

AFFORDABLE HOUSING MODIFICATIONS

2019 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies provisions related to a municipality's and a county's general plan related to moderate income housing.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the requirements of certain municipalities and counties related to the moderate income housing plan element of their general plan;
- ▶ modifies the reporting requirements of certain municipalities related to the municipalities' moderate income housing plan element of their general plan;
- ▶ modifies provisions related to the use of Transportation Investment Fund money;
- ▶ modifies provisions related to the Olene Walker Housing Loan Fund Board; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to the Department of Workforce Services -- Economic Revitalization and Investment Fund as a one-time appropriation:
 - from the General Fund, \$20,000,000; and
- ▶ to the Department of Workforce Services -- Economic Revitalization and Investment Fund as an ongoing appropriation:
 - from the General Fund, \$4,000,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-103, as last amended by Laws of Utah 2018, Chapters 339 and 415

10-9a-403, as last amended by Laws of Utah 2018, Chapter 218

- 33 **10-9a-408**, as last amended by Laws of Utah 2018, Chapters 218 and 364
 34 **17-27a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415
 35 **17-27a-403**, as last amended by Laws of Utah 2018, Chapter 218
 36 **17-27a-408**, as last amended by Laws of Utah 2018, Chapters 218 and 364
 37 **35A-8-503**, as renumbered and amended by Laws of Utah 2012, Chapter 212
 38 **35A-8-505**, as last amended by Laws of Utah 2018, Chapter 251
 39 **35A-8-803**, as renumbered and amended by Laws of Utah 2012, Chapter 212
 40 **72-1-304**, as last amended by Laws of Utah 2018, Chapter 424
 41 **72-2-124**, as last amended by Laws of Utah 2018, Chapter 424

42

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

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

45 **10-9a-103. Definitions.**

46 As used in this chapter:

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

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

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

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

59 (2) "Appeal authority" means the person, board, commission, agency, or other body
 60 designated by ordinance to decide an appeal of a decision of a land use application or a
 61 variance.

62 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
 63 residential property if the sign is designed or intended to direct attention to a business, product,

64 or service that is not sold, offered, or existing on the property where the sign is located.

65 (4) (a) "Charter school" means:

66 (i) an operating charter school;

67 (ii) a charter school applicant that has its application approved by a charter school
68 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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

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

72 (5) "Conditional use" means a land use that, because of its unique characteristics or
73 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be
74 compatible in some areas or may be compatible only if certain conditions are required that
75 mitigate or eliminate the detrimental impacts.

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

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

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

80 (7) "Culinary water authority" means the department, agency, or public entity with
81 responsibility to review and approve the feasibility of the culinary water system and sources for
82 the subject property.

83 (8) "Development activity" means:

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

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

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

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

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

95 802.

96 (10) "Educational facility":

97 (a) means:

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

101 (ii) a structure or facility:

102 (A) located on the same property as a building described in Subsection (10)(a)(i); and

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

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

106 (b) does not include:

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

109 (A) not located on the same property as a building described in Subsection (10)(a)(i);

110 and

111 (B) used in support of the purposes of a building described in Subsection (10)(a)(i); or

112 (ii) a therapeutic school.

113 (11) "Fire authority" means the department, agency, or public entity with responsibility
114 to review and approve the feasibility of fire protection and suppression services for the subject
115 property.

116 (12) "Flood plain" means land that:

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

118 Management Agency; or

119 (b) has not been studied or designated by the Federal Emergency Management Agency
120 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
121 the land has characteristics that are similar to those of a 100-year flood plain designated by the
122 Federal Emergency Management Agency.

123 (13) "General plan" means a document that a municipality adopts that sets forth general
124 guidelines for proposed future development of the land within the municipality.

125 (14) "Geologic hazard" means:

- 126 (a) a surface fault rupture;
- 127 (b) shallow groundwater;
- 128 (c) liquefaction;
- 129 (d) a landslide;
- 130 (e) a debris flow;
- 131 (f) unstable soil;
- 132 (g) a rock fall; or
- 133 (h) any other geologic condition that presents a risk:
- 134 (i) to life;
- 135 (ii) of substantial loss of real property; or
- 136 (iii) of substantial damage to real property.
- 137 (15) "Historic preservation authority" means a person, board, commission, or other
- 138 body designated by a legislative body to:
- 139 (a) recommend land use regulations to preserve local historic districts or areas; and
- 140 (b) administer local historic preservation land use regulations within a local historic
- 141 district or area.
- 142 (16) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 143 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 144 utility system.
- 145 (17) "Identical plans" means building plans submitted to a municipality that:
- 146 (a) are clearly marked as "identical plans";
- 147 (b) are substantially identical to building plans that were previously submitted to and
- 148 reviewed and approved by the municipality; and
- 149 (c) describe a building that:
- 150 (i) is located on land zoned the same as the land on which the building described in the
- 151 previously approved plans is located;
- 152 (ii) is subject to the same geological and meteorological conditions and the same law
- 153 as the building described in the previously approved plans;
- 154 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 155 and approved by the municipality; and
- 156 (iv) does not require any additional engineering or analysis.

157 (18) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
158 Impact Fees Act.

159 (19) "Improvement completion assurance" means a surety bond, letter of credit,
160 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
161 by a municipality to guaranty the proper completion of landscaping or an infrastructure
162 improvement required as a condition precedent to:

163 (a) recording a subdivision plat; or

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

165 (20) "Improvement warranty" means an applicant's unconditional warranty that the
166 applicant's installed and accepted landscaping or infrastructure improvement:

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

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

171 (21) "Improvement warranty period" means a period:

172 (a) no later than one year after a municipality's acceptance of required landscaping; or

173 (b) no later than one year after a municipality's acceptance of required infrastructure,
174 unless the municipality:

175 (i) determines for good cause that a one-year period would be inadequate to protect the
176 public health, safety, and welfare; and

177 (ii) has substantial evidence, on record:

178 (A) of prior poor performance by the applicant; or

179 (B) that the area upon which the infrastructure will be constructed contains suspect soil
180 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

181 (22) "Infrastructure improvement" means permanent infrastructure that an applicant
182 must install:

183 (a) pursuant to published installation and inspection specifications for public
184 improvements; and

185 (b) as a condition of:

186 (i) recording a subdivision plat; or

187 (ii) development of a commercial, industrial, mixed use, condominium, or multifamily

188 project.

189 (23) "Internal lot restriction" means a platted note, platted demarcation, or platted
190 designation that:

191 (a) runs with the land; and

192 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
193 the plat; or

194 (ii) designates a development condition that is enclosed within the perimeter of a lot
195 described on the plat.

196 (24) "Land use applicant" means a property owner, or the property owner's designee,
197 who submits a land use application regarding the property owner's land.

198 (25) "Land use application":

199 (a) means an application that is:

200 (i) required by a municipality; and

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

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

203 (26) "Land use authority" means:

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

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

208 (27) "Land use decision" means an administrative decision of a land use authority or
209 appeal authority regarding:

210 (a) a land use permit;

211 (b) a land use application; or

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

214 (28) "Land use permit" means a permit issued by a land use authority.

215 (29) "Land use regulation":

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

218 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;

219 and

220 (c) does not include:

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

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

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

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

227 (30) "Legislative body" means the municipal council.

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

231 (32) "Local historic district or area" means a geographically definable area that:

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

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

237 (33) "Lot line adjustment" means the relocation of the property boundary line in a
238 subdivision between two adjoining lots with the consent of the owners of record.

