



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, UT will hold a **Regular Meeting** at **Alpine City Hall**, 20 North Main, Alpine, Utah on **Tuesday, September 17, 2019 at 7:00 pm** as follows:

I. GENERAL BUSINESS

- | | |
|-----------------------------|--------------------|
| A. Welcome and Roll Call: | David Fotheringham |
| B. Prayer/Opening Comments: | David Fotheringham |
| C. Pledge of Allegiance: | By Invitation |

II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission at this point by stepping to the microphone and giving his or her name and address for the record.

III. ACTION ITEMS

A. Public Hearing – Site Plan – AT&T Antenna Upgrade

Planning Commission will hold a public hearing, review the site plan, and make a recommendation to City Council.

B. Public Hearing – Voter Participation Areas

Planning Commission will hold a public hearing and make a recommendation regarding new voter participation area boundaries as required by House Bill 119.

C. Public Hearing – General Plan – Moderate Income Housing Element

Planning Commission will hold a public hearing and make a recommendation regarding the proposed update to the Moderate Income Housing Element of the General Plan.

D. Public Hearing – Short Term Rentals

Planning Commission will hold a public hearing and make a recommendation on the proposed ordinance to regulate Short Term Rentals in Alpine.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: September 3, 2019

ADJOURN

Chairman David Fotheringham
September 17, 2019

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS. If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 5.

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted at Alpine City Hall, 20 North Main, Alpine, UT. It was also sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on the City's web site at www.alpinecity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html.

PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

Please remember all public meetings and public hearings are now recorded.

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said. Individuals may be limited to two minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

Public Hearing vs. Public Meeting

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Site Plan – AT&T Antenna Upgrade

FOR CONSIDERATION ON: 17 September 2019

PETITIONER: AT&T

ACTION REQUESTED BY PETITIONER: Review and recommend approval of the proposed antenna upgrade.

BACKGROUND INFORMATION:

AT&T is seeking to replace six antennas and related equipment at the tower site located at 10 East 600 South. The proposed replacement does not substantially change the physical dimensions of the tower or base station (height and width to remain the same), and thus, should be approved per the Wireless Telecommunications Ordinance of the Development Code.

Article 3.27.030 states:

State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. For purposes of this Part, the term “eligible facilities request” means any request for modification of an existing wireless tower or base station that involves:

- *collocation of new transmission equipment;*
- *removal of transmission equipment; or*
- *replacement of transmission equipment.*

STAFF RECOMMENDATION:

Recommend approval of the proposed site plan.

SAMPLE MOTION TO APPROVE:

I motion to approve the site plan as proposed.

SAMPLE MOTION TO DENY:

I motion that the proposed site plan be denied based on the following:

- ***Insert Finding***

GENERAL NOTES:

1. EVERY EFFORT HAS BEEN MADE IN THE CONSTRUCTION DOCUMENTS TO PROVIDE A COMPLETE SCOPE OF WORK. MINOR DISCREPANCIES IN THE DRAWINGS AND/OR SPECIFICATIONS SHALL NOT EXCUSE CONTRACTORS FROM COMPLETING THE PROJECT AND IMPROVEMENTS IN ACCORDANCE WITH THE INTENT OF THESE DOCUMENTS.

12. ANY SUBSTITUTIONS OF MATERIALS AND/OR EQUIPMENT, MUST BE APPROVED BY OWNER.
13. DOCUMENT ALL CHANGES MADE IN THE FIELD BY MARKING UP THE APPROVED CONSTRUCTION DRAWINGS AND SUBMITTING THE REDLINED SET TO OWNER UPON COMPLETION. DOCUMENT ALL WORK PERFORMED WITH PHOTOGRAPHS TO BE SUBMITTED WITH REDLINED CONSTRUCTION DRAWINGS.
14. PROVIDE SUPPORTS FOR CABLES TO THE ELEVATION OF ALL INITIAL AND FUTURE ANTENNAS IN ACCORDANCE WITH ALL MANUFACTURER'S REQUIREMENTS.
15. CONFIRM THAT THE REQUIREMENTS OF THE STRUCTURAL ANALYSIS, MOUNT ANALYSIS AND ANY ASSOCIATED MODIFICATIONS HAVE BEEN FOLLOWED AND COMPLETED TO SUPPORT THE EQUIPMENT ASSOCIATED WITH THIS PROJECT.

14. PROVIDE SUPPORTS FOR CABLES TO THE ELEVATION OF ALL INITIAL AND FUTURE ANTENNAS IN ACCORDANCE WITH ALL MANUFACTURER'S REQUIREMENTS.

15. CONFIRM THAT THE REQUIREMENTS OF THE STRUCTURAL ANALYSIS, MOUNT ANALYSIS AND ANY ASSOCIATED MODIFICATIONS HAVE BEEN FOLLOWED AND COMPLETED AS REQUIRED TO SUPPORT THE EQUIPMENT ASSOCIATED WITH THIS PROJECT.

- ## ABBREVIATIONS

A/C	AIR CONDITIONING	MGR	MANAGER
AFF	ABOVE FINISHED FLOOR	MIN	MINIMUM
AGL	ABOVE GRADE LEVEL	MISC	MISCELLANEOUS
AWG	ABOVE GRADE LEVEL	NSC	NOT APPLICABLE
AWW	ADVANCED WIRELESS SERVICE	NIC	NOT IN CONTRACT
BBU	BATTERY BACKUP UNIT	NTS	NOT TO SCALE
BLDG	BUILDING	OC	ON CENTER
BLK	BLOCKING	OD	ON DIMETER
CLG	CEILING	PCS	PERSONAL COMMUNICATION SERVICE
CLL	CELL	PDU	POWER DISTRIBUTION UNIT
CONC	CONCRETE	PROJ	PROJECT
CONT	CONTINUOUS	PROP	PROPERTY
D	DEPTH	PT	PRESSURE TREATED
DBL	DOUBLE	PVC	POLYVINYL CHLORIDE
DEG	DEGREE	REQ	REQUIRED
Φ, DIA	DIAMETER	RF	RADIO FREQUENCY
DIAG	DIAGONAL	RM	ROOM
DN	DOWN	RPH	ROOM PLUMBING OPENING
DET	DETAIL	RRH	REMOTE RADIO HEAD
DWG	DRAWING	SHT	SHEET
EXIST	EXISTING	SIM	SIMILAR
EA	EACH	SMT	SOLDER
ELEV, EL	ELEVATION	SPEC	SPECIFICATION
ELEC	ELECTRICAL	SF	SQUARE FOOT
EQ	EQUAL	SS	STAINLESS STEEL
EQUIP	EQUIPMENT	STL	STEEL
EXT	EXTERIOR	SUSP	SUSPENDED
EXT	EXTERIOR	TMA	TOWER MOUNTED AMPLIFIER
FIB	FIBER INTERFACE FRAME	TID	TYPICAL
FAC	FACILITY INTERFACE FRAME	TYP	TYPICAL
FIN	FINISH	UNTS	UNIVERSAL MOBILE TELECOMMUNICATION SERVICE
FLR	FLOOR	UNO	UNLESS NOTED OTHERWISE
FLT	FLOOR, FEET	UNO	UNLESS NOTED OTHERWISE
GA	GAUGE	VERT	VERTICAL
GALV	GALVANIZED	W/	WITH
GENERAL	GENERAL CONTRACTOR	W/O	WITHOUT
GG	GROUND	WCS	WIRELESS COMMUNICATION SERVICE
GSM	GLOBAL SYSTEM MOBILE	WP	WATER PROOF
GTP	GYPSUM BOARD		
GRZ	GROUNDING		
HR	HORIZONTAL		
HT	HEIGHT		
ID	INSIDE DIAMETER		
IN	INCH, INCHES		
INSUL	INSULATION		
INT	INTERIOR		
INT	INTERIOR		
LENGTH	LENGTH		
L	LENGTH		
LBS	POUNDS		
LTE	LONG TERM EVOLUTION		
MACH	MACHINERY		
MECH	MECHANICAL		
METAL	METAL		
MFR	MANUFACTURER		

1. THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY CROWN CASTLE FOR THIS PROJECT AND HAS NOT BEEN FIELD VERIFIED AS PART OF THIS PROJECT:
 - a. SITE LAYOUT INFORMATION AND ORIENTATION
 - b. EXISTING TOWER, MOUNT AND EQUIPMENT ELEVATIONS
 - c. DESIGN PACKAGE BASED ON THE APPLICATION #: PENDING v0
2. A STRUCTURAL ANALYSIS TO DETERMINE THE TOWER CAPACITY TO SUPPORT THIS PROPOSED EQUIPMENT WAS PERFORMED FOR CROWN CASTLE OUTSIDE THE SCOPE OF THIS PROJECT.
 - a. STRUCTURAL ANALYSIS BY: OTHERS
 - b. DATED: PENDING
 - c. RESULTS: PENDING
3. A MOUNT ANALYSIS TO DETERMINE THE MOUNT CAPACITY TO SUPPORT THIS PROPOSED EQUIPMENT WAS PERFORMED FOR CROWN CASTLE OUTSIDE THE SCOPE OF THIS PROJECT.
4. CONFIRM THAT THE REQUIREMENTS OF THE STRUCTURAL ANALYSIS AND ANY ASSOCIATED MODIFICATIONS HAVE BEEN FOLLOWED AND COMPLETED AS REQUIRED TO SUPPORT THE EQUIPMENT ASSOCIATED WITH THIS PROJECT.

3. A MOUNT ANALYSIS TO DETERMINE THE MOUNT CAPACITY TO SUPPORT THIS PROPOSED EQUIPMENT WAS PERFORMED FOR CROWN CASTLE OUTSIDE THE SCOPE OF THIS PROJECT.
4. CONFIRM THAT THE REQUIREMENTS OF THE STRUCTURAL ANALYSIS AND ANY ASSOCIATED MODIFICATIONS HAVE BEEN FOLLOWED AND COMPLETED AS REQUESTED TO SUPPORT THE EQUIPMENT ASSOCIATED WITH THIS PROJECT.



PRELIMINARY
DRAWINGS FOR
SCOPING ONLY

DRAWN BY:	MK
CHECKED BY:	CW
APPV'D:	CM

[illegible]

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. REPRODUCTION OR CAUSING TO BE REPRODUCED THE WHOLE OR ANY PART OF THESE DRAWINGS WITHOUT THE PERMISSION OF WYCO FIELD SERVICES IS PROHIBITED.

AT&T SITE NUMBER: UTL04002	CROWN SITE NAME: ALPINE	CROWN SITE NUMBER: 845652	SITE ADDRESS: 10 EAST 600 SOUTH ALPINE, UT 84004	SHEET TITLE GENERAL NOTES	SHEET NUMBER
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GN-1

SITE NOTES:

1. WHEN SITE WORK IS INCLUDED IN SCOPE:
- a. CLEAR AND GRUB SITE OF ALL VEGETATION, PAVING, GRAVEL BASE AND OTHER DEBRIS NOT TO REMAIN. SUBGRADES ARE TO BE SET FOOT TO LANDSCAPE INSTALLATION.
 - b. PROVIDE ELEVATION OF SUBGRADE WITHIN 0.10 FOOT OF ELEVATIONS SHOWN ON PLAN MINUS DEPTH OF TOPSOIL, FILL, AND MULCH.
 - c. ROUGH GRADE ALL AREAS WITHIN FOOT OF ELEVATIONS INDICATED BEFORE CONSTRUCTION OF FOUNDATION, CONCRETE, AND EROSION CONTROL STRUCTURES AND THROUGH ALL PLANTER AREAS TO AVOID LOW SPOTS AND STANDING WATER.
 - d. BLEND NEW GRADES NATURALLY INTO EXISTING GRADES.
 - e. MAINTAIN POSITIVE DRAINAGE ON THE SITE AT ALL TIMES.
 - f. IF REQUIRED, MAINTAIN CONTINUOUS EROSION CONTROL ON THE DOWNSTREAM SIDE OF THE SITE.
 - g. IN LANDSCAPE AREAS, FINISH GRADES ARE TO FOLLOW THE GRADES AND EDGE THEREOF OF THE EXISTING DRIVE AND DRIVEWAY. PROVIDE A MINIMUM OF 6 INCHES IN THE CENTER OF THE BED ABOVE THE DRIVE AND DRIVEWAY.
 - h. DO NOT PLACE FILL OR EMBANKMENT MATERIAL ON FROZEN GROUND. DO NOT PLACE FROZEN MATERIALS, SNOW OR ICE IN ANY FILL OR EMBANKMENT.
 - i. NOTIFY OWNER IF MODIFICATIONS TO THE PROPOSED GRADING SEEM NECESSARY AND OBTAIN APPROVAL PRIOR TO START OF WORK.
2. FOOTINGS SHALL BEAR ON FIRM, NATURAL, UNDISTURBED SOIL, OR ON ENGINEERED FILL (COMPACTED TO 95% ASTM D1557). ENSURE THAT EXCAVATIONS ARE FREE OF ORGANIC MATERIALS AND ALL FOREIGN MATERIAL. NOTIFY OWNER IF ANY UNUSUAL CONDITIONS ARE ENCOUNTERED.
3. FILL AND SLAB BASE MATERIAL SHALL BE 3/4" MINUS CRUSHED ROCK PLACED IN 8" (MAXIMUM) LOOSE LIFTS AND COMPACTED TO 98% ASTM D1557.

CONCRETE NOTES:

1. CONCRETE AND REINFORCING SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:
- | | |
|------------------------------|--------------------------------------------------------------|
| CONCRETE CONSTRUCTION CEMENT | ACI 318, $f'c=4$ KSI, UNO |
| REINFORCING STEEL | ASTM A615, PORTLAND CEMENT TYPE II, UNO
$f_y=60$ KSI, UNO |
| WELDED WIRE FABRIC | ASTM A185 |
| SPIRAL REINFORCEMENT | ASTM A615, GRADE 60, $f_y=60$ KSI |
| REBAR | ASTM A615, GRADE 60, $f_y=60$ KSI |
| GRADE 60 REBAR WELDING | ASTM A706 |
- NOTES: ANY BARS SO NOTED ON THE DRAWINGS SHALL BE GRADE 40, $f_y=40$ KSI. REINFORCING COMPLYING WITH ASTM A615(S1) MAY BE WELDED ONLY IF MATERIAL PROPERTY REPORTS INDICATING CONFORMANCE WITH WELDING PROCEDURES SPECIFIED IN A.W.S. D14 ARE SUBMITTED.
2. CONCRETE PROTECTION (COVER) FOR REINFORCING STEEL SHALL BE AS FOLLOWS:
- | | |
|-------------------------------------------------|--------|
| FOOTINGS AND OTHER UNIFORM SURFACES, EARTH FACE | 3" |
| FORMED SURFACES EXPOSED (\leq #6 BARS) | 2" |
| TO EARTH OR WEATHER (\leq #5 BARS) | 1 1/2" |
| SLABS AND WALLS (INTERIOR FACE) | 3/4" |
3. AIR ENTRAIN ALL CONCRETE WITH SURFACES EXPOSED TO WEATHER WITH AN AIR ENTRAINING AGENT FOLLOWS THE ASTM C434, C438, C493, C598, AND C1017. AIR ENTRAIN CONCRETE EXPOSED TO FREEZING AND THAWING WHILE MOIST IN ACCORDANCE WITH ACI 318, SECTION 4.4.1.

4. DETAIL REINFORCING STEEL (INCLUDING HOOKS AND BENDS) IN ACCORDANCE WITH ACI 315 AND 318. LAP ALL CONTINUOUS REINFORCEMENT AT LEAST 30 BAR DIAMETERS OR A MINIMUM OF 2'-0". PROVIDE CORNER BARS AT ALL WALL AND FOOTING INTERSECTIONS. LAP CORNER BARS AT LEAST 30 BAR DIAMETERS OR A MINIMUM OF 2'-0". LAP ADJACENT MATS OF WELDED WIRE FABRIC A MINIMUM OF 8" AT SIDES AND ENDS.
5. PERFORM WELDING OF GRADE 60 REINFORCING BARS (IF REQUIRED) USING LOW HYDROGEN ELECTRODES. PERFORM WELDING OF GRADE 40 REINFORCING BARS (IF REQUIRED) USING E70 XX ELECTRODES. DO NOT WELD WITHIN 4" OF COLD BENDS IN REINFORCING STEEL.
6. DO NOT FIELD BEND REINFORCING PARTIALLY EMBEDDED IN CONCRETE UNLESS SPECIFICALLY SO DETAILED OR APPROVED BY THE ENGINEER.
7. SUPPORT BARS ON CHAIRS OR DOBBE BRICKS.
8. FURNISH NON-SHRINK GROUT BY AN APPROVED MANUFACTURER. MIX AND PLACE IN STRICT ACCORDANCE WITH THE MANUFACTURER'S PUBLISHED RECOMMENDATIONS. GROUT STRENGTH SHALL BE AT LEAST EQUAL TO THE MATERIAL ON WHICH IT IS PLACED (4 KSI, MINIMUM).
9. ALL EXPANSION ANCHORS TO BE HILTI BRAND, UNO. TEST ADHESIVE ANCHORS TO CONFIRM CAPACITY UNLESS WAIVED BY ENGINEER AND LOCAL JURISDICTION.

STRUCTURAL STEEL NOTES:

1. STRUCTURAL STEEL SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:
- WIDE FLANGE SHAPES ASTM A992, GRADE 50
 - SHAPES, PLATES, ANGLES, & RODS ASTM A36, F_y 36 KSI
 - SPECIAL SHAPES AND PLATES ASTM A572, F_y 50 KSI
 - PIPE COLUMNS ASTM A53, GR B, F_y 35 KSI
 - STRUCTURAL TUBING ASTM A500, GR B, F_y 46KSI
 - ANCHOR BOLTS ASTM A307
 - CONNECTION BOLTS ASTM A325 TWIST-OFF
2. BASE STRUCTURAL STEEL DESIGN, FABRICATION AND ERECTION (INCLUDING FIELD CONNECTIONS, END CONNECTIONS, AND ANCHORS) TO BE IN ACCORDANCE WITH THE PERMITS, AND REQUIRED PERMISSION OF STRUCTURAL STEEL FOR BUILDINGS* LATEST EDITION.
3. HOT DIP GALVANIZE AFTER FABRICATION PER A123/A123M-00 ALL STEEL EXPOSED TO WEATHER AND WHERE NOTED.
4. CONFORM TO ALL AISI AND AWS STANDARDS FOR WELDING. PERFORM WELDING BY ANSI/AWS D1.1 CERTIFIED WELDERS USING E70 XX ELECTRODES. USE ONLY PRE-QUALIFIED WELDS AS DEFINED BY AWS.
5. PROVIDE COLD-FORMED STEEL FRAMING MEMBERS OF THE SHAPE, SIZE, AND GAGE SHOWN ON THE PLANS. PROVIDE MINIMUM SECTION PROPERTIES INDICATED. ALL COLD-FORMED STEEL FRAMING SHALL CONFORM TO THE AISI *SPECIFICATION FOR THE DESIGN OF COLD-FORMED STEEL STRUCTURAL MEMBERS.*
6. FOR BOLTED CONNECTIONS, USE 3/4" DIA., BEARING-TYPE, A325 BOLTS WITH A MINIMUM OF TWO BOLTS, UNO.
7. FOR NON-STRUCTURAL CONNECTIONS FOR STEEL GRATING, USE 5/8" DIA. A307 BOLTS, UNO.
8. PREPARE AND PAINT IN ACCORDANCE WITH THE PAINT MANUFACTURERS WRITTEN INSTRUCTIONS, UNO.
9. TOUCH UP ALL FIELD DRILLING, WELDING AND CUT SURFACES WITH 2 COATS OF GALVAON (ZINC RICH PAINT) OR APPROVED EQUAL.

