

#CITIESWORK



UTAH LEAGUE OF
CITIES AND TOWNS

ULCT and UMAA

Thank you for the partnership!

ULCT Board of Directors/structure

- 5 officers
 - Millcreek Mayor Jeff Silvestrini, Provo Mayor Michelle Kaufusi, Draper Mayor Troy Walker, South Jordan Mayor Dawn Ramsey, Spanish Fork City Manager Seth Perrins
- 16 board members from all regions
- Legislative Policy Committee: up to 3 voting reps from all cities/towns
 - Next mtg: **Monday, May 15**
 - **Sign up for Friday Facts!**
 - **Indigent Defense Commission: need a rep asap**

ULCT structural update & report

- Advocacy
 - **New position: Legal Director**
- Engagement
- Operations
- Local Administrative Advisor



'Very offensive': Amid housing crisis, state could soon override local tenant laws

California Sues Huntington Beach for Violating State Housing Laws

California has nearly 100 new housing laws. Are they fixing the affordability crisis?

Could Colorado override local zoning codes to allow more density? It's 'part of the conversation' as a major land use bill takes shape

Arizona bill aims to ease housing shortage by overriding city control



Jeremy Duda

WA House passes bill banning single-family zoning

March 7, 2023 at 9:52 am | Updated March 7, 2023 at 5:47 pm

Montana Republicans are appealing to anti-California sentiment to pass a slew of bipartisan pro-housing policies

Eliza Relman Apr 14, 2023, 3:00 AM



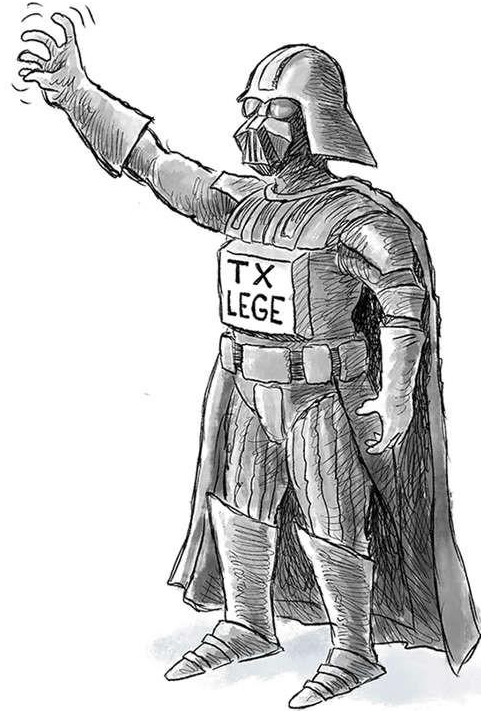
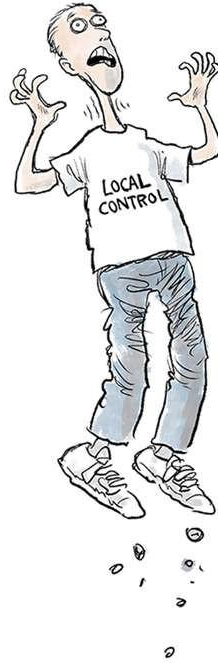
- Montana Republicans are aligned behind zoning reform and other pro-housing policies.
- Montana's facing a housing shortage and affordability crisis and is passing a slew of bills to fight it.

COMMERCIAL SOUTH FLORIDA

Florida's \$711M affordable housing bill becomes law

It aims to incentivize developers of affordable, workforce housing with tax breaks, zoning workarounds

WHY DO THEY
CALL IT THE
"DEATH STAR
BILL"?



Nick ANDERSON
© 4.21.23
RA NEWS

LPC survey results (Aug-Sep 21; Aug-Sep 22)

Proactive bills/approps:

Of the top 30 policy outcomes, we've achieved 18 of them in the last two sessions

Concerning bills/approps:

Of the 30 policy outcomes that members defined as concerning, only 2 have resulted in passed bills (after much negotiation)

... and we've fought off 24 of them in other bills

SCORE FOUR: 2023 session themes

575 passed bills; \$29.4 billion budget
ULCT tracked 244, 45% increase over last year
152/244 passed

1) Year-round legislature

Unified Economic Opportunity Commission (UEOC) began on April 12 with priorities set for May 31

Your priorities? Slido Qs coming

2) “The State of Utah has a surplus but cities do not” resonated

- We went from bills negatively impacting cities to the tune of \$118.5 million to a net increase in revenue for cities/towns

3) “Partner with local gov’t to plan for growth” resonated

- 2nd highest amount of aggregate dedicated transportation money for cities in last 20 years.
- We secured outcomes that **respect** the role of local gov’ts with the recognition that the state **expects** more of local gov’ts.