239 (34) "Major transit investment corridor" means public transit service that uses or
240 occupies:

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

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

243 or

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

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

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

248 [~~34~~] (35) "Moderate income housing" means housing occupied or reserved for
249 occupancy by households with a gross household income equal to or less than [~~80%~~] 60% of

250 the median gross income for households of the same size in the county in which the city is
251 located.

252 ~~[(35)]~~ (36) "Nominal fee" means a fee that reasonably reimburses a municipality only
253 for time spent and expenses incurred in:

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

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

257 ~~[(36)]~~ (37) "Noncomplying structure" means a structure that:

258 (a) legally existed before its current land use designation; and

259 (b) because of one or more subsequent land use ordinance changes, does not conform
260 to the setback, height restrictions, or other regulations, excluding those regulations, which
261 govern the use of land.

262 ~~[(37)]~~ (38) "Nonconforming use" means a use of land that:

263 (a) legally existed before its current land use designation;

264 (b) has been maintained continuously since the time the land use ordinance governing
265 the land changed; and

266 (c) because of one or more subsequent land use ordinance changes, does not conform
267 to the regulations that now govern the use of the land.

268 ~~[(38)]~~ (39) "Official map" means a map drawn by municipal authorities and recorded in
269 a county recorder's office that:

270 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
271 highways and other transportation facilities;

272 (b) provides a basis for restricting development in designated rights-of-way or between
273 designated setbacks to allow the government authorities time to purchase or otherwise reserve
274 the land; and

275 (c) has been adopted as an element of the municipality's general plan.

276 ~~[(39)]~~ (40) "Parcel boundary adjustment" means a recorded agreement between owners
277 of adjoining properties adjusting their mutual boundary if:

278 (a) no additional parcel is created; and

279 (b) each property identified in the agreement is unsubdivided land, including a
280 remainder of subdivided land.

281 ~~[(40)]~~ (41) "Person" means an individual, corporation, partnership, organization,
282 association, trust, governmental agency, or any other legal entity.

283 ~~[(41)]~~ (42) "Plan for moderate income housing" means a written document adopted by
284 a city legislative body that includes:

285 (a) an estimate of the existing supply of moderate income housing located within the
286 city;

287 (b) an estimate of the need for moderate income housing in the city for the next five
288 years as revised biennially;

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

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

292 (e) a description of the city's program to encourage an adequate supply of moderate
293 income housing.

294 ~~[(42)]~~ (43) "Plat" means a map or other graphical representation of lands being laid out
295 and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

296 ~~[(43)]~~ (44) "Potential geologic hazard area" means an area that:

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

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

303 ~~[(44)]~~ (45) "Public agency" means:

304 (a) the federal government;

305 (b) the state;

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

308 (d) a charter school.

309 ~~[(45)]~~ (46) "Public hearing" means a hearing at which members of the public are
310 provided a reasonable opportunity to comment on the subject of the hearing.

311 ~~[(46)]~~ (47) "Public meeting" means a meeting that is required to be open to the public

312 under Title 52, Chapter 4, Open and Public Meetings Act.

313 ~~[(47)]~~ (48) "Receiving zone" means an area of a municipality that the municipality
314 designates, by ordinance, as an area in which an owner of land may receive a transferable
315 development right.

316 ~~[(48)]~~ (49) "Record of survey map" means a map of a survey of land prepared in
317 accordance with Section 17-23-17.

318 ~~[(49)]~~ (50) "Residential facility for persons with a disability" means a residence:

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

320 (b) (i) which is licensed or certified by the Department of Human Services under Title
321 62A, Chapter 2, Licensure of Programs and Facilities; or

322 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
323 21, Health Care Facility Licensing and Inspection Act.

324 ~~[(50)]~~ (51) "Rules of order and procedure" means a set of rules that govern and
325 prescribe in a public meeting:

326 (a) parliamentary order and procedure;

327 (b) ethical behavior; and

328 (c) civil discourse.

329 ~~[(51)]~~ (52) "Sanitary sewer authority" means the department, agency, or public entity
330 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
331 wastewater systems.

332 ~~[(52)]~~ (53) "Sending zone" means an area of a municipality that the municipality
333 designates, by ordinance, as an area from which an owner of land may transfer a transferable
334 development right.

335 ~~[(53)]~~ (54) "Specified public agency" means:

336 (a) the state;

337 (b) a school district; or

338 (c) a charter school.

339 ~~[(54)]~~ (55) "Specified public utility" means an electrical corporation, gas corporation,
340 or telephone corporation, as those terms are defined in Section 54-2-1.

341 ~~[(55)]~~ (56) "State" includes any department, division, or agency of the state.

342 ~~[(56)]~~ (57) "Street" means a public right-of-way, including a highway, avenue,

343 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
344 or other way.

345 ~~[(57)]~~ (58) (a) "Subdivision" means any land that is divided, resubdivided or proposed
346 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
347 purpose, whether immediate or future, for offer, sale, lease, or development either on the
348 installment plan or upon any and all other plans, terms, and conditions.

349 (b) "Subdivision" includes:

350 (i) the division or development of land whether by deed, metes and bounds description,
351 devise and testacy, map, plat, or other recorded instrument; and

352 (ii) except as provided in Subsection (57)(c), divisions of land for residential and
353 nonresidential uses, including land used or to be used for commercial, agricultural, and
354 industrial purposes.

355 (c) "Subdivision" does not include:

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

360 (ii) a recorded agreement between owners of adjoining unsubdivided properties
361 adjusting their mutual boundary if:

362 (A) no new lot is created; and

363 (B) the adjustment does not violate applicable land use ordinances;

364 (iii) a recorded document, executed by the owner of record:

365 (A) revising the legal description of more than one contiguous unsubdivided parcel of
366 property into one legal description encompassing all such parcels of property; or

367 (B) joining a subdivided parcel of property to another parcel of property that has not
368 been subdivided, if the joinder does not violate applicable land use ordinances;

369 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting
370 their mutual boundary if:

371 (A) no new dwelling lot or housing unit will result from the adjustment; and

372 (B) the adjustment will not violate any applicable land use ordinance;

373 (v) a bona fide division or partition of land by deed or other instrument where the land

374 use authority expressly approves in writing the division in anticipation of further land use
375 approvals on the parcel or parcels; or

376 (vi) a parcel boundary adjustment.

377 (d) The joining of a subdivided parcel of property to another parcel of property that has
378 not been subdivided does not constitute a subdivision under this Subsection (57) as to the
379 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
380 subdivision ordinance.

381 [~~(58)~~] (59) "Suspect soil" means soil that has:

382 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
383 3% swell potential;

384 (b) bedrock units with high shrink or swell susceptibility; or

385 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
386 commonly associated with dissolution and collapse features.

387 [~~(59)~~] (60) "Therapeutic school" means a residential group living facility:

388 (a) for four or more individuals who are not related to:

389 (i) the owner of the facility; or

390 (ii) the primary service provider of the facility;

391 (b) that serves students who have a history of failing to function:

392 (i) at home;

393 (ii) in a public school; or

394 (iii) in a nonresidential private school; and

395 (c) that offers:

396 (i) room and board; and

397 (ii) an academic education integrated with:

398 (A) specialized structure and supervision; or

399 (B) services or treatment related to a disability, an emotional development, a
400 behavioral development, a familial development, or a social development.

