

#CITIESWORK



UTAH LEAGUE OF
CITIES AND TOWNS

Legislative Policy Committee

February 1, 2021

Ya-hoo, it's February!!!



Agenda

Minutes

Session Engagement

Legislation

- Land Use
- Public Safety/Law Enforcement
- Revenues
- Other Priorities
- Bills from LPC members

Ratify staff recommendations



Session Engagement

Daily Email vs. Action Alert



Legislative Daily Recap Jan. 28, 2021

Utah League of Cities and Towns sent this bulletin at 01/28/2021 06:25 PM MST

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Legislative Daily Recap
for January 28, 2021



ULCT Action Alert: HB 82

Utah League of Cities and Towns sent this bulletin at 01/28/2021 06:23 PM MST

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Legislative Action Alert

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LPC Voting

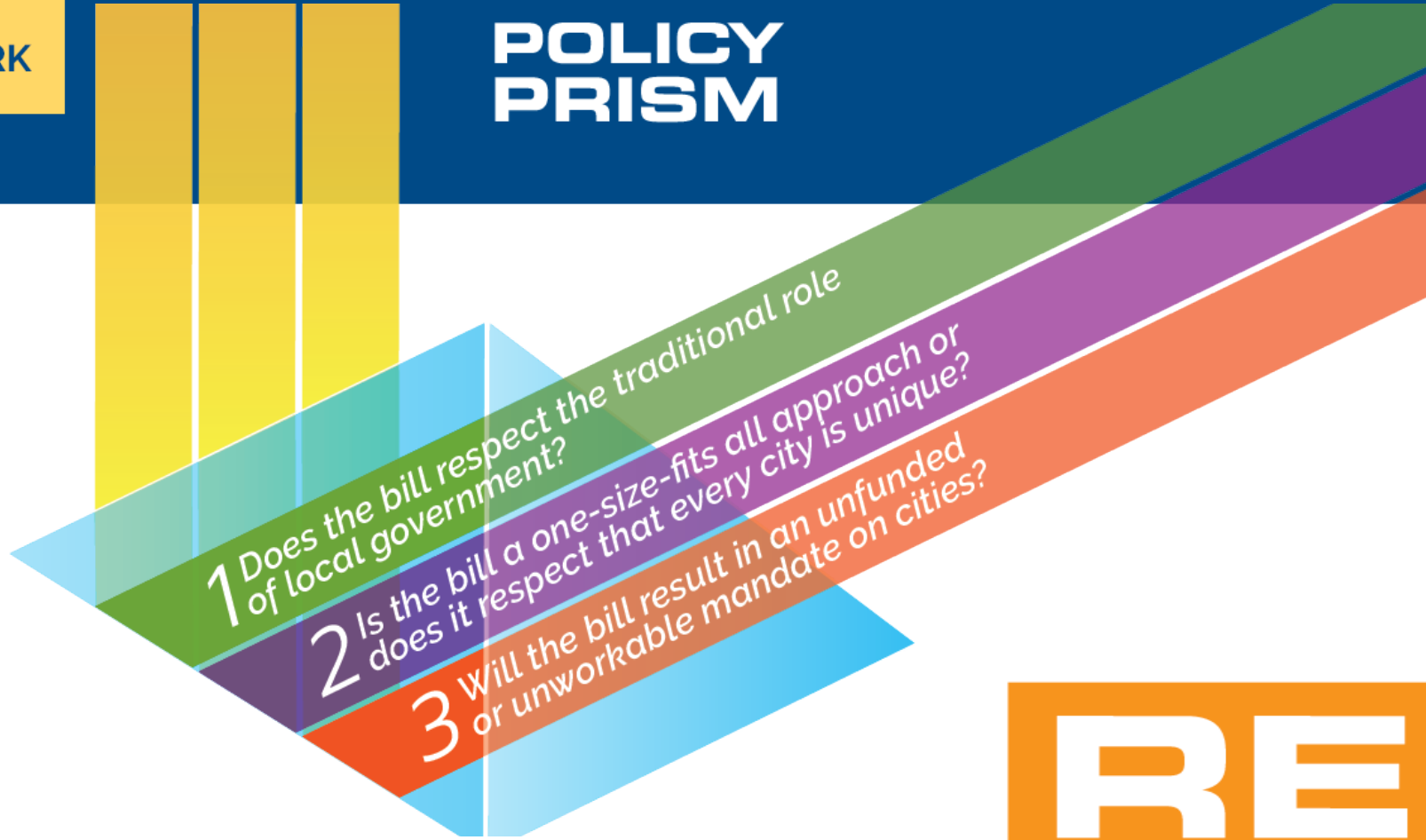
- LPC Voting members only
- <https://www.vvoter.com/connect/351199652>



