

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 -- Olene Walker Housing Loan Fund as a one-time appropriation:
 - from the General Fund, \$20,000,000; and
- ▶ to the Department of Workforce Services -- Olene Walker Housing Loan 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% of the

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

251 ~~[(35)]~~ (36) "Nominal fee" means a fee that reasonably reimburses a municipality only
252 for time spent and expenses incurred in:

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

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

256 ~~[(36)]~~ (37) "Noncomplying structure" means a structure that:

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

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

261 ~~[(37)]~~ (38) "Nonconforming use" means a use of land that:

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

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

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

267 ~~[(38)]~~ (39) "Official map" means a map drawn by municipal authorities and recorded in
268 a county recorder's office that:

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

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

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

275 ~~[(39)]~~ (40) "Parcel boundary adjustment" means a recorded agreement between owners
276 of adjoining properties adjusting their mutual boundary if:

277 (a) no additional parcel is created; and

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

280 ~~[(40)]~~ (41) "Person" means an individual, corporation, partnership, organization,

281 association, trust, governmental agency, or any other legal entity.

282 ~~[(41)]~~ (42) "Plan for moderate income housing" means a written document adopted by
283 a city legislative body that includes:

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

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

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

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

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

293 ~~[(42)]~~ (43) "Plat" means a map or other graphical representation of lands being laid out
294 and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

295 ~~[(43)]~~ (44) "Potential geologic hazard area" means an area that:

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

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

302 ~~[(44)]~~ (45) "Public agency" means:

303 (a) the federal government;

304 (b) the state;

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

307 (d) a charter school.

308 ~~[(45)]~~ (46) "Public hearing" means a hearing at which members of the public are
309 provided a reasonable opportunity to comment on the subject of the hearing.

310 ~~[(46)]~~ (47) "Public meeting" means a meeting that is required to be open to the public
311 under Title 52, Chapter 4, Open and Public Meetings Act.

312 ~~[(47)]~~ (48) "Receiving zone" means an area of a municipality that the municipality
313 designates, by ordinance, as an area in which an owner of land may receive a transferable
314 development right.

315 ~~[(48)]~~ (49) "Record of survey map" means a map of a survey of land prepared in
316 accordance with Section 17-23-17.

317 ~~[(49)]~~ (50) "Residential facility for persons with a disability" means a residence:

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

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

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

323 ~~[(50)]~~ (51) "Rules of order and procedure" means a set of rules that govern and
324 prescribe in a public meeting:

325 (a) parliamentary order and procedure;

326 (b) ethical behavior; and

327 (c) civil discourse.

328 ~~[(51)]~~ (52) "Sanitary sewer authority" means the department, agency, or public entity
329 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
330 wastewater systems.

331 ~~[(52)]~~ (53) "Sending zone" means an area of a municipality that the municipality
332 designates, by ordinance, as an area from which an owner of land may transfer a transferable
333 development right.

334 ~~[(53)]~~ (54) "Specified public agency" means:

335 (a) the state;

336 (b) a school district; or

337 (c) a charter school.

338 ~~[(54)]~~ (55) "Specified public utility" means an electrical corporation, gas corporation,
339 or telephone corporation, as those terms are defined in Section 54-2-1.

340 ~~[(55)]~~ (56) "State" includes any department, division, or agency of the state.

341 ~~[(56)]~~ (57) "Street" means a public right-of-way, including a highway, avenue,

342 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,

343 or other way.

344 ~~[(57)]~~ (58) (a) "Subdivision" means any land that is divided, resubdivided or proposed
345 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
346 purpose, whether immediate or future, for offer, sale, lease, or development either on the
347 installment plan or upon any and all other plans, terms, and conditions.

348 (b) "Subdivision" includes:

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

351 (ii) except as provided in Subsection ~~[(57)]~~ (58)(c), divisions of land for residential and
352 nonresidential uses, including land used or to be used for commercial, agricultural, and
353 industrial purposes.

354 (c) "Subdivision" does not include:

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

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

361 (A) no new lot is created; and

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

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

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

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

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

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

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

372 (v) a bona fide division or partition of land by deed or other instrument where the land
373 use authority expressly approves in writing the division in anticipation of further land use

374 approvals on the parcel or parcels; or

375 (vi) a parcel boundary adjustment.

376 (d) The joining of a subdivided parcel of property to another parcel of property that has
377 not been subdivided does not constitute a subdivision under this Subsection [~~(57)~~] (58) as to
378 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
379 subdivision ordinance.

380 [~~(58)~~] (59) "Suspect soil" means soil that has:

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

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

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

386 [~~(59)~~] (60) "Therapeutic school" means a residential group living facility:

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

388 (i) the owner of the facility; or

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

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

391 (i) at home;

392 (ii) in a public school; or

393 (iii) in a nonresidential private school; and

394 (c) that offers:

395 (i) room and board; and

396 (ii) an academic education integrated with:

397 (A) specialized structure and supervision; or

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

400 [~~(60)~~] (61) "Transferable development right" means a right to develop and use land that
401 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
402 land use rights from a designated sending zone to a designated receiving zone.

