



Legislative Policy Committee

February 22, 2021



*2 whole weeks left of
COVID session... Who
will break first?!*

Agenda

Minutes

Legislation

- Land use
- Public safety
- Transportation
- Preemption
- Other
- Bills from LPC members
- Legislative progress report

Ratify staff recommendations

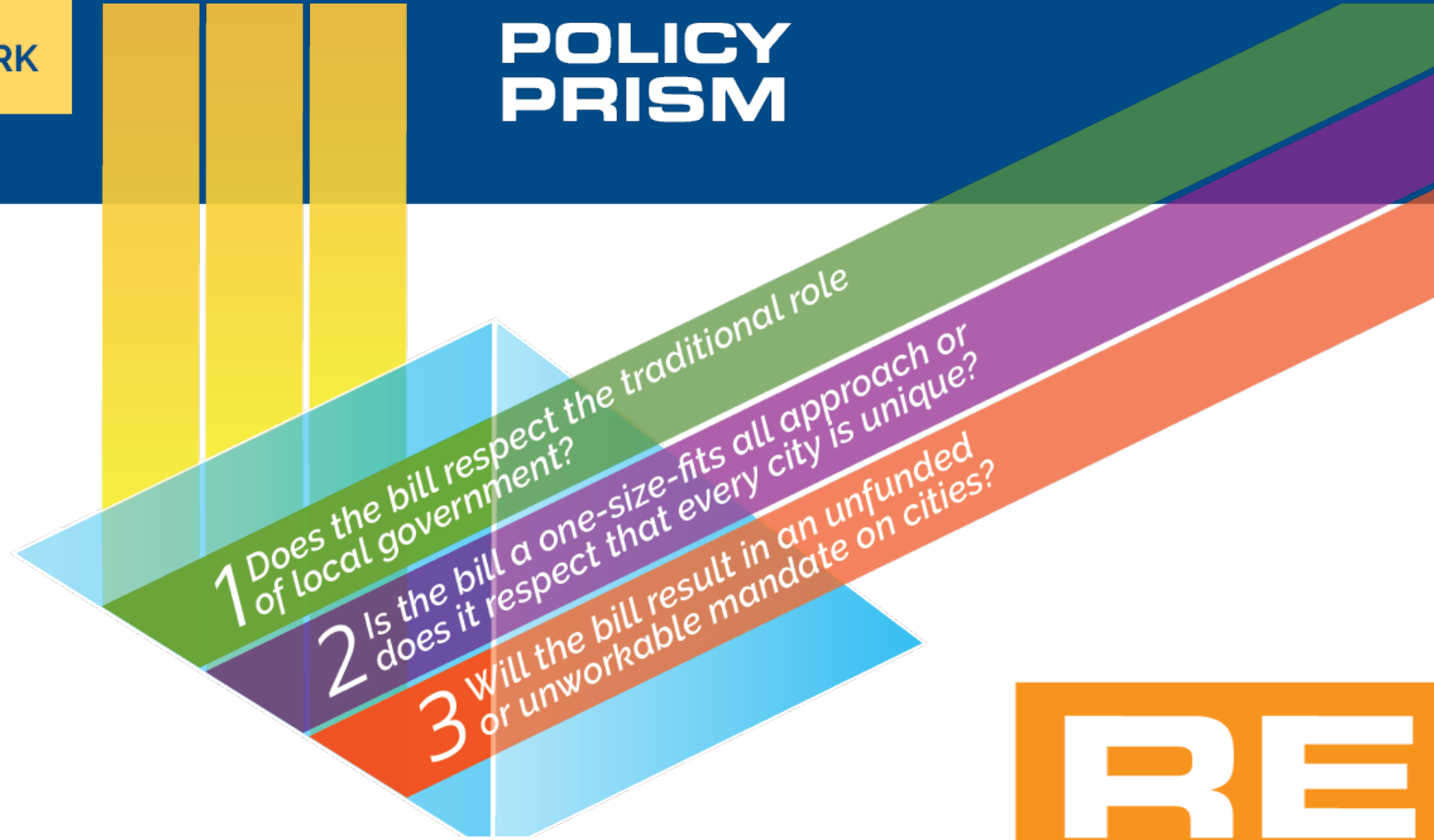


LPC Voting

- Use the voting software
- Keep voting software tab open
- Votes in chat box will not be counted (other than minutes)

#CITIESWORK

POLICY PRISM



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Potential action alerts in final 2 weeks:

- SB 61, billboards
- SB 144, billboards
- SB 164 or new bill, development fees
- SB 204, permits
- SB 221, short-term rentals
- HB 76, firearm preemption (contracts, ordinances)
- Public safety bills
- Other bills about local authority
- Substitutes, amendments, etc.