Legislative Outlook

#CITIESWORK

POLICY PRISM



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Endorsement of infrastructure investment (2 letters)

Principles:

- 1) Invest in infrastructure
- 2) Support multi-modal options
- 3) Utilize prioritization process
- 4) Be fiscally prudent

Action: Please share above principles with your legislators!

Action: Sign the active transportation letter.



January 27, 2021

Joint Letter of Support and Principles for State Infrastructure Investment



Land Use

League Army showed up in force on HB 82.
Thanks to ALL who reached out to legislators & testified.
Keep it going!



Tip: Write your city and position in email subject lines to get legislators' attention.

HB 273 Single-family Housing Amendments

- Rep. Peterson
- Internal ADU are a permitted use
- Municipality may not establish any restrictions or requirements on an internal ADU, including:
 - Size of an internal ADU
 - Total lot size
 - Parking
 - Street frontage
- A municipality that imposes an impact fee on the owner of a SF dwelling may not impose a separate or additional impact fee for the internal ADU.

Staff recommendation: Oppose

Both Ward's & Dunnigan's would allow owner occupied internal ADUs in **ALL SF zones**, but:

Ward 1st sub

City may not regulate:

- size of an internal ADU
- Frontage
- Size of lot

- One internal ADU within footprint of home
- City may require 1 additional parking spot

Dunnigan 2nd sub

A municipality may:

- Require that internal ADU be designed to not change dwelling appearance as SF dwelling
- Limit the number of internal ADU to no more than one w/in dwelling
- Require internal ADU entrances to be located on the side or rear
- Limit an internal ADU to no more than two bedrooms
- Prohibit the assignment of a separate mailing address to the internal ADU
- Require one additional on-site parking spot
- Prohibit an internal ADU in a manufactured home
- Require the primary dwelling owner to obtain rental license

Objectives on housing policy

House leadership, business groups:

- 1) Increase supply (i.e. # of internal ADUs)
- 2) Minimum standards across cities
- 3) Reduce “unnecessary” city regulations/fees
- 4) Recourse for property owners dealing with “bad actor cities”
- 5) Invest state \$ in infrastructure (i.e. transportation, transit, broadband, outdoor rec) & economic development that impacts housing

ULCT: (per 2018 resolution & LPC votes)

- 1) Increase housing supply, but cities have no keys over market forces
- 2) Preserve local legislative authority to plan your community
- 3) Preserve local regulation for the health, safety, & welfare of your residents
- 4) Preserve local revenues that fund services & infrastructure
- 5) Partner with state on infrastructure & planning (see joint letter)

ULCT negotiators

- Ogden Mayor and ULCT President Mike Caldwell
 - College town, historic districts, redevelopment, large city caucus
- Bountiful Council Member Kate Bradshaw
 - Established midsize city caucus
- Draper Mayor Troy Walker
 - Rapid growth caucus
- Provo Council Member Shannon Ellsworth
 - College town, historic districts, redevelopment, large city caucus; rural planner
- Moab Mayor Emily Niehaus
 - Rural hub/gateway caucus; housing developer
- ULCT Officers
- ULCT senior staff and senior staff from Taylorsville & St. George
- **Staff recommendation: authorize negotiating team to try to meet objectives**