403 [~~(61)~~] (62) "Unincorporated" means the area outside of the incorporated area of a city
404 or town.

405 ~~[(62)]~~ (63) "Water interest" means any right to the beneficial use of water, including:

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

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

408 (i) a contract; or

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

410 ~~[(63)]~~ (64) "Zoning map" means a map, adopted as part of a land use ordinance, that
411 depicts land use zones, overlays, or districts.

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

413 **10-9a-403. General plan preparation.**

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

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

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

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

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

430 (i) a land use element that:

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

435 (B) may include a statement of the projections for and standards of population density

436 and building intensity recommended for the various land use categories covered by the plan;

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

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

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

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

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

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

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

455 (A) to meet the needs of people [~~desiring to live~~] of various income levels living or
456 working in the community; and

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

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

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

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

467 housing;

468 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
469 construction of moderate income housing;

470 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate
471 income housing;

472 (D) consider general fund subsidies to waive construction related fees that are
473 otherwise generally imposed by the city;

474 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
475 residential zones;

476 (F) allow for housing in commercial and mixed-use zones;

477 (G) encourage higher density or moderate income residential development near major
478 transit investment corridors;

479 (H) eliminate or reduce parking requirements for residential development where a
480 resident is less likely to rely on the resident's own vehicle, such as residential development near
481 major transit investment corridors or senior living facilities;

482 (I) allow for single room occupancy developments;

483 (J) preserve existing moderate income housing;

484 [~~E~~] (K) consider utilization of state or federal funds or tax incentives to promote the
485 construction of moderate income housing;

486 [~~F~~] (L) consider utilization of programs offered by the Utah Housing Corporation
487 within that agency's funding capacity;

488 [~~G~~] (M) consider utilization of affordable housing programs administered by the
489 Department of Workforce Services; [~~and~~]

490 [~~H~~] (N) consider utilization of programs administered by an association of
491 governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal
492 Cooperation Act[-]; and

493 (O) consider utilization of services provided by a public housing authority to preserve
494 and create moderate income housing.

495 (c) In drafting the land use element, the planning commission shall:

496 (i) identify and consider each agriculture protection area within the municipality; and

497 (ii) avoid proposing a use of land within an agriculture protection area that is

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

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

501 (i) consider the regional transportation plan developed by its region's metropolitan
502 planning organization, if the municipality is within the boundaries of a metropolitan planning
503 organization; or

504 (ii) consider the long-range transportation plan developed by the Utah Department of
505 Transportation, if the municipality is not within the boundaries of a metropolitan planning
506 organization.

507 (3) The proposed general plan may include:

508 (a) an environmental element that addresses:

509 (i) the protection, conservation, development, and use of natural resources, including
510 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,
511 and other natural resources; and

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

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

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

521 (i) historic preservation;

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

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

525 (d) an economic element composed of appropriate studies and forecasts, as well as an
526 economic development plan, which may include review of existing and projected municipal
527 revenue and expenditures, revenue sources, identification of basic and secondary industry,
528 primary and secondary market areas, employment, and retail sales activity;

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

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

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

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

536 **10-9a-408. Reporting requirements and civil action regarding moderate income**
537 **housing element of general plan.**

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

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

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

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

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

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

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

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

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

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

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

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

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

557 (iii) the number of housing units in the municipality that are deed-restricted;

558 (d) all efforts made by the [~~city~~] municipality to coordinate moderate income housing
559 plans and actions with neighboring municipalities or associations of governments established

560 by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;

561 (e) all efforts made by the municipality to utilize a moderate income housing set-aside
562 from a redevelopment agency, a community development agency, or an economic development
563 agency;

564 (f) money expended by the municipality to pay or waive construction-related fees
565 required by the municipality; [~~and~~]

566 (g) programs of the Utah Housing Corporation that were utilized by the
567 municipality[-]; and

568 (h) a description of how the municipality has implemented any of the recommendations
569 related to moderate income housing described in Subsection 10-9a-403(2)(b)(iii).

570 (3) The legislative body of each [~~city~~] municipality described in Subsection (1) shall
571 send a copy of the report under Subsection (1) to the Department of Workforce Services and
572 the association of governments in which the [~~city~~] municipality is located.

573 (4) In a civil action seeking enforcement or claiming a violation of this section or of
574 Subsection 10-9a-404(5)(c), a plaintiff may not recover damages but may be awarded only
575 injunctive or other equitable relief.

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

577 **17-27a-103. Definitions.**

578 As used in this chapter:

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

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

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

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

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

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

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

598 (i) an operating charter school;

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

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

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

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

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

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

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

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

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

617 (9) "Development activity" means:

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

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

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

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

627 (b) "Disability" does not include current illegal use of, or addiction to, any federally
628 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
629 802.

630 (11) "Educational facility":

631 (a) means:

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

635 (ii) a structure or facility:

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

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

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

640 (b) does not include:

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

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

644 and

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

646 (ii) a therapeutic school.