4) Increased Rural Resources

- Local Administrative Advisor: \$1.58 million ongoing
- Rural Transportation Investment Fund

Appropriations

- Local Administrative Advisor: **\$1.58m** ongoing
- State Contribution to the Homeless Mitigation Fund: **\$2.5m** one time in addition to the \$5m ongoing
- Implementation support for land use changes (particularly subdivisions and MIHP): **\$4m** one time

ULCT is working collaboratively with:

- The Utah State Legislature
- Governor's Office of Planning and Budget (GOPB)
- The AOGs (BRAG, WFRC, MAG, Uintah Basin, SEUALG, 6 County, and 5 County)
- Utah City/County Management Association (UCMA)
- Other stakeholders

If you are interested in participating or have any questions or suggestions, please contact:

- Gary Whatcott: gwhatcott@ulct.org
- Molly Wheeler: mwheeler@ulct.org
- Liam Thrailkill: lthrailkill@ulct.org

Learn more at www.ulct.org/LAA

Key Takeaways from Priority Legislation

The following slides contain most important takeaways from ULCT's priority legislation. These are not exhaustive summaries.

ULCT staff completed an official recap document, white papers on priority legislation.

www.ulct.org/legislative-wrap-up

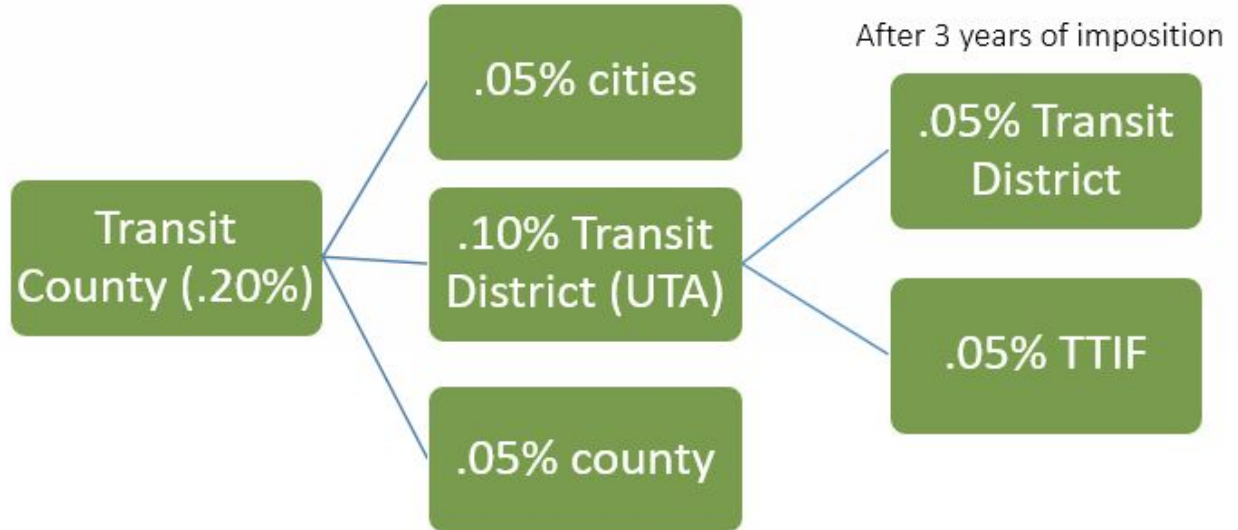


HISTORIC INVESTMENT IN LOCAL DEDICATED TRANSPORTATION FUNDING

#CITIESWORK



SB 260 Transportation Funding Requirements (Cullimore)



SB 75 Sand and Gravel Sales Tax Amendments (Sandall)

SB 75 provides additional financial resources to localities with gravel pits

- 1) Establishes the point of sale for gravel & ready-mix concrete at the weigh station
- 2) Re-allocates revenue that would traditionally be distributed based on population to be reallocated amongst only localities with gravel pits based on their proportional share of gravel and ready-mix concrete production

ULCT argues that this sets a poor precedent for sales tax distribution and diverts revenue from cities largely to unincorporated counties.

ULCT submitted a veto request to the Governor on 3/10 (he signed the bill).

