Time, Possible Printing Costs, Grant Funding	Programs are administered and community members are made aware of offerings. (Q4 of each year)	NA

V. Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

<u>Actions</u>	<u>Involved Parties</u>	<u>Anticipated Funding Source</u>	<u>Anticipated Output</u>	<u>Resources</u>
1A. Staff researches existing Unincorporated neighborhoods where duplexes are common. Studies what works well or doesn't work well.	MSD PDS	Staff Time	Staff produces a report of existing conditions, assessing duplex development in established neighborhoods. (Q3 2023)	Examples of Side-by-Side Duplexes (Missing Middle)
1B. Staff shares results with residents and gets feedback; works with residents to draft standards for compatible, single-family scale duplex development within existing neighborhoods.	MSD PDS, Residents,	Staff Time	Staff and the public together draft a set of standards to ensure a 'missing middle' product that is compatible with established neighborhoods. (Q3 2024)	Portland Zoning Ordinance Integration of Duplexes in Single-Family Zones
1C. Staff takes the drafted standards to PCs and Council for consideration.	MSD PDS, SLCo PCs, SLCo Council	Staff Time	Staff present to PCs and Council, who may adopt, adopt with revisions, or not adopt drafted zoning standards. (Q4 2024)	NA

Appendix

Definitions

The following definitions are pulled from the 2019 Moderate Income Housing Plan for Unincorporate Salt Lake County.

Accessory Dwelling Unit (ADU): This is a term used to define small, self-contained residential units located on the same lot as an existing, single-family home. These can be attached or detached units. Common terms are granny units, lockouts, accessory apartments, mother-in-law apartments, or tiny homes. Zoning ordinances allow for these uses to be developed in one area of the city or citywide and can provide for a variety of units for a wide range of incomes.

Affordable Housing: Affordability can be understood as a relationship between a household's income and its housing costs. It means in general, housing for which the occupant(s) is/are paying no more than 30 percent of his or her income for gross housing costs, including utilities.

This is a term created by the federal government (Department of Housing and Urban Development, HUD) and is a definition that is intended solely as an approximate guideline. Some jurisdictions may define affordable housing based on other, locally determined criteria. Housing developments that use federal funds are targeted toward residents of a certain income bracket to receive funding. Units produced through these programs generally serve people at 95% or below of the region's Area Median Income (see AMI) depending on the region and the program. The federal government uses this percentage benchmark when awarding funds to states and in setting federal housing policies. HUD defines moderate-income as income that does not exceed 95% of AMI, low income as income that does not exceed 80% of Area Median Income (AMI), very low income as income that does not exceed 50% of AMI, and extremely low income as income that does not exceed 30% of AMI.

AMHI: The Area Median Household Income (AMHI) is the midpoint of a certain area's income distribution. Half of the households in a given area earn more than the median and half earn less.

Community Development Block Grant (CDBG): Housed within HUD, CDBG is a program that provides communities with resources to address a wide range of unique community needs. The CDBG program provides annual grants on a formula basis to cities of 50,000+ residents.

Density: Density is a number of units in a given land area (project area, subdivision, parcel). In mixed use projects, density is the number of housing units divided by the land area of the mixed-use development (that includes area used for non-residential uses such as office or retail space).

Fair Market Rent (FMR): This is a rate of rent that is set by the Department of Housing and Urban Development (HUD) with a primary function to control costs. These rent rates are used in their programs when they award funds. Unless a municipality has rent control provisions or owns the land and the development, then they do not get involved in setting rents at the market level. Fair market rents vary by state and county.

Housing Cost Burden: This is a term or data point that communities can use to see the need in their area. 30% or more of a household's income is recommended to be spent on housing costs. When more than 50% of a household's income is spent on housing costs, it is considered a severe cost burden.

Housing - Severe Housing Cost Burden: This is a Federal term used to describe when more than 50% of a household's income is spent on housing costs. It is considered a severe cost burden on an individual or family and it is a real problem for livability.

Impact Fees: Impact fees are imposed by a local government. They are one-time charges on new development to help raise revenue for expansion of public infrastructure and facilities necessitated because of the development in order to maintain the existing level of public services in the community. For example, impact fees can cover the costs of water systems, water rights, wastewater systems, storm water control systems, roads, municipal power facilities, and public safety facilities. These fees are regulated by the Utah State Legislature and require local government to ensure their proper implementation with a detailed fee study. "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.

Industrial Urbanism: a field that "explores the relation between current urban planning practices and the places that are designed and dedicated to the production of goods. The organization of space is based on the idea that an urban location confers a competitive advantage due to access to people, educational institutions (center of research and experimentation), and customers" ([Rahman, 2018](#)).

Low Income Housing Tax Credit Program (LIHTC): The LIHTC program was created in the Federal Tax Reform Act of 1986. Developer-owners of LIHTC properties can claim credits against their federal income tax liability. It can be used as an incentive for developers to invest in affordable housing projects. There are also state run LIHTC programs and the concept is the same just run at the state not federal level. The Utah Housing Corporation (UHC) was created in 1975 by Utah legislation to serve a public purpose in creating an adequate supply of money with which mortgage loans at reasonable interest rates could be made to help provide affordable housing for low and moderate-income persons.

Market Rate Housing: This is housing offered by developers and owners at market prices, and there are no rent restrictions on the unit. This housing rents or sells at market rate and is developed and owned by for-profit individuals, partnerships or corporations. Most housing in Utah is privately developed.

Missing Middle Housing: "Missing middle" housing is a term used to describe small-scale, multi-unit or clustered housing units in livable, walkable, urban communities. It can include anything from duplexes, tri- and fourplexes, to courtyard housing and apartments.

Mixed Use Development: This type of development is characterized as pedestrian friendly development that blends two or more residential, commercial, cultural, institutional, and/or industrial uses. A mixed-use development may include retail space on the bottom floor of a high rise, with offices and multi-family housing on the middle and top floors. Mixed use development can bring a number of benefits to a city, including minimized infrastructure costs, increased sales tax revenue, and increased property values.

Moderate Income Housing (MIH): means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located (17-27a-103).

Olene Walker Housing Loan Fund (OWHLF): Created in 1987 by the State of Utah, the OWHLF supports quality affordable housing options that meet the needs of Utah's individuals and families. The fund partners with public and private organizations to develop housing that is affordable for moderate-income, low-income, and very low-income, and persons as defined by HUD.

Owner-occupied: A housing unit that is occupied by the owner of the unit.

Renter-occupied: A housing unit that is occupied by someone other than the owner of the unit.

State of Utah Land Use, Development, and Management Act (LUDMA): LUDMA authorizes and governs land use and zoning regulation by cities and counties (CLUDMA) and establishes mandatory requirements that local governments must follow. LUDMA establishes the legal framework for each locality to make zoning decisions, enact ordinances, and implement plans.

Unincorporated: Those regions of the County that are not incorporated (outside the limits of city boundaries) and does not include townships.

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Utah Department of Environmental Quality. (2022, August 9). *Lead-Based Paint Program*. Retrieved from Utah.gov: [https://deq.utah.gov/air-quality/lead-based-paint-program#:~:text=Lead%2DBased%20Paint%20\(LBP\),that%20LBP%20is%20still%20present](https://deq.utah.gov/air-quality/lead-based-paint-program#:~:text=Lead%2DBased%20Paint%20(LBP),that%20LBP%20is%20still%20present)

Raw Survey Results (2022)

Right now, what is your most significant housing challenge?

Keeping_up_with_home_repairs/_

Keeping_up_with_home_repairs/_

Keeping_up_with_home_repairs/_

Other (NA)

Paying_my_current_rent_or_mortg

Keeping_up_with_home_repairs/_

Keeping_up_with_home_repairs/_

Keeping_up_with_home_repairs/_

Keeping_up_with_home_repairs/_

Keeping_up_with_home_repairs/_

Other ("All of the Above")

Would you support the addition of accessory dwelling units, townhomes, courtyard housing, or mixed-use (apartments above storefronts) in your community if it helped address housing choice and affordability? Why or why not?

No I don't like all the townhouse and apartments going where houses use to be. It make the water issue worse.

Yes. I think that ADUs are something that should be available to a homeowner to decide on. As long as the tenant of the ADU is held to the same maintenance and ordinances of homeowners, I don't see a need to stop people from having ADUs on their own property. If anything, wouldn't ADUs help with the housing crisis a bit?

Yes, as long as it is on the periphery of the township with access from 700 East, 1300 East, 9400 South or 10600 South. This would allow the community to remain homey feeling, would not increase traffic through the neighborhood and bring a tax revenue into the township.

No. We cannot keep stacking people on top of each other. The roads can only handle so many cars and the air is polluted already. We need to spread the building out to areas where there still is room.

Absolutely not. Those types of housing have proven to not be more affordable. We need more communities with affordable homes, not apartments, strip malls, and store fronts.

No. High density housing is more stressful on a community.

No, because there is no more room to build in our neighborhood.

I would not support this in White City. There are many options for this around in Sandy and white city is one of the few places you can find a small affordable house east of 700 so lets keep that

No - Traffic is already bad

This kind of building should be centralized around public transit hubs

Of all of these, I think ADUs and Mixed-Use housing seem to offer the most to the community, but I support all of these types of dwellings. The issue, in my mind, isn't the type of dwelling, so much as who controls these dwellings. Too often, I see these kinds of structures turn into cash-cow rentals which are not affordable to the majority of people in the area. Any of these would be fine, as long as ownership of the property or reasonable purchase/rental rates are a continuing reality for the population.

What housing features are most important to you?

Outdoor_space_(yard_patio_balco,Location_in_my_current_neighbor,Private_entryway
Outdoor_space_(yard_patio_balco,Proximity_to_parks_and_open_spa,Proximity_to_grocery_store(s)
Outdoor_space_(yard_patio_balco,Garage,Private_entryway
Outdoor_space_(yard_patio_balco,Location_in_my_current_neighbor,Private_entryway
Outdoor_space_(yard_patio_balco,Private_entryway,other ("Privacy and my own space.")
Outdoor_space_(yard_patio_balco,Location_in_my_current_neighbor,Proximity_to_grocery_store(s)
Outdoor_space_(yard_patio_balco,Location_in_my_current_neighbor,Guest_parking
Outdoor_space_(yard_patio_balco,Proximity_to_parks_and_open_spa,Proximity_to_grocery_store(s)
Outdoor_space_(yard_patio_balco,Location_in_my_current_neighbor,Garage
Outdoor_space_(yard_patio_balco,Proximity_to_transit,Proximity_to_parks_and_open_spa
Private_entryway,Proximity_to_grocery_store(s),other ("Reasonable interior space (800+ sq ft) and accommodations. By this, I mean access to washer/dryer, working A/Cs and units with separate bedrooms rather than single room studios. Also, one bedroom apts. that are significantly less than 2 beds to rent.")

5. What is one reasonable action you think your community could take in the next year to improve housing conditions and options?

I will be honest, I'm not well versed in funding or subsidies at all. I can say as an owner of an older house (built '67) it would be fantastic if there were programs available to help modernize older homes in a way that's up to code and if possible as a bonus- environmentally conscious. Older homes can be a lot of work, and we're two able bodied late 20s year olds. I can't imagine how intimidating updates are for older generations that can't really DIY.

"The state of Utah could put some limits on the cost of housing and could increase the wage scale so people can afford housing. How about dealing with the heart of the matter. Otherwise, let me have a tiny home on my property. "

Improve the existing roads, code enforcement, and infrastructure. Leave the houses and everything else alone.

Limit the ability to VRBO/ Air B@B so that houses are not run as businesses. Also making it illegal to sub divide properties so that the properties potential value stays low. Limit the size of remodel's. Anything to keep the value of the property down

Find ways for people to afford to buy a house not a condo etc.

Strip malls and areas that are commercially zoned should be considered for mixed use apartment style housing

Pass rent-control legislation that caps rent hikes. I've seen rent rates jump as much as 300.00 month over month due to "market forces."

County Zoning Acreage (2022)

	Zone	Area	Percentage
RESIDENTIAL	R-1-10	52.50	5.03
	R-1-15	98.50	9.45
	R-1-21	267.20	25.62
	R-1-21/zc	1.60	0.15
	R-1-43	162.20	15.55
	R-1-6	32.90	3.15
	R-1-6/zc	91.20	8.75
	R-1-8	161.80	15.52
	R-2-10/zc	3.11	0.30
	R-2-6.5	3.70	0.35
	R-2-6.5/zc	0.46	0.04
	R-4-8.5	42.56	4.08
	MULTI (R-M)	12.80	1.23
	MULTI (R-M/zc)	91.50	8.77
	MULTI (RMH)	20.80	1.99
Total Residential		1042.83	100.00
AGRICULTURAL	A-1	278.7	0.36
	A-2	2291.2	2.98
	A-20	71660.9	93.34
	A-5	67.2	0.09
	FOOTHILL AGRI (FA-2.5)	2223.98	2.90
	FOOTHILL AGRI (FA-5)	251.7	0.33
	Total Agricultural		76774
COMMERCIAL	C-1	1.07	0.95
	C-2	11.00	9.71
	C-2/zc	93.10	82.20
	C-3	3.38	2.98
	C-V	4.70	4.15
Total COMMERCIAL		113	100.00
INDUSTRIAL	M-1	35.8	0.08
	M-2	43,062.20	99.92
Total INDUSTRIAL		43098	100.00
FORESTRY	MULTI FAM (FM-10)	0.50	0.0004
	MULTI FAM (FM-20)	48.94	0.04
	REC (FR-0.5)	391.80	0.29
	REC (FR-2.5)	41.20	0.03

	REC (FR-20)	129492.30	97.16
	REC (FR-5)	2,376.60	1.78
	REC SINGLE FAM (FR-1)	919.20	0.69
	Total FORESTRY	133270.54	100.00
PLANNED COMMUNITY	P-C	933.5	100.00
SAND GRAVEL	S-1-G	422.2	100.00
	Total Unincorporated	255654.00	100.00

DRAFT

Exhibit 2

Enrolled Copy

H.B. 462

UTAH HOUSING AFFORDABILITY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill modifies provisions related to affordable housing and the provision of services related to affordable housing.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires certain political subdivisions to adopt an implementation plan as part of the moderate income housing element of the political subdivision's general plan;
- ▶ modifies the list of strategies that a political subdivision may select, or are required to select, for implementation as part of the moderate income housing element of the political subdivision's general plan;
- ▶ requires certain municipalities to develop and adopt station area plans for specified areas surrounding public transit stations;
- ▶ requires certain political subdivisions to amend the political subdivision's general plan by a specified date if the general plan does not include certain provisions related to moderate income housing;
- ▶ modifies requirements for a political subdivision's annual moderate income housing report to the Housing and Community Development Division (division) within the Department of Workforce Services (department);
- ▶ allows a political subdivision to have priority consideration for certain funds or projects if the political subdivision demonstrates plans to implement a certain number of moderate income housing strategies;

- 30 ▶ prohibits a political subdivision from receiving certain funds if the political
- 31 subdivision fails to comply with moderate income housing reporting requirements;
- 32 ▶ prohibits a political subdivision from imposing impact fees for the construction of
- 33 certain internal accessory dwelling units;
- 34 ▶ requires the Point of the Mountain State Land Authority to consult with the Unified
- 35 Economic Opportunity Commission in planning the development of the point of the
- 36 mountain state land;
- 37 ▶ modifies requirements for a public transit district to participate in a transit-oriented
- 38 development;
- 39 ▶ requires certain counties to prepare and submit a proposal to create a housing and
- 40 transit reinvestment zone by a specified date;
- 41 ▶ modifies local referenda signature requirements for local land use laws that relate to
- 42 the use of land within certain transit areas;
- 43 ▶ limits the referability to voters of local land use laws that relate to the use of land
- 44 within certain transit areas;
- 45 ▶ requires the division to develop a statewide database of moderate income housing
- 46 units;
- 47 ▶ requires the division to develop a methodology for determining whether a political
- 48 subdivision is complying with certain moderate income housing requirements, to be
- 49 submitted to and approved by the Commission on Housing Affordability by a
- 50 certain date;
- 51 ▶ modifies the membership of the Olene Walker Housing Loan Fund Board;
- 52 ▶ requires an entity that receives any money from the Olene Walker Housing Loan
- 53 Fund after a certain date to provide an annual accounting to the department;
- 54 ▶ repeals certain limits on the amount of money the department may distribute from
- 55 the Economic Revitalization and Investment Fund;
- 56 ▶ establishes the Rural Housing Fund, to be used by the division to provide loans for
- 57 certain moderate income housing projects in rural areas;

- 58 ▶ allows the department to use a certain amount of money from specified funds to
- 59 offset administrative costs;
- 60 ▶ allows the Private Activity Bond Review Board to transfer certain unused allotment
- 61 account funds to any other allotment account, and exempts such funds from certain
- 62 set aside requirements;
- 63 ▶ allows state entities, in addition to political subdivisions, to grant real property for
- 64 certain developments that include moderate income housing;
- 65 ▶ allows the Governor's Office of Economic Opportunity to use funds from the
- 66 Industrial Assistance Account to provide financial assistance to entities offering
- 67 technical assistance to municipalities for planning; and
- 68 ▶ makes technical and conforming changes.

69 Money Appropriated in this Bill:

70 This bill appropriates in fiscal year 2023:

- 71 ▶ to Department of Workforce Services -- Housing and Community Development, as
- 72 a one-time appropriation:
 - 73 • from the General Fund, \$500,000;
- 74 ▶ to Department of Workforce Services -- Housing and Community Development, as
- 75 a one-time appropriation:
 - 76 • from the General Fund, \$750,000;
- 77 ▶ to Department of Workforce Services -- Administration, as an ongoing
- 78 appropriation:
 - 79 • from the General Fund, \$132,000;
- 80 ▶ to Department of Workforce Services -- Housing and Community Development, as
- 81 a one-time appropriation:
 - 82 • from the General Fund, \$250,000; and
- 83 ▶ to Department of Workforce Services -- Housing and Community Development, as
- 84 a one-time appropriation:
 - 85 • from the General Fund, \$250,000.

86 **Other Special Clauses:**

87 This bill provides a special effective date.

88 This bill provides a coordination clause.

89 **Utah Code Sections Affected:**

90 AMENDS:

91 **10-9a-103**, as last amended by Laws of Utah 2021, Chapters 140 and 385

92 **10-9a-401**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

93 **10-9a-403**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

94 **10-9a-404**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

95 **10-9a-408**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

96 **10-9a-509**, as last amended by Laws of Utah 2021, Chapters 140 and 385

97 **11-36a-202**, as last amended by Laws of Utah 2021, Chapter 35

98 **11-59-203**, as enacted by Laws of Utah 2018, Chapter 388

99 **17-27a-103**, as last amended by Laws of Utah 2021, Chapters 140, 363, and 385

100 **17-27a-401**, as last amended by Laws of Utah 2021, Chapter 363

101 **17-27a-403**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

102 **17-27a-404**, as last amended by Laws of Utah 2021, Chapters 84, 345, and 355

103 **17-27a-408**, as last amended by Laws of Utah 2020, Chapter 434

104 **17-27a-508**, as last amended by Laws of Utah 2021, Chapters 140 and 385

105 **17B-2a-802**, as last amended by Laws of Utah 2020, Chapter 377

106 **17B-2a-804**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

107 **20A-7-601**, as last amended by Laws of Utah 2021, Chapter 140

108 **20A-7-602.8**, as last amended by Laws of Utah 2021, Chapter 418

109 **35A-8-101**, as last amended by Laws of Utah 2021, Chapter 281

110 **35A-8-503**, as last amended by Laws of Utah 2019, Chapter 327

111 **35A-8-504**, as last amended by Laws of Utah 2020, Chapter 241

112 **35A-8-507.5**, as enacted by Laws of Utah 2021, Chapter 333

113 **35A-8-508**, as last amended by Laws of Utah 2014, Chapter 371

- 114 **35A-8-509**, as enacted by Laws of Utah 2017, Chapter 279
- 115 **35A-8-510**, as enacted by Laws of Utah 2017, Chapter 279
- 116 **35A-8-511**, as enacted by Laws of Utah 2017, Chapter 279
- 117 **35A-8-512**, as enacted by Laws of Utah 2017, Chapter 279
- 118 **35A-8-513**, as enacted by Laws of Utah 2017, Chapter 279
- 119 **35A-8-803**, as last amended by Laws of Utah 2019, Chapter 327
- 120 **35A-8-2105**, as renumbered and amended by Laws of Utah 2018, Chapter 182
- 121 **35A-8-2106**, as renumbered and amended by Laws of Utah 2018, Chapter 182
- 122 **35A-8-2203**, as enacted by Laws of Utah 2018, Chapter 392
- 123 **63J-4-802**, as enacted by Laws of Utah 2021, First Special Session, Chapter 4
- 124 **63N-3-603**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3
- 125 **72-1-304**, as last amended by Laws of Utah 2021, Chapters 239, 239, 411, and 411
- 126 **72-2-124**, as last amended by Laws of Utah 2021, Chapters 239, 387, and 411

ENACTS:

- 128 **10-9a-403.1**, Utah Code Annotated 1953
- 129 **35A-8-509.5**, Utah Code Annotated 1953
- 130 **63L-12-101**, Utah Code Annotated 1953
- 131 **63N-3-113**, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

- 133 **63L-12-102**, (Renumbered from 10-8-501, as enacted by Laws of Utah 2021, Chapter
- 134 333)

Utah Code Sections Affected by Coordination Clause:

- 136 **10-9a-403**, as last amended by Laws of Utah 2021, First Special Session, Chapter 3

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-9a-103** is amended to read:

10-9a-103. Definitions.

As used in this chapter:

142 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
143 detached from a primary single-family dwelling and contained on one lot.

144 (2) "Adversely affected party" means a person other than a land use applicant who:

145 (a) owns real property adjoining the property that is the subject of a land use
146 application or land use decision; or

147 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
148 general community as a result of the land use decision.

149 (3) "Affected entity" means a county, municipality, local district, special service
150 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
151 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
152 public utility, property owner, property owners association, or the Utah Department of
153 Transportation, if:

154 (a) the entity's services or facilities are likely to require expansion or significant
155 modification because of an intended use of land;

156 (b) the entity has filed with the municipality a copy of the entity's general or long-range
157 plan; or

158 (c) the entity has filed with the municipality a request for notice during the same
159 calendar year and before the municipality provides notice to an affected entity in compliance
160 with a requirement imposed under this chapter.

161 (4) "Affected owner" means the owner of real property that is:

162 (a) a single project;

163 (b) the subject of a land use approval that sponsors of a referendum timely challenged
164 in accordance with Subsection ~~20A-7-601(5)~~(6); and

165 (c) determined to be legally referable under Section ~~20A-7-602.8~~.

166 (5) "Appeal authority" means the person, board, commission, agency, or other body
167 designated by ordinance to decide an appeal of a decision of a land use application or a
168 variance.

169 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or

170 residential property if the sign is designed or intended to direct attention to a business, product,
171 or service that is not sold, offered, or existing on the property where the sign is located.

172 (7) (a) "Charter school" means:

173 (i) an operating charter school;

174 (ii) a charter school applicant that a charter school authorizer approves in accordance
175 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

176 (iii) an entity that is working on behalf of a charter school or approved charter
177 applicant to develop or construct a charter school building.

178 (b) "Charter school" does not include a therapeutic school.

179 (8) "Conditional use" means a land use that, because of the unique characteristics or
180 potential impact of the land use on the municipality, surrounding neighbors, or adjacent land
181 uses, may not be compatible in some areas or may be compatible only if certain conditions are
182 required that mitigate or eliminate the detrimental impacts.

183 (9) "Constitutional taking" means a governmental action that results in a taking of
184 private property so that compensation to the owner of the property is required by the:

185 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

186 (b) Utah Constitution Article I, Section 22.

187 (10) "Culinary water authority" means the department, agency, or public entity with
188 responsibility to review and approve the feasibility of the culinary water system and sources for
189 the subject property.

190 (11) "Development activity" means:

191 (a) any construction or expansion of a building, structure, or use that creates additional
192 demand and need for public facilities;

193 (b) any change in use of a building or structure that creates additional demand and need
194 for public facilities; or

195 (c) any change in the use of land that creates additional demand and need for public
196 facilities.

197 (12) (a) "Development agreement" means a written agreement or amendment to a

198 written agreement between a municipality and one or more parties that regulates or controls the
199 use or development of a specific area of land.

200 (b) "Development agreement" does not include an improvement completion assurance.

201 (13) (a) "Disability" means a physical or mental impairment that substantially limits
202 one or more of a person's major life activities, including a person having a record of such an
203 impairment or being regarded as having such an impairment.

204 (b) "Disability" does not include current illegal use of, or addiction to, any federally
205 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
206 802.

207 (14) "Educational facility":

208 (a) means:

209 (i) a school district's building at which pupils assemble to receive instruction in a
210 program for any combination of grades from preschool through grade 12, including
211 kindergarten and a program for children with disabilities;

212 (ii) a structure or facility:

213 (A) located on the same property as a building described in Subsection (14)(a)(i); and

214 (B) used in support of the use of that building; and

215 (iii) a building to provide office and related space to a school district's administrative
216 personnel; and

217 (b) does not include:

218 (i) land or a structure, including land or a structure for inventory storage, equipment
219 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

220 (A) not located on the same property as a building described in Subsection (14)(a)(i);

221 and

222 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or

223 (ii) a therapeutic school.

224 (15) "Fire authority" means the department, agency, or public entity with responsibility
225 to review and approve the feasibility of fire protection and suppression services for the subject

226 property.

227 (16) "Flood plain" means land that:

228 (a) is within the 100-year flood plain designated by the Federal Emergency

229 Management Agency; or

230 (b) has not been studied or designated by the Federal Emergency Management Agency

231 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

232 the land has characteristics that are similar to those of a 100-year flood plain designated by the

233 Federal Emergency Management Agency.

234 (17) "General plan" means a document that a municipality adopts that sets forth general

235 guidelines for proposed future development of the land within the municipality.

236 (18) "Geologic hazard" means:

237 (a) a surface fault rupture;

238 (b) shallow groundwater;

239 (c) liquefaction;

240 (d) a landslide;

241 (e) a debris flow;

242 (f) unstable soil;

243 (g) a rock fall; or

244 (h) any other geologic condition that presents a risk:

245 (i) to life;

246 (ii) of substantial loss of real property; or

247 (iii) of substantial damage to real property.

248 (19) "Historic preservation authority" means a person, board, commission, or other

249 body designated by a legislative body to:

250 (a) recommend land use regulations to preserve local historic districts or areas; and

251 (b) administer local historic preservation land use regulations within a local historic

252 district or area.

253 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,

254 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
255 utility system.

256 (21) "Identical plans" means building plans submitted to a municipality that:

257 (a) are clearly marked as "identical plans";

258 (b) are substantially identical to building plans that were previously submitted to and
259 reviewed and approved by the municipality; and

260 (c) describe a building that:

261 (i) is located on land zoned the same as the land on which the building described in the
262 previously approved plans is located;

263 (ii) is subject to the same geological and meteorological conditions and the same law
264 as the building described in the previously approved plans;

265 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
266 and approved by the municipality; and

267 (iv) does not require any additional engineering or analysis.

268 (22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
269 Impact Fees Act.

270 (23) "Improvement completion assurance" means a surety bond, letter of credit,
271 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
272 by a municipality to guaranty the proper completion of landscaping or an infrastructure
273 improvement required as a condition precedent to:

274 (a) recording a subdivision plat; or

275 (b) development of a commercial, industrial, mixed use, or multifamily project.

276 (24) "Improvement warranty" means an applicant's unconditional warranty that the
277 applicant's installed and accepted landscaping or infrastructure improvement:

278 (a) complies with the municipality's written standards for design, materials, and
279 workmanship; and

280 (b) will not fail in any material respect, as a result of poor workmanship or materials,
281 within the improvement warranty period.

- 282 (25) "Improvement warranty period" means a period:
- 283 (a) no later than one year after a municipality's acceptance of required landscaping; or
- 284 (b) no later than one year after a municipality's acceptance of required infrastructure,
- 285 unless the municipality:
- 286 (i) determines for good cause that a one-year period would be inadequate to protect the
- 287 public health, safety, and welfare; and
- 288 (ii) has substantial evidence, on record:
- 289 (A) of prior poor performance by the applicant; or
- 290 (B) that the area upon which the infrastructure will be constructed contains suspect soil
- 291 and the municipality has not otherwise required the applicant to mitigate the suspect soil.
- 292 (26) "Infrastructure improvement" means permanent infrastructure that is essential for
- 293 the public health and safety or that:
- 294 (a) is required for human occupation; and
- 295 (b) an applicant must install:
- 296 (i) in accordance with published installation and inspection specifications for public
- 297 improvements; and
- 298 (ii) whether the improvement is public or private, as a condition of:
- 299 (A) recording a subdivision plat;
- 300 (B) obtaining a building permit; or
- 301 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
- 302 project.
- 303 (27) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 304 designation that:
- 305 (a) runs with the land; and
- 306 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
- 307 the plat; or
- 308 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 309 described on the plat.

310 (28) "Land use applicant" means a property owner, or the property owner's designee,
311 who submits a land use application regarding the property owner's land.

312 (29) "Land use application":

313 (a) means an application that is:

314 (i) required by a municipality; and

315 (ii) submitted by a land use applicant to obtain a land use decision; and

316 (b) does not mean an application to enact, amend, or repeal a land use regulation.

317 (30) "Land use authority" means:

318 (a) a person, board, commission, agency, or body, including the local legislative body,
319 designated by the local legislative body to act upon a land use application; or

320 (b) if the local legislative body has not designated a person, board, commission,
321 agency, or body, the local legislative body.

322 (31) "Land use decision" means an administrative decision of a land use authority or
323 appeal authority regarding:

324 (a) a land use permit;

325 (b) a land use application; or

326 (c) the enforcement of a land use regulation, land use permit, or development
327 agreement.

328 (32) "Land use permit" means a permit issued by a land use authority.

329 (33) "Land use regulation":

330 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
331 specification, fee, or rule that governs the use or development of land;

332 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
333 and

334 (c) does not include:

335 (i) a land use decision of the legislative body acting as the land use authority, even if
336 the decision is expressed in a resolution or ordinance; or

337 (ii) a temporary revision to an engineering specification that does not materially:

338 (A) increase a land use applicant's cost of development compared to the existing
339 specification; or

340 (B) impact a land use applicant's use of land.

341 (34) "Legislative body" means the municipal council.

342 (35) "Local district" means an entity under Title 17B, Limited Purpose Local
343 Government Entities - Local Districts, and any other governmental or quasi-governmental
344 entity that is not a county, municipality, school district, or the state.

345 (36) "Local historic district or area" means a geographically definable area that:

346 (a) contains any combination of buildings, structures, sites, objects, landscape features,
347 archeological sites, or works of art that contribute to the historic preservation goals of a
348 legislative body; and

349 (b) is subject to land use regulations to preserve the historic significance of the local
350 historic district or area.

351 (37) "Lot" means a tract of land, regardless of any label, that is created by and shown
352 on a subdivision plat that has been recorded in the office of the county recorder.

353 (38) (a) "Lot line adjustment" means a relocation of a lot line boundary between
354 adjoining lots or between a lot and adjoining parcels in accordance with Section [10-9a-608](#):

355 (i) whether or not the lots are located in the same subdivision; and

356 (ii) with the consent of the owners of record.

357 (b) "Lot line adjustment" does not mean a new boundary line that:

358 (i) creates an additional lot; or

359 (ii) constitutes a subdivision.

360 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
361 Department of Transportation.

362 (39) "Major transit investment corridor" means public transit service that uses or
363 occupies:

364 (a) public transit rail right-of-way;

365 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

366 or

367 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
368 municipality or county and:

369 (i) a public transit district as defined in Section 17B-2a-802; or

370 (ii) an eligible political subdivision as defined in Section 59-12-2219.

371 (40) "Moderate income housing" means housing occupied or reserved for occupancy
372 by households with a gross household income equal to or less than 80% of the median gross
373 income for households of the same size in the county in which the city is located.

374 (41) "Municipal utility easement" means an easement that:

375 (a) is created or depicted on a plat recorded in a county recorder's office and is
376 described as a municipal utility easement granted for public use;

377 (b) is not a protected utility easement or a public utility easement as defined in Section
378 54-3-27;

379 (c) the municipality or the municipality's affiliated governmental entity uses and
380 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
381 water, or communications or data lines;

382 (d) is used or occupied with the consent of the municipality in accordance with an
383 authorized franchise or other agreement;

384 (e) (i) is used or occupied by a specified public utility in accordance with an authorized
385 franchise or other agreement; and

386 (ii) is located in a utility easement granted for public use; or

387 (f) is described in Section 10-9a-529 and is used by a specified public utility.

388 (42) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
389 spent and expenses incurred in:

390 (a) verifying that building plans are identical plans; and

391 (b) reviewing and approving those minor aspects of identical plans that differ from the
392 previously reviewed and approved building plans.

393 (43) "Noncomplying structure" means a structure that:

394 (a) legally existed before the structure's current land use designation; and
395 (b) because of one or more subsequent land use ordinance changes, does not conform
396 to the setback, height restrictions, or other regulations, excluding those regulations, which
397 govern the use of land.

398 (44) "Nonconforming use" means a use of land that:

399 (a) legally existed before its current land use designation;
400 (b) has been maintained continuously since the time the land use ordinance governing
401 the land changed; and
402 (c) because of one or more subsequent land use ordinance changes, does not conform
403 to the regulations that now govern the use of the land.

404 (45) "Official map" means a map drawn by municipal authorities and recorded in a
405 county recorder's office that:

406 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
407 highways and other transportation facilities;
408 (b) provides a basis for restricting development in designated rights-of-way or between
409 designated setbacks to allow the government authorities time to purchase or otherwise reserve
410 the land; and
411 (c) has been adopted as an element of the municipality's general plan.

412 (46) "Parcel" means any real property that is not a lot.

413 (47) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
414 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
415 agreement in accordance with Section [10-9a-524](#), if no additional parcel is created and:

416 (i) none of the property identified in the agreement is a lot; or
417 (ii) the adjustment is to the boundaries of a single person's parcels.

418 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
419 line that:

420 (i) creates an additional parcel; or
421 (ii) constitutes a subdivision.

422 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
423 the Department of Transportation.

424 (48) "Person" means an individual, corporation, partnership, organization, association,
425 trust, governmental agency, or any other legal entity.

426 (49) "Plan for moderate income housing" means a written document adopted by a
427 municipality's legislative body that includes:

428 (a) an estimate of the existing supply of moderate income housing located within the
429 municipality;

430 (b) an estimate of the need for moderate income housing in the municipality for the
431 next five years;

432 (c) a survey of total residential land use;

433 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
434 income housing; and

435 (e) a description of the municipality's program to encourage an adequate supply of
436 moderate income housing.

