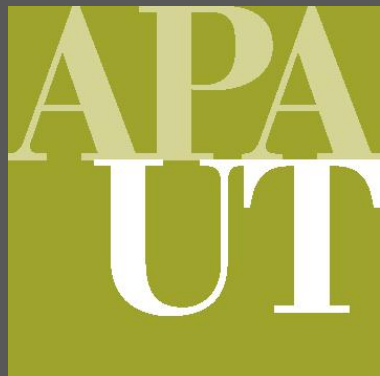


# Cooling Off: Making Sense of the 2021 Legislative Session

March 24, 2021



#CITIESWORK



UTAH LEAGUE OF  
CITIES AND TOWNS

# Your Guides

- Wilf Sommerkorn – American Planning Association, Utah Chapter Legislative Committee Co-chair
- Angela Price – American Planning Association, Utah Chapter Legislative Committee Co-chair
- Victoria Ashby – Utah League of Cities and Towns, Government Operations Director
- Meg Ryan – Utah League Of Cities And Towns, Senior Land Use Manager

# Hot Takes

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## HB 82

### Single-family Housing Modifications

- ADU's
- Effective October 1, 2021

## HB 98

### Local Government Building Regulation Amendments

- Design review and building inspection
- Effective May 5, 2021

## HB 409

### Municipal and County Land Use Development Revisions

- Land use actions
- Effective May 5, 2021



# HB 82 Single-family Housing Modifications

Rep. Ray Ward

- Defines Internal Accessory Dwelling Units (IADU) in LUDMA.
- Strikes “unrelated” in single-family unit definition.
- Outlines ‘permitted use’ requirements and provides for some design regulation.
- Allows recording of a notice of present condition on the title of IADU on property, which then allows prohibition for short-term rental.
- Sets process for notice(s) of violation, includes an appeals process.
- Building code changes.
- Establishes an IADU loan program.

# HB 82 Single-family Housing Modifications

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## ➤ Required

- IADU's permitted use in primarily residential zones.
- Prohibits minimum size, lot area, frontage requirements.
- HOAs cannot prohibit IADU's.

## ➤ Optional

- 25% of residential zones.
- 67% residential zones for college towns.
- May prohibit on lots under 6,000 sf.
- Allows imposition of some design standards (handout).
- Short term rental prohibition if property is recorded.
- Can require a business license.

# HB 82 Single-family Housing Modifications

- **Effective Date: October 1, 2021 for IADU update. May 5, 2021 for single-family definition change.**
- **Affects: All cities and towns**
- **Action: Legislative and Administrative**

## Legislative

- **Adopt or update IADU ordinance to ensure IADU compliance with new regulations by October 1.**
- **Designate IADU's as a permitted use primarily residential zones. Exceptions 25% or 67% for college towns.**
- **If a municipality does not adopt the percentage requirements by October 1, IADU's will be a permitted use in all residential zones.**
- **A municipality may elect to adopt the percentage requirements after the effective date.**
- **Update short term rental and code enforcement ordinance.**

## Administrative

- **Review new building codes changes with your Building Department.**

# HB 98 Local Government Building Regulations

Rep. Paul Ray

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## ➤ Plan Review

- Building review timelines remain the same.
  - Single family, duplex and townhome is 14 days after a complete application is submitted.
  - Business days, not calendar days.
- City may not enforce plan review requirement if the municipality:
  - Fails to meet the first 14-day deadline;
  - An applicant makes the request to finish the review;
  - City fails to meet the second 14-day deadline triggered by the request, and
  - A licensed architect or structural engineer has stamped the plan.
- Plan resubmission allowed if there is a third-party review and deficiencies are identified in geotechnical or geological reports.





# HB 98 Local Government Building Regulations

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- Changes rules for building inspections.
  - If three-day inspection deadline is not met a builder may hire their own DOPL licensed plans examiner/inspector.
  - Third party inspector may issue a Certificate of Occupancy.



# HB 98 Local Government Building Regulations

## ➤ Complete Application

- Details “complete application” for building permits. This is not the same as a complete application in LUDMA.
  - Elevations only if new construction.
  - Defensible space if required by Utah Wildland Urban Interface Code.
  - Statement verifying application is complete.
  - No permits required to repair damage from a natural disaster.
  - DOPL is required to specify the liability insurance requirements for the licensed building inspectors hired by the permit applicant.



# HB 98 Local Government Building Regulations

## ➤ Design Requirements

- Adds prohibition of building design regulation elements in LUDMA for single family, duplex and townhomes with the following exceptions:
  - Historic districts established before Jan. 1, 2021 and structures in the State and National Register.
  - Floodplain requirements set by FEMA.
  - State Wildland Urban Interface requirements (15A-2-103).
  - Development agreements with design standards.
  - Residential areas developed before 1950.
  - Water efficient landscaping requirements in rear yards.
  - An ordinance that identifies defective cladding materials.
  - Planned Unit Development plat or overlay zone granted for increased density or other benefit not available under the zone.
- Removes residential design elements as a menu option for Moderate-Income Housing plan strategies from SB 34.

