

## WESTERN WEBER PLANNING COMMISSION

### MEETING AGENDA

November 12, 2019

5:00 p.m

- *Pledge of Allegiance*
- *Roll Call:*

#### Petitions, Applications, and Public Hearings

##### New business

##### 1. Legislative items

- 1.1 GPA2019-04: A public hearing to consider and make recommendation to the county commission on a state-mandated modification to the West Central Weber County General Plan regarding the community's plan for moderate-income housing.

Staff Presenters: Charlie Ewert/Scott Perkes

2. Public Comment for Items not on the Agenda
3. Remarks from Planning Commissioners
4. Planning Director Report
5. Remarks from Legal Counsel
6. Adjourn to Work Session

- WS1: Review and discussion regarding street connectivity ordinance.  
Staff Presenter: Charlie Ewert

*The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1<sup>st</sup> Floor, 2380 Washington Blvd., Ogden, Utah.*

***Please enter the building through the front door on Washington Blvd. if arriving to the meeting after 5:00 p.m.***

A Pre-Meeting will be held at 4:30 p.m. in Commission Chambers Break Out Room. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

No decisions are made in the pre-meeting, but it is an open, public meeting.

***In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791***

## Meeting Procedures

### Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

### Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

### Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

### Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

### Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

### Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

## Commenting at Public Meetings and Public Hearings

### Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

### Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

### Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record shall be left with the Planning Commission.

### Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
  - ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.
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# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

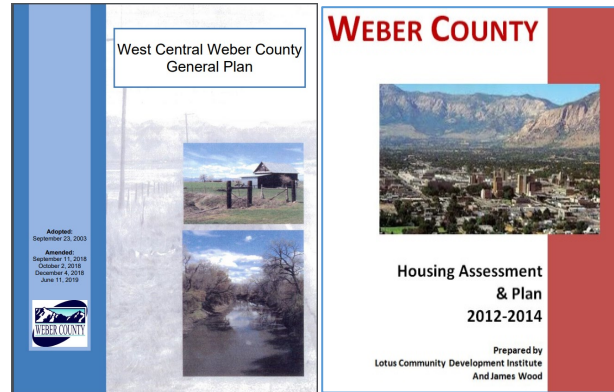
### Application Information

**Application Request:** Consideration of a legislative amendment to the West Central Weber County General Plan; Incorporation of a Moderate Income Housing Plan Element

**Agenda Date:** Tuesday, November 12, 2019

**Applicant:** Weber County Planning Division

**File Number:** GPA 2019-04 Western Weber Moderate Income Housing Plan Update



### Staff Information

**Report Presenter:** Scott Perkes  
sperkes@co.weber.ut.us  
801-399-8772

**Report Reviewer:** CE

## Background

The purpose of this legislative plan amendment is to amend the West Central Weber County General Plan; Moderate Income Housing Plan Element to comply with recently modified state requirements outlined in S.B. 34. This bill can be found here:

<https://le.utah.gov/~2019/bills/static/SB0034.html>

The Utah State Legislature passed S.B. 34 *Affordable Housing Modifications* during the 2019 general session. This bill modifies provisions related to a county's general plan related to moderate income housing. Applicable modifications include:

- Requirements of certain municipalities and counties related to the moderate income housing plan element of their general plan
  - o Weber County is classified as a second class county and has more than 5,000 residents within the unincorporated areas. As such, the County's general plan is required to adhere to the moderate-income housing plan requirements outlined within S.B. 34.
- Reporting requirements of certain municipalities and counties related to the moderate income housing plan element of their general plan
  - o Weber County is classified as a second class county and has more than 5,000 residents within the unincorporated areas. As such, the County is required to adhere to the updated reporting requirements related to the moderate-income housing plan component of the general plan. Under S.B. 34, reporting is now required annually as opposed to the biannual reporting previously required.
- Provisions related to the use of Transportation Investment Fund money
  - o Failure to annually update and report implementation progress related to the Moderate-Income Housing Plan will disqualify the County from state Transportation Investment Funds (TIF) and Transit Transportation Investment Funds (TTIF).

### Updating the West Central Weber County Moderate-Income Housing Plan

The West Central Weber County General Plan document does not currently have a dedicated section for a moderate-income housing element.

Alternatively, Weber County, along with nine of fifteen cities within the County, developed a county-wide Housing

Assessment and Plan to fulfill this state general plan requirement. While this plan encompasses the County as a whole, individual sections were developed within the plan for each of the participating municipalities as well as the unincorporated West Central area. This Weber County Housing Assessment and Plan was adopted in November of 2013 and has served as the moderate-income housing plan element for the West Central Weber County General Plan.

Following the passing of S.B. 34, staff performed a review of the 2013 Weber County Housing Plan and Assessment to determine if any compliance gaps were present. This review determined that between the two existing plans (West Central Weber County General Plan and 2013 Weber County Housing Assessment and Plan) all of the required moderate-income planning elements are present as required by the state. However due to the plan's age, updated data would be needed to determine current and projected moderate-income housing supply and need (as required for annual updates/reporting).

Updated demographic and housing data was pulled from the 2013-2017 American Community Survey. Using this data, linear projections out to the year 2024 (5-year planning horizon) were then used on various data points (i.e. population, number of households, area median income, etc.). Using both current and projected data, planning staff were able to determine various demographic and housing trends in addition to developing estimates for both current and future moderate-income housing needs.

A few key takeaways from the trends identified:

- Household size in Western Weber is shrinking
- The population is aging with higher growth rates amongst 60 + year-olds, and shrinking growth amongst 20-40 year-olds
- There will be strong growth in the number 2-person households. This is likely due to the growing number of empty-nesters/senior citizen households that are emerging.
- Owner-occupied housing values are far outpacing the County AMI growth rates
- There will be strong growth in the number of renter-occupied households due to the growing affordability gap between incomes and owner-occupied housing units
- The growing number of renting households will have higher than average incomes due to their growing inability to afford owner-occupied housing. This will likely cause households with incomes below 80% of AMI to have high income to rent ratios.

Staff is currently working on finalizing calculations to determine the current quantity of moderate-income housing units and the estimated need both now and out to 2024. These final figures will be incorporated into the final draft of the Moderate-Income Housing Plan.

Unlike the current separation of general plan and moderate-income housing plan documents, staff believes the updated West Central Weber County Moderate-Income Housing Plan should be added as an addendum to the West Central Weber County General Plan document rather than being a single updated section within the 2013 Weber County Housing Assessment and Plan.

## **Legislative Decisions**

Legislative Decisions: When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically the criteria for recommending in a legislative matter require compatibility with the general plan and existing ordinances.

## **Conformance to the General Plan**

The West Central Weber General Plan was adopted in 2003 and the Weber County Housing Assessment and Plan was adopted in 2013. The following statements are important to consider in making a recommendation.

The existing West Central Weber County General Plan Moderate Income Housing Plan Element is in need of updating in order to comply with the S.B. 34 requirements to update it annually and report on implementation progress.

The current plan draft carries over the goals, principles, and implementation strategies that were associated with the 2013 Housing Assessment and Plan. A few additional goals, principles, and implementation strategies have been added from the updated Ogden Valley Moderate-Income Housing Plan as well.

The Weber Housing Authority will be a key facilitator in implementing the plan. Once the plan is adopted the next step will be to be proactive in implementing the Plan.

### **Staff Recommendation**

The Western Weber Planning Commission recommend that the Weber County Commission adopt the legislative amendment to the West Central Weber County General Plan to add the West Central Weber County Moderate Income Housing Plan as an addendum to the general plan.

### **Exhibits**

- A. S.B. 34
- B. Preliminary draft, West Central Weber County General Plan Moderate-Income Housing Element

# MODERATE-INCOME HOUSING PLAN: WEST CENTRAL UNINCORPORATED WEBER COUNTY

## MODERATE-INCOME HOUSING VISION

The West Central Weber County community recognizes that the provision of affordable housing is essential to the stability of sustainable communities. As such, the community desires that housing options be made available at a variety of price points to meet the needs of a diverse population of various income levels, ages, and stages of life. In addition, neighborhoods should have convenient access to community amenities that are designed in a manner that protects the community's character. As indicated in the Land Use Element of this plan, residential development is desired to be patterned in a manner that preserves the sense of openness and rural character.

## PRESENT AND FUTURE CONDITIONS

### LAND USE

As part of the general planning process, the Weber County Planning Department conducted a land use inventory of the unincorporated area of West Central Weber County in the spring of 2001. During this inventory, each parcel of land was visually inspected, cross-checked on aerial photographs, and the use designated on field maps. Identified land uses were then mapped and are presented on Map 2-1 within the Land Use Element of this general plan. In summary, the total West Central Weber County area contains approximately 98,824 acres of approximately 155 square miles. This area is predominantly a low density agricultural area with many single-family residences located on large agricultural parcels. Map 2-1 shows these residential structures as a "dot", which in turn represents one acre of land. Table 2-1 of the Land Use Element section further breaks down the current land use categories by size (in acres) and each category's percent of the total acreage.

In summary, as of 2001, 1,318 single-family residential units were identified within the unincorporated West Central area. This included 2 duplexes and 28 manufactured housing units (one of which was a single-wide mobile home). Since 2001, X residential building permits have been issued in the area. Of which, X structures are believed to have been constructed. This would indicate that X residential buildings are currently present (as of 2019) within the area.

Unfortunately, as of 2019 a majority of homes in the West Central area – both newly constructed and existing unit sales – are not currently affordable to low and moderate-income households. In addition to housing affordability challenges, the rural pattern of development that exists in West Central Weber County means that some community services are not readily available within the community. For example, there is a current lack of public parks and a trail system, and virtually no commercial services such as grocery, neighborhood services, or government facilities. To help combat the lack of these amenities and services, Weber County has recently rezoned 40 acres of land within the crossroads area of 4700 West and Highway 39 (1150 South). This acreage could serve as a suitable location for some of these absent services and amenities within the community. Additionally, this area may also serve as a beneficial location to develop moderate-income housing that could benefit from close proximity to

future neighborhood services and amenities that could develop under the new commercial zoning designations.

#### DEMOGRAPHICS

Unless otherwise indicated, all demographic data was pulled from the 2013-2017 American Community Survey at the Census Block level from the following block groups: Block Group 1, Census Tract 2104.03; Block Group 1, Census Tract 2104.04; Block Group 1, Census Tract 2105.05; and Block Group 3, Census Tract 2105.05. Geographically, these blocks contain the unincorporated portions of West Central Weber County with minimal overlap of incorporated communities. However, as depicted in [Figure X](#), some overlap of boundaries between these block groups and incorporated municipalities is present. Thus the estimated demographics for unincorporated West Central Weber County may include some minimal overlap from populations that are located within immediately adjacent municipal boundaries.

To best represent the contiguous unincorporated West Central area as accurately as possible, various demographic and trend data points from the four identified block groups were amalgamated to form single data points. For averaged or median data points, a weighted average was used to produce a single data point. For data points that required a summed total of all four block groups, a simple sum was used to produce a single statistic that represents the area as a whole.

**FIGURE X: Planning Area and Geography Boundaries Map**

*Source: ESRI Arc GIS, 2019; Weber County Assessor Property Values, 2018*

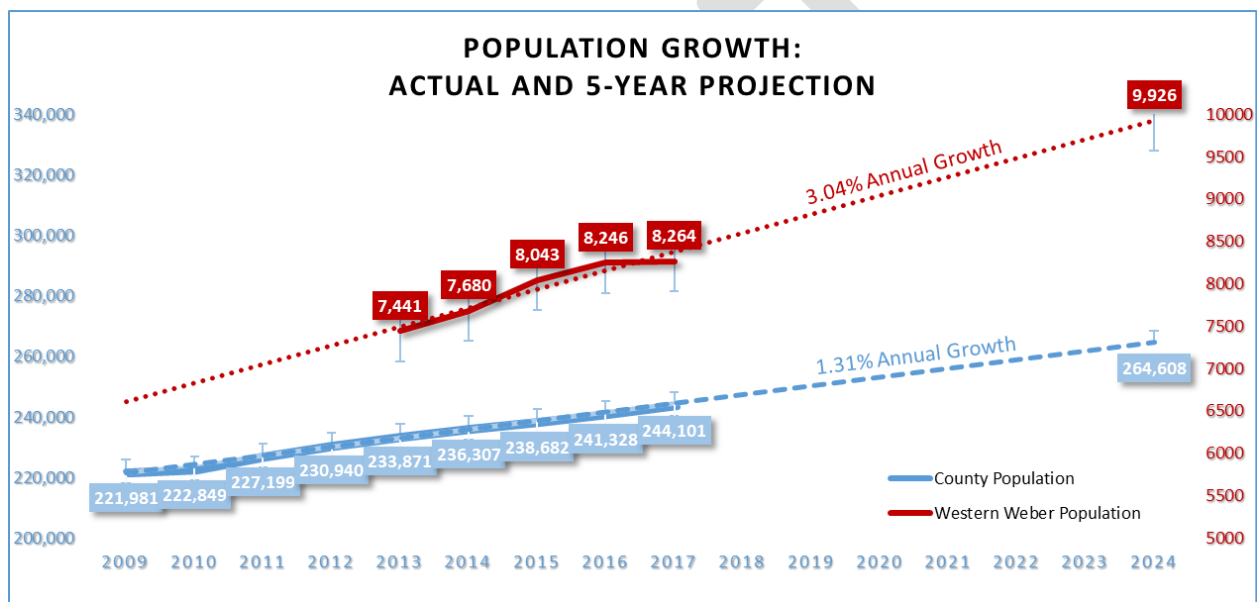
DRAFT



## POPULATION

Utilizing 2017 American Community Survey (ACS) Census data, the unincorporated West Central Weber County was determined to have a population of approximately 8,264 in 3,240 households. This represents approximately three and a half percent of the total County population. Between 2013 and 2017, the population grew approximately 3.04 percent year-over-year from 7,441 to 8,264. Figure X indicates a linear projection out to 2024 at which point the West Central area is anticipated to grow by 1,662 individuals for a total of 9,926. Also depicted is the county-wide population growth projection. Based on these linear projections, the West Central area population is anticipated to outpace the county-wide growth rate in the years to come.

**FIGURE X: Population Growth**



Source: 2013-2017 American Community Survey, 5-Year Estimates, Table B01003

For additional reference regarding population growth trends, when this general plan was first adopted in 2003, an estimated population of 4,307 was determined for the unincorporated Western Weber area. This estimate was derived by multiplying the average household size of 3.37 (per the 2000 Census) by the existing housing supply identified through the land use inventory effort. Additionally, the general plan originally projected a population of 6,217 in the year 2020 through the use of building permit trends data.

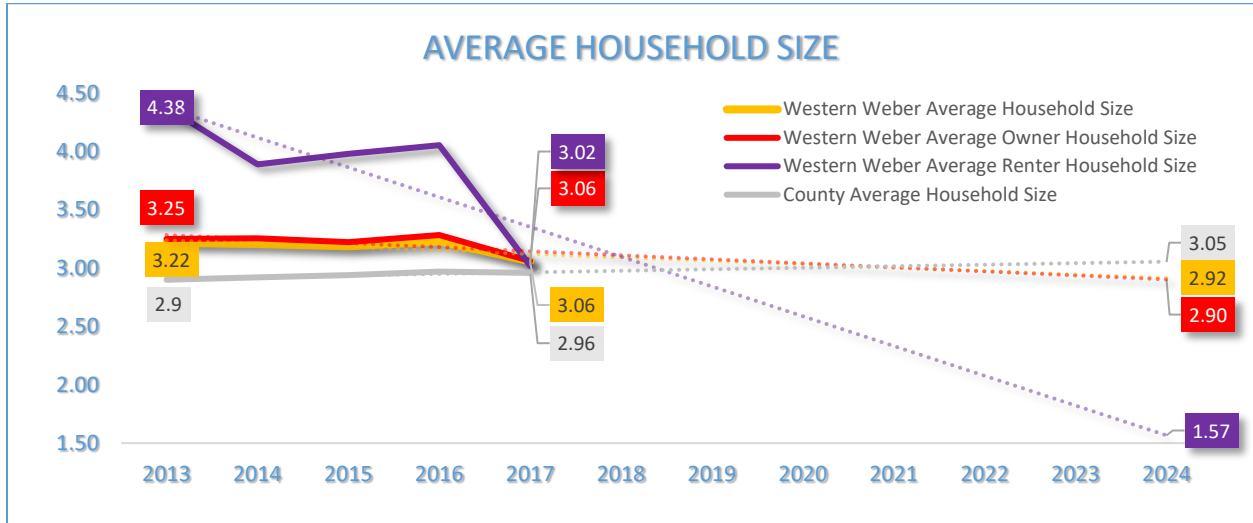
When comparing current population data (8,264) to the originally projected data (6,217), it's clear that the population has far outpaced original projections for the West Central area. This strong growth, in part, helps to explain the strong housing market and increasing home values. It also corroborates the demand for affordable housing.

## HOUSEHOLD SIZE

Between 2013 and 2017, the average household size in West Central Weber County decreased from 3.22 to 3.06. In comparison, the Weber County household size raised slightly from 2.9 in 2013 to 2.96 in

2017. As shown in Figure X, projecting out to 2024 indicates that the West Central area average household size will continue to shrink down to 2.92 while the county-wide average will continue to raise slightly to 3.05.

**FIGURE X: Average Household Size**

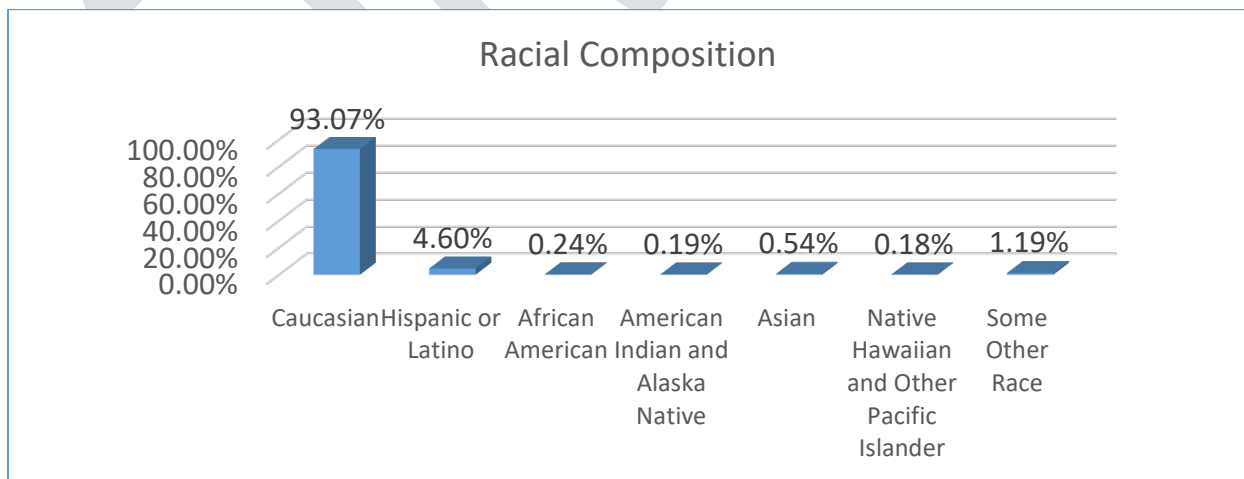


Source: 2013-2017 American Community Survey, 5-Year Estimates, Table B25010

**RACIAL COMPOSITION**

As depicted in Figure X, and according to 2010 Census data, the unincorporated West Central Weber County is primarily comprised of Caucasians (93%) with a small minority population largely comprised of Hispanics/Latinos (4.6%)<sup>1</sup>.