Cities interested in litigating SB 75: follow up with Roger

Revenue bills ... stay tuned for 2023-2024

Income tax earmark

Sales tax on food

- State
- Local

Property tax for water districts

Other potential limits on property tax

Transportation utility fee (Pleasant Grove case)

PIDs/LIDs/DIDs ... (SB 295 in 2023; bills returning in 2024)

Land use overview

Non-legislative: Property Rights Ombudsman new services

- 1) Informal quick review panel
- 2) New training director

What SB 174 does and doesn't do: clarifies leg & admin roles on subdivisions

Legislative: general plan

Legislative: zoning

Administrative:
preliminary subdivision

Administrative: final
subdivision review

SB 174: No change to public process

ULCT fought off:

- 1) making general plans binding
- 2) General preemptions

SB 174: No change to public process

ULCT fought off:

- 1) making zoning "administrative"
- 2) by-right housing
- 3) state mandated density or upzoning
- 4) state appeals board
- 5) withholding B&C funds due to local zoning

SB 174: city may hold one public hearing

ULCT fought to:

- 1) Preserve a public hearing if desired
- 2) Improve quality of engineering plans submitted to city
- 3) Prevent 25 foot road width standard
- 4) Prevent \$ penalties on shot clocks
- 5) Prevent "deemed approved"

SB 174: the city shall approve or deny the application and may not require city council or planning commission approval

What SB 174 does and doesn't do: clarifies leg & admin roles on subdivisions

Legislative: general plan

- **SB 174: no change to public process**

Legislative: zoning

- Zoning map
- Leg action: land use authority recommends to the legislative body
- Robust community engagement process w/public hearings
- **SB 174: no change to public process**

Administrative: preliminary subdivision

- Application congruent w/general plan & zoning map
- Required to meet shot clocks w/4 rounds of review
- City may approve or deny
- **SB 174: may have 1 public hearing for prelim. application**

Administrative: final subdivision review

SB 174: Approve or deny the subdivision based on standards and not in a public hearing

HOWEVER, if application is not congruent with the general plan or zoning map, then would still need legislative approval

SB 174 Local Land Use and Development Revisions (Fillmore)

SB 174 is a product of the Land Use Task Force and addresses 3 key topics:

- 1) Requires the municipal administrative subdivision review and approval to be
- 2) Assesses a fee of \$250/day for cities who fail to submit a MIHP or cure deficiencies (increases to \$500/year if fails to submit a sufficient plan the following year). Revenue from the fee goes to the Olene Walker Housing Loan Fund
- 3) Modifies and clarifies IADU policy to include a garage if it shares a wall with the primary residence and restricts municipalities from prohibiting IADUs on new plats after Oct 2021.

ULCT wrote an in-depth synopsis and hosted a spring training on the bill.

Two part deadline: MIHP cities by Feb. 1, 2024; all others by Jan. 1, 2025

\$4 million in technical assistance, available on July 1

- Checklists, direct legal assistance, etc.; ask Cam for more details

HB 406 Land Use, Development, and Management Act Modifications (Whyte)

HB 406 is a product of the Land Use Task Force.

- Modifies the definition of rural real property for the purposes of annexation petition protests
- Allows municipalities to reconsider a decision denying an annexation petition
- Allows a boundary adjustment commission to consider a petitioner's or affected property owner's preferences when considering an annexation petition protest
- Restricts municipalities from requiring *residential* road widths in new development to be constructed in excess of 32' with certain exceptions and creates an appeal process to arbitrate those exceptions.
- Clarifies restrictions on public landscaping bonds
- Prohibits municipalities from applying temporary land use regulations to applications after development moratoriums lapse if moratoria restricted the application.
- Creates additional advisory requirements for development agreements
- Makes a number of other technical land use changes.

ULCT wrote an in-depth synopsis and hosted a spring training on the bill.

SB 43 Public Notice Requirements (Pitcher)

Highlights

- 380-page bill!
- SB 43 designates two notice types for public actions throughout code: Class A and Class B.
**notice timelines still vary*
- Utah Municipal Clerks Association is preparing a table summarizing ALL notice requirements for local government actions. Stay tuned!

SB 43 – Notice Types

Class A

- Publish notice to the public notice website
- Publish notice to the municipality's website
- Publish in areas that are reasonably likely to be seen by residents

Class B

- All notice provisions in Class A
- Mail notice to each residence in affected geographic areas.

SB 43: "Affected Area"

Define "affected area" as soon as possible.