HB 98 Local Government Building Regulation Amendments

- Rep. Ray
 1. Allows applicants to opt-out of an inspection and engage their own licensed building inspector
 - Applicant must provide name and address of the licensed building inspector
 - Building inspector may issue certificate of occupancy
 2. Allows applicants to opt out of a plan review and engage a licensed building inspector to review the plan
 3. Prohibits municipality from adopting building design elements (exterior materials, roof structure, location/design of windows or doors, interior layout, min. square footage, landscaping, min. dimensions)
- **House leadership has heard from ULCT & other stakeholders; recognizes that HB 98 will not pass**
- **Leadership has asked ULCT to engage on two issues within HB 98:**
 - **Recourse for applicants when cities fail to meet review and inspection deadlines**
 - **Some design elements**
- **Position: Oppose as drafted; staff recommendation to engage on the two highlighted issues**

SB 61 Outdoor Advertising Amend. (Sen. Sandall)

1. **Prohibits a municipality from enacting or enforcing an ordinance that prevents conforming and non-conforming signs from upgrading to an electronic/mechanical changeable sign.**
2. City may not require a sign owner who converts a sign to forfeit another sign.
3. Allows a city to set a curfew only if sign:
 - Is located outside an area governed by the Highway Beautification Act of 1965 or the Utah-Federal Agreement; and
 - Face is within 150 feet of the outer edge of an existing residential dwelling, legally occupied, and located on property zoned exclusively residential
4. Requires a municipality to pay attorney fees to owner who successfully enforces right to upgrade sign to electronic/mechanical changeable sign.
5. Amends provisions related to brightness of electronic/mechanical changeable sign
 - Repeals minimum spacing criteria for signs located on nonlimited access primary highways in commercial, industrial, or H-1 zone areas.
 - Illumination of electronic changeable message signs may not be limited except to prevent increasing ambient lighting levels by more than 0.3 footcandles.
 - If a municipality adopts an illumination standard different than the above for other signs, an electronic changeable message sign may illuminate to the bright of the two standards.

• **LPC Position: Oppose**

Team ULCT meeting with Sen. Sandall this afternoon.

SB 61: Talk to your legislator!

1. Billboards are located in residential and commercial areas and at different heights and sizes— SB 61 is a one-size-fits-all approach.
2. SB 61 gives billboard companies a unilateral right to convert *every* billboard, no matter its location or impact on nearby property owners, to digital.
3. SB 61 makes it very difficult to regulate lighting intensity or impose a lighting curfew regardless of the impact on the neighbors.
4. Acquiring expensive digital billboards will be cost-prohibitive for a city or another property owner, which at times interferes with redevelopment.
 - Examples of property owner forced to re-do redevelopment plans due to the location of a billboard
5. Under state law, billboards already enjoy significant protections:
 - May relocate anywhere within a municipality within 5,280 ft. of original location
 - Heightened land use protections

A photograph of a three-story brick building with a central tower, identified as the Spanish Fork City Offices. The building is framed by large trees with vibrant autumn foliage in shades of yellow and orange. The sky is a clear, bright blue. The text 'Public Safety/Law Enforcement' is overlaid in white on the left side of the image. A solid orange horizontal bar is positioned at the bottom of the frame.

Public Safety/Law Enforcement

SPANISH FORK CITY
OFFICES

19

85

SB 70 Mobile Crisis Outreach Team

- Sen. Riebe
- Requires the Division of Substance Abuse and Mental Health to work with counties to have at least 14 operating mobile crisis outreach teams
 - Current program creates grants for five mobile outreach teams
- Requires local mental health authorities to provide matching funds equal to 20% of the funds the state provides
 - Still in bill but Sen. Riebe has said she will take out
- Appropriates \$4.2 million
- **Staff recommendation: Support**

SB 53 Behavioral Emergency Services Amendments

- Sen. Thatcher
- Creates a new license for behavioral emergency services technicians and advanced behavioral emergency services technicians
- Directs the Department of Health to coordinate with Dpt. Of Human Services

Staff recommendation: Neutral if implementation delayed to July 1, 2022.