Land Use



HB 82 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

Where we are ... neutral as of Feb 18

HB 82 potential 4th sub Framework

A) Partial zoning preemption

- 1) IADUs allowed in at least 75% of area zoned residential in most cities
- 2) IADUs allowed in at least 33% in area zoned residential in college towns (10,000+ students, main campus)

B) Standards

- 1) City may require ADU in detached house only, inspection, license, permit, 30+ day lease, 1 off-site parking, appearance of house to be unaltered, limit to 1 IADU per site, no separate meter, preclude mobile homes, egress of windows, septic tank sufficiency, building, health, & fire code compliance
- 2) City may deny ADU for lots under 6,000 square feet
- 3) City may not regulate % of house, # of rooms, frontage

C) Enforcement options

- 1) Tax lien, fine
- 2) IADUs for long-term residents, not vacation rentals

HB 98 Local Government Building Regulation Amendments Rep. Ray

Original HB 98: Residential and commercial

- Builder may opt out of inspection if engaged licensed inspector
 - 3rd party inspector issued C of O
- Builder may opt out of plan review requirement if done by licensed inspector
 - City could require zone review but must complete in 2 days
- If builder opts out of inspection or plan review, city may not charge more than ½ of regular fee
- If builder opts out of inspection and plan review, city may not charge fee for building permit

1st Sub HB 98: Dwelling and townhomes for 1-2 family

Inspection

- **If** city does not inspect in 3 biz days, city may engage independent inspector (and collect fee) or builder may engage licensed inspector
- Builder's inspector issues C of O, notifies city, and submits documents required by city
- Licensed inspector must be insured

Plan Review

- City must complete plan review in 14 days after which applicant may request completion and city must complete within 14 days after request
- **If** city does not complete plan review as above, may not require building permit. Licensed architect/engineer must stamp plan.
- City may not refuse payment of building permit fee when plan review is submitted, or limit number of plan review apps submitted
- Enumerates components necessary for completed plan review application
- One resubmittal allowed for geotechnical review by 3rd party

HB 98 Original Design Prohibition Residential and Commercial

- Exterior color
- Type or style of exterior cladding
- Roof or porch style, dimension, material
- Location, design, placement of window or door, including garage
- Number or type of rooms
- Interior layout
- Min. square footage
- Landscape requirements
- Minimum dimensions

1st Sub HB 98 Design Prohibition Dwelling and Townhomes for 1-2 Family

- Exterior color
- Type or style of exterior cladding
- Roof or porch style, dimension, materials
- Exterior nonstructural architectural ornamentation
- Location, design, placement of window, door, or garage not to include rear-loading garage
- Number or type of rooms
- Interior layout of a room
- **Min. square footage, not including garage**
- Rear yard landscaping requirements
- Minimum building dimensions
- Front yard fencing

HB 98 Original Design Prohibition Residential and Commercial Exceptions

- Building on National Register of Historic Places or in designated historic district
- Ordinance enacted for participation in National Flood Insurance Program

1st Sub HB 98 Design Prohibition Dwelling and Townhomes for 1-2 Family Exceptions

- Building in National Register of Historic Places or state register
- Ordinance enacted for participation in National Flood Insurance Program
- Ordinance enacted for Utah Urban Interface Code
- Dwelling in primarily residential zone and substantially developed before 1940
- ~~Dwelling that is 400 sq. feet or less (not including loft)~~
- Ordinance enacted for water efficient landscaping in rear yard
- Ordinance enacted to regulate cladding in response to finding or evidence from construction industry of material or installation defect
- Design element that applies within an overlay zone or other zoning area, including PUD, if owner requests the design element apply within the zoning area in exchange for an increase in density or other benefit not otherwise available
- Conditions imposed by a development agreement

SB 164 UT Housing Affordability: No new update since Feb 16 but sub coming

Positive components:

- Pilot Program for workforce employees
- Rental assistance and mediation for landlord/tenants
- Predevelopment grants for rural communities
- Limited gap funding for eviction proceedings

TBD components:

- Ability for cities to grant real property for affordable housing
 - Deed restriction %, waiver of prop., needs clarifying
- Economic dev req't to plan for housing
- SB 34 menu items from 3 to 4 and 4 to 5 (transit)
- RDA expansion of set-aside to “support” housing
- Public asset inventory (not yet in bill)

Concerning components:

1) Inclusionary zoning/housing fund

- City has to cover all of the developer's costs
- Property Rights Ombudsman decision
- **ULCT proposed alternative language**

2) Fees: **ULCT has urged removal**

- New standard from “reasonable” to “estimated actual” for
 - Culinary/secondary water hookup, land use applications, inspection/review
- Collection process
 - Require cities to collect fee revenue into separate ledgers for each type of building and development fee and report the year, project, & schedule for expenditure to the state auditor
- **Key takeaway: huge expense to city with NO nexus to housing affordability**

SB 61 concept: “digital equity”