401 [~~(60)~~] (61) "Transferable development right" means a right to develop and use land that
402 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
403 land use rights from a designated sending zone to a designated receiving zone.

404 [~~(61)~~] (62) "Unincorporated" means the area outside of the incorporated area of a city

405 or town.

406 [~~(62)~~] (63) "Water interest" means any right to the beneficial use of water, including:

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

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

409 (i) a contract; or

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

411 [~~(63)~~] (64) "Zoning map" means a map, adopted as part of a land use ordinance, that
412 depicts land use zones, overlays, or districts.

413 Section 2. Section **10-9a-403** is amended to read:

414 **10-9a-403. General plan preparation.**

415 (1) (a) The planning commission shall provide notice, as provided in Section
416 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a
417 general plan or a comprehensive general plan amendment when the planning commission
418 initiates the process of preparing its recommendation.

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

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

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

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

431 (i) a land use element that:

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

436 (B) may include a statement of the projections for and standards of population density
437 and building intensity recommended for the various land use categories covered by the plan;

438 (ii) a transportation and traffic circulation element [~~consisting of the general location~~
439 ~~and extent of existing and proposed freeways, arterial and collector streets, mass transit, and~~
440 ~~any other modes of transportation that the planning commission considers appropriate, all~~
441 ~~correlated with the population projections and the proposed land use element of the general~~
442 ~~plan; and] that:~~

443 (A) provides the general location and extent of existing and proposed freeways, arterial
444 and collector streets, public transit, active transportation facilities, and other modes of
445 transportation that the planning commission considers appropriate;

446 (B) addresses the municipality's plan for residential and commercial development
447 around major transit investment corridors to maintain and improve the connections between
448 housing, employment, education, recreation, and commerce; and

449 (C) correlates with the population projections and the proposed land use element of the
450 general plan; and

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

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

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

456 (A) to meet the needs of people [~~desiring~~] of various income levels who desire to live
457 in the community; and

458 (B) to allow [~~persons~~] people with moderate incomes to benefit from and fully
459 participate in all aspects of neighborhood and community life; [~~and~~]

460 (ii) for a town, may include, and for other municipalities, shall include, an analysis of
461 [~~why the recommended means, techniques, or combination of means and techniques provide~~]
462 how the municipality will provide a realistic opportunity for the development of moderate
463 income housing within the next five years[~~, which means or techniques may include a~~
464 ~~recommendation to:~~];

465 (iii) for a town, may include, and for other municipalities, shall include, a
466 recommendation to do three or more of the following:

- 467 (A) rezone for densities necessary to assure the production of moderate income
468 housing;
- 469 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
470 construction of moderate income housing;
- 471 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate
472 income housing;
- 473 (D) consider general fund subsidies to waive construction related fees that are
474 otherwise generally imposed by the city;
- 475 (E) implement inclusionary housing and zoning strategies;
- 476 (F) create or allow for, and reduce regulations related to, accessory dwelling units in
477 residential zones;
- 478 (G) allow for housing in commercial and mixed-use zones;
- 479 (H) encourage higher density or moderate income residential development near major
480 transit investment corridors;
- 481 (I) eliminate or reduce parking requirements for residential development where a
482 resident is less likely to rely on the resident's own vehicle, such as residential development near
483 major transit investment corridors or senior living facilities;
- 484 (J) allow for single room occupancy developments;
- 485 (K) preserve existing moderate income housing, including deed-restricted moderate
486 income housing;
- 487 [~~F~~] (L) consider utilization of state or federal funds or tax incentives to promote the
488 construction of moderate income housing;
- 489 [~~F~~] (M) consider utilization of programs offered by the Utah Housing Corporation
490 within that agency's funding capacity;
- 491 [~~G~~] (N) consider utilization of affordable housing programs administered by the
492 Department of Workforce Services; ~~and~~
- 493 [~~H~~] (O) consider utilization of programs administered by an association of
494 governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal
495 Cooperation Act[-]; and
- 496 (P) consider utilization of services provided by a public housing authority to preserve
497 and create moderate income housing.

- 498 (c) In drafting the land use element, the planning commission shall:
- 499 (i) identify and consider each agriculture protection area within the municipality; and
- 500 (ii) avoid proposing a use of land within an agriculture protection area that is
- 501 inconsistent with or detrimental to the use of the land for agriculture.
- 502 (d) In drafting the transportation and traffic circulation element, the planning
- 503 commission shall:
- 504 (i) consider the regional transportation plan developed by its region's metropolitan
- 505 planning organization, if the municipality is within the boundaries of a metropolitan planning
- 506 organization; or
- 507 (ii) consider the long-range transportation plan developed by the Utah Department of
- 508 Transportation, if the municipality is not within the boundaries of a metropolitan planning
- 509 organization.
- 510 (3) The proposed general plan may include:
- 511 (a) an environmental element that addresses:
- 512 (i) the protection, conservation, development, and use of natural resources, including
- 513 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,
- 514 and other natural resources; and
- 515 (ii) the reclamation of land, flood control, prevention and control of the pollution of
- 516 streams and other waters, regulation of the use of land on hillsides, stream channels and other
- 517 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
- 518 protection of watersheds and wetlands, and the mapping of known geologic hazards;
- 519 (b) a public services and facilities element showing general plans for sewage, water,
- 520 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
- 521 police and fire protection, and other public services;
- 522 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 523 programs for:
- 524 (i) historic preservation;
- 525 (ii) the diminution or elimination of blight; and
- 526 (iii) redevelopment of land, including housing sites, business and industrial sites, and
- 527 public building sites;
- 528 (d) an economic element composed of appropriate studies and forecasts, as well as an

529 economic development plan, which may include review of existing and projected municipal
530 revenue and expenditures, revenue sources, identification of basic and secondary industry,
531 primary and secondary market areas, employment, and retail sales activity;

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

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

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

538 Section 3. Section **10-9a-408** is amended to read:

539 **10-9a-408. Reporting requirements and civil action regarding moderate income**
540 **housing element of general plan.**

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

543 (a) review the moderate income housing plan element of the municipality's general
544 plan and implementation of that element of the general plan;

545 (b) prepare a report on the findings of the review described in Subsection (1)(a); and

546 (c) post the report described in Subsection (1)(b) on the municipality's website.

547 (2) The report described in Subsection (1) shall include a description of:

548 (a) efforts made by the municipality to reduce, mitigate, or eliminate local regulatory
549 barriers to moderate income housing;

550 (b) actions taken by the municipality to encourage preservation of existing moderate
551 income housing and development of new moderate income housing;

552 (c) progress made within the municipality to provide moderate income housing,
553 demonstrated by analyzing and publishing data on:

554 (i) the number of housing units in the municipality that are at or below:

555 (A) 80% of the adjusted median income for the municipality;

556 (B) 50% of the adjusted median income for the municipality; and

557 (C) 30% of the adjusted median income for the municipality;

558 (ii) the number of housing units in the municipality that are subsidized by the
559 municipality, the state, or the federal government; and

- 560 (iii) the number of housing units in the municipality that are deed-restricted;
- 561 (d) all efforts made by the [city] municipality to coordinate moderate income housing
- 562 plans and actions with neighboring municipalities or associations of governments established
- 563 by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;
- 564 (e) all efforts made by the municipality to utilize a moderate income housing set-aside
- 565 from a redevelopment agency, a community development agency, or an economic development
- 566 agency;
- 567 (f) money expended by the municipality to pay or waive construction-related fees
- 568 required by the municipality; [~~and~~]
- 569 (g) programs of the Utah Housing Corporation that were utilized by the
- 570 municipality[-]; and
- 571 (h) a description of how the municipality has implemented any of the recommendations
- 572 related to moderate income housing described in Subsection 10-9a-403(2)(b)(iii).