437 (50) "Plat" means an instrument subdividing property into lots as depicted on a map or
438 other graphical representation of lands that a licensed professional land surveyor makes and
439 prepares in accordance with Section [10-9a-603](#) or [57-8-13](#).

440 (51) "Potential geologic hazard area" means an area that:

441 (a) is designated by a Utah Geological Survey map, county geologist map, or other
442 relevant map or report as needing further study to determine the area's potential for geologic
443 hazard; or

444 (b) has not been studied by the Utah Geological Survey or a county geologist but
445 presents the potential of geologic hazard because the area has characteristics similar to those of
446 a designated geologic hazard area.

447 (52) "Public agency" means:

448 (a) the federal government;

449 (b) the state;

450 (c) a county, municipality, school district, local district, special service district, or other
451 political subdivision of the state; or

452 (d) a charter school.

453 (53) "Public hearing" means a hearing at which members of the public are provided a
454 reasonable opportunity to comment on the subject of the hearing.

455 (54) "Public meeting" means a meeting that is required to be open to the public under
456 Title 52, Chapter 4, Open and Public Meetings Act.

457 (55) "Public street" means a public right-of-way, including a public highway, public
458 avenue, public boulevard, public parkway, public road, public lane, public alley, public
459 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
460 easement, or other public way.

461 (56) "Receiving zone" means an area of a municipality that the municipality
462 designates, by ordinance, as an area in which an owner of land may receive a transferable
463 development right.

464 (57) "Record of survey map" means a map of a survey of land prepared in accordance
465 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

466 (58) "Residential facility for persons with a disability" means a residence:

467 (a) in which more than one person with a disability resides; and

468 (b) (i) which is licensed or certified by the Department of Human Services under Title
469 62A, Chapter 2, Licensure of Programs and Facilities; or

470 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
471 21, Health Care Facility Licensing and Inspection Act.

472 (59) "Rules of order and procedure" means a set of rules that govern and prescribe in a
473 public meeting:

474 (a) parliamentary order and procedure;

475 (b) ethical behavior; and

476 (c) civil discourse.

477 (60) "Sanitary sewer authority" means the department, agency, or public entity with

478 responsibility to review and approve the feasibility of sanitary sewer services or onsite
479 wastewater systems.

480 (61) "Sending zone" means an area of a municipality that the municipality designates,
481 by ordinance, as an area from which an owner of land may transfer a transferable development
482 right.

483 (62) "Specified public agency" means:

- 484 (a) the state;
- 485 (b) a school district; or
- 486 (c) a charter school.

487 (63) "Specified public utility" means an electrical corporation, gas corporation, or
488 telephone corporation, as those terms are defined in Section [54-2-1](#).

489 (64) "State" includes any department, division, or agency of the state.

490 (65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
491 divided into two or more lots or other division of land for the purpose, whether immediate or
492 future, for offer, sale, lease, or development either on the installment plan or upon any and all
493 other plans, terms, and conditions.

494 (b) "Subdivision" includes:

495 (i) the division or development of land, whether by deed, metes and bounds
496 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
497 the division includes all or a portion of a parcel or lot; and

498 (ii) except as provided in Subsection (65)(c), divisions of land for residential and
499 nonresidential uses, including land used or to be used for commercial, agricultural, and
500 industrial purposes.

501 (c) "Subdivision" does not include:

502 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
503 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
504 neither the resulting combined parcel nor the parcel remaining from the division or partition
505 violates an applicable land use ordinance;

- 506 (ii) a boundary line agreement recorded with the county recorder's office between
507 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
508 10-9a-524 if no new parcel is created;
- 509 (iii) a recorded document, executed by the owner of record:
- 510 (A) revising the legal descriptions of multiple parcels into one legal description
511 encompassing all such parcels; or
- 512 (B) joining a lot to a parcel;
- 513 (iv) a boundary line agreement between owners of adjoining subdivided properties
514 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:
- 515 (A) no new dwelling lot or housing unit will result from the adjustment; and
516 (B) the adjustment will not violate any applicable land use ordinance;
- 517 (v) a bona fide division of land by deed or other instrument if the deed or other
518 instrument states in writing that the division:
- 519 (A) is in anticipation of future land use approvals on the parcel or parcels;
520 (B) does not confer any land use approvals; and
521 (C) has not been approved by the land use authority;
- 522 (vi) a parcel boundary adjustment;
- 523 (vii) a lot line adjustment;
- 524 (viii) a road, street, or highway dedication plat;
- 525 (ix) a deed or easement for a road, street, or highway purpose; or
526 (x) any other division of land authorized by law.
- 527 (66) "Subdivision amendment" means an amendment to a recorded subdivision in
528 accordance with Section 10-9a-608 that:
- 529 (a) vacates all or a portion of the subdivision;
530 (b) alters the outside boundary of the subdivision;
531 (c) changes the number of lots within the subdivision;
532 (d) alters a public right-of-way, a public easement, or public infrastructure within the
533 subdivision; or

- 534 (e) alters a common area or other common amenity within the subdivision.
- 535 (67) "Substantial evidence" means evidence that:
- 536 (a) is beyond a scintilla; and
- 537 (b) a reasonable mind would accept as adequate to support a conclusion.
- 538 (68) "Suspect soil" means soil that has:
- 539 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 540 3% swell potential;
- 541 (b) bedrock units with high shrink or swell susceptibility; or
- 542 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 543 commonly associated with dissolution and collapse features.
- 544 (69) "Therapeutic school" means a residential group living facility:
- 545 (a) for four or more individuals who are not related to:
- 546 (i) the owner of the facility; or
- 547 (ii) the primary service provider of the facility;
- 548 (b) that serves students who have a history of failing to function:
- 549 (i) at home;
- 550 (ii) in a public school; or
- 551 (iii) in a nonresidential private school; and
- 552 (c) that offers:
- 553 (i) room and board; and
- 554 (ii) an academic education integrated with:
- 555 (A) specialized structure and supervision; or
- 556 (B) services or treatment related to a disability, an emotional development, a
- 557 behavioral development, a familial development, or a social development.
- 558 (70) "Transferable development right" means a right to develop and use land that
- 559 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 560 land use rights from a designated sending zone to a designated receiving zone.
- 561 (71) "Unincorporated" means the area outside of the incorporated area of a city or

562 town.

563 (72) "Water interest" means any right to the beneficial use of water, including:

564 (a) each of the rights listed in Section 73-1-11; and

565 (b) an ownership interest in the right to the beneficial use of water represented by:

566 (i) a contract; or

567 (ii) a share in a water company, as defined in Section 73-3-3.5.

568 (73) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
569 land use zones, overlays, or districts.

570 Section 2. Section 10-9a-401 is amended to read:

571 **10-9a-401. General plan required -- Content.**

572 (1) In order to accomplish the purposes of this chapter, each municipality shall prepare
573 and adopt a comprehensive, long-range general plan for:

574 (a) present and future needs of the municipality; and

575 (b) growth and development of all or any part of the land within the municipality.

576 (2) The general plan may provide for:

577 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
578 activities, aesthetics, and recreational, educational, and cultural opportunities;

579 (b) the reduction of the waste of physical, financial, or human resources that result
580 from either excessive congestion or excessive scattering of population;

581 (c) the efficient and economical use, conservation, and production of the supply of:

582 (i) food and water; and

583 (ii) drainage, sanitary, and other facilities and resources;

584 (d) the use of energy conservation and solar and renewable energy resources;

585 (e) the protection of urban development;

586 (f) if the municipality is a town, the protection or promotion of moderate income

587 housing;

588 (g) the protection and promotion of air quality;

589 (h) historic preservation;

590 (i) identifying future uses of land that are likely to require an expansion or significant
591 modification of services or facilities provided by each affected entity; and

592 (j) an official map.

593 ~~[(3)(a) The general plan of a municipality, other than a town, shall plan for moderate
594 income housing growth.]~~

595 ~~[(b) On or before December 1, 2019, each of the following that have a general plan that
596 does not comply with Subsection (3)(a) shall amend the general plan to comply with
597 Subsection (3)(a):]~~

598 ~~[(i) a city of the first, second, third, or fourth class;]~~

599 ~~[(ii) a city of the fifth class with a population of 5,000 or more, if the city is located
600 within a county of the first, second, or third class; and]~~

601 ~~[(iii) a metro township with a population of 5,000 or more.]~~

602 ~~[(c) The population figures described in Subsections (3)(b)(ii) and (iii) shall be derived
603 from:]~~

604 ~~[(i) the most recent official census or census estimate of the United States Census
605 Bureau; or]~~

606 ~~[(ii) if a population figure is not available under Subsection (3)(c)(i), an estimate of the
607 Utah Population Committee.]~~

608 (3) (a) The general plan of a specified municipality, as defined in Section 10-9a-408,
609 shall include a moderate income housing element that meets the requirements of Subsection
610 10-9a-403(2)(a)(iii).

611 (b) On or before October 1, 2022, a specified municipality, as defined in Section
612 10-9a-408, with a general plan that does not comply with Subsection (3)(a) shall amend the
613 general plan to comply with Subsection (3)(a).

614 (4) Subject to Subsection 10-9a-403(2), the municipality may determine the
615 comprehensiveness, extent, and format of the general plan.

616 Section 3. Section 10-9a-403 is amended to read:

617 **10-9a-403. General plan preparation.**

618 (1) (a) The planning commission shall provide notice, as provided in Section
619 10-9a-203, of ~~[its]~~ the planning commission's intent to make a recommendation to the
620 municipal legislative body for a general plan or a comprehensive general plan amendment
621 when the planning commission initiates the process of preparing ~~[its]~~ the planning
622 commission's recommendation.

623 (b) The planning commission shall make and recommend to the legislative body a
624 proposed general plan for the area within the municipality.

625 (c) The plan may include areas outside the boundaries of the municipality if, in the
626 planning commission's judgment, those areas are related to the planning of the municipality's
627 territory.

628 (d) Except as otherwise provided by law or with respect to a municipality's power of
629 eminent domain, when the plan of a municipality involves territory outside the boundaries of
630 the municipality, the municipality may not take action affecting that territory without the
631 concurrence of the county or other municipalities affected.

632 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
633 and descriptive and explanatory matter, shall include the planning commission's
634 recommendations for the following plan elements:

635 (i) a land use element that:

636 (A) designates the long-term goals and the proposed extent, general distribution, and
637 location of land for housing for residents of various income levels, business, industry,
638 agriculture, recreation, education, public buildings and grounds, open space, and other
639 categories of public and private uses of land as appropriate; and

640 (B) ~~[may include]~~ includes a statement of the projections for and standards of
641 population density and building intensity recommended for the various land use categories
642 covered by the plan;

643 (ii) a transportation and traffic circulation element that:

644 (A) provides the general location and extent of existing and proposed freeways, arterial
645 and collector streets, public transit, active transportation facilities, and other modes of

646 transportation that the planning commission considers appropriate;

647 (B) for a municipality that has access to a major transit investment corridor, addresses
648 the municipality's plan for residential and commercial development around major transit
649 investment corridors to maintain and improve the connections between housing, employment,
650 education, recreation, and commerce;

651 (C) for a municipality that does not have access to a major transit investment corridor,
652 addresses the municipality's plan for residential and commercial development in areas that will
653 maintain and improve the connections between housing, transportation, employment,
654 education, recreation, and commerce; and

655 (D) correlates with the population projections, the employment projections, and the
656 proposed land use element of the general plan; and

657 ~~[(iii) for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a
658 realistic opportunity to meet the need for additional moderate income housing.]~~

659 (iii) for a specified municipality as defined in Section 10-9a-408, a moderate income
660 housing element that:

661 (A) provides a realistic opportunity to meet the need for additional moderate income
662 housing within the next five years;

663 (B) selects three or more moderate income housing strategies described in Subsection
664 (2)(b)(iii) for implementation, including one additional moderate income housing strategy as
665 provided in Subsection (2)(b)(iv) for a specified municipality that has a fixed guideway public
666 transit station; and

667 (C) includes an implementation plan as provided in Subsection (2)(c).

668 (b) In drafting the moderate income housing element, the planning commission:

669 (i) shall consider the Legislature's determination that municipalities shall facilitate a
670 reasonable opportunity for a variety of housing, including moderate income housing:

671 (A) to meet the needs of people of various income levels living, working, or desiring to
672 live or work in the community; and

673 (B) to allow people with various incomes to benefit from and fully participate in all

674 aspects of neighborhood and community life;

675 (ii) for a town, may include, and for ~~[other municipalities]~~ a specified municipality as
676 defined in Section 10-9a-408, shall include, an analysis of how the municipality will provide a
677 realistic opportunity for the development of moderate income housing within the next five
678 years;

679 (iii) for a town, may include, and for other municipalities, shall include, a
680 recommendation to implement three or more of the following moderate income housing
681 strategies:

682 (A) rezone for densities necessary to ~~[assure]~~ facilitate the production of moderate
683 income housing;

684 (B) ~~[facilitate]~~ demonstrate investment in the rehabilitation or expansion of
685 infrastructure that ~~[will encourage]~~ facilitates the construction of moderate income housing;

686 (C) ~~[facilitate]~~ demonstrate investment in the rehabilitation of existing uninhabitable
687 housing stock into moderate income housing;

688 (D) ~~[consider]~~ identify and utilize general fund subsidies or other sources of revenue to
689 waive construction related fees that are otherwise generally imposed by the ~~[city]~~ municipality
690 for the construction or rehabilitation of moderate income housing;

691 (E) create or allow for, and reduce regulations related to, internal or detached accessory
692 dwelling units in residential zones;

693 (F) ~~[allow]~~ zone or rezone for higher density or moderate income residential
694 development in commercial ~~[and]~~ or mixed-use zones near major transit investment corridors,
695 commercial centers, or employment centers;

696 (G) ~~[encourage higher density or]~~ amend land use regulations to allow for higher
697 density or new moderate income residential development in commercial or mixed-use zones
698 near major transit investment corridors;

699 (H) amend land use regulations to eliminate or reduce parking requirements for
700 residential development where a resident is less likely to rely on the resident's own vehicle,
701 such as residential development near major transit investment corridors or senior living

702 facilities;

703 (I) amend land use regulations to allow for single room occupancy developments;

704 (J) implement zoning incentives for [~~low to~~] moderate income units in new

705 developments;

706 [~~(K) utilize strategies that preserve subsidized low to moderate income units on a~~
707 ~~long-term basis;~~]

708 [~~(L)~~] (K) preserve existing and new moderate income housing and subsidized units by
709 utilizing a landlord incentive program, providing for deed restricted units through a grant
710 program, or establishing a housing loss mitigation fund;

711 [~~(M)~~] (L) reduce, waive, or eliminate impact fees[~~, as defined in Section 11-36a-102;~~]
712 related to [~~low and~~] moderate income housing;

713 [~~(N) participate in~~] (M) demonstrate creation of, or participation in, a community land
714 trust program for [~~low or~~] moderate income housing;

715 [~~(O)~~] (N) implement a mortgage assistance program for employees of the municipality
716 [~~or of~~], an employer that provides contracted services to the municipality, or any other public
717 employer that operates within the municipality;

718 [~~(P)~~] (O) apply for or partner with an entity that applies for state or federal funds or tax
719 incentives to promote the construction of moderate income housing, an entity that applies for
720 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
721 entity that applies for affordable housing programs administered by the Department of
722 Workforce Services, an entity that applies for affordable housing programs administered by an
723 association of governments established by an interlocal agreement under Title 11, Chapter 13,
724 Interlocal Cooperation Act, an entity that applies for services provided by a public housing
725 authority to preserve and create moderate income housing, or any other entity that applies for
726 programs or services that promote the construction or preservation of moderate income
727 housing;

728 [~~(Q) apply for or partner with an entity that applies for programs offered by the Utah~~
729 ~~Housing Corporation within that agency's funding capacity;~~]

730 ~~[(R) apply for or partner with an entity that applies for affordable housing programs~~
731 ~~administered by the Department of Workforce Services;]~~

732 ~~[(S) apply for or partner with an entity that applies for programs administered by an~~
733 ~~association of governments established by an interlocal agreement under Title 11, Chapter 13,~~
734 ~~Interlocal Cooperation Act;]~~

735 ~~[(T) apply for or partner with an entity that applies for services provided by a public~~
736 ~~housing authority to preserve and create moderate income housing;]~~

737 ~~[(U) apply for or partner with an entity that applies for programs administered by a~~
738 ~~metropolitan planning organization or other transportation agency that provides technical~~
739 ~~planning assistance;]~~

740 ~~[(V) utilize]~~ (P) demonstrate utilization of a moderate income housing set aside from a
741 community reinvestment agency, redevelopment agency, or community development and
742 renewal agency[; and] to create or subsidize moderate income housing;

743 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
744 Part 6, Housing and Transit Reinvestment Zone Act;

745 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
746 accessory dwelling unit as defined in Section [10-9a-530](#);

747 (S) create a program to transfer development rights for moderate income housing;

748 (T) ratify a joint acquisition agreement with another local political subdivision for the
749 purpose of combining resources to acquire property for moderate income housing;

750 (U) develop a moderate income housing project for residents who are disabled or 55
751 years old or older;

752 (V) develop and adopt a station area plan in accordance with Section [10-9a-403.1](#);

753 (W) create or allow for, and reduce regulations related to, multifamily residential
754 dwelling compatible in scale and form with detached single-family residential dwellings and
755 located in walkable communities within residential or mixed-use zones; and

756 ~~[(W)]~~ (X) demonstrate implementation of any other program or strategy [implemented
757 by the municipality] to address the housing needs of residents of the municipality who earn less

758 than 80% of the area median income, including the dedication of a local funding source to
759 moderate income housing or the adoption of a land use ordinance that requires 10% or more of
760 new residential development in a residential zone be dedicated to moderate income housing;
761 and

762 (iv) in addition to the recommendations required under Subsection (2)(b)(iii), for a
763 municipality that has a fixed guideway public transit station, shall include a recommendation to
764 implement [~~the strategies~~]:

765 (A) the strategy described in Subsection (2)(b)(iii)(V); and

766 (B) a strategy described in Subsection (2)(b)(iii)(G) [~~or~~], (H), or (Q).

767 (c) (i) In drafting the implementation plan portion of the moderate income housing
768 element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a
769 timeline for implementing each of the moderate income housing strategies selected by the
770 municipality for implementation.

771 (ii) The timeline described in Subsection (2)(c)(i) shall:

772 (A) identify specific measures and benchmarks for implementing each moderate
773 income housing strategy selected by the municipality, whether one-time or ongoing; and

774 (B) provide flexibility for the municipality to make adjustments as needed.

775 [~~(c)~~] (d) In drafting the land use element, the planning commission shall:

776 (i) identify and consider each agriculture protection area within the municipality; [~~and~~]

777 (ii) avoid proposing a use of land within an agriculture protection area that is
778 inconsistent with or detrimental to the use of the land for agriculture[-]; and

779 (iii) consider and coordinate with any station area plans adopted by the municipality if
780 required under Section [10-9a-403.1](#).

781 [~~(d)~~] (e) In drafting the transportation and traffic circulation element, the planning
782 commission shall:

783 (i) (A) consider and coordinate with the regional transportation plan developed by [~~its~~]
784 the region's metropolitan planning organization, if the municipality is within the boundaries of
785 a metropolitan planning organization; or

786 [(†)] (B) consider and coordinate with the long-range transportation plan developed by
787 the Department of Transportation, if the municipality is not within the boundaries of a
788 metropolitan planning organization[-]; and

789 (ii) consider and coordinate with any station area plans adopted by the municipality if
790 required under Section [10-9a-403.1](#).

791 (3) The proposed general plan may include:

792 (a) an environmental element that addresses:

793 (i) the protection, conservation, development, and use of natural resources, including
794 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,
795 and other natural resources; and

796 (ii) the reclamation of land, flood control, prevention and control of the pollution of
797 streams and other waters, regulation of the use of land on hillsides, stream channels and other
798 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
799 protection of watersheds and wetlands, and the mapping of known geologic hazards;

800 (b) a public services and facilities element showing general plans for sewage, water,
801 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
802 police and fire protection, and other public services;

803 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
804 programs for:

805 (i) historic preservation;

806 (ii) the diminution or elimination of a development impediment as defined in Section
807 [17C-1-102](#); and

808 (iii) redevelopment of land, including housing sites, business and industrial sites, and
809 public building sites;

810 (d) an economic element composed of appropriate studies and forecasts, as well as an
811 economic development plan, which may include review of existing and projected municipal
812 revenue and expenditures, revenue sources, identification of basic and secondary industry,
813 primary and secondary market areas, employment, and retail sales activity;

814 (e) recommendations for implementing all or any portion of the general plan, including
815 the use of land use ordinances, capital improvement plans, community development and
816 promotion, and any other appropriate action;

817 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);
818 and

819 (g) any other element the municipality considers appropriate.

820 Section 4. Section 10-9a-403.1 is enacted to read:

821 **10-9a-403.1. Station area plan requirements -- Contents -- Review and**
822 **certification by applicable metropolitan planning organization.**

823 (1) As used in this section:

824 (a) "Applicable metropolitan planning organization" means the metropolitan planning
825 organization that has jurisdiction over the area in which a fixed guideway public transit station
826 is located.

827 (b) "Applicable public transit district" means the public transit district, as defined in
828 Section 17B-2a-802, of which a fixed guideway public transit station is included.

829 (c) "Existing fixed guideway public transit station" means a fixed guideway public
830 transit station for which construction begins before June 1, 2022.

831 (d) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

832 (e) "Metropolitan planning organization" means an organization established under 23
833 U.S.C. Sec. 134.

834 (f) "New fixed guideway public transit station" means a fixed guideway public transit
835 station for which construction begins on or after June 1, 2022.

836 (g) "Qualifying land use application" means a land use application:

837 (i) that involves land located within a station area for an existing public transit station
838 that provides rail services;

839 (ii) that involves land located within a station area for which the municipality has not
840 yet satisfied the requirements of Subsection (2)(a);

841 (iii) that proposes the development of an area greater than five contiguous acres;

842 (iv) that would require the municipality to amend the municipality's general plan or
843 change a zoning designation for the land use application to be approved;

844 (v) that would require a higher density than the density currently allowed by the
845 municipality;

846 (vi) that proposes the construction of new residential units, at least 10% of which are
847 dedicated to moderate income housing; and

848 (vii) for which the land use applicant requests the municipality to initiate the process of
849 satisfying the requirements of Subsection (2)(a) for the station area in which the development
850 is proposed, subject to Subsection (3)(d).

851 (h) (i) "Station area" means:

852 (A) for a fixed guideway public transit station that provides rail services, the area
853 within a one-half mile radius of the center of the fixed guideway public transit station platform;

854 or

855 (B) for a fixed guideway public transit station that provides bus services only, the area
856 within a one-fourth mile radius of the center of the fixed guideway public transit station
857 platform.

858 (ii) "Station area" includes any parcel bisected by the radius limitation described in
859 Subsection (1)(h)(i)(A) or (B).

860 (i) "Station area plan" means a plan that:

861 (i) establishes a vision, and the actions needed to implement that vision, for the
862 development of land within a station area; and

863 (ii) is developed and adopted in accordance with this section.

864 (2) (a) Subject to the requirements of this section, a municipality that has a fixed
865 guideway public transit station located within the municipality's boundaries shall, for the
866 station area:

867 (i) develop and adopt a station area plan; and

868 (ii) adopt any appropriate land use regulations to implement the station area plan.

869 (b) The requirements of Subsection (2)(a) shall be considered satisfied if:

870 (i) (A) the municipality has already taken actions to satisfy the requirements of
871 Subsection (2)(a) for a station area, including actions that involve public and stakeholder
872 engagement processes, market assessments, the creation of a station area vision, planning and
873 implementation activities, capital programs, the adoption of land use regulations, or other
874 similar actions; and

875 (B) the municipality adopts a resolution demonstrating the requirements of Subsection
876 (2)(a) have been satisfied; or

877 (ii) (A) the municipality has determined that conditions exist that make satisfying a
878 portion or all of the requirements of Subsection (2)(a) for a station area impracticable,
879 including conditions that relate to existing development, entitlements, land ownership, land
880 uses that make opportunities for new development and long-term redevelopment infeasible,
881 environmental limitations, market readiness, development impediment conditions, or other
882 similar conditions; and

883 (B) the municipality adopts a resolution describing the conditions that exist to make
884 satisfying the requirements of Subsection (2)(a) impracticable.

885 (c) To the extent that previous actions by a municipality do not satisfy the requirements
886 of Subsection (2)(a) for a station area, the municipality shall take the actions necessary to
887 satisfy those requirements.

888 (3) (a) A municipality that has a new fixed guideway public transit station located
889 within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the
890 station area surrounding the new fixed guideway public transit station before the new fixed
891 guideway public transit station begins transit services.

892 (b) Except as provided in Subsections (3)(c) and (d), a municipality that has an existing
893 fixed guideway public transit station located within the municipality's boundaries shall satisfy
894 the requirements of Subsection (2)(a) for the station area surrounding the existing fixed
895 guideway public transit station on or before December 31, 2025.

896 (c) If a municipality has more than four existing fixed guideway public transit stations
897 located within the municipality's boundaries, the municipality shall:

898 (i) on or before December 31, 2025, satisfy the requirements of Subsection (2)(a) for
899 four or more station areas located within the municipality; and

900 (ii) on or before December 31 of each year thereafter, satisfy the requirements of
901 Subsection (2)(a) for no less than two station areas located within the municipality until the
902 municipality has satisfied the requirements of Subsection (2)(a) for each station area located
903 within the municipality.

904 (d) (i) Subject to Subsection (3)(d)(ii):

905 (A) if a municipality receives a complete qualifying land use application on or before
906 July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station
907 area in which the development is proposed on or before July 1, 2023; and

908 (B) if a municipality receives a complete qualifying land use application after July 1,
909 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in
910 which the development is proposed within a 12-month period beginning on the first day of the
911 month immediately following the month in which the qualifying land use application is
912 submitted to the municipality.

913 (ii) (A) A municipality is not required to satisfy the requirements of Subsection (2)(a)
914 for more than two station areas under Subsection (3)(d)(i) within any 12-month period.

915 (B) If a municipality receives more than two complete qualifying land use applications
916 on or before July 1, 2022, the municipality shall select two station areas for which the
917 municipality will satisfy the requirements of Subsection (2)(a) in accordance with Subsection
918 (3)(d)(i)(A).

919 (iii) A municipality shall process on a first priority basis a land use application,
920 including an application for a building permit, if:

921 (A) the land use application is for a residential use within a station area for which the
922 municipality has not satisfied the requirements of Subsection (2)(a); and

923 (B) the municipality would be required to change a zoning designation for the land use
924 application to be approved.

925 (e) Notwithstanding Subsections (3)(a) through (d), the time period for satisfying the

926 requirements of Subsection (2)(a) for a station area may be extended once for a period of 12
927 months if:

928 (i) the municipality demonstrates to the applicable metropolitan planning organization
929 that conditions exist that make satisfying the requirements of Subsection (2)(a) within the
930 required time period infeasible, despite the municipality's good faith efforts; and

931 (ii) the applicable metropolitan planning organization certifies to the municipality in
932 writing that the municipality satisfied the demonstration in Subsection (3)(e)(i).

933 (4) (a) Except as provided in Subsection (4)(b), if a station area is included within the
934 boundaries of more than one municipality, each municipality with jurisdiction over the station
935 area shall satisfy the requirements of Subsection (2)(a) for the portion of the station area over
936 which the municipality has jurisdiction.

937 (b) Two or more municipalities with jurisdiction over a station area may coordinate to
938 develop a shared station area plan for the entire station area.

939 (5) A municipality that has more than one fixed guideway public transit station located
940 within the municipality may, through an integrated process, develop station area plans for
941 multiple station areas if the station areas are within close proximity of each other.

942 (6) (a) A municipality that is required to develop and adopt a station area plan under
943 this section may request technical assistance from the applicable metropolitan planning
944 organization.

945 (b) An applicable metropolitan planning organization that receives funds from the
946 Governor's Office of Economic Opportunity under Section [63N-3-113](#) shall, when utilizing the
947 funds, give priority consideration to requests for technical assistance for station area plans
948 required under Subsection (3)(d).

949 (7) (a) A station area plan shall promote the following objectives within the station
950 area:

951 (i) increasing the availability and affordability of housing, including moderate income
952 housing;

953 (ii) promoting sustainable environmental conditions;

954 (iii) enhancing access to opportunities; and
955 (iv) increasing transportation choices and connections.
956 (b) (i) To promote the objective described in Subsection (7)(a)(i), a municipality may
957 consider implementing the following actions:
958 (A) aligning the station area plan with the moderate income housing element of the
959 municipality's general plan;
960 (B) providing for densities necessary to facilitate the development of moderate income
961 housing;
962 (C) providing for affordable costs of living in connection with housing, transportation,
963 and parking; or
964 (D) any other similar action that promotes the objective described in Subsection
965 (7)(a)(i).
966 (ii) To promote the objective described in Subsection (7)(a)(ii), a municipality may
967 consider implementing the following actions:
968 (A) conserving water resources through efficient land use;
969 (B) improving air quality by reducing fuel consumption and motor vehicle trips;
970 (C) establishing parks, open spaces, and recreational opportunities; or
971 (D) any other similar action that promotes the objective described in Subsection
972 (7)(a)(ii).
973 (iii) To promote the objective described in Subsection (7)(a)(iii), a municipality may
974 consider the following actions:
975 (A) maintaining and improving the connections between housing, transit, employment,
976 education, recreation, and commerce;
977 (B) encouraging mixed-use development;
978 (C) enabling employment and educational opportunities within the station area;
979 (D) encouraging and promoting enhanced broadband connectivity; or
980 (E) any other similar action that promotes the objective described in Subsection
981 (7)(a)(iii).

982 (iv) To promote the objective described in Subsection (7)(a)(iv), a municipality may
983 consider the following:

984 (A) supporting investment in infrastructure for all modes of transportation;

985 (B) increasing utilization of public transit;

986 (C) encouraging safe streets through the designation of pedestrian walkways and
987 bicycle lanes;

988 (D) encouraging manageable and reliable traffic conditions;

989 (E) aligning the station area plan with the regional transportation plan of the applicable
990 metropolitan planning organization; or

991 (F) any other similar action that promotes the objective described in Subsection
992 (7)(a)(iv).

993 (8) A station area plan shall include the following components:

994 (a) a station area vision that:

995 (i) is consistent with Subsection (7); and

996 (ii) describes the following:

997 (A) opportunities for the development of land within the station area under existing
998 conditions;

999 (B) constraints on the development of land within the station area under existing
1000 conditions;

1001 (C) the municipality's objectives for the transportation system within the station area
1002 and the future transportation system that meets those objectives;

1003 (D) the municipality's objectives for land uses within the station area and the future
1004 land uses that meet those objectives;

1005 (E) the municipality's objectives for public and open spaces within the station area and
1006 the future public and open spaces that meet those objectives; and

1007 (F) the municipality's objectives for the development of land within the station area and
1008 the future development standards that meet those objectives;

1009 (b) a map that depicts:

- 1010 (i) the area within the municipality that is subject to the station area plan, provided that
1011 the station area plan may apply to areas outside of the station area; and
1012 (ii) the area where each action is needed to implement the station area plan;
1013 (c) an implementation plan that identifies and describes each action needed within the
1014 next five years to implement the station area plan, and the party responsible for taking each
1015 action, including any actions to:
1016 (i) modify land use regulations;
1017 (ii) make infrastructure improvements;
1018 (iii) modify deeds or other relevant legal documents;
1019 (iv) secure funding or develop funding strategies;
1020 (v) establish design standards for development within the station area; or
1021 (vi) provide environmental remediation;
1022 (d) a statement that explains how the station area plan promotes the objectives
1023 described in Subsection (7)(a); and
1024 (e) as an alternative or supplement to the requirements of Subsection (7) or (8), and for
1025 purposes of Subsection (2)(b)(ii), a statement that describes any conditions that would make
1026 the following impracticable:
1027 (i) promoting the objectives described in Subsection (7)(a); or
1028 (ii) satisfying the requirements of Subsection (8).
1029 (9) A municipality shall develop a station area plan with the involvement of all
1030 relevant stakeholders that have an interest in the station area through public outreach and
1031 community engagement, including:
1032 (a) other impacted communities;
1033 (b) the applicable public transit district;
1034 (c) the applicable metropolitan planning organization;
1035 (d) the Department of Transportation;
1036 (e) owners of property within the station area; and
1037 (f) the municipality's residents and business owners.

1038 (10) (a) A municipality that is required to develop and adopt a station area plan for a
1039 station area under this section shall submit to the applicable metropolitan planning organization
1040 and the applicable public transit district documentation evidencing that the municipality has
1041 satisfied the requirement of Subsection (2)(a)(i) for the station area, including:

1042 (i) a station area plan; or

1043 (ii) a resolution adopted under Subsection (2)(b)(i) or (ii).

1044 (b) The applicable metropolitan planning organization, in consultation with the
1045 applicable public transit district, shall:

1046 (i) review the documentation submitted under Subsection (10)(a) to determine the
1047 municipality's compliance with this section; and

1048 (ii) provide written certification to the municipality if the applicable metropolitan
1049 planning organization determines that the municipality has satisfied the requirement of
1050 Subsection (2)(a)(i) for the station area.

1051 (c) The municipality shall include the certification described in Subsection (10)(b)(ii)
1052 in the municipality's report to the Department of Workforce Services under Section [10-9a-408](#).

1053 Section 5. Section **10-9a-404** is amended to read:

1054 **10-9a-404. Public hearing by planning commission on proposed general plan or**
1055 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
1056 **by legislative body.**

1057 (1) (a) After completing its recommendation for a proposed general plan, or proposal to
1058 amend the general plan, the planning commission shall schedule and hold a public hearing on
1059 the proposed plan or amendment.

1060 (b) The planning commission shall provide notice of the public hearing, as required by
1061 Section [10-9a-204](#).

1062 (c) After the public hearing, the planning commission may modify the proposed
1063 general plan or amendment.

1064 (2) The planning commission shall forward the proposed general plan or amendment to
1065 the legislative body.

1066 (3) (a) The legislative body may adopt, reject, or make any revisions to the proposed
1067 general plan or amendment that it considers appropriate.

1068 (b) If the municipal legislative body rejects the proposed general plan or amendment, it
1069 may provide suggestions to the planning commission for the planning commission's review and
1070 recommendation.

1071 (4) The legislative body shall adopt:

1072 (a) a land use element as provided in Subsection 10-9a-403(2)(a)(i);

1073 (b) a transportation and traffic circulation element as provided in Subsection
1074 10-9a-403(2)(a)(ii); and

1075 [~~(c) for a municipality, other than a town, after considering the factors included in~~
1076 ~~Subsection 10-9a-403(2)(b)(iii), a plan to provide a realistic opportunity to meet the need for~~
1077 ~~additional moderate income housing within the next five years;]~~

1078 (c) for a specified municipality as defined in Section 10-9a-408, a moderate income
1079 housing element as provided in Subsection 10-9a-403(2)(a)(iii).