- Some LUDMA notice requirements apply to the "affected area" of the land use ordinance change.
- "Affected area" is defined as the area designated in municipal ordinance as the area for which notice must be provided.
- If no affected area is designated by the municipal ordinance, the affected area defaults to the municipality. (UCA 63G-28-101/SB 43 lines 9440-9448)

HB 364 Housing Affordability Amendments (Whyte)

HB 364 is a product of the Land Use Task Force and addresses the policy & administrative challenges that arose from HB 462 in 2022.

- Modifies the MIHP reporting timeline.
- Clarifies MIHP requirements and municipalities' reporting requirements to DWS & the process that will be followed
 - Including a 90 day cure window if the plan is found deficient & 10 days to appeal the findings
- Clarifies the definitions, use, transfer, and calculations of state low-income housing tax credits.

ULCT wrote an in-depth synopsis and hosted a spring training on the bill.

slido



What resources do you need in order to implement the SB 174 subdivision process to your code? (select all that apply)

① Start presenting to display the poll results on this slide.

slido



Approximately how many hours of staff time will it take your city to comply with SB 174?

① Start presenting to display the poll results on this slide.

2023 Unified Economic Opportunity Committee Interim Working Groups

- 1) Growth & Transportation
 - a) Cam and South Jordan Mayor Dawn Ramsey
- 2) Water, Energy, and Natural Resources
 - a) Justin and Layton Council Member Tyson Roberts
- 3) Technology, Innovation, & Investment
 - a) Kaysville Mayor Tami Tran
- 4) Government Efficiency
 - a) South Ogden City Manager Matt Dixon, Cottonwood Heights Council Member Shawn Newell
- 5) Housing Affordability Membership
 - a) Orem Council Member Tom Macdonald, SLC's Andrew Johnston, RDA Director Danny Walz, Cam
- 6) Talent, Education & Industry Alignment
- 7) Women in the Economy
 - a) Tooele Mayor Debbie Winn

2023 Legislative Interim Study List

- Homeless Services (EDWS)
- Housing Affordability (EDWS)
- Homeownership (EDWS)
- Homelessness & criminal Justice (Jud)
- Public Safety Workforce (LEcj)
- Water Issues (NRAE)
- **LIDs (PoliSubs)**
- TIF Audit Recommendations (PoliSubs)
- Metro Townships (PoliSubs)
- Sales and Use Tax (Rev&Tax)
- Property Tax (Rev&Tax)
- Potential Benefits of TABOR (Rev&Tax)
- Transit (Transport)
- Active Transportation (Transport)
- Transportation Funding (Transport)
- Railroads (Transport)
- **Transportation Utility Fees (Transport)**
- **Transportation Utility Fees (PoliSubs)**
- Adult-oriented Events in Public Places (PoliSubs)
- General Aviation Long-term Leases (PoliSubs)
- State Land Authorities (PoliSubs)
- Station Area Plans (PoliSubs)
- Energy Production (PUET)
- Intermountain Power Agency Power Plant Audit (PUET)
- Cybersecurity (PUET)
- Post-retirement Reemployment (RIE)
- Ut. Communications Authority (RIE)
- **Justice courts (task force)**

What comes next on housing/land use?

Who is in the space now:

- 1) Commission on Housing Affordability/UEOC
 - a) Subgroups: policy, funding, data (Gardner)
- 2) DWS (MIHP, subs \$, data)
- 3) Envision Utah (ordinance review)
- 4) Legislative auditor (ordinance review)
- 5) Land Use Task Force
 - a) Property Rights Coalition/HBA
- 6) National League of Cities
- 7) Property Rights Ombudsman (training)
- 8) State Auditor (dev. fees)

ULCT internal land use list so far:

- **Time to actually implement and evaluate!**
- Annexation
- Appeals & public input
- **Condos/owner occupied focus**
- Development agreements (HB 406)
- Gravel pits
- Infrastructure funding
 - Transportation utility fee
- Land drains
- Planning/plan review
- Utility easements
- Vesting questions

ULCT draft principles for CHA/UEOC/LUTF Board will consider them on May 15


1. Does the proposal **improve the quality of life** for Utah residents by furthering smart growth outcomes?
2. Does the proposal result in **more housing units** that are measurably more **affordable** to the buyer or renter?
3. Does the proposal create **new opportunities** for home ownership or owner occupancy?
4. Have the **reasons** warranting the proposal been clearly articulated?
5. Does the proposal appropriately allocate the **costs of infrastructure** for new development?

