

2022 Legislative Land Use Update



#CITIESWORK



UTAH LEAGUE OF
CITIES AND TOWNS

The Year of The Plan





Hot Takes

HB 462 UTAH HOUSING AFFORDABILITY AMENDMENTS

OCTOBER 1, 2022 NEW "MENU" ITEMS AND IMPLEMENTATION SCHEDULE TO DWS.

"SAP" REQUIREMENT BY 2023.

HB 303 LOCAL LAND USE AMENDMENTS

NEW SUBDIVISION & TEXT AMENDMENT NOTICING.

SB 110 WATER AS PART OF THE GENERAL PLAN

GENERAL PLAN UPDATES BY 2025.

HB 282 WATER WISE LANDSCAPING

CAN'T PROHIBIT WATER WISE LANDSCAPING.

GENERAL PLANS

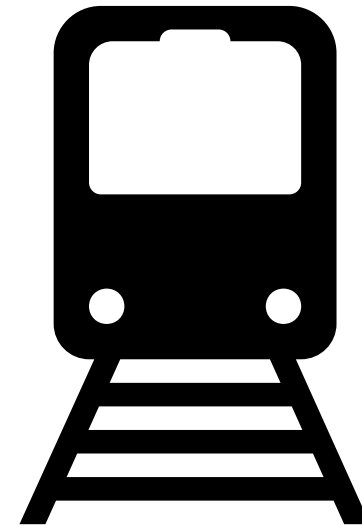
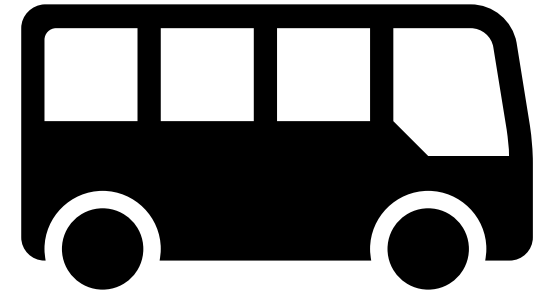
HB462 Utah Housing Affordability Amendments



- ▶ Moderate Income Housing Plan (MIHP) element updates by Oct. 1, 2022.
- ▶ MIHP report changes (Section 408).
- ▶ Prohibits impact fees for IADUs in existing dwellings.
- ▶ Must provide ADU permit number in report.
- ▶ DWS to monitor implementation of MIHP & provide technical assistance.
- ▶ County provision to do an HTRZ in menu item.

HB462 Utah Housing Affordability Amendments

- ▶ Cities with fixed guideway are required to plan ½ mile around a rail station, and ¼ mile around Bus Rapid Transit BRT
- ▶ If a city has a fixed-guideway public transit station (rail or BRT), it is required to develop a Station Area Plan (SAP) for that station and update its general plan and zoning to implement the Station Area Plan.
- ▶ Station area plans are intended to promote shared objectives such as housing availability and affordability, access to opportunities, sustainable environmental conditions, and transportation choices and connections.
- ▶ Plans are reviewed by the relevant Metropolitan Planning Organization (MPO) and are incorporated into the MIHP review architecture. Station area plans shall include the following:
 - ▶ Station Area Vision
 - ▶ Station Area Map
 - ▶ 5-Year Implementation plan
 - ▶ Statement of how Plan Promotes SAP objectives
 - ▶ Referenda for Station Area Plans modified.



HB462 Utah Housing Affordability Amendments

- Effective Date: MIHP May 5, 2022. Implementation Date by 2025 for MIHP
- Effective Date: SAP June 1, 2022. May & June Technical assistance available. 2 plans per year to be done within 12 months window. All SAP's done by 2025.
- Affects: MIHP :Cities of a certain size. Towns exempt but encouraged. SAP applies to cities with fixed rail only
- Action: Legislative and Administrative

➤ Legislative

- Adopt or update MIHP to add an implementation timeline and submit to DWS October 1. Reporting tied to municipal fiscal year.
- Adopt or modify Station Area Plan if required. Attend April 14th ULCT/WFRC session on this topic.
- Update any impact fee statutes to repeal any impact fees for IADU's.

➤ Administrative

- Track permits for any ADU or IADU in municipality.