SPECIAL INSPECTIONS:

1. WHEN REQUIRED, PROVIDE SPECIAL INSPECTIONS PERFORMED BY AN INDEPENDENT INSPECTOR, APPROVED BY OWNER'S REPRESENTATIVE AND THE LOCAL JURISDICTION.
2. THE SPECIAL INSPECTOR SHALL PROVIDE A COPY OF THE REPORT TO THE OWNER'S REPRESENTATIVE, STRUCTURAL ENGINEER, CONTRACTOR, AND BUILDING OFFICIAL.



PRELIMINARY
DRAWINGS FOR
SCOPING ONLY

DRAWN BY: MK
CHECKED BY: CW
APPROVED: CM

SUBMITTALS		REV	ISSUED BY
DATE	DESCRIPTION		
02/08/19	CDs	0	MK

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AT&T SITE NUMBER:
UTL04002

CROWN SITE NAME:
ALPINE

CROWN SITE NUMBER:
845652

SITE ADDRESS:
10 EAST 600 SOUTH
ALPINE, UT 84004

SHEET TITLE
GENERAL NOTES

SHEET NUMBER
GN-2



PREPARED FOR:



PREPARED BY:



2227 W. PECOS ROAD, SUITE 4,
CHANDLER AZ 85224

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DRAWN BY:	MK
CHECKED BY:	CW
APPV'D:	CM

[illegible]

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AT&T SITE NUMBER:

UTL04002

CROWN SITE NAME:

ALPINE

CROWN SITE NUMBER:

845652

SITE ADDRESS:

EAST 600 SOUTH

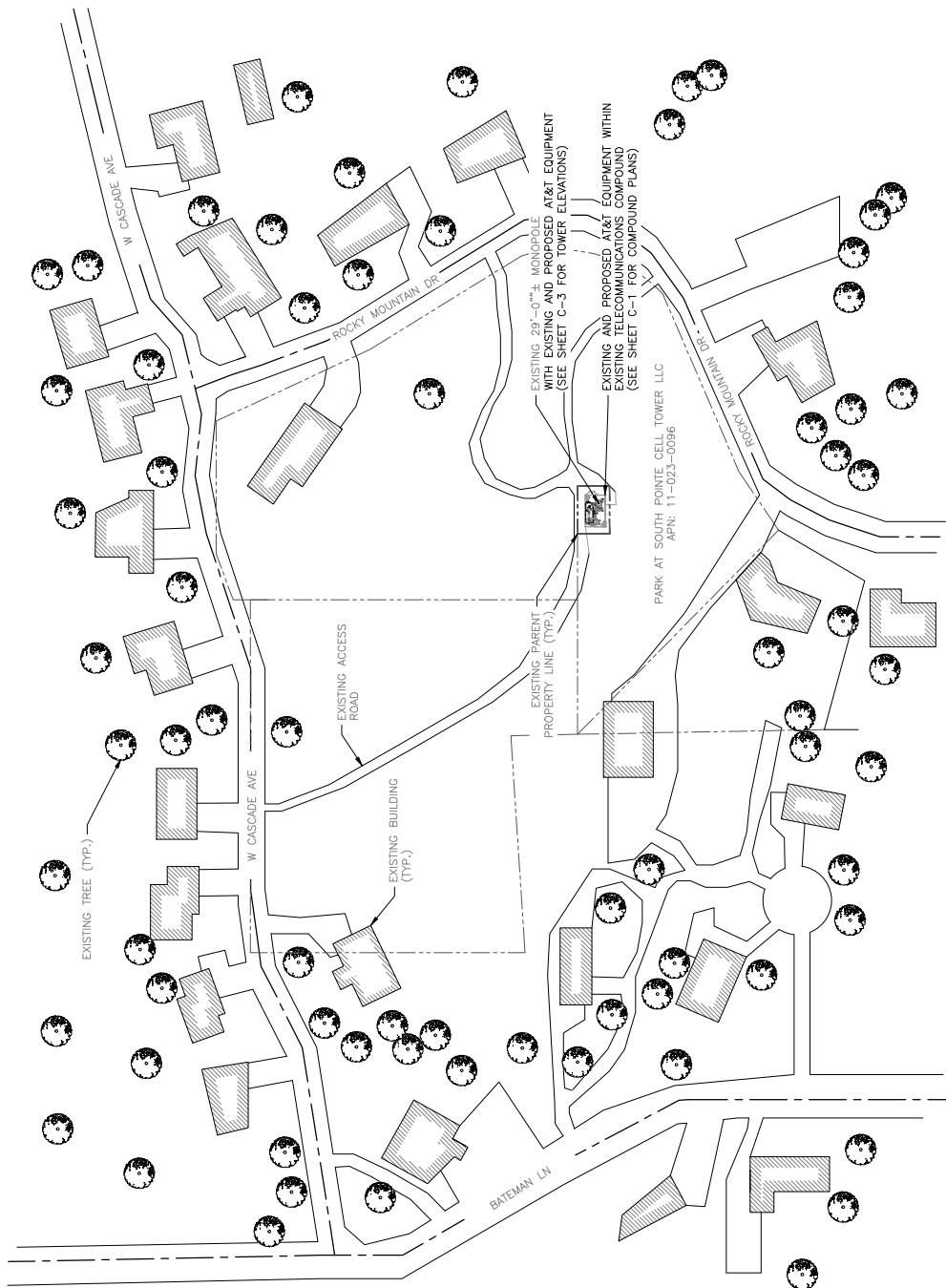
ALPINE, UT 84004

SHEET TITLE

SITE PLAN

SHEET NUMBER

C



SITE PLAN

1"=17' SCALE: 1" = 120'

24"x36" SCALE: 1" = 60'

20'	60'	0	120'	240'
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NOTES: ALL SITE INFORMATION HAS BEEN PROVIDED BY THE CLIENT. WYCO FIELD SERVICES, LLC, IS NOT LIABLE AND DOES NOT ASSUME RESPONSIBILITY FOR THIS CONTENT.

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THIS CONTENT.



PREPARED FOR:



PREPARED BY:



2227 W. PECOS ROAD, SUITE 4,
CHANDLER AZ 85224

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DRAWN BY:	MK
CHECKED BY:	CW
APPV'D:	CM

[illegible]

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UTL04002

CROWN SITE NAME:

ALPINE

CROWN SITE NUMBER:

845652

SITE ADDRESS:

10 EAST 600 SOUTH
ALPINE, UT 84004

SHEET TITLE

EQUIPMENT PLANS

SHEET NUMBER

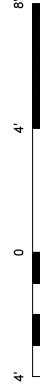
C-2



11"x17" SCALE: 1" = 4'



11"x17" SCALE: 1" = 4'



1) ALL SITE INFORMATION HAS BEEN PROVIDED BY THE CLIENT. WYCO FIELD SERVICES IS NOT LIABLE AND DOES NOT ASSUME RESPONSIBILITY FOR THIS CONTENT.

- 2) CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS BEFORE CONSTRUCTION
- 3) CONTRACTOR TO SUPPLY ACID SPILL NEUTRALIZATION PILLOWS IN ACCORDANCE WITH 2012 NFPA 76

DRAWN BY:	MK
CHECKED BY:	CW
APPV'D:	CM

[illegible]

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AT&T SITE NUMBER:

UTL04002

CROWN SITE NA

ALPINE

CROWN SITE NUMBER:

845652

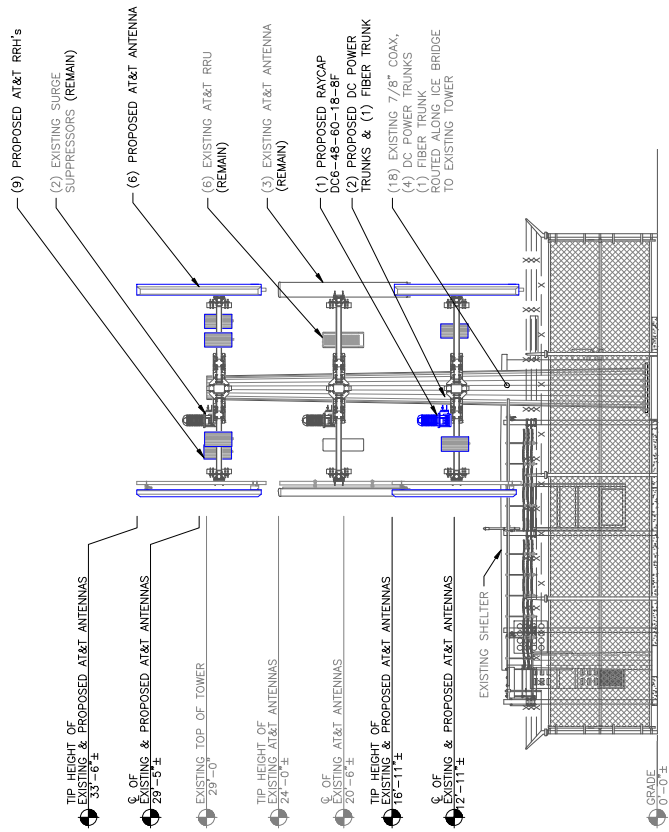
SITE ADDRESS:

10 EAST 600 SOUTH

SHEET TITLE

TOWER EVALUATIONS

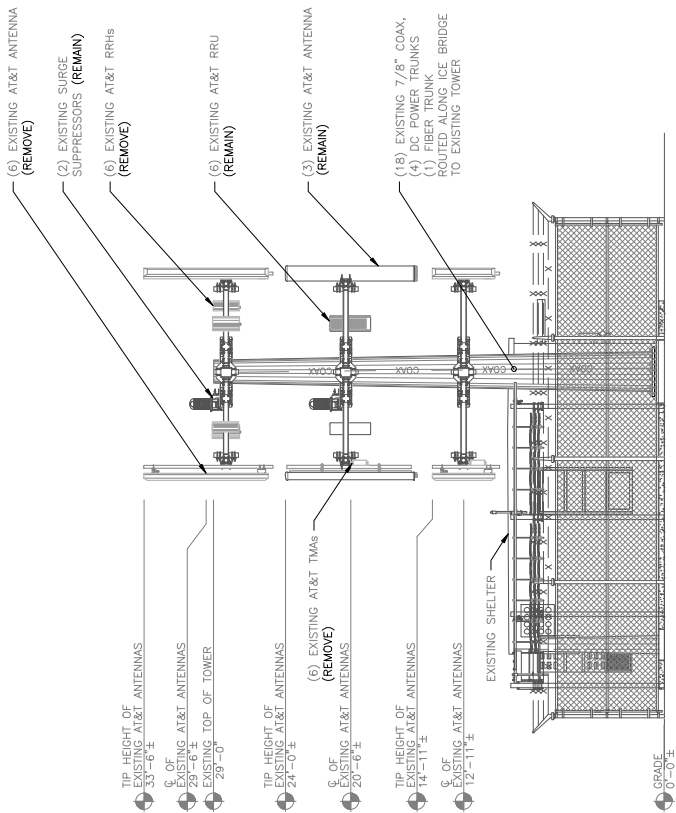
SHEET NUMBER



PROPOSED TOWER ELEVATION

11"x17" SCALE: 1" = 8'
24"x36" SCALE: 1" = 16'





THE TOWER DRAWING IS ONLY A GRAPHIC REPRESENTATION OF THE STRUCTURE. THE ACTUAL TOWER MAY VARY IN THE FIELD.

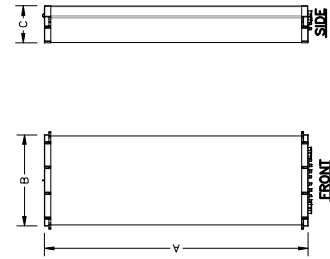


EXISTING TOWER ELEVATION

11"x17" SCALE: 1" = 8'
24"x36" SCALE: 1" = 16'

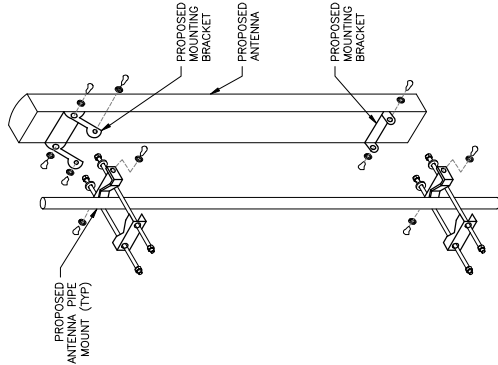
THE TOWER DRAWING IS ONLY A GRAPHIC REPRESENTATION OF THE STRUCTURE. THE ACTUAL TOWER MAY VARY IN THE FIELD

<div> <div>  </div> <div>  </div> <div>  </div> </div> <div> <div>  </div> <div> <div>DRAWN BY: MK</div> <div>CHECKED BY: CW</div> <div>APPROVED: CM</div> </div> </div> <div> <div> <div>DATE</div> <div>02/08/19</div> </div> <div> <div>DESCRIPTION</div> <div>DC TRUNK</div> </div> <div> <div>REV</div> <div>0</div> </div> <div> <div>ISSUED BY</div> <div>MK</div> </div> </div> <div> <div> <div>THE FOLLOWING COMPANIES AND ITS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. REPRODUCTION OR CAUSING TO BE REPRODUCED IN ANY MANNER WITHOUT THE PERMISSION OF WYGO FIELD SERVICES IS PROHIBITED.</div> <div>AT&T SITE NUMBER: UTL04002</div> <div>CROWN SITE NAME: ALPINE</div> <div>CROWN SITE NUMBER: 845652</div> <div>SITE ADDRESS: 10 EAST 600 SOUTH ALPINE, UT 84004</div> <div>SHEET TITLE: FINAL RF EQUIPMENT SCHEDULE</div> <div>SHEET NUMBER: C-5</div> </div> </div>									
(P) = PROPOSED									
FINAL ANTENNA & CABLE SCHEDULE (ALL EQUIPMENT MOUNTED ON TOWER)									
SECTOR	MAR K	BAND	ANTENNA MAKE/MODEL	ANTENNA HEIGHT	ANTENNA AZIMUTH	TMA QTY./TYPE	RADIO QTY./TYPE	SURGE PROTECTION QTY./TYPE	CABLE QTY./TYPE
ALPHA	A1	LTE 700/1900/AWS	(P) (1) ANDREW – NNH4–65C–R6	33'–6" 24'–0" 16'–11"	50°	–	(P) (1) NOKIA DUAL RRH 4T4R B12/14 AHLBA (P) (1) NOKIA DUAL RRH 4T4R B25/66 AHFB	(1) DC6–48–60–18–8F	(1) FIBER TRUNK (2) DC TRUNK (6) 7/8" COAX
	A2	LTE 850/WCS	(1) ANDREW – SBUA44–1D65C–DL				(1) RRH4X25–WCS–4R		
	A3	LTE 850	(P) (1) ANDREW – NNH4–65C–R6				(P) (1) NOKIA RRH 4T4R B5 AHCA		
BETA	B1	LTE 700/1900/AWS	(P) (1) ANDREW – NNH4–65C–R6	33'–6" 24'–0" 16'–11"	160°	–	(P) (1) NOKIA DUAL RRH 4T4R B12/14 AHLBA (P) (1) NOKIA DUAL RRH 4T4R B25/66 AHFB	(1) DC6–48–60–18–8F	(1) FIBER TRUNK (2) DC TRUNK (6) 7/8" COAX
	B2	LTE 850/WCS	(1) ANDREW – SBUA44–1D65C–DL				(1) RRH4X25–WCS–4R		
	B3	LTE 850	(P) (1) ANDREW – NNH4–65C–R6				(P) (1) NOKIA RRH 4T4R B5 AHCA		
GAMMA	C1	LTE 700/1900/AWS	(P) (1) ANDREW – NNH4–65C–R6	33'–6" 24'–0" 16'–11"	30°	–	(P) (1) NOKIA DUAL RRH 4T4R B12/14 AHLBA (P) (1) NOKIA DUAL RRH 4T4R B25/66 AHFB	(P) (1) DC6–48–60–18–8F	(1) FIBER TRUNK (2) DC TRUNK (6) 7/8" COAX
	C2	LTE 850/WCS	(1) ANDREW – SBUA44–1D65C–DL				(1) RRH4X25–WCS–4R		
	C3	LTE 850	(P) (1) ANDREW – NNH4–65C–R6				(P) (1) NOKIA RRH 4T4R B5 AHCA		

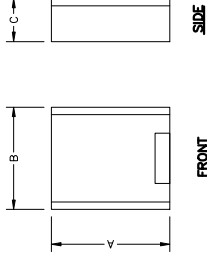


ANTENNA SPECIFICATIONS				
MODEL	LENGTH (A)	WIDTH (B)	DEPTH (C)	WEIGHT (lb)
COMMSCOPE NNH4-65C-R6	96.0"	19.6"	7.8"	99.2

ANTENNA SPECIFICATIONS
11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.

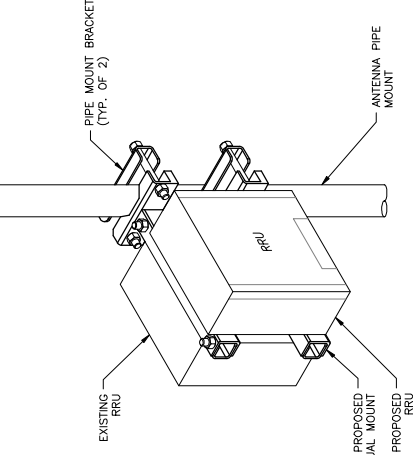


ANTENNA MOUNTING
11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.