2022-23 Data Collection (last year)

3-part in depth survey series partnership between UCMA & ULCT:

- Pt. 1 - land use & development (103 responses)
 - +2 follow up surveys
- Pt. 2 - taxes & local revenue (91 responses)
 - +1 follow up survey
- Pt. 3 - personnel (59 responses)

Draft v2.3, February, 2022



124,429

Residential units permitted statewide Jan, 2019 – Oct, 2022¹

111,707

Residential units entitled without building permits across 57 cities²

15th

Smallest median lot size in the country³

Land Use Law State Planning Lakes

Legislative Land Use Process

City and town councils have adopted significant land use changes in the last few years. ULCT surveyed local government administrators and planners to obtain estimates of entitled lots without building permits issued. ULCT has received responses from 57 cities across two separate surveys, representing 41.5% of the state's total population. Those cities have a total of 111,707 entitled residential units as of January 2023². These units have completed the legislative approval steps and await final administrative approval or a building permit. These do not include the 124,429 housing units permitted between 2019 and October of 2022, some of which have yet to break ground. This was a substantial (45%) increase over the prior three-year total of 67,311 housing units permitted¹. Not only are local governments permitting housing units at a record pace, the form of those units and lots are changing. The median size of a home listed in Utah has fallen on average 9.75% between 2017 and the beginning of 2022⁴ (Fig. 1). There is variation amongst reported counties, but the trend appears consistently (Fig. 2). 48% of survey respondents proactively (unprompted) identified a trend towards smaller lots in their communities. Some notable examples include:

- Syracuse - recent lots range from 3,500 to 7,000 sq ft rather than 10,000 sq ft lots in subdivisions entitled 3-4 years ago.
- Springville - a reduction in lot size from 8,000 square feet to 4,000 square feet.




Figure 1

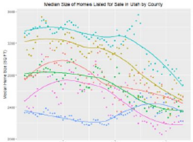


Figure 2

A study of residential lot sizes conducted by home improvement firm Angi examined 393,312 home listings around the nation to observe trends in residential lot sizes. Their study found that Utah had the 15th smallest median lot size of any state in the country at 10,890 square feet.

Finally, single-family detached homes (once the dominant housing type) have decreased as a percentage of all housing types permitted in Utah cities. This trend is occurring at a faster rate in rapid growth cities than the rest of the state. 'Missing middle' housing types (duplexes, triplexes, townhomes) are becoming a more common development type in these communities.

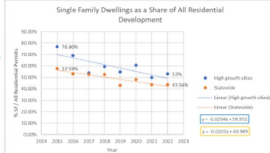


Figure 3

Countering anecdotes with data

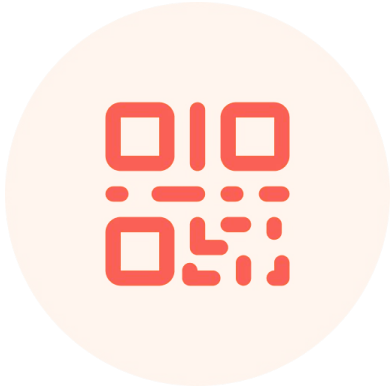
Narrative: Cities are not taking housing seriously.

Response: Cities have permitted more than **130k** housing units in past four years in addition to the **111k+** entitled units in the pipeline.

Narrative: Cities are slowing the development process.

Response: ULCT data shows the median single family home city plan review length is **7.2 days**, compared to median applicant response time of **10 days**.

slido



**Join at slido.com
#4039484**

① Start presenting to display the joining instructions on this slide.

slido



What city do you represent?

① Start presenting to display the poll results on this slide.

slido



Are there any other proactive legislative topics or data collection concepts that you would like us to consider?

① Start presenting to display the poll results on this slide.

Contact info and key dates

Cameron Diehl: cdiehl@ulct.org or
801-910-3912

Justin Lee: jlee@ulct.org

Karson Eilers: keilers@ulct.org

Molly Wheeler: mwheeler@ulct.org

Roger Tew: rtew@ulct.org

Gary Whatcott: gwhatcott@ulct.org

Todd Godfrey: tjgodfrey@hgblaw.net

May 15: LPC

May 17-18: Interim begins

May 31: UEOC prioritizes topics

Aug 30: UEOC

Aug 31: Florida at Utah

Sep 6-8: ULCT Annual Convention

Sep 27: UEOC

Oct 26: UEOC

Jan 16, 2024: session starts

#CITIESWORK



UTAH LEAGUE OF
CITIES AND TOWNS

Thanks for the partnership!