**FIGURE X: Racial Composition**



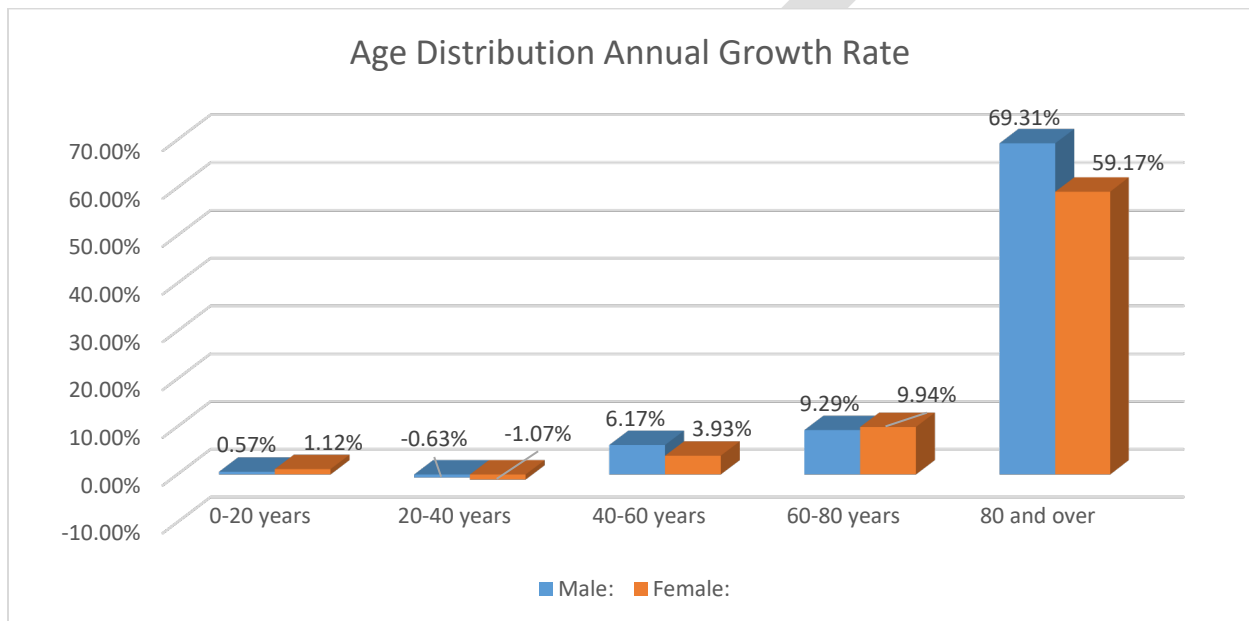
Source: 2010 Census, Table P2

<sup>1</sup> As a note, racial composition data is not available from the 2017 ACS. With 2010 Census data being nearly a decade old (as of the drafting of this section in October 2019), 2020 Census data should be reviewed to determine any shifts in racial composition once the updated data is made available.

## AGE DISTRIBUTION

Of interest, 2010 Census data shows a growing senior citizen population and a slight shrinking of the young adult population. As shown in Figure X, the population of individuals between 20 and 40 years old is shrinking by nearly one percent annually. On the other hand, the senior citizen population is growing quite substantially. In fact, the share of individuals of 60 years old or older is currently 17.4 percent of the overall unincorporated West Central population. We can expect this share to increase substantially over the next several years due to their high annual growth rates and relatively flat growth rates of 0-40 year-olds.

**FIGURE X: Age Distribution Growth Rate**



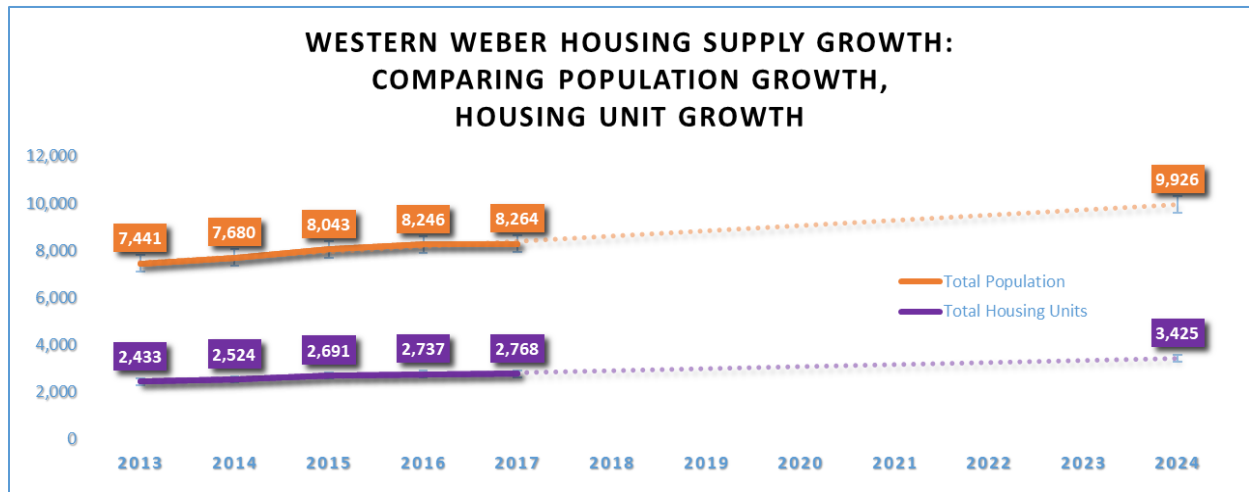
Source: 2013-2017 American Community Survey, 5-Year Estimates, Table B01001

## HOUSING

West Central Weber County residents desire their community be a place where families can stay throughout their lifetime and where a variety of housing types are available. Population growth and demographic trends will influence West Central area housing, jobs, transportation, and services. Anticipating these trends will allow for the community to best accommodate the changes.

2017 ACS data, as presented in Figures X, indicates that the West Central area has approximately 2,768 housing units available to house the population of 8,264. Approximately 2,633 of those units are occupied.

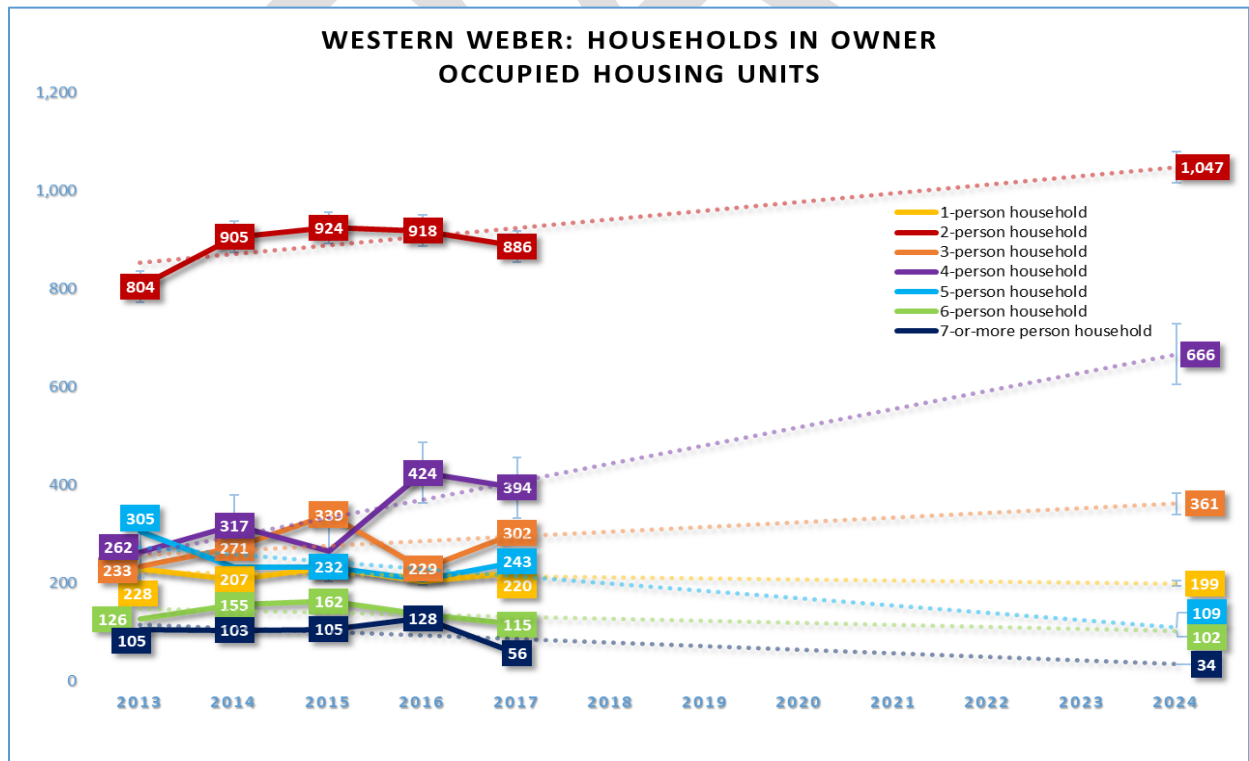
**FIGURE X: Western Weber Housing Supply and Population**



Source: 2013-2017 American Community Survey, 5-Year Estimates, Table B25003

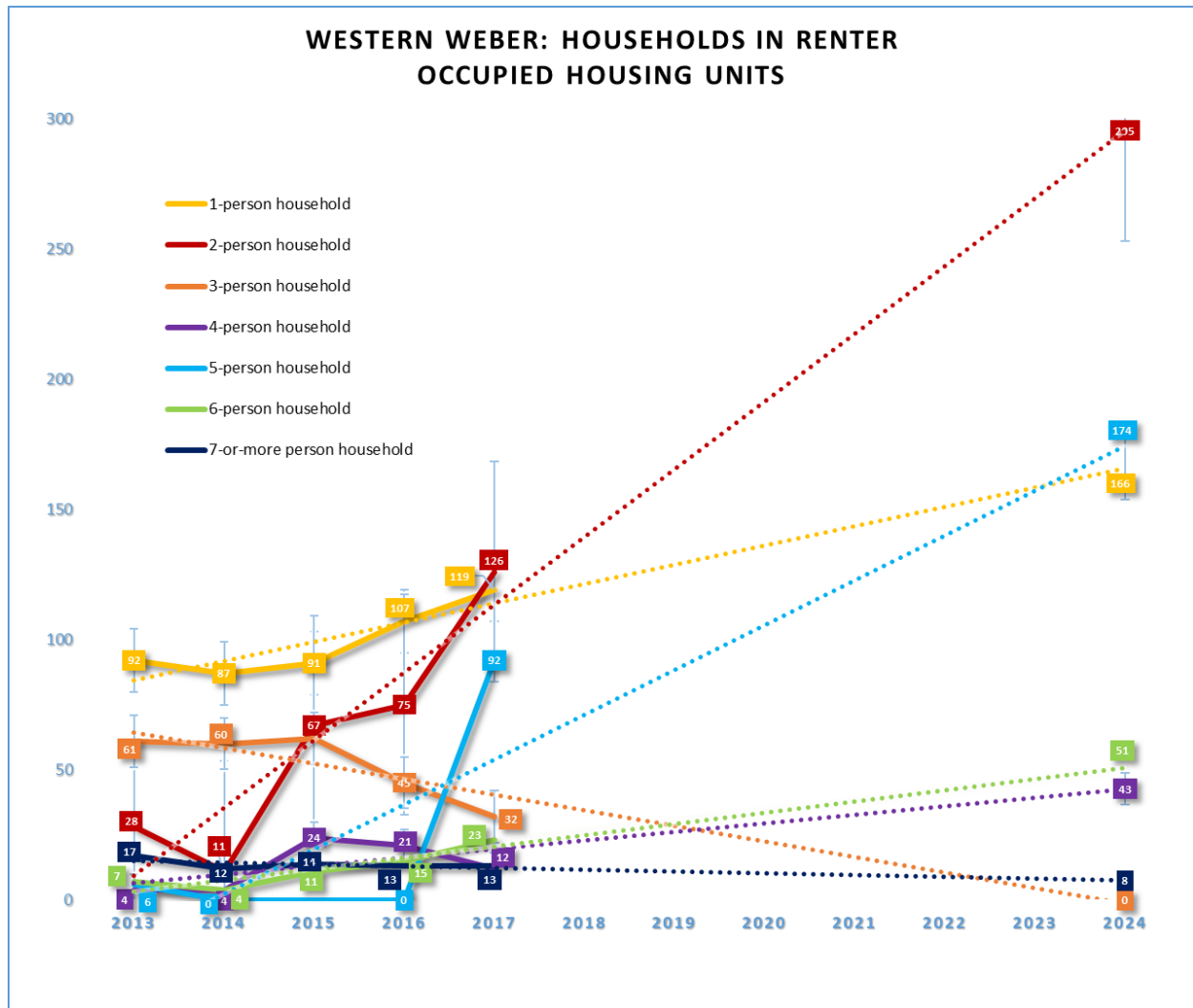
Figures X and X further breaks out the household composition of the owner-occupied and renter-occupied housing units. Renter households occupied 417 units, and 2,216 units were occupied by owner households in 2017. This equates to 15 percent of the area population renting, and 85 percent owning. Following the linear projection lines out to 2024, these percentages shift to 23 percent of the area population renting, and 77 percent owning.

**FIGURE X: Western Weber Households in Owner Occupied Housing Units**



Source: 2013-2017 American Community Survey, 5-Year Estimates, Table B25009

**FIGURE X: Western Weber Households in Renter-Occupied Housing Units**



Source: 2013-2017 American Community Survey, 5-Year Estimates, Table B25009

By way of comparison, Weber County in 2017 was comprised of 25 percent of the population renting their home, and 74 percent owning. The remaining one percent of the dataset are homeless or have other living accommodations.

The median value of all housing types in the West Central area in 2013 was \$243,741<sup>2</sup>, which was well above the state median of \$212,800 and the Weber County median of \$170,000 in the same year. In 2017, the median value of all housing types in West Central Weber County was \$302,035, still well above the state median of \$238,300 and the Weber County median of \$183,100. See [Table X](#) for a side-by-side comparison of these median home values. Note that in 2017, the median value in the unincorporated West Central area was nearly 40 percent higher than the County-wide value.

<sup>2</sup> U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates. The median home values for the unincorporated West Central area was calculated as a weighted average of all four block groups comprising the unincorporated area. Weights were based on the total number of housing units present in each block group.

**FIGURE X: Median Housing Values: Utah, Weber County, & Western Weber**

Housing Unit Value	Utah			Weber County			Unincorporated West Central Area		
	2013	2017	Change	2013	2017	Change	2013	2017	Change
Median Market Value	\$212,800	\$238,300	10.70%	\$170,000	\$183,100	7.15%	\$243,741	\$302,035	19.30%

*Source: 2013-2017 American Community Survey, 5-Year Estimates, Table B25077*

Most of the residences in West Central Weber County are single-family detached homes rather than multifamily condominiums or apartments. Only 2 multifamily units (duplexes) are present. Considering the relatively small number of multifamily units and relatively high median price for a single-family home, there is likely not enough variety in housing types and prices to encourage young families to locate to the West Central area and stay through their life.

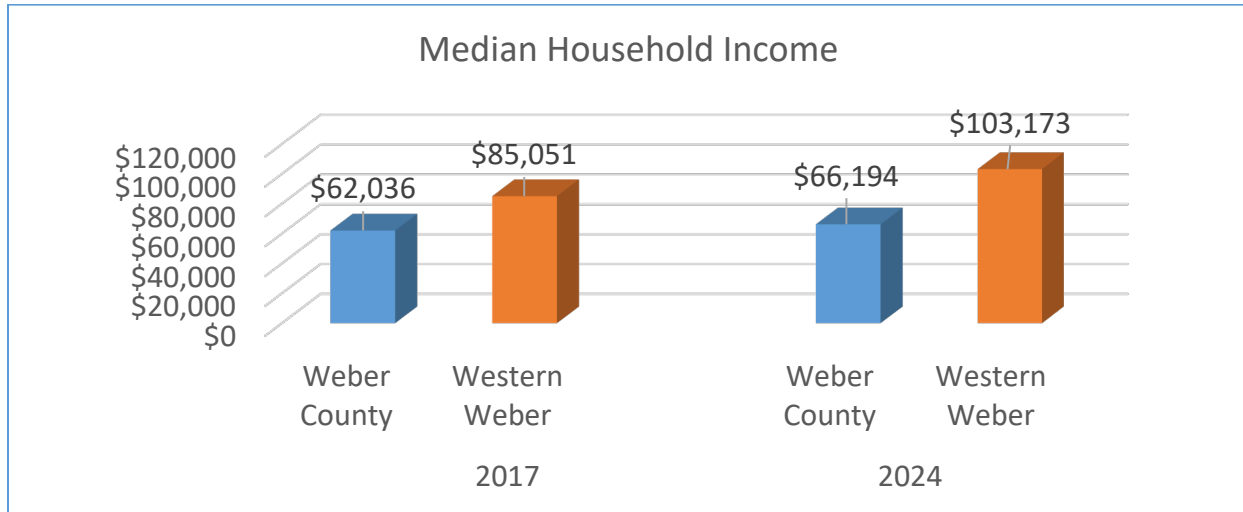
Ultimately, the economy will determine the types of housing products that the West Central area market will support. As previously indicated, the community desires that development be patterned in a manner that preserve the sense of openness and rural character. This type of low-density development could make it challenging to provide housing options that are affordable to moderate-income households.

#### MODERATE INCOME HOUSING

Moderate-income housing is housing that 80 percent of the area median income (AMI) can afford. The plan is required to estimate the need for moderate-income housing over the next five years, and provide an update annually to accommodate for a five-year rolling timeframe.

The Utah Department of Workforce Services has determined that AMI is calculated based on countywide median income. According to the 2017 ACS, and as depicted in [Figure X](#), the median income for the West Central area was **\$85,051** annually, more than \$20,000 more than the Weber County median income of \$62,036. The difference is the result of the lower incomes of inner city Ogden and immediately surrounding areas. This imposes a challenge on the unincorporated West Central area to provide for moderate income housing for the less wealthy incomes of households located in other communities of the County. Given that the West Central area residents expressed a desire for a variety of housing for a variety of life-stages, creating goals that will encourage housing for the countywide median income households will facilitate this desire.