573 (3) The legislative body of each [city] municipality described in Subsection (1) shall

574 send a copy of the report under Subsection (1) to the Department of Workforce Services and

575 the association of governments in which the [city] municipality is located.

576 (4) In a civil action seeking enforcement or claiming a violation of this section or of

577 Subsection 10-9a-404(5)(c), a plaintiff may not recover damages but may be awarded only

578 injunctive or other equitable relief.

579 Section 4. Section **17-27a-103** is amended to read:

580 **17-27a-103. Definitions.**

581 As used in this chapter:

582 (1) "Affected entity" means a county, municipality, local district, special service

583 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal

584 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified

585 property owner, property owners association, public utility, or the Utah Department of

586 Transportation, if:

587 (a) the entity's services or facilities are likely to require expansion or significant

588 modification because of an intended use of land;

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

590 or

591 (c) the entity has filed with the county a request for notice during the same calendar
592 year and before the county provides notice to an affected entity in compliance with a
593 requirement imposed under this chapter.

594 (2) "Appeal authority" means the person, board, commission, agency, or other body
595 designated by ordinance to decide an appeal of a decision of a land use application or a
596 variance.

597 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
598 residential property if the sign is designed or intended to direct attention to a business, product,
599 or service that is not sold, offered, or existing on the property where the sign is located.

600 (4) (a) "Charter school" means:

601 (i) an operating charter school;

602 (ii) a charter school applicant that has its application approved by a charter school
603 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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

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

607 (5) "Chief executive officer" means the person or body that exercises the executive
608 powers of the county.

609 (6) "Conditional use" means a land use that, because of its unique characteristics or
610 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
611 compatible in some areas or may be compatible only if certain conditions are required that
612 mitigate or eliminate the detrimental impacts.

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

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

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

617 (8) "Culinary water authority" means the department, agency, or public entity with
618 responsibility to review and approve the feasibility of the culinary water system and sources for
619 the subject property.

620 (9) "Development activity" means:

621 (a) any construction or expansion of a building, structure, or use that creates additional

622 demand and need for public facilities;

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

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

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

630 (b) "Disability" does not include current illegal use of, or addiction to, any federally
631 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
632 802.

633 (11) "Educational facility":

634 (a) means:

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

638 (ii) a structure or facility:

639 (A) located on the same property as a building described in Subsection (11)(a)(i); and

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

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

643 (b) does not include:

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

646 (A) not located on the same property as a building described in Subsection (11)(a)(i);
647 and

648 (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or

649 (ii) a therapeutic school.

650 (12) "Fire authority" means the department, agency, or public entity with responsibility
651 to review and approve the feasibility of fire protection and suppression services for the subject
652 property.

653 (13) "Flood plain" means land that:

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

655 Management Agency; or

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

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

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

659 Federal Emergency Management Agency.

660 (14) "Gas corporation" has the same meaning as defined in Section 54-2-1.

661 (15) "General plan" means a document that a county adopts that sets forth general

662 guidelines for proposed future development of:

663 (a) the unincorporated land within the county; or

664 (b) for a mountainous planning district, the land within the mountainous planning

665 district.

666 (16) "Geologic hazard" means:

667 (a) a surface fault rupture;

668 (b) shallow groundwater;

669 (c) liquefaction;

670 (d) a landslide;

671 (e) a debris flow;

672 (f) unstable soil;

673 (g) a rock fall; or

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

675 (i) to life;

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

677 (iii) of substantial damage to real property.

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

679 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility

680 system.

681 (18) "Identical plans" means building plans submitted to a county that:

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

683 (b) are substantially identical building plans that were previously submitted to and

684 reviewed and approved by the county; and

685 (c) describe a building that:

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

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

690 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
691 and approved by the county; and

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

693 (19) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
694 Impact Fees Act.

695 (20) "Improvement completion assurance" means a surety bond, letter of credit,
696 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
697 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
698 required as a condition precedent to:

699 (a) recording a subdivision plat; or

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

701 (21) "Improvement warranty" means an applicant's unconditional warranty that the
702 applicant's installed and accepted landscaping or infrastructure improvement:

703 (a) complies with the county's written standards for design, materials, and
704 workmanship; and

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

707 (22) "Improvement warranty period" means a period:

708 (a) no later than one year after a county's acceptance of required landscaping; or

709 (b) no later than one year after a county's acceptance of required infrastructure, unless
710 the county:

711 (i) determines for good cause that a one-year period would be inadequate to protect the
712 public health, safety, and welfare; and

713 (ii) has substantial evidence, on record:

714 (A) of prior poor performance by the applicant; or

715 (B) that the area upon which the infrastructure will be constructed contains suspect soil
716 and the county has not otherwise required the applicant to mitigate the suspect soil.

717 (23) "Infrastructure improvement" means permanent infrastructure that an applicant
718 must install:

719 (a) pursuant to published installation and inspection specifications for public
720 improvements; and

721 (b) as a condition of:

722 (i) recording a subdivision plat; or

723 (ii) development of a commercial, industrial, mixed use, condominium, or multifamily
724 project.

725 (24) "Internal lot restriction" means a platted note, platted demarcation, or platted
726 designation that:

727 (a) runs with the land; and

728 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
729 the plat; or

730 (ii) designates a development condition that is enclosed within the perimeter of a lot
731 described on the plat.

732 (25) "Interstate pipeline company" means a person or entity engaged in natural gas
733 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
734 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

735 (26) "Intrastate pipeline company" means a person or entity engaged in natural gas
736 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
737 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

738 (27) "Land use applicant" means a property owner, or the property owner's designee,
739 who submits a land use application regarding the property owner's land.

740 (28) "Land use application":

741 (a) means an application that is:

742 (i) required by a county; and

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

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

745 (29) "Land use authority" means:

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

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

750 (30) "Land use decision" means an administrative decision of a land use authority or
751 appeal authority regarding:

752 (a) a land use permit;

753 (b) a land use application; or

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

756 (31) "Land use permit" means a permit issued by a land use authority.

757 (32) "Land use regulation":

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

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

762 (c) does not include:

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

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

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

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

769 (33) "Legislative body" means the county legislative body, or for a county that has
770 adopted an alternative form of government, the body exercising legislative powers.

771 (34) "Local district" means any entity under Title 17B, Limited Purpose Local
772 Government Entities - Local Districts, and any other governmental or quasi-governmental
773 entity that is not a county, municipality, school district, or the state.

774 (35) "Lot line adjustment" means the relocation of the property boundary line in a
775 subdivision between two adjoining lots with the consent of the owners of record.

776 (36) "Major transit investment corridor" means public transit service that uses or

777 occupies:

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

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

780 or

781 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a

782 municipality or county and:

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

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

785 [~~36~~] (37) "Moderate income housing" means housing occupied or reserved for

786 occupancy by households with a gross household income equal to or less than [~~80%~~] 60% of

787 the median gross income for households of the same size in the county in which the housing is

788 located.

789 [~~37~~] (38) "Mountainous planning district" means an area:

790 (a) designated by a county legislative body in accordance with Section 17-27a-901; and

791 (b) that is not otherwise exempt under Section 10-9a-304.