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

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

651 (a) is within the 100-year flood plain designated by the Federal Emergency
652 Management Agency; or

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

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

658 (15) "General plan" means a document that a county adopts that sets forth general
659 guidelines for proposed future development of:

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

661 (b) for a mountainous planning district, the land within the mountainous planning
662 district.

663 (16) "Geologic hazard" means:

664 (a) a surface fault rupture;

665 (b) shallow groundwater;

666 (c) liquefaction;

667 (d) a landslide;

668 (e) a debris flow;

669 (f) unstable soil;

670 (g) a rock fall; or

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

672 (i) to life;

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

674 (iii) of substantial damage to real property.

675 (17) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
676 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
677 system.

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

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

680 (b) are substantially identical building plans that were previously submitted to and
681 reviewed and approved by the county; and

682 (c) describe a building that:

683 (i) is located on land zoned the same as the land on which the building described in the

684 previously approved plans is located;

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

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

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

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

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

696 (a) recording a subdivision plat; or

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

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

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

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

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

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

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

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

710 (ii) has substantial evidence, on record:

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

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

714 (23) "Infrastructure improvement" means permanent infrastructure that an applicant

715 must install:

716 (a) pursuant to published installation and inspection specifications for public

717 improvements; and

718 (b) as a condition of:

719 (i) recording a subdivision plat; or

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

721 project.

722 (24) "Internal lot restriction" means a platted note, platted demarcation, or platted

723 designation that:

724 (a) runs with the land; and

725 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on

726 the plat; or

727 (ii) designates a development condition that is enclosed within the perimeter of a lot

728 described on the plat.

729 (25) "Interstate pipeline company" means a person or entity engaged in natural gas

730 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under

731 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

732 (26) "Intrastate pipeline company" means a person or entity engaged in natural gas

733 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory

734 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

735 (27) "Land use applicant" means a property owner, or the property owner's designee,

736 who submits a land use application regarding the property owner's land.

737 (28) "Land use application":

738 (a) means an application that is:

739 (i) required by a county; and

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

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

742 (29) "Land use authority" means:

743 (a) a person, board, commission, agency, or body, including the local legislative body,

744 designated by the local legislative body to act upon a land use application; or

745 (b) if the local legislative body has not designated a person, board, commission,

746 agency, or body, the local legislative body.

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

749 (a) a land use permit;

750 (b) a land use application; or

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

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

754 (32) "Land use regulation":

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

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

759 (c) does not include:

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

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

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

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

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

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

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

773 (36) "Major transit investment corridor" means public transit service that uses or
774 occupies:

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

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

777 or

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

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

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

782 [~~36~~] (37) "Moderate income housing" means housing occupied or reserved for
783 occupancy by households with a gross household income equal to or less than 80% of the
784 median gross income for households of the same size in the county in which the housing is
785 located.

786 [~~37~~] (38) "Mountainous planning district" means an area:

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

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

789 [~~38~~] (39) "Nominal fee" means a fee that reasonably reimburses a county only for
790 time spent and expenses incurred in:

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

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

794 [~~39~~] (40) "Noncomplying structure" means a structure that:

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

796 (b) because of one or more subsequent land use ordinance changes, does not conform
797 to the setback, height restrictions, or other regulations, excluding those regulations that govern
798 the use of land.

799 [~~40~~] (41) "Nonconforming use" means a use of land that:

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

801 (b) has been maintained continuously since the time the land use ordinance regulation
802 governing the land changed; and

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

805 [~~41~~] (42) "Official map" means a map drawn by county authorities and recorded in
806 the county recorder's office that:

807 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for

808 highways and other transportation facilities;

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

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

813 ~~[(42)]~~ (43) "Parcel boundary adjustment" means a recorded agreement between owners
814 of adjoining properties adjusting their mutual boundary if:

815 (a) no additional parcel is created; and

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

818 ~~[(43)]~~ (44) "Person" means an individual, corporation, partnership, organization,
819 association, trust, governmental agency, or any other legal entity.

820 ~~[(44)]~~ (45) "Plan for moderate income housing" means a written document adopted by
821 a county legislative body that includes:

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

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

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

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

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

831 ~~[(45)]~~ (46) "Planning advisory area" means a contiguous, geographically defined
832 portion of the unincorporated area of a county established under this part with planning and
833 zoning functions as exercised through the planning advisory area planning commission, as
834 provided in this chapter, but with no legal or political identity separate from the county and no
835 taxing authority.

836 ~~[(46)]~~ (47) "Plat" means a map or other graphical representation of lands being laid out
837 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

838 ~~[(47)]~~ (48) "Potential geologic hazard area" means an area that:

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

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

845 ~~[(48)]~~ (49) "Public agency" means:

846 (a) the federal government;

847 (b) the state;

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

850 (d) a charter school.

851 ~~[(49)]~~ (50) "Public hearing" means a hearing at which members of the public are
852 provided a reasonable opportunity to comment on the subject of the hearing.

853 ~~[(50)]~~ (51) "Public meeting" means a meeting that is required to be open to the public
854 under Title 52, Chapter 4, Open and Public Meetings Act.