RADIO SPECIFICATIONS				
MODEL	LENGTH (A)	WIDTH (B)	DEPTH (C)	WEIGHT (lb)
NOKIA - 414R B12/B14 AHLBA	28.70"	15.35"	9.45"	101.40
NOKIA - 414R B25/B66 AHFIB	28.74"	15.35"	9.45"	88.19
NOKIA - 414R B5 AHCA	13.30"	11.60"	6.50"	35.27

RADIO SPECIFICATIONS
11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.



NOTES:

- RRU MANUFACTURER VIA AT&T SUPPLIES RRU, RRU PIPE-MOUNTING BRACKET. SUBCONTRACTOR SHALL SUPPLY PIPE AND INSTALL ALL MOUNTING HARDWARE INCLUDING RRU PIPE-MOUNTING BRACKET.
- FOR PIPE DIAMETERS FROM 6" TO 15", AT&T CAN SUPPLY A PAIR OF PIPE MOUNTING METAL BANDS WITH BOLTING WELDMENT.
- NO PAINTING OF THE RRU OR SOLAR SHIELD IS ALLOWED

DUAL RRU MOUNTING BRACKET
11"x17" SCALE: N.T.S.
24"x36" SCALE: N.T.S.



PRELIMINARY
DRAWINGS FOR
SCOPING ONLY

DRAWN BY: MK
CHECKED BY: CW
APPROVED BY: CM

SUBMITTALS		REV	ISSUED BY
DATE	DESCRIPTION	CD#	0
02/08/19			

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY TO AT&T. REPRODUCTION OR CAUSING TO BE REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF AT&T IS PROHIBITED. THESE DRAWINGS WITHOUT THE PERMISSION OF WFO FIELD SERVICES IS PROHIBITED.

AT&T SITE NUMBER:
UTL04002

CROWN SITE NAME:
ALPINE

CROWN SITE NUMBER:
845652

SITE ADDRESS:
10 EAST 600 SOUTH
ALPINE, UT 84004

SHEET TITLE
ANTENNA DETAILS

SHEET NUMBER
C-6

PREPARED BY: **WYCO**
FIELD SERVICES
where quality still counts.
2227 W. PECOS ROAD, SUITE 4,
CHANDLER AZ 85224



116 Inverness Dr E Ste. 300
Englewood, CO 80112

Phone: (801) 979-9077
Fax:
www.crowncastle.com

August 28, 2019

CITY OF ALPINE, UT
20 N Main Street, Alpine, UT 84004

RE: Eligible Facilities Request to modify equipment on a communications tower located at:
10 EAST 600 SOUTH, ALPINE, UT, 84004
Crown Site Number: 845652 / Crown Site Name: ALPINE
Customer Site Number: UTLO4002 / Application Number: 473475

Crown Castle USA Inc. ("Crown Castle") on behalf of New Cingular Wireless PCS, LLC ("AT&T Mobility") is submitting the attached Eligible Facilities Request application to modify transmission equipment on a telecommunications tower located at 10 EAST 600 SOUTH, ALPINE, UT 84004 in CITY OF ALPINE, UT (the "ALPINE Tower").

Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, commonly known as the "Spectrum Act" (Pub. Law No. 112-96, 126 Stat 156), mandates that state and local governments "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." Additionally, if "the reviewing State or local government determines that the application is incomplete" [they] "must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information." Under federal law, an Eligible Facilities Request is deemed granted with written notification in sixty (60) days after an application is filed with a local jurisdiction, excluding tolling. Based on the submittal date of August 30, 2019, 30 days will expire on September 29, 2019; 60 days will expire on October 29, 2019.

AT&T Mobility proposes to modify the "ALPINE Tower" as follows:

Tower Scope of Work

- Remove (6) Antennas; Install (6) Antennas
- Remove (6) RRHs; Install (9) RRHS
- Remove (6) TMAs

Ground Scope of Work

- Install Processor Cards in Existing Cabinet
- Install (1) New 48VDC Power Plant; Install (10) 48VDC Rectifiers; Install (3) Converter Modules



116 Inverness Dr E Ste. 300
Englewood, CO 80112

Phone: (801) 979-9077
Fax:
www.crowncastle.com

Itemized list of submittal documents:

- Eligible Facility Request Letter
- Site Plan Application
- Site Plan; Construction Drawings; Elevations; Equipment Detail
- Application Fee

AT&T Mobility is committed to working cooperatively with all jurisdictions around the country to secure expeditious approval of requests to modify existing personal wireless service facilities. If you should require more information regarding the Spectrum Act, please do not hesitate to contact me with your questions.

Sincerely,

Craig Chagnon
Craig.Chagnon@crowncastle.com
(801) 979-9077

PROPERTY INFORMATION

[mobile view](#)

Serial Number: 11:023:0096

Serial Life: 1999...

Property Address:

Mailing Address: 999 N GROVE DR ALPINE, UT 84004

Acreage: 0.014622

Last Document: [62908-2017](#)

[Subdivision Map Filing](#)

Legal Description: COM N 361.993 FT & W 1453.476 FT FR E 1/4 COR. SEC. 25, T4S, R1E, SLB&M.; N 88 DEG 57' 11" W 31.796 FT; N 1 DEG 2' 49" E 20.032 FT; S 88 DEG 57' 11" E 31.796 FT; S 1 DEG 2' 49" W 20.032 FT TO BEG. AREA 0.015 AC.

Owner Names	Value History	Tax History	Location	Photos	Documents
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2018...	PARK AT SOUTH POINTE CELL TOWER LLC
1999-2017	PARK AT SOUTH POINTE LC

Additional Information 

[Main Menu](#)

Comments or Concerns on Value/Appraisal - [Assessor's Office](#)

Documents/Owner/Parcel information - [Recorder's Office](#)

[Address Change for Tax Notice](#)



Site Plan Checklist

20 North Main Alpine, UT 84004 • 801-756-6347 (Phone) • 801-756-1189 (Fax) • www.alpinecity.org

Article 4.14 of the Alpine Development Code outlines the requirements necessary for Site Plan compliance for single-family residential dwellings and commercial structures **not** located in an approved subdivision. Commercial Site Plans also need to be in accordance with any additional requirements of the Business Commercial zone that are applicable. Applicants must follow the City's planning process including making and attending appointments with the Development Review Committee (DRC) and the Planning Commission.

Please follow this checklist to ensure a complete and proper Site Plan submittal.

Submission Requirements

Applicant Use	Office Use	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	The applicant shall meet with the DRC to discuss the proposed site plan before submitting an application or any plans.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	All required documentation shall be submitted to the City Planner fourteen (14) days prior to a scheduled Planning Commission meeting or ten (10) days for a resubmission, including: <ul style="list-style-type: none">• The Site Plan Checklist, Site Plan Application and required fees.• an electronic copy of the site plan in a compatible format (AutoCAD);• Three (3) D size (22" x 34") copies of the site plan drawn to scale; and• ten (10) 11"x17" copies of the site plan drawn to scale.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	The site plan conforms to Article 4.7 (Design Standards), Article 4.8 (Construction Standards), and Article 4.10 (Financial Responsibility) of the Alpine City Subdivision Ordinance. If it is a commercial site plan, it also conforms to any additional requirements that are applicable to the site plan in Article 3.7 (Business/Commercial District) of the Alpine City Development Code.

A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the site plan. The Development Agreement may include but is not limited to the following examples: any special conditions, trails, landscape issues, or off-site improvements. Rights-of-ways must be dedicated to Alpine City.



Site Plan Application

20 North Main Alpine, UT 84004 • 801-756-6347 (Phone) • 801-756-1189 (Fax) • www.alpinecity.org

Contact Information

Applicant AT&T Mobility - Craig Chagnon/Crown Castle/Agent

Address 2055 S. Stearman Dr. City Chandler State AZ Zip 85286

Phone 801-979-9077 Fax _____ Email craig.chagnon@crowncastle.com

Engineer WYCO Field Services

Address 2227 W. Pecos Rd. Suite 4 City Chandler State AZ Zip 85227

Phone _____ Fax _____ Email cwolfe@wycofs.com

Representative Craig Chagnon / Crown Castle

(Person who will be at City meetings to represent the proposed plan. If it is someone other than the applicant/engineer, please indicate his/her relationship to the project.)

Address 2055 S. Stearman Drive City Chandler State AZ Zip 85286

Phone 801-979-9077 Fax _____ Email craig.chagnon@crowncastle.com

Send City Engineer's review comments to: ☒ Applicant ☐ Engineer ☐ Representative

Project Information

Name of Project AT&T LTE 6C/5C/4C Serial Number: 11:023:0096

Project Address 10 East 600 South Current Use Wireless Telecom Facility

Project Size (in acres) 0.01 Current Zoning CR-20,000

Source of Water Rights N/A

Alpine Irrigation Shares: # of Primary Shares _____ # of Secondary Shares _____

Other Water Rights: Source _____ # of Acreage Feet _____

☐ Requesting Cash in lieu of Water Rights Option

Site Plan Fee \$250.00 Amount Paid \$250.00 Date Paid _____

(Actual cost of City Engineer's review + \$150.00 [\$250.00 for commercial site plans])

Applicant Signature Craig Chagnon Date 08.28.2019

3.27 Wireless Telecommunications Ordinance**3.27.010 General Provisions****3.27.020 Location And Types Of Towers/Antennas****3.27.030 Procedure****3.27.040 Safety****3.27.050 Additional Requirements**

T-Mobile
Antenna Upgrade

3.27.010 General Provisions

1. **Title.** This Ordinance shall be known as the Wireless Telecommunications Ordinance.
2. **Purpose & Intent.** The unique character, landscapes and scenic vistas of Alpine are among its most valuable assets. Preserving and promoting those assets are essential to the long- range social and economic wellbeing of the City and its inhabitants. Protecting these assets requires sensitive placement and design of wireless communication facilities so that these facilities remain in scale and harmony with the existing character of the community.
 - a. To amend Ordinance No. 2006-06 to accommodate new technology and develop regulations on the use and development of City property for new cell tower facilities.
 - b. To regulate personal wireless services antennas, with or without support structures, and related electronic equipment and equipment structures.
 - c. To provide for the orderly establishment of personal wireless services facilities in the City.
 - d. To minimize the number of antenna support structures by encouraging the co-location of multiple antennas on a single new or existing structure.
 - e. To establish siting, appearance and safety standards that will help mitigate the potential impacts related to the construction, use and maintenance of personal wireless communication facilities.
 - f. To comply with the Telecommunication Act of 1996 by establishing regulations that (1) do not prohibit or have the effect of prohibiting the provision of personal wireless services, (2) do not unreasonably discriminate among providers of functionally equivalent services, and (3) are not based on the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's regulations concerning such emissions.

3. Findings

- a. Personal wireless services facilities (PWSF) are an integral part of the rapidly growing and evolving telecommunications industry, and present unique zoning challenges and concerns by the City.
- b. The City needs to balance the interests and desires of the telecommunications industry and its customers to provide competitive and effective telecommunications systems in the City, against the sometimes differing interests and desires of others concerning health, safety, welfare, and aesthetics, and orderly planning of the community.
- c. The City has experienced an increased demand for personal wireless services facilities to be located in the City, and expects the increased demand to continue in the future.
- d. It is in the best interests of the City to have quality personal wireless services facilities available, which necessarily entails the erection of personal wireless services facilities in the City.
- e. The unnecessary proliferation of personal wireless services facilities through the City creates a negative visual impact on the community.
- f. The visual effects of personal wireless services facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use.
- g. A private property owner who leases space for a personal wireless services facility is the only one who receives compensation for the facility, even though numerous other property owners in the area are adversely affected by the location of the facility.
- h. Chapter 69-3, Utah Code Annotated, grants cities the authority to create or acquire sites to accommodate the erection of telecommunications tower in order to promote the location of telecommunication towers in a manageable area and to protect the aesthetics and environment of the area. The law also allows the City to require the owner of any tower to accommodate the multiple use of the tower by other companies where feasible and to pay the City the fair market rental value for the use of any City-owned site.
- i. Telecommunications towers located on government property with the lease payments being paid to Alpine City instead of individual property owners evenly distributes the income from the lease payments to all citizens of Alpine through increased government services thus indirectly compensating all of the citizens of Alpine for the impact all citizens experience. The public policy objectives to reduce the proliferation of telecommunications towers and to mitigate their impact can be best facilitated by locating telecommunications and antenna support structures on property owned, leased or used by Alpine City as a highest priority whenever feasible.

4. **Definitions.** The following words shall have the described meaning when used in this ordinance, unless a contrary meaning is apparent from the context of the word.
- a. Antenna. A transmitting or receiving device used in telecommunications that radiates or captures radio signals.
 - b. Antenna Support Structure. Any structure that can be used for the purpose of supporting an antenna(s).
 - c. City. The City of Alpine, Utah.
 - d. City-owned property. Real property that is owned by the City.
 - e. Close to Tower Mount. Also known as slim mount, antennas on cell towers mounted very close to tower in order to appeal less noticeable.
 - f. Co-location. The location of an antenna on an existing structure, tower or building that is already being used for personal wireless services facilities.
 - g. Monopole. A single, self-supporting, cylindrical pole that acts as the support structure for one (1) or more antennas for a personal wireless services facility.
 - h. Personal Wireless Services. Commercial mobile telecommunications services, unlicensed wireless communications services, and common carrier wireless telecommunications exchange access services.
 - i. Personal Wireless Services Antenna. An antenna used in connection with the provision of personal wireless services.
 - j. Personal Wireless Services Facilities (PWSF). Facilities for the provision of personal wireless services. Personal wireless services facilities include transmitters, antennas, structures supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.
 - k. Private Property. Any real property not owned by the City, even if the property is owned by another public or government entity.
 - l. Quasi public use. Uses such as a school or church or other uses defined as quasi public uses in DCA 3.01.110.
 - m. Tower. A freestanding structure that is used as a support structure for antenna.
 - n. Whip antenna. An antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending on the frequency and gain for which they are designed.
5. **Applicability.** This ordinance (the Wireless Telecommunications Ordinance) applies to both commercial and private low power radio services and facilities, such as "cellular" or PCS (personal communications system) communications and paging systems. This ordinance shall not apply to the following types of communications devices, although they may be regulated by other City ordinances and policies.
- a. Amateur Radio. Any tower or antenna owned and operated by an amateur radio operator licensed by the Federal Communication Commission.
 - b. Amateur T.V. Any tower or antenna owned and operated by an amateur T.V. operator licensed by the Federal Communication Commission.
 - c. Satellite. Any device designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service or direct satellite service.
 - d. Cable. Any cable television head-end or hub towers and antennas used solely for cable television services.

(Ord. No. 2006-06, 4/25/06; Amended by Ord. No. 2012-05, 7/10/12; Ord. No. 2014-15, 09/23/14)

3.27.020 Location And Types Of Towers/Antennas

1. **Personal Wireless Services Facilities Site Locations.** The following are currently approved locations:
- a. Co-location on an existing tower.
 - b. City owned property.
 - c. Property in conjunction with a quasi-public or public use.

- d. Commercial property in the business commercial zone.

No new towers shall be located in Lambert Park.

New towers shall be located no closer than a one-quarter (1/4) mile radius from another tower and shall be no closer to a residence than two (2) times the height of the tower.

If the applicant desires to locate on a site other than the approved sites listed above, the applicant shall have the burden of demonstrating to the City why it cannot locate on an approved site. To do so, the applicant shall provide the following information to the City:

- i. The identity and location of any approved sites located within the desired service area.
- ii. The reason(s) why the approved sites are not technologically, legally, or economically feasible. The applicant must make a good faith effort to locate towers and antennas on an approved site. The City may request information from outside sources to justify or rebut the applicant's reason(s) for rejecting an approved site.
- iii. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing towers.

2. Permitted and Non-Permitted Towers and Antennas

- a. Permitted. The following are permitted:

- i. Co-location on existing towers.
- ii. Existing towers may be maintained, used, and upgraded or replaced. A replacement tower shall not exceed the height of the tower being replaced.
- iii. Monopoles are permitted subject to the following:
 - (1) A monopole shall not exceed eighty feet (80').
- iv. Roof-mounted Antennas are permitted subject to the following:
 - (1) A roof-mounted antenna shall be screened, constructed, and/or colored to match the structure to which it is attached.
 - (2) A roof-mounted antenna shall be set back from the building edge one (1) foot for every one (1) foot of antenna height and shall not exceed fifteen (15) feet in height.
- v. All new antennas shall be slim-mounted or mounted to an existing array.

- b. Not Permitted. The following are not permitted:

- i. Lattice Towers. Lattice appearance is not permitted.
- ii. Guyed Towers.

3. **Co-location Requirement.** Unless otherwise authorized by the approving authority for good cause shown, every new tower shall be designed and constructed to be of sufficient size and capacity to accommodate at least two (2) additional wireless telecommunications providers on the structure in the future.

4. **Lease Agreement.** The City has no implied obligation to lease any particular parcel of City-owned property to an applicant. The City shall enter into a standard lease agreement with the applicant for any facility built on City property. The Mayor or designee is hereby authorized to execute the standard lease agreement on behalf of the City. The lease shall contain the condition that the approving authority must first approve the site plan before the lease can take effect, and that failure to obtain such approval renders the lease null and void.

(Ord. No. 2006-06, 4/25/06; Amended by Ord. No. 2012-05, 7/10/12; Ord. No. 2014-15, 09/23/14)

3.27.030 Procedure

State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. For purposes of this Part, the term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves:

- collocation of new transmission equipment;

- removal of transmission equipment; or
- replacement of transmission equipment.