**FIGURE X: Median Household Income**



Source: 2013-2017 American Community Survey, 5-Year Estimates, Table B19019

Eighty percent of the county-wide AMI (\$62,036) is \$49,629 per year. Households earning at or below this threshold are considered households in need of moderate-income housing choices (moderate-income households). Best management practices in lending is to not allow ones monthly housing burden to exceed 28 percent of a household’s income. In other words, a household would consider their housing to be affordable if their rent/mortgage payment does not exceed 28 percent of their monthly income. Using this affordability benchmark, Table X estimates the maximum monthly housing burden for households earning 100 percent, 80 percent, 50 percent, and 30 percent of the county-wide AMI. Using the 28 percent affordability benchmark, the most home a household earning 80 percent of AMI can afford per month is \$1,158.

**TABLE X: Maximum Monthly Housing Burden**

Weber County Area Median Income (AMI)	2017			2024 Projection		
	Annually	28 Percent Monthly Housing Budget	Purchase Power	Annually	28 Percent Monthly Housing Budget	Purchase Power
100% AMI	\$62,036	\$1,448	\$303,200	\$66,194	\$1,545	\$263,700
80% AMI	\$49,629	\$1,158	\$242,500	\$52,955	\$1,236	\$280,000
50% AMI	\$31,018	\$724	\$151,600	\$33,097	\$772	\$163,400
30% AMI	\$18,611	\$434	\$91,000	\$19,858	\$463	\$98,000

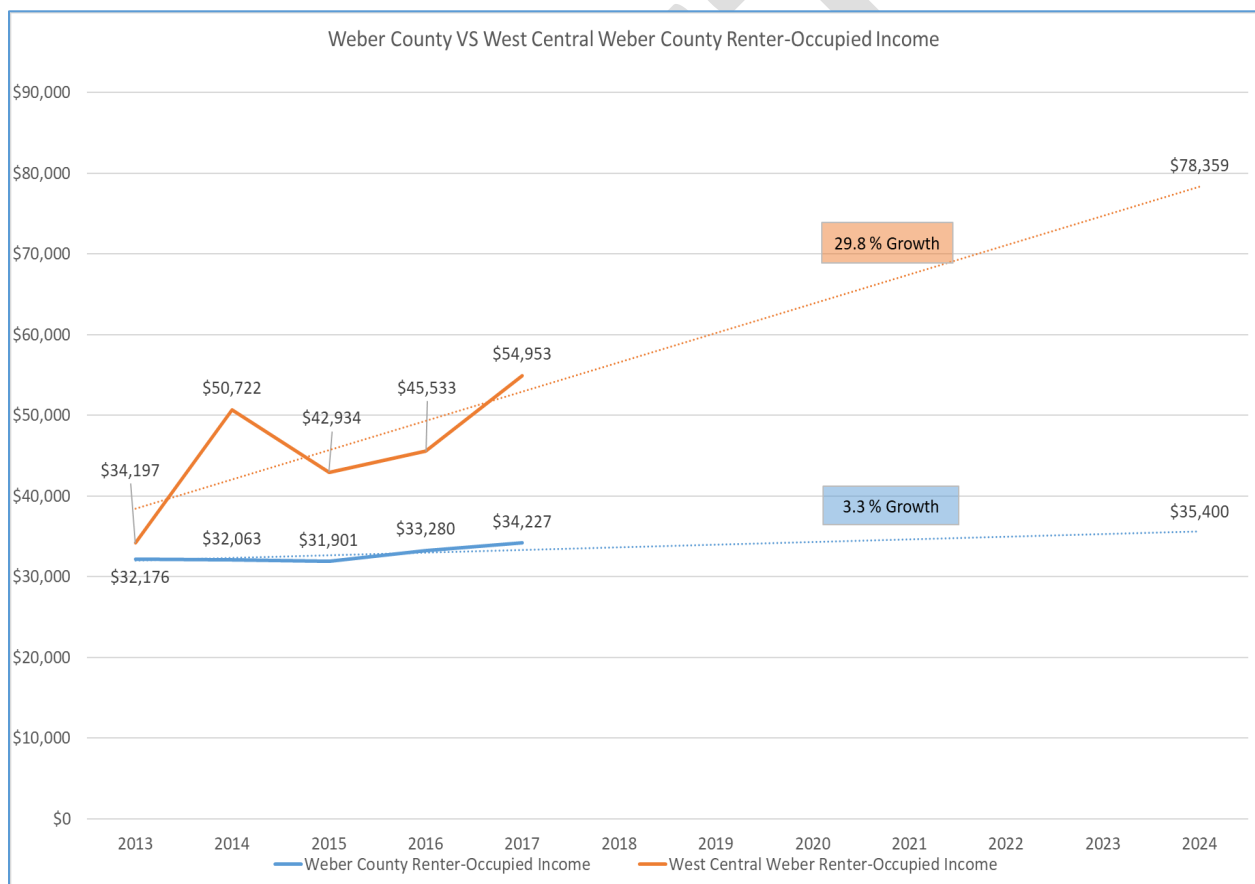
Source: 2013-2017 American Community Survey, 5-Year Estimates, Table B19019

**RENTING**

In 2017, there were 417 households in renter-occupied housing units in the West Central area, which represents approximately 15 percent of the housing units available for full-time occupancy. Additionally, there were 135 vacant units available for housing which represents about five percent of the available units. However, of these 135 vacant units, none were listed as being available for rent. This would indicate that there is a shortage and strong demand for rental units in the area. Based on these trends and linear projections derived through the use of 2013-2017 ACS data, the annual growth rate for households in renter-occupied units is 42 percent. If this steep trend holds, by 2024 the West Central area will have 723 households in rental housing units.

In 2017, approximately 312 of the 417 West Central households in rental housing units (which is a share of about 75 percent) paid less than the benchmark for affordability (28 percent of income). By 2024, trend data indicates that the median gross rent is expected to increase from \$1,096 to \$1,456 per month, however the number of renter households paying under the moderate-income threshold is also projected to increase to 603 of 723 households (a share of about 83%). This suggests an increase of eight percent (75% to 83%) in the share of households that are paying less than the moderate-income benchmark for affordable housing costs by 2024. This positive trend is believed to be associated with a projected increase in renter income out to 2024. As indicated in Figures X and X, the growth of income for renting households outpaces the growth in rental costs. This creates the illusion of greater affordability. However, the growth of renter-occupied income may be associated with a growing number households who would otherwise purchase a single-family home, but are unable to afford the ever-increasing owner-occupied home values.

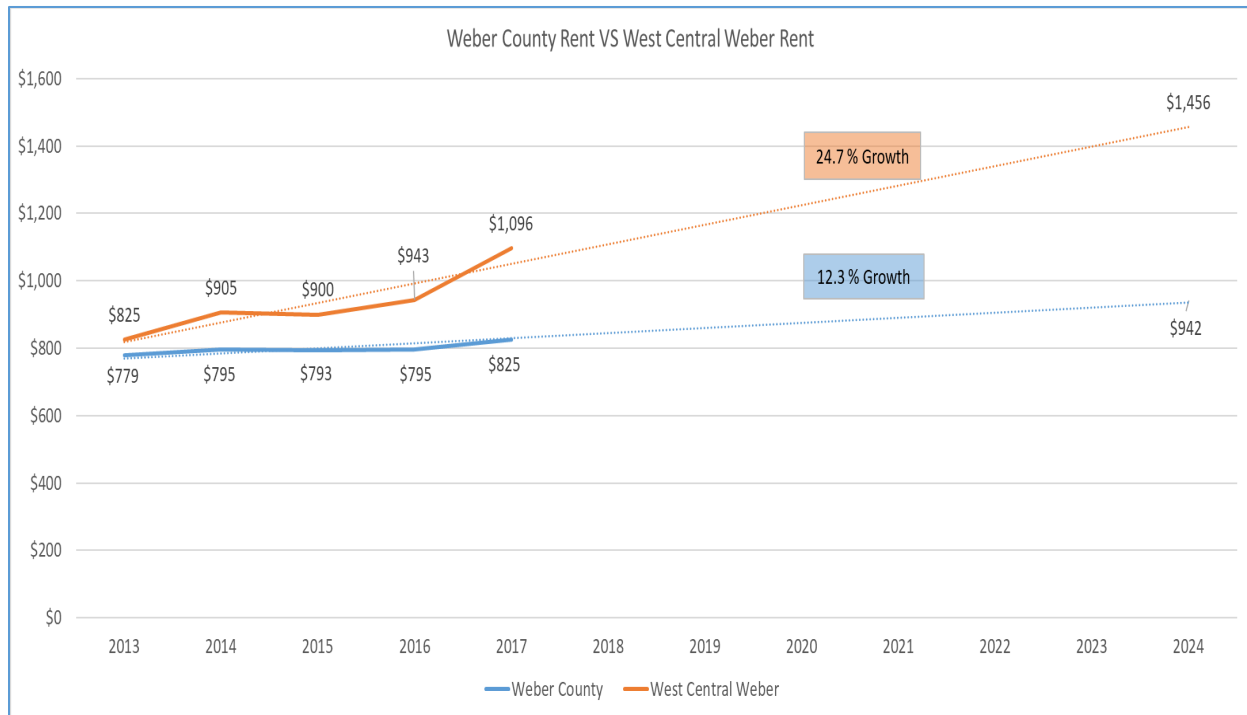
**FIGURE X: Renter-Occupied Income Growth**



Source: 2013-2017 American Community Survey, 5-Year Estimates, Table B25119



**FIGURE X: Rent Cost Growth**



Source: 2013-2017 American Community Survey, 5-Year Estimates, Table B25064

As these trends trickle down the income spectrum, it's possible that the growth in renter-households (with larger incomes) and inflated rents (due to demand) could be causing a growth in affordability gaps for households with incomes below 80 percent of AMI.

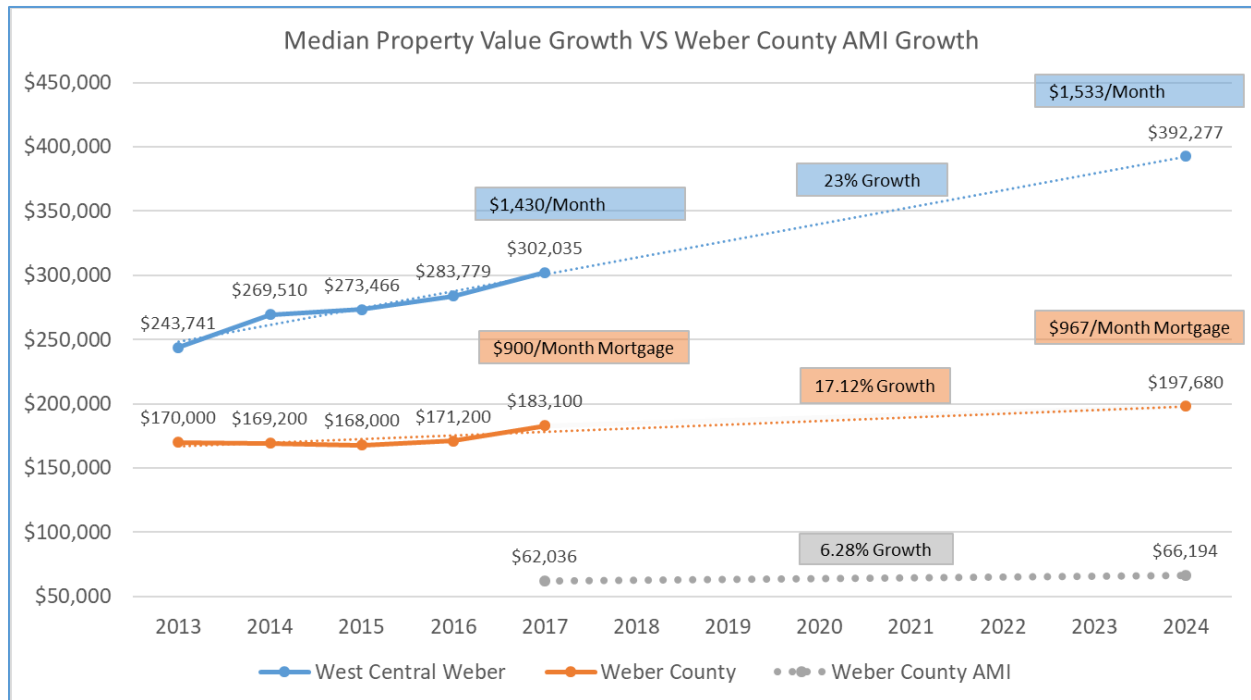
### OWNING

In 2017, there were 2,216 households in owner-occupied housing units in the West Central area, which represents approximately 80 percent of the housing units available for full-time occupancy. Of these units, 2013-2017 ACS data indicates that the 2017 median home value was \$302,035. As shown in Figure X, projections out to 2024 indicates a median home value of \$392,277. When plugging these values into a mortgage calculator, a mortgage of \$302,035 would equate to \$1,430 per month. A similar mortgage on \$392,277 would be \$1,533 per month<sup>3</sup>.

Figure X further demonstrates the anticipated growth in home values as compared to the anticipated growth of the county-wide AMI. Based on projections, West Central median housing values are anticipated to increase by 23 percent between 2017 and 2024. Similarly, housing values in Weber County as a whole are anticipated to grow by 17.12 percent within the same time period. Meanwhile the county-wide AMI is only anticipated to grow by 6.28 percent by 2024. These growth trends indicate that the AMI will struggle to keep pace with the rate of median property value growth. This will cause owner-occupied housing to become less affordable over time. These projections also corroborate the identified growth trends of households moving into rental housing units and increasing rents.

<sup>3</sup> Mortgage calculator used from <https://www.mortgagecalculator.org/> with the following assumptions: 20% down payment, 4% APR, 0.77% annual tax rate, and \$1,000 per year homeowners insurance.

**FIGURE X: Median Property Value VS. Weber County AMI Growth**



Source: 2013-2017 American Community Survey, 5-Year Estimates, Table B19019 (AMI), Table B25077 (Property Value)

**ESTIMATED SUPPLY (UNDER DEVELOPMENT)**

Based on the market value assessed by the Weber County Assessor’s Office, there are currently XX housing units, XX percent of total housing units, valued at or below \$XX in the West Central area.

Knowing the housing stock supply, we can then estimate the current need for moderate-income housing based on known demand.

**ESTIMATED NEED (UNDER DEVELOPMENT)**

There is a slight negative annual growth rate in the number of moderate-income households in Weber County as a whole, as measured between 2009 and 2017. In 2017, this was 39.14 percent of households. By 2024, this is expected to decrease to 39.13 percent.

As of 2017, the West Central area had 1,123 moderate-income households. Based on current trends in the area, this is projected to increase to 1,613 by 2024. However, for the West Central area to carry its proportionate share of the county-wide moderate-income households by 2024 (39.13 percent<sup>4</sup>), Weber County should encourage sufficient moderate-income housing units for a projected XX moderate-income households, an increase of XX percent over 2017’s number of households (XX).

<sup>4</sup> 39.13 percent of households county-wide are expected to be at or below the 80% AMI level by 2024. As such, each planning area should strive to maintain 39.13 percent of their new and existing housing stock at or below affordable values for households making 80% of AMI or lower.

## SUMMARY

Generally speaking, the housing in Unincorporated Weber County is less affordable as compared to the rest of the County. Therefore, the need for pro-active affordable housing planning is higher in unincorporated areas than many of the County's jurisdictions. However this is not unusual for the mostly rural areas. It makes for a unique circumstance where there are few areas that can support the type of development required to achieve affordable housing options.

A few key takeaways from the trends identified:

- Household size in Western Weber is shrinking
- The population is aging with higher growth rates amongst 60 + year-olds, and shrinking growth amongst 20-40 year-olds
- There will be strong growth in the number 2-person households. This is likely due to the growing number of empty-nesters/senior citizen households that are emerging.
- Owner-occupied housing values are far outpacing the County AMI growth rates
- There will be strong growth in the number of renter-occupied households due to the growing affordability gap between incomes and owner-occupied housing units
- The growing number of renting households will have higher than average incomes due to their growing inability to afford owner-occupied housing. This will likely cause households with incomes below 80% of AMI to have high income to rent ratios.

Add paragraph summarizing supply/demand/need based on GIS mapping results of structures/values.  
(UNDER DEVELOPMENT)

However, in broad terms, over the next five years, unincorporated West Central Weber County will need to encourage affordable housing options for 39.14 percent of new and existing households. This would equate to homes currently valued at or below \$242,500 or rents not to exceed \$1,158 per month. By 2024, housing for moderate-income households should not exceed a home value of \$280,000 or rent of \$1,236 per month.

## GOALS, PRINCIPLES, AND IMPLEMENTATION

(Carried over from the 2012-2014 Weber County Housing Assessment & Plan)

### County-wide Goals: Weber County Multi-Jurisdictional Planning Team

- **Collaboration of Housing Goals:** continue to have collaboration between Weber County and the cities within the county to accomplish common housing needs and goals.
- **Single Family Housing Goals:** preserve existing housing stock and conduct infill development as a primary focus; work with local jurisdictions to develop new outreach materials for rehabilitation; explore partnerships to leverage available resources to expand program impact via Home Depot 203K, financial institutions, foundations and municipal funding strategies and create a Volunteer Service Programs; and map future infill and re-use sites.

- **Multi-Family Housing Goals:** Promote Fair Share Housing and work on geographic de-concentration and project set asides to address future demand/needs for housing affordable to households at 30 percent of AMI and seek to collectively support applications and provide funding for priority community-wide housing development activities to meet future market demand and identify priority projects for next one to five years for households at 40 to 80 percent of AMI.
- **Miscellaneous Additional Goals:** Utilize collaboration and sustainability as a driving implementation force; conduct housing dispersion, commercial centers and land use mapping for Master Planning analysis; use life-cycle philosophy; conduct roof-top surveys; establish educational resources in English and Spanish hosted centrally by Weber County Housing Authority; use a “put a face on it” strategy as a community education and marketing campaign; jointly sponsor education initiatives through local municipal councils; consider implementation of Good Landlord Program and seek to monitor market data and barriers over time for all housing sectors to assure prioritization and implementation in keeping with moderate income housing plan compliance every two years.

**(Carried Over from the Ogden Valley 2016 General Plan and Moderate-Income Plan Update)**

**Goal 1: A goal of Weber County is to support affordable homeownership and rental housing opportunities in West Central Weber, and maintain the quality of existing housing stock.**

Principle 1.1: Facilitate mix of housing types in new construction in keeping with neighborhood design standards and community sustainability.