855 ~~[(51)]~~ (52) "Receiving zone" means an unincorporated area of a county that the county
856 designates, by ordinance, as an area in which an owner of land may receive a transferable
857 development right.

858 ~~[(52)]~~ (53) "Record of survey map" means a map of a survey of land prepared in
859 accordance with Section 17-23-17.

860 ~~[(53)]~~ (54) "Residential facility for persons with a disability" means a residence:

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

862 (b) (i) which is licensed or certified by the Department of Human Services under Title
863 62A, Chapter 2, Licensure of Programs and Facilities; or

864 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
865 21, Health Care Facility Licensing and Inspection Act.

866 ~~[(54)]~~ (55) "Rules of order and procedure" means a set of rules that govern and
867 prescribe in a public meeting:

868 (a) parliamentary order and procedure;

869 (b) ethical behavior; and

870 (c) civil discourse.

871 [~~(55)~~] (56) "Sanitary sewer authority" means the department, agency, or public entity
872 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
873 wastewater systems.

874 [~~(56)~~] (57) "Sending zone" means an unincorporated area of a county that the county
875 designates, by ordinance, as an area from which an owner of land may transfer a transferable
876 development right.

877 [~~(57)~~] (58) "Site plan" means a document or map that may be required by a county
878 during a preliminary review preceding the issuance of a building permit to demonstrate that an
879 owner's or developer's proposed development activity meets a land use requirement.

880 [~~(58)~~] (59) "Specified public agency" means:

- 881 (a) the state;
- 882 (b) a school district; or
- 883 (c) a charter school.

884 [~~(59)~~] (60) "Specified public utility" means an electrical corporation, gas corporation,
885 or telephone corporation, as those terms are defined in Section 54-2-1.

886 [~~(60)~~] (61) "State" includes any department, division, or agency of the state.

887 [~~(61)~~] (62) "Street" means a public right-of-way, including a highway, avenue,
888 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
889 or other way.

890 [~~(62)~~] (63) (a) "Subdivision" means any land that is divided, resubdivided or proposed
891 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
892 purpose, whether immediate or future, for offer, sale, lease, or development either on the
893 installment plan or upon any and all other plans, terms, and conditions.

894 (b) "Subdivision" includes:

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

897 (ii) except as provided in Subsection [~~(62)~~] (63)(c), divisions of land for residential and
898 nonresidential uses, including land used or to be used for commercial, agricultural, and
899 industrial purposes.

900 (c) "Subdivision" does not include:

- 901 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 902 (ii) a recorded agreement between owners of adjoining properties adjusting their
- 903 mutual boundary if:
- 904 (A) no new lot is created; and
- 905 (B) the adjustment does not violate applicable land use ordinances;
- 906 (iii) a recorded document, executed by the owner of record:
- 907 (A) revising the legal description of more than one contiguous unsubdivided parcel of
- 908 property into one legal description encompassing all such parcels of property; or
- 909 (B) joining a subdivided parcel of property to another parcel of property that has not
- 910 been subdivided, if the joinder does not violate applicable land use ordinances;
- 911 (iv) a bona fide division or partition of land in a county other than a first class county
- 912 for the purpose of siting, on one or more of the resulting separate parcels:
- 913 (A) an electrical transmission line or a substation;
- 914 (B) a natural gas pipeline or a regulation station; or
- 915 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 916 utility service regeneration, transformation, retransmission, or amplification facility;
- 917 (v) a recorded agreement between owners of adjoining subdivided properties adjusting
- 918 their mutual boundary if:
- 919 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 920 (B) the adjustment will not violate any applicable land use ordinance;
- 921 (vi) a bona fide division or partition of land by deed or other instrument where the land
- 922 use authority expressly approves in writing the division in anticipation of further land use
- 923 approvals on the parcel or parcels; or
- 924 (vii) a parcel boundary adjustment.
- 925 (d) The joining of a subdivided parcel of property to another parcel of property that has
- 926 not been subdivided does not constitute a subdivision under this Subsection [~~(62)~~] (63) as to
- 927 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
- 928 subdivision ordinance.
- 929 [~~(63)~~] (64) "Suspect soil" means soil that has:
- 930 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 931 3% swell potential;

932 (b) bedrock units with high shrink or swell susceptibility; or
933 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
934 commonly associated with dissolution and collapse features.

935 ~~[(64)]~~ (65) "Therapeutic school" means a residential group living facility:

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

937 (i) the owner of the facility; or

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

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

940 (i) at home;

941 (ii) in a public school; or

942 (iii) in a nonresidential private school; and

943 (c) that offers:

944 (i) room and board; and

945 (ii) an academic education integrated with:

946 (A) specialized structure and supervision; or

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

949 ~~[(65)]~~ (66) "Transferable development right" means a right to develop and use land that
950 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
951 land use rights from a designated sending zone to a designated receiving zone.

952 ~~[(66)]~~ (67) "Unincorporated" means the area outside of the incorporated area of a
953 municipality.