988 (thankfully, that is NOT a bill number)

- Sen. Thatcher
- No public bill language yet
- Addressing issues related to the National Suicide Hotline -988
- The Hotline replaces Lifeline, which currently has one dispatch center at the U of U
- Create and provide for membership of Mental Health Crisis Response Task Force (19 members)
 - Local health departments
 - Utah Chiefs of Police Association
 - Utah Sheriffs Association
 - Utah Fire Chiefs Association
 - Others
- Potential issues include funding, lack of interoperability with local PSAPs, response expectations

Love, Listen, Lead update

Officer misconduct process & agency communication

Data collection

Training/qualifications

“Find the space where we can support officers and identify areas of improvement”

HB 84 Use of Force Reporting Requirements

- Rep. Angela Romero
- “The Bureau of Criminal Identification shall procure statistics concern the use of force by law enforcement officers in accordance with the FBI standards”
- Law Enforcement Legislative Comm.: support, Love, Listen, Lead: support
- Staff recommendation: support
- Other bills about the definition of use of force
 - SB 106: LELC/LLL both TBD
 - HB 154: LELC/LLL both TBD

HB 162 Peace Officer Training Amendments

- Rep. Angela Romero
- Of an officer's 40 hours of annual certified training, at least 16 shall focus on:
 - Mental health
 - Crisis intervention
 - Arrest control, and
 - De-escalation
- Original proposal would have added 16 to the current 40 but ULCT, UCOPA, and others raised concerns
- POST council will approve the standards
- Law Enforcement Leg. Comm.: support; Love, Listen, Lead: support
- Recommendation to LPC: support

SB 102 Peace Officer Training Qualifications

Immigrants can be a soldier, but not a police officer — a Park City man hopes that changes

Utah bill seeks to diversify police forces by allowing legal immigrant residents to serve

By Katie McKellar | @KatieMcKellar1 | Jan 29, 2021, 11:26am MST



- Sen. Karen Mayne
- “Peace officer shall be either a citizen or lawful permanent resident ... legally in US for 5 years & authorized to work“
- ULCT survey results showed demand from public for more diversity in policing
- Law Enforcement Legislative Comm.: support, Love, Listen, Lead: support
- Staff recommendation: support

HB 62 Post Certification Amendments

- Rep. Andrew Stoddard
 - Substitute expected; negotiation ongoing
- Similar but different to SB 13 (Iwamoto)
 - SB 13 did not expand POST authority to investigate conduct
- Would expand POST authority to investigate to include:
 - conduct that involves dishonesty or deception
 - conduct that violates use of force policy
 - conduct that engages in bias against an individual's race, color, sex, pregnancy, age, religion, nat'l origin, disability, sexual orientation, or gender identity
- Law Enforcement Legislative Comm.: hold, Love, Listen, Lead: TBD