- Sen. Sandall:
 - If an on-premise sign can be digital, an off-premise sign (billboard) can also digitize
- Legislative support for this concept
- ULCT/UAC:
- “Size equity:” A small digital sign should not trigger digitizing a billboard
 - Definition?
- “Zone equity”: contiguous zone
- Cities should be able to update their zone and sign ordinances based on new law

ULCT counter proposal on SB 61

- Zoning allows AND permits on-premise digital sign that is 100+ square feet, then a billboard in the contiguous zone can upgrade to digital
- Digital equity + size equity + zoning equity = billboard upgrade

SB 144 Billboard Restrictions Amendments

Sen. Hinkins

- Municipality may not directly or indirectly prevent a person from building/maintaining a BB by incentivizing, compensating, encouraging a developer to discontinue, terminate, limit or not renew a BB owner's right to erect and maintain a BB or refuse to enter into a future relationship with a BB owner.
- Municipality, in a land conveyance, may not restrict the purchaser's ability to place a BB on real property.
- Municipality may not require a BB owner to get a permit for maintenance (unless structural engineering) or replace a digital or static face.
- A municipal BB building permit or BB bank credit that expires during March 15, 2020-June 30, 2021 is extended to December 31, 2022.

LPC Position: Oppose

SB 221 Short-term Rentals

Sen. Anderegg

Municipality may not:

- enforce an ordinance prohibiting short-term rental if the owner of the short-term rental occupies the short-term rental structure; or
- use tax revenue to rent a short-term rental that is offered on a short-term rental website for purpose of enforcing an ordinance that prohibits the act of renting a short-term rental.
- This bill undermines both the 2017 compromise and the HB 82 4th sub enforcement
- **Staff recommendation: Oppose**



HB 364 Utah Lake Authority ULCT Resolution 2017-001

(C) Now, therefore, we the members of the Utah League of Cities and Towns, resolve that:

2. Cities and towns cannot support development proposals, task forces, commissions, districts, development authorities or other legislation that would deprive local municipalities of their traditional local land use authority on private property, or deprive them of control of tax increment generated within their jurisdiction without their consent.

HB 364 Utah Lake Authority

Potential sub: governance, tax, land use

- Rep. Brammer has accepted several pro-city amendments, including:
 - Majority of board would be city reps
 - No compulsory participation with tax increment
 - No land use authority
- Consistent with Resolution 2017-001
- **Staff recommendation: neutral on sub based on governance, tax, land use; support if sub addresses water Qs**

TBD: water

- Water rights implications
 - UT Lake affects Jordanelle & Deer Creek for drinking water in Utah & SL Counties (Metro, Provo River, Central UT)
 - Role of State Engineer (“req’d to cooperate); unclear
 - Irrigation water diversions
 - Numerous municipal, county, sewer districts hold discharge permits (MS-4, wastewater)
 - What is the impact of the UT Lake Authority on downstream regulatory req’ts?
 - UT Lake Authority could impose water fees

Public Safety

Photo by [Fred Moon](#) on [Unsplash](#)



HB 367 Qualified Immunity Amendments

Rep. King

- Based on sweeping police reform bill in Colorado in June
 - Colorado Municipal League opposed the CO version of HB 367
- Each officer shall have a surety bond and employer pays the premium
- New causes of action
 - Deprivation of rights
 - Failure to intervene
- **Staff recommendation: Oppose**
- Note: Friday, Feb. 18 commitment from Rep. King

SB 217 Housing and Transit Reinvestment Zone

Sen. Harper

Housing and Transit Reinvestment Zone

- Certain radius from the station
- Mixed use plan
- High-density housing with affordable component
- State & property taxing entities cooperation
 - Bill currently contemplates mandatory taxing entity participation if statutory req'ts met
- Prioritize state infrastructure investment related to the HTRZ
- Objective: maximize land use planning around Frontrunner
- **Staff recommendation: Support**



Preemption

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The Other Preemption Bills

HB 66 Sheriff Amendments (Rep. Snider)

- When a sheriff and local law enforcement disagree during a riot, civil disturbance, or breach of peace the sheriff is in charge
- Oppose

HB 76 Firearm Preemption (Rep. Maloy)

- Preempt contracts with venues/artists that want a gun-free zone, opens up gov't immunity, void existing laws (i.e. discharge in city limits, justice courts)
- Oppose

HB 144 Water Pricing Structure (Rep. Moss)

- Requires considering lot size in setting tier water rates
- Oppose

HB 171 Agricultural Land Use Restrictions (Rep. Chew)