1080 Section 6. Section 10-9a-408 is amended to read:

1081 **10-9a-408. Moderate income housing report -- Contents -- Prioritization for**
1082 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

1083 [~~(1) The legislative body of a municipality described in Subsection 10-9a-401(3)(b)~~
1084 ~~shall annually:]~~

1085 [~~(a) review the moderate income housing plan element of the municipality's general~~
1086 ~~plan and implementation of that element of the general plan;]~~

1087 [~~(b) prepare a report on the findings of the review described in Subsection (1)(a); and]~~

1088 [~~(c) post the report described in Subsection (1)(b) on the municipality's website.]~~

1089 [~~(2) The report described in Subsection (1) shall include:]~~

1090 [~~(a) a revised estimate of the need for moderate income housing in the municipality for~~
1091 ~~the next five years;]~~

1092 [~~(b) a description of progress made within the municipality to provide moderate~~
1093 ~~income housing, demonstrated by analyzing and publishing data on the number of housing~~

1094 units in the municipality that are at or below:]

1095 ~~[(i) 80% of the adjusted median family income;]~~

1096 ~~[(ii) 50% of the adjusted median family income; and]~~

1097 ~~[(iii) 30% of the adjusted median family income;]~~

1098 ~~[(c) a description of any efforts made by the municipality to utilize a moderate income~~

1099 ~~housing set-aside from a community reinvestment agency, redevelopment agency, or~~

1100 ~~community development and renewal agency; and]~~

1101 ~~[(d) a description of how the municipality has implemented any of the~~

1102 ~~recommendations related to moderate income housing described in Subsection~~

1103 ~~10-9a-403(2)(b)(iii).]~~

1104 ~~[(3) The legislative body of each municipality described in Subsection (1) shall send a~~

1105 ~~copy of the report under Subsection (1) to the Department of Workforce Services, the~~

1106 ~~association of governments in which the municipality is located, and, if located within the~~

1107 ~~boundaries of a metropolitan planning organization, the appropriate metropolitan planning~~

1108 ~~organization.]~~

1109 (1) As used in this section:

1110 (a) "Division" means the Housing and Community Development Division within the

1111 Department of Workforce Services.

1112 (b) "Implementation plan" means the implementation plan adopted as part of the

1113 moderate income housing element of a specified municipality's general plan as provided in

1114 Subsection 10-9a-403(2)(c).

1115 (c) "Moderate income housing report" or "report" means the report described in

1116 Subsection (2)(a).

1117 (d) "Moderate income housing strategy" means a strategy described in Subsection

1118 10-9a-403(2)(b)(iii).

1119 (e) "Specified municipality" means:

1120 (i) a city of the first, second, third, or fourth class;

1121 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located

1122 within a county of the first, second, or third class; or
1123 (iii) a metro township with a population of 5,000 or more.
1124 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative
1125 body of a specified municipality shall annually submit a written moderate income housing
1126 report to the division.
1127 (b) The moderate income housing report submitted in 2022 shall include:
1128 (i) a description of each moderate income housing strategy selected by the specified
1129 municipality for implementation; and
1130 (ii) an implementation plan.
1131 (c) The moderate income housing report submitted in each calendar year after 2022
1132 shall include:
1133 (i) the information required under Subsection (2)(b);
1134 (ii) a description of each action, whether one-time or ongoing, taken by the specified
1135 municipality during the previous fiscal year to implement the moderate income housing
1136 strategies selected by the specified municipality for implementation;
1137 (iii) a description of each land use regulation or land use decision made by the
1138 specified municipality during the previous fiscal year to implement the moderate income
1139 housing strategies, including an explanation of how the land use regulation or land use decision
1140 supports the specified municipality's efforts to implement the moderate income housing
1141 strategies;
1142 (iv) a description of any barriers encountered by the specified municipality in the
1143 previous fiscal year in implementing the moderate income housing strategies;
1144 (v) information regarding the number of internal and external or detached accessory
1145 dwelling units located within the specified municipality for which the specified municipality:
1146 (A) issued a building permit to construct; or
1147 (B) issued a business license to rent;
1148 (vi) a description of how the market has responded to the selected moderate income
1149 housing strategies, including the number of entitled moderate income housing units or other

1150 relevant data; and

1151 (vii) any recommendations on how the state can support the specified municipality in
1152 implementing the moderate income housing strategies.

1153 (d) The moderate income housing report shall be in a form:

1154 (i) approved by the division; and

1155 (ii) made available by the division on or before July 1 of the year in which the report is
1156 required.

1157 (3) Within 90 days after the day on which the division receives a specified
1158 municipality's moderate income housing report, the division shall:

1159 (a) post the report on the division's website;

1160 (b) send a copy of the report to the Department of Transportation, the Governor's
1161 Office of Planning and Budget, the association of governments in which the specified
1162 municipality is located, and, if the specified municipality is located within the boundaries of a
1163 metropolitan planning organization, the appropriate metropolitan planning organization; and

1164 (c) subject to Subsection (4), review the report to determine compliance with
1165 Subsection (2).

1166 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the
1167 report:

1168 (i) includes the information required under Subsection (2)(b);

1169 (ii) demonstrates to the division that the specified municipality made plans to
1170 implement:

1171 (A) three or more moderate income housing strategies if the specified municipality
1172 does not have a fixed guideway public transit station; or

1173 (B) subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income housing
1174 strategies if the specified municipality has a fixed guideway public transit station; and

1175 (iii) is in a form approved by the division.

1176 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the
1177 report:

- 1178 (i) includes the information required under Subsection (2)(c);
- 1179 (ii) demonstrates to the division that the specified municipality made plans to
- 1180 implement:
- 1181 (A) three or more moderate income housing strategies if the specified municipality
- 1182 does not have a fixed guideway public transit station; or
- 1183 (B) four or more moderate income housing strategies if the specified municipality has a
- 1184 fixed guideway public transit station;
- 1185 (iii) is in a form approved by the division; and
- 1186 (iv) provides sufficient information for the division to:
- 1187 (A) assess the specified municipality's progress in implementing the moderate income
- 1188 housing strategies;
- 1189 (B) monitor compliance with the specified municipality's implementation plan;
- 1190 (C) identify a clear correlation between the specified municipality's land use
- 1191 regulations and land use decisions and the specified municipality's efforts to implement the
- 1192 moderate income housing strategies; and
- 1193 (D) identify how the market has responded to the specified municipality's selected
- 1194 moderate income housing strategies.
- 1195 (5) (a) A specified municipality qualifies for priority consideration under this
- 1196 Subsection (5) if the specified municipality's moderate income housing report:
- 1197 (i) complies with Subsection (2); and
- 1198 (ii) demonstrates to the division that the specified municipality made plans to
- 1199 implement:
- 1200 (A) five or more moderate income housing strategies if the specified municipality does
- 1201 not have a fixed guideway public transit station; or
- 1202 (B) six or more moderate income housing strategies if the specified municipality has a
- 1203 fixed guideway public transit station.
- 1204 (b) The following apply to a specified municipality described in Subsection (5)(a)
- 1205 during the fiscal year immediately following the fiscal year in which the report is required:

1206 (i) the Transportation Commission may give priority consideration to transportation
1207 projects located within the boundaries of the specified municipality in accordance with
1208 Subsection 72-1-304(3)(c); and

1209 (ii) the Governor's Office of Planning and Budget may give priority consideration for
1210 awarding financial grants to the specified municipality under the COVID-19 Local Assistance
1211 Matching Grant Program in accordance with Subsection 63J-4-802(6).

1212 (c) Upon determining that a specified municipality qualifies for priority consideration
1213 under this Subsection (5), the division shall send a notice of prioritization to the legislative
1214 body of the specified municipality, the Department of Transportation, and the Governor's
1215 Office of Planning and Budget.

1216 (d) The notice described in Subsection (5)(c) shall:

1217 (i) name the specified municipality that qualifies for priority consideration;

1218 (ii) describe the funds or projects for which the specified municipality qualifies to
1219 receive priority consideration;

1220 (iii) specify the fiscal year during which the specified municipality qualifies for priority
1221 consideration; and

1222 (iv) state the basis for the division's determination that the specified municipality
1223 qualifies for priority consideration.

1224 (6) (a) If the division, after reviewing a specified municipality's moderate income
1225 housing report, determines that the report does not comply with Subsection (2), the division
1226 shall send a notice of noncompliance to the legislative body of the specified municipality.

1227 (b) The notice described in Subsection (6)(a) shall:

1228 (i) describe each deficiency in the report and the actions needed to cure each
1229 deficiency;

1230 (ii) state that the specified municipality has an opportunity to cure the deficiencies
1231 within 90 days after the day on which the notice is sent; and

1232 (iii) state that failure to cure the deficiencies within 90 days after the day on which the
1233 notice is sent will result in ineligibility for funds under Subsection (7).

1234 (7) (a) A specified municipality is ineligible for funds under this Subsection (7) if the
1235 specified municipality:

1236 (i) fails to submit a moderate income housing report to the division; or

1237 (ii) fails to cure the deficiencies in the specified municipality's moderate income
1238 housing report within 90 days after the day on which the division sent to the specified
1239 municipality a notice of noncompliance under Subsection (6).

1240 (b) The following apply to a specified municipality described in Subsection (7)(a)
1241 during the fiscal year immediately following the fiscal year in which the report is required:

1242 (i) the executive director of the Department of Transportation may not program funds
1243 from the Transportation Investment Fund of 2005, including the Transit Transportation
1244 Investment Fund, to projects located within the boundaries of the specified municipality in
1245 accordance with Subsection [72-2-124\(5\)](#); and

1246 (ii) the Governor's Office of Planning and Budget may not award financial grants to the
1247 specified municipality under the COVID-19 Local Assistance Matching Grant Program in
1248 accordance with Subsection [63J-4-802\(7\)](#).

1249 (c) Upon determining that a specified municipality is ineligible for funds under this
1250 Subsection (7), the division shall send a notice of ineligibility to the legislative body of the
1251 specified municipality, the Department of Transportation, and the Governor's Office of
1252 Planning and Budget.

1253 (d) The notice described in Subsection (7)(c) shall:

1254 (i) name the specified municipality that is ineligible for funds;

1255 (ii) describe the funds for which the specified municipality is ineligible to receive;

1256 (iii) specify the fiscal year during which the specified municipality is ineligible for
1257 funds; and

1258 (iv) state the basis for the division's determination that the specified municipality is
1259 ineligible for funds.

1260 ~~[(4)]~~ (8) In a civil action seeking enforcement or claiming a violation of this section or
1261 of Subsection [10-9a-404\(4\)\(c\)](#), a plaintiff may not recover damages but may be awarded only

1262 injunctive or other equitable relief.

1263 Section 7. Section **10-9a-509** is amended to read:

1264 **10-9a-509. Applicant's entitlement to land use application approval --**
1265 **Municipality's requirements and limitations -- Vesting upon submission of development**
1266 **plan and schedule.**

1267 (1) (a) (i) An applicant who has submitted a complete land use application as described
1268 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive
1269 review of the application under the land use regulations:

1270 (A) in effect on the date that the application is complete; and

1271 (B) applicable to the application or to the information shown on the application.

1272 (ii) An applicant is entitled to approval of a land use application if the application
1273 conforms to the requirements of the applicable land use regulations, land use decisions, and
1274 development standards in effect when the applicant submits a complete application and pays
1275 application fees, unless:

1276 (A) the land use authority, on the record, formally finds that a compelling,
1277 countervailing public interest would be jeopardized by approving the application and specifies
1278 the compelling, countervailing public interest in writing; or

1279 (B) in the manner provided by local ordinance and before the applicant submits the
1280 application, the municipality formally initiates proceedings to amend the municipality's land
1281 use regulations in a manner that would prohibit approval of the application as submitted.

1282 (b) The municipality shall process an application without regard to proceedings the
1283 municipality initiated to amend the municipality's ordinances as described in Subsection
1284 (1)(a)(ii)(B) if:

1285 (i) 180 days have passed since the municipality initiated the proceedings; and

1286 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
1287 application as submitted.

1288 (c) A land use application is considered submitted and complete when the applicant
1289 provides the application in a form that complies with the requirements of applicable ordinances

1290 and pays all applicable fees.

1291 (d) A subsequent incorporation of a municipality or a petition that proposes the
1292 incorporation of a municipality does not affect a land use application approved by a county in
1293 accordance with Section [17-27a-508](#).

1294 (e) The continuing validity of an approval of a land use application is conditioned upon
1295 the applicant proceeding after approval to implement the approval with reasonable diligence.

1296 (f) A municipality may not impose on an applicant who has submitted a complete
1297 application a requirement that is not expressed in:

1298 (i) this chapter;

1299 (ii) a municipal ordinance; or

1300 (iii) a municipal specification for public improvements applicable to a subdivision or
1301 development that is in effect on the date that the applicant submits an application.

1302 (g) A municipality may not impose on a holder of an issued land use permit or a final,
1303 unexpired subdivision plat a requirement that is not expressed:

1304 (i) in a land use permit;

1305 (ii) on the subdivision plat;

1306 (iii) in a document on which the land use permit or subdivision plat is based;

1307 (iv) in the written record evidencing approval of the land use permit or subdivision
1308 plat;

1309 (v) in this chapter; or

1310 (vi) in a municipal ordinance.

1311 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance
1312 of a certificate of occupancy or acceptance of subdivision improvements because of an
1313 applicant's failure to comply with a requirement that is not expressed:

1314 (i) in the building permit or subdivision plat, documents on which the building permit
1315 or subdivision plat is based, or the written record evidencing approval of the land use permit or
1316 subdivision plat; or

1317 (ii) in this chapter or the municipality's ordinances.

1318 (i) A municipality may not unreasonably withhold issuance of a certificate of
1319 occupancy where an applicant has met all requirements essential for the public health, public
1320 safety, and general welfare of the occupants, in accordance with this chapter, unless:

1321 (i) the applicant and the municipality have agreed in a written document to the
1322 withholding of a certificate of occupancy; or

1323 (ii) the applicant has not provided a financial assurance for required and uncompleted
1324 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
1325 legislative body adopts under this chapter.

1326 (2) A municipality is bound by the terms and standards of applicable land use
1327 regulations and shall comply with mandatory provisions of those regulations.

1328 (3) A municipality may not, as a condition of land use application approval, require a
1329 person filing a land use application to obtain documentation regarding a school district's
1330 willingness, capacity, or ability to serve the development proposed in the land use application.

1331 (4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on
1332 which a subdivision plat is recorded, a municipality may not impose on a building permit
1333 applicant for a single-family dwelling located within the subdivision any land use regulation
1334 that is enacted within 10 years after the day on which the subdivision plat is recorded.

1335 (b) Subsection (4)(a) does not apply to any changes in the requirements of the
1336 applicable building code, health code, or fire code, or other similar regulations.

1337 (5) Upon a specified public agency's submission of a development plan and schedule as
1338 required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the
1339 specified public agency vests in the municipality's applicable land use maps, zoning map,
1340 hookup fees, impact fees, other applicable development fees, and land use regulations in effect
1341 on the date of submission.

1342 (6) (a) If sponsors of a referendum timely challenge a project in accordance with
1343 Subsection 20A-7-601[(5)](6), the project's affected owner may rescind the project's land use
1344 approval by delivering a written notice:

1345 (i) to the local clerk as defined in Section 20A-7-101; and

1346 (ii) no later than seven days after the day on which a petition for a referendum is
1347 determined sufficient under Subsection 20A-7-607(4).

1348 (b) Upon delivery of a written notice described in Subsection (6)(a) the following are
1349 rescinded and are of no further force or effect:

1350 (i) the relevant land use approval; and

1351 (ii) any land use regulation enacted specifically in relation to the land use approval.

1352 Section 8. Section 11-36a-202 is amended to read:

1353 **11-36a-202. Prohibitions on impact fees.**

1354 (1) A local political subdivision or private entity may not:

1355 (a) impose an impact fee to:

1356 (i) cure deficiencies in a public facility serving existing development;

1357 (ii) raise the established level of service of a public facility serving existing
1358 development; or

1359 (iii) recoup more than the local political subdivision's or private entity's costs actually
1360 incurred for excess capacity in an existing system improvement;

1361 (b) delay the construction of a school or charter school because of a dispute with the
1362 school or charter school over impact fees; or

1363 (c) impose or charge any other fees as a condition of development approval unless
1364 those fees are a reasonable charge for the service provided.

1365 (2) (a) Notwithstanding any other provision of this chapter, a political subdivision or
1366 private entity may not impose an impact fee:

1367 (i) on residential components of development to pay for a public safety facility that is a
1368 fire suppression vehicle;

1369 (ii) on a school district or charter school for a park, recreation facility, open space, or
1370 trail;

1371 (iii) on a school district or charter school unless:

1372 (A) the development resulting from the school district's or charter school's

1373 development activity directly results in a need for additional system improvements for which

1374 the impact fee is imposed; and

1375 (B) the impact fee is calculated to cover only the school district's or charter school's
1376 proportionate share of the cost of those additional system improvements;

1377 (iv) to the extent that the impact fee includes a component for a law enforcement
1378 facility, on development activity for:

1379 (A) the Utah National Guard;

1380 (B) the Utah Highway Patrol; or

1381 (C) a state institution of higher education that has its own police force; ~~or~~

1382 (v) on development activity on the state fair park, as defined in Section [63H-6-102](#)~~[-]~~;

1383 or

1384 (vi) on development activity that consists of the construction of an internal accessory
1385 dwelling unit, as defined in Section [10-9a-530](#), within an existing primary dwelling.

1386 (b) (i) Notwithstanding any other provision of this chapter, a political subdivision or
1387 private entity may not impose an impact fee on development activity that consists of the
1388 construction of a school, whether by a school district or a charter school, if:

1389 (A) the school is intended to replace another school, whether on the same or a different
1390 parcel;

1391 (B) the new school creates no greater demand or need for public facilities than the
1392 school or school facilities, including any portable or modular classrooms that are on the site of
1393 the replaced school at the time that the new school is proposed; and

1394 (C) the new school and the school being replaced are both within the boundary of the
1395 local political subdivision or the jurisdiction of the private entity.

1396 (ii) If the imposition of an impact fee on a new school is not prohibited under
1397 Subsection (2)(b)(i) because the new school creates a greater demand or need for public
1398 facilities than the school being replaced, the impact fee shall be based only on the demand or
1399 need that the new school creates for public facilities that exceeds the demand or need that the
1400 school being replaced creates for those public facilities.

1401 (c) Notwithstanding any other provision of this chapter, a political subdivision or

1402 private entity may impose an impact fee for a road facility on the state only if and to the extent
1403 that:

- 1404 (i) the state's development causes an impact on the road facility; and
- 1405 (ii) the portion of the road facility related to an impact fee is not funded by the state or
1406 by the federal government.

1407 (3) Notwithstanding any other provision of this chapter, a local political subdivision
1408 may impose and collect impact fees on behalf of a school district if authorized by Section
1409 [11-36a-206](#).

1410 Section 9. Section **11-59-203** is amended to read:

1411 **11-59-203. Authority duties and responsibilities.**

1412 (1) As the authority plans, manages, and implements the development of the point of
1413 the mountain state land, the authority shall pursue development strategies and objectives
1414 designed to:

- 1415 (a) maximize the creation of high-quality jobs and encourage and facilitate a highly
1416 trained workforce;
- 1417 (b) ensure strategic residential and commercial growth;
- 1418 (c) promote a high quality of life for residents on and surrounding the point of the
1419 mountain state land, including strategic planning to facilitate:
 - 1420 (i) jobs close to where people live;
 - 1421 (ii) vibrant urban centers;
 - 1422 (iii) housing types that incorporate affordability factors and match workforce needs;
 - 1423 (iv) parks, connected trails, and open space, including the preservation of natural lands
1424 to the extent practicable and consistent with the overall development plan; and
 - 1425 (v) preserving and enhancing recreational opportunities;
- 1426 (d) complement the development on land in the vicinity of the point of the mountain
1427 state land;
- 1428 (e) improve air quality and minimize resource use; and
- 1429 (f) accommodate and incorporate the planning, funding, and development of an

1430 enhanced and expanded future transit and transportation infrastructure and other investments,
1431 including:

1432 (i) the acquisition of rights-of-way and property necessary to ensure transit access to
1433 the point of the mountain state land; and

1434 (ii) a world class mass transit infrastructure, to service the point of the mountain state
1435 land and to enhance mobility and protect the environment.

1436 (2) In planning the development of the point of the mountain state land, the authority
1437 shall:

1438 (a) consult with applicable governmental planning agencies, including:

1439 (i) relevant metropolitan planning organizations; ~~and~~

1440 (ii) Draper City and Salt Lake County planning and governing bodies; and

1441 (iii) in regards to the factors described in Subsections (1)(c)(i) and (iii), the Unified
1442 Economic Opportunity Commission created in Section [63N-1a-201](#);

1443 (b) research and explore the feasibility of attracting a nationally recognized research
1444 center; and

1445 (c) research and explore the appropriateness of including labor training centers and a
1446 higher education presence on the point of the mountain state land.

1447 Section 10. Section **17-27a-103** is amended to read:

1448 **17-27a-103. Definitions.**

1449 As used in this chapter:

1450 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
1451 detached from a primary single-family dwelling and contained on one lot.

1452 (2) "Adversely affected party" means a person other than a land use applicant who:

1453 (a) owns real property adjoining the property that is the subject of a land use
1454 application or land use decision; or

1455 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
1456 general community as a result of the land use decision.

1457 (3) "Affected entity" means a county, municipality, local district, special service

1458 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
1459 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
1460 property owner, property owner's association, public utility, or the Utah Department of
1461 Transportation, if:

1462 (a) the entity's services or facilities are likely to require expansion or significant
1463 modification because of an intended use of land;

1464 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
1465 or

1466 (c) the entity has filed with the county a request for notice during the same calendar
1467 year and before the county provides notice to an affected entity in compliance with a
1468 requirement imposed under this chapter.

1469 (4) "Affected owner" means the owner of real property that is:

1470 (a) a single project;

1471 (b) the subject of a land use approval that sponsors of a referendum timely challenged
1472 in accordance with Subsection [20A-7-601](#)~~[(5)]~~[\(6\)](#); and

1473 (c) determined to be legally referable under Section [20A-7-602.8](#).

1474 (5) "Appeal authority" means the person, board, commission, agency, or other body
1475 designated by ordinance to decide an appeal of a decision of a land use application or a
1476 variance.

1477 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
1478 residential property if the sign is designed or intended to direct attention to a business, product,
1479 or service that is not sold, offered, or existing on the property where the sign is located.

1480 (7) (a) "Charter school" means:

1481 (i) an operating charter school;

1482 (ii) a charter school applicant that a charter school authorizer approves in accordance
1483 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

1484 (iii) an entity that is working on behalf of a charter school or approved charter
1485 applicant to develop or construct a charter school building.

1486 (b) "Charter school" does not include a therapeutic school.

1487 (8) "Chief executive officer" means the person or body that exercises the executive
1488 powers of the county.

1489 (9) "Conditional use" means a land use that, because of the unique characteristics or
1490 potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,
1491 may not be compatible in some areas or may be compatible only if certain conditions are
1492 required that mitigate or eliminate the detrimental impacts.

1493 (10) "Constitutional taking" means a governmental action that results in a taking of
1494 private property so that compensation to the owner of the property is required by the:

1495 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

1496 (b) Utah Constitution, Article I, Section 22.

1497 (11) "County utility easement" means an easement that:

1498 (a) a plat recorded in a county recorder's office described as a county utility easement
1499 or otherwise as a utility easement;

1500 (b) is not a protected utility easement or a public utility easement as defined in Section
1501 [54-3-27](#);

1502 (c) the county or the county's affiliated governmental entity owns or creates; and

1503 (d) (i) either:

1504 (A) no person uses or occupies; or

1505 (B) the county or the county's affiliated governmental entity uses and occupies to
1506 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
1507 communications or data lines; or

1508 (ii) a person uses or occupies with or without an authorized franchise or other
1509 agreement with the county.

1510 (12) "Culinary water authority" means the department, agency, or public entity with
1511 responsibility to review and approve the feasibility of the culinary water system and sources for
1512 the subject property.

1513 (13) "Development activity" means:

1514 (a) any construction or expansion of a building, structure, or use that creates additional
1515 demand and need for public facilities;

1516 (b) any change in use of a building or structure that creates additional demand and need
1517 for public facilities; or

1518 (c) any change in the use of land that creates additional demand and need for public
1519 facilities.

1520 (14) (a) "Development agreement" means a written agreement or amendment to a
1521 written agreement between a county and one or more parties that regulates or controls the use
1522 or development of a specific area of land.

1523 (b) "Development agreement" does not include an improvement completion assurance.

1524 (15) (a) "Disability" means a physical or mental impairment that substantially limits
1525 one or more of a person's major life activities, including a person having a record of such an
1526 impairment or being regarded as having such an impairment.

1527 (b) "Disability" does not include current illegal use of, or addiction to, any federally
1528 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
1529 Sec. 802.

1530 (16) "Educational facility":

1531 (a) means:

1532 (i) a school district's building at which pupils assemble to receive instruction in a
1533 program for any combination of grades from preschool through grade 12, including
1534 kindergarten and a program for children with disabilities;

1535 (ii) a structure or facility:

1536 (A) located on the same property as a building described in Subsection (16)(a)(i); and

1537 (B) used in support of the use of that building; and

1538 (iii) a building to provide office and related space to a school district's administrative
1539 personnel; and

1540 (b) does not include:

1541 (i) land or a structure, including land or a structure for inventory storage, equipment

1542 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1543 (A) not located on the same property as a building described in Subsection (16)(a)(i);

1544 and

1545 (B) used in support of the purposes of a building described in Subsection (16)(a)(i); or

1546 (ii) a therapeutic school.

1547 (17) "Fire authority" means the department, agency, or public entity with responsibility

1548 to review and approve the feasibility of fire protection and suppression services for the subject

1549 property.

1550 (18) "Flood plain" means land that:

1551 (a) is within the 100-year flood plain designated by the Federal Emergency

1552 Management Agency; or

1553 (b) has not been studied or designated by the Federal Emergency Management Agency

1554 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

1555 the land has characteristics that are similar to those of a 100-year flood plain designated by the

1556 Federal Emergency Management Agency.

1557 (19) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

1558 (20) "General plan" means a document that a county adopts that sets forth general

1559 guidelines for proposed future development of:

1560 (a) the unincorporated land within the county; or

1561 (b) for a mountainous planning district, the land within the mountainous planning

1562 district.

1563 (21) "Geologic hazard" means:

1564 (a) a surface fault rupture;

1565 (b) shallow groundwater;

1566 (c) liquefaction;

1567 (d) a landslide;

1568 (e) a debris flow;

1569 (f) unstable soil;

- 1570 (g) a rock fall; or
- 1571 (h) any other geologic condition that presents a risk:
- 1572 (i) to life;
- 1573 (ii) of substantial loss of real property; or
- 1574 (iii) of substantial damage to real property.
- 1575 (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 1576 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 1577 system.
- 1578 (23) "Identical plans" means building plans submitted to a county that:
- 1579 (a) are clearly marked as "identical plans";
- 1580 (b) are substantially identical building plans that were previously submitted to and
- 1581 reviewed and approved by the county; and
- 1582 (c) describe a building that:
- 1583 (i) is located on land zoned the same as the land on which the building described in the
- 1584 previously approved plans is located;
- 1585 (ii) is subject to the same geological and meteorological conditions and the same law
- 1586 as the building described in the previously approved plans;
- 1587 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 1588 and approved by the county; and
- 1589 (iv) does not require any additional engineering or analysis.
- 1590 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 1591 Impact Fees Act.
- 1592 (25) "Improvement completion assurance" means a surety bond, letter of credit,
- 1593 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 1594 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
- 1595 required as a condition precedent to:
- 1596 (a) recording a subdivision plat; or
- 1597 (b) development of a commercial, industrial, mixed use, or multifamily project.

1598 (26) "Improvement warranty" means an applicant's unconditional warranty that the
1599 applicant's installed and accepted landscaping or infrastructure improvement:

1600 (a) complies with the county's written standards for design, materials, and
1601 workmanship; and

1602 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1603 within the improvement warranty period.

1604 (27) "Improvement warranty period" means a period:

1605 (a) no later than one year after a county's acceptance of required landscaping; or

1606 (b) no later than one year after a county's acceptance of required infrastructure, unless
1607 the county:

1608 (i) determines for good cause that a one-year period would be inadequate to protect the
1609 public health, safety, and welfare; and

1610 (ii) has substantial evidence, on record:

1611 (A) of prior poor performance by the applicant; or

1612 (B) that the area upon which the infrastructure will be constructed contains suspect soil
1613 and the county has not otherwise required the applicant to mitigate the suspect soil.

1614 (28) "Infrastructure improvement" means permanent infrastructure that is essential for
1615 the public health and safety or that:

1616 (a) is required for human consumption; and

1617 (b) an applicant must install:

1618 (i) in accordance with published installation and inspection specifications for public
1619 improvements; and

1620 (ii) as a condition of:

1621 (A) recording a subdivision plat;

1622 (B) obtaining a building permit; or

1623 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
1624 project.

1625 (29) "Internal lot restriction" means a platted note, platted demarcation, or platted

1626 designation that:

1627 (a) runs with the land; and

1628 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
1629 the plat; or

1630 (ii) designates a development condition that is enclosed within the perimeter of a lot
1631 described on the plat.

1632 (30) "Interstate pipeline company" means a person or entity engaged in natural gas
1633 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
1634 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1635 (31) "Intrastate pipeline company" means a person or entity engaged in natural gas
1636 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1637 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1638 (32) "Land use applicant" means a property owner, or the property owner's designee,
1639 who submits a land use application regarding the property owner's land.

1640 (33) "Land use application":

1641 (a) means an application that is:

1642 (i) required by a county; and

1643 (ii) submitted by a land use applicant to obtain a land use decision; and

1644 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1645 (34) "Land use authority" means:

1646 (a) a person, board, commission, agency, or body, including the local legislative body,
1647 designated by the local legislative body to act upon a land use application; or

1648 (b) if the local legislative body has not designated a person, board, commission,
1649 agency, or body, the local legislative body.

1650 (35) "Land use decision" means an administrative decision of a land use authority or
1651 appeal authority regarding:

1652 (a) a land use permit;

1653 (b) a land use application; or

1654 (c) the enforcement of a land use regulation, land use permit, or development
1655 agreement.

1656 (36) "Land use permit" means a permit issued by a land use authority.

1657 (37) "Land use regulation":

1658 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1659 specification, fee, or rule that governs the use or development of land;

1660 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
1661 and

1662 (c) does not include:

1663 (i) a land use decision of the legislative body acting as the land use authority, even if
1664 the decision is expressed in a resolution or ordinance; or

1665 (ii) a temporary revision to an engineering specification that does not materially:

1666 (A) increase a land use applicant's cost of development compared to the existing
1667 specification; or

1668 (B) impact a land use applicant's use of land.

1669 (38) "Legislative body" means the county legislative body, or for a county that has
1670 adopted an alternative form of government, the body exercising legislative powers.

1671 (39) "Local district" means any entity under Title 17B, Limited Purpose Local
1672 Government Entities - Local Districts, and any other governmental or quasi-governmental
1673 entity that is not a county, municipality, school district, or the state.

1674 (40) "Lot" means a tract of land, regardless of any label, that is created by and shown
1675 on a subdivision plat that has been recorded in the office of the county recorder.

1676 (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between
1677 adjoining lots or between a lot and adjoining parcels in accordance with Section [17-27a-608](#):

1678 (i) whether or not the lots are located in the same subdivision; and

1679 (ii) with the consent of the owners of record.

1680 (b) "Lot line adjustment" does not mean a new boundary line that:

1681 (i) creates an additional lot; or

1682 (ii) constitutes a subdivision.

1683 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
1684 Department of Transportation.

1685 (42) "Major transit investment corridor" means public transit service that uses or
1686 occupies:

1687 (a) public transit rail right-of-way;

1688 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1689 or

1690 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
1691 municipality or county and:

1692 (i) a public transit district as defined in Section [17B-2a-802](#); or

1693 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).

1694 (43) "Moderate income housing" means housing occupied or reserved for occupancy
1695 by households with a gross household income equal to or less than 80% of the median gross
1696 income for households of the same size in the county in which the housing is located.

1697 (44) "Mountainous planning district" means an area designated by a county legislative
1698 body in accordance with Section [17-27a-901](#).

1699 (45) "Nominal fee" means a fee that reasonably reimburses a county only for time spent
1700 and expenses incurred in:

1701 (a) verifying that building plans are identical plans; and

1702 (b) reviewing and approving those minor aspects of identical plans that differ from the
1703 previously reviewed and approved building plans.

1704 (46) "Noncomplying structure" means a structure that:

1705 (a) legally existed before the structure's current land use designation; and

1706 (b) because of one or more subsequent land use ordinance changes, does not conform
1707 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1708 the use of land.

1709 (47) "Nonconforming use" means a use of land that:

- 1710 (a) legally existed before the current land use designation;
- 1711 (b) has been maintained continuously since the time the land use ordinance regulation
- 1712 governing the land changed; and
- 1713 (c) because of one or more subsequent land use ordinance changes, does not conform
- 1714 to the regulations that now govern the use of the land.

1715 (48) "Official map" means a map drawn by county authorities and recorded in the
1716 county recorder's office that:

- 1717 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
- 1718 highways and other transportation facilities;
- 1719 (b) provides a basis for restricting development in designated rights-of-way or between
- 1720 designated setbacks to allow the government authorities time to purchase or otherwise reserve
- 1721 the land; and
- 1722 (c) has been adopted as an element of the county's general plan.

1723 (49) "Parcel" means any real property that is not a lot.

1724 (50) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
1725 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
1726 agreement in accordance with Section [17-27a-523](#), if no additional parcel is created and:

- 1727 (i) none of the property identified in the agreement is a lot; or
- 1728 (ii) the adjustment is to the boundaries of a single person's parcels.

1729 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1730 line that:

- 1731 (i) creates an additional parcel; or
- 1732 (ii) constitutes a subdivision.
- 1733 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
- 1734 the Department of Transportation.

1735 (51) "Person" means an individual, corporation, partnership, organization, association,
1736 trust, governmental agency, or any other legal entity.

1737 (52) "Plan for moderate income housing" means a written document adopted by a

1738 county legislative body that includes:

1739 (a) an estimate of the existing supply of moderate income housing located within the
1740 county;

1741 (b) an estimate of the need for moderate income housing in the county for the next five
1742 years;

1743 (c) a survey of total residential land use;

1744 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1745 income housing; and

1746 (e) a description of the county's program to encourage an adequate supply of moderate
1747 income housing.