1. Application Requirements. Any person desiring to develop, construct or establish a personal wireless services facility in the City shall submit an application for site plan approval to the City. A site plan shall be required for all new towers and antennas and any modification or replacement of a tower or antenna. The City shall not consider the application until all required information has been included. The application shall be submitted to the City Planner at least fourteen (14) days prior to the public meeting at which it will be presented to the Planning Commission. The applicant shall include the following:

- a. **Fee.** The applicable fee shall be paid to the City Recorder, payable to Alpine City, as set forth in the Alpine City Consolidated Fee Schedule.
- b. **Site Plan.** A site plan meeting the City's standard requirements for site plans.
- c. **Notification Letter.** The applicant shall submit a list of all property owners within five hundred (500) feet of the boundaries of the property where the proposed tower or antenna is to be located. The applicant shall also submit envelopes that have been stamped and addressed to all property owners on the list. The City may require a greater distance if deemed necessary or appropriate. The City shall prepare a notification letter to be sent to the property owners on the list submitted by the applicant to be mailed out at least seven (7) days prior to the public meeting at which the application will be presented to Planning Commission. The letter shall contain the following information:
 - i. Address or location of the proposed tower, co-location, tower modification, etc.
 - ii. Name of the applicant.
 - iii. Type of tower/antenna (e.g. monopole, roof antenna, etc.)
 - iv. Date, time, and place of the public meeting at which the application will be presented to the Planning Commission.
- d. **Sign.** The applicant shall erect a sign of sufficient durability, and print and size quality that is reasonably calculated to give notice to passers-by. The sign shall be posted at least fourteen (14) days prior to the public meeting at which the application will be presented to the Planning Commission. The sign:
 - i. Shall be 4 ft. (H) x 8 ft. (W)
 - ii. Shall not be more than six (6) feet in height from the ground to the highest point of the sign; and
 - iii. Shall be posted five (5) feet inside the property line in a visible location on the property where the tower/antenna is to be located. If the property is located in such a spot that the sign would not be visible from the street, the sign shall be erected in another location close by that will give notice to passers-by, or at Alpine City Hall. The applicant shall be responsible to obtain permission of the property owner to erect the sign. The sign shall include the following information:
 - (1) Address of location of the proposed tower, co-location, tower modification, etc.
 - (2) Type of tower/antenna (e.g. monopole, roof antenna, etc.)
 - (3) Date, time, and place of the public meeting at which the application will be presented to the Planning Commission.
- e. **Written Information.** The following written information shall be submitted:
 - i. **Maintenance.** A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic noise or safety impacts of such maintenance.
 - ii. **Service Area.** A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.
 - iii. **Licenses and Permits.** Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the antenna.
 - iv. **Radio Frequency Emissions.** A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations.
 - v. **Liaison.** The name of a contact person who can respond to questions concerning the application and the proposed facility. Include name, address, telephone number, facsimile number and electronic mail address, if applicable.

2. **Approval Process.** The application and site plan shall be reviewed by the City pursuant to its standard site plan approval process. The City shall process all applications within a reasonable time and shall not unreasonably discriminate among providers of functionally equivalent services. Any decision to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record. The application and site plan will be reviewed by Planning Commission for a recommendation to City Council. The City Council shall review the application and site plan and shall act as the land use authority in approving or denying the application and site plan.

The Planning Commission may, if it deems necessary, require each application to be reviewed independently by a certified radio frequency engineer, licensed to do such work in the State of Utah. The purpose of the review is to determine if other locations are available to achieve an equivalent signal distribution and not significantly affect the operation of the telecommunications facility. Such a review may be required when an applicant indicates that no other acceptable location exists. The costs of an independent review shall be borne by the applicant.

3. Building Permits

- a. **General Requirements.** No tower or antenna support structure shall be constructed until the applicant obtains a building permit from the City. No building permit shall be issued for any project for which a site plan or amended site plan is required, until the site plan or amended site plan has been approved by the appropriate authority. If the design or engineering of the antenna support structure is beyond the expertise of the Building Official, the City may require third party review by an engineer selected by the City prior to the issuance of a building permit. The applicant shall pay an additional fee to cover the cost of the third party review.
- b. **Additional Requirements for New Towers.** If the applicant is constructing a new tower, the applicant shall, if requested by the City, submit a written report from a qualified structural engineer licensed in the State of Utah, documenting the following:
 - i. Height and design of the new tower, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design.
 - ii. Seismic load design and wind load design for the new tower.
 - iii. Total anticipated capacity of the new tower, including number and types of antennas which can be accommodated.
 - iv. Structural failure characteristics of the new tower and a demonstration that the site and setbacks are adequate size to contain debris.
 - v. Soil investigation report, including structural calculations.

(Ord. No. 2006-06, 4/25/06; Amended by Ord. No. 2012-05, 7/10/12; Ord. No. 2014-15, 09/23/14)

3.27.040 Safety

1. Regulation Compliance

- a. **Compliance with FCC and FAA Regulations.** All operators of personal wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the City. Failure to comply with the applicable regulations shall be grounds for revoking a site plan.
 - b. **Other Licenses and Permits.** The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with the jurisdiction over the design, construction, location and operation of the facility to the City, shall maintain such licenses and permits in good standing, and shall provide evidence of renewal or extension thereof upon request by the City.
2. **Protection Against Climbing.** Towers shall be protected against unauthorized climbing by removing the climbing pegs from the lower 20 feet of the towers.
 3. **Fencing.** Towers shall be fully enclosed by a minimum 6-foot tall fence or wall, as directed by the City, unless the City determines that a wall or fence is not needed or appropriate for a particular site due to conditions specific to the site.
 4. **Security Lighting Requirement.** Towers shall comply with the FAA requirements for lighting. The City may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding residential areas shall be minimized by using indirect lighting, where appropriate.
 5. **Emergency.** The City shall have the authority to move or alter a personal wireless services facility in case of emergency. Before taking any such action, the City shall first notify the owner of the facility, if feasible.

(Ord. No. 2006-06, 4/25/06; Amended by Ord. No. 2012-05, 7/10/12; Ord. No. 2014-15, 09/23/14)

3.27.050 Additional Requirements

1. Regulations for Accessory Structures

- a. **Storage Areas and Solid Waste Receptacles.** No outside storage or solid waste receptacles shall be permitted on site.
 - b. **Equipment Enclosures.** All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure.
 - c. **Accessory Buildings.** Freestanding accessory buildings used with a personal wireless services facility shall not exceed 450 square feet and shall comply with the setback requirements for structures in the zone in which the facility is located.
2. **Parking.** The City may require a minimum of one (1) parking stall for sites containing a personal wireless services facility and/or accessory buildings, if there is insufficient parking available on the site.
 3. **Maintenance Requirements.** All personal wireless services facilities shall be maintained in a safe, neat, and attractive manner.
 4. **Landscaping.** A landscaping plan shall be submitted to the Planning Commission who will make a recommendation to the City Council who will approve the landscape plan.
 5. **Site Restoration Upon Abandonment.** All sites shall be restored to the original configuration upon abandonment.
 6. **Fencing.** The City will determine the type of fencing used on wireless telecommunications sites on a case by case basis. In the case of the Rodeo Grounds, the fencing shall match the existing fencing. Fencing will recommend by the Planning Commission and approved by the City Council.
 7. **Color and material standards.** The City shall make an administrative decision as to the color. To the extent the personal wireless services facilities extend above the height of the vegetation immediately surround it, they shall be painted in a nonreflective light gray, light blue or other hue, which blends with the skyline and horizon or a brown to blend in with the surrounding hillside.
 8. **Facility Lighting and Signage Standards.** Facility lighting shall be designed so as to meet but not exceed minimum requirements for security, safety and/or FAA regulations. Lighting of antennas or support structures shall be prohibited unless required by the FAA and no other alternatives are available. In all instances, the lighting shall be designed so as to avoid glare and minimize illumination on adjacent properties. Lighting shall also comply with any applicable City lighting standards.
 9. **Facility Signs.** Signs shall be limited to those needed to identify the numbers to contact in an emergency, public safety warnings, certifications or other required seals. These signs shall also comply with the requirements of the City's sign regulations.
 10. **Utility Lines.** All utility lines serving new cell towers shall be located underground.
 11. **Business License.** Each facility shall be considered as a separate use; and an annual business license shall be required for each facility.

(Ord. No. 2006-06, 4/25/06; Amended by Ord. No. 2012-05, 7/10/12; Ord. No. 2014-15, 09/23/14)

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Voter Participation Areas

FOR CONSIDERATION ON: 17 September 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and recommend approval of the proposed voter participation areas.

BACKGROUND INFORMATION:

House Bill 119 has set forth the following requirement that must be met my January 1, 2020:

(ii) a metro township with a population of 10,000 or more, a city of the third or fourth class, or a county of the third or fourth class shall, no later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or county into four contiguous and compact voter participation areas of substantially equal population.

Ideally voter participation areas would be based on population data from the latest census. However, the most recent census was almost 10 years ago and Alpine City has grown since then (many new subdivision and the annexation of the Cove). Thus, staff has looked at other methods to get a current estimate of the current population.

Ultimately, staff used the building permit records to create an estimate of the current population since these records are updated on a continual basis. Staff used the total number of buildings in each sector of the City to create a population estimate. With an estimated average household size of 4.0 this method matched the U.S. Census Bureau's 2018 population estimate number of approximately 10,504.

See attached map for the proposed 2020 voter participation area boundaries.

STAFF RECOMMENDATION:

Recommend approval of the proposed voter participation areas.

SAMPLE MOTION TO APPROVE:





I motion to approve the voter participation areas as proposed.

SAMPLE MOTION TO DENY:

I motion that the proposed voter participation areas be denied based on the following:

- ***Insert Finding***

Legend

-  Voting Boundary Concept
-  City Boundary
-  Private Open Space
-  Open Space - Public

AREA 1
25%

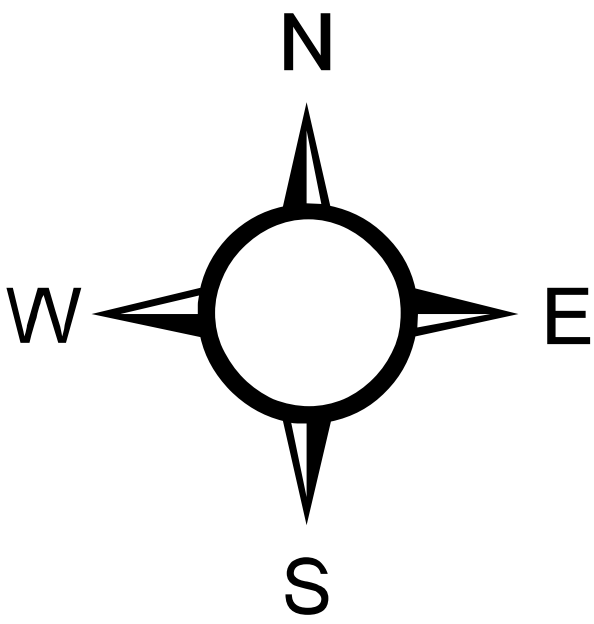
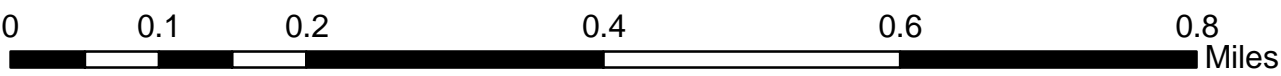
AREA 4
26%

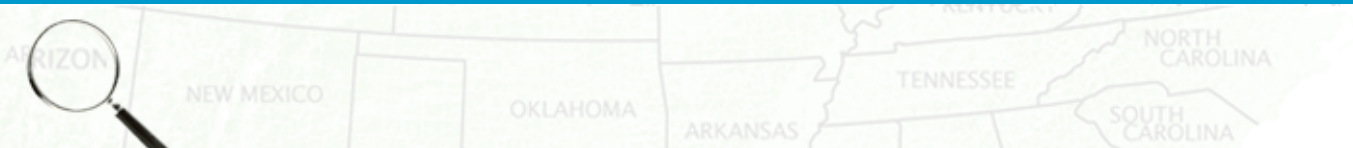
AREA 2
24%

AREA 3
25%



Voting Area Concept





PEPANNRES

Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2018

2018 Population Estimates

Geography	April 1, 2010		Population Estimate (as of July 1)			
	Census	Estimates Base	2010	2011	2012	2013
Alpine city, Utah	9,555	9,768	9,811	9,938	10,042	10,183

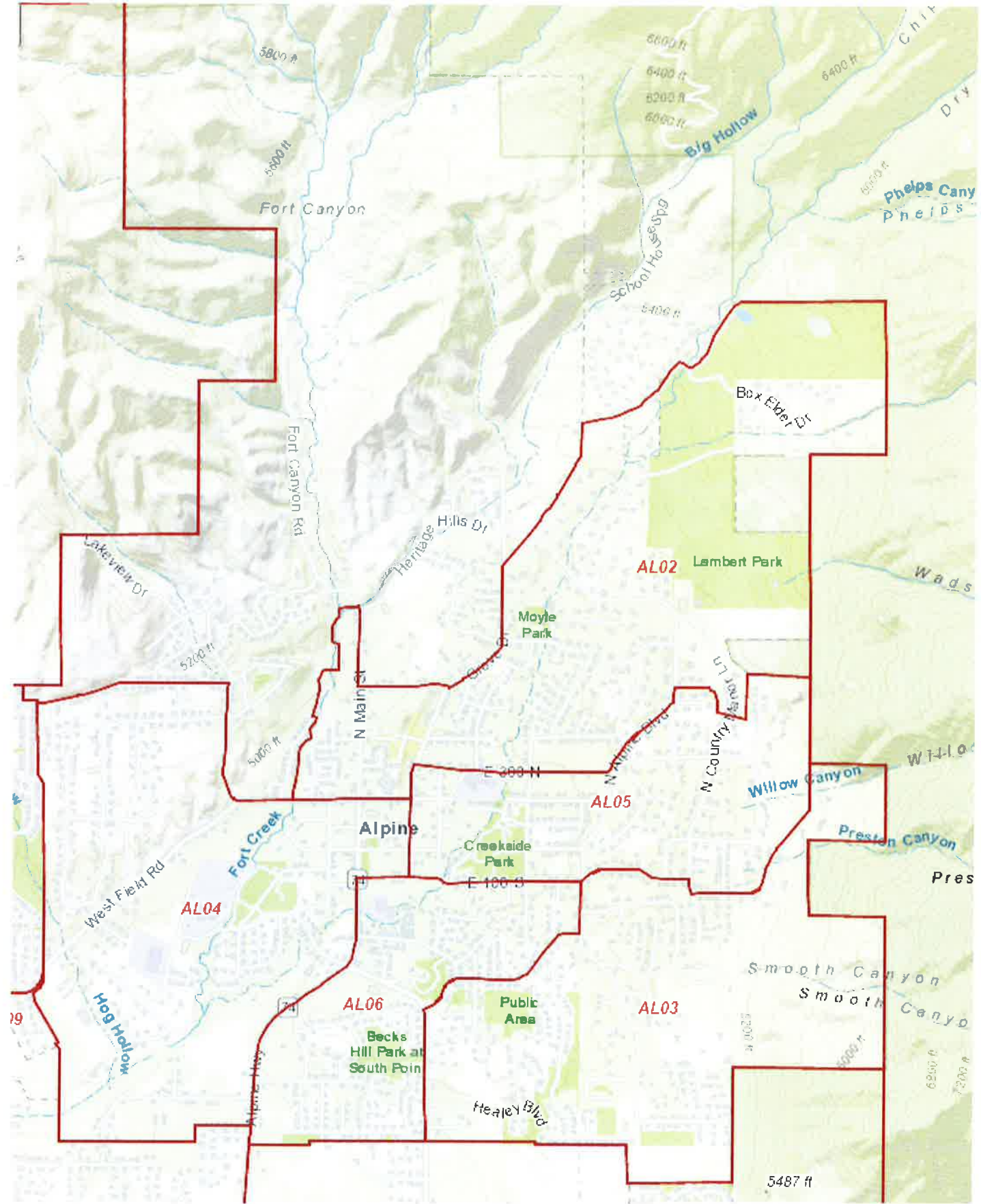
Geography	Population Estimate (as of July 1)				
	2014	2015	2016	2017	2018
Alpine city, Utah	10,286	10,360	10,489	10,539	10,504

Note:

The estimates are based on the 2010 Census and reflect changes to the April 1, 2010 population due to the Count Question Resolution program and geographic program revisions. See Geographic Terms and Definitions at <http://www.census.gov/programs-surveys/popest/guidance-geographies/terms-and-definitions.html> for a list of the states that are included in each region and division. All geographic boundaries for the 2018 population estimates series except statistical area delineations are as of January 1, 2018. The Office of Management and Budget's statistical area delineations for metropolitan, micropolitan, and combined statistical areas, as well as metropolitan divisions, are those issued by that agency in August 2017. An "(X)" in the 2010 Census field indicates a locality that was formed or incorporated after the 2010 Census. Additional information on these localities can be found in the Geographic Boundary Change Notes (see <https://www.census.gov/programs-surveys/geography/technical-documentation/boundary-change-notes.html>). For population estimates methodology statements, see <http://www.census.gov/programs-surveys/popest/technical-documentation/methodology.html>.

The 6,222 people in Bedford city, Virginia, which was an independent city as of the 2010 Census, are not included in the April 1, 2010 Census enumerated population presented in the county estimates. In July 2013, the legal status of Bedford changed from a city to a town and it became dependent within (or part of) Bedford County, Virginia. This population of Bedford town is now included in the April 1, 2010 estimates base and all July 1 estimates for Bedford County. Because it is no longer an independent city, Bedford town is not listed in this table. As a result, the sum of the April 1, 2010 census values for Virginia counties and independent cities does not equal the 2010 Census count for Virginia, and the sum of April 1, 2010 census values for all counties and independent cities in the United States does not equal the 2010 Census count for the United States. Substantial geographic changes to counties can be found on the Census Bureau website at <https://www.census.gov/programs-surveys/geography/technical-documentation/county-changes.html>.

Suggested Citation:
Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2018
Source: U.S. Census Bureau, Population Division
Release Dates: For the United States, regions, divisions, states, and Puerto Rico Commonwealth, December 2018. For counties, municipios, metropolitan statistical areas, micropolitan statistical areas, metropolitan divisions, and combined statistical areas, April 2019. For cities and towns (incorporated places and minor civil divisions), May 2019.