954 ~~[(67)]~~ (68) "Water interest" means any right to the beneficial use of water, including:

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

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

957 (i) a contract; or

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

959 ~~[(68)]~~ (69) "Zoning map" means a map, adopted as part of a land use ordinance, that
960 depicts land use zones, overlays, or districts.

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

962 **17-27a-403. Plan preparation.**

963 (1) (a) The planning commission shall provide notice, as provided in Section
964 17-27a-203, of its intent to make a recommendation to the county legislative body for a general
965 plan or a comprehensive general plan amendment when the planning commission initiates the
966 process of preparing its recommendation.

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

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

970 (ii) if the planning commission is a planning commission for a mountainous planning
971 district, the mountainous planning district.

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

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

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

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

984 (i) a land use element that:

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

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

991 (ii) a transportation and traffic circulation element [~~consisting of the general location
992 and extent of existing and proposed freeways, arterial and collector streets, mass transit, and
993 any other modes of transportation that the planning commission considers appropriate, all~~

994 correlated with the population projections and the proposed land use element of the general
995 plan;] that:

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

999 (B) addresses the county's plan for residential and commercial development around
1000 major transit investment corridors to maintain and improve the connections between housing,
1001 employment, education, recreation, and commerce; and

1002 (C) correlates with the population projections and the proposed land use element of the
1003 general plan;

1004 (iii) a plan for the development of additional moderate income housing within the
1005 unincorporated area of the county or the mountainous planning district, and a plan to provide a
1006 realistic opportunity to meet the need for additional moderate income housing; and

1007 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,
1008 and policies required by Subsection 17-27a-401(3).

1009 (b) In drafting the moderate income housing element, the planning commission:

1010 (i) shall consider the Legislature's determination that counties should facilitate a
1011 reasonable opportunity for a variety of housing, including moderate income housing:

1012 (A) to meet the needs of people [~~desiring to live there~~] of various income levels living
1013 or working in the community; and

1014 (B) to allow [~~persons with moderate~~] people with various incomes to benefit from and
1015 fully participate in all aspects of neighborhood and community life; and

1016 (ii) shall include an analysis of [~~why the recommended means, techniques, or~~
1017 ~~combination of means and techniques~~] how the municipality will provide a realistic
1018 opportunity for the development of moderate income housing within the planning horizon,
1019 which [~~means or techniques~~] may include a recommendation to do two or more of the
1020 following:

1021 (A) rezone for densities necessary to assure the production of moderate income
1022 housing;

1023 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
1024 construction of moderate income housing;

1025 (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate
1026 income housing;

1027 (D) consider county general fund subsidies to waive construction related fees that are
1028 otherwise generally imposed by the county;

1029 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
1030 residential zones;

1031 (F) allow for housing in commercial and mixed-use zones;

1032 (G) encourage higher density or moderate income residential development near major
1033 transit investment corridors;

1034 (H) eliminate or reduce parking requirements for residential development where a
1035 resident is less likely to rely on the resident's own vehicle, such as residential development near
1036 major transit investment corridors or senior living facilities;

1037 (I) allow for single room occupancy developments;

1038 (J) preserve existing moderate income housing;

1039 [~~(E)~~] (L) consider utilization of state or federal funds or tax incentives to promote the
1040 construction of moderate income housing;

1041 [~~(F)~~] (M) consider utilization of programs offered by the Utah Housing Corporation
1042 within that agency's funding capacity; [~~and~~]

1043 [~~(G)~~] (N) consider utilization of affordable housing programs administered by the
1044 Department of Workforce Services[-]; and

1045 (O) consider utilization of services provided by a public housing authority to preserve
1046 and create moderate income housing.

1047 (c) In drafting the land use element, the planning commission shall:

1048 (i) identify and consider each agriculture protection area within the unincorporated area
1049 of the county or mountainous planning district; and

1050 (ii) avoid proposing a use of land within an agriculture protection area that is
1051 inconsistent with or detrimental to the use of the land for agriculture.

1052 (d) In drafting the transportation and traffic circulation element, the planning
1053 commission shall:

1054 (i) consider the regional transportation plan developed by its region's metropolitan
1055 planning organization, if the relevant areas of the county are within the boundaries of a

1056 metropolitan planning organization; or

1057 (ii) consider the long-range transportation plan developed by the Utah Department of

1058 Transportation, if the relevant areas of the county are not within the boundaries of a

1059 metropolitan planning organization.

1060 (3) The proposed general plan may include:

1061 (a) an environmental element that addresses:

1062 (i) to the extent not covered by the county's resource management plan, the protection,
1063 conservation, development, and use of natural resources, including the quality of air, forests,
1064 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;
1065 and

1066 (ii) the reclamation of land, flood control, prevention and control of the pollution of
1067 streams and other waters, regulation of the use of land on hillsides, stream channels and other
1068 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,
1069 protection of watersheds and wetlands, and the mapping of known geologic hazards;

1070 (b) a public services and facilities element showing general plans for sewage, water,
1071 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
1072 police and fire protection, and other public services;

1073 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
1074 programs for:

1075 (i) historic preservation;

1076 (ii) the diminution or elimination of blight; and

1077 (iii) redevelopment of land, including housing sites, business and industrial sites, and
1078 public building sites;

1079 (d) an economic element composed of appropriate studies and forecasts, as well as an
1080 economic development plan, which may include review of existing and projected county
1081 revenue and expenditures, revenue sources, identification of basic and secondary industry,
1082 primary and secondary market areas, employment, and retail sales activity;

1083 (e) recommendations for implementing all or any portion of the general plan, including
1084 the use of land use ordinances, capital improvement plans, community development and
1085 promotion, and any other appropriate action;

1086 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or

1087 (3)(a)(i); and

1088 (g) any other element the county considers appropriate.