1748 (53) "Planning advisory area" means a contiguous, geographically defined portion of
1749 the unincorporated area of a county established under this part with planning and zoning
1750 functions as exercised through the planning advisory area planning commission, as provided in
1751 this chapter, but with no legal or political identity separate from the county and no taxing
1752 authority.

1753 (54) "Plat" means an instrument subdividing property into lots as depicted on a map or
1754 other graphical representation of lands that a licensed professional land surveyor makes and
1755 prepares in accordance with Section [17-27a-603](#) or [57-8-13](#).

1756 (55) "Potential geologic hazard area" means an area that:

1757 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1758 relevant map or report as needing further study to determine the area's potential for geologic
1759 hazard; or

1760 (b) has not been studied by the Utah Geological Survey or a county geologist but
1761 presents the potential of geologic hazard because the area has characteristics similar to those of
1762 a designated geologic hazard area.

1763 (56) "Public agency" means:

1764 (a) the federal government;

1765 (b) the state;

1766 (c) a county, municipality, school district, local district, special service district, or other
1767 political subdivision of the state; or

1768 (d) a charter school.

1769 (57) "Public hearing" means a hearing at which members of the public are provided a
1770 reasonable opportunity to comment on the subject of the hearing.

1771 (58) "Public meeting" means a meeting that is required to be open to the public under
1772 Title 52, Chapter 4, Open and Public Meetings Act.

1773 (59) "Public street" means a public right-of-way, including a public highway, public
1774 avenue, public boulevard, public parkway, public road, public lane, public alley, public
1775 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1776 easement, or other public way.

1777 (60) "Receiving zone" means an unincorporated area of a county that the county
1778 designates, by ordinance, as an area in which an owner of land may receive a transferable
1779 development right.

1780 (61) "Record of survey map" means a map of a survey of land prepared in accordance
1781 with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1782 (62) "Residential facility for persons with a disability" means a residence:

1783 (a) in which more than one person with a disability resides; and

1784 (b) (i) which is licensed or certified by the Department of Human Services under Title
1785 62A, Chapter 2, Licensure of Programs and Facilities; or

1786 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
1787 21, Health Care Facility Licensing and Inspection Act.

1788 (63) "Rules of order and procedure" means a set of rules that govern and prescribe in a
1789 public meeting:

1790 (a) parliamentary order and procedure;

1791 (b) ethical behavior; and

1792 (c) civil discourse.

1793 (64) "Sanitary sewer authority" means the department, agency, or public entity with

1794 responsibility to review and approve the feasibility of sanitary sewer services or onsite
1795 wastewater systems.

1796 (65) "Sending zone" means an unincorporated area of a county that the county
1797 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1798 development right.

1799 (66) "Site plan" means a document or map that may be required by a county during a
1800 preliminary review preceding the issuance of a building permit to demonstrate that an owner's
1801 or developer's proposed development activity meets a land use requirement.

1802 (67) "Specified public agency" means:

1803 (a) the state;

1804 (b) a school district; or

1805 (c) a charter school.

1806 (68) "Specified public utility" means an electrical corporation, gas corporation, or
1807 telephone corporation, as those terms are defined in Section [54-2-1](#).

1808 (69) "State" includes any department, division, or agency of the state.

1809 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
1810 divided into two or more lots or other division of land for the purpose, whether immediate or
1811 future, for offer, sale, lease, or development either on the installment plan or upon any and all
1812 other plans, terms, and conditions.

1813 (b) "Subdivision" includes:

1814 (i) the division or development of land, whether by deed, metes and bounds
1815 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
1816 the division includes all or a portion of a parcel or lot; and

1817 (ii) except as provided in Subsection (70)(c), divisions of land for residential and
1818 nonresidential uses, including land used or to be used for commercial, agricultural, and
1819 industrial purposes.

1820 (c) "Subdivision" does not include:

1821 (i) a bona fide division or partition of agricultural land for agricultural purposes;

- 1822 (ii) a boundary line agreement recorded with the county recorder's office between
1823 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
1824 [17-27a-523](#) if no new lot is created;
- 1825 (iii) a recorded document, executed by the owner of record:
- 1826 (A) revising the legal descriptions of multiple parcels into one legal description
1827 encompassing all such parcels; or
- 1828 (B) joining a lot to a parcel;
- 1829 (iv) a bona fide division or partition of land in a county other than a first class county
1830 for the purpose of siting, on one or more of the resulting separate parcels:
- 1831 (A) an electrical transmission line or a substation;
- 1832 (B) a natural gas pipeline or a regulation station; or
- 1833 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1834 utility service regeneration, transformation, retransmission, or amplification facility;
- 1835 (v) a boundary line agreement between owners of adjoining subdivided properties
1836 adjusting the mutual lot line boundary in accordance with Sections [17-27a-523](#) and [17-27a-608](#)
1837 if:
- 1838 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1839 (B) the adjustment will not violate any applicable land use ordinance;
- 1840 (vi) a bona fide division of land by deed or other instrument if the deed or other
1841 instrument states in writing that the division:
- 1842 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 1843 (B) does not confer any land use approvals; and
- 1844 (C) has not been approved by the land use authority;
- 1845 (vii) a parcel boundary adjustment;
- 1846 (viii) a lot line adjustment;
- 1847 (ix) a road, street, or highway dedication plat;
- 1848 (x) a deed or easement for a road, street, or highway purpose; or
- 1849 (xi) any other division of land authorized by law.

- 1850 (71) "Subdivision amendment" means an amendment to a recorded subdivision in
1851 accordance with Section 17-27a-608 that:
- 1852 (a) vacates all or a portion of the subdivision;
 - 1853 (b) alters the outside boundary of the subdivision;
 - 1854 (c) changes the number of lots within the subdivision;
 - 1855 (d) alters a public right-of-way, a public easement, or public infrastructure within the
1856 subdivision; or
 - 1857 (e) alters a common area or other common amenity within the subdivision.
- 1858 (72) "Substantial evidence" means evidence that:
- 1859 (a) is beyond a scintilla; and
 - 1860 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1861 (73) "Suspect soil" means soil that has:
- 1862 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
1863 3% swell potential;
 - 1864 (b) bedrock units with high shrink or swell susceptibility; or
 - 1865 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
1866 commonly associated with dissolution and collapse features.
- 1867 (74) "Therapeutic school" means a residential group living facility:
- 1868 (a) for four or more individuals who are not related to:
 - 1869 (i) the owner of the facility; or
 - 1870 (ii) the primary service provider of the facility;
 - 1871 (b) that serves students who have a history of failing to function:
 - 1872 (i) at home;
 - 1873 (ii) in a public school; or
 - 1874 (iii) in a nonresidential private school; and
 - 1875 (c) that offers:
 - 1876 (i) room and board; and
 - 1877 (ii) an academic education integrated with:

1878 (A) specialized structure and supervision; or

1879 (B) services or treatment related to a disability, an emotional development, a
1880 behavioral development, a familial development, or a social development.

1881 (75) "Transferable development right" means a right to develop and use land that
1882 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
1883 land use rights from a designated sending zone to a designated receiving zone.

1884 (76) "Unincorporated" means the area outside of the incorporated area of a
1885 municipality.

1886 (77) "Water interest" means any right to the beneficial use of water, including:

1887 (a) each of the rights listed in Section 73-1-11; and

1888 (b) an ownership interest in the right to the beneficial use of water represented by:

1889 (i) a contract; or

1890 (ii) a share in a water company, as defined in Section 73-3-3.5.

1891 (78) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
1892 land use zones, overlays, or districts.

1893 Section 11. Section 17-27a-401 is amended to read:

1894 **17-27a-401. General plan required -- Content -- Resource management plan --**
1895 **Provisions related to radioactive waste facility.**

1896 (1) To accomplish the purposes of this chapter, each county shall prepare and adopt a
1897 comprehensive, long-range general plan:

1898 (a) for present and future needs of the county;

1899 (b) (i) for growth and development of all or any part of the land within the
1900 unincorporated portions of the county; or

1901 (ii) if a county has designated a mountainous planning district, for growth and
1902 development of all or any part of the land within the mountainous planning district; and

1903 (c) as a basis for communicating and coordinating with the federal government on land
1904 and resource management issues.

1905 (2) To promote health, safety, and welfare, the general plan may provide for:

1906 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
1907 activities, aesthetics, and recreational, educational, and cultural opportunities;

1908 (b) the reduction of the waste of physical, financial, or human resources that result
1909 from either excessive congestion or excessive scattering of population;

1910 (c) the efficient and economical use, conservation, and production of the supply of:

1911 (i) food and water; and

1912 (ii) drainage, sanitary, and other facilities and resources;

1913 (d) the use of energy conservation and solar and renewable energy resources;

1914 (e) the protection of urban development;

1915 (f) the protection and promotion of air quality;

1916 (g) historic preservation;

1917 (h) identifying future uses of land that are likely to require an expansion or significant
1918 modification of services or facilities provided by each affected entity; and

1919 (i) an official map.

1920 [~~(3)(a) The general plan shall:~~]

1921 [~~(i) allow and plan for moderate income housing growth; and]~~

1922 (3) (a) (i) The general plan of a specified county, as defined in Section 17-27a-408,
1923 shall include a moderate income housing element that meets the requirements of Subsection
1924 17-27a-403(2)(a)(iii).

1925 [~~(ii) contain a resource management plan for the public lands, as defined in Section~~
1926 ~~63L-6-102, within the county.]~~

1927 [~~(b)~~] (ii) On or before [December 1, 2019, a] October 1, 2022, a specified county, as
1928 defined in Section 17-27a-408, with a general plan that does not comply with Subsection
1929 (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).

1930 (b) The general plan shall contain a resource management plan for the public lands, as
1931 defined in Section 63L-6-102, within the county.

1932 (c) The resource management plan described in Subsection [~~(3)(a)(ii)~~] (3)(b) shall
1933 address:

- 1934 (i) mining;
- 1935 (ii) land use;
- 1936 (iii) livestock and grazing;
- 1937 (iv) irrigation;
- 1938 (v) agriculture;
- 1939 (vi) fire management;
- 1940 (vii) noxious weeds;
- 1941 (viii) forest management;
- 1942 (ix) water rights;
- 1943 (x) ditches and canals;
- 1944 (xi) water quality and hydrology;
- 1945 (xii) flood plains and river terraces;
- 1946 (xiii) wetlands;
- 1947 (xiv) riparian areas;
- 1948 (xv) predator control;
- 1949 (xvi) wildlife;
- 1950 (xvii) fisheries;
- 1951 (xviii) recreation and tourism;
- 1952 (xix) energy resources;
- 1953 (xx) mineral resources;
- 1954 (xxi) cultural, historical, geological, and paleontological resources;
- 1955 (xxii) wilderness;
- 1956 (xxiii) wild and scenic rivers;
- 1957 (xxiv) threatened, endangered, and sensitive species;
- 1958 (xxv) land access;
- 1959 (xxvi) law enforcement;
- 1960 (xxvii) economic considerations; and
- 1961 (xxviii) air.

1962 (d) For each item listed under Subsection (3)(c), a county's resource management plan
1963 shall:

1964 (i) establish findings pertaining to the item;

1965 (ii) establish defined objectives; and

1966 (iii) outline general policies and guidelines on how the objectives described in
1967 Subsection (3)(d)(ii) are to be accomplished.

1968 (4) (a) (i) The general plan shall include specific provisions related to any areas within,
1969 or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a
1970 county, which are proposed for the siting of a storage facility or transfer facility for the
1971 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as
1972 these wastes are defined in Section 19-3-303.

1973 (ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the
1974 proposed site upon the health and general welfare of citizens of the state, and shall provide:

1975 [(i)] (A) the information identified in Section 19-3-305;

1976 [(ii)] (B) information supported by credible studies that demonstrates that the
1977 provisions of Subsection 19-3-307(2) have been satisfied; and

1978 [(iii)] (C) specific measures to mitigate the effects of high-level nuclear waste and
1979 greater than class C radioactive waste and guarantee the health and safety of the citizens of the
1980 state.

1981 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance
1982 indicating that all proposals for the siting of a storage facility or transfer facility for the
1983 placement of high-level nuclear waste or greater than class C radioactive waste wholly or
1984 partially within the county are rejected.

1985 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

1986 (d) The county shall send a certified copy of the ordinance described in Subsection
1987 (4)(b) to the executive director of the Department of Environmental Quality by certified mail
1988 within 30 days of enactment.

1989 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

1990 (i) comply with Subsection (4)(a) as soon as reasonably possible; and
1991 (ii) send a certified copy of the repeal to the executive director of the Department of
1992 Environmental Quality by certified mail within 30 days after the repeal.

1993 (5) The general plan may define the county's local customs, local culture, and the
1994 components necessary for the county's economic stability.

1995 (6) Subject to Subsection 17-27a-403(2), the county may determine the
1996 comprehensiveness, extent, and format of the general plan.

1997 (7) If a county has designated a mountainous planning district, the general plan for the
1998 mountainous planning district is the controlling plan.

1999 (8) Nothing in this part may be construed to limit the authority of the state to manage
2000 and protect wildlife under Title 23, Wildlife Resources Code of Utah.

2001 Section 12. Section 17-27a-403 is amended to read:

2002 **17-27a-403. Plan preparation.**

2003 (1) (a) The planning commission shall provide notice, as provided in Section
2004 17-27a-203, of ~~its~~ the planning commission's intent to make a recommendation to the county
2005 legislative body for a general plan or a comprehensive general plan amendment when the
2006 planning commission initiates the process of preparing ~~its~~ the planning commission's
2007 recommendation.

2008 (b) The planning commission shall make and recommend to the legislative body a
2009 proposed general plan for:

2010 (i) the unincorporated area within the county; or

2011 (ii) if the planning commission is a planning commission for a mountainous planning
2012 district, the mountainous planning district.

2013 (c) (i) The plan may include planning for incorporated areas if, in the planning
2014 commission's judgment, they are related to the planning of the unincorporated territory or of
2015 the county as a whole.

2016 (ii) Elements of the county plan that address incorporated areas are not an official plan
2017 or part of a municipal plan for any municipality, unless the county plan is recommended by the

2018 municipal planning commission and adopted by the governing body of the municipality.

2019 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
2020 and descriptive and explanatory matter, shall include the planning commission's
2021 recommendations for the following plan elements:

2022 (i) a land use element that:

2023 (A) designates the long-term goals and the proposed extent, general distribution, and
2024 location of land for housing for residents of various income levels, business, industry,
2025 agriculture, recreation, education, public buildings and grounds, open space, and other
2026 categories of public and private uses of land as appropriate; and

2027 (B) ~~[may include]~~ includes a statement of the projections for and standards of
2028 population density and building intensity recommended for the various land use categories
2029 covered by the plan;

2030 (ii) a transportation and traffic circulation element that:

2031 (A) provides the general location and extent of existing and proposed freeways, arterial
2032 and collector streets, public transit, active transportation facilities, and other modes of
2033 transportation that the planning commission considers appropriate;

2034 (B) addresses the county's plan for residential and commercial development around
2035 major transit investment corridors to maintain and improve the connections between housing,
2036 employment, education, recreation, and commerce; and

2037 (C) correlates with the population projections, the employment projections, and the
2038 proposed land use element of the general plan;

2039 ~~[(iii) a plan for the development of additional moderate income housing within the
2040 unincorporated area of the county or the mountainous planning district, and a plan to provide a
2041 realistic opportunity to meet the need for additional moderate income housing; and]~~

2042 (iii) for a specified county as defined in Section 17-27a-408, a moderate income
2043 housing element that:

2044 (A) provides a realistic opportunity to meet the need for additional moderate income
2045 housing within the next five years;

2046 (B) selects three or more moderate income housing strategies described in Subsection
2047 (2)(b)(ii) for implementation; and

2048 (C) includes an implementation plan as provided in Subsection (2)(e); and

2049 (iv) [~~before May 1, 2017,~~] a resource management plan detailing the findings,
2050 objectives, and policies required by Subsection 17-27a-401(3).

2051 (b) In drafting the moderate income housing element, the planning commission:

2052 (i) shall consider the Legislature's determination that counties should facilitate a
2053 reasonable opportunity for a variety of housing, including moderate income housing:

2054 (A) to meet the needs of people of various income levels living, working, or desiring to
2055 live or work in the community; and

2056 (B) to allow people with various incomes to benefit from and fully participate in all
2057 aspects of neighborhood and community life; and

2058 (ii) shall include an analysis of how the county will provide a realistic opportunity for
2059 the development of moderate income housing within the planning horizon, [~~which may~~
2060 ~~include~~] including a recommendation to implement three or more of the following moderate
2061 income housing strategies:

2062 (A) rezone for densities necessary to [~~assure~~] facilitate the production of moderate
2063 income housing;

2064 (B) [~~facilitate~~] demonstrate investment in the rehabilitation or expansion of
2065 infrastructure that [~~will encourage~~] facilitates the construction of moderate income housing;

2066 (C) [~~facilitate~~] demonstrate investment in the rehabilitation of existing uninhabitable
2067 housing stock into moderate income housing;

2068 (D) [~~consider~~] identify and utilize county general fund subsidies or other sources of
2069 revenue to waive construction related fees that are otherwise generally imposed by the county
2070 for the construction or rehabilitation of moderate income housing;

2071 (E) create or allow for, and reduce regulations related to, internal or detached accessory
2072 dwelling units in residential zones;

2073 (F) [~~allow~~] zone or rezone for higher density or moderate income residential

2074 development in commercial ~~and~~ or mixed-use zones, commercial centers, or employment
2075 centers;

2076 (G) ~~encourage~~ amend land use regulations to allow for higher density or new
2077 moderate income residential development in commercial or mixed-use zones near major transit
2078 investment corridors;

2079 (H) amend land use regulations to eliminate or reduce parking requirements for
2080 residential development where a resident is less likely to rely on the resident's own vehicle,
2081 such as residential development near major transit investment corridors or senior living
2082 facilities;

2083 (I) amend land use regulations to allow for single room occupancy developments;

2084 (J) implement zoning incentives for ~~low to~~ moderate income units in new
2085 developments;

2086 ~~[(K) utilize strategies that preserve subsidized low to moderate income units on a~~
2087 ~~long-term basis;]~~

2088 ~~[(L)]~~ (K) preserve existing and new moderate income housing and subsidized units by
2089 utilizing a landlord incentive program, providing for deed restricted units through a grant
2090 program, or establishing a housing loss mitigation fund;

2091 ~~[(M)]~~ (L) reduce, waive, or eliminate impact fees~~[-as defined in Section 11-36a-102;]~~
2092 related to ~~low and~~ moderate income housing;

2093 ~~[(N) participate in]~~ (M) demonstrate creation of, or participation in, a community land
2094 trust program for ~~low or~~ moderate income housing;

2095 ~~[(O)]~~ (N) implement a mortgage assistance program for employees of the county ~~[or~~
2096 ~~of]~~, an employer that provides contracted services for the county, or any other public employer
2097 that operates within the county;

2098 ~~[(P)]~~ (O) apply for or partner with an entity that applies for state or federal funds or tax
2099 incentives to promote the construction of moderate income housing, an entity that applies for
2100 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
2101 entity that applies for affordable housing programs administered by the Department of

2102 Workforce Services, an entity that applies for services provided by a public housing authority
2103 to preserve and create moderate income housing, or any other entity that applies for programs
2104 or services that promote the construction or preservation of moderate income housing;

2105 ~~[(Q) apply for or partner with an entity that applies for programs offered by the Utah~~
2106 ~~Housing Corporation within that agency's funding capacity;]~~

2107 ~~[(R) apply for or partner with an entity that applies for affordable housing programs~~
2108 ~~administered by the Department of Workforce Services;]~~

2109 ~~[(S) apply for or partner with an entity that applies for services provided by a public~~
2110 ~~housing authority to preserve and create moderate income housing;]~~

2111 ~~[(T) apply for or partner with an entity that applies for programs administered by a~~
2112 ~~metropolitan planning organization or other transportation agency that provides technical~~
2113 ~~planning assistance;]~~

2114 ~~[(U) utilize]~~ (P) demonstrate utilization of a moderate income housing set aside from a
2115 community reinvestment agency, redevelopment agency, or community development and
2116 renewal agency to create or subsidize moderate income housing; [and]

2117 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
2118 Part 6, Housing and Transit Reinvestment Zone Act;

2119 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
2120 accessory dwelling unit as defined in Section [10-9a-530](#);

2121 (S) create a program to transfer development rights for moderate income housing;

2122 (T) ratify a joint acquisition agreement with another local political subdivision for the
2123 purpose of combining resources to acquire property for moderate income housing;

2124 (U) develop a moderate income housing project for residents who are disabled or 55
2125 years old or older;

2126 (V) create or allow for, and reduce regulations related to, multifamily residential
2127 dwelling compatible in scale and form with detached single-family residential dwellings and
2128 located in walkable communities within residential or mixed-use zones; and

2129 ~~[(V) consider]~~ (W) demonstrate implementation of any other program or strategy

2130 ~~[implemented by the county]~~ to address the housing needs of residents of the county who earn
2131 less than 80% of the area median income, including the dedication of a local funding source to
2132 moderate income housing or the adoption of a land use ordinance that requires 10% or more of
2133 new residential development in a residential zone be dedicated to moderate income housing.

2134 (iii) If a specified county, as defined in Section 17-27a-408, has created a small public
2135 transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the specified
2136 county shall include as part of the specified county's recommended strategies under Subsection
2137 (2)(b)(ii) a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q).

2138 (c) In drafting the land use element, the planning commission shall:

2139 (i) identify and consider each agriculture protection area within the unincorporated area
2140 of the county or mountainous planning district; ~~[and]~~

2141 (ii) avoid proposing a use of land within an agriculture protection area that is
2142 inconsistent with or detrimental to the use of the land for agriculture~~[-]; and~~

2143 (iii) consider and coordinate with any station area plans adopted by municipalities
2144 located within the county under Section 10-9a-403.1.

2145 (d) In drafting the transportation and traffic circulation element, the planning
2146 commission shall:

2147 (i) (A) consider and coordinate with the regional transportation plan developed by ~~[its]~~
2148 the region's metropolitan planning organization, if the relevant areas of the county are within
2149 the boundaries of a metropolitan planning organization; or

2150 ~~[(ii)]~~ (B) consider and coordinate with the long-range transportation plan developed by
2151 the Department of Transportation, if the relevant areas of the county are not within the
2152 boundaries of a metropolitan planning organization~~[-]; and~~

2153 (ii) consider and coordinate with any station area plans adopted by municipalities
2154 located within the county under Section 10-9a-403.1.

2155 (e) (i) In drafting the implementation plan portion of the moderate income housing
2156 element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a
2157 timeline for implementing each of the moderate income housing strategies selected by the

2158 county for implementation.

2159 (ii) The timeline described in Subsection (2)(e)(i) shall:

2160 (A) identify specific measures and benchmarks for implementing each moderate
2161 income housing strategy selected by the county; and

2162 (B) provide flexibility for the county to make adjustments as needed.

2163 (3) The proposed general plan may include:

2164 (a) an environmental element that addresses:

2165 (i) to the extent not covered by the county's resource management plan, the protection,
2166 conservation, development, and use of natural resources, including the quality of air, forests,
2167 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
2168 and

2169 (ii) the reclamation of land, flood control, prevention and control of the pollution of
2170 streams and other waters, regulation of the use of land on hillsides, stream channels and other
2171 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
2172 protection of watersheds and wetlands, and the mapping of known geologic hazards;

2173 (b) a public services and facilities element showing general plans for sewage, water,
2174 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
2175 police and fire protection, and other public services;

2176 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
2177 programs for:

2178 (i) historic preservation;

2179 (ii) the diminution or elimination of a development impediment as defined in Section
2180 17C-1-102; and

2181 (iii) redevelopment of land, including housing sites, business and industrial sites, and
2182 public building sites;

2183 (d) an economic element composed of appropriate studies and forecasts, as well as an
2184 economic development plan, which may include review of existing and projected county
2185 revenue and expenditures, revenue sources, identification of basic and secondary industry,

2186 primary and secondary market areas, employment, and retail sales activity;

2187 (e) recommendations for implementing all or any portion of the general plan, including
2188 the use of land use ordinances, capital improvement plans, community development and
2189 promotion, and any other appropriate action;

2190 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
2191 (3)(a)(i); and

2192 (g) any other element the county considers appropriate.

2193 Section 13. Section 17-27a-404 is amended to read:

2194 **17-27a-404. Public hearing by planning commission on proposed general plan or**
2195 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
2196 **by legislative body.**

2197 (1) (a) After completing its recommendation for a proposed general plan, or proposal to
2198 amend the general plan, the planning commission shall schedule and hold a public hearing on
2199 the proposed plan or amendment.

2200 (b) The planning commission shall provide notice of the public hearing, as required by
2201 Section 17-27a-204.

2202 (c) After the public hearing, the planning commission may modify the proposed
2203 general plan or amendment.

2204 (2) The planning commission shall forward the proposed general plan or amendment to
2205 the legislative body.

2206 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body
2207 shall provide notice of its intent to consider the general plan proposal.

2208 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
2209 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
2210 regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection
2211 (3)(b).

2212 (ii) The hearing format shall allow adequate time for public comment at the actual
2213 public hearing, and shall also allow for public comment in writing to be submitted to the

2214 legislative body for not fewer than 90 days after the date of the public hearing.

2215 (c) (i) The legislative body shall give notice of the hearing in accordance with this
2216 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are
2217 complete.

2218 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
2219 the state Legislature, executive director of the Department of Environmental Quality, the state
2220 planning coordinator, the Resource Development Coordinating Committee, and any other
2221 citizens or entities who specifically request notice in writing.

2222 (iii) Public notice shall be given by publication on the Utah Public Notice Website
2223 created in Section 63A-16-601.

2224 (iv) The notice shall be published to allow reasonable time for interested parties and
2225 the state to evaluate the information regarding the provisions of Subsection 17-27a-401(4),
2226 including publication described in Subsection (3)(c)(iii) for 180 days before the date of the
2227 hearing to be held under this Subsection (3).

2228 (4) (a) After the public hearing required under this section, the legislative body may
2229 adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

2230 (b) The legislative body shall respond in writing and in a substantive manner to all
2231 those providing comments as a result of the hearing required by Subsection (3).

2232 (c) If the county legislative body rejects the proposed general plan or amendment, it
2233 may provide suggestions to the planning commission for the planning commission's review and
2234 recommendation.

2235 (5) The legislative body shall adopt:

2236 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

2237 (b) a transportation and traffic circulation element as provided in Subsection
2238 17-27a-403(2)(a)(ii);

2239 ~~[(c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to~~
2240 ~~provide a realistic opportunity to meet the need for additional moderate income housing; and]~~

2241 (c) for a specified county as defined in Section 17-27-408, a moderate income housing

2242 element as provided in Subsection [17-27a-403\(2\)\(a\)\(iii\)](#); and

2243 (d) [~~before August 1, 2017,~~] a resource management plan as provided by Subsection
2244 [17-27a-403\(2\)\(a\)\(iv\)](#).

2245 Section 14. Section **17-27a-408** is amended to read:

2246 **17-27a-408. Moderate income housing report -- Contents -- Prioritization for**
2247 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

2248 ~~[(1) The legislative body of each county of the first, second, or third class, which has a~~
2249 ~~population in the county's unincorporated areas of more than 5,000 residents, shall annually:]~~

2250 ~~[(a) review the moderate income housing plan element of the county's general plan and~~
2251 ~~implementation of that element of the general plan;]~~

2252 ~~[(b) prepare a report on the findings of the review described in Subsection (1)(a), and]~~

2253 ~~[(c) post the report described in Subsection (1)(b) on the county's website.]~~

2254 ~~[(2) The report described in Subsection (1) shall include:]~~

2255 ~~[(a) a revised estimate of the need for moderate income housing in the unincorporated~~
2256 ~~areas of the county for the next five years;]~~

2257 ~~[(b) a description of progress made within the unincorporated areas of the county to~~
2258 ~~provide moderate income housing demonstrated by analyzing and publishing data on the~~
2259 ~~number of housing units in the county that are at or below:]~~

2260 ~~[(i) 80% of the adjusted median family income;]~~

2261 ~~[(ii) 50% of the adjusted median family income; and]~~

2262 ~~[(iii) 30% of the adjusted median family income;]~~

2263 ~~[(c) a description of any efforts made by the county to utilize a moderate income~~
2264 ~~housing set-aside from a community reinvestment agency, redevelopment agency, or a~~
2265 ~~community development and renewal agency; and]~~

2266 ~~[(d) a description of how the county has implemented any of the recommendations~~
2267 ~~related to moderate income housing described in Subsection [17-27a-403\(2\)\(b\)\(ii\)](#).]~~

2268 ~~[(3) The legislative body of each county described in Subsection (1) shall send a copy~~
2269 ~~of the report under Subsection (1) to the Department of Workforce Services, the association of~~

2270 ~~governments in which the county is located, and, if the unincorporated area of the county is~~
2271 ~~located within the boundaries of a metropolitan planning organization, the appropriate~~
2272 ~~metropolitan planning organization.] (1) As used in this section:~~

2273 (a) "Division" means the Housing and Community Development Division within the
2274 Department of Workforce Services.

2275 (b) "Implementation plan" means the implementation plan adopted as part of the
2276 moderate income housing element of a specified county's general plan as provided in
2277 Subsection [10-9a-403\(2\)\(c\)](#).

2278 (c) "Moderate income housing report" or "report" means the report described in
2279 Subsection (2)(a).

2280 (d) "Moderate income housing strategy" means a strategy described in Subsection
2281 [17-27a-403\(2\)\(b\)\(ii\)](#).

2282 (e) "Specified county" means a county of the first, second, or third class, which has a
2283 population of more than 5,000 in the county's unincorporated areas.

2284 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative
2285 body of a specified county shall annually submit a written moderate income housing report to
2286 the division.

2287 (b) The moderate income housing report submitted in 2022 shall include:

2288 (i) a description of each moderate income housing strategy selected by the specified
2289 county for implementation; and

2290 (ii) an implementation plan.

2291 (c) The moderate income housing report submitted in each calendar year after 2022
2292 shall include:

2293 (i) the information required under Subsection (2)(b);

2294 (ii) a description of each action, whether one-time or ongoing, taken by the specified
2295 county during the previous fiscal year to implement the moderate income housing strategies
2296 selected by the specified county for implementation;

2297 (iii) a description of each land use regulation or land use decision made by the

2298 specified county during the previous fiscal year to implement the moderate income housing
2299 strategies, including an explanation of how the land use regulation or land use decision
2300 supports the specified county's efforts to implement the moderate income housing strategies;
2301 (iv) a description of any barriers encountered by the specified county in the previous
2302 fiscal year in implementing the moderate income housing strategies; and
2303 (v) information regarding the number of internal and external or detached accessory
2304 dwelling units located within the specified county for which the specified county:
2305 (A) issued a building permit to construct; or
2306 (B) issued a business license to rent;
2307 (vi) a description of how the market has responded to the selected moderate income
2308 housing strategies, including the number of entitled moderate income housing units or other
2309 relevant data; and
2310 (vii) any recommendations on how the state can support the specified county in
2311 implementing the moderate income housing strategies.
2312 (d) The moderate income housing report shall be in a form:
2313 (i) approved by the division; and
2314 (ii) made available by the division on or before July 1 of the year in which the report is
2315 required.
2316 (3) Within 90 days after the day on which the division receives a specified county's
2317 moderate income housing report, the division shall:
2318 (a) post the report on the division's website;
2319 (b) send a copy of the report to the Department of Transportation, the Governor's
2320 Office of Planning and Budget, the association of governments in which the specified county is
2321 located, and, if the unincorporated area of the specified county is located within the boundaries
2322 of a metropolitan planning organization, the appropriate metropolitan planning organization;
2323 and
2324 (c) subject to Subsection (4), review the report to determine compliance with
2325 Subsection (2).

2326 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the
2327 report:

2328 (i) includes the information required under Subsection (2)(b);

2329 (ii) demonstrates to the division that the specified county made plans to implement
2330 three or more moderate income housing strategies; and

2331 (iii) is in a form approved by the division.

2332 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the
2333 report:

2334 (i) includes the information required under Subsection (2)(c);

2335 (ii) demonstrates to the division that the specified county made plans to implement
2336 three or more moderate income housing strategies;

2337 (iii) is in a form approved by the division; and

2338 (iv) provides sufficient information for the division to:

2339 (A) assess the specified county's progress in implementing the moderate income
2340 housing strategies;

2341 (B) monitor compliance with the specified county's implementation plan;

2342 (C) identify a clear correlation between the specified county's land use decisions and
2343 efforts to implement the moderate income housing strategies; and

2344 (D) identify how the market has responded to the specified county's selected moderate
2345 income housing strategies.

2346 (5) (a) A specified county qualifies for priority consideration under this Subsection (5)
2347 if the specified county's moderate income housing report:

2348 (i) complies with Subsection (2); and

2349 (ii) demonstrates to the division that the specified county made plans to implement five
2350 or more moderate income housing strategies.

2351 (b) The following apply to a specified county described in Subsection (5)(a) during the
2352 fiscal year immediately following the fiscal year in which the report is required:

2353 (i) the Transportation Commission may give priority consideration to transportation

2354 projects located within the unincorporated areas of the specified county in accordance with
2355 Subsection 72-1-304(3)(c); and

2356 (ii) the Governor's Office of Planning and Budget may give priority consideration for
2357 awarding financial grants to the specified county under the COVID-19 Local Assistance
2358 Matching Grant Program in accordance with Subsection 63J-4-802(6).

2359 (c) Upon determining that a specified county qualifies for priority consideration under
2360 this Subsection (5), the division shall send a notice of prioritization to the legislative body of
2361 the specified county, the Department of Transportation, and the Governor's Office of Planning
2362 and Budget.

2363 (d) The notice described in Subsection (5)(c) shall:

2364 (i) name the specified county that qualifies for priority consideration;

2365 (ii) describe the funds or projects for which the specified county qualifies to receive
2366 priority consideration;

2367 (iii) specify the fiscal year during which the specified county qualifies for priority
2368 consideration; and

2369 (iv) state the basis for the division's determination that the specified county qualifies
2370 for priority consideration.

2371 (6) (a) If the division, after reviewing a specified county's moderate income housing
2372 report, determines that the report does not comply with Subsection (2), the division shall send a
2373 notice of noncompliance to the legislative body of the specified county.

2374 (b) The notice described in Subsection (6)(a) shall:

2375 (i) describe each deficiency in the report and the actions needed to cure each
2376 deficiency;

2377 (ii) state that the specified county has an opportunity to cure the deficiencies within 90
2378 days after the day on which the notice is sent; and

2379 (iii) state that failure to cure the deficiencies within 90 days after the day on which the
2380 notice is sent will result in ineligibility for funds under Subsection (7).