2018 Election

Precinct	Registered Voters	Cards Cast	Voters Cast	% Turnout
AF13:UN	48	29	29	60.42%
AF14	33	24	24	72.73%
AF14:UN	18	10	10	55.56%
AL01	985	693	693	70.36%
AL01:UN	3	2	2	66.67%
AL02	1,002	735	735	73.35%
AL02:UN	0	3	3	N/A
AL03	1,145	834	834	72.84%
AL04	1,221	839	839	68.71%
AL05	866	616	616	71.13%
AL06	950	697	697	73.37%
CF01	239	154	154	64.44%
CH01	788	553	553	70.18%
CH02	1,031	728	728	70.61%
CH02:UN	0	0	0	N/A
CH03	1,151	802	802	69.68%
CH04	1,200	862	862	71.83%
CH05	1,021	752	752	73.65%
DR01	1,359	968	968	71.23%
EM01	1,416	920	920	64.97%
EM02	1,635	1,076	1,076	65.81%
EM03	1,670	1,084	1,084	64.91%
EM04	1,539	1,038	1,038	67.45%
EM05	1,571	1,022	1,022	65.05%
EM06	1,687	1,107	1,107	65.62%
EM07	1,190	778	778	65.38%
EM08	1,620	1,024	1,024	63.21%
EM09	196	120	120	61.22%
ER01	1,292	984	984	76.16%
ER01S	7	5	5	71.43%
ER02	704	533	533	75.71%
ER02:UN	0	0	0	N/A
FF01	80	58	58	72.50%
GE01	677	508	508	75.04%
GO01	194	134	134	69.07%
GO02	201	142	142	70.65%

The following information is taken from the returns of the General Election held November 7, 2017 at Alpine City, Utah	Alpine City Election Returns 2017 Official Canvass for the General Municipal Election									
	Precinct AL01	Precinct AL02	Precinct AL03	Precinct AL04	Precinct AL05	Precinct AL06	Total	Votes Cast	Percent Ballots cast	
	Total # of Registered Voters	927	967	1,094	1,150	813	923	5,874		
	# of Ballots Cast	521	541	595	531	453	449	3,090	3,090	52.60%
	Mayoral Candidates									
	*Troy Stout	280	300	375	208	256	187	1,606		
	Sheldon Wimmer	234	240	213	316	189	253	1,445		
	City Council Candidates (2 seats)									
	Judi Pickell	311	270	278	279	159	269	1,566		
*Steve Cosper	231	298	373	281	329	264	1,776			
*Carla Merrill	299	311	305	299	249	199	1,662			
Total votes from each precinct	841	879	956	859	737	732	5,004			
Percentage turnout by precinct	56.20%	55.95%	54.39%	46.17%	55.72%	48.65%				
Provisional ballots	97 Provisional ballots were cast. 94 were counted. 3 voters were not registered.									
*Candidates that were elected										
VOTER TURNOUT 52.60 %										

Signed _____
Charmayne G. Warnock, Election Official



QT-P11

Households and Families: 2010

2010 Census Summary File 1

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

Geography: Alpine city, Utah

Subject	Number	Percent
HOUSEHOLD TYPE		
Total households	2,389	100.0
Family households [1]	2,171	90.9
Male householder	1,902	79.6
Female householder	269	11.3
Nonfamily households [2]	218	9.1
Male householder	78	3.3
Living alone	69	2.9
Female householder	140	5.9
Living alone	128	5.4
HOUSEHOLD SIZE		
Total households	2,389	100.0
1-person household	197	8.2
2-person household	577	24.2
3-person household	314	13.1
4-person household	334	14.0
5-person household	364	15.2
6-person household	322	13.5
7-or-more-person household	281	11.8
Average household size	4.00	(X)
Average family size	4.24	(X)
FAMILY TYPE AND PRESENCE OF RELATED AND OWN CHILDREN		
Families [3]	2,171	100.0
With related children under 18 years	1,340	61.7
With own children under 18 years	1,256	57.9
Under 6 years only	92	4.2
Under 6 and 6 to 17 years	345	15.9
6 to 17 years only	819	37.7
Husband-wife families	1,997	100.0
With related children under 18 years	1,219	61.0
With own children under 18 years	1,161	58.1
Under 6 years only	85	4.3
Under 6 and 6 to 17 years	326	16.3
6 to 17 years only	750	37.6
Female householder, no husband present families	130	100.0
With related children under 18 years	97	74.6
With own children under 18 years	77	59.2

Subject	Number	Percent
Under 6 years only	5	3.8
Under 6 and 6 to 17 years	13	10.0
6 to 17 years only	59	45.4

X Not applicable.

[1] A household that has at least one member of the household related to the householder by birth, marriage, or adoption is a "Family household." Same-sex couple households are included in the family households category if there is at least one additional person related to the householder by birth or adoption. Same-sex couple households with no relatives of the householder present are tabulated in nonfamily households. Responses of "same-sex spouse" were edited during processing to "unmarried partner."

[2] "Nonfamily households" consist of people living alone and households which do not have any members related to the householder.

[3] "Families" consist of a householder and one or more other people related to the householder by birth, marriage, or adoption. They do not include same-sex married couples even if the marriage was performed in a state issuing marriage certificates for same-sex couples. Same-sex couples are included in the families category if there is at least one additional person related to the householder by birth or adoption. Responses of "same-sex spouse" were edited during processing to "unmarried partner." Same-sex couple households with no relatives of the householder present are tabulated in nonfamily households.

Source: U.S. Census Bureau, 2010 Census.

Summary File 1, Tables P17, P18, P28, P29, P37, P38, and P39.



DP-1

Profile of General Population and Housing Characteristics: 2010

2010 Demographic Profile Data

NOTE: For more information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/dpsf.pdf>.

Geography: Alpine city, Utah

Subject	Number	Percent
SEX AND AGE		
Total population	9,555	100.0
Under 5 years	661	6.9
5 to 9 years	973	10.2
10 to 14 years	1,266	13.2
15 to 19 years	1,217	12.7
20 to 24 years	550	5.8
25 to 29 years	396	4.1
30 to 34 years	338	3.5
35 to 39 years	458	4.8
40 to 44 years	686	7.2
45 to 49 years	727	7.6
50 to 54 years	655	6.9
55 to 59 years	468	4.9
60 to 64 years	346	3.6
65 to 69 years	265	2.8
70 to 74 years	185	1.9
75 to 79 years	168	1.8
80 to 84 years	101	1.1
85 years and over	95	1.0
Median age (years)	26.0	(X)
16 years and over	6,369	66.7
18 years and over	5,820	60.9
21 years and over	5,325	55.7
62 years and over	998	10.4
65 years and over	814	8.5
Male population	4,783	50.1
Under 5 years	324	3.4
5 to 9 years	498	5.2
10 to 14 years	635	6.6
15 to 19 years	624	6.5
20 to 24 years	299	3.1
25 to 29 years	216	2.3
30 to 34 years	152	1.6
35 to 39 years	204	2.1
40 to 44 years	327	3.4
45 to 49 years	357	3.7
50 to 54 years	341	3.6
55 to 59 years	233	2.4
60 to 64 years	180	1.9

Subject	Number	Percent
65 to 69 years	128	1.3
70 to 74 years	98	1.0
75 to 79 years	76	0.8
80 to 84 years	50	0.5
85 years and over	41	0.4
Median age (years)	25.2	(X)
16 years and over	3,173	33.2
18 years and over	2,907	30.4
21 years and over	2,655	27.8
62 years and over	487	5.1
65 years and over	393	4.1
Female population	4,772	49.9
Under 5 years	337	3.5
5 to 9 years	475	5.0
10 to 14 years	631	6.6
15 to 19 years	593	6.2
20 to 24 years	251	2.6
25 to 29 years	180	1.9
30 to 34 years	186	1.9
35 to 39 years	254	2.7
40 to 44 years	359	3.8
45 to 49 years	370	3.9
50 to 54 years	314	3.3
55 to 59 years	235	2.5
60 to 64 years	166	1.7
65 to 69 years	137	1.4
70 to 74 years	87	0.9
75 to 79 years	92	1.0
80 to 84 years	51	0.5
85 years and over	54	0.6
Median age (years)	27.5	(X)
16 years and over	3,196	33.4
18 years and over	2,913	30.5
21 years and over	2,670	27.9
62 years and over	511	5.3
65 years and over	421	4.4
RACE		
Total population	9,555	100.0
One Race	9,382	98.2
White	9,144	95.7
Black or African American	57	0.6
American Indian and Alaska Native	22	0.2
Asian	87	0.9
Asian Indian	17	0.2
Chinese	23	0.2
Filipino	9	0.1
Japanese	11	0.1
Korean	19	0.2
Vietnamese	0	0.0
Other Asian [1]	8	0.1
Native Hawaiian and Other Pacific Islander	13	0.1
Native Hawaiian	2	0.0
Guamanian or Chamorro	1	0.0
Samoan	6	0.1

Subject	Number	Percent
Other Pacific Islander [2]	4	0.0
Some Other Race	59	0.6
Two or More Races	173	1.8
White; American Indian and Alaska Native [3]	32	0.3
White; Asian [3]	45	0.5
White; Black or African American [3]	27	0.3
White; Some Other Race [3]	22	0.2
Race alone or in combination with one or more other races: [4]		
White	9,307	97.4
Black or African American	89	0.9
American Indian and Alaska Native	57	0.6
Asian	150	1.6
Native Hawaiian and Other Pacific Islander	55	0.6
Some Other Race	85	0.9
HISPANIC OR LATINO		
Total population	9,555	100.0
Hispanic or Latino (of any race)	232	2.4
Mexican	135	1.4
Puerto Rican	8	0.1
Cuban	2	0.0
Other Hispanic or Latino [5]	87	0.9
Not Hispanic or Latino	9,323	97.6
HISPANIC OR LATINO AND RACE		
Total population	9,555	100.0
Hispanic or Latino	232	2.4
White alone	149	1.6
Black or African American alone	1	0.0
American Indian and Alaska Native alone	2	0.0
Asian alone	0	0.0
Native Hawaiian and Other Pacific Islander alone	0	0.0
Some Other Race alone	48	0.5
Two or More Races	32	0.3
Not Hispanic or Latino	9,323	97.6
White alone	8,995	94.1
Black or African American alone	56	0.6
American Indian and Alaska Native alone	20	0.2
Asian alone	87	0.9
Native Hawaiian and Other Pacific Islander alone	13	0.1
Some Other Race alone	11	0.1
Two or More Races	141	1.5
RELATIONSHIP		
Total population	9,555	100.0
In households	9,555	100.0
Householder	2,389	25.0
Spouse [6]	1,997	20.9
Child	4,547	47.6
Own child under 18 years	3,496	36.6
Other relatives	485	5.1
Under 18 years	206	2.2
65 years and over	63	0.7
Nonrelatives	137	1.4
Under 18 years	33	0.3
65 years and over	4	0.0
Unmarried partner	19	0.2
In group quarters	0	0.0

Subject	Number	Percent
Institutionalized population	0	0.0
Male	0	0.0
Female	0	0.0
Noninstitutionalized population	0	0.0
Male	0	0.0
Female	0	0.0
HOUSEHOLDS BY TYPE		
Total households	2,389	100.0
Family households (families) [7]	2,171	90.9
With own children under 18 years	1,256	52.6
Husband-wife family	1,997	83.6
With own children under 18 years	1,161	48.6
Male householder, no wife present	44	1.8
With own children under 18 years	18	0.8
Female householder, no husband present	130	5.4
With own children under 18 years	77	3.2
Nonfamily households [7]	218	9.1
Householder living alone	197	8.2
Male	69	2.9
65 years and over	29	1.2
Female	128	5.4
65 years and over	86	3.6
Households with individuals under 18 years	1,351	56.6
Households with individuals 65 years and over	536	22.4
Average household size	4.00	(X)
Average family size [7]	4.24	(X)
HOUSING OCCUPANCY		
Total housing units	2,529	100.0
Occupied housing units	2,389	94.5
Vacant housing units	140	5.5
For rent	13	0.5
Rented, not occupied	4	0.2
For sale only	27	1.1
Sold, not occupied	8	0.3
For seasonal, recreational, or occasional use	39	1.5
All other vacants	49	1.9
Homeowner vacancy rate (percent) [8]	1.3	(X)
Rental vacancy rate (percent) [9]	3.2	(X)
HOUSING TENURE		
Occupied housing units	2,389	100.0
Owner-occupied housing units	1,997	83.6
Population in owner-occupied housing units	8,329	(X)
Average household size of owner-occupied units	4.17	(X)
Renter-occupied housing units	392	16.4
Population in renter-occupied housing units	1,226	(X)
Average household size of renter-occupied units	3.13	(X)

X Not applicable.

[1] Other Asian alone, or two or more Asian categories.

[2] Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

[3] One of the four most commonly reported multiple-race combinations nationwide in Census 2000.

[4] In combination with one or more of the other races listed. The six numbers may add to more than the total population, and the six

percentages may add to more than 100 percent because individuals may report more than one race.

[5] This category is composed of people whose origins are from the Dominican Republic, Spain, and Spanish-speaking Central or South American countries. It also includes general origin responses such as "Latino" or "Hispanic."

[6] "Spouse" represents spouse of the householder. It does not reflect all spouses in a household. Responses of "same-sex spouse" were edited during processing to "unmarried partner."

[7] "Family households" consist of a householder and one or more other people related to the householder by birth, marriage, or adoption. They do not include same-sex married couples even if the marriage was performed in a state issuing marriage certificates for same-sex couples. Same-sex couple households are included in the family households category if there is at least one additional person related to the householder by birth or adoption. Same-sex couple households with no relatives of the householder present are tabulated in nonfamily households. "Nonfamily households" consist of people living alone and households which do not have any members related to the householder.

[8] The homeowner vacancy rate is the proportion of the homeowner inventory that is vacant "for sale." It is computed by dividing the total number of vacant units "for sale only" by the sum of owner-occupied units, vacant units that are "for sale only," and vacant units that have been sold but not yet occupied; and then multiplying by 100.

[9] The rental vacancy rate is the proportion of the rental inventory that is vacant "for rent." It is computed by dividing the total number of vacant units "for rent" by the sum of the renter-occupied units, vacant units that are "for rent," and vacant units that have been rented but not yet occupied; and then multiplying by 100.

Source: U.S. Census Bureau, 2010 Census.

**INITIATIVES, REFERENDA, AND OTHER POLITICAL
ACTIVITIES**

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad M. Daw

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions of the Election Code relating to initiatives, referenda, and political activities of public entities.

Highlighted Provisions:

This bill:

- defines terms;
- provides for the publication of a proposition information pamphlet to inform voters of arguments for and against proposed and pending local initiatives and referenda;
- amends provisions relating to a local voter information pamphlet;
- enacts provisions for holding a public hearing to discuss and present arguments relating to a proposed or pending local initiative or referendum;
- requires the lieutenant governor to create instructional materials regarding local initiatives and referenda;
- modifies requirements relating to local initiatives and referenda, including:
 - petition, petition circulation, and petition signature requirements;
 - timelines; and
 - appeals and other challenges;
- enacts provisions relating to determining whether a proposed local initiative or referendum is legally referable to voters;
- amends provisions regarding the use of email, and the expenditure of public funds, for political purposes relating to proposed and pending initiatives and referenda;

- 30 ▶ requires certain municipalities to establish voter participation areas;
- 31 ▶ modifies signature requirements for a local initiative or referendum;
- 32 ▶ establishes procedures and requirements relating to a referendum for a local land
- 33 use law;
- 34 ▶ modifies a referendum petition and signature sheets for a local referendum;
- 35 ▶ amends provisions relating to unlawful verification of a local referendum packet;
- 36 ▶ modifies signature submission requirements, and signature removal procedures and
- 37 requirements, relating to a local referendum;
- 38 ▶ amends provisions regarding the use of email, and the expenditure of public funds,
- 39 for political purposes relating to proposed and pending local initiatives and
- 40 referenda;
- 41 ▶ regulates the dissemination of information regarding a proposed or pending
- 42 initiative or referendum by a county or municipality; and
- 43 ▶ makes technical and conforming amendments.

44 Money Appropriated in this Bill:

45 None

46 Other Special Clauses:

47 This bill provides revisor instructions.

48 This bill provides a coordination clause.

49 Utah Code Sections Affected:**50 AMENDS:**

51 **11-14-301**, as last amended by Laws of Utah 2018, Chapter 284

52 **20A-7-101**, as last amended by Laws of Utah 2017, Chapter 291

53 **20A-7-402**, as last amended by Laws of Utah 2017, Chapters 91, 147, and 291

54 **20A-7-501**, as last amended by Laws of Utah 2016, Chapter 176

55 **20A-7-502**, as last amended by Laws of Utah 2017, Chapter 291

56 **20A-7-502.5**, as last amended by Laws of Utah 2017, Chapter 291

57 **20A-7-504**, as last amended by Laws of Utah 2016, Chapter 365

58 **20A-7-505**, as last amended by Laws of Utah 2012, Chapter 72
59 **20A-7-506**, as last amended by Laws of Utah 2012, Chapter 72
60 **20A-7-506.3**, as last amended by Laws of Utah 2011, Chapter 17
61 **20A-7-507**, as last amended by Laws of Utah 2011, Chapter 17
62 **20A-7-508**, as last amended by Laws of Utah 2017, Chapter 291
63 **20A-7-509**, as last amended by Laws of Utah 2009, Chapter 202
64 **20A-7-510**, as last amended by Laws of Utah 2010, Chapter 367
65 **20A-7-512**, as last amended by Laws of Utah 2013, Chapter 253
66 **20A-7-513**, as last amended by Laws of Utah 2017, Chapter 291
67 **20A-7-601**, as last amended by Laws of Utah 2016, Chapter 365
68 **20A-7-602**, as last amended by Laws of Utah 2016, Chapter 365
69 **20A-7-602.5**, as enacted by Laws of Utah 2014, Chapter 364
70 **20A-7-603**, as last amended by Laws of Utah 2016, Chapter 365
71 **20A-7-604**, as last amended by Laws of Utah 2016, Chapter 365
72 **20A-7-605**, as last amended by Laws of Utah 2012, Chapter 72
73 **20A-7-606.3**, as last amended by Laws of Utah 2011, Chapter 17
74 **20A-7-607**, as last amended by Laws of Utah 2014, Chapter 396
75 **20A-7-608**, as last amended by Laws of Utah 2008, Chapter 315
76 **20A-7-609.5**, as enacted by Laws of Utah 2014, Chapter 396
77 **20A-7-610**, as last amended by Laws of Utah 2010, Chapter 367
78 **20A-7-612**, as last amended by Laws of Utah 2001, Chapter 20
79 **20A-7-613**, as last amended by Laws of Utah 2016, Chapters 350, 365, and 367
80 **20A-11-1202**, as last amended by Laws of Utah 2017, Chapter 68
81 **20A-11-1203**, as last amended by Laws of Utah 2015, Chapter 435
82 **20A-11-1205**, as last amended by Laws of Utah 2018, Chapter 44
83 **20A-11-1206**, as enacted by Laws of Utah 2015, Chapter 435
84 **63I-2-220**, as last amended by Laws of Utah 2018, Chapters 187 and 458

85 ENACTS:

86 **20A-7-401.3**, Utah Code Annotated 1953

87 **20A-7-401.5**, Utah Code Annotated 1953

88 **20A-7-405**, Utah Code Annotated 1953

89 **20A-7-406**, Utah Code Annotated 1953

90 **20A-7-407**, Utah Code Annotated 1953

91 **20A-7-502.7**, Utah Code Annotated 1953

92 **20A-7-602.7**, Utah Code Annotated 1953

93 **20A-7-602.8**, Utah Code Annotated 1953

94 **Utah Code Sections Affected by Revisor Instructions:**

95 **20A-7-407**, Utah Code Annotated 1953

96 **Utah Code Sections Affected by Coordination Clause:**

97 **20A-7-402**, as last amended by Laws of Utah 2017, Chapters 91, 147, and 291

98

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

100 Section 1. Section **11-14-301** is amended to read:

101 **11-14-301. Issuance of bonds by governing body -- Computation of indebtedness**
102 **under constitutional and statutory limitations.**

103 (1) If the governing body has declared the bond proposition to have carried and no
104 contest has been filed, or if a contest has been filed and favorably terminated, the governing
105 body may proceed to issue the bonds voted at the election.