# HB 98 Local Government Building Regulations

- **Effective Date: May 5, 2021**
- **Affects: All cities and towns**
- **Action: Legislative and Administrative**

## Legislative

- **Revise Moderate-Income Housing Plan (MIHP) if you selected the design reduction menu item.**
- **Review zoning and subdivision design standard regulations to ensure compliance with single family, duplex, and townhome exclusions. Modify ordinances accordingly.**

## Administrative

- **Review inspection deadline requirements with Building Departments.**
- **Ensure application form complies.**

# HB 409 Municipal and County Land Use Development Revisions

Rep. Steve Waldrip

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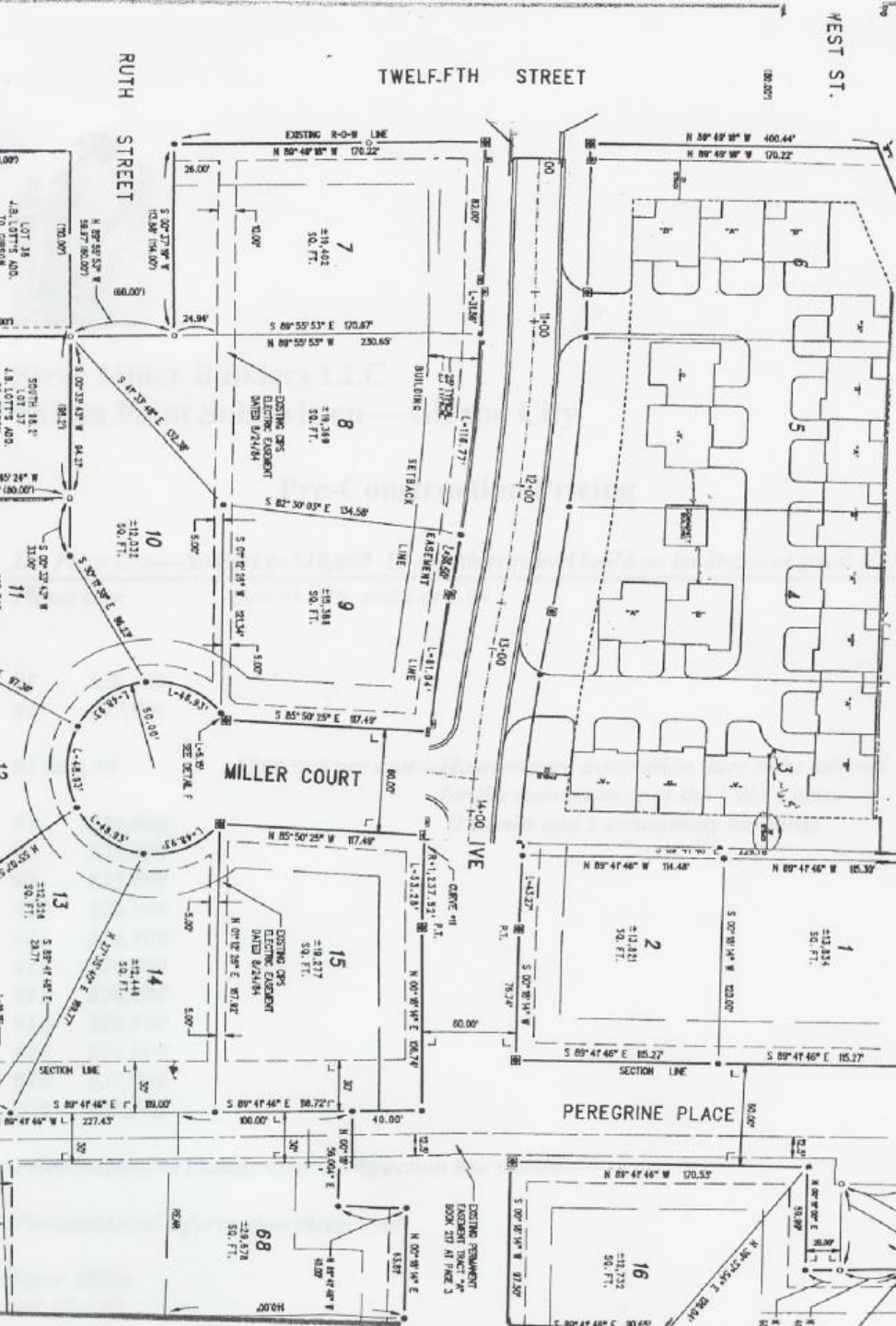
- Planning Commission four-hour annual training requirement.
- Development Agreement provisions added to LUDMA.
- Defines “substantial evidence,” standard for land use decisions.
- Standards for Conditional Use permits must be “objective.”
- Subdivision and lot line adjustment changes.
- Clarifies that enactment of a legislative land use law appeal is not subject to an appeal authority.
- Adds new section to LUDMA on infrastructure improvements involving roadways.