Implementation 1.1.1: Encourage the development of low- to moderate-income housing within or near established cities, towns and village areas in order to protect agricultural lands and provide open spaces within the unincorporated areas of Weber County.

Implementation 1.1.2: Support the Weber Housing Authority’s role in developing mixed-use housing projects resulting in additional housing opportunities; where mixed-use development occurs, provide a variety of housing types; and add accessory dwelling units as an allowed use in the zoning ordinance.

Implementation 1.1.3: Develop cluster ordinances that will allow for mixed housing types in compact areas, while preserving significant open spaces

**Goal 2: A goal of Weber County is to provide housing choices in neighborhoods that will allow residents with a variety of incomes and at different stages of life to live in West Central Weber.**

Principle 2.1: Encourage residential development projects to incorporate a mix of housing sizes, types, and prices.

Implementation 2.1.1: Revise Cluster Subdivision and PRUD ordinances to require a variety of housing types in developments projects larger than 10 acres. Monitor this number and price variability in development projects to determine whether it is either overly burdensome on the development community or impractical in achieving the

desired outcome of a mix of available housing types and price ranges, and adjust the unit threshold as necessary.

Principle 2.2: Manage accessory dwelling units (ADUs) to allow for affordable housing opportunities without increasing the overall impact of residential development in West Central Weber County. Require one development unit for each authorized ADU.

Implementation 2.2.1: Review current County ordinances regarding ADUs to refine standards and establish measures for how ADUs are accounted for in overall zoning.

(Carried over from the 2012-2014 Weber County Housing Assessment & Plan)

### **Unincorporated Weber County: West Central**

**Goal 3:** Maintain the quality of existing single family housing stock and affordable homeownership opportunities.

- **Implementation:** facilitate a mix of new construction in keeping with neighborhood design standards and community sustainability; support the Weber Housing Authority in re-establishing an emergency home repair program to assist in housing maintenance for moderate to low income home owners.

**Goal 4:** Maintain the quality of existing multi-family housing stock and affordable rental housing opportunities.

- **Implementation:** facilitate a mix of new construction in keeping with neighborhood design standards and community sustainability; encourage the development of urban housing development in commercial centers; develop cluster and commercial center ordinances that will allow for mixed type of housing choices in compact areas consistent with the General Plan locations to preserve the remaining agricultural lands and open spaces and develop and adopt design standards for commercial center and mixed use communities.

**Goal 5:** Provide housing choices in neighborhoods that will allow residents to live in the same neighborhood for their entire life-cycle.

- **Implementation:** support the Weber Housing Authority's role in developing mixed use housing projects resulting in additional housing opportunities; where mixed use development occurs provide a variety of housing types and investigate the potential for adding accessory dwelling units as an allowed use in the zoning ordinance.

**Goal 6:** Update and or put in place the necessary tools enabling the community to track the: 1) mix of existing housing stock, 2) the condition of existing housing stock, 3) delivery of existing housing education made available to the public, 4) the availability of local resources enabling single and multi – family rehabilitation and or new construction which facilitates access and affordability for special needs populations.

- Implementation: maintain land use inventory maps and analysis to track land use and housing and the transitioning of various land uses; establish a mechanism to track housing condition of the existing housing stock, including multi-family and single family residences and conduct a survey of how other communities are tracking their housing stock in order to determine the most efficient and effective way to track housing stock and condition in unincorporated Weber County.

**Goal 7:** Seek to monitor market data and barriers over time for all housing sectors to assure prioritization and implementation in keeping with moderate income housing plan compliance every two years.

- Implementation: conduct a housing barriers analysis as part of the two year update of the moderate income housing plan. Coordinate this effort with the Weber Housing Authority.

DRAFT

**AFFORDABLE HOUSING MODIFICATIONS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: Val K. Potter

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**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 and counties related to the 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:**

None

**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-401**, as last amended by Laws of Utah 2018, Chapter 218

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

- 30            **10-9a-408**, as last amended by Laws of Utah 2018, Chapters 218 and 364
- 31            **17-27a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415
- 32            **17-27a-401**, as last amended by Laws of Utah 2018, Chapter 218
- 33            **17-27a-403**, as last amended by Laws of Utah 2018, Chapter 218
- 34            **17-27a-408**, as last amended by Laws of Utah 2018, Chapters 218 and 364
- 35            **35A-8-503**, as renumbered and amended by Laws of Utah 2012, Chapter 212
- 36            **35A-8-505**, as last amended by Laws of Utah 2018, Chapter 251
- 37            **35A-8-803**, as renumbered and amended by Laws of Utah 2012, Chapter 212
- 38            **63B-18-401**, as last amended by Laws of Utah 2013, Chapter 389
- 39            **63B-27-101**, as last amended by Laws of Utah 2018, Chapter 280
- 40            **63I-2-217**, as last amended by Laws of Utah 2018, Chapter 68 and further amended by
- 41 Revisor Instructions, Laws of Utah 2018, Chapter 456
- 42            **72-1-304**, as last amended by Laws of Utah 2018, Chapter 424
- 43            **72-2-124**, as last amended by Laws of Utah 2018, Chapter 424

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

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

47            **10-9a-103. Definitions.**

48            As used in this chapter:

49            (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
50 detached from a primary single-family dwelling and contained on one lot.

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

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



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

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

63 [~~(2)~~] (3) "Appeal authority" means the person, board, commission, agency, or other  
64 body designated by ordinance to decide an appeal of a decision of a land use application or a  
65 variance.

66 [~~(3)~~] (4) "Billboard" means a freestanding ground sign located on industrial,  
67 commercial, or residential property if the sign is designed or intended to direct attention to a  
68 business, product, or service that is not sold, offered, or existing on the property where the sign  
69 is located.

70 [~~(4)~~] (5) (a) "Charter school" means:

71 (i) an operating charter school;

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

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

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

77 [~~(5)~~] (6) "Conditional use" means a land use that, because of its unique characteristics  
78 or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not  
79 be compatible in some areas or may be compatible only if certain conditions are required that  
80 mitigate or eliminate the detrimental impacts.

81 [~~(6)~~] (7) "Constitutional taking" means a governmental action that results in a taking of  
82 private property so that compensation to the owner of the property is required by the:

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

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

85 [~~(7)~~] (8) "Culinary water authority" means the department, agency, or public entity with

86 responsibility to review and approve the feasibility of the culinary water system and sources for  
87 the subject property.

88 [~~(8)~~] (9) "Development activity" means:

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

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

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

95 [~~(9)~~] (10) (a) "Disability" means a physical or mental impairment that substantially  
96 limits one or more of a person's major life activities, including a person having a record of such  
97 an impairment or being regarded as having such an impairment.

98 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
99 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
100 802.

101 [~~(10)~~] (11) "Educational facility":

102 (a) means:

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

106 (ii) a structure or facility:

107 (A) located on the same property as a building described in Subsection [~~(10)~~]

108 (11)(a)(i); and

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

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

112 (b) does not include:

113 (i) land or a structure, including land or a structure for inventory storage, equipment

114 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

115 (A) not located on the same property as a building described in Subsection [~~(10)~~]

116 (11)(a)(i); and

117 (B) used in support of the purposes of a building described in Subsection [~~(10)~~]

118 (11)(a)(i); or

119 (ii) a therapeutic school.

120 [~~(11)~~] (12) "Fire authority" means the department, agency, or public entity with  
121 responsibility to review and approve the feasibility of fire protection and suppression services  
122 for the subject property.

123 [~~(12)~~] (13) "Flood plain" means land that:

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

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

130 [~~(13)~~] (14) "General plan" means a document that a municipality adopts that sets forth  
131 general guidelines for proposed future development of the land within the municipality.

132 [~~(14)~~] (15) "Geologic hazard" means:

133 (a) a surface fault rupture;

134 (b) shallow groundwater;

135 (c) liquefaction;

136 (d) a landslide;

137 (e) a debris flow;

138 (f) unstable soil;

139 (g) a rock fall; or

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

141 (i) to life;

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

143 (iii) of substantial damage to real property.

144 [~~(15)~~] (16) "Historic preservation authority" means a person, board, commission, or  
145 other body designated by a legislative body to:

146 (a) recommend land use regulations to preserve local historic districts or areas; and

147 (b) administer local historic preservation land use regulations within a local historic  
148 district or area.

149 [~~(16)~~] (17) "Hookup fee" means a fee for the installation and inspection of any pipe,  
150 line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or  
151 other utility system.

152 [~~(17)~~] (18) "Identical plans" means building plans submitted to a municipality that:

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

154 (b) are substantially identical to building plans that were previously submitted to and  
155 reviewed and approved by the municipality; and

156 (c) describe a building that:

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

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

161 (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
162 and approved by the municipality; and

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

164 [~~(18)~~] (19) "Impact fee" means a payment of money imposed under Title 11, Chapter  
165 36a, Impact Fees Act.

166 [~~(19)~~] (20) "Improvement completion assurance" means a surety bond, letter of credit,  
167 financial institution bond, cash, assignment of rights, lien, or other equivalent security required  
168 by a municipality to guaranty the proper completion of landscaping or an infrastructure  
169 improvement required as a condition precedent to:

170 (a) recording a subdivision plat; or  
171 (b) development of a commercial, industrial, mixed use, or multifamily project.

172 [~~(20)~~] (21) "Improvement warranty" means an applicant's unconditional warranty that  
173 the applicant's installed and accepted landscaping or infrastructure improvement:

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

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

178 [~~(21)~~] (22) "Improvement warranty period" means a period:

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

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

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

184 (ii) has substantial evidence, on record:

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

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

188 [~~(22)~~] (23) "Infrastructure improvement" means permanent infrastructure that an  
189 applicant must install:

190 (a) pursuant to published installation and inspection specifications for public  
191 improvements; and

192 (b) as a condition of:

193 (i) recording a subdivision plat; or

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

196 [~~(23)~~] (24) "Internal lot restriction" means a platted note, platted demarcation, or  
197 platted designation that:

- 198 (a) runs with the land; and
- 199 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
- 200 the plat; or
- 201 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 202 described on the plat.

203 [~~(24)~~] (25) "Land use applicant" means a property owner, or the property owner's

204 designee, who submits a land use application regarding the property owner's land.

205 [~~(25)~~] (26) "Land use application":

- 206 (a) means an application that is:
- 207 (i) required by a municipality; and
- 208 (ii) submitted by a land use applicant to obtain a land use decision; and
- 209 (b) does not mean an application to enact, amend, or repeal a land use regulation.

210 [~~(26)~~] (27) "Land use authority" means:

- 211 (a) a person, board, commission, agency, or body, including the local legislative body,
- 212 designated by the local legislative body to act upon a land use application; or
- 213 (b) if the local legislative body has not designated a person, board, commission,
- 214 agency, or body, the local legislative body.

215 [~~(27)~~] (28) "Land use decision" means an administrative decision of a land use

216 authority or appeal authority regarding:

- 217 (a) a land use permit;
- 218 (b) a land use application; or
- 219 (c) the enforcement of a land use regulation, land use permit, or development
- 220 agreement.

221 [~~(28)~~] (29) "Land use permit" means a permit issued by a land use authority.

222 [~~(29)~~] (30) "Land use regulation":

- 223 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
- 224 specification, fee, or rule that governs the use or development of land;
- 225 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;

226 and

227 (c) does not include:

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

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

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

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

234 ~~[(30)]~~ (31) "Legislative body" means the municipal council.

235 ~~[(31)]~~ (32) "Local district" means an entity under Title 17B, Limited Purpose Local  
236 Government Entities - Local Districts, and any other governmental or quasi-governmental  
237 entity that is not a county, municipality, school district, or the state.

238 ~~[(32)]~~ (33) "Local historic district or area" means a geographically definable area that:

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

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

244 ~~[(33)]~~ (34) "Lot line adjustment" means the relocation of the property boundary line in  
245 a subdivision between two adjoining lots with the consent of the owners of record.

246 (35) "Major transit investment corridor" means public transit service that uses or  
247 occupies:

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

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

250 or

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

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

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

255 [~~34~~] (36) "Moderate income housing" means housing occupied or reserved for  
256 occupancy by households with a gross household income equal to or less than 80% of the  
257 median gross income for households of the same size in the county in which the city is located.

258 [~~35~~] (37) "Nominal fee" means a fee that reasonably reimburses a municipality only  
259 for time spent and expenses incurred in:

- 260 (a) verifying that building plans are identical plans; and
- 261 (b) reviewing and approving those minor aspects of identical plans that differ from the  
262 previously reviewed and approved building plans.

263 [~~36~~] (38) "Noncomplying structure" means a structure that:

- 264 (a) legally existed before its current land use designation; and
- 265 (b) because of one or more subsequent land use ordinance changes, does not conform  
266 to the setback, height restrictions, or other regulations, excluding those regulations, which  
267 govern the use of land.

268 [~~37~~] (39) "Nonconforming use" means a use of land that:

- 269 (a) legally existed before its current land use designation;
- 270 (b) has been maintained continuously since the time the land use ordinance governing  
271 the land changed; and
- 272 (c) because of one or more subsequent land use ordinance changes, does not conform  
273 to the regulations that now govern the use of the land.

274 [~~38~~] (40) "Official map" means a map drawn by municipal authorities and recorded in  
275 a county recorder's office that:

- 276 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
277 highways and other transportation facilities;
- 278 (b) provides a basis for restricting development in designated rights-of-way or between  
279 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
280 the land; and
- 281 (c) has been adopted as an element of the municipality's general plan.



282            [(39)] (41) "Parcel boundary adjustment" means a recorded agreement between owners  
283 of adjoining properties adjusting their mutual boundary if:

284            (a) no additional parcel is created; and

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

287            [(40)] (42) "Person" means an individual, corporation, partnership, organization,  
288 association, trust, governmental agency, or any other legal entity.

289            [(41)] (43) "Plan for moderate income housing" means a written document adopted by  
290 a [city] municipality's legislative body that includes:

291            (a) an estimate of the existing supply of moderate income housing located within the  
292 [city] municipality;

293            (b) an estimate of the need for moderate income housing in the [city] municipality for  
294 the next five years [~~as revised biennially~~];

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

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

298            (e) a description of the [city's] municipality's program to encourage an adequate supply  
299 of moderate income housing.

300            [(42)] (44) "Plat" means a map or other graphical representation of lands being laid out  
301 and prepared in accordance with Section [10-9a-603](#), [17-23-17](#), or [57-8-13](#).

302            [(43)] (45) "Potential geologic hazard area" means an area that:

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

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

309            [(44)] (46) "Public agency" means:

- 310 (a) the federal government;
- 311 (b) the state;
- 312 (c) a county, municipality, school district, local district, special service district, or other  
313 political subdivision of the state; or
- 314 (d) a charter school.

315 [~~(45)~~] (47) "Public hearing" means a hearing at which members of the public are  
316 provided a reasonable opportunity to comment on the subject of the hearing.

317 [~~(46)~~] (48) "Public meeting" means a meeting that is required to be open to the public  
318 under Title 52, Chapter 4, Open and Public Meetings Act.

319 [~~(47)~~] (49) "Receiving zone" means an area of a municipality that the municipality  
320 designates, by ordinance, as an area in which an owner of land may receive a transferable  
321 development right.

322 [~~(48)~~] (50) "Record of survey map" means a map of a survey of land prepared in  
323 accordance with Section 17-23-17.

324 [~~(49)~~] (51) "Residential facility for persons with a disability" means a residence:

- 325 (a) in which more than one person with a disability resides; and
- 326 (b) (i) which is licensed or certified by the Department of Human Services under Title  
327 62A, Chapter 2, Licensure of Programs and Facilities; or
- 328 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
329 21, Health Care Facility Licensing and Inspection Act.

330 [~~(50)~~] (52) "Rules of order and procedure" means a set of rules that govern and  
331 prescribe in a public meeting:

- 332 (a) parliamentary order and procedure;
- 333 (b) ethical behavior; and
- 334 (c) civil discourse.

335 [~~(51)~~] (53) "Sanitary sewer authority" means the department, agency, or public entity  
336 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
337 wastewater systems.

338            [~~(52)~~] (54) "Sending zone" means an area of a municipality that the municipality  
339 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
340 development right.

341            [~~(53)~~] (55) "Specified public agency" means:

- 342            (a) the state;
- 343            (b) a school district; or
- 344            (c) a charter school.

345            [~~(54)~~] (56) "Specified public utility" means an electrical corporation, gas corporation,  
346 or telephone corporation, as those terms are defined in Section 54-2-1.

347            [~~(55)~~] (57) "State" includes any department, division, or agency of the state.

348            [~~(56)~~] (58) "Street" means a public right-of-way, including a highway, avenue,  
349 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
350 or other way.

351            [~~(57)~~] (59) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
352 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
353 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
354 installment plan or upon any and all other plans, terms, and conditions.

355            (b) "Subdivision" includes:

- 356            (i) the division or development of land whether by deed, metes and bounds description,  
357 devise and testacy, map, plat, or other recorded instrument; and
- 358            (ii) except as provided in Subsection [~~(57)~~] (59)(c), divisions of land for residential and  
359 nonresidential uses, including land used or to be used for commercial, agricultural, and  
360 industrial purposes.

361            (c) "Subdivision" does not include:

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

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

368 (A) no new lot is created; and

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

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

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

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

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

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

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

379 (v) a bona fide division or partition of land by deed or other instrument where the land  
380 use authority expressly approves in writing the division in anticipation of further land use  
381 approvals on the parcel or parcels; or

382 (vi) a parcel boundary adjustment.

383 (d) The joining of a subdivided parcel of property to another parcel of property that has  
384 not been subdivided does not constitute a subdivision under this Subsection [~~(57)~~] (59) as to  
385 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's  
386 subdivision ordinance.

387 [~~(58)~~] (60) "Suspect soil" means soil that has:

388 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
389 3% swell potential;

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

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

393 [~~(59)~~] (61) "Therapeutic school" means a residential group living facility:

- 394 (a) for four or more individuals who are not related to:
- 395 (i) the owner of the facility; or
- 396 (ii) the primary service provider of the facility;
- 397 (b) that serves students who have a history of failing to function:
- 398 (i) at home;
- 399 (ii) in a public school; or
- 400 (iii) in a nonresidential private school; and
- 401 (c) that offers:
- 402 (i) room and board; and
- 403 (ii) an academic education integrated with:
- 404 (A) specialized structure and supervision; or
- 405 (B) services or treatment related to a disability, an emotional development, a
- 406 behavioral development, a familial development, or a social development.
- 407 ~~[(60)]~~ (62) "Transferable development right" means a right to develop and use land that
- 408 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 409 land use rights from a designated sending zone to a designated receiving zone.
- 410 ~~[(61)]~~ (63) "Unincorporated" means the area outside of the incorporated area of a city
- 411 or town.
- 412 ~~[(62)]~~ (64) "Water interest" means any right to the beneficial use of water, including:
- 413 (a) each of the rights listed in Section 73-1-11; and
- 414 (b) an ownership interest in the right to the beneficial use of water represented by:
- 415 (i) a contract; or
- 416 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 417 ~~[(63)]~~ (65) "Zoning map" means a map, adopted as part of a land use ordinance, that
- 418 depicts land use zones, overlays, or districts.
- 419 Section 2. Section 10-9a-401 is amended to read:
- 420 **10-9a-401. General plan required -- Content.**
- 421 (1) In order to accomplish the purposes of this chapter, each municipality shall prepare

422 and adopt a comprehensive, long-range general plan for:

423       (a) present and future needs of the municipality; and

424       (b) growth and development of all or any part of the land within the municipality.