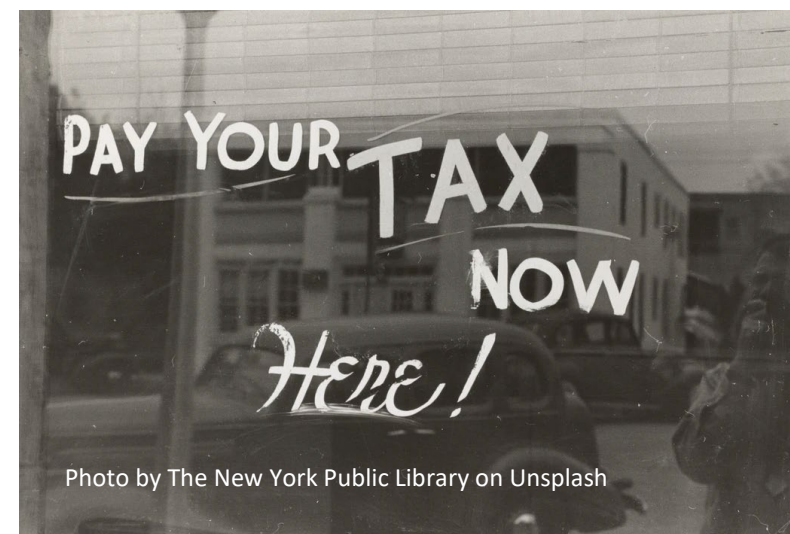
Revenue

SB 18 1st Sub Property Tax Exemption Amendments

- Sen. Harper
- Modifies the qualifications for tangible personal property tax to be exempt from property tax
- Excludes the revenue generated from the increase in the exemption amount from the certified tax rate calculation
- Negotiations continuing
- **1st Sub adopted by Senate Rev. and Tax technical changes**
- **LPC position: Oppose**

SB 52 Property Tax Deferral Modifications

- Sen. Fillmore
- Requires a county to grant a property tax deferral to an owner of a single-family residence who is 66 years old or older and whose residence is valued at less than \$500,000 under certain circumstances
- Provides an inflation adjustment for the value threshold
- Clarifies the application requirements for a compulsory property tax deferral
- **LPC position: Oppose**



A wide-angle photograph of a university campus. In the foreground, a large, ornate stone monument stands on a raised platform. To the right, a brick building with a prominent steeple is visible. The background features a range of mountains under a clear blue sky with a few wispy clouds. The overall scene is bright and clear.

Other Priorities

HB 17 1st Sub Utility Permitting Amendments

- Rep. Handy
- Prohibits a municipality from enacting an ordinance, resolution, or policy that prohibits the connection of a utility service to a customer based on the type or source of energy

Substitute:

- Above prohibition does not apply to:
 - An incentive offered by a municipality
 - A building owned by a municipality

Staff recommendation: Neutral



Other bills of note

ULCT is supporting (positions already ratified):

- **HB 128: Local Accumulated Fund Balance Amendments (Winder)**
 - 25% to 35% for cities; 75% to 100% for towns
 - Effort started in 2020 session
- **HB 220: Pretrial Detention (Schultz)**
 - Repeals 2020's bail system changes
- **HB 247: TRT Amendments (Albrecht)**
 - Audits in counties of 5th & 6th class
 - Priority of rural hub/resort comm. caucus
- **SB 82: Road Usage Charge Program Special Revenue Fund (Harper)**
 - ULCT support from 2017 to today

Bills still to come:

- Economic Development Commission
- Commission on Housing Affordability
- Transit Oriented Development
- Utah Lake Authority

Bills from LPC Members

- Open forum for members to highlight other bills to the LPC



Photo by Jason Rosewell on Unsplash

Ratification: ULCT Recommended Positions (>60% = consensus) on public bills

- HB 273 Single-family Housing Amendments: **Oppose**
- HB 82 Single-Family Housing Modifications 1st Sub: **Oppose** 2nd Sub: **Negotiating Team builds on 2nd Sub**
- HB 98 Local Government Building Regulation Amendments: **Amend**
- SB 61 Outdoor Advertising Amendments: **Oppose (no change)**
- SB 70 Mobile Crisis Outreach Team: **Support**
- SB 53 Behavioral Emergency Services Amendments: **Neutral if implementation delayed to July 1, 2022**
- HB 84 Use of Force Reporting Requirements: **Support**
- HB 162 Peace Officer Training Amendment: **Support**
- SB 102 Peace Officer Training Qualifications: Amendments: **Support**
- HB 62 Post Certification Amendments: **TBD**
- SB 18 1st Sub Property Tax Exemption Amendments: **Oppose (no change)**
- SB 52 Property Tax Deferral Modifications: **Oppose (no change)**
- HB 17 1st Sub Utility Permitting Amendments: **Neutral**
- **Other positions as indicated on ULCT Bill Tracker**

Contact ULCT

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Mark your (virtual) LPC Calendar

Session LPC: Zoom @ noon

- **February 8**
- **February 16 (Tues)**
- **February 22**
- **March 1**