106 (2) (a) It is not necessary that all of the bonds be issued at one time, but, except as
107 otherwise provided in this Subsection (2), bonds approved by the voters may not be issued
108 more than 10 years after the day on which the election is held.

109 (b) The 10-year period described in Subsection (2)(a) is tolled if, at any time during the
110 10-year period:

111 (i) an application for a referendum petition is filed with a local clerk, in accordance
112 with Section **20A-7-602** [~~and Subsection 20A-7-601(3)(a)~~], with respect to the local obligation
113 law relating to the bonds; or

(ii) the bonds are challenged in a court of law or an administrative proceeding in relation to:

(A) the legality or validity of the bonds, or the election or proceedings authorizing the bonds;

(B) the authority of the local political subdivision to issue the bonds;

(C) the provisions made for the security or payment of the bonds; or

(D) any other issue that materially and adversely affects the marketability of the bonds, as determined by the individual or body that holds the executive powers of the local political subdivision.

(c) ~~[A]~~ For a bond described in this section that is approved by voters on or after May 8, 2002, but before May 14, 2019, a tolling period described in Subsection (2)(b)(i) ends on the later of the day on which:

(i) the local clerk determines that the petition is insufficient, in accordance with Subsection [20A-7-607\(2\)\(c\)](#), unless an application, described in Subsection [20A-7-607\(4\)\(a\)](#), is made to ~~[the Supreme Court]~~ a court;

(ii) ~~[the Supreme Court]~~ a court determines, under Subsection [20A-7-607\(4\)\(c\)](#), that the petition for the referendum is not legally sufficient; or

(iii) for a referendum petition that is sufficient, the governing body declares, as provided by law, the results of the referendum election on the local obligation law.

(d) For a bond described in this section that was approved by voters on or after May 14, 2019, a tolling period described in Subsection (2)(b)(i) ends:

(i) if a county, city, town, metro township, or court determines, under Section [20A-7-602.7](#), that the proposed referendum is not legally referable to voters, the later of:

(A) the day on which the county, city, town, or metro township provides the notice described in Subsection [20A-7-602.7\(1\)\(b\)\(ii\)](#); or

(B) if a sponsor appeals, under Subsection [20A-7-602.7\(4\)](#), the day on which a court decision that the proposed referendum is not legally referable to voters becomes final; or

(ii) if a county, city, town, metro township, or court determines, under Section

142 20A-7-602.7, that the proposed referendum is legally referable to voters, the later of:

143 (A) the day on which the local clerk determines, under Section 20A-7-607, that the
144 number of certified names is insufficient for the proposed referendum to appear on the ballot;

145 or

146 (B) if the local clerk determines, under Section 20A-7-607, that the number of certified
147 names is sufficient for the proposed referendum to appear on the ballot, the day on which the
148 governing body declares, as provided by law, the results of the referendum election on the local
149 obligation law.

150 ~~[(d)]~~ (e) A tolling period described in Subsection (2)(b)(ii) ends after:

151 (i) there is a final settlement, a final adjudication, or another type of final resolution of
152 all challenges described in Subsection (2)(b)(ii); and

153 (ii) the individual or body that holds the executive powers of the local political
154 subdivision issues a document indicating that all challenges described in Subsection (2)(b)(ii)
155 are resolved and final.

156 ~~[(e)]~~ (f) If the 10-year period described in Subsection (2)(a) is tolled under this
157 Subsection (2) and, when the tolling ends and after giving effect to the tolling, the period of
158 time remaining to issue the bonds is less than one year, the period of time remaining to issue
159 the bonds shall be extended to one year.

160 ~~[(f)]~~ (g) The tolling provisions described in this Subsection (2) apply to all bonds
161 described in this section that were approved by voters on or after May 8, 2002.

162 (3) (a) Bonds approved by the voters may not be issued to an amount that will cause
163 the indebtedness of the local political subdivision to exceed that permitted by the Utah
164 Constitution or statutes.

165 (b) In computing the amount of indebtedness that may be incurred pursuant to
166 constitutional and statutory limitations, the constitutionally or statutorily permitted percentage,
167 as the case may be, shall be applied to the fair market value, as defined under Section 59-2-102,
168 of the taxable property in the local political subdivision, as computed from the last applicable
169 equalized assessment roll before the incurring of the additional indebtedness.

(c) In determining the fair market value of the taxable property in the local political subdivision as provided in this section, the value of all tax equivalent property, as defined in Section 59-3-102, shall be included as a part of the total fair market value of taxable property in the local political subdivision, as provided in Title 59, Chapter 3, Tax Equivalent Property Act.

(4) Bonds of improvement districts issued in a manner that they are payable solely from the revenues to be derived from the operation of the facilities of the district may not be included as bonded indebtedness for the purposes of the computation.

(5) Where bonds are issued by a city, town, or county payable solely from revenues derived from the operation of revenue-producing facilities of the city, town, or county, or payable solely from a special fund into which are deposited excise taxes levied and collected by the city, town, or county, or excise taxes levied by the state and rebated pursuant to law to the city, town, or county, or any combination of those excise taxes, the bonds shall be included as bonded indebtedness of the city, town, or county only to the extent required by the Utah Constitution, and any bonds not so required to be included as bonded indebtedness of the city, town, or county need not be authorized at an election, except as otherwise provided by the Utah Constitution, the bonds being hereby expressly excluded from the election requirement of Section 11-14-201.

(6) A bond election is not void when the amount of bonds authorized at the election exceeded the limitation applicable to the local political subdivision at the time of holding the election, but the bonds may be issued from time to time in an amount within the applicable limitation at the time the bonds are issued.

(7) (a) A local political subdivision may not receive, from the issuance of bonds approved by the voters at an election, an aggregate amount that exceeds by more than 2% the maximum principal amount stated in the bond proposition.

(b) The provision in Subsection (7)(a) applies to bonds issued pursuant to an election held after January 1, 2019.

Section 2. Section 20A-7-101 is amended to read:

20A-7-101. Definitions.

As used in this chapter:

(1) "Budget officer" means:

(a) for a county, the person designated as budget officer in Section 17-19a-203;

(b) for a city, the person designated as budget officer in Subsection 10-6-106(5);

(c) for a town, the town council; or

(d) for a metro township, the person described in Subsection (1)(a) for the county in which the metro township is located.

(2) "Certified" means that the county clerk has acknowledged a signature as being the signature of a registered voter.

(3) "Circulation" means the process of submitting an initiative or referendum petition to legal voters for their signature.

(4) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or town that is holding an election on a ballot proposition.

(5) "Final fiscal impact statement" means a financial statement prepared after voters approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or 20A-7-502.5(2).

(6) "Initial fiscal impact estimate" means:

(a) a financial statement prepared under Section 20A-7-202.5 after the filing of an application for an initiative petition; or

(b) a financial and legal statement prepared under Section 20A-7-502.5 or 20A-7-602.5 for an initiative or referendum petition.

(7) "Initiative" means a new law proposed for adoption by the public as provided in this chapter.

(8) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law, and the signature sheets, all of which have been bound together as a unit.

(9) (a) "Land use law" means a law of general applicability, enacted based on the weighing of broad, competing policy considerations, that relates to the use of land, including

land use regulation, a general plan, a land use development code, an annexation ordinance, or a comprehensive zoning ordinance or resolution.

(b) "Land use law" does not include a land use decision, as defined in Section 10-9a-103 or 17-27a-103.

~~[(9)]~~ (10) "Legal signatures" means the number of signatures of legal voters that:

(a) meet the numerical requirements of this chapter; and

(b) have been obtained, certified, and verified as provided in this chapter.

~~[(10)]~~ (11) "Legal voter" means a person who:

(a) is registered to vote; or

(b) becomes registered to vote before the county clerk certifies the signatures on an initiative or referendum petition.

(12) "Legally referable to voters" means:

(a) for a proposed local initiative, that the proposed local initiative is legally referable to voters under Section 20A-7-502.7; or

(b) for a proposed local referendum, that the proposed local referendum is legally referable to voters under Section 20A-7-602.7.

~~[(11)]~~ (13) "Local attorney" means the county attorney, city attorney, or town attorney in whose jurisdiction a local initiative or referendum petition is circulated.

~~[(12)]~~ (14) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction a local initiative or referendum petition is circulated.

~~[(13)]~~ (15) (a) "Local law" includes:

(i) an ordinance;

(ii) a resolution;

~~[(iii) a master plan;]~~

~~[(iv) a comprehensive zoning regulation adopted by ordinance or resolution; or]~~

(iii) a land use law; or

~~[(v)]~~ (iv) other legislative action of a local legislative body.

(b) "Local law" does not include an individual property zoning decision.

[~~(14)~~] (16) "Local legislative body" means the legislative body of a county, city, town, or metro township.

[~~(15)~~] (17) "Local obligation law" means a local law passed by the local legislative body regarding a bond that was approved by a majority of qualified voters in an election.

[~~(16)~~] (18) "Local tax law" means a law, passed by a political subdivision with an annual or biannual calendar fiscal year, that increases a tax or imposes a new tax.

[~~(17)~~] (19) "Measure" means a proposed constitutional amendment, an initiative, or referendum.

[~~(18)~~] (20) "Referendum" means a process by which a law passed by the Legislature or by a local legislative body is submitted or referred to the voters for their approval or rejection.

[~~(19)~~] (21) "Referendum packet" means a copy of the referendum petition, a copy of the law being submitted or referred to the voters for their approval or rejection, and the signature sheets, all of which have been bound together as a unit.

[~~(20)~~] (22) (a) "Signature" means a holographic signature.

(b) "Signature" does not mean an electronic signature.

[~~(21)~~] (23) "Signature sheets" means sheets in the form required by this chapter that are used to collect signatures in support of an initiative or referendum.

(24) "Special local ballot proposition" means a local ballot proposition that is not a standard local ballot proposition.

[~~(22)~~] (25) "Sponsors" means the legal voters who support the initiative or referendum and who sign the application for petition copies.

(26) (a) "Standard local ballot proposition" means a local ballot proposition for an initiative or a referendum.

(b) "Standard local ballot proposition" does not include a property tax referendum described in Section [20A-7-613](#).

[~~(23)~~] (27) "Sufficient" means that the signatures submitted in support of an initiative or referendum petition have been certified and verified as required by this chapter.

[~~(24)~~] (28) "Tax percentage difference" means the difference between the tax rate

proposed by an initiative or an initiative petition and the current tax rate.

~~[(25)]~~ (29) "Tax percentage increase" means a number calculated by dividing the tax percentage difference by the current tax rate and rounding the result to the nearest thousandth.

~~[(26)]~~ (30) "Verified" means acknowledged by the person circulating the petition as required in Sections 20A-7-205 and 20A-7-305.

Section 3. Section 20A-7-401.3 is enacted to read:

20A-7-401.3. Voter participation areas.

(1) (a) Except as provided in Subsection (2):

(i) a metro township with a population of 65,000 or more, a city of the first or second class, or a county of the first or second class shall, no later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or county into eight contiguous and compact voter participation areas of substantially equal population; and

(ii) a metro township with a population of 10,000 or more, a city of the third or fourth class, or a county of the third or fourth class shall, no later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or county into four contiguous and compact voter participation areas of substantially equal population.

(b) A metro township, city, or county shall use the voter participation areas described in Subsection (1)(a) or (2)(b) for the purpose described in Sections 20A-7-501 and 20A-7-601.

(2) (a) This section does not apply to a metro township with a population of less than 10,000, a county of the fifth or sixth class, a city of the fifth class, or a town.

(b) A metro township, city, or county that has established council districts that are not at-large districts may, regardless of the number of council districts that are not at-large districts, use the council districts as voter participation areas under this section.

Section 4. Section 20A-7-401.5 is enacted to read:

20A-7-401.5. Proposition information pamphlet.

(1) (a) (i) Within 15 days after the day on which an eligible voter files an application to

310 circulate an initiative petition under Section 20A-7-502 or an application to circulate a
311 referendum petition under Section 20A-7-602:

312 (A) the sponsors of the proposed initiative or referendum may submit a written
313 argument in favor of the proposed initiative or referendum to the election officer of the county
314 or municipality to which the petition relates; and

315 (B) the county or municipality to which the application relates may submit a written
316 argument in favor of, or against, the proposed initiative or referendum to the county's or
317 municipality's election officer.

318 (ii) If a county or municipality submits more than one written argument under
319 Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving
320 preference to a written argument submitted by a member of a local legislative body if a
321 majority of the local legislative body supports the written argument.

322 (b) Within one business day after the day on which an election officer receives an
323 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the
324 argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as
325 applicable.

326 (c) Within one business day after the date on which an election officer receives an
327 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the
328 argument to the first three sponsors of the proposed initiative or referendum described in
329 Subsection (1)(a)(i)(A).

330 (d) The sponsors of the proposed initiative or referendum may submit a revised version
331 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the
332 county or municipality to which the petition relates within 20 days after the day on which the
333 eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or
334 an application to circulate a referendum petition under Section 20A-7-602.

335 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by
336 a county or municipality may submit a revised version of the written argument to the county's
337 or municipality's election officer within 20 days after the day on which the eligible voter files

an application to circulate an initiative petition under Section [20A-7-502](#) or an application to circulate a referendum petition under Section [20A-7-602](#).

(2) (a) A written argument described in Subsection (1) may not exceed 500 words.

(b) Except as provided in Subsection (2)(c), a person may not modify a written argument described in Subsection (1)(d) or (e) after the written argument is submitted to the election officer.

(c) The election officer and the person that submits the written argument described in Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

(i) correct factual, grammatical, or spelling errors; or

(ii) reduce the number of words to come into compliance with Subsection (2)(a).

(d) An election officer shall refuse to include a written argument in the proposition information pamphlet described in this section if the person who submits the argument:

(i) fails to negotiate, in good faith, to modify the argument in accordance with Subsection (2)(c); or

(ii) does not timely submit the written argument to the election officer.

(e) An election officer shall make a good faith effort to negotiate a modification described in Subsection (2)(c) in an expedited manner.

(3) An election officer who receives a written argument described in Subsection (1) shall prepare a proposition information pamphlet for publication that includes:

(a) a copy of the application for the proposed initiative or referendum;

(b) except as provided in Subsection (2)(d), immediately after the copy described in Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or referendum, if any;

(c) except as provided in Subsection (2)(d), immediately after the argument described in Subsection (3)(b), the argument prepared by the county or municipality, if any; and

(d) a copy of the initial fiscal impact statement and legal impact statement described in Section [20A-7-502.5](#) or [20A-7-602.5](#).

(4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,

Chapter 2, Government Records Access and Management Act, until the earlier of when the election officer:

(i) complies with Subsection (4)(b); or

(ii) publishes the proposition information pamphlet under Subsection (5) or (6).

(b) Within 21 days after the day on which the eligible voter files an application to circulate an initiative petition under Section 20A-7-502, or an application to circulate a referendum petition under Section 20A-7-602, the election officer shall provide a copy of the proposition information pamphlet to the sponsors of the initiative or referendum and each individual who submitted an argument included in the proposition information pamphlet.

(5) An election officer for a municipality shall publish the proposition information pamphlet as follows:

(a) within the later of 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification:

(i) by sending the proposition information pamphlet electronically to each individual in the municipality for whom the municipality has an email address, unless the individual has indicated that the municipality is prohibited from using the individual's email address for that purpose; and

(ii) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63F-1-701, and the home page of the municipality's website, if the municipality has a website, until:

(A) if the sponsors of the proposed initiative or referendum do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;

(B) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the

number of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

(C) the day after the date of the election at which the proposed initiative or referendum appears on the ballot; and

(b) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality's residents, including an Internet address, where a resident may view the proposition information pamphlet, in the next mailing, for which the municipality has not begun preparation, that falls on or after the later of:

(i) 10 days after the day on which the municipality or a court determines that the proposed initiative or referendum is legally referable to voters; or

(ii) if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification.

(6) An election officer for a county shall, within the later of 10 days after the day on which the county or a court determines that the proposed initiative or referendum is legally referable to voters, or, if the election officer modifies an argument under Subsection (2)(c), three days after the day on which the election officer and the person that submitted the argument agree on the modification, publish the proposition information pamphlet as follows:

(a) by sending the proposition information pamphlet electronically to each individual in the county for whom the county has an email address obtained via voter registration; and

(b) by posting the proposition information pamphlet on the Utah Public Notice Website, created in Section 63F-1-701, and the home page of the county's website, until:

(i) if the sponsors of the proposed initiative or referendum do not timely deliver any verified initiative packets under Section 20A-7-506 or any verified referendum packets under Section 20A-7-606, the day after the date of the deadline for delivery of the verified initiative packets or verified referendum packets;

(ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number

of signatures necessary to qualify the proposed initiative or referendum for placement on the ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or (iii) the day after the date of the election at which the proposed initiative or referendum appears on the ballot.

Section 5. Section 20A-7-402 is amended to read:

20A-7-402. Local voter information pamphlet -- Contents -- Limitations -- Preparation -- Statement on front cover.

(1) The county or municipality that is subject to a ballot proposition shall prepare a local voter information pamphlet that complies with the requirements of this part.

~~[(2) The arguments for or against a ballot proposition shall conform to the requirements of this section.]~~

~~[(3)]~~ (2) (a) Within the time requirements described in Subsection ~~[(3)]~~ (2)(c)(i), a municipality that is subject to a special local ballot proposition shall provide a notice that complies with the requirements of Subsection ~~[(3)]~~ (2)(c)(ii) to the municipality's residents by:

(i) if the municipality regularly mails a newsletter, utility bill, or other material to the municipality's residents, including the notice with a newsletter, utility bill, or other material;

(ii) posting the notice, until after the deadline described in Subsection ~~[(3)]~~ (2)(d) has passed, on:

(A) the Utah Public Notice Website created in Section 63F-1-701; and

(B) the home page of the municipality's website, if the municipality has a website; and

(iii) sending the notice electronically to each individual in the municipality for whom the municipality has an email address.