425       (2) The general plan may provide for:

426       (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic

427 activities, aesthetics, and recreational, educational, and cultural opportunities;

428       (b) the reduction of the waste of physical, financial, or human resources that result

429 from either excessive congestion or excessive scattering of population;

430       (c) the efficient and economical use, conservation, and production of the supply of:

431       (i) food and water; and

432       (ii) drainage, sanitary, and other facilities and resources;

433       (d) the use of energy conservation and solar and renewable energy resources;

434       (e) the protection of urban development;

435       (f) if the municipality is a town, the protection or promotion of moderate income

436 housing;

437       (g) the protection and promotion of air quality;

438       (h) historic preservation;

439       (i) identifying future uses of land that are likely to require an expansion or significant

440 modification of services or facilities provided by each affected entity; and

441       (j) an official map.

442       (3) (a) The general plan of a municipality, other than a town, shall plan for moderate

443 income housing growth.

444       (b) On or before [~~July 1, 2019~~] December 1, 2019, each of the following that have a

445 general plan that does not comply with Subsection (3)(a) shall amend the general plan to

446 comply with Subsection (3)(a):

447       (i) a city of the first, second, third, or fourth class;

448       (ii) a city of the fifth class with a population of 5,000 or more, if the city is located

449 within a county of the first, second, or third class; and

450 (iii) a metro township with a population of 5,000 or more~~;~~ ~~and~~].  
451 [~~(iv) a metro township with a population of less than 5,000, if the metro township is~~  
452 ~~located within a county of the first, second, or third class.~~]

453 (c) The population figures described in Subsections (3)(b)(ii)~~;~~ and (iii)~~;~~ ~~and (iv)~~  
454 shall be derived from:

- 455 (i) the most recent official census or census estimate of the United States Census
- 456 Bureau; or
- 457 (ii) if a population figure is not available under Subsection (3)(c)(i), an estimate of the
- 458 Utah Population Estimates Committee.

459 (4) Subject to Subsection 10-9a-403(2), the municipality may determine the  
460 comprehensiveness, extent, and format of the general plan.

461 Section 3. Section 10-9a-403 is amended to read:

462 **10-9a-403. General plan preparation.**

463 (1) (a) The planning commission shall provide notice, as provided in Section  
464 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a  
465 general plan or a comprehensive general plan amendment when the planning commission  
466 initiates the process of preparing its recommendation.

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

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

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

476 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,  
477 and descriptive and explanatory matter, shall include the planning commission's

478 recommendations for the following plan elements:

479 (i) a land use element that:

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

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

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

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

494 (B) for a municipality that has access to a major transit investment corridor, addresses  
495 the municipality's plan for residential and commercial development around major transit  
496 investment corridors to maintain and improve the connections between housing, employment,  
497 education, recreation, and commerce;

498 (C) for a municipality that does not have access to a major transit investment corridor,  
499 addresses the municipality's plan for residential and commercial development in areas that will  
500 maintain and improve the connections between housing, transportation, employment,  
501 education, recreation, and commerce; and

502 (D) correlates with the population projections, the employment projections, and the  
503 proposed land use element of the general plan; and

504 (iii) for a municipality described in Subsection [10-9a-401\(3\)\(b\)](#), a plan that provides a  
505 realistic opportunity to meet the need for additional moderate income housing.



506 (b) In drafting the moderate income housing element, the planning commission:  
507 (i) shall consider the Legislature's determination that municipalities shall facilitate a  
508 reasonable opportunity for a variety of housing, including moderate income housing:  
509 (A) to meet the needs of people ~~[desiring to live]~~ of various income levels living,  
510 working, or desiring to live or work in the community; and  
511 (B) to allow ~~[persons with moderate]~~ people with various incomes to benefit from and  
512 fully participate in all aspects of neighborhood and community life; ~~[and]~~  
513 (ii) for a town, may include, and for other municipalities, shall include, an analysis of  
514 ~~[why the recommended means, techniques, or combination of means and techniques provide]~~  
515 how the municipality will provide a realistic opportunity for the development of moderate  
516 income housing within the next five years~~[- which means or techniques may include a~~  
517 ~~recommendation to:];~~  
518 (iii) for a town, may include, and for other municipalities, shall include, a  
519 recommendation to implement three or more of the following strategies:  
520 (A) rezone for densities necessary to assure the production of moderate income  
521 housing;  
522 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the  
523 construction of moderate income housing;  
524 (C) ~~[encourage]~~ facilitate the rehabilitation of existing uninhabitable housing stock into  
525 moderate income housing;  
526 (D) consider general fund subsidies or other sources of revenue to waive construction  
527 related fees that are otherwise generally imposed by the city;  
528 (E) create or allow for, and reduce regulations related to, accessory dwelling units in  
529 residential zones;  
530 (F) allow for higher density or moderate income residential development in  
531 commercial and mixed-use zones, commercial centers, or employment centers;  
532 (G) encourage higher density or moderate income residential development near major  
533 transit investment corridors;

- 534 (H) eliminate or reduce parking requirements for residential development where a  
535 resident is less likely to rely on the resident's own vehicle, such as residential development near  
536 major transit investment corridors or senior living facilities;
- 537 (I) allow for single room occupancy developments;
- 538 (J) implement zoning incentives for low to moderate income units in new  
539 developments;
- 540 (K) utilize strategies that preserve subsidized low to moderate income units on a  
541 long-term basis;
- 542 (L) preserve existing moderate income housing;
- 543 (M) reduce impact fees, as defined in Section [11-36a-102](#), related to low and moderate  
544 income housing;
- 545 (N) participate in a community land trust program for low or moderate income  
546 housing;
- 547 (O) implement a mortgage assistance program for employees of the municipality or of  
548 an employer that provides contracted services to the municipality;
- 549 ~~[(E) consider utilization of]~~ (P) apply for or partner with an entity that applies for state  
550 or federal funds or tax incentives to promote the construction of moderate income housing;
- 551 ~~[(F) consider utilization of]~~ (Q) apply for or partner with an entity that applies for  
552 programs offered by the Utah Housing Corporation within that agency's funding capacity;
- 553 ~~[(G) consider utilization of]~~ (R) apply for or partner with an entity that applies for  
554 affordable housing programs administered by the Department of Workforce Services; ~~and~~
- 555 ~~[(H) consider utilization of]~~ (S) apply for or partner with an entity that applies for  
556 programs administered by an association of governments established by an interlocal  
557 agreement under Title 11, Chapter 13, Interlocal Cooperation Act[?];
- 558 (T) apply for or partner with an entity that applies for services provided by a public  
559 housing authority to preserve and create moderate income housing;
- 560 (U) apply for or partner with an entity that applies for programs administered by a  
561 metropolitan planning organization or other transportation agency that provides technical

562 planning assistance;

563 (V) utilize a moderate income housing set aside from a community reinvestment  
564 agency, redevelopment agency, or community development and renewal agency; and

565 (W) any other program or strategy implemented by the municipality to address the  
566 housing needs of residents of the municipality who earn less than 80% of the area median  
567 income; and

568 (iv) in addition to the recommendations required under Subsection (2)(b)(iii), for a  
569 municipality that has a fixed guideway public transit station, shall include a recommendation to  
570 implement the strategies described in Subsection (2)(b)(iii)(G) or (H).

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

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

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

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

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

580 (ii) consider the long-range transportation plan developed by the Department of  
581 Transportation, if the municipality is not within the boundaries of a metropolitan planning  
582 organization.

583 (3) The proposed general plan may include:

584 (a) an environmental element that addresses:

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

588 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
589 streams and other waters, regulation of the use of land on hillsides, stream channels and other

590 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
591 protection of watersheds and wetlands, and the mapping of known geologic hazards;

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

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

597 (i) historic preservation;

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

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

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

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

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

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

611 Section 4. Section 10-9a-408 is amended to read:

612 **10-9a-408. Reporting requirements and civil action regarding moderate income**  
613 **housing element of general plan.**

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

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

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

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

620 (2) The report described in Subsection (1) shall include ~~[a description of]:~~

621 ~~[(a) efforts made by the municipality to reduce, mitigate, or eliminate local regulatory~~  
622 ~~barriers to moderate income housing;]~~

623 (a) a revised estimate of the need for moderate income housing in the municipality for  
624 the next five years;

625 ~~[(b) actions taken by the municipality to encourage preservation of existing moderate~~  
626 ~~income housing and development of new moderate income housing;]~~

627 ~~[(c)]~~ (b) a description of progress made within the municipality to provide moderate  
628 income housing, demonstrated by analyzing and publishing data on~~[(i)]~~ the number of  
629 housing units in the municipality that are at or below:

630 ~~[(A)]~~ (i) 80% of the adjusted median family income ~~[for the municipality];~~

631 ~~[(B)]~~ (ii) 50% of the adjusted median family income ~~[for the municipality]; and~~

632 ~~[(C)]~~ (iii) 30% of the adjusted median family income ~~[for the municipality];~~

633 ~~[(ii) the number of housing units in the municipality that are subsidized by the~~  
634 ~~municipality, the state, or the federal government; and]~~

635 ~~[(iii) the number of housing units in the municipality that are deed-restricted;]~~

636 ~~[(d) all efforts made by the city to coordinate moderate income housing plans and~~  
637 ~~actions with neighboring municipalities or associations of governments established by an~~  
638 ~~interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;]~~

639 ~~[(e)]~~ (c) ~~[all]~~ a description of any efforts made by the municipality to utilize a moderate  
640 income housing set-aside from a ~~[redevelopment agency, a community development agency, or~~  
641 ~~an economic development agency;]~~ community reinvestment agency, redevelopment agency, or  
642 community development and renewal agency; and

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

645 ~~[(g) programs of the Utah Housing Corporation that were utilized by the municipality.]~~

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

648 (3) The legislative body of each [city] municipality described in Subsection (1) shall  
 649 send a copy of the report under Subsection (1) to the Department of Workforce Services [and],  
 650 the association of governments in which the [city] municipality is located[-], and, if located  
 651 within the boundaries of a metropolitan planning organization, the appropriate metropolitan  
 652 planning organization.

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

656 Section 5. Section 17-27a-103 is amended to read:

657 **17-27a-103. Definitions.**

658 As used in this chapter:

659 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
 660 detached from a primary single-family dwelling and contained on one lot.

661 [(+)] (2) "Affected entity" means a county, municipality, local district, special service  
 662 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
 663 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
 664 property owner, property owners association, public utility, or the Utah Department of  
 665 Transportation, if:

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

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

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

673 [(2)] (3) "Appeal authority" means the person, board, commission, agency, or other

674 body designated by ordinance to decide an appeal of a decision of a land use application or a  
675 variance.

676 ~~[(3)]~~ (4) "Billboard" means a freestanding ground sign located on industrial,  
677 commercial, or residential property if the sign is designed or intended to direct attention to a  
678 business, product, or service that is not sold, offered, or existing on the property where the sign  
679 is located.

680 ~~[(4)]~~ (5) (a) "Charter school" means:

681 (i) an operating charter school;

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

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

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

687 ~~[(5)]~~ (6) "Chief executive officer" means the person or body that exercises the  
688 executive powers of the county.

689 ~~[(6)]~~ (7) "Conditional use" means a land use that, because of its unique characteristics  
690 or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
691 compatible in some areas or may be compatible only if certain conditions are required that  
692 mitigate or eliminate the detrimental impacts.

693 ~~[(7)]~~ (8) "Constitutional taking" means a governmental action that results in a taking of  
694 private property so that compensation to the owner of the property is required by the:

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

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

697 ~~[(8)]~~ (9) "Culinary water authority" means the department, agency, or public entity with  
698 responsibility to review and approve the feasibility of the culinary water system and sources for  
699 the subject property.

700 ~~[(9)]~~ (10) "Development activity" means:

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

702 demand and need for public facilities;

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

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

707 [~~(10)~~] (11) (a) "Disability" means a physical or mental impairment that substantially  
708 limits one or more of a person's major life activities, including a person having a record of such  
709 an impairment or being regarded as having such an impairment.

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

713 [~~(11)~~] (12) "Educational facility":

714 (a) means:

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

718 (ii) a structure or facility:

719 (A) located on the same property as a building described in Subsection [~~(11)~~]

720 (12)(a)(i); and

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

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

724 (b) does not include:

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

727 (A) not located on the same property as a building described in Subsection [~~(11)~~]

728 (12)(a)(i); and

729 (B) used in support of the purposes of a building described in Subsection [~~(11)~~]



730 (12)(a)(i); or

731 (ii) a therapeutic school.

732 [~~(12)~~] (13) "Fire authority" means the department, agency, or public entity with  
733 responsibility to review and approve the feasibility of fire protection and suppression services  
734 for the subject property.

735 [~~(13)~~] (14) "Flood plain" means land that:

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

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

742 [~~(14)~~] (15) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

743 [~~(15)~~] (16) "General plan" means a document that a county adopts that sets forth  
744 general guidelines for proposed future development of:

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

746 (b) for a mountainous planning district, the land within the mountainous planning  
747 district.

748 [~~(16)~~] (17) "Geologic hazard" means:

749 (a) a surface fault rupture;

750 (b) shallow groundwater;

751 (c) liquefaction;

752 (d) a landslide;

753 (e) a debris flow;

754 (f) unstable soil;

755 (g) a rock fall; or

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

757 (i) to life;

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

759 (iii) of substantial damage to real property.

760 [~~(17)~~] (18) "Hookup fee" means a fee for the installation and inspection of any pipe,  
761 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other  
762 utility system.

763 [~~(18)~~] (19) "Identical plans" means building plans submitted to a county that:

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

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

767 (c) describe a building that:

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

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

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

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

775 [~~(19)~~] (20) "Impact fee" means a payment of money imposed under Title 11, Chapter  
776 36a, Impact Fees Act.

777 [~~(20)~~] (21) "Improvement completion assurance" means a surety bond, letter of credit,  
778 financial institution bond, cash, assignment of rights, lien, or other equivalent security required  
779 by a county to guaranty the proper completion of landscaping or an infrastructure improvement  
780 required as a condition precedent to:

781 (a) recording a subdivision plat; or

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

783 [~~(21)~~] (22) "Improvement warranty" means an applicant's unconditional warranty that  
784 the applicant's installed and accepted landscaping or infrastructure improvement:

785 (a) complies with the county's written standards for design, materials, and

786 workmanship; and

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

789 [~~(22)~~] (23) "Improvement warranty period" means a period:

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

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

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

795 (ii) has substantial evidence, on record:

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

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

799 [~~(23)~~] (24) "Infrastructure improvement" means permanent infrastructure that an  
800 applicant must install:

801 (a) pursuant to published installation and inspection specifications for public  
802 improvements; and

803 (b) as a condition of:

804 (i) recording a subdivision plat; or

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

807 [~~(24)~~] (25) "Internal lot restriction" means a platted note, platted demarcation, or  
808 platted designation that:

809 (a) runs with the land; and

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

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

814            [~~(25)~~] (26) "Interstate pipeline company" means a person or entity engaged in natural  
815 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission  
816 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

817            [~~(26)~~] (27) "Intrastate pipeline company" means a person or entity engaged in natural  
818 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
819 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

820            [~~(27)~~] (28) "Land use applicant" means a property owner, or the property owner's  
821 designee, who submits a land use application regarding the property owner's land.

822            [~~(28)~~] (29) "Land use application":

823            (a) means an application that is:

824            (i) required by a county; and

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

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

827            [~~(29)~~] (30) "Land use authority" means:

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

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

832            [~~(30)~~] (31) "Land use decision" means an administrative decision of a land use  
833 authority or appeal authority regarding:

834            (a) a land use permit;

835            (b) a land use application; or

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

838            [~~(31)~~] (32) "Land use permit" means a permit issued by a land use authority.

839            [~~(32)~~] (33) "Land use regulation":

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

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

844 (c) does not include:

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

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

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

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

851 ~~[(33)]~~ (34) "Legislative body" means the county legislative body, or for a county that  
852 has adopted an alternative form of government, the body exercising legislative powers.

853 ~~[(34)]~~ (35) "Local district" means any entity under Title 17B, Limited Purpose Local  
854 Government Entities - Local Districts, and any other governmental or quasi-governmental  
855 entity that is not a county, municipality, school district, or the state.

856 ~~[(35)]~~ (36) "Lot line adjustment" means the relocation of the property boundary line in  
857 a subdivision between two adjoining lots with the consent of the owners of record.

858 (37) "Major transit investment corridor" means public transit service that uses or  
859 occupies:

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

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

862 or

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

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

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

867 ~~[(36)]~~ (38) "Moderate income housing" means housing occupied or reserved for  
868 occupancy by households with a gross household income equal to or less than 80% of the  
869 median gross income for households of the same size in the county in which the housing is

870 located.

871 [~~(37)~~] (39) "Mountainous planning district" means an area:

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

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

874 [~~(38)~~] (40) "Nominal fee" means a fee that reasonably reimburses a county only for  
875 time spent and expenses incurred in:

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

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

879 [~~(39)~~] (41) "Noncomplying structure" means a structure that:

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

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

884 [~~(40)~~] (42) "Nonconforming use" means a use of land that:

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

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

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

890 [~~(41)~~] (43) "Official map" means a map drawn by county authorities and recorded in  
891 the county recorder's office that:

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

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

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

898            [~~(42)~~] (44) "Parcel boundary adjustment" means a recorded agreement between owners  
899 of adjoining properties adjusting their mutual boundary if:

900            (a) no additional parcel is created; and

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

903            [~~(43)~~] (45) "Person" means an individual, corporation, partnership, organization,  
904 association, trust, governmental agency, or any other legal entity.

905            [~~(44)~~] (46) "Plan for moderate income housing" means a written document adopted by  
906 a county legislative body that includes:

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

909            (b) an estimate of the need for moderate income housing in the county for the next five  
910 years [~~as revised biennially~~];

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

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

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

916            [~~(45)~~] (47) "Planning advisory area" means a contiguous, geographically defined  
917 portion of the unincorporated area of a county established under this part with planning and  
918 zoning functions as exercised through the planning advisory area planning commission, as  
919 provided in this chapter, but with no legal or political identity separate from the county and no  
920 taxing authority.

921            [~~(46)~~] (48) "Plat" means a map or other graphical representation of lands being laid out  
922 and prepared in accordance with Section [17-27a-603](#), [17-23-17](#), or [57-8-13](#).