792 [~~38~~] (39) "Nominal fee" means a fee that reasonably reimburses a county only for

793 time spent and expenses incurred in:

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

795 (b) reviewing and approving those minor aspects of identical plans that differ from the

796 previously reviewed and approved building plans.

797 [~~39~~] (40) "Noncomplying structure" means a structure that:

798 (a) legally existed before its current land use designation; and

799 (b) because of one or more subsequent land use ordinance changes, does not conform

800 to the setback, height restrictions, or other regulations, excluding those regulations that govern

801 the use of land.

802 [~~40~~] (41) "Nonconforming use" means a use of land that:

803 (a) legally existed before its current land use designation;

804 (b) has been maintained continuously since the time the land use ordinance regulation

805 governing the land changed; and

806 (c) because of one or more subsequent land use ordinance changes, does not conform

807 to the regulations that now govern the use of the land.

808 ~~[(41)]~~ (42) "Official map" means a map drawn by county authorities and recorded in
809 the county recorder's office that:

810 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
811 highways and other transportation facilities;

812 (b) provides a basis for restricting development in designated rights-of-way or between
813 designated setbacks to allow the government authorities time to purchase or otherwise reserve
814 the land; and

815 (c) has been adopted as an element of the county's general plan.

816 ~~[(42)]~~ (43) "Parcel boundary adjustment" means a recorded agreement between owners
817 of adjoining properties adjusting their mutual boundary if:

818 (a) no additional parcel is created; and

819 (b) each property identified in the agreement is unsubdivided land, including a
820 remainder of subdivided land.

821 ~~[(43)]~~ (44) "Person" means an individual, corporation, partnership, organization,
822 association, trust, governmental agency, or any other legal entity.

823 ~~[(44)]~~ (45) "Plan for moderate income housing" means a written document adopted by
824 a county legislative body that includes:

825 (a) an estimate of the existing supply of moderate income housing located within the
826 county;

827 (b) an estimate of the need for moderate income housing in the county for the next five
828 years as revised biennially;

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

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

832 (e) a description of the county's program to encourage an adequate supply of moderate
833 income housing.

834 ~~[(45)]~~ (46) "Planning advisory area" means a contiguous, geographically defined
835 portion of the unincorporated area of a county established under this part with planning and
836 zoning functions as exercised through the planning advisory area planning commission, as
837 provided in this chapter, but with no legal or political identity separate from the county and no
838 taxing authority.

839 ~~[(46)]~~ (47) "Plat" means a map or other graphical representation of lands being laid out
840 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

841 ~~[(47)]~~ (48) "Potential geologic hazard area" means an area that:

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

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

848 ~~[(48)]~~ (49) "Public agency" means:

849 (a) the federal government;

850 (b) the state;

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

853 (d) a charter school.

854 ~~[(49)]~~ (50) "Public hearing" means a hearing at which members of the public are
855 provided a reasonable opportunity to comment on the subject of the hearing.

856 ~~[(50)]~~ (51) "Public meeting" means a meeting that is required to be open to the public
857 under Title 52, Chapter 4, Open and Public Meetings Act.

858 ~~[(51)]~~ (52) "Receiving zone" means an unincorporated area of a county that the county
859 designates, by ordinance, as an area in which an owner of land may receive a transferable
860 development right.

861 ~~[(52)]~~ (53) "Record of survey map" means a map of a survey of land prepared in
862 accordance with Section 17-23-17.

863 ~~[(53)]~~ (54) "Residential facility for persons with a disability" means a residence:

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

865 (b) (i) which is licensed or certified by the Department of Human Services under Title
866 62A, Chapter 2, Licensure of Programs and Facilities; or

867 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
868 21, Health Care Facility Licensing and Inspection Act.

869 ~~[(54)]~~ (55) "Rules of order and procedure" means a set of rules that govern and

870 prescribe in a public meeting:

871 (a) parliamentary order and procedure;

872 (b) ethical behavior; and

873 (c) civil discourse.

874 ~~[(55)]~~ (56) "Sanitary sewer authority" means the department, agency, or public entity
875 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
876 wastewater systems.

877 ~~[(56)]~~ (57) "Sending zone" means an unincorporated area of a county that the county
878 designates, by ordinance, as an area from which an owner of land may transfer a transferable
879 development right.

880 ~~[(57)]~~ (58) "Site plan" means a document or map that may be required by a county
881 during a preliminary review preceding the issuance of a building permit to demonstrate that an
882 owner's or developer's proposed development activity meets a land use requirement.

883 ~~[(58)]~~ (59) "Specified public agency" means:

884 (a) the state;

885 (b) a school district; or

886 (c) a charter school.

887 ~~[(59)]~~ (60) "Specified public utility" means an electrical corporation, gas corporation,
888 or telephone corporation, as those terms are defined in Section 54-2-1.

889 ~~[(60)]~~ (61) "State" includes any department, division, or agency of the state.

890 ~~[(61)]~~ (62) "Street" means a public right-of-way, including a highway, avenue,
891 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
892 or other way.

893 ~~[(62)]~~ (63) (a) "Subdivision" means any land that is divided, resubdivided or proposed
894 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
895 purpose, whether immediate or future, for offer, sale, lease, or development either on the
896 installment plan or upon any and all other plans, terms, and conditions.

897 (b) "Subdivision" includes:

898 (i) the division or development of land whether by deed, metes and bounds description,
899 devise and testacy, map, plat, or other recorded instrument; and

900 (ii) except as provided in Subsection (62)(c), divisions of land for residential and

901 nonresidential uses, including land used or to be used for commercial, agricultural, and
902 industrial purposes.

903 (c) "Subdivision" does not include:

904 (i) a bona fide division or partition of agricultural land for agricultural purposes;

905 (ii) a recorded agreement between owners of adjoining properties adjusting their
906 mutual boundary if:

907 (A) no new lot is created; and

908 (B) the adjustment does not violate applicable land use ordinances;

909 (iii) a recorded document, executed by the owner of record:

910 (A) revising the legal description of more than one contiguous unsubdivided parcel of
911 property into one legal description encompassing all such parcels of property; or

912 (B) joining a subdivided parcel of property to another parcel of property that has not
913 been subdivided, if the joinder does not violate applicable land use ordinances;

914 (iv) a bona fide division or partition of land in a county other than a first class county
915 for the purpose of siting, on one or more of the resulting separate parcels:

916 (A) an electrical transmission line or a substation;

917 (B) a natural gas pipeline or a regulation station; or

918 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
919 utility service regeneration, transformation, retransmission, or amplification facility;

920 (v) a recorded agreement between owners of adjoining subdivided properties adjusting
921 their mutual boundary if:

922 (A) no new dwelling lot or housing unit will result from the adjustment; and

923 (B) the adjustment will not violate any applicable land use ordinance;

924 (vi) a bona fide division or partition of land by deed or other instrument where the land
925 use authority expressly approves in writing the division in anticipation of further land use
926 approvals on the parcel or parcels; or

927 (vii) a parcel boundary adjustment.

928 (d) The joining of a subdivided parcel of property to another parcel of property that has
929 not been subdivided does not constitute a subdivision under this Subsection (62) as to the
930 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision
931 ordinance.

932 ~~[(63)]~~ (64) "Suspect soil" means soil that has:

933 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
934 3% swell potential;

935 (b) bedrock units with high shrink or swell susceptibility; or

936 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
937 commonly associated with dissolution and collapse features.