(b) A county that is subject to a special local ballot proposition shall:

(i) send an electronic notice that complies with the requirements of Subsection ~~[(3)]~~ (2)(c)(ii) to each individual in the county for whom the county has an email address; or

(ii) until after the deadline described in Subsection ~~[(3)]~~ (2)(d) has passed, post a notice that complies with the requirements of Subsection ~~[(3)]~~ (2)(c)(ii) on:

(A) the Utah Public Notice Website created in Section 63F-1-701; and

(B) the home page of the county's website.

(c) A municipality or county that mails, sends, or posts a notice under Subsection [(3)] (2)(a) or (b) shall:

(i) mail, send, or post the notice:

(A) not less than 90 days before the date of the election at which a special local ballot proposition will be voted upon; or

(B) if the requirements of Subsection [(3)] (2)(c)(i)(A) cannot be met, as soon as practicable after the special local ballot proposition is approved to be voted upon in an election; and

(ii) ensure that the notice contains:

(A) the ballot title for the special local ballot proposition;

(B) instructions on how to file a request under Subsection [(3)] (2)(d); and

(C) the deadline described in Subsection [(3)] (2)(d).

(d) To prepare ~~an~~ a written argument for or against a special local ballot proposition, an eligible voter shall file a request with the election officer at least 65 days before the election at which the special local ballot proposition is to be voted on.

(e) If more than one eligible voter requests the opportunity to prepare ~~an~~ a written argument for or against a special local ballot proposition, the election officer shall make the final designation ~~[according to the following criteria]~~ in accordance with the following order of priority:

(i) sponsors have priority in preparing an argument regarding a special local ballot proposition; and

(ii) members of the local legislative body have priority over others if a majority of the local legislative body supports the written argument.

(f) (i) ~~[Except as provided in Subsection (3)(g), a]~~ A sponsor of a special local ballot proposition may prepare ~~an~~ a written argument in favor of the special local ballot proposition.

(ii) ~~[Except as provided in Subsection (3)(g), and subject]~~ Subject to Subsection [(3)] (2)(e), an eligible voter opposed to the special local ballot proposition who submits a request

under Subsection ~~[(3)]~~ (2)(d) may prepare ~~[an]~~ a written argument against the special local ballot proposition.

~~[(g) (i) For a referendum, subject to Subsection (3)(e), an eligible voter who is in favor of a law that is referred to the voters and who submits a request under Subsection (3)(d) may prepare an argument for adoption of the law.]~~

~~[(ii) The sponsors of a referendum may prepare an argument against the adoption of a law that is referred to the voters.]~~

~~[(h)]~~ (g) An eligible voter who submits ~~[an]~~ a written argument under this section in relation to a special local ballot proposition shall:

- (i) ensure that the written argument does not exceed 500 words in length;
- (ii) ensure that the written argument does not list more than five names as sponsors;
- (iii) submit the written argument to the election officer no later than 60 days before the election day on which the ballot proposition will be submitted to the voters; and
- (iv) include with the written argument the eligible voter's name, residential address, postal address, email address if available, and phone number.

~~[(i)]~~ (h) An election officer shall refuse to accept and publish an argument that is submitted after the deadline described in Subsection ~~[(3)(h)]~~ (2)(g)(iii).

~~[(4)]~~ (3) (a) An election officer who timely receives the written arguments in favor of and against a special local ballot proposition shall, within one business day after the day on which the election office receives both written arguments, send, via mail or email:

(i) a copy of the written argument in favor of the special local ballot proposition to the eligible voter who submitted the written argument against the special local ballot proposition; and

(ii) a copy of the written argument against the special local ballot proposition to the eligible voter who submitted the written argument in favor of the special local ballot proposition.

(b) The eligible voter who submitted a timely written argument in favor of the special local ballot proposition:

(i) may submit to the election officer a written rebuttal argument of the written argument against the special local ballot proposition;

(ii) shall ensure that the written rebuttal argument does not exceed 250 words in length; and

(iii) shall submit the written rebuttal argument no later than 45 days before the election day on which the special local ballot proposition will be submitted to the voters.

(c) The eligible voter who submitted a timely written argument against the special local ballot proposition:

(i) may submit to the election officer a written rebuttal argument of the written argument in favor of the special local ballot proposition;

(ii) shall ensure that the written rebuttal argument does not exceed 250 words in length; and

(iii) shall submit the written rebuttal argument no later than 45 days before the election day on which the special local ballot proposition will be submitted to the voters.

(d) An election officer shall refuse to accept and publish a written rebuttal argument in relation to a special local ballot proposition that is submitted after the deadline described in Subsection ~~[(4)]~~ (3)(b)(iii) or ~~[(4)]~~ (3)(c)(iii).

~~[(5)]~~ (4) (a) Except as provided in Subsection ~~[(5)]~~ (4)(b), in relation to a special local ballot proposition:

(i) an eligible voter may not modify ~~[an]~~ a written argument or a written rebuttal argument after the eligible voter submits the written argument or written rebuttal argument to the election officer; and

(ii) a person other than the eligible voter described in Subsection ~~[(5)]~~ (4)(a)(i) may not modify ~~[an]~~ a written argument or a written rebuttal argument.

(b) The election officer, and the eligible voter who submits ~~[an]~~ a written argument or written rebuttal argument in relation to a special local ballot proposition, may jointly agree to modify ~~[an]~~ a written argument or written rebuttal argument in order to:

(i) correct factual, grammatical, or spelling errors; and

(ii) reduce the number of words to come into compliance with the requirements of this section.

(c) An election officer shall refuse to accept and publish ~~[an]~~ a written argument or written rebuttal argument in relation to a special local ballot proposition if the eligible voter who submits the written argument or written rebuttal argument fails to negotiate, in good faith, to modify the written argument or written rebuttal argument in accordance with Subsection ~~[(5)]~~ (4)(b).

~~[(6)]~~ (5) ~~[An]~~ In relation to a special local ballot proposition, an election officer may designate another eligible voter to take the place of an eligible voter described in this section if the original eligible voter is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the duties of an eligible voter described in this section.

(6) Sponsors whose written argument in favor of a standard local ballot proposition is included in a proposition information pamphlet under Section [20A-7-401.5](#):

(a) may, if a written argument against the standard local ballot proposition is included in the proposition information pamphlet, submit a written rebuttal argument to the election officer;

(b) shall ensure that the written rebuttal argument does not exceed 250 words in length; and

(c) shall submit the written rebuttal argument no later than 45 days before the election day on which the standard local ballot proposition will be submitted to the voters.

(7) (a) A county or municipality that submitted a written argument against a standard local ballot proposition that is included in a proposition information pamphlet under Section [20A-7-401.5](#):

(i) may, if a written argument in favor of the standard local ballot proposition is included in the proposition information pamphlet, submit a written rebuttal argument to the election officer;

(ii) shall ensure that the written rebuttal argument does not exceed 250 words in length; and

(iii) shall submit the written rebuttal argument no later than 45 days before the election day on which the ballot proposition will be submitted to the voters.

(b) If a county or municipality submits more than one written rebuttal argument under Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments, giving preference to a written rebuttal argument submitted by a member of a local legislative body.

(8) (a) An election officer shall refuse to accept and publish a written rebuttal argument that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

(b) Before an election officer publishes a local voter information pamphlet under this section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

(c) An election officer who receives a written rebuttal argument described in this section may not, before publishing the local voter information pamphlet described in this section, disclose the written rebuttal argument, or any information contained in the written rebuttal argument, to any person who may in any way be involved in preparing an opposing rebuttal argument.

(9) (a) Except as provided in Subsection (9)(b), a person may not modify a written rebuttal argument after the written rebuttal argument is submitted to the election officer.

(b) The election officer, and the person who submits a written rebuttal argument, may jointly agree to modify a written rebuttal argument in order to:

(i) correct factual, grammatical, or spelling errors; or

(ii) reduce the number of words to come into compliance with the requirements of this section.

(c) An election officer shall refuse to accept and publish a written rebuttal argument if the person who submits the written rebuttal argument:

(i) fails to negotiate, in good faith, to modify the written rebuttal argument in accordance with Subsection (9)(b); or

(ii) does not timely submit the written rebuttal argument to the election officer.

(d) An election officer shall make a good faith effort to negotiate a modification described in Subsection (9)(b) in an expedited manner.

(10) An election officer may designate another person to take the place of a person who submits a written rebuttal argument in relation to a standard local ballot proposition if the person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the person's duties.

~~[(7)]~~ (11) (a) The local voter information pamphlet shall include a copy of the initial fiscal impact estimate and the legal impact statement prepared for each initiative under Section 20A-7-502.5.

(b) If the initiative proposes a tax increase, the local voter information pamphlet shall include the following statement in bold type:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."

~~[(8)]~~ (12) (a) In preparing the local voter information pamphlet, the election officer shall:

(i) ensure that the written arguments are printed on the same sheet of paper upon which the ballot proposition is also printed;

(ii) ensure that the following statement is printed on the front cover or the heading of the first page of the printed written arguments:

"The arguments for or against a ballot proposition are the opinions of the authors.";

(iii) pay for the printing and binding of the local voter information pamphlet; and

(iv) not less than 15 days before, but not more than 45 days before, the election at which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered voter entitled to vote on the ballot proposition:

(A) a voter information pamphlet; or

(B) the notice described in Subsection ~~[(8)]~~ (12)(c).

(b) (i) If the ~~[proposed measure]~~ language of the ballot proposition exceeds 500 words

618 in length, the election officer may summarize the ~~[measure]~~ ballot proposition in 500 words or
619 less.

620 (ii) The summary shall state where a complete copy of the ballot proposition is
621 available for public review.

622 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
623 preaddressed return form that a person may use to request delivery of a voter information
624 pamphlet by mail.

625 (ii) The notice described in Subsection ~~[(8)]~~ (12)(c)(i) shall include:

626 (A) the address of the Statewide Electronic Voter Information Website authorized by
627 Section 20A-7-801; and

628 (B) the phone number a voter may call to request delivery of a voter information
629 pamphlet by mail or carrier.

630 Section 6. Section **20A-7-405** is enacted to read:

631 **20A-7-405. Public meeting.**

632 (1) A county or municipality may not discuss a proposed initiative, an initiative, a
633 proposed referendum, or a referendum at a public meeting unless the county or municipality
634 complies with the requirements of this section.

635 (2) The legislative body of a county or municipality may hold a public meeting to
636 discuss a proposed initiative, an initiative, a proposed referendum, or a referendum if the
637 legislative body:

638 (a) allows equal time, within a reasonable limit, for presentations on both sides of the
639 proposed initiative, initiative, proposed referendum, or referendum;

640 (b) provides interested parties an opportunity to present oral testimony within
641 reasonable time limits; and

642 (c) holds the public meeting:

643 (i) during the legislative body's normal meeting time; or

644 (ii) for a meeting time other than the legislative body's normal meeting time, beginning
645 at or after 6 p.m.

(3) This section does not prohibit a working group meeting from being held before 6 p.m.

Section 7. Section **20A-7-406** is enacted to read:

20A-7-406. Informational materials.

The lieutenant governor shall create and publish to the lieutenant governor's website instructions on how a person may:

(1) qualify a local initiative for the ballot under Part 5, Local Initiatives - Procedures;

or

(2) qualify a local referendum for the ballot under Part 6, Local Referenda - Procedures.

Section 8. Section **20A-7-407** is enacted to read:

20A-7-407. Applicability of statute to pending processes.

(1) If a local initiative or local referendum process is pending as described in Subsection (2), that local initiative or local referendum process:

(a) is subject to the provisions of law that were in effect on May 13, 2019; and

(b) is not subject to the provisions of this bill.

(2) A local initiative or local referendum process is pending under Subsection (1) if, on or before May 13, 2019:

(a) (i) sponsors have filed an application to circulate the initiative petition under Section [20A-7-502](#); or

(ii) sponsors have filed an application to circulate the referendum petition under Section [20A-7-602](#); and

(b) the process described in Subsection (2)(a) has not concluded.

Section 9. Section **20A-7-501** is amended to read:

20A-7-501. Initiatives -- Signature requirements -- Time requirements.

~~[(1) (a) Except as provided in Subsection (1)(b), a person seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection shall obtain legal signatures equal to:]~~

~~[(i) 10% of all the votes cast in the county, city, town, or metro township for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes exceeds 25,000;]~~

~~[(ii) 12-1/2% of all the votes cast in the county, city, town, or metro township for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 25,000 but is more than 10,000;]~~

~~[(iii) 15% of all the votes cast in the county, city, town, or metro township for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 10,000 but is more than 2,500;]~~

~~[(iv) 20% of all the votes cast in the county, city, town, or metro township for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 2,500 but is more than 500;]~~

~~[(v) 25% of all the votes cast in the county, city, town, or metro township for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 500 but is more than 250; and]~~

~~[(vi) 30% of all the votes cast in the county, city, town, or metro township for all candidates for President of the United States at the last election at which a President of the United States was elected if the total number of votes does not exceed 250.]~~

~~[(b) In addition to the signature requirements of Subsection (1)(a), a person seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection in a county, city, town, or metro township where the local legislative body is elected from council districts shall obtain, from each of a majority of council districts, legal signatures equal to the percentages established in Subsection (1)(a).]~~

(1) As used in this section:

(a) "Number of active voters" means the number of active voters in the county, city, or town on the immediately preceding January 1.

(b) "Voter participation area" means an area described in Subsection [20A-7-401.3\(1\)\(a\)](#) or (2)(b).

(2) An eligible voter seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection shall obtain legal signatures equal to:

(a) for a county of the first class:

(i) 7.75% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a metro township with a population of 100,000 or more, or a city of the first class:

(i) 7.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(c) for a county of the second class:

(i) 8% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of the county's voter participation areas;

(d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:

(i) 8.25% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(e) for a county of the third class:

(i) 9.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75% of the county's voter participation areas;

(f) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:

(i) 10% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(g) for a county of the fourth class:

(i) 11.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the county's voter participation areas;

(h) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:

(i) 11.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(i) for a metro township with a population of 1,000 or more but less than 10,000, a city of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro township, city, or county; or

(j) for a metro township with a population of less than 1,000, a town, or a county of the sixth class, 35% of the number of active voters in the metro township, town, or county.

~~[(2)]~~ (3) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by this section, the clerk or recorder shall deliver the proposed law to the local legislative body at ~~[its]~~ the local legislative body's next meeting.

~~[(3)]~~ (4) (a) The local legislative body shall either adopt or reject the proposed law without change or amendment within 30 days ~~[of receipt of]~~ after the day on which the local legislative body receives the proposed law under Subsection (3).

(b) The local legislative body may:

(i) adopt the proposed law and refer ~~[it]~~ the proposed law to the people;

(ii) adopt the proposed law without referring [it] the proposed law to the people; or

(iii) reject the proposed law.

(c) If the local legislative body adopts the proposed law but does not refer [it] the proposed law to the people, [it] the proposed law is subject to referendum as with other local laws.

(d) (i) If a county legislative body rejects a proposed [~~county ordinance or amendment~~] law, or takes no action on [it] a proposed law, the county clerk shall submit [it] the proposed law to the voters of the county at the next regular general election immediately after the petition for the proposed law is filed under Section 20A-7-502.

(ii) If a local legislative body of a municipality rejects a proposed [~~municipal ordinance or amendment~~] law, or takes no action on [it] a proposed law, the municipal recorder or clerk shall submit [it] the proposed law to the voters of the municipality at the next municipal general election immediately after the petition is filed under Section 20A-7-502.

(e) (i) If [~~the~~] a local legislative body rejects [~~the~~] a proposed [~~ordinance or amendment~~] law, or takes no action on [it] a proposed law, the local legislative body may adopt a competing local law.

(ii) The local legislative body shall prepare and adopt the competing local law within the [~~30 days allowed for its action on the measure proposed by initiative petition~~] 30-day period described in Subsection (4)(a).

(iii) If [~~the~~] a local legislative body adopts a competing local law, the clerk or recorder shall [~~submit it~~] refer the competing local law to the voters of the county or municipality at the same election at which the initiative proposal is submitted under Subsection (4)(d).

(f) If conflicting local laws are submitted to the people at the same election and two or more of the conflicting measures are approved by the people, [~~then~~] the measure that receives the greatest number of affirmative votes shall control all conflicts.

Section 10. Section 20A-7-502 is amended to read:

20A-7-502. Local initiative process -- Application procedures.

(1) [~~Persons~~] An eligible voter wishing to circulate an initiative petition shall file an

application with the local clerk.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the initiative petition;

(b) a statement indicating that each of the sponsors~~[(i)]~~ is a registered voter; ~~[and]~~

~~[(ii) (A) if the initiative seeks to enact a county ordinance, has voted in a regular general election in Utah within the last three years; or]~~

~~[(B) if the initiative seeks to enact a municipal ordinance, has voted in a regular municipal election in Utah;]~~

~~[(F) except as provided in Subsection (2)(b)(ii)(B)(H), within the last three years; or]~~

~~[(H) within the last five years, if the sponsor's failure to vote within the last three years is due to the sponsor's residing in a municipal district that participates in a municipal election every four years;]~~

(c) a statement indicating that each of the sponsors has voted in an election in Utah in the last three years;

~~[(e)]~~ (d) the signature of each of the sponsors, ~~[attested to]~~ acknowledged by a notary public;

~~[(d)]~~ (e) a copy of the proposed law that includes:

(i) the title of the proposed law, which clearly expresses the subject of the law; and

(ii) the text of the proposed law; and

~~[(e)]~~ (f) if the initiative petition proposes a tax increase, the following statement, "This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."

(3) A proposed law submitted under this section may not contain more than one subject to the same extent a bill may not pass containing more than one subject as provided in Utah Constitution, Article VI, Section 22.

Section 11. Section **20A-7-502.5** is amended to read:

20A-7-502.5. Initial fiscal and legal impact estimate -- Preparation of estimate.

(1) Within three ~~[working days of receipt of an application for an initiative petition]~~
business days after the day on which the local clerk receives an application for an initiative
petition, the local clerk shall submit a copy of the ~~[application]~~ proposed law to the county,
city, or town's budget officer.