# HB 409 Municipal and County Land Use Development Revisions

## ➤ Planning Commission Training

- Requires certain Planning Commissioners to receive 4 hours land use training annually. 82 cities only.
  - 1 hour must be on general powers and duties of LUDMA.
  - 1 hour can be met by attending 12 PC meetings in calendar year.
  - Other categories of land use training suggested.
  - Can be met by conferences, seminars, or in-house training.





# HB 409 Municipal and County Land Use Development Revisions

- Subdivisions and Parcel/Lot Line Adjustments
  - Creates new definitions for lot line adjustment, parcel, parcel boundary adjustment, plat, and boundary line agreement.
  - Parcel boundary adjustment is not subject to land use review unless they meet certain criteria.
  - Allows a land use application to be withheld if the boundary adjustment does not comply with land use regulations.
  - Prohibits approval of a subdivision that does not identify and preserve culinary water and sanitary sewer easements.
  - Upon recording of a subdivision plat no new land use can be applied to a building permit application in that subdivision for 10 years.

# HB 409 Municipal and County Land Use Development Revisions

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## ➤ Development Agreements

- Defines development agreements.
- If the agreement contains a term that conflicts with the land use regulations a legislative process including a public hearing is required.
- If the agreement requires implementation of an existing land use regulation it is an administrative act.
- Development agreement may not be required as the only option to develop land.



# HB 409 Municipal and County Land Use Development Revisions

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## ➤ Roadway Improvements

- Adds a new section to LUDMA (10-9a-531).
- Roadway width on residential streets in low-impact development may not exceed 35’.
- Requirement to establish infrastructure improvement standards for fire department vehicle access and turnaround on roadways.



# HB 409 Municipal and County Land Use Development Revisions

- **Effective Date: May 5, 2021**
- **Affects: All cities and towns**
- **Action: Legislative and Administrative**

## Legislative

- **Update subdivision code and definitions.**
- **Review and update conditional use standards to ensure objectivity.**
- **Ensure Development Agreement requirements align with new statute.**

## Administrative

- **Work with respective divisions to ensure compliance with new standards.**

# HB 107 Subdivision Plat Amendments

- Plats to show facilities and easements for water conveyance.
- Revises 20-day notification and waiting periods, includes facilities within 100 feet of plat.



60 Legal Notices

office of the clerk of the Superior court of Guilford county in the courthouse in Greensboro, N. C., on the 15th day of September, 1932, and answer or demur to the complaint in said action or the plaintiff will apply to the court for the relief demanded in said complaint.

C. S. LAMBETH,

Assistant Clerk of Superior Court of Guilford County.  
This the 15th day of August, 1932.

NOTICE OF SERVICE OF SUMMONS. NORTH CAROLINA. GUILFORD COUNTY.

—In the Superior Court, City of Greensboro

The defendant, [redacted] will take notice that an action entitled as above has been commenced in the Superior court of Guilford county, North Carolina, to foreclose a delinquent tax sale certificate for city of Greensboro, N. C., for the year 1929, and the said defendant will further take notice that she is required to appear at the office of the clerk of the Superior court of Guilford county in the courthouse in Greensboro, N. C., on the 15th day of September, 1932, and answer or demur to the complaint in said action or the plaintiff will apply to the court for the relief demanded in said complaint.

C. S. LAMBETH,  
Assistant Clerk of Superior Court of Guilford County.  
This the 15th day of August, 1932.

NOTICE OF SERVICE OF SUMMONS. NORTH CAROLINA. GUILFORD COUNTY.

—In the Superior Court, City of Greensboro

John Caldwell Heirs, Mrs. Will Tinney. The defendants, John Caldwell Heirs and Mrs. Will Tinney, will take notice that an action, entitled as above has been commenced in the Superior court of Guilford county, North Carolina, to foreclose a delinquent tax sale certificate for city of Greensboro, N. C., for the year 1929, and he said defendants will further take notice that they are required to appear at the office of the clerk of the Superior court of Guilford county in the courthouse in Greensboro, N. C., on the 15th day of September, 1932, and answer or demur to the complaint in said action or the plaintiff will apply to the court for the relief demanded in said complaint.