2381 (7) (a) A specified county is ineligible for funds under this Subsection (7) if the

2382 specified county:

2383 (i) fails to submit a moderate income housing report to the division; or

2384 (ii) fails to cure the deficiencies in the specified county's moderate income housing
2385 report within 90 days after the day on which the division sent to the specified county a notice of
2386 noncompliance under Subsection (6).

2387 (b) The following apply to a specified county described in Subsection (7)(a) during the
2388 fiscal year immediately following the fiscal year in which the report is required:

2389 (i) the executive director of the Department of Transportation may not program funds
2390 from the Transportation Investment Fund of 2005, including the Transit Transportation
2391 Investment Fund, to projects located within the unincorporated areas of the specified county in
2392 accordance with Subsection 72-2-124(6); and

2393 (ii) the Governor's Office of Planning and Budget may not award financial grants to the
2394 specified county under the COVID-19 Local Assistance Matching Grant Program in
2395 accordance with Subsection 63J-4-802(7).

2396 (c) Upon determining that a specified county is ineligible for funds under this
2397 Subsection (7), the division shall send a notice of ineligibility to the legislative body of the
2398 specified county, the Department of Transportation, and the Governor's Office of Planning and
2399 Budget.

2400 (d) The notice described in Subsection (7)(c) shall:

2401 (i) name the specified county that is ineligible for funds;

2402 (ii) describe the funds for which the specified county is ineligible to receive;

2403 (iii) specify the fiscal year during which the specified county is ineligible for funds;

2404 and

2405 (iv) state the basis for the division's determination that the specified county is ineligible
2406 for funds.

2407 [~~(4)~~] (8) In a civil action seeking enforcement or claiming a violation of this section or
2408 of Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only
2409 injunctive or other equitable relief.

2410 Section 15. Section **17-27a-508** is amended to read:

2411 **17-27a-508. Applicant's entitlement to land use application approval --**
2412 **Application relating to land in a high priority transportation corridor -- County's**
2413 **requirements and limitations -- Vesting upon submission of development plan and**
2414 **schedule.**

2415 (1) (a) (i) An applicant who has submitted a complete land use application, including
2416 the payment of all application fees, is entitled to substantive review of the application -- under the
2417 land use regulations:

2418 (A) in effect on the date that the application is complete; and

2419 (B) applicable to the application or to the information shown on the submitted
2420 application.

2421 (ii) An applicant is entitled to approval of a land use application if the application
2422 conforms to the requirements of the applicable land use regulations, land use decisions, and
2423 development standards in effect when the applicant submits a complete application and pays all
2424 application fees, unless:

2425 (A) the land use authority, on the record, formally finds that a compelling,
2426 countervailing public interest would be jeopardized by approving the application and specifies
2427 the compelling, countervailing public interest in writing; or

2428 (B) in the manner provided by local ordinance and before the applicant submits the
2429 application, the county formally initiates proceedings to amend the county's land use
2430 regulations in a manner that would prohibit approval of the application as submitted.

2431 (b) The county shall process an application without regard to proceedings the county
2432 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

2433 (i) 180 days have passed since the county initiated the proceedings; and

2434 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
2435 application as submitted.

2436 (c) A land use application is considered submitted and complete when the applicant
2437 provides the application in a form that complies with the requirements of applicable ordinances

2438 and pays all applicable fees.

2439 (d) The continuing validity of an approval of a land use application is conditioned upon
2440 the applicant proceeding after approval to implement the approval with reasonable diligence.

2441 (e) A county may not impose on an applicant who has submitted a complete
2442 application a requirement that is not expressed:

2443 (i) in this chapter;

2444 (ii) in a county ordinance; or

2445 (iii) in a county specification for public improvements applicable to a subdivision or
2446 development that is in effect on the date that the applicant submits an application.

2447 (f) A county may not impose on a holder of an issued land use permit or a final,
2448 unexpired subdivision plat a requirement that is not expressed:

2449 (i) in a land use permit;

2450 (ii) on the subdivision plat;

2451 (iii) in a document on which the land use permit or subdivision plat is based;

2452 (iv) in the written record evidencing approval of the land use permit or subdivision
2453 plat;

2454 (v) in this chapter; or

2455 (vi) in a county ordinance.

2456 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a
2457 certificate of occupancy or acceptance of subdivision improvements because of an applicant's
2458 failure to comply with a requirement that is not expressed:

2459 (i) in the building permit or subdivision plat, documents on which the building permit
2460 or subdivision plat is based, or the written record evidencing approval of the building permit or
2461 subdivision plat; or

2462 (ii) in this chapter or the county's ordinances.

2463 (h) A county may not unreasonably withhold issuance of a certificate of occupancy
2464 where an applicant has met all requirements essential for the public health, public safety, and
2465 general welfare of the occupants, in accordance with this chapter, unless:

2466 (i) the applicant and the county have agreed in a written document to the withholding
2467 of a certificate of occupancy; or

2468 (ii) the applicant has not provided a financial assurance for required and uncompleted
2469 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
2470 legislative body adopts under this chapter.

2471 (2) A county is bound by the terms and standards of applicable land use regulations and
2472 shall comply with mandatory provisions of those regulations.

2473 (3) A county may not, as a condition of land use application approval, require a person
2474 filing a land use application to obtain documentation regarding a school district's willingness,
2475 capacity, or ability to serve the development proposed in the land use application.

2476 (4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on
2477 which a subdivision plat is recorded, a county may not impose on a building permit applicant
2478 for a single-family dwelling located within the subdivision any land use regulation that is
2479 enacted within 10 years after the day on which the subdivision plat is recorded.

2480 (b) Subsection (4)(a) does not apply to any changes in the requirements of the
2481 applicable building code, health code, or fire code, or other similar regulations.

2482 (5) Upon a specified public agency's submission of a development plan and schedule as
2483 required in Subsection 17-27a-305(8) that complies with the requirements of that subsection,
2484 the specified public agency vests in the county's applicable land use maps, zoning map, hookup
2485 fees, impact fees, other applicable development fees, and land use regulations in effect on the
2486 date of submission.

2487 (6) (a) If sponsors of a referendum timely challenge a project in accordance with
2488 Subsection 20A-7-601~~(5)~~(6), the project's affected owner may rescind the project's land use
2489 approval by delivering a written notice:

2490 (i) to the local clerk as defined in Section 20A-7-101; and

2491 (ii) no later than seven days after the day on which a petition for a referendum is
2492 determined sufficient under Subsection 20A-7-607(4).

2493 (b) Upon delivery of a written notice described in Subsection (6)(a) the following are

2494 rescinded and are of no further force or effect:

2495 (i) the relevant land use approval; and

2496 (ii) any land use regulation enacted specifically in relation to the land use approval.

2497 Section 16. Section **17B-2a-802** is amended to read:

2498 **17B-2a-802. Definitions.**

2499 As used in this part:

2500 (1) "Affordable housing" means housing occupied or reserved for occupancy by
2501 households that meet certain gross household income requirements based on the area median
2502 income for households of the same size.

2503 (a) "Affordable housing" may include housing occupied or reserved for occupancy by
2504 households that meet specific area median income targets or ranges of area median income
2505 targets.

2506 (b) "Affordable housing" does not include housing occupied or reserved for occupancy
2507 by households with gross household incomes that are more than 60% of the area median
2508 income for households of the same size.

2509 (2) "Appointing entity" means the person, county, unincorporated area of a county, or
2510 municipality appointing a member to a public transit district board of trustees.

2511 (3) (a) "Chief executive officer" means a person appointed by the board of trustees of a
2512 small public transit district to serve as chief executive officer.

2513 (b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities
2514 defined in Sections [17B-2a-810](#) and [17B-2a-811](#) and includes all rights, duties, and
2515 responsibilities assigned to the general manager but prescribed by the board of trustees to be
2516 fulfilled by the chief executive officer.

2517 (4) "Council of governments" means a decision-making body in each county composed
2518 of membership including the county governing body and the mayors of each municipality in the
2519 county.

2520 (5) "Department" means the Department of Transportation created in Section [72-1-201](#).

2521 (6) "Executive director" means a person appointed by the board of trustees of a large

2522 public transit district to serve as executive director.

2523 (7) (a) "General manager" means a person appointed by the board of trustees of a small
2524 public transit district to serve as general manager.

2525 (b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in
2526 Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public
2527 transit district.

2528 (8) "Large public transit district" means a public transit district that provides public
2529 transit to an area that includes:

2530 (a) more than 65% of the population of the state based on the most recent official
2531 census or census estimate of the United States Census Bureau; and

2532 (b) two or more counties.

2533 (9) (a) "Locally elected public official" means a person who holds an elected position
2534 with a county or municipality.

2535 (b) "Locally elected public official" does not include a person who holds an elected
2536 position if the elected position is not with a county or municipality.

2537 (10) "Metropolitan planning organization" means the same as that term is defined in
2538 Section 72-1-208.5.

2539 (11) "Multicounty district" means a public transit district located in more than one
2540 county.

2541 (12) "Operator" means a public entity or other person engaged in the transportation of
2542 passengers for hire.

2543 (13) (a) "Public transit" means regular, continuing, shared-ride, surface transportation
2544 services that are open to the general public or open to a segment of the general public defined
2545 by age, disability, or low income.

2546 (b) "Public transit" does not include transportation services provided by:

2547 (i) chartered bus;

2548 (ii) sightseeing bus;

2549 (iii) taxi;

- 2550 (iv) school bus service;
- 2551 (v) courtesy shuttle service for patrons of one or more specific establishments; or
- 2552 (vi) intra-terminal or intra-facility shuttle services.

2553 (14) "Public transit district" means a local district that provides public transit services.

2554 (15) "Small public transit district" means any public transit district that is not a large
2555 public transit district.

2556 ~~[(16) "Station area plan" means a plan adopted by the relevant municipality or county~~
2557 ~~that establishes and preserves a vision for areas within one-half mile of a fixed guideway~~
2558 ~~station of a large public transit district, the development of which includes:]~~

2559 ~~[(a) involvement of all relevant stakeholders who have an interest in the station area,~~
2560 ~~including relevant metropolitan planning organizations;]~~

2561 ~~[(b) identification of major infrastructural and policy constraints and a course of action~~
2562 ~~to address those constraints; and]~~

2563 ~~[(c) other criteria as determined by the board of trustees of the relevant public transit~~
2564 ~~district.]~~

2565 (16) "Station area plan" means a plan developed and adopted by a municipality in
2566 accordance with Section [10-9a-403.1](#).

2567 (17) "Transit facility" means a transit vehicle, transit station, depot, passenger loading
2568 or unloading zone, parking lot, or other facility:

2569 (a) leased by or operated by or on behalf of a public transit district; and

2570 (b) related to the public transit services provided by the district, including:

2571 (i) railway or other right-of-way;

2572 (ii) railway line; and

2573 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled by
2574 a transit vehicle.

2575 (18) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle
2576 operated as public transportation by a public transit district.

2577 (19) "Transit-oriented development" means a mixed use residential or commercial area

2578 that is designed to maximize access to public transit and includes the development of land
2579 owned by a large public transit district.

2580 (20) "Transit-supportive development" means a mixed use residential or commercial
2581 area that is designed to maximize access to public transit and does not include the development
2582 of land owned by a large public transit district.

2583 Section 17. Section **17B-2a-804** is amended to read:

2584 **17B-2a-804. Additional public transit district powers.**

2585 (1) In addition to the powers conferred on a public transit district under Section
2586 [17B-1-103](#), a public transit district may:

2587 (a) provide a public transit system for the transportation of passengers and their
2588 incidental baggage;

2589 (b) notwithstanding Subsection [17B-1-103\(2\)\(g\)](#) and subject to Section [17B-2a-817](#),
2590 levy and collect property taxes only for the purpose of paying:

2591 (i) principal and interest of bonded indebtedness of the public transit district; or

2592 (ii) a final judgment against the public transit district if:

2593 (A) the amount of the judgment exceeds the amount of any collectable insurance or
2594 indemnity policy; and

2595 (B) the district is required by a final court order to levy a tax to pay the judgment;

2596 (c) insure against:

2597 (i) loss of revenues from damage to or destruction of some or all of a public transit
2598 system from any cause;

2599 (ii) public liability;

2600 (iii) property damage; or

2601 (iv) any other type of event, act, or omission;

2602 (d) acquire, contract for, lease, construct, own, operate, control, or use:

2603 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,
2604 parking lot, or any other facility necessary or convenient for public transit service; or

2605 (ii) any structure necessary for access by persons and vehicles;

2606 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
2607 equipment, service, employee, or management staff of an operator; and

2608 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
2609 public interest;

2610 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;

2611 (g) accept a grant, contribution, or loan, directly through the sale of securities or
2612 equipment trust certificates or otherwise, from the United States, or from a department,
2613 instrumentality, or agency of the United States;

2614 (h) study and plan transit facilities in accordance with any legislation passed by
2615 Congress;

2616 (i) cooperate with and enter into an agreement with the state or an agency of the state
2617 or otherwise contract to finance to establish transit facilities and equipment or to study or plan
2618 transit facilities;

2619 (j) subject to Subsection [17B-2a-808.1\(5\)](#), issue bonds as provided in and subject to
2620 Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;

2621 (k) from bond proceeds or any other available funds, reimburse the state or an agency
2622 of the state for an advance or contribution from the state or state agency;

2623 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available
2624 under federal law, including complying with labor standards and making arrangements for
2625 employees required by the United States or a department, instrumentality, or agency of the
2626 United States;

2627 (m) sell or lease property;

2628 (n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or
2629 transit-supportive developments;

2630 (o) establish, finance, participate as a limited partner or member in a development with
2631 limited liabilities in accordance with Subsection (1)(p), construct, improve, maintain, or
2632 operate transit facilities, equipment, and, in accordance with Subsection (3), transit-oriented
2633 developments or transit-supportive developments; and

2634 (p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a
2635 transit-oriented development or a transit-supportive development in connection with project
2636 area development as defined in Section 17C-1-102 by:

2637 (i) investing in a project as a limited partner or a member, with limited liabilities; or

2638 (ii) subordinating an ownership interest in real property owned by the public transit
2639 district.

2640 (2) (a) A public transit district may only assist in the development of areas under
2641 Subsection (1)(p) that have been approved by the board of trustees, and in the manners
2642 described in Subsection (1)(p).

2643 (b) A public transit district may not invest in a transit-oriented development or
2644 transit-supportive development as a limited partner or other limited liability entity under the
2645 provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity,
2646 makes an equity contribution equal to no less than 25% of the appraised value of the property
2647 to be contributed by the public transit district.

2648 (c) (i) For transit-oriented development projects, a public transit district shall adopt
2649 transit-oriented development policies and guidelines that include provisions on affordable
2650 housing.

2651 (ii) For transit-supportive development projects, a public transit district shall work with
2652 the metropolitan planning organization and city and county governments where the project is
2653 located to collaboratively seek to create joint plans for the areas within one-half mile of transit
2654 stations, including plans for affordable housing.

2655 (d) A current board member of a public transit district to which the board member is
2656 appointed may not have any interest in the transactions engaged in by the public transit district
2657 pursuant to Subsection (1)(p)(i) or (ii), except as may be required by the board member's
2658 fiduciary duty as a board member.

2659 (3) For any transit-oriented development or transit-supportive development authorized
2660 in this section, the public transit district shall:

2661 (a) perform a cost-benefit analysis of the monetary investment and expenditures of the

2662 development, including effect on:

2663 (i) service and ridership;

2664 (ii) regional plans made by the metropolitan planning agency;

2665 (iii) the local economy;

2666 (iv) the environment and air quality;

2667 (v) affordable housing; and

2668 (vi) integration with other modes of transportation; and

2669 (b) provide evidence to the public of a quantifiable positive return on investment,

2670 including improvements to public transit service.

2671 (4) A public transit district may ~~[not]~~ participate in a transit-oriented development only

2672 if:

2673 (a) for a transit-oriented development involving a municipality:

2674 (i) the relevant municipality ~~[or county]~~ has ~~[not]~~ developed and adopted a station area

2675 plan; and

2676 ~~[(b)(i) for a transit-oriented development involving a municipality,]~~

2677 (ii) the municipality is ~~[not]~~ in compliance with Sections 10-9a-403 and 10-9a-408

2678 regarding the inclusion of moderate income housing in the general plan and the required

2679 reporting requirements; or

2680 ~~[(ii)]~~ (b) for a transit-oriented development involving property in an unincorporated

2681 area of a county, the county is ~~[not]~~ in compliance with Sections 17-27a-403 and 17-27a-408

2682 regarding inclusion of moderate income housing in the general plan and required reporting

2683 requirements.

2684 (5) A public transit district may be funded from any combination of federal, state,

2685 local, or private funds.

2686 (6) A public transit district may not acquire property by eminent domain.

2687 Section 18. Section 20A-7-601 is amended to read:

2688 **20A-7-601. Referenda -- General signature requirements -- Signature**

2689 **requirements for land use laws, subjurisdictional laws, and transit area land use laws --**

2690 **Time requirements.**

2691 (1) As used in this section:

2692 (a) "Number of active voters" means the number of active voters in the county, city, or
 2693 town on the immediately preceding January 1.

2694 (b) "Qualifying county" means a county that has created a small public transit district,
 2695 as defined in Section 17B-2a-802, on or before January 1, 2022.

2696 (c) "Qualifying transit area" means:

2697 (i) a station area, as defined in Section 10-9a-403.1, for which the municipality with
 2698 jurisdiction over the station area has satisfied the requirements of Subsection
 2699 10-9a-403.1(2)(a), as demonstrated by the adoption of a station area plan or resolution under
 2700 Subsection 10-9a-403.1(2); or

2701 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created
 2702 within a qualifying county.

2703 ~~[(b)]~~ (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in
 2704 the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

2705 ~~[(c)]~~ (e) (i) "Subjurisdictional law" means a local law or local obligation law passed by
 2706 a local legislative body that imposes a tax or other payment obligation on property in an area
 2707 that does not include all precincts and subprecincts under the jurisdiction of the county, city,
 2708 town, or metro township.

2709 (ii) "Subjurisdictional law" does not include a land use law.

2710 (f) "Transit area land use law" means a land use law that relates to the use of land
 2711 within a qualifying transit area.

2712 ~~[(d)]~~ (g) "Voter participation area" means an area described in Subsection
 2713 20A-7-401.3(1)(a) or (2)(b).

2714 (2) Except as provided in ~~[Subsection (3) or (4)]~~ Subsections (3) through (5), an
 2715 eligible voter seeking to have a local law passed by the local legislative body submitted to a
 2716 vote of the people shall obtain legal signatures equal to:

2717 (a) for a county of the first class:

- 2718 (i) 7.75% of the number of active voters in the county; and
- 2719 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%
- 2720 of the county's voter participation areas;
- 2721 (b) for a metro township with a population of 100,000 or more, or a city of the first
- 2722 class:
- 2723 (i) 7.5% of the number of active voters in the metro township or city; and
- 2724 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
- 2725 of the metro township's or city's voter participation areas;
- 2726 (c) for a county of the second class:
- 2727 (i) 8% of the number of active voters in the county; and
- 2728 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of
- 2729 the county's voter participation areas;
- 2730 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
- 2731 a city of the second class:
- 2732 (i) 8.25% of the number of active voters in the metro township or city; and
- 2733 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%
- 2734 of the metro township's or city's voter participation areas;
- 2735 (e) for a county of the third class:
- 2736 (i) 9.5% of the number of active voters in the county; and
- 2737 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
- 2738 of the county's voter participation areas;
- 2739 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a
- 2740 city of the third class:
- 2741 (i) 10% of the number of active voters in the metro township or city; and
- 2742 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
- 2743 of the metro township's or city's voter participation areas;
- 2744 (g) for a county of the fourth class:
- 2745 (i) 11.5% of the number of active voters in the county; and

2746 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
2747 of the county's voter participation areas;

2748 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a
2749 city of the fourth class:

2750 (i) 11.5% of the number of active voters in the metro township or city; and

2751 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
2752 of the metro township's or city's voter participation areas;

2753 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city
2754 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
2755 township, city, or county; or

2756 (j) for a metro township with a population of less than 1,000, a town, or a county of the
2757 sixth class, 35% of the number of active voters in the metro township, town, or county.

2758 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land
2759 use law or local obligation law passed by the local legislative body submitted to a vote of the
2760 people shall obtain legal signatures equal to:

2761 (a) for a county of the first, second, third, or fourth class:

2762 (i) 16% of the number of active voters in the county; and

2763 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
2764 of the county's voter participation areas;

2765 (b) for a county of the fifth or sixth class:

2766 (i) 16% of the number of active voters in the county; and

2767 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
2768 of the county's voter participation areas;

2769 (c) for a metro township with a population of 100,000 or more, or a city of the first
2770 class:

2771 (i) 15% of the number of active voters in the metro township or city; and

2772 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%
2773 of the metro township's or city's voter participation areas;

2774 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
2775 a city of the second class:

2776 (i) 16% of the number of active voters in the metro township or city; and

2777 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
2778 of the metro township's or city's voter participation areas;

2779 (e) for a metro township with a population of 30,000 or more but less than 65,000, or a
2780 city of the third class:

2781 (i) 27.5% of the number of active voters in the metro township or city; and

2782 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75%
2783 of the metro township's or city's voter participation areas;

2784 (f) for a metro township with a population of 10,000 or more but less than 30,000, or a
2785 city of the fourth class:

2786 (i) 29% of the number of active voters in the metro township or city; and

2787 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%
2788 of the metro township's or city's voter participation areas;

2789 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a
2790 city of the fifth class, 35% of the number of active voters in the metro township or city; or

2791 (h) for a metro township with a population of less than 1,000 or a town, 40% of the
2792 number of active voters in the metro township or town.

2793 (4) A person seeking to have a subjurisdictional law passed by the local legislative
2794 body submitted to a vote of the people shall obtain legal signatures of the residents in the
2795 subjurisdiction equal to:

2796 (a) 10% of the number of active voters in the subjurisdiction if the number of active
2797 voters exceeds 25,000;

2798 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of
2799 active voters does not exceed 25,000 but is more than 10,000;

2800 (c) 15% of the number of active voters in the subjurisdiction if the number of active
2801 voters does not exceed 10,000 but is more than 2,500;

2802 (d) 20% of the number of active voters in the subjurisdiction if the number of active
2803 voters does not exceed 2,500 but is more than 500;

2804 (e) 25% of the number of active voters in the subjurisdiction if the number of active
2805 voters does not exceed 500 but is more than 250; and

2806 (f) 30% of the number of active voters in the subjurisdiction if the number of active
2807 voters does not exceed 250.

2808 (5) An eligible voter seeking to have a transit area land use law passed by the local
2809 legislative body submitted to a vote of the people shall obtain legal signatures equal to:

2810 (a) for a county:

2811 (i) 20% of the number of active voters in the county; and

2812 (ii) 21% of the number of active voters in at least 75% of the county's voter
2813 participation areas;

2814 (b) for a metro township with a population of 100,000 or more, or a city of the first
2815 class:

2816 (i) 20% of the number of active voters in the metro township or city; and

2817 (ii) 20% of the number of active voters in at least 75% of the metro township's or city's
2818 voter participation areas;

2819 (c) for a metro township with a population of 65,000 or more but less than 100,000, or
2820 a city of the second class:

2821 (i) 20% of the number of active voters in the metro township or city; and

2822 (ii) 21% of the number of active voters in at least 75% of the metro township's or city's
2823 voter participation areas;

2824 (d) for a metro township with a population of 30,000 or more but less than 65,000, or a
2825 city of the third class:

2826 (i) 34% of the number of active voters in the metro township or city; and

2827 (ii) 34% of the number of active voters in at least 75% of the metro township's or city's
2828 voter participation areas;

2829 (e) for a metro township with a population of 10,000 or more but less than 30,000, or a

2830 city of the fourth class:

2831 (i) 36% of the number of active voters in the metro township or city; and

2832 (ii) 36% of the number of active voters in at least 75% of the metro township's or city's

2833 voter participation areas; or

2834 (f) for a metro township with a population less than 10,000, a city of the fifth class, or a

2835 town, 40% of the number of active voters in the metro township, city, or town.

2836 ~~[(5)]~~ (6) Sponsors of any referendum petition challenging, under Subsection (2), (3),

2837 ~~[or]~~ (4), or (5), any local law passed by a local legislative body shall file the application before

2838 5 p.m. within seven days after the day on which the local law was passed.

2839 ~~[(6)]~~ (7) Nothing in this section authorizes a local legislative body to impose a tax or

2840 other payment obligation on a subjurisdiction in order to benefit an area outside of the

2841 subjurisdiction.

2842 Section 19. Section **20A-7-602.8** is amended to read:

2843 **20A-7-602.8. Referability to voters of local land use law -- Limitations on**

2844 **referability to voters of transit area land use law.**

2845 (1) Within 20 days after the day on which an eligible voter files an application to

2846 circulate a referendum petition under Section **20A-7-602** for a land use law, counsel for the

2847 county, city, town, or metro township to which the referendum pertains shall:

2848 (a) review the application to determine whether the proposed referendum is legally

2849 referable to voters; and

2850 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

2851 (i) legally referable to voters; or

2852 (ii) rejected as not legally referable to voters.

2853 (2) (a) ~~[For a land use law, a]~~ Subject to Subsection (2)(b), for a land use law, a

2854 proposed referendum is legally referable to voters unless:

2855 ~~[(a)]~~ (i) the proposed referendum challenges an action that is administrative, rather than

2856 legislative, in nature;

2857 ~~[(b)]~~ (ii) the proposed referendum challenges a land use decision, rather than a land use

2858 regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103;

2859 ~~[(c)]~~ (iii) the proposed referendum challenges more than one law passed by the local
2860 legislative body; or

2861 ~~[(d)]~~ (iv) the application for the proposed referendum was not timely filed or does not
2862 comply with the requirements of this part.

2863 **(b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not**
2864 **legally referable to voters for a transit area land use law, as defined in Section 20A-7-601, if**
2865 **the transit area land use law was passed by a two-thirds vote of the local legislative body.**

2866 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
2867 or metro township may not, for a land use law:

2868 (a) reject a proposed referendum as not legally referable to voters; or

2869 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
2870 proposed referendum on the grounds that the proposed referendum is not legally referable to
2871 voters.

2872 (4) (a) If a county, city, town, or metro township rejects a proposed referendum
2873 concerning a land use law, a sponsor of the proposed referendum may, within seven days after
2874 the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision
2875 to:

2876 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

2877 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
2878 under Subsection (4)(a)(i).

2879 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection
2880 (4)(a) terminates the referendum.

2881 (5) If, on challenge or appeal, the court determines that the proposed referendum is
2882 legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(2) within
2883 five days after the day on which the determination, and any challenge or appeal of the
2884 determination, is final.

2885 Section 20. Section 35A-8-101 is amended to read:

2886 **35A-8-101. Definitions.**

2887 As used in this chapter:

2888 (1) "Accessible housing" means housing which has been constructed or modified to be
2889 accessible, as described in the State Construction Code or an approved code under Title 15A,
2890 State Construction and Fire Codes Act.

2891 (2) "Director" means the director of the division.

2892 (3) "Division" means the Housing and Community Development Division.

2893 (4) "Moderate income housing" means housing occupied or reserved for occupancy by
2894 households with a gross household income equal to or less than 80% of the median gross
2895 income for households of the same size in the county in which the housing is located.2896 (5) "Moderate income housing unit" means a housing unit that qualifies as moderate
2897 income housing.2898 Section 21. Section **35A-8-503** is amended to read:2899 **35A-8-503. Housing loan fund board -- Duties -- Expenses.**

2900 (1) There is created the Olene Walker Housing Loan Fund Board.

2901 (2) The board is composed of [H+] 13 voting members.

2902 (a) The governor shall appoint the following members to four-year terms:

2903 (i) two members from local governments[;], of which:2904 (A) one member shall be a locally elected official who resides in a county of the first or
2905 second class; and2906 (B) one member shall be a locally elected official who resides in a county of the third,
2907 fourth, fifth, or sixth class;2908 (ii) two members from the mortgage lending community[;], of which:2909 (A) one member shall have expertise in single-family mortgage lending; and2910 (B) one member shall have expertise in multi-family mortgage lending;

2911 (iii) one member from real estate sales interests;

2912 (iv) [~~one member~~] two members from home builders interests[;], of which:2913 (A) one member shall have expertise in single-family residential construction; and

2914 (B) one member shall have expertise in multi-family residential construction;
2915 (v) one member from rental housing interests;
2916 (vi) ~~[one member]~~ two members from housing advocacy interests[;], of which:
2917 (A) one member who resides within any area in a county of the first or second class;

2918 and

2919 (B) one member who resides within any area in a county of the third, fourth, fifth, or
2920 sixth class;

2921 (vii) one member of the manufactured housing interest;
2922 (viii) one member with expertise in transit-oriented developments; and
2923 (ix) one member who represents rural interests.

2924 (b) The director or the director's designee serves as the secretary of the board.

2925 (c) The members of the board shall annually elect a chair from among the voting
2926 membership of the board.

2927 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the
2928 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
2929 board members are staggered so that approximately half of the board is appointed every two
2930 years.

2931 (b) When a vacancy occurs in the membership for any reason, the replacement is
2932 appointed for the unexpired term.

2933 (4) (a) The board shall:

2934 (i) meet regularly, at least quarterly to conduct business of the board, on dates fixed by
2935 the board;

2936 (ii) meet twice per year, with at least one of the meetings in a rural area of the state, to
2937 provide information to and receive input from the public regarding the state's housing policies
2938 and needs;

2939 (iii) keep minutes of its meetings; and

2940 (iv) comply with the procedures and requirements of Title 52, Chapter 4, Open and
2941 Public Meetings Act.

2942 (b) [~~Six~~] Seven members of the board constitute a quorum, and the governor, the chair,
2943 or a majority of the board may call a meeting of the board.

2944 (5) The board shall:

2945 (a) review the housing needs in the state;

2946 (b) determine the relevant operational aspects of any grant, loan, or revenue collection
2947 program established under the authority of this chapter;

2948 (c) determine the means to implement the policies and goals of this chapter;

2949 (d) select specific projects to receive grant or loan money; and

2950 (e) determine how fund money shall be allocated and distributed.

2951 (6) A member may not receive compensation or benefits for the member's service, but
2952 may receive per diem and travel expenses in accordance with:

2953 (a) Section [63A-3-106](#);

2954 (b) Section [63A-3-107](#); and

2955 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2956 [63A-3-107](#).

2957 Section 22. Section [35A-8-504](#) is amended to read:

2958 **[35A-8-504. Distribution of fund money.](#)**

2959 (1) As used in this section:

2960 (a) "Community" means the same as that term is defined in Section [17C-1-102](#).

2961 (b) "Income targeted housing" means the same as that term is defined in Section
2962 [17C-1-102](#).

2963 [~~(1)~~] (2) The executive director shall:

2964 (a) make grants and loans from the fund for any of the activities authorized by Section
2965 [35A-8-505](#), as directed by the board;

2966 (b) establish the criteria with the approval of the board by which loans and grants will
2967 be made; and

2968 (c) determine with the approval of the board the order in which projects will be funded.

2969 [~~(2)~~] (3) The executive director shall distribute, as directed by the board, any federal

2970 money contained in the fund according to the procedures, conditions, and restrictions placed
2971 upon the use of the money by the federal government.

2972 ~~[(3)(a)]~~ (4) The executive director shall distribute, as directed by the board, any funds
2973 received under Section 17C-1-412 to pay the costs of providing income targeted housing within
2974 the community that created the community reinvestment agency under Title 17C, Limited
2975 Purpose Local Government Entities - Community Reinvestment Agency Act.

2976 ~~[(b) As used in Subsection (3)(a):]~~

2977 ~~[(i) "Community" means the same as that term is defined in Section 17C-1-102.]~~

2978 ~~[(ii) "Income targeted housing" means the same as that term is defined in Section~~
2979 ~~17C-1-102.]~~

2980 ~~[(4)]~~ (5) Except for federal money, money received under Section 17C-1-412, and
2981 money appropriated for use in accordance with Section 35A-8-2105, the executive director
2982 shall distribute, as directed by the board, money in the fund according to the following
2983 requirements:

2984 ~~[(a) the executive director shall distribute at least 30% of the money in the fund to rural~~
2985 ~~areas of the state;]~~

2986 ~~[(b)]~~ (a) the executive director shall distribute at least 70% of the money in the fund to
2987 benefit persons whose annual income is at or below 50% of the median family income for the
2988 state;

2989 ~~[(c)]~~ (b) the executive director may ~~[not use more than]~~ use up to 3% of the revenues of
2990 the fund, including any appropriation to the fund, to offset department or board administrative
2991 expenses;

2992 ~~[(d)]~~ (c) the executive director shall distribute any remaining money in the fund to
2993 benefit persons whose annual income is at or below 80% of the median family income for the
2994 state; and

2995 ~~[(e)]~~ (d) if the executive director or the executive director's designee makes a loan in
2996 accordance with this section, the interest rate of the loan shall be based on the borrower's
2997 ability to pay.

2998 ~~[(5)]~~ (6) The executive director may, with the approval of the board:

2999 (a) enact rules to establish procedures for the grant and loan process by following the
3000 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
3001 and

3002 (b) service or contract, under Title 63G, Chapter 6a, Utah Procurement Code, for the
3003 servicing of loans made by the fund.

3004 Section 23. Section **35A-8-507.5** is amended to read:

3005 **35A-8-507.5. Predevelopment grants.**

3006 ~~[(1) The executive director under the direction of the board may:]~~

3007 ~~[(a) award one or more predevelopment grants to nonprofit or for-profit entities in
3008 preparation for the construction of low-income housing units;]~~

3009 ~~[(b) award a predevelopment grant in an amount of no more than \$50,000 per project;]~~

3010 ~~[(c) may only award a predevelopment grant in relation to a project in:]~~

3011 ~~[(i) a city of the fifth or sixth class, or a town, in a rural area of the state; or]~~

3012 ~~[(ii) any municipality or unincorporated area in a county of the fourth, fifth, or sixth
3013 class.]~~

3014 (1) The executive director may, under the direction of the board, award one or more
3015 predevelopment grants to a nonprofit or for-profit entity:

3016 (a) in preparation for a project that:

3017 (i) involves the construction of moderate income housing units; and

3018 (ii) is located within:

3019 (A) a city of the fifth or sixth class, or a town, in a rural area of the state; or

3020 (B) any municipality or unincorporated area in a county of the fourth, fifth, or sixth
3021 class; and

3022 (b) in an amount of no more than \$50,000 per project.

3023 (2) The executive director shall, under the direction of the board ~~[shall]~~, award each
3024 predevelopment grant in accordance with the provisions of this section and the provisions
3025 related to grant applications, grant awards, and reporting requirements in this part.

3026 (3) ~~[A]~~ The recipient of a predevelopment grant:
 3027 (a) may ~~[be used by a recipient for offsetting]~~ use grant funds to offset the
 3028 predevelopment funds needed to prepare for the construction of low-income housing units,
 3029 including market studies, surveys, environmental and impact studies, technical assistance, and
 3030 preliminary architecture, engineering, or legal work; and

3031 (b) may not ~~[be used by a recipient]~~ use grant funds to pay for staff salaries ~~[of a grant~~
 3032 recipient] or construction costs.