938 ~~[(64)]~~ (65) "Therapeutic school" means a residential group living facility:

939 (a) for four or more individuals who are not related to:

940 (i) the owner of the facility; or

941 (ii) the primary service provider of the facility;

942 (b) that serves students who have a history of failing to function:

943 (i) at home;

944 (ii) in a public school; or

945 (iii) in a nonresidential private school; and

946 (c) that offers:

947 (i) room and board; and

948 (ii) an academic education integrated with:

949 (A) specialized structure and supervision; or

950 (B) services or treatment related to a disability, an emotional development, a
951 behavioral development, a familial development, or a social development.

952 ~~[(65)]~~ (66) "Transferable development right" means a right to develop and use land that
953 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
954 land use rights from a designated sending zone to a designated receiving zone.

955 ~~[(66)]~~ (67) "Unincorporated" means the area outside of the incorporated area of a
956 municipality.

957 ~~[(67)]~~ (68) "Water interest" means any right to the beneficial use of water, including:

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

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

960 (i) a contract; or

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

962 ~~[(68)]~~ (69) "Zoning map" means a map, adopted as part of a land use ordinance, that

963 depicts land use zones, overlays, or districts.

964 Section 5. Section **17-27a-403** is amended to read:

965 **17-27a-403. Plan preparation.**

966 (1) (a) The planning commission shall provide notice, as provided in Section
967 17-27a-203, of its intent to make a recommendation to the county legislative body for a general
968 plan or a comprehensive general plan amendment when the planning commission initiates the
969 process of preparing its recommendation.

970 (b) The planning commission shall make and recommend to the legislative body a
971 proposed general plan for:

972 (i) the unincorporated area within the county; or

973 (ii) if the planning commission is a planning commission for a mountainous planning
974 district, the mountainous planning district.

975 (c) (i) The plan may include planning for incorporated areas if, in the planning
976 commission's judgment, they are related to the planning of the unincorporated territory or of
977 the county as a whole.

978 (ii) Elements of the county plan that address incorporated areas are not an official plan
979 or part of a municipal plan for any municipality, unless it is recommended by the municipal
980 planning commission and adopted by the governing body of the municipality.

981 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous
982 planning district, the plan for the mountainous planning district controls and precedes a
983 municipal plan, if any, to which the property would be subject.

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

987 (i) a land use element that:

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

992 (B) may include a statement of the projections for and standards of population density
993 and building intensity recommended for the various land use categories covered by the plan;

994 (ii) a transportation and traffic circulation element [~~consisting of the general location~~
995 ~~and extent of existing and proposed freeways, arterial and collector streets, mass transit, and~~
996 ~~any other modes of transportation that the planning commission considers appropriate, all~~
997 ~~correlated with the population projections and the proposed land use element of the general~~
998 ~~plan;~~ that:

999 (A) provides the general location and extent of existing and proposed freeways, arterial
1000 and collector streets, public transit, active transportation facilities, and other modes of
1001 transportation that the planning commission considers appropriate;

1002 (B) addresses the county's plan for residential and commercial development around
1003 major transit investment corridors to maintain and improve the connections between housing,
1004 employment, education, recreation, and commerce; and

1005 (C) correlates with the population projections and the proposed land use element of the
1006 general plan;

1007 (iii) a plan for the development of additional moderate income housing within the
1008 unincorporated area of the county or the mountainous planning district, and a plan to provide a
1009 realistic opportunity to meet the need for additional moderate income housing; and

1010 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
1011 and policies required by Subsection 17-27a-401(3).

1012 (b) In drafting the moderate income housing element, the planning commission:

1013 (i) shall consider the Legislature's determination that counties should facilitate a
1014 reasonable opportunity for a variety of housing, including moderate income housing:

1015 (A) to meet the needs of people [~~desiring~~] of various income levels who desire to live
1016 there; and

1017 (B) to allow [~~persons~~] people with moderate incomes to benefit from and fully
1018 participate in all aspects of neighborhood and community life; and

1019 (ii) shall include an analysis of [~~why the recommended means, techniques, or~~
1020 ~~combination of means and techniques~~] how the municipality will provide a realistic
1021 opportunity for the development of moderate income housing within the planning horizon,
1022 which [~~means or techniques~~] may include a recommendation to do one or more of the
1023 following:

1024 (A) rezone for densities necessary to assure the production of moderate income

- 1025 housing;
- 1026 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
1027 construction of moderate income housing;
- 1028 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate
1029 income housing;
- 1030 (D) [~~consider~~] use county general fund subsidies to waive construction related fees that
1031 are otherwise generally imposed by the county;
- 1032 (E) implement inclusionary housing and zoning strategies;
- 1033 (F) create or allow for, and reduce regulations related to, accessory dwelling units in
1034 residential zones;
- 1035 (G) allow for housing in commercial and mixed-use zones;
- 1036 (H) encourage higher density or moderate income residential development near major
1037 transit investment corridors;
- 1038 (I) eliminate or reduce parking requirements for residential development where a
1039 resident is less likely to rely on the resident's own vehicle, such as residential development near
1040 major transit investment corridors or senior living facilities;
- 1041 (J) allow for single room occupancy developments;
- 1042 (K) preserve existing moderate income housing, including deed-restricted moderate
1043 income housing;
- 1044 [~~E~~] (L) consider utilization of state or federal funds or tax incentives to promote the
1045 construction of moderate income housing;
- 1046 [~~F~~] (M) consider utilization of programs offered by the Utah Housing Corporation
1047 within that agency's funding capacity; [~~and~~]
- 1048 [~~G~~] (N) consider utilization of affordable housing programs administered by the
1049 Department of Workforce Services[-]; and
- 1050 (O) consider utilization of services provided by a public housing authority to preserve
1051 and create moderate income housing.
- 1052 (c) In drafting the land use element, the planning commission shall:
- 1053 (i) identify and consider each agriculture protection area within the unincorporated area
1054 of the county or mountainous planning district; and
- 1055 (ii) avoid proposing a use of land within an agriculture protection area that is

1056 inconsistent with or detrimental to the use of the land for agriculture.

1057 (d) In drafting the transportation and traffic circulation element, the planning
1058 commission shall:

1059 (i) consider the regional transportation plan developed by its region's metropolitan
1060 planning organization, if the relevant areas of the county are within the boundaries of a
1061 metropolitan planning organization; or

1062 (ii) consider the long-range transportation plan developed by the Utah Department of
1063 Transportation, if the relevant areas of the county are not within the boundaries of a
1064 metropolitan planning organization.

1065 (3) The proposed general plan may include:

1066 (a) an environmental element that addresses:

1067 (i) to the extent not covered by the county's resource management plan, the protection,
1068 conservation, development, and use of natural resources, including the quality of air, forests,
1069 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
1070 and

1071 (ii) the reclamation of land, flood control, prevention and control of the pollution of
1072 streams and other waters, regulation of the use of land on hillsides, stream channels and other
1073 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
1074 protection of watersheds and wetlands, and the mapping of known geologic hazards;

1075 (b) a public services and facilities element showing general plans for sewage, water,
1076 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
1077 police and fire protection, and other public services;

1078 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
1079 programs for:

1080 (i) historic preservation;

1081 (ii) the diminution or elimination of blight; and

1082 (iii) redevelopment of land, including housing sites, business and industrial sites, and
1083 public building sites;

1084 (d) an economic element composed of appropriate studies and forecasts, as well as an
1085 economic development plan, which may include review of existing and projected county
1086 revenue and expenditures, revenue sources, identification of basic and secondary industry,

1087 primary and secondary market areas, employment, and retail sales activity;

1088 (e) recommendations for implementing all or any portion of the general plan, including
1089 the use of land use ordinances, capital improvement plans, community development and
1090 promotion, and any other appropriate action;

1091 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
1092 (3)(a)(i); and

1093 (g) any other element the county considers appropriate.