1089 Section 6. Section **17-27a-408** is amended to read:

1090 **17-27a-408. Civil action regarding moderate income housing element of general**
 1091 **plan.**

1092 In a civil action seeking enforcement or claiming a violation of [~~this section or of~~]
 1093 Subsection 17-27a-404(6)(c), a plaintiff may not recover damages but may be awarded only
 1094 injunctive or other equitable relief.

1095 Section 7. Section **35A-8-503** is amended to read:

1096 **35A-8-503. Housing loan fund board -- Duties -- Expenses.**

1097 (1) There is created the Olene Walker Housing Loan Fund Board.

1098 (2) The board is composed of 11 voting members.

1099 (a) The governor shall appoint the following members to four-year terms:

1100 (i) two members from local governments;

1101 (ii) two members from the mortgage lending community;

1102 (iii) one member from real estate sales interests;

1103 (iv) one member from home builders interests;

1104 (v) one member from rental housing interests;

1105 (vi) one member from housing advocacy interests;

1106 (vii) one member of the manufactured housing interest; [~~and~~]

1107 (viii) one member with expertise in transit-oriented developments; and

1108 (ix) one member who represents rural interests.

1109 [~~(viii) two members of the general public.~~]

1110 (b) The director or the director's designee serves as the secretary of the board.

1111 (c) The members of the board shall annually elect a chair from among the voting
 1112 membership of the board.

1113 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the
 1114 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
 1115 board members are staggered so that approximately half of the board is appointed every two
 1116 years.

1117 (b) When a vacancy occurs in the membership for any reason, the replacement is

1118 appointed for the unexpired term.

1119 (4) (a) The board shall:

1120 (i) meet regularly, at least [~~quarterly~~] six times per year, on dates fixed by the board;

1121 (ii) keep minutes of its meetings; and

1122 (iii) comply with the procedures and requirements of Title 52, Chapter 4, Open and

1123 Public Meetings Act.

1124 (b) Seven members of the board constitute a quorum, and the governor, the chair, or a

1125 majority of the board may call a meeting of the board.

1126 (5) The board shall:

1127 (a) review the housing needs in the state;

1128 (b) determine the relevant operational aspects of any grant, loan, or revenue collection

1129 program established under the authority of this chapter;

1130 (c) determine the means to implement the policies and goals of this chapter;

1131 (d) select specific projects to receive grant or loan money; and

1132 (e) determine how fund money shall be allocated and distributed.

1133 (6) A member may not receive compensation or benefits for the member's service, but

1134 may receive per diem and travel expenses in accordance with:

1135 (a) Section 63A-3-106;

1136 (b) Section 63A-3-107; and

1137 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

1138 63A-3-107.

1139 Section 8. Section **35A-8-505** is amended to read:

1140 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**

1141 **director.**

1142 At the direction of the board, the executive director may:

1143 (1) provide fund money to any of the following activities:

1144 (a) the acquisition, rehabilitation, or new construction of low-income housing units;

1145 (b) matching funds for social services projects directly related to providing housing for

1146 special-need renters in assisted projects;

1147 (c) the development and construction of accessible housing designed for low-income

1148 persons;

1149 (d) the construction or improvement of a shelter or transitional housing facility that
1150 provides services intended to prevent or minimize homelessness among members of a specific
1151 homeless subpopulation;

1152 (e) the purchase of an existing facility to provide temporary or transitional housing for
1153 the homeless in an area that does not require rezoning before providing such temporary or
1154 transitional housing; [~~and~~]

1155 (f) the purchase of land that will be used as the site of low-income housing units; and

1156 [~~(f)~~] (g) other activities that will assist in minimizing homelessness or improving the
1157 availability or quality of housing in the state for low-income persons;

1158 (2) do any act necessary or convenient to the exercise of the powers granted by this part
1159 or reasonably implied from those granted powers, including:

1160 (a) making or executing contracts and other instruments necessary or convenient for
1161 the performance of the executive director and board's duties and the exercise of the executive
1162 director and board's powers and functions under this part, including contracts or agreements for
1163 the servicing and originating of mortgage loans;

1164 (b) procuring insurance against a loss in connection with property or other assets held
1165 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

1166 (c) entering into agreements with a department, agency, or instrumentality of the
1167 United States or this state and with mortgagors and mortgage lenders for the purpose of
1168 planning and regulating and providing for the financing and refinancing, purchase,
1169 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,
1170 or other disposition of residential housing undertaken with the assistance of the department
1171 under this part;

1172 (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,
1173 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or
1174 personal property obtained by the fund due to the default on a mortgage loan held by the fund
1175 in preparation for disposition of the property, taking assignments of leases and rentals,
1176 proceeding with foreclosure actions, and taking other actions necessary or incidental to the
1177 performance of its duties; and

1178 (e) selling, at a public or private sale, with public bidding, a mortgage or other
1179 obligation held by the fund.