***Two Deep Dive Session on this bill will happen on April 13 and 14th – See ULCT.org for details**

SB110 Water as Part of General Plan



- Water use and preservation element required by Dec. 31, 2025.
- 5th class municipalities and towns exempt.
- \$300,000 for technical assistance from the Division of Water Resources.

SB110 Water as Part of General Plan

- Effective Date: May 5, 2022. Implementation Date by 2025
 - Affects: All Cities 1st – 4th class. 5th class cities and towns exempt but encouraged
 - Action: Legislative and Administrative
- Legislative
 - Adopt or update the general plan to add a water and preservation element by 2025.
 - Administrative
 - Contact DWR for assistance and local water district for help in thinking through the best strategy for your community.



HB429 Great Salt Lake Amendments

- Division of Water resources to conduct a watershed assessment plan
- Will look at water needs for agriculture, anticipated growth and economic development
- \$5 million allocated to be completed by 11/2026

No action required by Municipalities

HB232 Utah Lake Authority

- ▶ Creates a unit of government that:
- ▶ Covers area of mean high-water level.
- ▶ Receives sales tax revenue.
- ▶ Prepares management plan, in consultation with adjacent political subdivisions by 4/2023.
- ▶ Has land use authority over area.
- ▶ Mission is to: encourage, facilitate, and implement the management of Utah Lake.

The Authority board will include representatives from local government. The initial members must be from the following cities: Lehi, Lindon, Spanish Fork, Provo, Orem, Vineyard, and Saratoga Springs. Subsequent board members shall be appointed by the Utah County COG. At least four members of the Board must be designated by municipalities immediately adjacent to the lake.



HB 232 Utah Lake Authority

- Effective Date: May 5, 2022
- Affects: All political subdivisions in area of mean high water mark.
- Action: Administrative
 - Administrative
 - Monitor progress until entity is established with the Utah County COG for Commission appointments.

HB303 Local Land Use Amendments

- ▶ Limits Standing for annexation challenge.
- ▶ Mailed notice and public hearing for proposed disconnection.
- ▶ Enforcement no longer defined as Land Use decision (for cities only).
- ▶ Land Use Regulation text amendment notices required.
- ▶ Non-conforming status proof by “substantial evidence” which is not limited to city records.
- ▶ Limited “inclusionary zoning”, by incentives or agreement only.
- ▶ Eliminates 10-year standards from last year’s bill.
- ▶ Notices for changes to improvement standards in subdivisions.
- ▶ Option to exclude combining lots from subdivision amendment.

HB303 Local Land Use Amendments

- ▶ Surveyor plat certification required.
- ▶ Approval of condominium plats required under state law provision unless you have local condominium ordinance.
- ▶ Courts to uphold Land Use decisions “unless conflicts with authority” of LUDMA.
- ▶ Boundary line agreements Title 57-1-45. City may withhold approval of a land use application for property that is subject to a boundary line agreement if the City determines that the land, as established by the boundary line agreement, was not in compliance with the municipality's or the county's land use regulations in effect on the day on which the boundary line agreement was recorded.

HB 303 Local Land Use Amendments

- Effective Date: May 5, 2022
- Affects: All Cities and Towns
- Action: Legislative and Administrative

- Legislative

- Modify any terms and/or provisions for noticing and nonconforming uses evidence section that may need code changes.

- Administrative

- Review notice and mailing provisions for subdivisions and text amendments and make any necessary legislative code amendments.
- Review Inclusionary zoning provisions for compliance in any projects.



HB282 Water Wise Landscaping Amendments

- New section in LUDMA 10-9a-535.
- Cannot prohibit “water-wise landscaping,” defined.
- Cannot require turf or lawn in areas narrower than 8 ft.

HB 282 Water Wise Landscaping Amendments

- Effective Date: May 5, 2022
- Affects: All Cities and Towns
- Action: Legislative and Administrative
 - Legislative
 - Amend any ordinances that may be contrary to the terms in this bill and areas less than 8' in width.
 - Administrative
 - Review landscape ordinances in general especially in relation to SB 110 General Plan requirement.



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HB118 Wetlands Amendments

- Copy of any land use permit affecting designated wetlands to be submitted to Utah Geologic Survey.