1094 Section 6. Section **17-27a-408** is amended to read:

1095 **17-27a-408. Civil action regarding moderate income housing element of general**
1096 **plan.**

1097 In a civil action seeking enforcement or claiming a violation of [~~this section or of~~
1098 Subsection 17-27a-404(6)(c), a plaintiff may not recover damages but may be awarded only
1099 injunctive or other equitable relief.

1100 Section 7. Section **35A-8-503** is amended to read:

1101 **35A-8-503. Housing loan fund board -- Duties -- Expenses.**

1102 (1) There is created the Olene Walker Housing Loan Fund Board.

1103 (2) The board is composed of [~~11~~] 13 voting members.

1104 (a) The governor shall appoint the following members to four-year terms:

1105 (i) [~~two~~] four members from local governments, at least one of whom shall represent a
1106 rural area;

1107 (ii) two members from the mortgage lending community;

1108 (iii) one member from real estate sales interests;

1109 (iv) one member from home builders interests;

1110 (v) one member from rental housing interests;

1111 (vi) one member from housing advocacy interests;

1112 (vii) one member of the manufactured housing interest; [~~and~~]

1113 (viii) one member with expertise in transit-oriented developments; and

1114 [~~(viii) two members~~] (ix) one member of the general public.

1115 (b) The director or the director's designee serves as the secretary of the board.

1116 (c) The members of the board shall annually elect a chair from among the voting
1117 membership of the board.

1118 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the
1119 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1120 board members are staggered so that approximately half of the board is appointed every two
1121 years.

1122 (b) When a vacancy occurs in the membership for any reason, the replacement is
1123 appointed for the unexpired term.

1124 (4) (a) The board shall:

1125 (i) meet regularly, at least [~~quarterly~~] six times per year, on dates fixed by the board;

1126 (ii) keep minutes of its meetings; and

1127 (iii) comply with the procedures and requirements of Title 52, Chapter 4, Open and
1128 Public Meetings Act.

1129 (b) Seven members of the board constitute a quorum, and the governor, the chair, or a
1130 majority of the board may call a meeting of the board.

1131 (5) The board shall:

1132 (a) review the housing needs in the state;

1133 (b) determine the relevant operational aspects of any grant, loan, or revenue collection
1134 program established under the authority of this chapter;

1135 (c) determine the means to implement the policies and goals of this chapter;

1136 (d) select specific projects to receive grant or loan money; and

1137 (e) determine how fund money shall be allocated and distributed.

1138 (6) A member may not receive compensation or benefits for the member's service, but
1139 may receive per diem and travel expenses in accordance with:

1140 (a) Section 63A-3-106;

1141 (b) Section 63A-3-107; and

1142 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1143 63A-3-107.

1144 Section 8. Section **35A-8-505** is amended to read:

1145 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**
1146 **director.**

1147 At the direction of the board, the executive director may:

1148 (1) provide fund money to any of the following activities:

- 1149 (a) the acquisition, rehabilitation, or new construction of low-income housing units;
1150 (b) matching funds for social services projects directly related to providing housing for
1151 special-need renters in assisted projects;
- 1152 (c) the development and construction of accessible housing designed for low-income
1153 persons;
- 1154 (d) the construction or improvement of a shelter or transitional housing facility that
1155 provides services intended to prevent or minimize homelessness among members of a specific
1156 homeless subpopulation;
- 1157 (e) the purchase of an existing facility to provide temporary or transitional housing for
1158 the homeless in an area that does not require rezoning before providing such temporary or
1159 transitional housing; [~~and~~]
- 1160 (f) the purchase of land that will be used as the site of low-income housing units; and
1161 [~~(f)~~] (g) other activities that will assist in minimizing homelessness or improving the
1162 availability or quality of housing in the state for low-income persons;
- 1163 (2) do any act necessary or convenient to the exercise of the powers granted by this part
1164 or reasonably implied from those granted powers, including:
- 1165 (a) making or executing contracts and other instruments necessary or convenient for
1166 the performance of the executive director and board's duties and the exercise of the executive
1167 director and board's powers and functions under this part, including contracts or agreements for
1168 the servicing and originating of mortgage loans;
- 1169 (b) procuring insurance against a loss in connection with property or other assets held
1170 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;
- 1171 (c) entering into agreements with a department, agency, or instrumentality of the
1172 United States or this state and with mortgagors and mortgage lenders for the purpose of
1173 planning and regulating and providing for the financing and refinancing, purchase,
1174 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,
1175 or other disposition of residential housing undertaken with the assistance of the department
1176 under this part;
- 1177 (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,
1178 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or
1179 personal property obtained by the fund due to the default on a mortgage loan held by the fund

1180 in preparation for disposition of the property, taking assignments of leases and rentals,
1181 proceeding with foreclosure actions, and taking other actions necessary or incidental to the
1182 performance of its duties; and

1183 (e) selling, at a public or private sale, with public bidding, a mortgage or other
1184 obligation held by the fund.

1185 Section 9. Section **35A-8-803** is amended to read:

1186 **35A-8-803. Division -- Functions.**

1187 (1) In addition to any other functions the governor or Legislature may assign:

1188 (a) the division shall:

1189 (i) provide a clearinghouse of information for federal, state, and local housing
1190 assistance programs;

1191 (ii) establish, in cooperation with political subdivisions, model plans and management
1192 methods to encourage or provide for the development of affordable housing that may be
1193 adopted by political subdivisions by reference;

1194 (iii) undertake, in cooperation with political subdivisions, a realistic assessment of
1195 problems relating to housing needs, such as:

1196 (A) inadequate supply of dwellings;

1197 (B) substandard dwellings; and

1198 (C) inability of medium and low income families to obtain adequate housing;

1199 (iv) provide the information obtained under Subsection (1)(a)(iii) to:

1200 (A) political subdivisions;

1201 (B) real estate developers;

1202 (C) builders;

1203 (D) lending institutions;

1204 (E) affordable housing advocates; and

1205 (F) others having use for the information;

1206 (v) advise political subdivisions of serious housing problems existing within their
1207 jurisdiction that require concerted public action for solution; ~~and~~

1208 (vi) assist political subdivisions in defining housing objectives and in preparing for
1209 adoption a plan of action covering a five-year period designed to accomplish housing
1210 objectives within their jurisdiction; and

1211 (vii) for municipalities required to submit an annual moderate income housing report to
1212 the department as described in Section 10-9a-408, assist in the creation and evaluation of the
1213 reports; and

1214 (b) within legislative appropriations, the division may accept for and on behalf of, and
1215 bind the state to, any federal housing or homeless program in which the state is invited,
1216 permitted, or authorized to participate in the distribution, disbursement, or administration of
1217 any funds or service advanced, offered, or contributed in whole or in part by the federal
1218 government.

1219 (2) The administration of any federal housing program in which the state is invited,
1220 permitted, or authorized to participate in distribution, disbursement, or administration of funds
1221 or services, except those administered by the Utah Housing Corporation, is governed by
1222 Sections 35A-8-501 through 35A-8-508.