1180 Section 9. Section **35A-8-803** is amended to read:

1181 **35A-8-803. Division -- Functions.**

1182 (1) In addition to any other functions the governor or Legislature may assign:

1183 (a) the division shall:

1184 (i) provide a clearinghouse of information for federal, state, and local housing
1185 assistance programs;

1186 (ii) establish, in cooperation with political subdivisions, model plans and management
1187 methods to encourage or provide for the development of affordable housing that may be
1188 adopted by political subdivisions by reference;

1189 (iii) undertake, in cooperation with political subdivisions, a realistic assessment of
1190 problems relating to housing needs, such as:

1191 (A) inadequate supply of dwellings;

1192 (B) substandard dwellings; and

1193 (C) inability of medium and low income families to obtain adequate housing;

1194 (iv) provide the information obtained under Subsection (1)(a)(iii) to:

1195 (A) political subdivisions;

1196 (B) real estate developers;

1197 (C) builders;

1198 (D) lending institutions;

1199 (E) affordable housing advocates; and

1200 (F) others having use for the information;

1201 (v) advise political subdivisions of serious housing problems existing within their
1202 jurisdiction that require concerted public action for solution; ~~and~~

1203 (vi) assist political subdivisions in defining housing objectives and in preparing for
1204 adoption a plan of action covering a five-year period designed to accomplish housing
1205 objectives within their jurisdiction; and

1206 (vii) for municipalities required to submit an annual moderate income housing report to
1207 the department as described in Section 10-9a-408, assist in the creation and evaluation of the
1208 reports; and

1209 (b) within legislative appropriations, the division may accept for and on behalf of, and
1210 bind the state to, any federal housing or homeless program in which the state is invited,

1211 permitted, or authorized to participate in the distribution, disbursement, or administration of
1212 any funds or service advanced, offered, or contributed in whole or in part by the federal
1213 government.

1214 (2) The administration of any federal housing program in which the state is invited,
1215 permitted, or authorized to participate in distribution, disbursement, or administration of funds
1216 or services, except those administered by the Utah Housing Corporation, is governed by
1217 Sections 35A-8-501 through 35A-8-508.

1218 Section 10. Section **72-1-304** is amended to read:

1219 **72-1-304. Written project prioritization process for new transportation capacity**
1220 **projects -- Rulemaking.**

1221 (1) (a) The Transportation Commission, in consultation with the department and the
1222 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written
1223 prioritization process for the prioritization of new transportation capacity projects that are or
1224 will be part of the state highway system under Chapter 4, Part 1, State Highways, or public
1225 transit projects that add capacity to the public transit systems within the state.

1226 (b) (i) A local government or district may nominate a project for prioritization in
1227 accordance with the process established by the commission in rule.

1228 (ii) If a local government or district nominates a project for prioritization by the
1229 commission, the local government or district shall provide data and evidence to show that:

1230 (A) the project will advance the purposes and goals described in Section 72-1-211;

1231 (B) for a public transit project, the local government or district has an ongoing funding
1232 source for operations and maintenance of the proposed development; and

1233 (C) the local government or district will provide 40% of the funds for the project as
1234 required by Subsection 72-2-124(7)(e).

1235 (2) The following shall be included in the written prioritization process under
1236 Subsection (1):

1237 (a) a description of how the strategic initiatives of the department adopted under
1238 Section 72-1-211 are advanced by the written prioritization process;

1239 (b) a definition of the type of projects to which the written prioritization process
1240 applies;

1241 (c) specification of a weighted criteria system that is used to rank proposed projects

1242 and how it will be used to determine which projects will be prioritized;

1243 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

1244 (e) any other provisions the commission considers appropriate, which may include

1245 consideration of:

1246 (i) regional and statewide economic development impacts, including improved local

1247 access to:

1248 (A) employment;

1249 (B) educational facilities;

1250 [~~(B)~~] (C) recreation;

1251 [~~(C)~~] (D) commerce; and

1252 [~~(D)~~] (E) residential areas, including moderate income housing as demonstrated in the

1253 local government's or district's general plan pursuant to Section 10-9a-403 or Section

1254 17-27a-403;

1255 (ii) the extent to which local land use plans relevant to a project support and

1256 accomplish the strategic initiatives adopted under Section 72-1-211; and

1257 (iii) any matching funds provided by a political subdivision or public transit district in

1258 addition to the 40% required by Subsection 72-2-124(7)(e).

1259 (3) In developing the written prioritization process, the commission:

1260 (a) shall seek and consider public comment by holding public meetings at locations

1261 throughout the state; and

1262 (b) may not consider local matching dollars as provided under Section 72-2-123 unless

1263 the state provides an equal opportunity to raise local matching dollars for state highway

1264 improvements within each county.