3033 (4) The executive director shall, under the direction of the board ~~[shall]~~, prioritize the
 3034 awarding of a predevelopment grant for a project ~~[in]~~ that is located within:

3035 (a) a county of the fifth or sixth class ~~[and where the municipality or unincorporated];~~
 3036 and

3037 (b) an area that has underdeveloped infrastructure, as demonstrated by at least two of
 3038 the following:

- 3039 ~~[(a)]~~ (i) limited or no availability of natural gas;
- 3040 ~~[(b)]~~ (ii) limited or no availability of a sewer system;
- 3041 ~~[(c)]~~ (iii) limited or no availability of broadband Internet;
- 3042 ~~[(d)]~~ (iv) unpaved residential streets; or
- 3043 ~~[(e)]~~ (v) limited local construction professionals, vendors, or services.

3044 Section 24. Section **35A-8-508** is amended to read:

3045 **35A-8-508. Annual accounting.**

3046 (1) The executive director shall monitor the activities of recipients of grants and loans
 3047 issued under this part on a yearly basis to ensure compliance with the terms and conditions
 3048 imposed on the recipient by the executive director with the approval of the board or by this
 3049 part.

3050 (2) ~~[A]~~ Beginning July 1, 2021, an entity that receives ~~[a grant or loan]~~ any money
 3051 from the fund under this part shall provide the executive director with an annual accounting of
 3052 how the money the entity received from the fund has been spent.

3053 (3) The executive director shall make an annual report to the board accounting for the

3054 expenditures authorized by the board.

3055 (4) The board shall submit a report to the department for inclusion in the annual
3056 written report described in Section 35A-1-109:

3057 (a) accounting for expenditures authorized by the board; and

3058 (b) evaluating the effectiveness of the program.

3059 Section 25. Section 35A-8-509 is amended to read:

3060 **35A-8-509. Economic Revitalization and Investment Fund.**

3061 (1) There is created an enterprise fund known as the "Economic Revitalization and
3062 Investment Fund."

3063 (2) The Economic Revitalization and Investment Fund consists of money from the
3064 following:

3065 (a) money appropriated to the account by the Legislature;

3066 (b) private contributions;

3067 (c) donations or grants from public or private entities; and

3068 (d) money returned to the department under [~~Section 35A-8-512~~] Subsection
3069 35A-8-512(3)(a).

3070 (3) The Economic Revitalization and Investment Fund shall earn interest, which shall
3071 be deposited into the Economic Revitalization and Investment Fund.

3072 (4) The executive director may distribute money from the Economic Revitalization and
3073 Investment Fund to one or more projects that:

3074 (a) include affordable housing units for households[~~:(i)~~] whose income is no more
3075 than 30% of the area median income for households of the same size in the county or
3076 municipality where the project is located; and

3077 [~~(ii) at rental rates no greater than the rates described in Subsection 35A-8-511(2)(b);~~
3078 ~~and]~~

3079 (b) have been approved by the board in accordance with Section 35A-8-510.

3080 (5) (a) A housing sponsor may apply to the department to receive a distribution in
3081 accordance with Subsection (4).

3082 (b) The application shall include:

3083 (i) the location of the project;

3084 (ii) the number, size, and tenant income requirements of affordable housing units
3085 described in Subsection (4)(a) that will be included in the project; and

3086 (iii) a written commitment to enter into a deed restriction that reserves for a period of
3087 30 years the affordable housing units described in Subsection (5)(b)(ii) or their equivalent for
3088 occupancy by households that meet the income requirements described in Subsection (5)(b)(ii).

3089 (c) The commitment in Subsection (5)(b)(iii) shall be considered met if a housing unit
3090 is:

3091 (i) (A) occupied or reserved for occupancy by a household whose income is no more
3092 than 30% of the area median income for households of the same size in the county or
3093 municipality where the project is located; or

3094 (B) occupied by a household whose income is no more than 60% of the area median
3095 income for households of the same size in the county or municipality where the project is
3096 located if that household met the income requirement described in Subsection (4)(a) when the
3097 household originally entered into the lease agreement for the housing unit; and

3098 (ii) rented at a rate no greater than the rate described in Subsection 35A-8-511(2)(b).

3099 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3100 department may make additional rules providing procedures for a person to apply to the
3101 department to receive a distribution described in Subsection (4).

3102 (6) The executive director may expend up to 3% of the revenues of the Economic
3103 Revitalization and Investment Fund, including any appropriation to the Economic
3104 Revitalization and Investment Fund, to offset department or board administrative expenses.

3105 Section 26. Section 35A-8-509.5 is enacted to read:

3106 **35A-8-509.5. Rural Housing Fund.**

3107 (1) There is created an enterprise fund known as the "Rural Housing Fund."

3108 (2) The Rural Housing Fund consists of money from the following:

3109 (a) money appropriated to the account by the Legislature;

- 3110 (b) private contributions;
3111 (c) donations or grants from public or private entities; and
3112 (d) money returned to the department under Subsection [35A-8-512\(3\)\(b\)](#).
3113 (3) The Rural Housing Fund shall earn interest, which shall be deposited into the Rural
3114 Housing Fund.
3115 (4) Subject to appropriation, the executive director may expend funds in the Rural
3116 Housing Fund to provide loans for projects that:
3117 (a) are located within:
3118 (i) a county of the third, fourth, fifth, or sixth class; or
3119 (ii) a municipality in a county of the second class with a population of 10,000 or less;
3120 (b) include moderate income housing units; and
3121 (c) have been approved by the board in accordance with Section [35A-8-510](#).
3122 (5) (a) A housing sponsor may apply to the department to receive a loan under this
3123 section.
3124 (b) An application under Subsection (5)(a) shall specify:
3125 (i) the location of the project;
3126 (ii) the number, size, and income requirements of moderate income housing units that
3127 will be included in the project; and
3128 (iii) a written commitment to enter into a deed restriction that reserves for a period of
3129 50 years the moderate income housing units described in Subsection (5)(b)(ii).
3130 (c) A commitment under Subsection (5)(b)(iii) shall be considered satisfied if a
3131 housing unit is occupied by a household that met the income requirement for moderate income
3132 housing when the household originally entered into the lease agreement for the housing unit.
3133 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3134 department may make rules establishing procedures and requirements for housing sponsors to
3135 apply for and receive loans under this section.
3136 (6) The executive director may expend up to 3% of the revenues of the Rural Housing
3137 Fund, including any appropriation to the Rural Housing Fund, to offset department or board

3138 administrative expenses.

3139 Section 27. Section **35A-8-510** is amended to read:

3140 **35A-8-510. Housing loan fund board approval.**

3141 (1) The board shall review the project applications described in [~~Subsection~~]

3142 Subsections 35A-8-509(5) and 35A-8-509.5(5).

3143 (2) (a) The board may approve a project that meets the requirements of Subsections
3144 35A-8-509(4) and (5) to receive funds from the Economic Revitalization and Investment Fund.

3145 (b) The board may approve a project that meets the requirements of Subsections
3146 35A-8-509.5(4) and (5) to receive funds from the Rural Housing Fund.

3147 (3) The board shall give preference to projects:

3148 (a) that include significant additional or matching funds from an individual, private
3149 organization, or local government entity;

3150 (b) that include significant contributions by the applicant to total project costs,
3151 including contributions secured by the applicant from other sources such as professional, craft,
3152 and trade services and lender interest rate subsidies;

3153 (c) with significant local government contributions in the form of infrastructure,
3154 improvements, or other assistance;

3155 (d) where the applicant has demonstrated the ability, stability, and resources to
3156 complete the project;

3157 (e) that will serve the greatest need;

3158 (f) that promote economic development benefits;

3159 (g) that allow integration into a local government housing plan;

3160 (h) that would mitigate or correct existing health, safety, or welfare concerns; or

3161 (i) that remedy a gap in the supply of and demand for affordable housing.

3162 Section 28. Section **35A-8-511** is amended to read:

3163 **35A-8-511. Activities authorized to receive account money.**

3164 [(+)] The executive director may distribute funds from the Economic Revitalization
3165 and Investment Fund and the Rural Housing Fund for any of the following activities

3166 undertaken as part of an approved project:

3167 ~~[(a)]~~ (1) the acquisition, rehabilitation, or new construction of a building that includes
3168 ~~[affordable] moderate income~~ housing units;

3169 ~~[(b)]~~ (2) the purchase of land for the construction of a building that will include
3170 ~~[affordable] moderate income~~ housing units; or

3171 ~~[(c)]~~ (3) pre-development work, including planning, studies, design, and site work for a
3172 building that will include ~~[affordable] moderate income~~ housing units.

3173 ~~[(2) The maximum amount of money that may be distributed from the Economic
3174 Revitalization and Investment Fund for each affordable housing unit that has been committed
3175 in accordance with Subsection 35A-8-509(5)(b)(iii) is the present value, based on the current
3176 market interest rate as determined by the board for a multi-family mortgage loan in the county
3177 or metropolitan area where the project is located, of 360 monthly payments equal to the
3178 difference between:]~~

3179 ~~[(a) the most recent United States Department of Housing and Urban Development fair
3180 market rent for a unit of the same size in the county or metropolitan area where the project is
3181 located; and]~~

3182 ~~[(b) an affordable rent equal to 30% of the income requirement described in Subsection
3183 35A-8-509(5)(b)(ii) for a household of:]~~

3184 ~~[(i) one person if the unit is an efficiency unit;]~~

3185 ~~[(ii) two people if the unit is a one-bedroom unit;]~~

3186 ~~[(iii) four people if the unit is a two-bedroom unit;]~~

3187 ~~[(iv) five people if the unit is a three-bedroom unit;]~~

3188 ~~[(v) six people if the unit is a four-bedroom unit; or]~~

3189 ~~[(vi) eight people if the unit is a five-bedroom or larger unit.]~~

3190 Section 29. Section **35A-8-512** is amended to read:

3191 **35A-8-512. Repayment of funds.**

3192 (1) Upon the earlier of 30 years from the date an approved project is placed in service
3193 or the sale or transfer of the affordable housing units acquired, constructed, or rehabilitated as

3194 part of an approved project funded under [~~Section 35A-8-511~~] Subsection 35A-8-511(1), the
3195 housing sponsor shall remit to the department:

3196 (a) the total amount of money distributed by the department to the housing sponsor for
3197 the project; and

3198 (b) an additional amount of money determined by contract with the department prior to
3199 the initial disbursement of money [~~from the Economic Revitalization and Investment Fund~~].

3200 (2) Any claim arising under Subsection (1) is a lien against the real property funded
3201 under this chapter.

3202 (3) (a) Any money returned to the department under Subsection (1) from a housing
3203 sponsor that received funds from the Economic Revitalization and Investment Fund shall be
3204 deposited in the Economic Revitalization and Investment Fund.

3205 (b) Any money returned to the department under Subsection (1) from a housing
3206 sponsor that received funds from the Rural Housing Fund shall be deposited in the Rural
3207 Housing Fund.

3208 Section 30. Section **35A-8-513** is amended to read:

3209 **35A-8-513. Annual accounting.**

3210 (1) The executive director shall monitor the activities of recipients of funds from the
3211 Economic Revitalization and Investment Fund and the Rural Housing Fund on a yearly basis to
3212 ensure compliance with the terms and conditions imposed on the recipient by the executive
3213 director with the approval of the board.

3214 (2) (a) A housing sponsor that receives funds from the Economic Revitalization and
3215 Investment Fund shall provide the executive director with an annual accounting of how the
3216 money the entity received from the Economic Revitalization and Investment Fund has been
3217 spent and evidence that the commitment described in Subsection 35A-8-509(5) has been met.

3218 (b) A housing sponsor that receives funds from the Rural Housing Fund shall provide
3219 the executive director with an annual accounting of how the money the entity received from the
3220 Rural Housing Fund has been spent and evidence that the commitment described in Subsection
3221 35A-8-509.5(5) has been met.

3222 (3) The executive director shall make an annual report to the board accounting for the
3223 expenditures authorized by the board under the Economic Revitalization and Investment Fund
3224 and the Rural Housing Fund.

3225 (4) The board shall submit a report to the department for inclusion in the annual
3226 written report described in Section 35A-1-109 that includes:

3227 (a) an accounting for expenditures authorized by the board; and

3228 (b) an evaluation of the effectiveness of [~~the~~] each program.

3229 Section 31. Section 35A-8-803 is amended to read:

3230 **35A-8-803. Division -- Functions.**

3231 (1) In addition to any other functions the governor or Legislature may assign:

3232 (a) the division shall:

3233 (i) provide a clearinghouse of information for federal, state, and local housing
3234 assistance programs;

3235 (ii) establish, in cooperation with political subdivisions, model plans and management
3236 methods to encourage or provide for the development of affordable housing that may be
3237 adopted by political subdivisions by reference;

3238 (iii) undertake, in cooperation with political subdivisions, a realistic assessment of
3239 problems relating to housing needs, such as:

3240 (A) inadequate supply of dwellings;

3241 (B) substandard dwellings; and

3242 (C) inability of medium and low income families to obtain adequate housing;

3243 (iv) provide the information obtained under Subsection (1)(a)(iii) to:

3244 (A) political subdivisions;

3245 (B) real estate developers;

3246 (C) builders;

3247 (D) lending institutions;

3248 (E) affordable housing advocates; and

3249 (F) others having use for the information;

3250 (v) advise political subdivisions of serious housing problems existing within their
3251 jurisdiction that require concerted public action for solution;

3252 (vi) assist political subdivisions in defining housing objectives and in preparing for
3253 adoption a plan of action covering a five-year period designed to accomplish housing
3254 objectives within their jurisdiction; ~~and~~

3255 (vii) for municipalities or counties required to submit an annual moderate income
3256 housing report to the department as described in Section [10-9a-408](#) or [17-27a-408](#):

3257 (A) assist in the creation of the reports; and
3258 ~~[(B) evaluate the reports for the purposes of Subsections [72-2-124](#)(5) and (6); and]~~
3259 (B) review the reports to meet the requirements of Sections [10-9a-408](#) and [17-27a-408](#);

3260 (viii) establish and maintain a database of moderate income housing units located
3261 within the state; and

3262 (ix) on or before December 1, 2022, develop and submit to the Commission on
3263 Housing Affordability a methodology for determining whether a municipality or county is
3264 taking sufficient measures to protect and promote moderate income housing in accordance with
3265 the provisions of Sections [10-9a-403](#) and [17-27a-403](#); and

3266 (b) within legislative appropriations, the division may accept for and on behalf of, and
3267 bind the state to, any federal housing or homeless program in which the state is invited,
3268 permitted, or authorized to participate in the distribution, disbursement, or administration of
3269 any funds or service advanced, offered, or contributed in whole or in part by the federal
3270 government.

3271 (2) The administration of any federal housing program in which the state is invited,
3272 permitted, or authorized to participate in distribution, disbursement, or administration of funds
3273 or services, except those administered by the Utah Housing Corporation, is governed by
3274 Sections [35A-8-501](#) through [35A-8-508](#).

3275 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3276 department shall make rules describing the ~~evaluation~~ review process for moderate income
3277 housing reports described in Subsection (1)(a)(vii).

3278 Section 32. Section **35A-8-2105** is amended to read:

3279 **35A-8-2105. Allocation of volume cap.**

3280 (1) (a) Subject to Subsection (1)(b), the volume cap for each year shall be distributed
3281 by the board of review to the allotment accounts as described in Section **35A-8-2106**.

3282 (b) The board of review may distribute up to 50% of each increase in the volume cap
3283 for use in development that occurs in quality growth areas, depending upon the board's analysis
3284 of the relative need for additional volume cap between development in quality growth areas
3285 and the allotment accounts under Section **35A-8-2106**.

3286 (2) To obtain an allocation of the volume cap, issuing authorities shall submit to the
3287 board of review an application containing information required by the procedures and
3288 processes of the board of review.

3289 (3) (a) The board of review shall establish criteria for making allocations of volume
3290 cap that are consistent with the purposes of the code and this part.

3291 (b) In making an allocation of volume cap the board of review shall consider the
3292 following:

3293 (i) the principal amount of the bonds proposed to be issued;

3294 (ii) the nature and the location of the project or the type of program;

3295 (iii) the likelihood that the bonds will be sold and the timeframe of bond issuance;

3296 (iv) whether the project or program could obtain adequate financing without an
3297 allocation of volume cap;

3298 (v) the degree to which an allocation of volume cap is required for the project or
3299 program to proceed or continue;

3300 (vi) the social, health, economic, and educational effects of the project or program on
3301 the local community and state as a whole;

3302 (vii) the anticipated economic development created or retained within the local
3303 community and the state as a whole;

3304 (viii) the anticipated number of jobs, both temporary and permanent, created or
3305 retained within the local community and the state as a whole;

3306 (ix) if the project is a residential rental project, the degree to which the residential
3307 rental project:

3308 (A) targets lower income populations; and

3309 (B) is accessible housing; and

3310 (x) whether the project meets the principles of quality growth recommended by the
3311 Quality Growth Commission created in Section [11-38-201](#).

3312 (4) The board of review shall provide evidence of an allocation of volume cap by
3313 issuing a certificate in accordance with Section [35A-8-2107](#).

3314 (5) (a) [~~From~~] Subject to Subsection (5)(c), from January 1 to June 30 of each year, the
3315 board of review shall set aside at least 50% of the Small Issue Bond Account that may only be
3316 allocated to manufacturing projects.

3317 (b) [~~From~~] Subject to Subsection (5)(c), from July 1 to August 15 of each year, the
3318 board of review shall set aside at least 50% of the Pool Account that may only be allocated to
3319 manufacturing projects.

3320 (c) The board of review is not required to set aside any unused volume cap under
3321 Subsection [35A-8-2106\(2\)\(c\)](#) to satisfy the requirements of Subsection (5)(a) or (b).

3322 Section 33. Section **35A-8-2106** is amended to read:

3323 **35A-8-2106. Allotment accounts.**

3324 (1) There are created the following allotment accounts:

3325 (a) the Single Family Housing Account, for which eligible issuing authorities are those
3326 authorized under the code and state statute to issue qualified mortgage bonds under Section 143
3327 of the code;

3328 (b) the Student Loan Account, for which eligible issuing authorities are those
3329 authorized under the code and state statute to issue qualified student loan bonds under Section
3330 144(b) of the code;

3331 (c) the Small Issue Bond Account, for which eligible issuing authorities are those
3332 authorized under the code and state statute to issue:

3333 (i) qualified small issue bonds under Section 144(a) of the code;

- 3334 (ii) qualified exempt facility bonds for qualified residential rental projects under
3335 Section 142(d) of the code; or
- 3336 (iii) qualified redevelopment bonds under Section 144(c) of the code;
- 3337 (d) the Exempt Facilities Account, for which eligible issuing authorities are those
3338 authorized under the code and state statute to issue any bonds requiring an allocation of volume
3339 cap other than for purposes described in ~~[Subsections]~~ Subsection (1)(a), (b), or (c);
- 3340 (e) the Pool Account, for which eligible issuing authorities are those authorized under
3341 the code and state statute to issue any bonds requiring an allocation of volume cap; and
- 3342 (f) the Carryforward Account, for which eligible issuing authorities are those with
3343 projects or programs qualifying under Section 146(f) of the code.
- 3344 (2) (a) The volume cap shall be distributed to the allotment accounts on January 1 of
3345 each year on the following basis:
- 3346 (i) 42% to the Single Family Housing Account;
- 3347 (ii) 33% to the Student Loan Account;
- 3348 (iii) 1% to the Exempt Facilities Account; and
- 3349 (iv) 24% to the Small Issue Bond Account.
- 3350 (b) From July 1 to September 30 of each year, the board of review may transfer any
3351 unallocated volume cap from the Exempt Facilities Account or the Small Issue Bond Account
3352 to the Pool Account.
- 3353 (c) Upon written notification by the issuing authorities eligible for volume cap
3354 allocation from the Single Family Housing Account or the Student Loan Account that all or a
3355 portion of volume cap distributed into that allotment account will not be used, the board of
3356 review may transfer the unused volume cap ~~[between the Single Family Housing Account and~~
3357 ~~the Student Loan Account]~~ to any other allotment account.
- 3358 (d) From October 1 to the third Friday of December of each year, the board of review
3359 shall transfer all unallocated volume cap into the Pool Account.
- 3360 (e) On the third Saturday of December of each year, the board of review shall transfer
3361 uncollected volume cap, or allocated volume cap for which bonds have not been issued prior to

3362 the third Saturday of December, into the Carryforward Account.

3363 (f) If the authority to issue bonds designated in any allotment account is rescinded by
3364 amendment to the code, the board of review may transfer any unallocated volume cap from that
3365 allotment account to any other allotment account.

3366 Section 34. Section **35A-8-2203** is amended to read:

3367 **35A-8-2203. Duties of the commission.**

3368 (1) The commission's duties include:

3369 (a) increasing public and government awareness and understanding of the housing
3370 affordability needs of the state and how those needs may be most effectively and efficiently
3371 met, through empirical study and investigation;

3372 (b) identifying and recommending implementation of specific strategies, policies,
3373 procedures, and programs to address the housing affordability needs of the state;

3374 (c) facilitating the communication and coordination of public and private entities that
3375 are involved in developing, financing, providing, advocating for, and administering affordable
3376 housing in the state;

3377 (d) studying, evaluating, and reporting on the status and effectiveness of policies,
3378 procedures, and programs that address housing affordability in the state;

3379 (e) studying and evaluating the policies, procedures, and programs implemented by
3380 other states that address housing affordability;

3381 (f) providing a forum for public comment on issues related to housing affordability;
3382 [and]

3383 (g) providing recommendations to the governor and Legislature on strategies, policies,
3384 procedures, and programs to address the housing affordability needs of the state[-]; and

3385 (h) on or before December 31, 2022, approving the methodology developed by the
3386 division under Subsection [35A-8-803\(1\)\(a\)\(ix\)](#).

3387 (2) To accomplish its duties, the commission may:

3388 (a) request and receive from a state or local government agency or institution summary
3389 information relating to housing affordability, including:

- 3390 (i) reports;
- 3391 (ii) audits;
- 3392 (iii) projections; and
- 3393 (iv) statistics; and
- 3394 (b) appoint one or more advisory groups to advise and assist the commission.
- 3395 (3) (a) A member of an advisory group described in Subsection (2)(b):
- 3396 (i) shall be appointed by the commission;
- 3397 (ii) may be:
- 3398 (A) a member of the commission; or
- 3399 (B) an individual from the private or public sector; and
- 3400 (iii) notwithstanding Section [35A-8-2202](#), may not receive reimbursement or pay for
- 3401 any work done in relation to the advisory group.
- 3402 (b) An advisory group described in Subsection (2)(b) shall report to the commission on
- 3403 the progress of the advisory group.
- 3404 Section 35. Section **63J-4-802** is amended to read:
- 3405 **63J-4-802. Creation of COVID-19 Local Assistance Matching Grant Program --**
- 3406 **Eligibility -- Duties of the office.**
- 3407 (1) There is established a grant program known as COVID-19 Local Assistance
- 3408 Matching Grant Program that is administered by the office.
- 3409 (2) The office shall award financial grants to local governments that meet the
- 3410 qualifications described in Subsection (3) to provide support for:
- 3411 (a) projects or services that address the economic impacts of the COVID-19 emergency
- 3412 on housing insecurity, lack of affordable housing, or homelessness;
- 3413 (b) costs incurred in addressing public health challenges resulting from the COVID-19
- 3414 emergency;
- 3415 (c) necessary investments in water and sewer infrastructure; or
- 3416 (d) any other purpose authorized under the American Rescue Plan Act.
- 3417 (3) To be eligible for a grant under this part, a local government shall:

- 3418 (a) provide matching funds in an amount determined by the office; and
- 3419 (b) certify that the local government will spend grant funds:
- 3420 (i) on a purpose described in Subsection (2);
- 3421 (ii) within the time period determined by the office; and
- 3422 (iii) in accordance with the American Rescue Plan Act.
- 3423 (4) As soon as is practicable, but on or before September 15, 2021, the office shall,
- 3424 with recommendations from the review committee, establish:
- 3425 (a) procedures for applying for and awarding grants under this part, using an online
- 3426 grants management system that:
- 3427 (i) manages each grant throughout the duration of the grant;
- 3428 (ii) allows for:
- 3429 (A) online submission of grant applications; and
- 3430 (B) auditing and reporting for a local government that receives grant funds; and
- 3431 (iii) generates reports containing information about each grant;
- 3432 (b) criteria for awarding grants; and
- 3433 (c) reporting requirements for grant recipients.
- 3434 (5) Subject to appropriation, the office shall award grant funds on a competitive basis
- 3435 until December 31, 2024.
- 3436 (6) If the office receives a notice of prioritization for a municipality as described in
- 3437 Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection
- 3438 17-27a-408(5), the office may prioritize the awarding of a financial grant under this section to
- 3439 the municipality or county during the fiscal year specified in the notice.
- 3440 (7) If the office receives a notice of ineligibility for a municipality as described in
- 3441 Subsection 10-9a-408(7), or a notice of ineligibility for a county as described in Subsection
- 3442 17-27a-408(7), the office may not award a financial grant under this section to the municipality
- 3443 or county during the fiscal year specified in the notice.
- 3444 [~~6~~] (8) Before November 30 of each year, ending November 30, 2025, the office shall
- 3445 submit a report to the Executive Appropriations Committee that includes:

- 3446 (a) a summary of the procedures, criteria, and requirements established under
- 3447 Subsection (4);
- 3448 (b) a summary of the recommendations of the review committee under Section
- 3449 [63J-4-803](#);
- 3450 (c) the number of applications submitted under the grant program during the previous
- 3451 year;
- 3452 (d) the number of grants awarded under the grant program during the previous year;
- 3453 (e) the aggregate amount of grant funds awarded under the grant program during the
- 3454 previous year; and
- 3455 (f) any other information the office considers relevant to evaluating the success of the
- 3456 grant program.
- 3457 ~~[(7)]~~ (9) The office may use funds appropriated by the Legislature for the grant
- 3458 program to pay for administrative costs.

Section 36. Section **63L-12-101** is enacted to read:

**CHAPTER 12. GRANTING OF REAL PROPERTY FOR MODERATE INCOME
HOUSING**

63L-12-101. Definitions.

As used in this chapter:

(1) "Governmental entity" means:

(a) an agency, as that term is defined in Section [63G-10-102](#);

(b) the School and Institutional Trust Lands Administration created in Section [53C-1-201](#);

(c) the School and Institutional Trust Lands Board of Trustees created in Section [53C-1-202](#); or

(d) a political subdivision, as that term is defined in Section [63L-11-102](#).

(2) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

3474 (3) "Municipality" means the same as that term is defined in Section [10-1-104](#).

3475 Section 37. Section **63L-12-102**, which is renumbered from Section 10-8-501 is
3476 renumbered and amended to read:

3477 ~~[10-8-501]~~. **63L-12-102. Grant of real property for moderate income housing.**

3478 ~~[(1) As used in this part, "affordable housing unit" means a rental housing unit where a~~
3479 ~~household whose income is no more than 50% of the area median income for households~~
3480 ~~where the housing unit is located is able to occupy the housing unit paying no more than 31%~~
3481 ~~of the household's income for gross housing costs including utilities.]~~

3482 ~~[(2)]~~ (1) Subject to the requirements of this section, ~~[and for a municipality, Subsection~~
3483 ~~10-8-2(4), a political subdivision]~~ a governmental entity may grant real property owned by the
3484 ~~[political subdivision]~~ governmental entity to an entity for the development of ~~[one or more~~
3485 ~~affordable housing units on the real property that will serve households at various income~~
3486 ~~levels whereby at least 20% of the housing units are affordable housing units]~~ moderate income
3487 housing on the real property.

3488 ~~[(3) A political subdivision]~~

3489 (2) A governmental entity shall ensure that real property granted ~~[as described in]~~
3490 under Subsection ~~[(2)]~~ (1) is deed restricted for ~~[affordable]~~ moderate income housing for at
3491 least 30 years after the day on which each ~~[affordable]~~ moderate income housing unit is
3492 completed and occupied.

3493 ~~[(4)]~~ (3) If applicable, a ~~[political subdivision]~~ governmental entity granting real
3494 property under this section shall comply with:

3495 (a) the provisions of Title 78B, Chapter 6, Part 5, Eminent Domain[-];

3496 (b) Subsection 10-8-2(4), if a municipality is granting real property under this section;

3497 (c) Subsection 17-50-312(5), if a county is granting real property under this section;

3498 and

3499 (d) except as provided in Subsection (4), any other applicable provisions of law that
3500 govern the granting of real property by the governmental entity.

3501 ~~[(5)]~~ (4) A municipality granting real property under this section is not subject to the

3502 provisions of Subsection [10-8-2\(3\)](#).

3503 Section 38. Section **63N-3-113** is enacted to read:

3504 **63N-3-113. Financial assistance to entities offering technical assistance to**
3505 **municipalities in connection with planning.**

3506 (1) The administrator may provide money from the Industrial Assistance Account to an
3507 entity offering technical assistance to a municipality in connection with planning for housing,
3508 transportation, and growth.

3509 (2) As part of an application for receiving money under this section, an applicant shall:

3510 (a) describe the activities the entity will undertake to provide technical assistance to a
3511 municipality in connection with planning for housing, transportation, and growth; and

3512 (b) satisfy other criteria the administrator considers appropriate.

3513 (3) Before awarding any money under this section, the administrator shall:

3514 (a) make findings as to whether an applicant has satisfied the requirements of
3515 Subsection (2);

3516 (b) establish benchmarks and timeframes in which progress toward the completion of
3517 the agreed upon activities are to occur;

3518 (c) monitor compliance by an applicant with any contract or agreement entered into by
3519 the applicant and the state as provided by Section [63N-3-107](#); and

3520 (d) make funding decisions based upon appropriate findings and compliance.

3521 Section 39. Section **63N-3-603** is amended to read:

3522 **63N-3-603. Applicability, requirements, and limitations on a housing and transit**
3523 **reinvestment zone.**

3524 (1) A housing and transit reinvestment zone proposal created under this part shall
3525 promote the following objectives:

3526 (a) higher utilization of public transit;

3527 (b) increasing availability of housing, including affordable housing;

3528 (c) conservation of water resources through efficient land use;

3529 (d) improving air quality by reducing fuel consumption and motor vehicle trips;

3530 (e) encouraging transformative mixed-use development and investment in
3531 transportation and public transit infrastructure in strategic areas;

3532 (f) strategic land use and municipal planning in major transit investment corridors as
3533 described in Subsection 10-9a-403(2); and

3534 (g) increasing access to employment and educational opportunities.

3535 (2) In order to accomplish the objectives described in Subsection (1), a municipality or
3536 public transit county that initiates the process to create a housing and transit reinvestment zone
3537 as described in this part shall ensure that the proposal for a housing and transit reinvestment
3538 zone includes:

3539 (a) except as provided in Subsection (3), at least 10% of the proposed housing units
3540 within the housing and transit reinvestment zone are affordable housing units;

3541 (b) a dedication of at least 51% of the developable area within the housing and transit
3542 reinvestment zone to residential development with an average of 50 multi-family dwelling
3543 units per acre or greater; and

3544 (c) mixed-use development.

3545 (3) A municipality or public transit county that, at the time the housing and transit
3546 reinvestment zone proposal is approved by the housing and transit reinvestment zone
3547 committee, meets the affordable housing guidelines of the United States Department of
3548 Housing and Urban Development at 60% area median income is exempt from the requirement
3549 described in Subsection (2)(a).

3550 (4) A municipality or public transit county may only propose a housing and transit
3551 reinvestment zone that:

3552 (a) subject to Subsection (5):

3553 (i) (A) for a municipality, does not exceed a 1/3 mile radius of a commuter rail station;
3554 or

3555 (B) for a public transit county, does not exceed a 1/3 mile radius of a public transit
3556 hub; and

3557 (ii) has a total area of no more than 125 noncontiguous square acres;

3558 (b) subject to Section [63N-3-607](#), proposes the capture of a maximum of 80% of each
3559 taxing entity's tax increment above the base year for a term of no more than 25 consecutive
3560 years on each parcel within a 45-year period not to exceed the tax increment amount approved
3561 in the housing and transit reinvestment zone proposal; and

3562 (c) the commencement of collection of tax increment, for all or a portion of the
3563 housing and transit reinvestment zone, will be triggered by providing notice as described in
3564 Subsection (6).

3565 (5) If a parcel is bisected by the 1/3 mile radius, the full parcel may be included as part
3566 of the housing and transit reinvestment zone area and will not count against the limitations
3567 described in Subsection (4)(a).

3568 (6) The notice of commencement of collection of tax increment required in Subsection
3569 (4)(c) shall be sent by mail or electronically to:

3570 (a) the tax commission;

3571 (b) the State Board of Education;

3572 (c) the state auditor;

3573 (d) the auditor of the county in which the housing and transit reinvestment zone is
3574 located;

3575 (e) each taxing entity affected by the collection of tax increment from the housing and
3576 transit reinvestment zone; and

3577 (f) the Governor's Office of Economic Opportunity.

3578 (7) (a) This Subsection (7) applies to a specified county, as defined in Section
3579 [17-27a-408](#), that has created a small public transit district on or before January 1, 2022.

3580 (b) A county described in Subsection (7)(a) shall, in accordance with Section
3581 [63N-3-604](#), prepare and submit to the Governor's Office of Economic Opportunity a proposal
3582 to create a housing and transit reinvestment zone on or before December 31, 2022.

3583 Section 40. Section **72-1-304** is amended to read:

3584 **72-1-304. Written project prioritization process for new transportation capacity**
3585 **projects -- Rulemaking.**

3586 (1) (a) The Transportation Commission, in consultation with the department and the
3587 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written
3588 prioritization process for the prioritization of:

3589 (i) new transportation capacity projects that are or will be part of the state highway
3590 system under Chapter 4, Part 1, State Highways;

3591 (ii) paved pedestrian or paved nonmotorized transportation projects that:

3592 (A) mitigate traffic congestion on the state highway system; and

3593 (B) are part of an active transportation plan approved by the department;

3594 (iii) public transit projects that directly add capacity to the public transit systems within
3595 the state, not including facilities ancillary to the public transit system; and

3596 (iv) pedestrian or nonmotorized transportation projects that provide connection to a
3597 public transit system.

3598 (b) (i) A local government or district may nominate a project for prioritization in
3599 accordance with the process established by the commission in rule.