- Prohibits a city or town from restricting crop types on zoned ag land
- Oppose

The Other Preemption Bills Con't

- HB 273 Single-family Housing Amendments (Rep. Peterson)
 - Preempt zoning and impact fees for ADUs
 - Oppose
- HB 342 Government Enterprise Amendments (Rep. Strong)
 - Report every two years on functions city/town performs that are competitive activities. Impact study for new competitive activities
 - Oppose
- HB 377 Local Government Curfew Amendments (Rep. Birkland)
 - Restricts minor curfews between 6am to 10pm
 - Oppose
- SB 204 Permitting Amendments (Sen. Cullimore)
 - Sets standards and timelines for permits (excludes land use and building)
 - Oppose

Other Legislation



HB 347 Homeless Services Amendments (Feb 22: still awaiting sub)

- Rep. Eliason
- Intent: implement the Gardner Institute recommendations
 - 2020 interim work group: SLC Mayor Erin Mendenhall, Ogden Mayor Mike Caldwell, former St. George Mayor Jon Pike, Cameron Diehl
- New Office of Homeless Services and Deputy Director
- Creation of Homelessness Council
 - Mayors of SLC, South Salt Lake, Midvale, Ogden, St. George
 - Consistent with previous system
 - No change for now to the Public Safety Mitigation Fund
- Coordination between the local homelessness coordinating committees, philanthropists, & State of Utah



Staff recommendation: Support in general, amend

Bills from LPC Members

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



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Legislative Progress Report

Photo by David Mullins on Unsplash

Hot/work ULCT bills support or neutral

HB0022	Medical Examiner Amendments	Support
HB0023	Voter Referendum Amendments	Support
HB0062	Post Certification Amendments	Support
HB0075	Municipal Alternative Voting Methods Pilot Project Amendments	Support
HB0082	Single-family Housing Modifications	Neutral
HB0084	Use of Force Reporting Requirements	Support
HB0087	Electronic Information and Data Privacy Amendments	Support
HB0096	Emergency Management Amendments	Support
HB0103	Retaliation and Obstruction of Justice Amendments	Support
HB0104	Victim Address Confidentiality Program	Support
HB0115	Municipal Boundary Modifications	Support
HB0128	Local Accumulated Fund Balance Amendments	Support
HB0136	Initiative and Referenda Modifications	Support
HB0162	Peace Officer Training Amendments	Support
HB0211	Initiatives and Referenda Amendments	Support
HB0215	Jordan River Improvements Amendments	Support
HB0220	Pretrial Detention Amendments	Support
HB0236	Waste Tire Recycling Amendments	Support
HB0243	Privacy Protection Amendments	Neutral
HB0256	County Land Use and Development Amendments	Support
HB0264	Law Enforcement Weapons Use Amendments	Support
HB0283	Community and Police Relations Commission	Support

HB0307	Training for Peace Officers	Support
HB0348	Economic Development Amendments	Support
SB0013	Law Enforcement Internal Investigation Requirements	Support
SB0017	Criminal Code Evaluation Task Force Extension	Support
SB0023	Emergency Task Force	Support
SB0049	Mobile Voting Pilot Project	Support
SB0068	Law Enforcement Weapons Amendments	Support
SB0070	Mobile Crisis Outreach Team Expansion	Support
	Medical Cannabis Electronic Verification System Deadline	
SB0081	Amendments	Neutral
SB0102	Peace Officer Training Qualifications Amendments	Support
SB0104	Tax Levy for Animal Control	Support
SB0106	Use of Force Amendments	Support
SB0113	Transportation Funding and Governance Amendments	Support
SB0120	Outdoor Advertising Revisions	Support
SB0123	DUI Modifications	Support
SB0125	Open and Public Meetings Act Amendments	Support
SB0138	Violence, Disorder, and Looting Enforcement Protection Act	Neutral
SB0155	988 Mental Health Crisis Assistance	Support
SB0159	Law Enforcement Data Management Requirements	Support
SB0168	Designated Vehicle Routes Amendments	Support
SB0194	Utah Main Street Program	Support
SB0196	Law Enforcement Agency Disclosure Amendments	Support
SB0199	Water Amendments	Neutral

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

- HB 82 Single-Family Housing Modifications 4th Sub: **Neutral**
- HB 98 Local Government Building Regulation Amendments: **TBD**
- SB 164 Utah Housing Affordability Amendments: **Oppose**
- SB 61 2nd Sub Outdoor Advertising Amendments: **Oppose (but negotiate)**
- SB 144 Billboard Restrictions Amendments: **Oppose (no change)**
- SB 221 Short-term Rentals: **Oppose**
- HB 364 Utah Lake Authority: **Neutral**
- HB 367 Qualified Immunity Amendments: **Oppose**
- SB 217 Housing and Transit Reinvestment Zone Act: **Support**
- HB 347 Homeless Services Amendments: **Amend (no change)**
- **Other positions as indicated on ULCT Bill Tracker/website**

Contact ULCT

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**Mark your (virtual)
LPC Calendar**

- Session LPC: Zoom @ noon**
- **March 1 ... and that's all!!!**