60 Legal Notices

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C. S. LAMBETH,

Assistant Clerk of Superior Court of Guilford County.  
This the 15th day of August, 1932.

NOTICE OF SERVICE OF SUMMONS. NORTH CAROLINA. GUILFORD COUNTY.

—In the Superior Court, City of Greensboro

L. [redacted] and wife, Eula B. Alford vs. Central Trust Company. The defendant, Central Trust Company, will take notice that an action entitled as above has been commenced in the Superior court of Guilford county, North Carolina, to foreclose a delinquent tax sale certificate for city of Greensboro, N. C., for the year 1929, and the said defendant will further take notice that he is required to appear at the office of the clerk of the Superior court of Guilford county in the courthouse in Greensboro, N. C., on the 15th day of September, 1932, and answer or demur to the complaint in said action or the plaintiff will apply to the court for the relief demanded in said complaint.

C. S. LAMBETH,

Assistant Clerk of Superior Court of Guilford County.  
This the 15th day of August, 1932.

NOTICE OF SERVICE OF SUMMONS. NORTH CAROLINA. GUILFORD COUNTY.

—In the Superior Court, City of Greensboro

Mandy Whitsett Estate. The defendant, Administrator Mandy Whitsett Estate, will take notice that an action entitled as above has been commenced in the Superior court of Guilford county, North Carolina, to foreclose a delinquent tax sale certificate for city of Greensboro, N. C., for the year 1929, and the said defendant will further take notice that he is required to appear at the office of the clerk of the Superior court of Guilford county in the courthouse in Greensboro, N. C., on the 15th day of September, 1932, and answer or demur to the complaint in said action or the plaintiff will apply to the court for the relief demanded in said complaint.

# SB 201 Public Notice Amendments

- Eliminates requirement to publish newspaper notice for General Plan and land use law adoption or amendments.

# HB 171 Agricultural Land Use Regulation

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- Prohibits regulation of crop type for agricultural zoned land and cannot stipulate in development agreement.
- Cannot regulate licensed industrial hemp producers.



# HB 23 Voter Referendum Amendments

- Clarifies that land use law includes rezone of individual properties.
- Stipulates that local law does not include a land use decision.

# HB 63 Impact Fee Amendments

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- Clarifies that overhead study costs can be included in determination of impact fees.



# LUDMA Bills Passed

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- HB 256 County Land Use and Development Amendments
- SB 130 Regulation of Concentrated Animal Feeding Operations
- SB 240 County Recreational Area Amendments



# Planning Bills Passed

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- SB 164 Utah Housing Affordability Amendment
- HB 28 Land Use and Eminent Domain Advisory Board Amendments
- HB 52 Point of the Mountain Development Commission Act Modifications
- HB 151 State Infrastructure Bank Amendments
- HB 297 Colorado River Amendments
- HB 433 Amendments Related to Infrastructure Funding
- SB 65 Community Reinvestment Agency Amendments
- SB 113 Transportation Amendments
- SB 194 Utah Main Street Program



# Interim Issues

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- Billboards
- Utah Lake Authority
- Fees
- Short term rentals
- Inclusionary zoning
- Public Improvement Districts



ulct.org

A poster for two events presented by APAUT and ULCT. The background is a green field with a white diagonal line. The top left section is green with white text: "APAUT &amp; ULCT PRESENT: IN-PERSON WHAT YOU NEED TO DO DEEP DIVE". Below this is a description: "This in-person workshop will delve deep into what new legislation means for municipalities and the next steps to bring your community into compliance." and the details: "Thursday, May 13, 1-5 PM 795 South Main Street Bountiful, Utah 84010 4 LAW CM". The bottom left corner has the ULCT logo and "UTAH LEAGUE OF CITIES AND TOWNS". The top right section is white with green text: "APAUT IN-PERSON TELL YOUR STORY". Below this is a description: "Join us for an interactive forum on telling the story of 'how cities work' from the local and regional planning perspective." and the details: "Friday, May 14, 9 AM -Noon 795 South Main Street Bountiful, Utah 84010 3CM".

apautah.org

# More Training to Come...

# Contact Information



#CITIESWORK

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CT** UTAH LEAGUE OF  
CITIES AND TOWNS

- American Planning Association Utah Chapter Legislative Committee
  - Wilf Sommerkorn - [wilfsommerkorn@live.com](mailto:wilfsommerkorn@live.com)
  - Angela Price – [angela.price@slcgov.com](mailto:angela.price@slcgov.com)
  - [www.apautah.org](http://www.apautah.org)
- Utah League of Cities and Towns
  - Meg Ryan - [mryan@ulct.org](mailto:mryan@ulct.org)
  - Victoria Ashby - [vashby@ulct.org](mailto:vashby@ulct.org)
  - [www.ulct.org](http://www.ulct.org)