923            [~~(47)~~] (49) "Potential geologic hazard area" means an area that:

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

926 hazard; or

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

930 [~~48~~] (50) "Public agency" means:

931 (a) the federal government;

932 (b) the state;

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

935 (d) a charter school.

936 [~~49~~] (51) "Public hearing" means a hearing at which members of the public are  
937 provided a reasonable opportunity to comment on the subject of the hearing.

938 [~~50~~] (52) "Public meeting" means a meeting that is required to be open to the public  
939 under Title 52, Chapter 4, Open and Public Meetings Act.

940 [~~51~~] (53) "Receiving zone" means an unincorporated area of a county that the county  
941 designates, by ordinance, as an area in which an owner of land may receive a transferable  
942 development right.

943 [~~52~~] (54) "Record of survey map" means a map of a survey of land prepared in  
944 accordance with Section 17-23-17.

945 [~~53~~] (55) "Residential facility for persons with a disability" means a residence:

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

947 (b) (i) which is licensed or certified by the Department of Human Services under Title  
948 62A, Chapter 2, Licensure of Programs and Facilities; or

949 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
950 21, Health Care Facility Licensing and Inspection Act.

951 [~~54~~] (56) "Rules of order and procedure" means a set of rules that govern and  
952 prescribe in a public meeting:

953 (a) parliamentary order and procedure;



954 (b) ethical behavior; and

955 (c) civil discourse.

956 [~~(55)~~] (57) "Sanitary sewer authority" means the department, agency, or public entity  
957 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
958 wastewater systems.

959 [~~(56)~~] (58) "Sending zone" means an unincorporated area of a county that the county  
960 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
961 development right.

962 [~~(57)~~] (59) "Site plan" means a document or map that may be required by a county  
963 during a preliminary review preceding the issuance of a building permit to demonstrate that an  
964 owner's or developer's proposed development activity meets a land use requirement.

965 [~~(58)~~] (60) "Specified public agency" means:

966 (a) the state;

967 (b) a school district; or

968 (c) a charter school.

969 [~~(59)~~] (61) "Specified public utility" means an electrical corporation, gas corporation,  
970 or telephone corporation, as those terms are defined in Section 54-2-1.

971 [~~(60)~~] (62) "State" includes any department, division, or agency of the state.

972 [~~(61)~~] (63) "Street" means a public right-of-way, including a highway, avenue,  
973 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
974 or other way.

975 [~~(62)~~] (64) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
976 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
977 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
978 installment plan or upon any and all other plans, terms, and conditions.

979 (b) "Subdivision" includes:

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

982 (ii) except as provided in Subsection [~~(62)~~] (64)(c), divisions of land for residential and  
983 nonresidential uses, including land used or to be used for commercial, agricultural, and  
984 industrial purposes.

985 (c) "Subdivision" does not include:

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

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

989 (A) no new lot is created; and

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

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

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

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

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

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

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

1000 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
1001 utility service regeneration, transformation, retransmission, or amplification facility;

1002 (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
1003 their mutual boundary if:

1004 (A) no new dwelling lot or housing unit will result from the adjustment; and

1005 (B) the adjustment will not violate any applicable land use ordinance;

1006 (vi) a bona fide division or partition of land by deed or other instrument where the land  
1007 use authority expressly approves in writing the division in anticipation of further land use  
1008 approvals on the parcel or parcels; or

1009 (vii) a parcel boundary adjustment.

1010 (d) The joining of a subdivided parcel of property to another parcel of property that has  
1011 not been subdivided does not constitute a subdivision under this Subsection [~~(62)~~] (64) as to  
1012 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's  
1013 subdivision ordinance.

1014 [~~(63)~~] (65) "Suspect soil" means soil that has:

1015 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
1016 3% swell potential;

1017 (b) bedrock units with high shrink or swell susceptibility; or

1018 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
1019 commonly associated with dissolution and collapse features.

1020 [~~(64)~~] (66) "Therapeutic school" means a residential group living facility:

1021 (a) for four or more individuals who are not related to:

1022 (i) the owner of the facility; or

1023 (ii) the primary service provider of the facility;

1024 (b) that serves students who have a history of failing to function:

1025 (i) at home;

1026 (ii) in a public school; or

1027 (iii) in a nonresidential private school; and

1028 (c) that offers:

1029 (i) room and board; and

1030 (ii) an academic education integrated with:

1031 (A) specialized structure and supervision; or

1032 (B) services or treatment related to a disability, an emotional development, a  
1033 behavioral development, a familial development, or a social development.

1034 [~~(65)~~] (67) "Transferable development right" means a right to develop and use land that  
1035 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
1036 land use rights from a designated sending zone to a designated receiving zone.

1037 [~~(66)~~] (68) "Unincorporated" means the area outside of the incorporated area of a

1038 municipality.

1039 ~~[(67)]~~ (69) "Water interest" means any right to the beneficial use of water, including:

1040 (a) each of the rights listed in Section 73-1-11; and

1041 (b) an ownership interest in the right to the beneficial use of water represented by:

1042 (i) a contract; or

1043 (ii) a share in a water company, as defined in Section 73-3-3.5.

1044 ~~[(68)]~~ (70) "Zoning map" means a map, adopted as part of a land use ordinance, that  
1045 depicts land use zones, overlays, or districts.

1046 Section 6. Section 17-27a-401 is amended to read:

1047 **17-27a-401. General plan required -- Content -- Resource management plan --**  
1048 **Provisions related to radioactive waste facility.**

1049 (1) To accomplish the purposes of this chapter, each county shall prepare and adopt a  
1050 comprehensive, long-range general plan:

1051 (a) for present and future needs of the county;

1052 (b) (i) for growth and development of all or any part of the land within the  
1053 unincorporated portions of the county; or

1054 (ii) if a county has designated a mountainous planning district, for growth and  
1055 development of all or any part of the land within the mountainous planning district; and

1056 (c) as a basis for communicating and coordinating with the federal government on land  
1057 and resource management issues.

1058 (2) To promote health, safety, and welfare, the general plan may provide for:

1059 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic  
1060 activities, aesthetics, and recreational, educational, and cultural opportunities;

1061 (b) the reduction of the waste of physical, financial, or human resources that result  
1062 from either excessive congestion or excessive scattering of population;

1063 (c) the efficient and economical use, conservation, and production of the supply of:

1064 (i) food and water; and

1065 (ii) drainage, sanitary, and other facilities and resources;

- 1066 (d) the use of energy conservation and solar and renewable energy resources;
- 1067 (e) the protection of urban development;
- 1068 (f) the protection and promotion of air quality;
- 1069 (g) historic preservation;
- 1070 (h) identifying future uses of land that are likely to require an expansion or significant
- 1071 modification of services or facilities provided by each affected entity; and
- 1072 (i) an official map.
- 1073 (3) (a) The general plan shall:
- 1074 (i) allow and plan for moderate income housing growth; and
- 1075 (ii) contain a resource management plan for the public lands, as defined in Section
- 1076 [63L-6-102](#), within the county.
- 1077 (b) On or before [~~July 1, 2019~~] December 1, 2019, a county with a general plan that
- 1078 does not comply with Subsection (3)(a)(i) shall amend the general plan to comply with
- 1079 Subsection (3)(a)(i).
- 1080 (c) The resource management plan described in Subsection (3)(a)(ii) shall address:
- 1081 (i) mining;
- 1082 (ii) land use;
- 1083 (iii) livestock and grazing;
- 1084 (iv) irrigation;
- 1085 (v) agriculture;
- 1086 (vi) fire management;
- 1087 (vii) noxious weeds;
- 1088 (viii) forest management;
- 1089 (ix) water rights;
- 1090 (x) ditches and canals;
- 1091 (xi) water quality and hydrology;
- 1092 (xii) flood plains and river terraces;
- 1093 (xiii) wetlands;

- 1094 (xiv) riparian areas;
  - 1095 (xv) predator control;
  - 1096 (xvi) wildlife;
  - 1097 (xvii) fisheries;
  - 1098 (xviii) recreation and tourism;
  - 1099 (xix) energy resources;
  - 1100 (xx) mineral resources;
  - 1101 (xxi) cultural, historical, geological, and paleontological resources;
  - 1102 (xxii) wilderness;
  - 1103 (xxiii) wild and scenic rivers;
  - 1104 (xxiv) threatened, endangered, and sensitive species;
  - 1105 (xxv) land access;
  - 1106 (xxvi) law enforcement;
  - 1107 (xxvii) economic considerations; and
  - 1108 (xxviii) air.
- 1109 (d) For each item listed under Subsection (3)(c), a county's resource management plan
- 1110 shall:
- 1111 (i) establish findings pertaining to the item;
  - 1112 (ii) establish defined objectives; and
  - 1113 (iii) outline general policies and guidelines on how the objectives described in
- 1114 Subsection (3)(d)(ii) are to be accomplished.
- 1115 (4) (a) The general plan shall include specific provisions related to any areas within, or
- 1116 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a
- 1117 county, which are proposed for the siting of a storage facility or transfer facility for the
- 1118 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as
- 1119 these wastes are defined in Section 19-3-303. The provisions shall address the effects of the
- 1120 proposed site upon the health and general welfare of citizens of the state, and shall provide:
- 1121 (i) the information identified in Section 19-3-305;

1122 (ii) information supported by credible studies that demonstrates that the provisions of  
1123 Subsection 19-3-307(2) have been satisfied; and

1124 (iii) specific measures to mitigate the effects of high-level nuclear waste and greater  
1125 than class C radioactive waste and guarantee the health and safety of the citizens of the state.

1126 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance  
1127 indicating that all proposals for the siting of a storage facility or transfer facility for the  
1128 placement of high-level nuclear waste or greater than class C radioactive waste wholly or  
1129 partially within the county are rejected.

1130 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

1131 (d) The county shall send a certified copy of the ordinance described in Subsection  
1132 (4)(b) to the executive director of the Department of Environmental Quality by certified mail  
1133 within 30 days of enactment.

1134 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

1135 (i) comply with Subsection (4)(a) as soon as reasonably possible; and

1136 (ii) send a certified copy of the repeal to the executive director of the Department of  
1137 Environmental Quality by certified mail within 30 days after the repeal.

1138 (5) The general plan may define the county's local customs, local culture, and the  
1139 components necessary for the county's economic stability.

1140 (6) Subject to Subsection 17-27a-403(2), the county may determine the  
1141 comprehensiveness, extent, and format of the general plan.

1142 (7) If a county has designated a mountainous planning district, the general plan for the  
1143 mountainous planning district is the controlling plan and takes precedence over a municipality's  
1144 general plan for property located within the mountainous planning district.

1145 (8) Nothing in this part may be construed to limit the authority of the state to manage  
1146 and protect wildlife under Title 23, Wildlife Resources Code of Utah.

1147 Section 7. Section 17-27a-403 is amended to read:

1148 **17-27a-403. Plan preparation.**

1149 (1) (a) The planning commission shall provide notice, as provided in Section

1150 17-27a-203, of its intent to make a recommendation to the county legislative body for a general  
1151 plan or a comprehensive general plan amendment when the planning commission initiates the  
1152 process of preparing its recommendation.

1153 (b) The planning commission shall make and recommend to the legislative body a  
1154 proposed general plan for:

1155 (i) the unincorporated area within the county; or

1156 (ii) if the planning commission is a planning commission for a mountainous planning  
1157 district, the mountainous planning district.

1158 (c) (i) The plan may include planning for incorporated areas if, in the planning  
1159 commission's judgment, they are related to the planning of the unincorporated territory or of  
1160 the county as a whole.

1161 (ii) Elements of the county plan that address incorporated areas are not an official plan  
1162 or part of a municipal plan for any municipality, unless it is recommended by the municipal  
1163 planning commission and adopted by the governing body of the municipality.

1164 (iii) Notwithstanding Subsection (1)(c)(ii), if property is located in a mountainous  
1165 planning district, the plan for the mountainous planning district controls and precedes a  
1166 municipal plan, if any, to which the property would be subject.

1167 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,  
1168 and descriptive and explanatory matter, shall include the planning commission's  
1169 recommendations for the following plan elements:

1170 (i) a land use element that:

1171 (A) designates the long-term goals and the proposed extent, general distribution, and  
1172 location of land for housing for residents of various income levels, business, industry,  
1173 agriculture, recreation, education, public buildings and grounds, open space, and other  
1174 categories of public and private uses of land as appropriate; and

1175 (B) may include a statement of the projections for and standards of population density  
1176 and building intensity recommended for the various land use categories covered by the plan;

1177 (ii) a transportation and traffic circulation element [~~consisting of the general location~~



1178 ~~and extent of existing and proposed freeways, arterial and collector streets, mass transit, and~~  
1179 ~~any other modes of transportation that the planning commission considers appropriate, all~~  
1180 ~~correlated with the population projections and the proposed land use element of the general~~  
1181 ~~plan;] that:~~

1182 (A) provides the general location and extent of existing and proposed freeways, arterial  
1183 and collector streets, public transit, active transportation facilities, and other modes of  
1184 transportation that the planning commission considers appropriate;

1185 (B) addresses the county's plan for residential and commercial development around  
1186 major transit investment corridors to maintain and improve the connections between housing,  
1187 employment, education, recreation, and commerce; and

1188 (C) correlates with the population projections, the employment projections, and the  
1189 proposed land use element of the general plan;

1190 (iii) a plan for the development of additional moderate income housing within the  
1191 unincorporated area of the county or the mountainous planning district, and a plan to provide a  
1192 realistic opportunity to meet the need for additional moderate income housing; and

1193 (iv) before May 1, 2017, a resource management plan detailing the findings, objectives,  
1194 and policies required by Subsection 17-27a-401(3).

1195 (b) In drafting the moderate income housing element, the planning commission:

1196 (i) shall consider the Legislature's determination that counties should facilitate a  
1197 reasonable opportunity for a variety of housing, including moderate income housing:

1198 (A) to meet the needs of people ~~[desiring to live there]~~ of various income levels living,  
1199 working, or desiring to live or work in the community; and

1200 (B) to allow ~~[persons with moderate]~~ people with various incomes to benefit from and  
1201 fully participate in all aspects of neighborhood and community life; and

1202 (ii) shall include an analysis of ~~[why the recommended means, techniques, or~~  
1203 ~~combination of means and techniques]~~ how the county will provide a realistic opportunity for  
1204 the development of moderate income housing within the planning horizon, which ~~[means or~~  
1205 ~~techniques]~~ may include a recommendation to implement three or more of the following

- 1206 strategies:
- 1207 (A) rezone for densities necessary to assure the production of moderate income
- 1208 housing;
- 1209 (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the
- 1210 construction of moderate income housing;
- 1211 (C) [~~encourage~~] facilitate the rehabilitation of existing uninhabitable housing stock into
- 1212 moderate income housing;
- 1213 (D) consider county general fund subsidies or other sources of revenue to waive
- 1214 construction related fees that are otherwise generally imposed by the county;
- 1215 (E) create or allow for, and reduce regulations related to, accessory dwelling units in
- 1216 residential zones;
- 1217 (F) allow for higher density or moderate income residential development in
- 1218 commercial and mixed-use zones, commercial centers, or employment centers;
- 1219 (G) encourage higher density or moderate income residential development near major
- 1220 transit investment corridors;
- 1221 (H) eliminate or reduce parking requirements for residential development where a
- 1222 resident is less likely to rely on the resident's own vehicle, such as residential development near
- 1223 major transit investment corridors or senior living facilities;
- 1224 (I) allow for single room occupancy developments;
- 1225 (J) implement zoning incentives for low to moderate income units in new
- 1226 developments;
- 1227 (K) utilize strategies that preserve subsidized low to moderate income units on a
- 1228 long-term basis;
- 1229 (L) preserve existing moderate income housing;
- 1230 (M) reduce impact fees, as defined in Section 11-36a-102, related to low and moderate
- 1231 income housing;
- 1232 (N) participate in a community land trust program for low or moderate income
- 1233 housing;

1234 (O) implement a mortgage assistance program for employees of the county or of an  
1235 employer that provides contracted services for the county;  
1236 ~~[(E) consider utilization of]~~ (P) apply for or partner with an entity that applies for state  
1237 or federal funds or tax incentives to promote the construction of moderate income housing;  
1238 ~~[(F) consider utilization of]~~ (Q) apply for or partner with an entity that applies for  
1239 programs offered by the Utah Housing Corporation within that agency's funding capacity; [and]  
1240 ~~[(G) consider utilization of]~~ (R) apply for or partner with an entity that applies for  
1241 affordable housing programs administered by the Department of Workforce Services[-];  
1242 (S) apply for or partner with an entity that applies for services provided by a public  
1243 housing authority to preserve and create moderate income housing;  
1244 (T) apply for or partner with an entity that applies for programs administered by a  
1245 metropolitan planning organization or other transportation agency that provides technical  
1246 planning assistance;  
1247 (U) utilize a moderate income housing set aside from a community reinvestment  
1248 agency, redevelopment agency, or community development and renewal agency; and  
1249 (V) consider any other program or strategy implemented by the county to address the  
1250 housing needs of residents of the county who earn less than 80% of the area median income.  
1251 (c) In drafting the land use element, the planning commission shall:  
1252 (i) identify and consider each agriculture protection area within the unincorporated area  
1253 of the county or mountainous planning district; and  
1254 (ii) avoid proposing a use of land within an agriculture protection area that is  
1255 inconsistent with or detrimental to the use of the land for agriculture.  
1256 (d) In drafting the transportation and traffic circulation element, the planning  
1257 commission shall:  
1258 (i) consider the regional transportation plan developed by its region's metropolitan  
1259 planning organization, if the relevant areas of the county are within the boundaries of a  
1260 metropolitan planning organization; or  
1261 (ii) consider the long-range transportation plan developed by the Department of

1262 Transportation, if the relevant areas of the county are not within the boundaries of a  
1263 metropolitan planning organization.

1264 (3) The proposed general plan may include:

1265 (a) an environmental element that addresses:

1266 (i) to the extent not covered by the county's resource management plan, the protection,  
1267 conservation, development, and use of natural resources, including the quality of air, forests,  
1268 soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources;  
1269 and

1270 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
1271 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
1272 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
1273 protection of watersheds and wetlands, and the mapping of known geologic hazards;

1274 (b) a public services and facilities element showing general plans for sewage, water,  
1275 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,  
1276 police and fire protection, and other public services;

1277 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and  
1278 programs for:

1279 (i) historic preservation;

1280 (ii) the diminution or elimination of blight; and

1281 (iii) redevelopment of land, including housing sites, business and industrial sites, and  
1282 public building sites;

1283 (d) an economic element composed of appropriate studies and forecasts, as well as an  
1284 economic development plan, which may include review of existing and projected county  
1285 revenue and expenditures, revenue sources, identification of basic and secondary industry,  
1286 primary and secondary market areas, employment, and retail sales activity;

1287 (e) recommendations for implementing all or any portion of the general plan, including  
1288 the use of land use ordinances, capital improvement plans, community development and  
1289 promotion, and any other appropriate action;

1290 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or  
1291 (3)(a)(i); and

1292 (g) any other element the county considers appropriate.