1223 Section 10. Section **72-1-304** is amended to read:

1224 **72-1-304. Written project prioritization process for new transportation capacity**
1225 **projects -- Rulemaking.**

1226 (1) (a) The Transportation Commission, in consultation with the department and the
1227 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written
1228 prioritization process for the prioritization of new transportation capacity projects that are or
1229 will be part of the state highway system under Chapter 4, Part 1, State Highways, or public
1230 transit projects that add capacity to the public transit systems within the state.

1231 (b) (i) A local government or district may nominate a project for prioritization in
1232 accordance with the process established by the commission in rule.

1233 (ii) If a local government or district nominates a project for prioritization by the
1234 commission, the local government or district shall provide data and evidence to show that:

1235 (A) the project will advance the purposes and goals described in Section 72-1-211;

1236 (B) for a public transit project, the local government or district has an ongoing funding
1237 source for operations and maintenance of the proposed development; and

1238 (C) the local government or district will provide 40% of the funds for the project as
1239 required by Subsection 72-2-124(7)(e).

1240 (2) The following shall be included in the written prioritization process under
1241 Subsection (1):

- 1242 (a) a description of how the strategic initiatives of the department adopted under
1243 Section 72-1-211 are advanced by the written prioritization process;
- 1244 (b) a definition of the type of projects to which the written prioritization process
1245 applies;
- 1246 (c) specification of a weighted criteria system that is used to rank proposed projects
1247 and how it will be used to determine which projects will be prioritized;
- 1248 (d) specification of the data that is necessary to apply the weighted ranking criteria; and
- 1249 (e) any other provisions the commission considers appropriate, which may include
1250 consideration of:
- 1251 (i) regional and statewide economic development impacts, including improved local
1252 access to:
- 1253 (A) employment;
- 1254 (B) educational facilities;
- 1255 [~~B~~] (C) recreation;
- 1256 [~~C~~] (D) commerce; and
- 1257 [~~D~~] (E) residential areas, including moderate income housing as demonstrated in the
1258 local government's or district's general plan pursuant to Section 10-9a-403 or Section
1259 17-27a-403;
- 1260 (ii) the extent to which local land use plans are relevant to a project support and
1261 accomplish the strategic initiatives adopted under Section 72-1-211; and
- 1262 (iii) any matching funds provided by a political subdivision or public transit district in
1263 addition to the 40% required by Subsection 72-2-124(7)(e).
- 1264 (3) In developing the written prioritization process, the commission:
- 1265 (a) shall seek and consider public comment by holding public meetings at locations
1266 throughout the state; and
- 1267 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
1268 the state provides an equal opportunity to raise local matching dollars for state highway
1269 improvements within each county.
- 1270 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1271 Transportation Commission, in consultation with the department, shall make rules establishing
1272 the written prioritization process under Subsection (1).

1273 (5) The commission shall submit the proposed rules under this section to a committee
1274 or task force designated by the Legislative Management Committee for review prior to taking
1275 final action on the proposed rules or any proposed amendment to the rules described in
1276 Subsection (4).

1277 Section 11. Section **72-2-124** is amended to read:

1278 **72-2-124. Transportation Investment Fund of 2005.**

1279 (1) There is created a capital projects fund entitled the Transportation Investment Fund
1280 of 2005.

1281 (2) The fund consists of money generated from the following sources:

1282 (a) any voluntary contributions received for the maintenance, construction,
1283 reconstruction, or renovation of state and federal highways;

1284 (b) appropriations made to the fund by the Legislature;

1285 (c) registration fees designated under Section 41-1a-1201;

1286 (d) the sales and use tax revenues deposited into the fund in accordance with Section
1287 59-12-103; and

1288 (e) revenues transferred to the fund in accordance with Section 72-2-106.

1289 (3) (a) The fund shall earn interest.

1290 (b) All interest earned on fund money shall be deposited into the fund.

1291 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
1292 fund money [~~only~~] to pay:

1293 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
1294 federal highways prioritized by the Transportation Commission through the prioritization
1295 process for new transportation capacity projects adopted under Section 72-1-304;

1296 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
1297 projects described in Subsections 63B-18-401(2), (3), and (4);

1298 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
1299 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
1300 with Subsection 72-2-121(4)(f);

1301 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
1302 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
1303 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the

1304 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

1305 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
1306 for projects prioritized in accordance with Section 72-2-125;

1307 (vi) all highway general obligation bonds that are intended to be paid from revenues in
1308 the Centennial Highway Fund created by Section 72-2-118; and

1309 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
1310 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
1311 in Section 72-2-121.

1312 (b) The executive director may use fund money to exchange for an equal or greater
1313 amount of federal transportation funds to be used as provided in Subsection (4)(a).

1314 (c) Within the boundaries of a municipality that is required under Subsection
1315 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate
1316 income housing plan element as part of the municipality's general plan as described in Section
1317 10-9a-403, the executive director:

1318 (i) may use fund money in accordance with Subsection (4)(a) for a limited-access
1319 facility; and

1320 (ii) may not use fund money, including fund money from the Transit Transportation
1321 Investment Fund created in Subsection (7)(a), for the construction, reconstruction, or
1322 renovation to an interchange on a limited-access facility.

1323 (5) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued
1324 in any fiscal year, the department and the commission shall appear before the Executive
1325 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
1326 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),
1327 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

1328 (b) The Executive Appropriations Committee of the Legislature shall review and
1329 comment on the amount of bond proceeds needed to fund the projects.

1330 (6) The Division of Finance shall, from money deposited into the fund, transfer the
1331 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
1332 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or
1333 sinking fund.

1334 (7) (a) There is created in the Transportation Investment Fund of 2005 the Transit

1335 Transportation Investment Fund.

1336 (b) The fund shall be funded by:

1337 (i) contributions deposited into the fund in accordance with Section 59-12-103;

1338 (ii) appropriations into the account by the Legislature;

1339 (iii) private contributions; and

1340 (iv) donations or grants from public or private entities.

1341 (c) (i) The fund shall earn interest.

1342 (ii) All interest earned on fund money shall be deposited into the fund.

1343 (d) Subject to Subsection (7)(e), the Legislature may appropriate money from the fund
 1344 for public transit capital development of new capacity projects to be used as prioritized by the
 1345 commission.

1346 (e) (i) The Legislature may only appropriate money from the fund for a public transit
 1347 capital development project if the public transit district or political subdivision provides funds
 1348 of equal to or greater than 40% of the funds needed for the project.

1349 (ii) A public transit district or political subdivision may use money derived from a loan
 1350 granted pursuant to Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund, to
 1351 provide all or part of the 40% requirement described in Subsection (7)(e)(i) if:

1352 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
 1353 Transportation Infrastructure Loan Fund; and

1354 (B) the proposed capital project has been prioritized by the commission pursuant to
 1355 Section 72-1-303.

1356 Section 12. **Appropriation.**

1357 The following sums of money are appropriated for the fiscal year beginning July 1,
 1358 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for
 1359 fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 1360 Act, the Legislature appropriates the following sums of money from the funds or accounts
 1361 indicated for the use and support of the government of the state of Utah.

1362 ITEM 1

1363 To Department of Workforce Services -- Economic Revitalization and Investment Fund

1364 From General Fund, One-time \$20,000,000

1365 From General Fund \$4,000,000

| | | |
|------|--|---------------------|
| 1366 | <u>Schedule of Programs:</u> | |
| 1367 | <u>Economic Revitalization and Investment Fund</u> | <u>\$24,000,000</u> |