1265 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1266 Transportation Commission, in consultation with the department, shall make rules establishing

1267 the written prioritization process under Subsection (1).

1268 (5) The commission shall submit the proposed rules under this section to a committee

1269 or task force designated by the Legislative Management Committee for review prior to taking

1270 final action on the proposed rules or any proposed amendment to the rules described in

1271 Subsection (4).

1272 Section 11. Section **72-2-124** is amended to read:

1273 **72-2-124. Transportation Investment Fund of 2005.**

1274 (1) There is created a capital projects fund entitled the Transportation Investment Fund
1275 of 2005.

1276 (2) The fund consists of money generated from the following sources:

1277 (a) any voluntary contributions received for the maintenance, construction,
1278 reconstruction, or renovation of state and federal highways;

1279 (b) appropriations made to the fund by the Legislature;

1280 (c) registration fees designated under Section 41-1a-1201;

1281 (d) the sales and use tax revenues deposited into the fund in accordance with Section
1282 59-12-103; and

1283 (e) revenues transferred to the fund in accordance with Section 72-2-106.

1284 (3) (a) The fund shall earn interest.

1285 (b) All interest earned on fund money shall be deposited into the fund.

1286 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
1287 fund money [~~only~~] to pay:

1288 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
1289 federal highways prioritized by the Transportation Commission through the prioritization
1290 process for new transportation capacity projects adopted under Section 72-1-304;

1291 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
1292 projects described in Subsections 63B-18-401(2), (3), and (4);

1293 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
1294 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
1295 with Subsection 72-2-121(4)(f);

1296 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
1297 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
1298 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
1299 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

1300 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
1301 for projects prioritized in accordance with Section 72-2-125;

1302 (vi) all highway general obligation bonds that are intended to be paid from revenues in
1303 the Centennial Highway Fund created by Section 72-2-118; and

1304 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
1305 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
1306 in Section 72-2-121.

1307 (b) The executive director may use fund money to exchange for an equal or greater
1308 amount of federal transportation funds to be used as provided in Subsection (4)(a).

1309 (5) (a) Except as provided in Subsection (5)(b), the executive director may not use fund
1310 money, including from the Transit Transportation Investment Fund, within the boundaries of a
1311 municipality that is required to adopt a moderate income housing plan element as part of the
1312 municipality's general plan as described in Subsection 10-9a-401(3) but has failed to adopt a
1313 moderate income housing plan element as part of the municipality's general plan.

1314 (b) 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 for the construction, reconstruction, or renovation to an
1321 interchange on a limited-access facility.

1322 ~~[(5)]~~ (6) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be
1323 issued in any fiscal year, the department and the commission shall appear before the Executive
1324 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
1325 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),
1326 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

1327 (b) The Executive Appropriations Committee of the Legislature shall review and
1328 comment on the amount of bond proceeds needed to fund the projects.

1329 ~~[(6)]~~ (7) The Division of Finance shall, from money deposited into the fund, transfer
1330 the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized
1331 by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service
1332 or sinking fund.

1333 ~~[(7)]~~ (8) (a) There is created in the Transportation Investment Fund of 2005 the Transit
1334 Transportation Investment Fund.

- 1335 (b) The fund shall be funded by:
- 1336 (i) contributions deposited into the fund in accordance with Section 59-12-103;
- 1337 (ii) appropriations into the account by the Legislature;
- 1338 (iii) private contributions; and
- 1339 (iv) donations or grants from public or private entities.
- 1340 (c) (i) The fund shall earn interest.
- 1341 (ii) All interest earned on fund money shall be deposited into the fund.
- 1342 (d) Subject to Subsection [~~(7)~~] (8)(e), the Legislature may appropriate money from the
- 1343 fund for public transit capital development of new capacity projects to be used as prioritized by
- 1344 the commission.
- 1345 (e) (i) The Legislature may only appropriate money from the fund for a public transit
- 1346 capital development project if the public transit district or political subdivision provides funds
- 1347 of equal to or greater than 40% of the funds needed for the project.
- 1348 (ii) A public transit district or political subdivision may use money derived from a loan
- 1349 granted pursuant to Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund, to
- 1350 provide all or part of the 40% requirement described in Subsection [~~(7)~~] (8)(e)(i) if:
- 1351 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
- 1352 Transportation Infrastructure Loan Fund; and
- 1353 (B) the proposed capital project has been prioritized by the commission pursuant to
- 1354 Section 72-1-303.

1355 **Section 12. Appropriation.**

1356 The following sums of money are appropriated for the fiscal year beginning July 1,

1357 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for

1358 fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures

1359 Act, the Legislature appropriates the following sums of money from the funds or accounts

1360 indicated for the use and support of the government of the state of Utah.

1361 **ITEM 1**

1362 To Department of Workforce Services -- Olene Walker Housing Loan Fund

1363 From General Fund, One-time \$20,000,000

1364 From General Fund \$4,000,000

1365 Schedule of Programs:

1366 Olene Walker Housing Loan Fund \$24,000,000