SB140 HTRZ Amendments

- Expands HTRZ (Bill SB 217 2021) to light rail transit and bus rapid transit stations and up to 8 stations per year
- Reduces tax increment provisions
- Study required for HTRZ proposal, to include parking analysis
- Area must be zoned prior to approval of zone

***A Deep Dive Session on this bill will happen on April 6 Zoom and in person – See ULCT.org for details**



HB35 Economic Development Modifications

- Sets GoEo (Governor's Office of Economic Opportunity) rules on creation of Economic Development zone at local level in industrial and commercial zones.
- To receive State incentives, adopt a long-term plan to address:
 - transportation & infrastructure,
 - workforce development, and
 - housing needs.

*A Deep Dive Session on this bill will happen on April 6
Zoom and in person – See ULCT.org for details



HB151 Retail Facility Incentive Payments Amendments

- Prohibits a public entity from making, or entering into an agreement to make, certain incentive payments related to retail facilities after a specified date with some exceptions.
- Allows for incentives if at least 10% of project has moderate income housing component.
- Requires a public entity that makes certain payments related to retail facilities during a fiscal year to submit a report or notification to GoEo.
- Requires the office to review a public entity's report to determine whether certain incentive payments comply with the law.

HB146 Local Licensing Amendments

Food Trucks:

- Adds ice cream trucks and food carts.
- Only one business license is required from a political subdivision.
- Cannot regulate size.
- Cannot require showing of compliance with Land Use regulations.
- Land Use regulations can regulate where & how.

ATV's:

- Political subdivisions may not require any additional inspection, registration, or license plate requirements for businesses that own or rent street-legal ATVS.
- Limits noise regulations that can be adopted

An aerial photograph of a city built on a lakebed. The city features numerous white, cylindrical buildings of varying heights, interspersed with green spaces and winding roads. The surrounding water is a vibrant turquoise color, and the background shows a range of green, mountainous hills under a clear sky. A large, dark, semi-transparent rectangular box is overlaid on the right side of the image, containing text.

HB240 Utah Lake Amendments

- Defines process before any lakebed lands can be transferred to private ownership.



HB440 Homeless Services Amendments

- Prohibits local governments from imposing capacity limits on seasonal overflow shelters in SLCO.
- Increases the amount of funding in the Homeless Mitigation Fund with an ongoing \$5m in state funding.
- Creates a data-driven allocation of the mitigation fund.
- Creates a winter overflow shelter procedure in Salt Lake County.

Other Bills Passed

- HB305 – Natural Resources Revisions
- HB322 – Public Transit Capital Development Modification
- HB409 – Recreation Infrastructure Amendments
- HB410 – Great Salt Lake Amendments
- HB438 – Point of the Mountain State Land Authority Amd.
- HB443 – Utah Inland Port Authority Amendments
- SB232 – MIDA Revisions

Bills NOT Passed

- HB85 – Eminent Domain Amendments (Parks)**
- HB95 – Landscaping Requirements**
- HB128 – Education Impact Fee Amendments**
- HB135 – Open and Public Meeting Modifications**
- HB164 – Public Transit Fares**
- HB235 – Large Concentrated Animal Feeding Ops**
- HB288 – New Growth Amendments**
- HB327 – Short-Term Property Rental Amendments**
- HB407 – Short-Term Rental Enforcement Amendments**
- HB416 – Property Rights Ombudsman Amendments**
- HB435 – Mining Regulation Amendments**
- HB445 – Homeowner Association Amendments**
- HB474 – Municipal and County LUDMA Revisions**
- HB476 – Local Agricultural Amendments**
- SB225 – Farmland Assessment Act Amendments**

Interim Issues



- DWS to submit methodology on MIH measures to CHA by 12/31/22
- Engineering Standards. Can and should there be uniform ones?
- Annexation
- Billboards
- Gravel pits
- Short term rentals
- Stormwater enforcement

Planning Money

- Technical Planning Assistance UDOT \$600K.
- Water Element Tech Assistance DWR \$300K.
- Planning Tech Assistance AOG's \$1.05M.
- "Statewide Conversation About Growth" GOPB \$1M.
- Regional workshops on land use policies \$250K.
- Efforts to increase housing affordability through local zoning and housing regulatory reform \$250K.
- DWS money to create a housing database \$500k.



Thank You , Stay Well , **More to Come**

Contact Information



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#CITIESWORK

ULCT UTAH LEAGUE OF
CITIES AND TOWNS

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**Land Use Update Round 2
March 31, 2022 @ Utah Local
Governments Trust and Zoom
11:30- 1:00 pm**