3600 (ii) If a local government or district nominates a project for prioritization by the
3601 commission, the local government or district shall provide data and evidence to show that:

3602 (A) the project will advance the purposes and goals described in Section 72-1-211;

3603 (B) for a public transit project, the local government or district has an ongoing funding
3604 source for operations and maintenance of the proposed development; and

3605 (C) the local government or district will provide 40% of the costs for the project as
3606 required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

3607 (2) The following shall be included in the written prioritization process under
3608 Subsection (1):

3609 (a) a description of how the strategic initiatives of the department adopted under
3610 Section 72-1-211 are advanced by the written prioritization process;

3611 (b) a definition of the type of projects to which the written prioritization process
3612 applies;

3613 (c) specification of a weighted criteria system that is used to rank proposed projects

3614 and how it will be used to determine which projects will be prioritized;

3615 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

3616 (e) any other provisions the commission considers appropriate, which may include

3617 consideration of:

3618 (i) regional and statewide economic development impacts, including improved local

3619 access to:

3620 (A) employment;

3621 (B) educational facilities;

3622 (C) recreation;

3623 (D) commerce; and

3624 (E) residential areas, including moderate income housing as demonstrated in the local

3625 government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

3626 (ii) the extent to which local land use plans relevant to a project support and

3627 accomplish the strategic initiatives adopted under Section 72-1-211; and

3628 (iii) any matching funds provided by a political subdivision or public transit district in

3629 addition to the 40% required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).

3630 (3) (a) When prioritizing a public transit project that increases capacity, the

3631 commission:

3632 (i) may give priority consideration to projects that are part of a transit-oriented

3633 development or transit-supportive development as defined in Section 17B-2a-802; and

3634 (ii) shall give priority consideration to projects that are within the boundaries of a

3635 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,

3636 Housing and Transit Reinvestment Zone Act.

3637 (b) When prioritizing a transportation project that increases capacity, the commission

3638 may give priority consideration to projects that are:

3639 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:

3640 (A) the state is a participant in the transportation reinvestment zone; or

3641 (B) the commission finds that the transportation reinvestment zone provides a benefit

3642 to the state transportation system; or

3643 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant
3644 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

3645 (c) If the department receives a notice of prioritization for a municipality as described
3646 in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection
3647 17-27a-408(5), the commission may, during the fiscal year specified in the notice, give priority
3648 consideration to transportation projects that are within the boundaries of the municipality or the
3649 unincorporated areas of the county.

3650 (4) In developing the written prioritization process, the commission:

3651 (a) shall seek and consider public comment by holding public meetings at locations
3652 throughout the state; and

3653 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
3654 the state provides an equal opportunity to raise local matching dollars for state highway
3655 improvements within each county.

3656 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3657 Transportation Commission, in consultation with the department, shall make rules establishing
3658 the written prioritization process under Subsection (1).

3659 (6) The commission shall submit the proposed rules under this section to a committee
3660 or task force designated by the Legislative Management Committee for review prior to taking
3661 final action on the proposed rules or any proposed amendment to the rules described in
3662 Subsection (5).

3663 Section 41. Section 72-2-124 is amended to read:

3664 **72-2-124. Transportation Investment Fund of 2005.**

3665 (1) There is created a capital projects fund entitled the Transportation Investment Fund
3666 of 2005.

3667 (2) The fund consists of money generated from the following sources:

3668 (a) any voluntary contributions received for the maintenance, construction,
3669 reconstruction, or renovation of state and federal highways;

- 3670 (b) appropriations made to the fund by the Legislature;
- 3671 (c) registration fees designated under Section 41-1a-1201;
- 3672 (d) the sales and use tax revenues deposited into the fund in accordance with Section
- 3673 59-12-103; and
- 3674 (e) revenues transferred to the fund in accordance with Section 72-2-106.
- 3675 (3) (a) The fund shall earn interest.
- 3676 (b) All interest earned on fund money shall be deposited into the fund.
- 3677 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
- 3678 fund money to pay:
 - 3679 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
 - 3680 federal highways prioritized by the Transportation Commission through the prioritization
 - 3681 process for new transportation capacity projects adopted under Section 72-1-304;
 - 3682 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
 - 3683 projects described in Subsections 63B-18-401(2), (3), and (4);
 - 3684 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
 - 3685 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
 - 3686 with Subsection 72-2-121(4)(e);
 - 3687 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
 - 3688 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
 - 3689 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
 - 3690 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
 - 3691 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
 - 3692 for projects prioritized in accordance with Section 72-2-125;
 - 3693 (vi) all highway general obligation bonds that are intended to be paid from revenues in
 - 3694 the Centennial Highway Fund created by Section 72-2-118;
 - 3695 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
 - 3696 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
 - 3697 in Section 72-2-121;

3698 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
3699 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved
3700 nonmotorized transportation for projects that:

- 3701 (A) mitigate traffic congestion on the state highway system;
- 3702 (B) are part of an active transportation plan approved by the department; and
- 3703 (C) are prioritized by the commission through the prioritization process for new
3704 transportation capacity projects adopted under Section [72-1-304](#);

3705 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
3706 reconstruction, or renovation of or improvement to the following projects:

- 3707 (A) the connector road between Main Street and 1600 North in the city of Vineyard;
- 3708 (B) Geneva Road from University Parkway to 1800 South;
- 3709 (C) the SR-97 interchange at 5600 South on I-15;
- 3710 (D) two lanes on U-111 from Herriman Parkway to 11800 South;
- 3711 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
- 3712 (F) improvements to 1600 North in Orem from 1200 West to State Street;
- 3713 (G) widening I-15 between mileposts 6 and 8;
- 3714 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 3715 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in
3716 Spanish Fork Canyon;
- 3717 (J) I-15 northbound between mileposts 43 and 56;
- 3718 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43
3719 and 45.1;
- 3720 (L) east Zion SR-9 improvements;
- 3721 (M) Toquerville Parkway;
- 3722 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 3723 (O) for construction of an interchange on Bangerter Highway at 13400 South; and
- 3724 (P) an environmental impact study for Kimball Junction in Summit County; and
- 3725 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project

3726 costs based upon a statement of cash flow that the local jurisdiction where the project is located
3727 provides to the department demonstrating the need for money for the project, for the following
3728 projects in the following amounts:

3729 (A) \$5,000,000 for Payson Main Street repair and replacement;

3730 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;

3731 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and

3732 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40
3733 between mile markers 7 and 10.

3734 (b) The executive director may use fund money to exchange for an equal or greater
3735 amount of federal transportation funds to be used as provided in Subsection (4)(a).

3736 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of
3737 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director
3738 may not program fund money to a project prioritized by the commission under Section
3739 72-1-304, including fund money from the Transit Transportation Investment Fund, within the
3740 boundaries of ~~[a municipality that is required to adopt a moderate income housing plan element~~
3741 ~~as part of the municipality's general plan as described in Subsection 10-9a-401(3), if the~~
3742 ~~municipality has failed to adopt a moderate income housing plan element as part of the~~
3743 ~~municipality's general plan or has failed to implement the requirements of the moderate income~~
3744 ~~housing plan as determined by the results of the Department of Workforce Service's review of~~
3745 ~~the annual moderate income housing report described in Subsection 35A-8-803(1)(a)(vii)]~~ the
3746 municipality during the fiscal year specified in the notice.

3747 ~~[(b) Within the boundaries of a municipality that is required under Subsection~~
3748 ~~10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate~~
3749 ~~income housing plan element as part of the municipality's general plan or has failed to~~
3750 ~~implement the requirements of the moderate income housing plan as determined by the results~~
3751 ~~of the Department of Workforce Service's review of the annual moderate income housing~~
3752 ~~report described in Subsection 35A-8-803(1)(a)(vii), the executive director:]~~

3753 (b) Within the boundaries of a municipality described in Subsection (5)(a), the

3754 executive director:

3755 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
3756 facility or interchange connecting limited-access facilities;

3757 (ii) may not program fund money for the construction, reconstruction, or renovation of
3758 an interchange on a limited-access facility;

3759 (iii) may program Transit Transportation Investment Fund money for a
3760 multi-community fixed guideway public transportation project; and

3761 (iv) may not program Transit Transportation Investment Fund money for the
3762 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
3763 transportation project.

3764 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
3765 director before ~~[May 1, 2020]~~ July 1, 2022, for projects prioritized by the commission under
3766 Section [72-1-304](#).

3767 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of
3768 ineligibility for a county as described in Subsection [17-27a-408\(7\)](#), the executive director may
3769 not program fund money to a project prioritized by the commission under Section [72-1-304](#),
3770 including fund money from the Transit Transportation Investment Fund, within the boundaries
3771 of the unincorporated area of ~~[a county, if the county is required to adopt a moderate income~~
3772 ~~housing plan element as part of the county's general plan as described in Subsection~~
3773 ~~[17-27a-401\(3\)](#) and if the county has failed to adopt a moderate income housing plan element as~~
3774 ~~part of the county's general plan or has failed to implement the requirements of the moderate~~
3775 ~~income housing plan as determined by the results of the Department of Workforce Service's~~
3776 ~~review of the annual moderate income housing report described in Subsection~~
3777 ~~[35A-8-803\(1\)\(a\)\(vii\)](#) the county during the fiscal year specified in the notice.~~

3778 ~~[(b) Within the boundaries of the unincorporated area of a county where the county is~~
3779 ~~required under Subsection [17-27a-401\(3\)](#) to plan for moderate income housing growth but has~~
3780 ~~failed to adopt a moderate income housing plan element as part of the county's general plan or~~
3781 ~~has failed to implement the requirements of the moderate income housing plan as determined~~

3782 by the results of the Department of Workforce Service's review of the annual moderate income
3783 housing report described in Subsection ~~35A-8-803~~(1)(a)(vii), the executive director:]

3784 (b) Within the boundaries of the unincorporated area of a county described in
3785 Subsection (6)(a), the executive director:

3786 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
3787 facility to a project prioritized by the commission under Section ~~72-1-304~~;

3788 (ii) may not program fund money for the construction, reconstruction, or renovation of
3789 an interchange on a limited-access facility;

3790 (iii) may program Transit Transportation Investment Fund money for a
3791 multi-community fixed guideway public transportation project; and

3792 (iv) may not program Transit Transportation Investment Fund money for the
3793 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
3794 transportation project.

3795 (c) Subsections ~~[(f5)]~~ (6)(a) and (b) do not apply to a project programmed by the
3796 executive director before July 1, ~~[2020]~~ 2022, for projects prioritized by the commission under
3797 Section ~~72-1-304~~.

3798 (7) (a) Before bonds authorized by Section ~~63B-18-401~~ or ~~63B-27-101~~ may be issued
3799 in any fiscal year, the department and the commission shall appear before the Executive
3800 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
3801 department needs to provide funding for the projects identified in Subsections ~~63B-18-401~~(2),
3802 (3), and (4) or Subsection ~~63B-27-101~~(2) for the current or next fiscal year.

3803 (b) The Executive Appropriations Committee of the Legislature shall review and
3804 comment on the amount of bond proceeds needed to fund the projects.

3805 (8) The Division of Finance shall, from money deposited into the fund, transfer the
3806 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
3807 Section ~~63B-18-401~~ or ~~63B-27-101~~ in the current fiscal year to the appropriate debt service or
3808 sinking fund.

3809 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit

3810 Transportation Investment Fund.

3811 (b) The fund shall be funded by:

3812 (i) contributions deposited into the fund in accordance with Section 59-12-103;

3813 (ii) appropriations into the account by the Legislature;

3814 (iii) deposits of sales and use tax increment related to a housing and transit

3815 reinvestment zone as described in Section 63N-3-610;

3816 (iv) private contributions; and

3817 (v) donations or grants from public or private entities.

3818 (c) (i) The fund shall earn interest.

3819 (ii) All interest earned on fund money shall be deposited into the fund.

3820 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund

3821 for public transit capital development of new capacity projects to be used as prioritized by the

3822 commission through the prioritization process adopted under Section 72-1-304.

3823 (e) (i) The Legislature may only appropriate money from the fund for a public transit

3824 capital development project or pedestrian or nonmotorized transportation project that provides

3825 connection to the public transit system if the public transit district or political subdivision

3826 provides funds of equal to or greater than 40% of the costs needed for the project.

3827 (ii) A public transit district or political subdivision may use money derived from a loan

3828 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or

3829 part of the 40% requirement described in Subsection (9)(e)(i) if:

3830 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,

3831 State Infrastructure Bank Fund; and

3832 (B) the proposed capital project has been prioritized by the commission pursuant to

3833 Section 72-1-303.

3834 (10) (a) There is created in the Transportation Investment Fund of 2005 the

3835 Cottonwood Canyons Transportation Investment Fund.

3836 (b) The fund shall be funded by:

3837 (i) money deposited into the fund in accordance with Section 59-12-103;

- 3838 (ii) appropriations into the account by the Legislature;
- 3839 (iii) private contributions; and
- 3840 (iv) donations or grants from public or private entities.
- 3841 (c) (i) The fund shall earn interest.
- 3842 (ii) All interest earned on fund money shall be deposited into the fund.
- 3843 (d) The Legislature may appropriate money from the fund for public transit or
- 3844 transportation projects in the Cottonwood Canyons of Salt Lake County.

Section 42. **Appropriation.**

3846 The following sums of money are appropriated for the fiscal year beginning July 1,
 3847 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
 3848 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 3849 Act, the Legislature appropriates the following sums of money from the funds or accounts
 3850 indicated for the use and support of the government of the state of Utah.

ITEM 1

To Department of Workforce Services -- Housing and Community Development

From General Fund, One-time

\$500,000

Schedule of Programs:

Housing Development

\$500,000

3856 The Legislature intends that the Department of Workforce Services use funds
 3857 appropriated under this item to develop a statewide database for moderate income housing
 3858 units as described in Subsection [35A-8-803\(1\)\(a\)\(viii\)](#).

ITEM 2

To Department of Workforce Services -- Housing and Community Development

From General Fund, One-time

\$750,000

Schedule of Programs:

Housing Development

\$750,000

The Legislature intends that:

(1) the Department of Workforce Services use \$375,000 of the funds appropriated

3866 under this item in each of the fiscal years 2023 and 2024 to provide assistance to landlords
3867 under the Department of Workforce Services' Section 8 Landlord Incentive Program; and
3868 (2) under the terms of Section 63J-1-603 of the Utah Code, appropriations under this
3869 item not lapse at the close of fiscal year 2023.

3870 ITEM 3

3871 To Department of Workforce Services -- Administration

3872 From General Fund \$132,000

3873 Schedule of Programs:

3874 Administrative Support \$132,000

3875 The Legislature intends that the Department of Workforce Services use funds
3876 appropriated under this item to hire one full-time equivalent employee.

3877 ITEM 4

3878 To Department of Workforce Services -- Housing and Community Development

3879 From General Fund, One-time \$250,000

3880 Schedule of Programs:

3881 Housing Development \$250,000

3882 The Legislature intends that:

3883 (1) the Department of Workforce Services distribute funds appropriated under this item
3884 to a nonprofit entity in the state that provides training and education on land use law;

3885 (2) the Department of Workforce Services follow the provisions of Title 63G, Chapter
3886 6a, Utah Procurement Code, in selecting the recipient entity; and

3887 (3) the recipient entity use funds distributed from the Department of Workforce
3888 Services under this item to provide regional land use training and workshops to local officials
3889 and policymakers on housing issues.

3890 ITEM 5

3891 To Department of Workforce Services -- Housing and Community Development

3892 From General Fund, One-time \$250,000

3893 Schedule of Programs:



Exhibit 3

Unincorporated Salt Lake County Moderate Income Housing Plan

Moderate-Income Housing Element For Unincorporated Salt Lake County General Plans

11.19.2019





Acknowledgments

Mayor: Jenny Wilson

County Council: Shireen Ghorbani, Richard Snelgrove (Chair), Jim Bradley, Arlyn Bradshaw, Michael Jensen, Aimee Winder Newton, Ann Granato, Steve DeBry, Max Burdick

County Planning Commission: Neil Cohen (Chair), Ronald Vance (Vice Chair), Mark Elieson, Bryan O'Meara, Kim Barbushev, Christopher Collard

Mountainous Planning District Planning Commission: Neil Cohen, Nicole Omer, Tod Young, Brooke Derr, Don Despain (Chair), Laynee Jones (Vice Chair), James Palmer, Christie Hutchings, Victoria Reid, F Barton Reuling

County Personal: Catherine Kanter (Deputy Director), Mike Reberg (Associate Deputy Director), Ryan Perry (Director of Planning and Transportation), Wilf Sommerkorn (former director), Mike Gallegos (HCD Director), Jake Young (Project Manager), Jared Stewart (Planner), Zach Shaw (Legal Counsel), Valerie Walton (Special Projects Director), Stewart Gubler (former staff)



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Introduction

1-A Background

Salt Lake County (SLCo or County) is the most populous county in the State of Utah with nearly 1.2 million residents, most residents live within incorporated cities. Due to the recent incorporations of cities within the County, the number of residents remaining in unincorporated areas of the County is approximately 12,262 (2018), which is approximately 1% of all County residents. The 2010 Census count showed SLCo with a population of 1,029,655 and the 2018 estimate as 1,184,880. This represents 155,225 additional residents over the last 9 years, which is a 15% increase. Its projected that SLCo will add an additional 600,000 residents by the year 2065 which is a substantial increase to the Salt Lake Valley. With population growth comes challenges including attainable housing for middle class incomes and affordable housing for lower income residents.

The planning process included multiple meetings with the County Planning Commission, Mountainous Planning District Planning Commission, a public open house, a public hearing, recommendations by both planning commissions and County Council adoption. The process included multiple opportunities for public input.

During the last decade housing prices have continued to increase, outpacing household incomes. Household growth is outpacing dwelling unit production and has led to a shortage of affordable housing in Salt Lake County and the State. Utah has approximately 50,000 housing units less than total households (Kem Gardner Institute). In March of 2019, Governor Gary Herbert signed into law Senate Bill 34 (SB 34) which requires municipalities and counties to address affordable housing within their communities in new ways.



Figure 1 Housing Public Open House held at Salt Lake County complex September 2019



Figure 2 Bud Bailey Apartments in Millcreek, funding contribution by Salt Lake County, 136 Units for Residents with 50% or less AMI

According to State Code 17-27a-404 counties are required to have three elements in General Plans which are Land-use, Transportation and Housing. The Housing element “shall plan for moderate income housing growth”, or in other words create a Moderate-Income Housing (MIH) Plan. **This plan is hereby incorporated into all current General Plans for Unincorporated Salt Lake County (including the Wasatch Canyons General Plan, Granite Community Master Plan, the Southwest Community Plan) and unincorporated west bench.**

Moderate income housing means housing available for occupancy by households with a gross household income equal to or less than 80% of the area median income (AMI) for households of the same size in the county in which the city is located.

Utah Fair Housing Act Acknowledgement

In accordance with state and federal laws, Salt Lake County exercises the authority to plan, zone, and regulate land-use within its jurisdiction in promoting the community’s health, safety, and welfare. The moderate-income housing element of this plan acknowledges and upholds the Utah Fair Housing Act by promoting the equal protection and equitable treatment of all people who lawfully seek to rent, lease, purchase, or develop real property within its jurisdiction. Its housing policies and plans strictly prohibit discrimination based on color, disability, ethnicity, familial status, gender identity,



national origin, race, religion, sex, sexual orientation, source of income, or any other suspect classification. It is the policy of Salt Lake County to report housing discrimination to the Utah Antidiscrimination Labor Division immediately. It is the goal of Salt Lake County to prevent, eliminate, and/or mitigate any unfair housing practices that may result from its plans, policies, regulations, and ordinances. It is also the goal of Salt Lake County to affirmatively further fair and affordable housing by reviewing the housing needs of its moderate-income households and its vulnerable populations regularly, and by proactively planning to meet their needs.

1-B Executive Summary

The data from this plan shows that currently there is a need for 598 low to moderate-income housing units in unincorporated Salt Lake County and by the year 2025 that will grow to 712 housing units. SB 34 requires local governments to select a minimum of 3 options from a state provided menu to improve the low to moderate-income housing situation. Salt Lake County is proposing the following six recommendations with strategies detailed later in this plan/document for the individual options.

- **Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones**
- **Allow for higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers, or employment centers**
- **Implement zoning incentives for low to moderate income units in new developments**
- **Allow for single room occupancy developments (for only ski resort areas)**
- **Preserve existing MIH**
- **Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH**



Figure 3 Condos in Unincorporated SLCo



1-C County wide Income and Rent Facts

According to the US Census American Community Survey (ACS) 2013-2017, there were 363,058 total households in all the County, of which 121,730 were renter households (34% of all households). The average Fair Market Rent (FMR) for a two-bedroom rental home in SLCo is \$1,075. A renter household needs an annual income of \$43,000 to afford a two-bedroom rental home at FMR; this equates to one full-time job paying \$20.67 per hour or working 114 hours per week at minimum wage (2.9 full-time minimum wage jobs). The estimated mean (average) renter wage in SLCo is \$16.51 in 2019. If one wage-earner holds a full-time job paying the mean renter wage, a household can afford to spend as much as \$859 in monthly rent. A renter earning the mean renter wage must work 50 hours per week to afford a two-bedroom rental home at FMR. This data is included to show difficulty of obtaining affordable housing for low and entry wage earners.

In Salt Lake County, the Fair Market Rent (FMR) for a two-bedroom apartment is **\$1,075**. In order to afford this level of rent and utilities - without paying more than 30% of income on housing - a household must earn **\$3,583** monthly or **\$43,000** annually. Assuming a 40-hour work week, 52 weeks per year, this level of income translates into an hour Housing Wage of:

\$20.67
PER HOUR
COUNTY
HOUSING WAGE

COUNTY FACTS	
Minimum Wage	\$7.25
Average Renter Wage	\$16.51
2-Bedroom Housing Wage	\$20.67
Number of Renter Households	121,730
Percent Renters	34%

114
Work Hours Per Week At
Minimum Wage To Afford a
2-Bedroom
Rental Home (at FMR)

92
Work Hours Per Week At
Minimum Wage To Afford a
1-Bedroom
Rental Home (at FMR)

2.9
Number of Full-Time Jobs At
Minimum Wage To Afford a
2-Bedroom
Rental Home (at FMR)

2.3
Number of Full-Time Jobs At
Minimum Wage To Afford a
1-Bedroom
Rental Home (at FMR)



Figure 4 Housing Infographic



2. Demographics and Housing Data

2-A Unincorporated Area and Population

Unincorporated Areas in Salt Lake County

SLCo has several unincorporated areas within the County, these include Little Cottonwood Canyon (except Alta), Big Cottonwood Canyon (including future Town of Brighton), Mill Creek Canyon, Parleys Canyon, scattered southeast bench neighborhoods and the west bench. The geography of the area and demographics of the unincorporated population varies, this will plan provide general policies and strategies for housing with specifics to be worked out in future ordinances and projects.

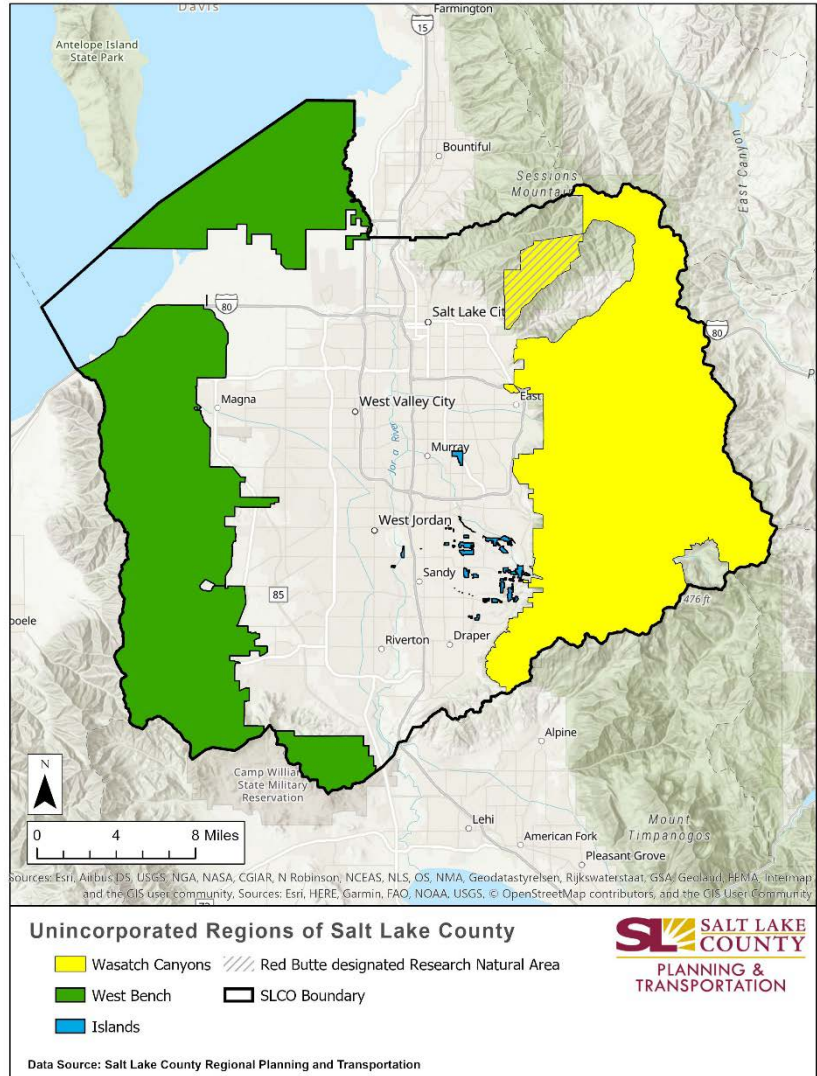


Figure 5 Map of Unincorporated SLCo



Current Population

Table 1. 2018 Demographics

	Population	Median Age	Household Size	Household Income	Per Capita Income
Unincorporated*	12,262	34.6	2.96	\$89,704	\$35,785
Salt Lake County Total	1,152,633**	32.4***	3.01**	\$72,000***	\$30,134**

*Source: Esri estimates from ACS 2012-2016
 **Source: US Census Quick Facts Population Estimates, July 1, 2018
 ***Source: ACS 2013-2017

The gender demographics in the Unincorporated County are evenly split (50.02% male and 49.98% female).

The following graphics show the number of households in 2010 by race/ethnicity and age. Since 2010, the unincorporated regions of SLCo added an estimated 45 more households. While there is data available for the number of people who fall into each category, there does not exist more recent data that classifies the data by household and by ownership type.

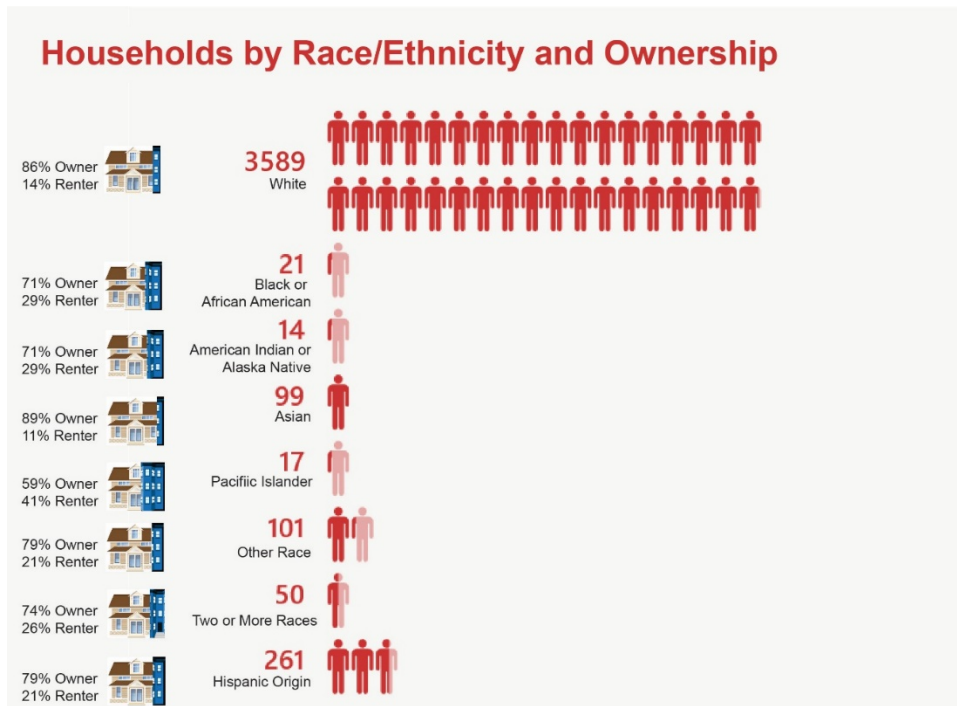


Figure 6 Households by Ethnicity and Ownership
 Source: ACS 2013-2017

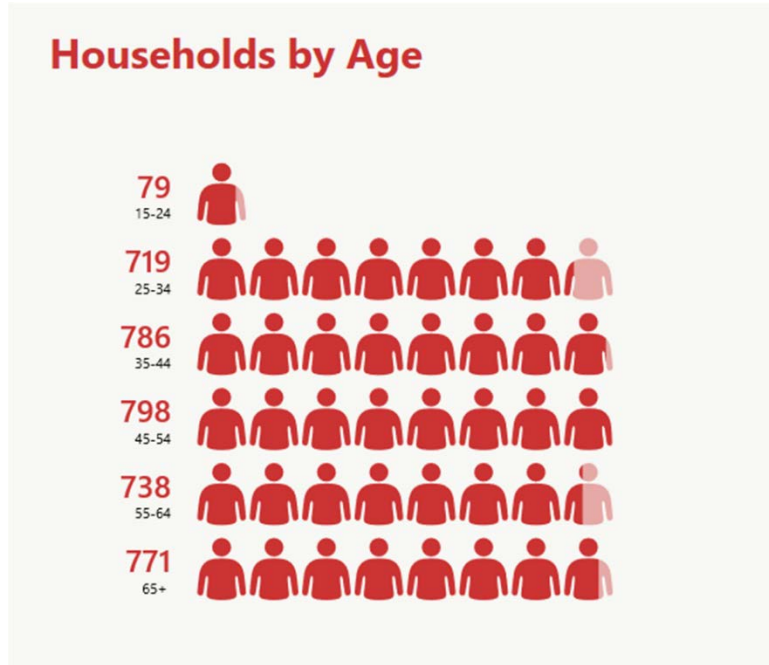


Figure 7. Households by Age
Source: ACS 2013-2017

Table 2. 2010 Population/Households by Demographic Status

	Count
Population by Veteran Status	452
Households with 1+ Persons with Disability	677
Households with Public Assistance Income	41
Households with Food Stamps/SNAP	126

Source: Esri estimates from ACS 2012-2016

Table 3. Average Household Size by Tenure

	Average Household Size
All Salt Lake County	3.01
Owner-occupied	3.15
Renter-occupied	2.74

Source: ACS 2013-2017



HUD Income Groups

The United States Department of Housing and Urban Development (HUD) calculates the income limits for households of different sizes. HUD estimates that the Area Median Income (AMI) in 2019 for SLCo was \$74,440 for a household size of 3. Using this information, HUD breaks down the median income for families of different sizes. According to the ACS, the average household size in SLCo is 3.15, the income limits for a household with 3 persons was chosen for planning purposes. The income of \$74,440 is the selected AMI for the moderate-income housing plan.

Table 4. HUD 2019 Income Limits Summary

HUD FY2019 Income Limits Summary (AMI \$82,700)				
Household Size	30% AMI	50% AMI	80% AMI	100% AMI
1 person	\$17,400	\$28,950	\$46,350	\$57,940
2 persons	\$19,850	\$33,100	\$52,950	\$66,190
3 persons	\$22,350	\$37,250	\$59,550	\$74,440
4 persons	\$25,750	\$41,350	\$66,150	\$82,690
5 persons	\$30,170	\$44,700	\$71,450	\$89,310
6 persons	\$34,590	\$48,000	\$76,750	\$95,940
7 persons	\$39,010	\$51,300	\$82,050	\$102,560
8 persons	\$43,430	\$54,600	\$87,350	\$109,190



The following illustration displays the number of households in the Unincorporated County that meet the various income limits to be considered moderate-income households.

NUMBER OF HOUSEHOLDS BY TARGETED INCOME GROUP

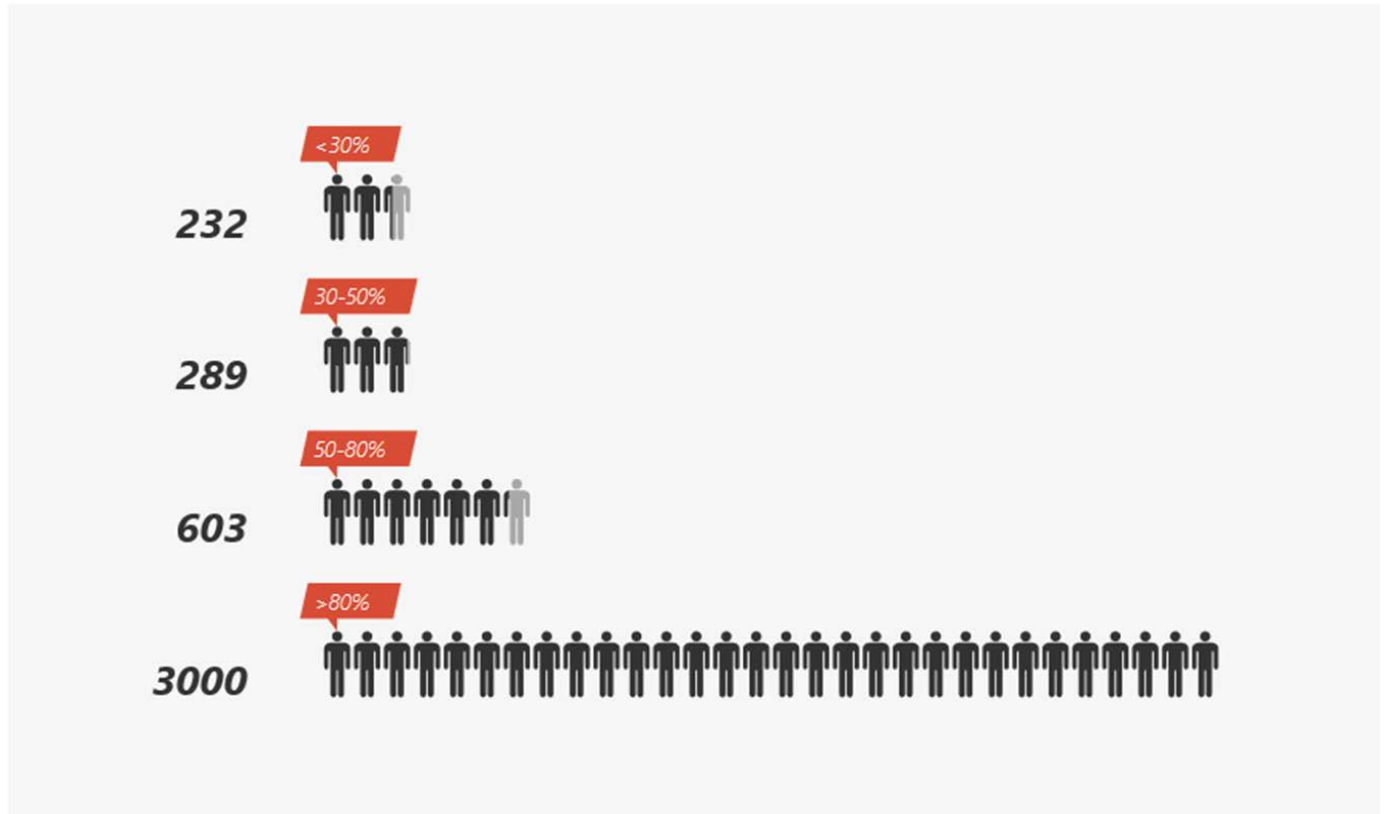


Figure 8 Households by Targeted Income Group



The following table shows the affordable monthly housing costs for various demographics and income groups.