1293 Section 8. Section 17-27a-408 is amended to read:

1294 **17-27a-408. Reporting requirements and civil action regarding moderate income**  
1295 **housing element of general plan.**

1296 (1) The legislative body of each county of the first, second, or third class, which has a  
1297 population in the county's unincorporated areas of more than 5,000 residents, shall annually:

1298 (a) review the moderate income housing plan element of the county's general plan and  
1299 implementation of that element of the general plan;

1300 (b) prepare a report on the findings of the review described in Subsection (1)(a); and

1301 (c) post the report described in Subsection (1)(b) on the county's website.

1302 (2) The report described in Subsection (1) shall include:

1303 (a) a revised estimate of the need for moderate income housing in the unincorporated  
1304 areas of the county for the next five years;

1305 (b) a description of progress made within the unincorporated areas of the county to  
1306 provide moderate income housing demonstrated by analyzing and publishing data on the  
1307 number of housing units in the county that are at or below:

1308 (i) 80% of the adjusted median family income;

1309 (ii) 50% of the adjusted median family income; and

1310 (iii) 30% of the adjusted median family income;

1311 (c) a description of any efforts made by the county to utilize a moderate income  
1312 housing set-aside from a community reinvestment agency, redevelopment agency, or a  
1313 community development and renewal agency; and

1314 (d) a description of how the county has implemented any of the recommendations  
1315 related to moderate income housing described in Subsection 17-27a-403(2)(b)(ii).

1316 (3) The legislative body of each county described in Subsection (1) shall send a copy of  
1317 the report under Subsection (1) to the Department of Workforce Services, the association of

1318 governments in which the county is located, and, if the unincorporated area of the county is  
1319 located within the boundaries of a metropolitan planning organization, the appropriate  
1320 metropolitan planning organization.

1321 (4) In a civil action seeking enforcement or claiming a violation of this section or of  
1322 Subsection 17-27a-404(6)(c), a plaintiff may not recover damages but may be awarded only  
1323 injunctive or other equitable relief.

1324 Section 9. Section 35A-8-503 is amended to read:

1325 **35A-8-503. Housing loan fund board -- Duties -- Expenses.**

1326 (1) There is created the Olene Walker Housing Loan Fund Board.

1327 (2) The board is composed of 11 voting members.

1328 (a) The governor shall appoint the following members to four-year terms:

1329 (i) two members from local governments;

1330 (ii) two members from the mortgage lending community;

1331 (iii) one member from real estate sales interests;

1332 (iv) one member from home builders interests;

1333 (v) one member from rental housing interests;

1334 (vi) one member from housing advocacy interests;

1335 (vii) one member of the manufactured housing interest; [~~and~~]

1336 (viii) one member with expertise in transit-oriented developments; and

1337 (ix) one member who represents rural interests.

1338 [~~(viii) two members of the general public.~~]

1339 (b) The director or the director's designee serves as the secretary of the board.

1340 (c) The members of the board shall annually elect a chair from among the voting  
1341 membership of the board.

1342 (3) (a) Notwithstanding the requirements of Subsection (2), the governor shall, at the  
1343 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
1344 board members are staggered so that approximately half of the board is appointed every two  
1345 years.

1346 (b) When a vacancy occurs in the membership for any reason, the replacement is  
1347 appointed for the unexpired term.

1348 (4) (a) The board shall:

1349 (i) meet regularly, at least quarterly to conduct business of the board, on dates fixed by  
1350 the board;

1351 (ii) meet twice per year, with at least one of the meetings in a rural area of the state, to  
1352 provide information to and receive input from the public regarding the state's housing policies  
1353 and needs;

1354 ~~(ii)~~ (iii) keep minutes of its meetings; and

1355 ~~(iii)~~ (iv) comply with the procedures and requirements of Title 52, Chapter 4, Open  
1356 and Public Meetings Act.

1357 (b) ~~Seven~~ Six members of the board constitute a quorum, and the governor, the chair,  
1358 or a majority of the board may call a meeting of the board.

1359 (5) The board shall:

1360 (a) review the housing needs in the state;

1361 (b) determine the relevant operational aspects of any grant, loan, or revenue collection  
1362 program established under the authority of this chapter;

1363 (c) determine the means to implement the policies and goals of this chapter;

1364 (d) select specific projects to receive grant or loan money; and

1365 (e) determine how fund money shall be allocated and distributed.

1366 (6) A member may not receive compensation or benefits for the member's service, but  
1367 may receive per diem and travel expenses in accordance with:

1368 (a) Section [63A-3-106](#);

1369 (b) Section [63A-3-107](#); and

1370 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
1371 [63A-3-107](#).

1372 Section 10. Section **35A-8-505** is amended to read:

1373 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**

1374 **director.**

1375 At the direction of the board, the executive director may:

1376 (1) provide fund money to any of the following activities:

1377 (a) the acquisition, rehabilitation, or new construction of low-income housing units;

1378 (b) matching funds for social services projects directly related to providing housing for  
1379 special-need renters in assisted projects;

1380 (c) the development and construction of accessible housing designed for low-income  
1381 persons;

1382 (d) the construction or improvement of a shelter or transitional housing facility that  
1383 provides services intended to prevent or minimize homelessness among members of a specific  
1384 homeless subpopulation;

1385 (e) the purchase of an existing facility to provide temporary or transitional housing for  
1386 the homeless in an area that does not require rezoning before providing such temporary or  
1387 transitional housing; [~~and~~]

1388 (f) the purchase of land that will be used as the site of low-income housing units; and  
1389 [~~(f)~~] (g) other activities that will assist in minimizing homelessness or improving the  
1390 availability or quality of housing in the state for low-income persons;

1391 (2) do any act necessary or convenient to the exercise of the powers granted by this part  
1392 or reasonably implied from those granted powers, including:

1393 (a) making or executing contracts and other instruments necessary or convenient for  
1394 the performance of the executive director and board's duties and the exercise of the executive  
1395 director and board's powers and functions under this part, including contracts or agreements for  
1396 the servicing and originating of mortgage loans;

1397 (b) procuring insurance against a loss in connection with property or other assets held  
1398 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

1399 (c) entering into agreements with a department, agency, or instrumentality of the  
1400 United States or this state and with mortgagors and mortgage lenders for the purpose of  
1401 planning and regulating and providing for the financing and refinancing, purchase,



1402 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,  
1403 or other disposition of residential housing undertaken with the assistance of the department  
1404 under this part;

1405 (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,  
1406 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or  
1407 personal property obtained by the fund due to the default on a mortgage loan held by the fund  
1408 in preparation for disposition of the property, taking assignments of leases and rentals,  
1409 proceeding with foreclosure actions, and taking other actions necessary or incidental to the  
1410 performance of its duties; and

1411 (e) selling, at a public or private sale, with public bidding, a mortgage or other  
1412 obligation held by the fund.

1413 Section 11. Section **35A-8-803** is amended to read:

1414 **35A-8-803. Division -- Functions.**

1415 (1) In addition to any other functions the governor or Legislature may assign:

1416 (a) the division shall:

1417 (i) provide a clearinghouse of information for federal, state, and local housing  
1418 assistance programs;

1419 (ii) establish, in cooperation with political subdivisions, model plans and management  
1420 methods to encourage or provide for the development of affordable housing that may be  
1421 adopted by political subdivisions by reference;

1422 (iii) undertake, in cooperation with political subdivisions, a realistic assessment of  
1423 problems relating to housing needs, such as:

1424 (A) inadequate supply of dwellings;

1425 (B) substandard dwellings; and

1426 (C) inability of medium and low income families to obtain adequate housing;

1427 (iv) provide the information obtained under Subsection (1)(a)(iii) to:

1428 (A) political subdivisions;

1429 (B) real estate developers;

1430 (C) builders;

1431 (D) lending institutions;

1432 (E) affordable housing advocates; and

1433 (F) others having use for the information;

1434 (v) advise political subdivisions of serious housing problems existing within their

1435 jurisdiction that require concerted public action for solution; ~~and~~

1436 (vi) assist political subdivisions in defining housing objectives and in preparing for

1437 adoption a plan of action covering a five-year period designed to accomplish housing

1438 objectives within their jurisdiction; and

1439 (vii) for municipalities or counties required to submit an annual moderate income

1440 housing report to the department as described in Section 10-9a-408 or 17-27a-408:

1441 (A) assist in the creation of the reports; and

1442 (B) evaluate the reports for the purposes of Subsections 72-2-124(5) and (6); and

1443 (b) within legislative appropriations, the division may accept for and on behalf of, and

1444 bind the state to, any federal housing or homeless program in which the state is invited,

1445 permitted, or authorized to participate in the distribution, disbursement, or administration of

1446 any funds or service advanced, offered, or contributed in whole or in part by the federal

1447 government.

1448 (2) The administration of any federal housing program in which the state is invited,

1449 permitted, or authorized to participate in distribution, disbursement, or administration of funds

1450 or services, except those administered by the Utah Housing Corporation, is governed by

1451 Sections 35A-8-501 through 35A-8-508.

1452 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1453 department shall make rules describing the evaluation process for moderate income housing

1454 reports described in Subsection (1)(a)(vii).

1455 Section 12. Section 63B-18-401 is amended to read:

1456 **63B-18-401. Highway bonds -- Maximum amount -- Use of proceeds for highway**

1457 **projects.**

1458 (1) (a) The total amount of bonds issued under this section may not exceed  
1459 \$2,077,000,000.

1460 (b) When the Department of Transportation certifies to the commission that the  
1461 requirements of Subsection 72-2-124~~(5)~~(7) have been met and certifies the amount of bond  
1462 proceeds that it needs to provide funding for the projects described in Subsection (2) for the  
1463 next fiscal year, the commission may issue and sell general obligation bonds in an amount  
1464 equal to the certified amount plus costs of issuance.

1465 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds  
1466 shall be provided to the Department of Transportation to pay all or part of the costs of the  
1467 following state highway construction or reconstruction projects:

- 1468 (a) Interstate 15 reconstruction in Utah County;
- 1469 (b) the Mountain View Corridor;
- 1470 (c) the Southern Parkway; and
- 1471 (d) state and federal highways prioritized by the Transportation Commission through:
  - 1472 (i) the prioritization process for new transportation capacity projects adopted under
  - 1473 Section 72-1-304; or
  - 1474 (ii) the state highway construction program.

1475 (3) (a) Except as provided in Subsection (5), the bond proceeds issued under this  
1476 section shall be provided to the Department of Transportation.

1477 (b) The Department of Transportation shall use bond proceeds and the funds provided  
1478 to it under Section 72-2-124 to pay for the costs of right-of-way acquisition, construction,  
1479 reconstruction, renovations, or improvements to the following highways:

- 1480 (i) \$35 million to add highway capacity on I-15 south of the Spanish Fork Main Street  
1481 interchange to Payson;
- 1482 (ii) \$28 million for improvements to Riverdale Road in Ogden;
- 1483 (iii) \$1 million for intersection improvements on S.R. 36 at South Mountain Road;
- 1484 (iv) \$2 million for capacity enhancements on S.R. 248 between Sidewinder Drive and  
1485 Richardson Flat Road;

- 1486 (v) \$12 million for Vineyard Connector from 800 North Geneva Road to Lake Shore  
1487 Road;
- 1488 (vi) \$7 million for 2600 South interchange modifications in Woods Cross;
- 1489 (vii) \$9 million for reconfiguring the 1100 South interchange on I-15 in Box Elder  
1490 County;
- 1491 (viii) \$18 million for the Provo west-side connector;
- 1492 (ix) \$8 million for interchange modifications on I-15 in the Layton area;
- 1493 (x) \$3,000,000 for an energy corridor study and environmental review for  
1494 improvements in the Uintah Basin;
- 1495 (xi) \$2,000,000 for highway improvements to Harrison Boulevard in Ogden City;
- 1496 (xii) \$2,500,000 to be provided to Tooele City for roads around the Utah State  
1497 University campus to create improved access to an institution of higher education;
- 1498 (xiii) \$3,000,000 to be provided to the Utah Office of Tourism within the Governor's  
1499 Office of Economic Development for transportation infrastructure improvements associated  
1500 with annual tourism events that have:
- 1501 (A) a significant economic development impact within the state; and  
1502 (B) significant needs for congestion mitigation;
- 1503 (xiv) \$4,500,000 to be provided to the Governor's Office of Economic Development  
1504 for transportation infrastructure acquisitions and improvements that have a significant  
1505 economic development impact within the state;
- 1506 (xv) \$125,000,000 to pay all or part of the costs of state and federal highway  
1507 construction or reconstruction projects prioritized by the Transportation Commission through  
1508 the prioritization process for new transportation capacity projects adopted under Section  
1509 [72-1-304](#); and
- 1510 (xvi) \$10,000,000 for the Transportation Fund to pay all or part of the costs of state  
1511 and federal highway construction or reconstruction projects as prioritized by the Transportation  
1512 Commission.
- 1513 (4) (a) The Department of Transportation shall use bond proceeds and the funds under

1514 Section [72-2-121](#) to pay for, or to provide funds to, a municipality, county, or political  
1515 subdivision to pay for the costs of right-of-way acquisition, construction, reconstruction,  
1516 renovations, or improvements to the following highway or transit projects in Salt Lake County:  
1517       (i) \$4,000,000 to Taylorsville City for bus rapid transit planning on 4700 South;  
1518       (ii) \$4,200,000 to Taylorsville City for highway improvements on or surrounding 6200  
1519 South and pedestrian crossings and system connections;  
1520       (iii) \$2,250,000 to Herriman City for highway improvements to the Salt Lake  
1521 Community College Road;  
1522       (iv) \$5,300,000 to West Jordan City for highway improvements on 5600 West from  
1523 6200 South to 8600 South;  
1524       (v) \$4,000,000 to West Jordan City for highway improvements to 7800 South from  
1525 1300 West to S.R. 111;  
1526       (vi) \$7,300,000 to Sandy City for highway improvements on Monroe Street;  
1527       (vii) \$3,000,000 to Draper City for highway improvements to 13490 South from 200  
1528 West to 700 West;  
1529       (viii) \$5,000,000 to Draper City for highway improvements to Suncrest Road;  
1530       (ix) \$1,200,000 to Murray City for highway improvements to 5900 South from State  
1531 Street to 900 East;  
1532       (x) \$1,800,000 to Murray City for highway improvements to 1300 East;  
1533       (xi) \$3,000,000 to South Salt Lake City for intersection improvements on West  
1534 Temple, Main Street, and State Street;  
1535       (xii) \$2,000,000 to Salt Lake County for highway improvements to 5400 South from  
1536 5600 West to Mountain View Corridor;  
1537       (xiii) \$3,000,000 to West Valley City for highway improvements to 6400 West from  
1538 Parkway Boulevard to SR-201 Frontage Road;  
1539       (xiv) \$4,300,000 to West Valley City for highway improvements to 2400 South from  
1540 4800 West to 7200 West and pedestrian crossings;  
1541       (xv) \$4,000,000 to Salt Lake City for highway improvements to 700 South from 2800

1542 West to 5600 West;

1543 (xvi) \$2,750,000 to Riverton City for highway improvements to 4570 West from

1544 12600 South to Riverton Boulevard;

1545 (xvii) \$1,950,000 to Cottonwood Heights for improvements to Union Park Avenue

1546 from I-215 exit south to Creek Road and Wasatch Boulevard and Big Cottonwood Canyon;

1547 (xviii) \$1,300,000 to Cottonwood Heights for highway improvements to Bengal

1548 Boulevard;

1549 (xix) \$1,500,000 to Midvale City for highway improvements to 7200 South from I-15

1550 to 1000 West;

1551 (xx) \$1,000,000 to Bluffdale City for an environmental impact study on Porter

1552 Rockwell Boulevard;

1553 (xxi) \$2,900,000 to the Utah Transit Authority for the following public transit studies:

1554 (A) a circulator study; and

1555 (B) a mountain transport study; and

1556 (xxii) \$1,000,000 to South Jordan City for highway improvements to 2700 West.

1557 (b) (i) Before providing funds to a municipality or county under this Subsection (4), the

1558 Department of Transportation shall obtain from the municipality or county:

1559 (A) a written certification signed by the county or city mayor or the mayor's designee

1560 certifying that the municipality or county will use the funds provided under this Subsection (4)

1561 solely for the projects described in Subsection (4)(a); and

1562 (B) other documents necessary to protect the state and the bondholders and to ensure

1563 that all legal requirements are met.

1564 (ii) Except as provided in Subsection (4)(c), by January 1 of each year, the municipality

1565 or county receiving funds described in this Subsection (4) shall submit to the Department of

1566 Transportation a statement of cash flow for the next fiscal year detailing the funds necessary to

1567 pay project costs for the projects described in Subsection (4)(a).

1568 (iii) After receiving the statement required under Subsection (4)(b)(ii) and after July 1,

1569 the Department of Transportation shall provide funds to the municipality or county necessary to

1570 pay project costs for the next fiscal year based upon the statement of cash flow submitted by  
1571 the municipality or county.

1572 (iv) Upon the financial close of each project described in Subsection (4)(a), the  
1573 municipality or county receiving funds under this Subsection (4) shall submit a statement to the  
1574 Department of Transportation detailing the expenditure of funds received for each project.

1575 (c) For calendar year 2012 only:

1576 (i) the municipality or county shall submit to the Department of Transportation a  
1577 statement of cash flow as provided in Subsection (4)(b)(ii) as soon as possible; and

1578 (ii) the Department of Transportation shall provide funds to the municipality or county  
1579 necessary to pay project costs based upon the statement of cash flow.

1580 (5) Twenty million dollars of the bond proceeds issued under this section and funds  
1581 available under Section 72-2-124 shall be provided to the Transportation Infrastructure Loan  
1582 Fund created by Section 72-2-202 to make funds available for transportation infrastructure  
1583 loans and transportation infrastructure assistance under Title 72, Chapter 2, Part 2,  
1584 Transportation Infrastructure Loan Fund.

1585 (6) The costs under Subsections (2), (3), and (4) may include the costs of studies  
1586 necessary to make transportation infrastructure improvements, the cost of acquiring land,  
1587 interests in land, easements and rights-of-way, improving sites, and making all improvements  
1588 necessary, incidental, or convenient to the facilities, interest estimated to accrue on these bonds  
1589 during the period to be covered by construction of the projects plus a period of six months after  
1590 the end of the construction period, interest estimated to accrue on any bond anticipation notes  
1591 issued under the authority of this title, and all related engineering, architectural, and legal fees.