Table 5. Salt Lake County Monthly Affordable Housing Costs by Specific Groups

Household Type by Householder	Gross Monthly Income	Affordable Housing Costs
Area Median Family	\$6,203	\$1,861
0-30% AMI Household	\$0 to \$1,863	\$0 to \$559
30-50% AMI Household	\$1,863 to \$3,104	\$559 to \$931
50-80% AMI Household	\$3,104 to \$4,963	\$931 to \$1,489
Median Homeowner Household	\$6,994	\$2,098
Median Renter Household	\$3,529	\$1,059
White Household	\$6,086	\$1,826
Black/African American Household	\$3,348	\$1,004
American Indian and Alaska Native Household	\$4,244	\$1,273
Asian Household	\$5,881	\$1,764
Native Hawaiian or other Pacific Islander Household	\$5,018	\$1,505
Some Other Race Household	\$3,825	\$1,148
Two or More Races Household	\$4,896	\$1,469
Hispanic Household	\$3,979	\$1,194
Elderly Household (65+)	\$4,132	\$1,240
Disabled Person Household	\$1,845	\$553
<i>Source: U.S. Census Bureau, 2013, ACS 2013-2017</i>		



2-B Current Housing Stock (2019)

For housing units to be considered affordable, a household cannot spend more than 30% of their income on housing costs this applies to both rents or mortgages, including taxes, insurance, and utilities. The table below shows the monthly housing allowance for various income groups. To calculate the monthly housing allowance, the annual income was divided by 12 months and then multiplied by 0.3 to determine what 30% of the monthly income would be available for housing.

Total Housing Units:

Table 6. Monthly Housing Allowance by Targeted Income Groups (data source ACS, survey, ESRI and County Assessor)

Housing Affordability by AMI						
%AMI	0-30% AMI	30%-50% AMI	50%-80% AMI	80%-100% AMI	Over 100%AMI	Total
Rental Units						
Max Amount Affordable	\$ 558.30	\$ 930.50	\$ 1,488.80	\$ 1,861.00		
Affordable minus Utilities (\$250)	\$ 308.30	\$ 680.50	\$ 1,238.80	\$ 1,611.00		
Number of Units	0	20	165	68	202	455
	0.00%	4.40%	36.26%	14.95%	44.40%	
Owner Units (Appraised Values)						
	0-30% AMI	30%-50% AMI	50%-80% AMI	80%-100% AMI	Over 100%AMI	
Max Amount Affordable	\$ 101,500.00	\$ 178,250.00	\$ 293,250.00	\$ 370,000.00		
Affordable minus Utilities (\$250)	\$ 50,250.00	\$ 126,750.00	\$ 242,000.00	\$ 318,500.00		
Unincorporated Island Number of Units	0	1	215	595	1188	1999
Percent of total	0.00%	0.05%	10.76%	29.76%	59.43%	
West Bench Number of Units	0	0	115	376	612	1103
Percent of total	0.00%	0.00%	10.43%	34.09%	55.49%	
Wasatch Canyons Number of (Year Round) Units	0	0	10	29	217	256
Percent of total	0.00%	0.00%	3.91%	11.33%	84.77%	
Owner Unit Totals	0	1	340	1000	2017	3358
	0.00%	0.03%	10.13%	29.78%	60.07%	
Rental + Owner Units Totals	0	21	505	1068	2219	3813
	0.00%	0.55%	13.24%	28.01%	58.20%	100.00%

Calculations were made assuming a 30 year loan, 4% interest rate, a 10% down payment, and \$250/month utilities (water, gas, electricity).



The following graphic displays the number of housing units that are affordable to each income group. This analysis combines rental unit numbers with owner occupied (single family, condos, townhomes i.e. units that can be owner-occupied).

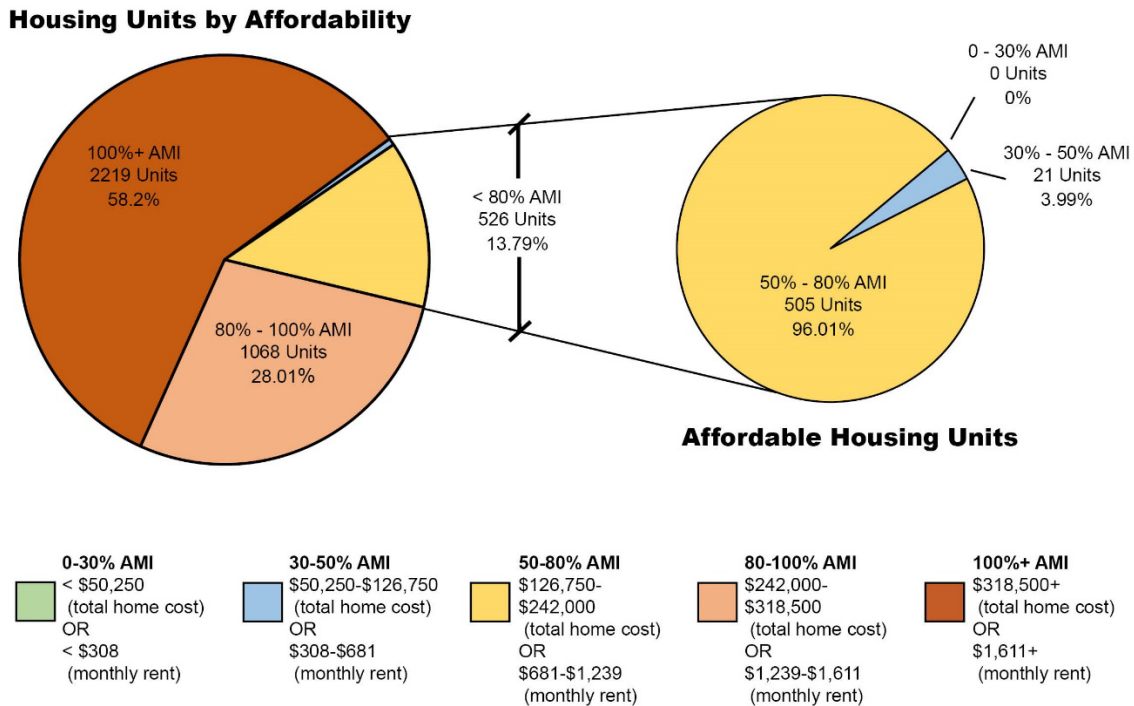


Figure 9 Affordable Housing Units by AMI

The following table shows how much renters are paying in rent and how that correlates to the different income groups.

Table 7. Renter-Occupied Households by Income Group

AMI	<30%	30-50%	50-80%	80-100%	100%+	Total
	\$309	\$681	\$1,239	\$1,611		
All Unincorporated	0	20	165	68	202	455
	0%	4.40%	32.26%	14.95%	44.40%	100%

Source: ACS 2013-2017



Table 8. Monthly Housing Costs

	Median Gross Rent (Monthly)	Total Owner Housing Unit Costs with Mortgage (Monthly)	Total Owner Housing Unit Costs without Mortgage (Monthly)
Entire County*	\$1,015	\$1,537	\$450
All Unincorporated**	\$1,265	NA	NA
<i>*Source: ACS 2013-2017</i>			
<i>**Source: Esri estimate from ACS 2012-2016</i>			

Table 9. Median Household Income by Tenure

	Median Household Income	Median Owner Income	Median Renter Income
Salt Lake County	\$67,922	\$83,932	\$42,351
<i>Source: ACS 2013-2017</i>			



There are various forms of housing within the Unincorporated County. The table below shows the breakdown of housing units by type.

Table 10. Existing Unincorporated Housing – By Unit Type

Type	Building Count	# of Units	Percent
Single Family Res.	2532	2517	51.86%
Improved Rec.	830	814	16.77%
Condo Unit	593	547	11.27%
Trailer Park	1	323	6.66%
PUD	205	203	4.18%
Condo Timeshare	54	162	3.34%
20-49 Unit Apt	4	99	2.04%
Res-Obsolesced Value	52	54	1.11%
SF Res- Model	41	44	0.91%
Duplex	23	23	0.47%
Residential - Multi	10	19	0.39%
Manuf. Home	15	15	0.31%
Res Mother-Law Apt	14	14	0.29%
10-19 Unit Apt	1	10	0.21%
3-4 Unit Apt	1	4	0.08%
Residential-Salvage	2	2	0.04%
Res Impr On Comm	1	2	0.04%
Modular	1	1	0.02%
Total	4380	4853	

Source: SLCo Assessor (06/19/2019)

Housing Assessor Definitions

- Res-Obsolesced Value – A residence is on the lot; however, it has zero or minimal value with the value being in the land.
- Modular – A residence that was prebuilt in sections, typically in two or more sections. It is then transported and joined together on a permanent foundation.
- Apt. Conversion – a multi-family apartment building that was originally built as a single-family residence. Typically, older improvements with 3 or 4 units.
- Improved Rec. – A recreation lot with some type of cabin or other improvement on it.
- Manuf. Home – A manufactured residence on a lot that is owned by the owner of the manufactured home.
- PUD – Planned Unit Development – a residential unit where building style is individualized, and homes are on individual lots. PUDs will not include condos but may contain a handful of duplexes.
- Low-Inc-House-TC – An apartment that rents for below market rents AND that received tax credits to help off-set the below market rents.
- Res Multi – A parcel of land containing two or more detached residences.
- SF Res-Model – Property type used for unique properties in the County that value more accurately using the cost approach rather than the market approach. This is due to the uniqueness of the property limiting the number of comparable properties that can be used for the market approach.
- Residential-Salvage – residences that are in poor condition and the highest and best use is to demolish the structure(s). The value is essentially in the land.



The following graphic displays the year that housing units were originally built. Over 50% of the housing units were built prior to 1980. These homes, depending on how well they have been maintained, could potentially have many issues due to their age.

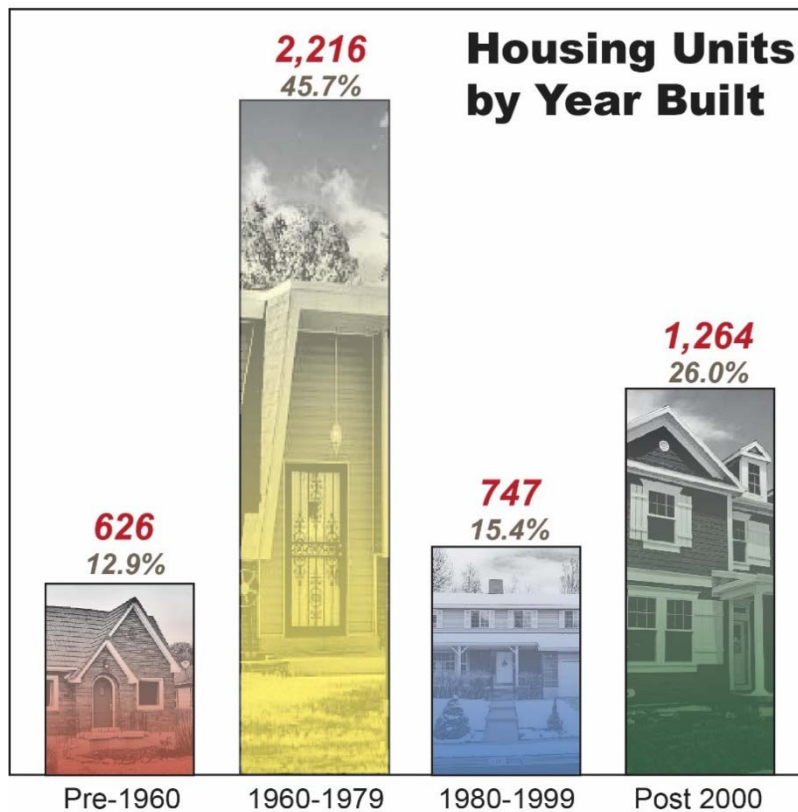


Figure 10 Unincorporated Existing Housing Units by Year



3-C Housing Needs

The table below outlines current low- and moderate-income housing needs in each of the communities. These estimates are calculated by subtracting the total number of households by income group from the total number of housing units in pertaining the income group.

Numbers in **Red** indicate a housing deficit within the specified income group

Table 11. 2019 Affordable Housing Needs by Targeted Income Group in 2019

AMI	0%-30%	31%-50%	51%-80%	Total AMI Affordable	80%-100%	+100%	Total +80%	Total All
Number of Household	232	289	603	1124	428	2572		4124
Number of Affordable Units	0	21	505	526	1068	2219		3813
Needed Affordable Housing	232	268	98	598	No Need	No Need	No Need	598
<i>Source: SLCo Assessor (October 2019) and Esri estimates from ACS 2012-2016</i>								

(Description of progress made to provide MIH by analyzing and publishing data on the # of housing units that are at or below 80%, 50% and 30% adjusted median family income)

5-Year and 10-Year Population Projections

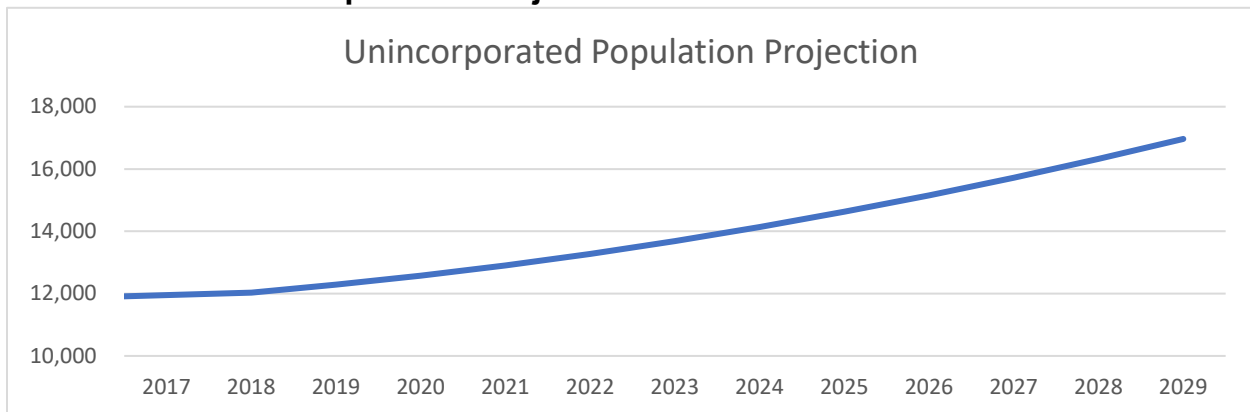


Figure 11. Population Projections for Unincorporated County. Source: Estimates from WFRC



Table 12. Number of Households by Targeted Income Group

	<30% \$22,350	30-50% \$37,250	50-80% \$59,550	80-100% \$74,440	100%+	Median HH Income
All Unincorporated	232	289	603	428	2572	\$74,440
	5.6%	7.0%	14.6%	10.4%	62.4%	

Source: Esri estimates from ACS 2012-2016

Forecast of Affordable Housing Need

The following table shows the projected affordable housing needs by targeted income group from 2018 to 2025, based on population projections. To calculate future needs, the percentage change in population was calculated at 19% between 2019 and 2025. Current needs were then multiplied by 19% to match change in population.

Table 13. Projected Affordable Housing Needs by Targeted Income Group in 2025

Households by AMI	<30% AMI	30-50% AMI	50-80% AMI	Cumulative Total
All Unincorporated	276	319	117	712

Source: SLCo Assessor (October 2019) and Esri estimates from ACS 2012-2016

Figure 12 shows the total projected housing needs for the Unincorporated County for 5 years.

2025 Affordable Housing Units Needed

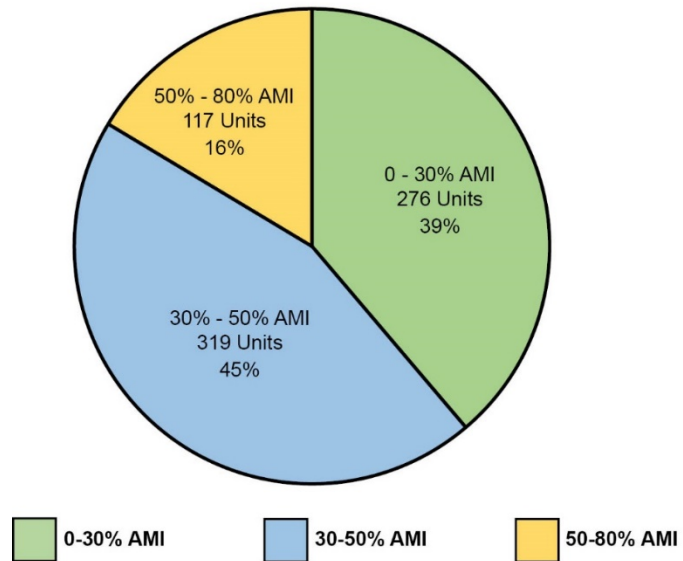


Figure 12 - 2025 Affordable Housing Unit Needs



Plan Strategies

3-A Requirements for Moderate Income Housing Plan

As previously mentioned, the Utah Code (law) requires counties to prepare a General Plan with three required elements which are: land use, transportation and moderate-income housing.

The Utah Code 17-27a-403 requires the MIH plan

(b) In drafting the moderate-income housing element, the planning commission:

(i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity for a variety of housing, including moderate income housing

(ii) shall include an analysis of how the county will provide a realistic opportunity for the development of moderate income housing within the planning horizon

As stated in the Utah Code the Moderate-Income Housing Plan shall require the County to “facilitate reasonable” opportunities for new housing to meet the needs of “various incomes”, which includes lower AMI groups. Local government provides little actual housing, but government does hold the land use authority to regulate zoning laws which affects housing types, densities and related impact fees. Other keys that local government holds includes transportation and infrastructure planning and construction, management of grants and funds, tax incentives, partnering with developers (both for profit and nonprofit) to build housing through a housing authority, and others.

The MIH requires that cities/counties use a minimum of three strategies from the menu listed in SB 34.



3-B Plan Strategies

The table below represents the 23 strategy options for improving the moderate-income housing options. SLCo is required to use at least three of the housing options. The options in red have been selected as strategies for the SLCo Moderate Income Housing plan.

Table 14. Options to Address Moderate Income Housing

S.B. 34 Strategies to Address Moderate Income Housing		
A. Rezone for densities necessary to assure the production of MIH	I. Allow for single room occupancy developments	Q. Apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity
B. Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of MIH	J. Implement zoning incentives for low to moderate income units in new developments	R. Apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services
C. Facilitate the rehabilitation of existing uninhabitable housing stock into MIH	K. Utilize strategies that preserve subsidized low to moderate income units on a long-term basis	S. Apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create MIH
D. Consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city	L. Preserve existing MIH	T. Apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create MIH
E. Create or allow for, and reduce regulations related to, accessory dwelling units in residential zones	M. Reduce impact fees, as defined in Section 11-36a-102, related to low and MIH	U. Apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance
F. Allow for higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers, or employment centers	N. Participate in a community land trust program for low or MIH	V. Utilize a MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency



G. Encourage higher density or moderate-income residential development near major transit investment corridors	O. Implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality	W. Any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income
H. Eliminate or reduce parking requirements for residential development where a resident is less likely to rely on their own vehicle, e.g. residential development near major transit investment corridors or senior living facilities	P. Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH	

Strategy E: Create or allow for, and reduce regulations related to, accessory dwelling units (ADU) in residential zones

Goal – Make ADUs a legal and useful technique for increasing housing options in Unincorporated SLCo. Currently there are no legal/conforming ADUs in unincorporated SLCo due to the land use/ordinances not allowed.

Actions

- Create and adopt ADU ordinances for the Unincorporated County to allow for ADUs, additions, and remodels. ADU ordinances would be customized for the different parts of Unincorporated SLCo. Regional Development would work with the Municipal Services District (MSD), Town of Brighton and both Planning Commissions (Mountainous/County) and County Council would adopt the ordinance.
- Track ADUs through permits or business licenses.
- Develop policies and processes for illegal/non-conforming ADUs to become legal and conforming.
- Salt Lake County Housing and Community Development (HCD) can assist with the costs of retrofitting an existing finished basement to a legal ADU with financial assistance based on the main household meeting eligible criteria or the tenant household of the ADU is the eligible occupant. Affordability standards will apply for a specified time period.
- It is feasible that 5% or more of homes could create legal ADUs which would result in approximately 200 units or more.
- This strategy is for all areas of unincorporated, however ADU ordinances should be customized for local needs and zones.



Strategy F: Allow for higher density or moderate-income residential development in commercial and mixed-use zones, commercial centers, or employment centers

Goal – Update the Planned Community (PC) zone to allow for and encourage mixed-use centers with higher densities to create walkable centers with all types of housing.

Actions

- Review the current PC zone and update it to plan for higher densities in mixed-use and walkable town centers. SLCo will work with the MSD in reviewing and updating the ordinance.
- Salt Lake County HCD provides gap financing on a competitive basis to housing developers generally who have been awarded Federal Housing Tax Credits to support housing projects below fifty percent of area median income. Affordability standards apply and run with the land.
- This strategy is specific for the west bench areas of SLCo.

Strategy I: Allow for single room occupancy developments

Goal – Encourage development of single room occupancy housing in the Wasatch Canyons at the ski resort bases specifically for workforce housing.

Actions

- Salt Lake County will work with the MSD, Town of Brighton, Forest Service and applicable to ski resorts to explore possibilities for single room occupancy developments. For existing housing consider retrofit options.
- As necessary update corresponding ordinances.
- This recommendation is specific for the Mountainous Planning District area.



Strategy J: Implement zoning incentives for low to moderate income units in new developments

Goal – Review and update the Planned Community (PC) zone to implement moderate incomes as part of the community.

Actions

- Require a specific percentage of new units in the PC zone to provide low AMI housing (0-80%).
- SLCo HCD can provide gap financing by incentivizing lending terms to meet lower AMI housing units.
- For the Canyons area (Mountainous Planning District) the County will explore working with ski resorts and the MSD to understand the feasibility of work force housing at the base of the ski resorts.
- For the west bench area SLCo will work with landowners and the MSD.

Strategy L: Preserve existing MIH

Goal – Preserve current MIH units

Actions

- Provide low cost financing for current MIH units
- SLCo HCD provides free whole house assessment of deficiencies which may exist in a housing unit which might have an impact on the health of a household member. From the assessment and input from the property owner, HCD will provides grants and loans as needed to fund the reduction and elimination of the deficiencies within a housing unit. Deficiencies may include lead-based paint hazards, radon gas hazards, trip and fall, energy efficiency and asthma triggers.
- This strategy is applicable to all of Salt Lake County and is currently being implemented.



Strategy P: Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH

Goal – Provide incentives to developers to construct MIH through tax incentives

Actions

- Reach out to developers to make them aware that the County provides incentivized terms for MIH developments in the Unincorporated County.
- Fund at least one project with a minimum of 40 units every two years
- Salt Lake County HCD provides gap financing on a competitive basis to housing developers generally who have been awarded Federal Housing Tax Credits to support housing projects below fifty percent of area median income. Affordability standards apply and run with the land.
- This strategy is applicable to all of Salt Lake County and is currently being implemented.



Appendices

Definitions:

Most of the following definitions were taken from the Housing Policy in Utah Guidebook from Utah League of Cities and Towns

Accessory Dwelling Unit (ADU): This is a term used to define small, self-contained residential units located on the same lot as an existing, single-family home. These can be attached or detached units. Common terms are granny units, lockouts, accessory apartments, mother-in-law apartments, or tiny homes. Zoning ordinances allow for these uses to be developed in one area of the city or citywide and can provide for a variety of units for a wide range of incomes.

Affordable Housing: Affordability can be understood as a relationship between a household's income and its housing costs. It means in general, housing for which the occupant(s) is/are paying no more than 30 percent of his or her income for gross housing costs, including utilities.

This is a term created by the federal government (Department of Housing and Urban Development, HUD) and is a definition that is intended solely as an approximate guideline. Some jurisdictions may define affordable housing based on other, locally determined criteria. Housing developments that use federal funds are targeted toward residents of a certain income bracket to receive funding. Units produced through these programs generally serve people at 95% or below of the region's Area Median Income (see AMI) depending on the region and the program. The federal government uses this percentage benchmark when awarding funds to states and in setting federal housing policies. HUD defines moderate income as income that does not exceed 95% of AMI, low income as income that does not exceed 80% of Area Median Income (AMI), very low income as income that does not exceed 50% of AMI, and extremely low income as income that does not exceed 30% of AMI.

Affordability Gap/Housing Gap: The affordability gap is the difference between the home price a household can afford and the current market price of a typical home for that household size. A deficit or shortage in affordable housing for a region is the difference between the number of affordable homes available and the number of homes needed to house all of a region's residents below a certain income. The housing gap refers to an insufficient supply for increased demand for all housing, not just affordable housing.

Affordable Housing Program (AHP): This term describes a federal competitive program of the Federal Home Loan Bank (FHL Banks) system that provides grants twice a year through financial institutions for investment in low- or moderate-income housing initiatives. This program is flexible, so that AHP funds can be used in combination with other programs and funding sources, thus promoting a project's feasibility.



Affordability Rent Formula: Affordable rents are calculated according to area median income. In addition to income limit tables, including 30%, 50%, and 80% of AMI, the formula includes the Fair Market Rent rate (FMR). The rate is determined by the Department of Housing and Urban Development (HUD) and are used in their programs when they award funds. Unless a municipality has a deed, restriction provision or owns the land and the development, then they do not get involved in setting rents at the market rates.

AMI: The Area Median Income (AMI) is the midpoint of a certain area's income distribution. Half of the families in a given area earn more than the median and half earn less.

Community Development Block Grant (CDBG): Housed within HUD, CDBG is a program that provides communities with resources to address a wide range of unique community needs. The CDBG program provides annual grants on a formula basis to cities of 50,000+ residents.

Deed-Restricted Housing: Deed restrictions are used by governments as a common way to secure long-term affordable housing. It is a mechanism to keep city-sponsored housing affordable by capping the amount that individuals can make when selling property. The deed restriction is recorded with the unit and can keep a unit affordable for a certain period of time. HB 259 in 2018 requires that the biennial Moderate-Income Housing reports include data about deed-restricted housing.

Density: Density is a number of units in a given land area (project area, subdivision, parcel). In mixed use projects, density is the number of housing units divided by the land area of the mixed-use development (that includes area used for non-residential uses such as office or retail space).

Fair Housing: The Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) protects people from discrimination when they are renting, buying, or securing financing for any housing. The prohibitions specifically cover discrimination because of race, color, national origin, religion, sex, disability, and children. In Utah, state law also recognizes source of income as a protected class.

Fair Market Rent (FMR): This is a rate of rent that is set by the Department of Housing and Urban Development (HUD) with a primary function to control costs. These rent rates are used in their programs when they award funds. Unless a municipality has rent control provisions or owns the land and the development, then they do not get involved in setting rents at the market level. Fair market rents vary by state and county. For FY 2018, the fair market rent for a two-bedroom unit in Salt Lake County is \$1,035, as compared to \$990 in FY 2017.



Group Housing: Group housing refers to when people live or stay in a group living arrangement, typically owned or managed by an entity or organization providing housing and/or social services for residents.

Homeless Shelters: Homeless shelters are temporary places of residence for families or individuals experiencing homelessness. They are typically intended to be used as short-term, emergency housing. In Utah, legislation defines homeless shelter as a facility that is located within a municipality, provides temporary shelter year-round to homeless individuals, and has the capacity to provide temporary shelter to at least 50 individuals per night.

Housing Cost Burden: This is a term or data point that communities can use to see the need in their area. 30% or more of a household's income is recommended to be spent on housing costs. When more than 50% of a household's income is spent on housing costs, it is considered a severe cost burden.

Housing - Severe Housing Cost Burden: This is a Federal term used to describe when more than 50% of a household's income is spent on housing costs. It is considered a severe cost burden on an individual or family and it is a real problem for livability.

Housing Choice Voucher (HCV): This is a term used by the Department of Housing and Urban Development's (HUD) largest program. HCV provides rental assistance to approximately 1.5 million low-income households.

Impact Fees: Impact fees are imposed by a local government. They are one-time charges on new development to help raise revenue for expansion of public infrastructure and facilities necessitated because of the development in order to maintain the existing level of public services in the community. For example, impact fees can cover the costs of water systems, water rights, wastewater systems, storm water control systems, roads, municipal power facilities, and public safety facilities. These fees are regulated by the Utah State Legislature and require local government to ensure their proper implementation with a detailed fee study. "Impact fee" does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.

Inclusionary Zoning (IZ): Also known as inclusionary housing, this type of zoning refers to municipal and county planning ordinances that require a given share of new construction to be affordable by people with income level set by the municipality. IZ policies require or encourage developers to set aside a certain percentage of housing units in a project for these targeted residents. Some inclusionary housing programs offer density bonuses or other incentives to offset the developer's project costs and compensate for providing affordable units.



Low Income Housing Tax Credit Program (LIHTC): The LIHTC program was created in the Federal Tax Reform Act of 1986. Developer-owners of LIHTC properties can claim credits against their federal income tax liability. It can be used as an incentive for developers to invest in affordable housing projects. There are also state run LIHTC programs and the concept is the same just run at the state not federal level. The Utah Housing Corporation (UHC) was created in 1975 by Utah legislation to serve a public purpose in creating an adequate supply of money with which mortgage loans at reasonable interest rates could be made to help provide affordable housing for low and moderate-income persons.

Market Rate Housing: This is housing offered by developers and owners at market prices, and there are no rent restrictions on the unit. This housing rents or sells at market rate and is developed and owned by for-profit individuals, partnerships or corporations. Most housing in Utah is privately developed.

Missing Middle Housing: “Missing middle” housing is a term used to describe small-scale, multi-unit or clustered housing units in livable, walkable, urban communities. It can include anything from duplexes, tri- and fourplexes, temporary shelter year-round to homeless individuals, and has the capacity to provide temporary shelter to at least 50 individuals per night.

Mixed Use Development: This type of development is characterized as pedestrian-friendly development that blends two or more residential, commercial, cultural, institutional, and/or industrial uses. A mixed-use development may include retail space on the bottom floor of a high rise, with offices and multi-family housing on the middle and top floors. Mixed use development can bring a number of benefits to a city, including minimized infrastructure costs, increased sales tax revenue, and increased property values.

Olene Walker Housing Loan Fund (OWHLF): Created in 1987 by the State of Utah, the OWHLF supports quality affordable housing options that meet the needs of Utah’s individuals and families. The fund partners with public and private organizations to develop housing that is affordable for moderate-income, low-income, and very low-income, and persons as defined by HUD.

Owner-occupied: A housing unit that is occupied by the owner of the unit.

Public Housing Authorities (PHA): A PHA is an agency of local governments that are authorized to own and operate affordable housing. Usually PHAs operate a conventional public housing program as well as a Housing Choice Voucher program.

Renter-occupied: A housing unit that is occupied by someone other than the owner of the unit.



State of Utah Land Use, Development, and Management Act (LUDMA): LUDMA authorizes and governs land use and zoning regulation by cities and counties (CLUDMA) and establishes mandatory requirements that local governments must follow. LUDMA establishes the legal framework for each locality to make zoning decisions, enact ordinances, and implement plans.

Unincorporated: Those regions of the County that are not incorporated (outside the limits of city boundaries) and does not include townships.

Workforce Housing: This is a variable term that describes the production of housing for which gross monthly costs target working class households. This target can vary based on communities but generally target residents earning anywhere between 60 percent and 120 percent of the area median income (**AMI**) and have at least one member of the household participating in the local labor force. Workforce housing enables people who are gainfully employed in lower-income service occupations to live and work in the same community. Many municipalities in areas of high-income disparity often subsidize workforce housing directly to attract and retain essential occupations, such as teachers, policemen, firemen and other local-level civil servants.

Additional Data:

Table 15. 2010 Occupied Housing Units by Race/Ethnicity/Age of Householder and Home Ownership

Occupied Housing Units by Race	Occupied Units	% Owner-Occupied	% Renter-Occupied
Total	3891	85.6%	14.4%
White Alone	3589	86.1%	13.9%
Black/African American	21	71.4%	28.6%
American Indian/Alaska	14	71.4%	28.6%
Asian Alone	99	88.9%	11.1%
Pacific Islander Alone	17	58.8%	41.2%
Other Race Alone	101	79.2%	20.8%
Two or More Races	50	74.0%	26.0%
Hispanic Origin	261	78.9%	21.1%

Source: Esri estimates from ACS 2012-2016



Table 16. 2010 Occupied Housing Units by Age of Householder and Home Ownership

Occupied Housing Units by Age	Occupied Units	% Owner-Occupied	% Renter-Occupied
15-24	79	41.8%	58.2%
25-34	719	74.3%	25.7%
35-44	786	84.9%	15.1%
45-54	798	88.7%	11.3%
55-64	738	93.4%	6.6%
65+	771	90.5%	9.5%

Source: Esri estimates from ACS 2012-2016

Table 17. Number of Households by Targeted Income Group

	<30% \$22,350	30-50% \$37,250	50-80% \$59,550	80-100% \$74,440	100% +	Median HH Income
All Unincorporated	232 5.6%	289 7.0%	603 14.6%	428 10.4%	2572 62.4%	\$89,704

Source: Esri estimates from ACS 2012-2016

Table 18. Housing Units by Year Built

Year Built	Units	%
2010+	83	1.7%
2000 to 2009	1181	24.3%
1990 to 1999	467	9.6%
1980 to 1989	280	5.8%
1970 to 1979	1611	33.2%
1960 to 1969	605	12.5%
1950 to 1959	386	8.0%
1940 to 1949	104	2.1%
Pre 1940	136	2.8%

Source: SLCo Assessor (06/2019)



Apartments in Unincorporated: Villages at Wolf Hollow (Condos ~30 units), Country Club Mobile Home Estates MH Community (323 units), Havenwood at Holladay (Townhomes ~78 units), Olympus Vista (10 units), The Pointe at Oquirrh Highlands (Townhomes ~140 units), The Lodge (45 and 80 Condo units)