1592 (7) The commission or the state treasurer may make any statement of intent relating to  
1593 a reimbursement that is necessary or desirable to comply with federal tax law.

1594 (8) The Department of Transportation may enter into agreements related to the projects  
1595 described in Subsections (2), (3), and (4) before the receipt of proceeds of bonds issued under  
1596 this section.

1597 (9) The Department of Transportation may enter into a new or amend an existing

1598 interlocal agreement related to the projects described in Subsections (3) and (4) to establish any  
1599 necessary covenants or requirements not otherwise provided for by law.

1600 Section 13. Section **63B-27-101** is amended to read:

1601 **63B-27-101. Highway bonds -- Maximum amount -- Use of proceeds for highway**  
1602 **projects.**

1603 (1) (a) Subject to the restriction in Subsection (1)(c), the total amount of bonds issued  
1604 under this section may not exceed \$1,000,000,000 for acquisition and construction proceeds,  
1605 plus additional amounts necessary to pay costs of issuance, to pay capitalized interest, and to  
1606 fund any existing debt service reserve requirements, with the total amount of the bonds not to  
1607 exceed \$1,010,000,000.

1608 (b) When the Department of Transportation certifies to the commission that the  
1609 requirements of Subsection ~~72-2-124(5)~~(7) have been met and certifies the amount of bond  
1610 proceeds that the commission needs to provide funding for the projects described in Subsection  
1611 (2) for the current or next fiscal year, the commission may issue and sell general obligation  
1612 bonds in an amount equal to the certified amount, plus additional amounts necessary to pay  
1613 costs of issuance, to pay capitalized interest, and to fund any existing debt service reserve  
1614 requirements, not to exceed [~~one percent~~] 1% of the certified amount.

1615 (c) The commission may not issue general obligation bonds authorized under this  
1616 section if the issuance of the general obligation bonds would result in the total current  
1617 outstanding general obligation debt of the state exceeding 50% of the limitation described in  
1618 the Utah Constitution, Article XIV, Section 1.

1619 (2) Except as provided in Subsections (3) and (4), proceeds from the issuance of bonds  
1620 shall be provided to the Department of Transportation to pay all or part of the costs of the  
1621 following state highway construction or reconstruction projects:

1622 (a) state and federal highways prioritized by the Transportation Commission through  
1623 the prioritization process for new transportation capacity projects adopted under Section  
1624 [72-1-304](#), giving priority consideration for projects with a regional significance or that support  
1625 economic development within the state, including:



1626 (i) projects that are prioritized but exceed available cash flow beyond the normal  
1627 programming horizon; or

1628 (ii) projects prioritized in the state highway construction program; and

1629 (b) \$100,000,000 to be used by the Department of Transportation for transportation  
1630 improvements as prioritized by the Transportation Commission for projects that:

1631 (i) have a significant economic development impact associated with recreation and  
1632 tourism within the state; and

1633 (ii) address significant needs for congestion mitigation.

1634 (3) Thirty-nine million dollars of the bond proceeds issued under this section shall be  
1635 provided to the Transportation Infrastructure Loan Fund created by Section 72-2-202 to make  
1636 funds available for a transportation infrastructure loan or transportation infrastructure  
1637 assistance under Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund, including  
1638 the amounts as follows:

1639 (a) \$14,000,000 to the military installation development authority created in Section  
1640 63H-1-201; and

1641 (b) \$5,000,000 for right-of-way acquisition and highway construction in Salt Lake  
1642 County for roads in the northwest quadrant of Salt Lake City.

1643 (4) (a) Four million dollars of the bond proceeds issued under this section shall be used  
1644 for a public transit fixed guideway rail station associated with or adjacent to an institution of  
1645 higher education.

1646 (b) Ten million dollars of the bond proceeds issued under this section shall be used by  
1647 the Department of Transportation for the design, engineering, construction, or reconstruction of  
1648 underpasses under a state highway connecting a state park and a project area created by a  
1649 military installation development authority created in Section 63H-1-201.

1650 (5) The bond proceeds issued under this section shall be provided to the Department of  
1651 Transportation.

1652 (6) The costs under Subsection (2) may include the costs of studies necessary to make  
1653 transportation infrastructure improvements, the costs of acquiring land, interests in land, and

1654 easements and rights-of-way, the costs of improving sites, and making all improvements  
1655 necessary, incidental, or convenient to the facilities, and the costs of interest estimated to  
1656 accrue on these bonds during the period to be covered by construction of the projects plus a  
1657 period of six months after the end of the construction period, interest estimated to accrue on  
1658 any bond anticipation notes issued under the authority of this title, and all related engineering,  
1659 architectural, and legal fees.

1660 (7) The commission or the state treasurer may make any statement of intent relating to  
1661 a reimbursement that is necessary or desirable to comply with federal tax law.

1662 (8) The Department of Transportation may enter into agreements related to the projects  
1663 described in Subsection (2) before the receipt of proceeds of bonds issued under this section.

1664 Section 14. Section **63I-2-217** is amended to read:

1665 **63I-2-217. Repeal dates -- Title 17.**

1666 (1) Subsection **17-27a-102**(1)(b), the language that states "or a designated mountainous  
1667 planning district" is repealed June 1, 2020.

1668 (2) (a) Subsection **17-27a-103**(15)(b) is repealed June 1, 2020.

1669 (b) Subsection **17-27a-103**~~(37)~~(38) is repealed June 1, 2020.

1670 (3) Subsection **17-27a-210**(2)(a), the language that states "or the mountainous planning  
1671 district area" is repealed June 1, 2020.

1672 (4) (a) Subsection **17-27a-301**(1)(b)(iii) is repealed June 1, 2020.

1673 (b) Subsection **17-27a-301**(1)(c) is repealed June 1, 2020.

1674 (c) Subsection **17-27a-301**(2)(a), the language that states "described in Subsection  
1675 (1)(a) or (c)" is repealed June 1, 2020.

1676 (5) Subsection **17-27a-302**(1), the language that states ", or mountainous planning  
1677 district" and "or the mountainous planning district," is repealed June 1, 2020.

1678 (6) Subsection **17-27a-305**(1)(a), the language that states "a mountainous planning  
1679 district or" and ", as applicable" is repealed June 1, 2020.

1680 (7) (a) Subsection **17-27a-401**(1)(b)(ii) is repealed June 1, 2020.

1681 (b) Subsection **17-27a-401**(6) is repealed June 1, 2020.

- 1682 (8) (a) Subsection 17-27a-403(1)(b)(ii) is repealed June 1, 2020.
- 1683 (b) Subsection 17-27a-403(1)(c)(iii) is repealed June 1, 2020.
- 1684 (c) Subsection (2)(a)(iii), the language that states "or the mountainous planning  
1685 district" is repealed June 1, 2020.
- 1686 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning  
1687 district" is repealed June 1, 2020.
- 1688 (9) Subsection 17-27a-502(1)(d)(i)(B) is repealed June 1, 2020.
- 1689 (10) Subsection 17-27a-505.5(2)(a)(iii) is repealed June 1, 2020.
- 1690 (11) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a  
1691 mountainous planning district, the mountainous planning district" is repealed June 1, 2020.
- 1692 (12) Subsection 17-27a-604(1)(b)(i)(B) is repealed June 1, 2020.
- 1693 (13) Subsection 17-27a-605(1), the language that states "or mountainous planning  
1694 district land" is repealed June 1, 2020.
- 1695 (14) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,  
1696 2020.
- 1697 (15) On June 1, 2020, when making the changes in this section, the Office of  
1698 Legislative Research and General Counsel shall:
- 1699 (a) in addition to its authority under Subsection 36-12-12(3), make corrections  
1700 necessary to ensure that sections and subsections identified in this section are complete  
1701 sentences and accurately reflect the office's understanding of the Legislature's intent; and
- 1702 (b) identify the text of the affected sections and subsections based upon the section and  
1703 subsection numbers used in Laws of Utah 2017, Chapter 448.
- 1704 (16) On June 1, 2020:
- 1705 (a) Section 17-52a-104 is repealed;
- 1706 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision  
1707 described in Subsection 17-52a-104(2)," is repealed;
- 1708 (c) Subsection 17-52a-301(3)(a)(vi) is repealed;
- 1709 (d) in Subsection 17-52a-501(1), the language that states "or, for a county under a

1710 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was  
1711 in effect on March 14, 2018," is repealed; and

1712 (e) in Subsection 17-52a-501(3)(a), the language that states "or, for a county under a  
1713 pending process described in Section 17-52a-104, the attorney's report that is described in  
1714 Section 17-52-204 as that section was in effect on March 14, 2018 and that contains a  
1715 statement described in Subsection 17-52-204(5) as that subsection was in effect on March 14,  
1716 2018," is repealed.

1717 (17) On January 1, 2028, Subsection 17-52a-102(3) is repealed.

1718 Section 15. Section 72-1-304 is amended to read:

1719 **72-1-304. Written project prioritization process for new transportation capacity**  
1720 **projects -- Rulemaking.**

1721 (1) (a) The Transportation Commission, in consultation with the department and the  
1722 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written  
1723 prioritization process for the prioritization of new transportation capacity projects that are or  
1724 will be part of the state highway system under Chapter 4, Part 1, State Highways, or public  
1725 transit projects that add capacity to the public transit systems within the state.

1726 (b) (i) A local government or district may nominate a project for prioritization in  
1727 accordance with the process established by the commission in rule.

1728 (ii) If a local government or district nominates a project for prioritization by the  
1729 commission, the local government or district shall provide data and evidence to show that:

1730 (A) the project will advance the purposes and goals described in Section 72-1-211;

1731 (B) for a public transit project, the local government or district has an ongoing funding  
1732 source for operations and maintenance of the proposed development; and

1733 (C) the local government or district will provide 40% of the funds for the project as  
1734 required by Subsection 72-2-124[(7)](9)(e).

1735 (2) The following shall be included in the written prioritization process under  
1736 Subsection (1):

1737 (a) a description of how the strategic initiatives of the department adopted under

1738 Section 72-1-211 are advanced by the written prioritization process;

1739 (b) a definition of the type of projects to which the written prioritization process

1740 applies;

1741 (c) specification of a weighted criteria system that is used to rank proposed projects

1742 and how it will be used to determine which projects will be prioritized;

1743 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

1744 (e) any other provisions the commission considers appropriate, which may include

1745 consideration of:

1746 (i) regional and statewide economic development impacts, including improved local

1747 access to:

1748 (A) employment;

1749 (B) educational facilities;

1750 [~~B~~] (C) recreation;

1751 [~~C~~] (D) commerce; and

1752 [~~D~~] (E) residential areas, including moderate income housing as demonstrated in the

1753 local government's or district's general plan pursuant to Section 10-9a-403 or 17-27a-403;

1754 (ii) the extent to which local land use plans relevant to a project support and

1755 accomplish the strategic initiatives adopted under Section 72-1-211; and

1756 (iii) any matching funds provided by a political subdivision or public transit district in

1757 addition to the 40% required by Subsection 72-2-124~~(7)~~(9)(e).

1758 (3) In developing the written prioritization process, the commission:

1759 (a) shall seek and consider public comment by holding public meetings at locations

1760 throughout the state; and

1761 (b) may not consider local matching dollars as provided under Section 72-2-123 unless

1762 the state provides an equal opportunity to raise local matching dollars for state highway

1763 improvements within each county.

1764 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1765 Transportation Commission, in consultation with the department, shall make rules establishing

1766 the written prioritization process under Subsection (1).

1767 (5) The commission shall submit the proposed rules under this section to a committee  
1768 or task force designated by the Legislative Management Committee for review prior to taking  
1769 final action on the proposed rules or any proposed amendment to the rules described in  
1770 Subsection (4).

1771 Section 16. Section **72-2-124** is amended to read:

1772 **72-2-124. Transportation Investment Fund of 2005.**

1773 (1) There is created a capital projects fund entitled the Transportation Investment Fund  
1774 of 2005.

1775 (2) The fund consists of money generated from the following sources:

1776 (a) any voluntary contributions received for the maintenance, construction,  
1777 reconstruction, or renovation of state and federal highways;

1778 (b) appropriations made to the fund by the Legislature;

1779 (c) registration fees designated under Section [41-1a-1201](#);

1780 (d) the sales and use tax revenues deposited into the fund in accordance with Section  
1781 [59-12-103](#); and

1782 (e) revenues transferred to the fund in accordance with Section [72-2-106](#).

1783 (3) (a) The fund shall earn interest.

1784 (b) All interest earned on fund money shall be deposited into the fund.

1785 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use  
1786 fund money [~~only~~] to pay:

1787 (i) the costs of maintenance, construction, reconstruction, or renovation to state and  
1788 federal highways prioritized by the Transportation Commission through the prioritization  
1789 process for new transportation capacity projects adopted under Section [72-1-304](#);

1790 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway  
1791 projects described in Subsections [63B-18-401](#)(2), (3), and (4);

1792 (iii) principal, interest, and issuance costs of bonds authorized by Section [63B-18-401](#)  
1793 minus the costs paid from the County of the First Class Highway Projects Fund in accordance

1794 with Subsection [72-2-121](#)(4)(f);

1795 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt  
1796 Lake County Revenue Bond Sinking Fund created by Section [72-2-121.3](#) the amount certified  
1797 by Salt Lake County in accordance with Subsection [72-2-121.3](#)(4)(c) as necessary to pay the  
1798 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

1799 (v) principal, interest, and issuance costs of bonds authorized by Section [63B-16-101](#)  
1800 for projects prioritized in accordance with Section [72-2-125](#);

1801 (vi) all highway general obligation bonds that are intended to be paid from revenues in  
1802 the Centennial Highway Fund created by Section [72-2-118](#); and

1803 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First  
1804 Class Highway Projects Fund created in Section [72-2-121](#) to be used for the purposes described  
1805 in Section [72-2-121](#).

1806 (b) The executive director may use fund money to exchange for an equal or greater  
1807 amount of federal transportation funds to be used as provided in Subsection (4)(a).

1808 (5) (a) Except as provided in Subsection (5)(b), the executive director may not use fund  
1809 money, including fund money from the Transit Transportation Investment Fund, within the  
1810 boundaries of a municipality that is required to adopt a moderate income housing plan element  
1811 as part of the municipality's general plan as described in Subsection [10-9a-401](#)(3), if the  
1812 municipality has failed to adopt a moderate income housing plan element as part of the  
1813 municipality's general plan or has failed to implement the requirements of the moderate income  
1814 housing plan as determined by the results of the Department of Workforce Service's review of  
1815 the annual moderate income housing report described in Subsection [35A-8-803](#)(1)(a)(vii).

1816 (b) Within the boundaries of a municipality that is required under Subsection  
1817 [10-9a-401](#)(3) to plan for moderate income housing growth but has failed to adopt a moderate  
1818 income housing plan element as part of the municipality's general plan or has failed to  
1819 implement the requirements of the moderate income housing plan as determined by the results  
1820 of the Department of Workforce Service's review of the annual moderate income housing  
1821 report described in Subsection [35A-8-803](#)(1)(a)(vii), the executive director:

1822           (i) may use fund money in accordance with Subsection (4)(a) for a limited-access  
1823 facility;

1824           (ii) may not use fund money for the construction, reconstruction, or renovation of an  
1825 interchange on a limited-access facility;

1826           (iii) may use Transit Transportation Investment Fund money for a multi-community  
1827 fixed guideway public transportation project; and

1828           (iv) may not use Transit Transportation Investment Fund money for the construction,  
1829 reconstruction, or renovation of a station that is part of a fixed guideway public transportation  
1830 project.

1831           (6) (a) Except as provided in Subsection (6)(b), the executive director may not use fund  
1832 money, including fund money from the Transit Transportation Investment Fund, within the  
1833 boundaries of the unincorporated area of a county, if the county is required to adopt a moderate  
1834 income housing plan element as part of the county's general plan as described in Subsection  
1835 17-27a-401(3) and if the county has failed to adopt a moderate income housing plan element as  
1836 part of the county's general plan or has failed to implement the requirements of the moderate  
1837 income housing plan as determined by the results of the Department of Workforce Service's  
1838 review of the annual moderate income housing report described in Subsection  
1839 35A-8-803(1)(a)(vii).

1840           (b) Within the boundaries of the unincorporated area of a county where the county is  
1841 required under Subsection 17-27a-401(3) to plan for moderate income housing growth but has  
1842 failed to adopt a moderate income housing plan element as part of the county's general plan or  
1843 has failed to implement the requirements of the moderate income housing plan as determined  
1844 by the results of the Department of Workforce Service's review of the annual moderate income  
1845 housing report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

1846           (i) may use fund money in accordance with Subsection (4)(a) for a limited-access  
1847 facility;

1848           (ii) may not use fund money for the construction, reconstruction, or renovation of an  
1849 interchange on a limited-access facility;



1850 (iii) may use Transit Transportation Investment Fund money for a multi-community  
1851 fixed guideway public transportation project; and

1852 (iv) may not use Transit Transportation Investment Fund money for the construction,  
1853 reconstruction, or renovation of a station that is part of a fixed guideway public transportation  
1854 project.

1855 [~~5~~] (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be  
1856 issued in any fiscal year, the department and the commission shall appear before the Executive  
1857 Appropriations Committee of the Legislature and present the amount of bond proceeds that the  
1858 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),  
1859 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

1860 (b) The Executive Appropriations Committee of the Legislature shall review and  
1861 comment on the amount of bond proceeds needed to fund the projects.

1862 [~~6~~] (8) The Division of Finance shall, from money deposited into the fund, transfer  
1863 the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized  
1864 by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service  
1865 or sinking fund.

1866 [~~7~~] (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit  
1867 Transportation Investment Fund.

1868 (b) The fund shall be funded by:

1869 (i) contributions deposited into the fund in accordance with Section 59-12-103;

1870 (ii) appropriations into the account by the Legislature;

1871 (iii) private contributions; and

1872 (iv) donations or grants from public or private entities.

1873 (c) (i) The fund shall earn interest.

1874 (ii) All interest earned on fund money shall be deposited into the fund.

1875 (d) Subject to Subsection [~~7~~] (9)(e), the Legislature may appropriate money from the  
1876 fund for public transit capital development of new capacity projects to be used as prioritized by  
1877 the commission.

1878           (e) (i) The Legislature may only appropriate money from the fund for a public transit  
1879 capital development project if the public transit district or political subdivision provides funds  
1880 of equal to or greater than 40% of the funds needed for the project.

1881           (ii) A public transit district or political subdivision may use money derived from a loan  
1882 granted pursuant to Title 72, Chapter 2, Part 2, Transportation Infrastructure Loan Fund, to  
1883 provide all or part of the 40% requirement described in Subsection [~~(7)~~] (9)(e)(i) if:

1884           (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,  
1885 Transportation Infrastructure Loan Fund; and

1886           (B) the proposed capital project has been prioritized by the commission pursuant to  
1887 Section [72-1-303](#).