(2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good
faith estimate of the fiscal and legal impact of the law proposed by the initiative that contains:

(i) a dollar amount representing the total estimated fiscal impact of the proposed law;

(ii) if the proposed law would increase or decrease taxes, a dollar amount representing
the total estimated increase or decrease for each type of tax affected under the proposed law
and a dollar amount representing the total estimated increase or decrease in taxes under the
proposed law;

(iii) if the proposed law would increase taxes, the tax percentage difference and the tax
percentage increase;

(iv) if the proposed law would result in the issuance or a change in the status of bonds,
notes, or other debt instruments, a dollar amount representing the total estimated increase or
decrease in public debt under the proposed law;

(v) a listing of all sources of funding for the estimated costs associated with the
proposed law showing each source of funding and the percentage of total funding provided
from each source;

(vi) a dollar amount representing the estimated costs or savings, if any, to state and
local government entities under the proposed law;

(vii) the proposed law's legal impact, including:

(A) any significant effects on a person's vested property rights;

(B) any significant effects on other laws or ordinances;

(C) any significant legal liability the city, county, or town may incur; and

(D) any other significant legal impact as determined by the budget officer and the legal
counsel; and

(viii) a concise explanation, not exceeding 100 words, of the above information and of

the estimated fiscal impact, if any, under the proposed law.

(b) (i) If the proposed law is estimated to have no fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The (title of the local budget officer) estimates that the law proposed by this initiative would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."

(ii) If the proposed law is estimated to have a fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact estimate in substantially the following form:

"The (title of the local budget officer) estimates that the law proposed by this initiative would result in a total fiscal expense/savings of \$_____, which includes a (type of tax or taxes) tax increase/decrease of \$_____ and a \$_____ increase/decrease in public debt."

(iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise difficult to reasonably express in a summary statement, the local budget officer may include in the summary statement a brief explanation that identifies those factors affecting the variability or difficulty of the estimate.

(iv) If the proposed law would increase taxes, the local budget officer shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."

(3) The budget officer shall prepare an unbiased, good faith estimate of the cost of printing and distributing information related to the initiative petition in the voter information pamphlet as required by Section 20A-7-402.

(4) Within ~~[25]~~ 20 calendar days ~~[from the date that the local clerk delivers a copy of the application]~~ after the day on which the local clerk submits a copy of the proposed law under Subsection (1), the budget officer shall:

(a) deliver a copy of the initial fiscal impact estimate, including the legal impact estimate, to the local clerk's office; and

(b) mail a copy of the initial fiscal impact estimate, including the legal impact estimate, to the first ~~[five]~~ three sponsors named in the application.

~~[(5) (a) Three or more of the sponsors of the petition may, within 20 calendar days of the date of delivery of the initial fiscal impact estimate to the local clerk's office, file a petition with the Supreme Court, alleging that the initial fiscal impact estimate, including the legal impact estimate, taken as a whole, is an inaccurate estimate of the fiscal or legal impact of the initiative.]~~

~~[(b) (i) There is a presumption that the initial fiscal impact estimate, including the legal impact estimate, prepared by the budget officer and legal counsel is based upon reasonable assumptions, uses reasonable data, and applies accepted analytical methods to present the estimated fiscal and legal impact of the initiative.]~~

~~[(ii) The Supreme Court may not revise the contents of, or direct the revision of, the initial fiscal impact estimate, including the legal impact estimate, unless the plaintiffs rebut the presumption by clear and convincing evidence that establishes that the fiscal estimate, including the legal impact estimate, taken as a whole, is an inaccurate statement of the estimated fiscal or legal impact of the initiative.]~~

~~[(iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate, including the legal impact estimate, to a master to examine the issue and make a report in accordance with Utah Rules of Civil Procedure, Rule 53.]~~

~~[(c) The Supreme Court shall certify to the local clerk an initial fiscal impact estimate, including the legal impact estimate, for the measure that meets the requirements of this section.]~~

Section 12. Section **20A-7-502.7** is enacted to read:

20A-7-502.7. Referability to voters.

(1) Within 20 days after the day on which an eligible voter files an application to circulate an initiative petition under Section [20A-7-502](#), the county, city, town, or metro

898 township to which the initiative pertains shall:

899 (a) review the proposed law in the initiative application to determine whether the law is
900 legally referable to voters; and

901 (b) notify the first three sponsors, in writing, whether the proposed law is:

902 (i) legally referable to voters; or

903 (ii) rejected as not legally referable to voters.

904 (2) A proposed law in an initiative application is legally referable to voters unless:

905 (a) the proposed law is patently unconstitutional;

906 (b) the proposed law is nonsensical;

907 (c) the proposed law is administrative, rather than legislative, in nature;

908 (d) the proposed law could not become law if passed;

909 (e) the proposed law contains more than one subject as evaluated in accordance with

910 Subsection [20A-7-502\(3\)](#);

911 (f) the subject of the proposed law is not clearly expressed in the law's title;

912 (g) the proposed law is identical or substantially similar to a legally referable proposed
913 law sought by an initiative application submitted to the local clerk, under Section [20A-7-502](#),
914 within two years before the day on which the application for the current proposed initiative is
915 filed; or

916 (h) the application for the proposed law was not timely filed or does not comply with
917 the requirements of this part.

918 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
919 or metro township may not:

920 (a) reject a proposed initiative as not legally referable to voters; or

921 (b) bring a legal action, other than to appeal a court decision, challenging a proposed
922 initiative on the grounds that the proposed initiative is not legally referable to voters.

923 (4) If a county, city, town, or metro township rejects a proposed initiative, a sponsor of
924 the proposed initiative may, within 10 days after the day on which a sponsor is notified under
925 Subsection (1)(b), appeal the decision to:

(a) district court; or

(b) the Supreme Court, if the Supreme Court has original jurisdiction over the appeal.

(5) If, on appeal, the court determines that the law proposed in the initiative petition is legally referable to voters, the local clerk shall comply with Subsection 20A-7-504(2) within five days after the day on which the determination, and any appeal of the determination, is final.

Section 13. Section **20A-7-504** is amended to read:

20A-7-504. Circulation requirements -- Local clerk to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall, after the sponsors receive the documents described in Subsections (2)(a) and (b) and Subsection 20A-7-401.5(4)(b), circulate initiative packets that meet the form requirements of this part.

(2) Within five days after the day on which a [~~local clerk receives an application that complies with the requirements of Section 20A-7-502~~] county, city, town, metro township, or court determines, in accordance with Section 20A-7-502.7, that a law proposed in an initiative petition is legally referable to voters, the local clerk shall furnish to the sponsors:

(a) one copy of the initiative petition; and

(b) one signature sheet.

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form requirements of this section.

(4) (a) The sponsors may prepare the initiative for circulation by creating multiple initiative packets.

(b) The sponsors shall create those packets by binding a copy of the initiative petition, a copy of the proposed law, and no more than 50 signature sheets together at the top in such a

way that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each initiative packet.

(d) The sponsors shall include, with each packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).

~~[(5) (a) After the sponsors have prepared sufficient initiative packets, they shall return them to the local clerk.]~~

~~[(b) The local clerk shall:]~~

~~[(i) number each of the initiative packets and return them to the sponsors within five working days; and]~~

~~[(ii) keep a record of the numbers assigned to each packet.]~~

Section 14. Section **20A-7-505** is amended to read:

20A-7-505. Obtaining signatures -- Verification -- Removal of signature.

(1) Any Utah voter may sign a local initiative petition if the voter is a legal voter and resides in the local jurisdiction.

(2) (a) The sponsors shall ensure that the ~~[person]~~ individual in whose presence each signature sheet was signed:

(i) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(ii) verifies each signature sheet by completing the verification printed on the last page of each initiative packet.

(b) ~~[A person]~~ An individual may not sign the verification printed on the last page of the initiative packet if the ~~[person]~~ individual signed a signature sheet in the initiative packet.

(3) (a) (i) Any voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting a notarized statement to that effect to the ~~[local]~~ county clerk.

(ii) In order for the signature to be removed, the statement must be received by the ~~[local]~~ county clerk ~~[before he delivers the petition to the county clerk to be certified]~~ no later

than seven days after the day on which the sponsors submit the last signature packet to the county clerk.

(b) Upon timely receipt of the statement, the ~~[local]~~ county clerk shall remove the signature of the ~~[person]~~ individual submitting the statement from the initiative petition.

~~[(c) No one may remove signatures from an initiative petition after the petition is submitted to the county clerk to be certified.]~~

Section 15. Section **20A-7-506** is amended to read:

20A-7-506. Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to local clerk.

(1) (a) The sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated on or before the sooner of:

(i) for county initiatives:

(A) 316 days after the day on which the application is filed; or

(B) the April 15 immediately before the next regular general election immediately after the application is filed under Section **20A-7-502**; or

(ii) for municipal initiatives:

(A) 316 days after the day on which the application is filed; or

(B) the April 15 immediately before the next municipal general election immediately after the application is filed under Section **20A-7-502**.

(b) A sponsor may not submit an initiative packet after the deadline established in this Subsection (1).

~~[(2) (a) No later than May 1, the county clerk shall:]~~

~~[(i) check the names of all persons completing the verification on the last page of each initiative packet to determine whether those persons are residents of Utah and are at least 18 years old; and]~~

~~[(ii) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.]~~

~~[(b)]~~ (2) The county clerk may not certify a signature under Subsection (3) on an

1010 initiative packet that is not verified in accordance with Section 20A-7-505.

1011 (3) No later than May 15, the county clerk shall:

1012 (a) determine whether or not each signer is a voter according to the requirements of

1013 Section 20A-7-506.3;

1014 (b) certify on the petition whether or not each name is that of a voter; and

1015 (c) deliver all of the verified packets to the local clerk.

1016 Section 16. Section 20A-7-506.3 is amended to read:

1017 **20A-7-506.3. Verification of petition signatures.**

1018 (1) (a) For the purposes of this section, "substantially similar name" means:

1019 (i) the given name and surname shown on the petition, or both, contain only minor
1020 spelling differences when compared to the given name and surname shown on the official
1021 register;

1022 (ii) the surname shown on the petition exactly matches the surname shown on the
1023 official register, and the given names differ only because one of the given names shown is a
1024 commonly used abbreviation or variation of the other;

1025 (iii) the surname shown on the petition exactly matches the surname shown on the
1026 official register, and the given names differ only because one of the given names shown is
1027 accompanied by a first or middle initial or a middle name which is not shown on the other
1028 record; or

1029 (iv) the surname shown on the petition exactly matches the surname shown on the
1030 official register, and the given names differ only because one of the given names shown is an
1031 alphabetically corresponding initial that has been provided in the place of a given name shown
1032 on the other record.

1033 (b) For the purposes of this section, "substantially similar name" does not mean a name
1034 having an initial or a middle name shown on the petition that does not match a different initial
1035 or middle name shown on the official register.

1036 (2) The county clerk shall use the following procedures in determining whether or not a
1037 signer is a registered voter:

(a) When a signer's name and address shown on the petition exactly match a name and address shown on the official register and the signer's signature appears substantially similar to the signature on the statewide voter registration database, the county clerk shall declare the signature valid.

(b) When there is no exact match of an address and a name, the county clerk shall declare the signature valid if:

(i) the address on the petition matches the address of ~~[a person]~~ an individual on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the ~~[person]~~ individual described in Subsection (2)(b)(i).

(c) When there is no match of an address and a substantially similar name, the county clerk shall declare the signature valid if:

(i) the birth date or age on the petition matches the birth date or age of ~~[a person]~~ an individual on the official register with a substantially similar name; and

(ii) the signer's signature appears substantially similar to the signature on the statewide voter registration database of the ~~[person]~~ individual described in Subsection (2)(c)(i).

(d) If a signature is not declared valid under Subsection (2)(a), (2)(b), or (2)(c), the county clerk shall declare the signature to be invalid.

Section 17. Section **20A-7-507** is amended to read:

20A-7-507. Evaluation by the local clerk.

(1) When each initiative packet is received from a county clerk, the local clerk shall check off from the local clerk's record the number of each initiative packet filed.

(2) (a) After all of the initiative packets have been received by the local clerk, the local clerk shall count the number of the names certified by the county clerk that appear on each verified signature sheet.

(b) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section **20A-7-501** and the requirements of this part are met, the local clerk shall mark upon the front of the petition the word "sufficient."

(c) If the total number of certified names from each verified signature sheet does not equal or exceed the number of names required by Section 20A-7-501 or a requirement of this part is not met, the local clerk shall mark upon the front of the petition the word "insufficient."

(d) The local clerk shall immediately notify any one of the sponsors of the local clerk's finding.

(3) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the initiative petition in the presence of any sponsor.

(4) Once a petition is declared insufficient, the sponsors may not submit additional signatures to qualify the petition for the ballot.

~~[(5) (a) If the local clerk refuses to accept and file any initiative petition, any voter may apply to the supreme court for an extraordinary writ to compel him to do so within 10 days after the refusal.]~~

~~[(b) If the supreme court determines that the initiative petition is legally sufficient, the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in the local clerk's office.]~~

~~[(c) If the supreme court determines that any petition filed is not legally sufficient, the supreme court may enjoin the local clerk and all other officers from certifying or printing the ballot title and numbers of that measure on the official ballot.]~~

~~[(6)]~~ (5) A petition determined to be sufficient in accordance with this section is qualified for the ballot.

Section 18. Section 20A-7-508 is amended to read:

20A-7-508. Ballot title -- Duties of local clerk and local attorney.

(1) ~~[Whenever an initiative petition is declared sufficient for submission to a vote of the people]~~ Upon receipt of an initiative petition, the local clerk shall deliver a copy of the petition and the proposed law to the local attorney.

(2) The local attorney shall:

- 1094 (a) entitle each county or municipal initiative that has qualified for the ballot
1095 "Proposition Number ___" and give it a number as assigned under Section 20A-6-107;
1096 (b) prepare a proposed ballot title for the initiative;
1097 (c) file the proposed ballot title and the numbered initiative titles with the local clerk
1098 within ~~[15]~~ 20 days after the ~~[date the initiative petition is declared sufficient for submission to~~
1099 ~~a vote of the people]~~ day on which an eligible voter submits the initiative petition to the local
1100 clerk; and
1101 (d) promptly provide notice of the filing of the proposed ballot title to:
1102 (i) the sponsors of the petition; and
1103 (ii) the local legislative body for the jurisdiction where the initiative petition was
1104 circulated.
1105 (3) (a) The ballot title may be distinct from the title of the proposed law attached to the
1106 initiative petition, and shall express, in not exceeding 100 words, the purpose of the measure.
1107 (b) In preparing a ballot title, the local attorney shall, to the best of the local attorney's
1108 ability, give a true and impartial statement of the purpose of the measure.
1109 (c) The ballot title may not intentionally be an argument, or likely to create prejudice,
1110 for or against the measure.
1111 (d) If the initiative proposes a tax increase, the local attorney shall include the
1112 following statement, in bold, in the ballot title:
1113 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
1114 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
1115 increase in the current tax rate."
1116 (4) (a) Within five calendar days after the date the local attorney files a proposed ballot
1117 title under Subsection (2)(c), the local legislative body for the jurisdiction where the initiative
1118 petition was circulated and the sponsors of the petition may file written comments in response
1119 to the proposed ballot title with the local clerk.
1120 (b) Within five calendar days after the last date to submit written comments under
1121 Subsection (4)(a), the local attorney shall:

- 1122 (i) review any written comments filed in accordance with Subsection (4)(a);
1123 (ii) prepare a final ballot title that meets the requirements of Subsection (3); and
1124 (iii) return the petition and file the ballot title with the local clerk.

1125 (c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall
1126 be printed on the official ballot.

1127 (5) Immediately after the local attorney files a copy of the ballot title with the local
1128 clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the
1129 petition and the local legislative body for the jurisdiction where the initiative petition was
1130 circulated.

1131 (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not
1132 comply with the requirements of this section, the decision of the local attorney may be
1133 appealed ~~[by a petition]~~ to the district court, or, if the Supreme Court has original jurisdiction,
1134 to the Supreme Court [that is], brought by:

- 1135 (i) at least three sponsors of the initiative petition; or
1136 (ii) a majority of the local legislative body for the jurisdiction where the initiative
1137 petition was circulated.

1138 (b) The ~~[Supreme Court]~~ court:
1139 (i) shall examine the measures and consider arguments~~[, and, in its decision,];~~ and
1140 (ii) may certify to the local clerk a ballot title for the measure that fulfills the intent of
1141 this section.

1142 (c) The local clerk shall print the title certified by the ~~[Supreme Court]~~ court on the
1143 official ballot.

1144 Section 19. Section **20A-7-509** is amended to read:

1145 **20A-7-509. Form of ballot -- Manner of voting.**

1146 (1) The local clerk shall ensure that the number and ballot title are presented upon the
1147 official ballot with, immediately adjacent to them, the words "For" and "Against," each word
1148 presented with an adjacent square in which the ~~[elector]~~ voter may indicate ~~[his]~~ the voter's
1149 vote.

1150 (2) ~~[Electors]~~ Voters desiring to vote in favor of enacting the law proposed by the
1151 initiative petition shall mark the square adjacent to the word "For," and ~~[those]~~ voters desiring
1152 to vote against enacting the law proposed by the initiative petition shall mark the square
1153 adjacent to the word "Against."

1154 Section 20. Section **20A-7-510** is amended to read:

1155 **20A-7-510. Return and canvass -- Conflicting measures -- Law effective on**
1156 **proclamation.**

1157 (1) The votes on the law proposed by the initiative petition shall be counted,
1158 canvassed, and delivered as provided in Title 20A, Chapter 4, Part 3, Canvassing Returns.

1159 (2) After the local board of canvassers completes its canvass, the local clerk shall
1160 certify to the local legislative body the vote for and against the law proposed by the initiative
1161 petition.

1162 (3) (a) The local legislative body shall immediately issue a proclamation that:

1163 (i) gives the total number of votes cast in the local jurisdiction for and against each law
1164 proposed by an initiative petition; and

1165 (ii) declares those laws proposed by an initiative petition that were approved by
1166 majority vote to be in full force and effect as the law of the local jurisdiction.

1167 (b) When the local legislative body determines that two proposed laws, or that parts of
1168 two proposed laws approved by the people at the same election are entirely in conflict, they
1169 shall proclaim that measure to be law that has received the greatest number of affirmative
1170 votes, regardless of the difference in the majorities which those measures have received.

1171 (c) (i) Within 10 days after the local legislative body's proclamation, any qualified
1172 voter who signed the initiative petition proposing the law that is declared by the local
1173 legislative body to be superseded by another measure approved at the same election may ~~[apply~~
1174 ~~to the]~~ bring an action in district court, or, if the Supreme Court has original jurisdiction, the
1175 Supreme Court to review the decision.

1176 (ii) The court shall:

1177 (A) consider the matter and decide whether ~~[or not]~~ the proposed laws are entirely in

1178 conflict; and

1179 (B) ~~[certify its]~~ issue an order, consistent with the court's decision, to the local
1180 legislative body.

1181 (4) Within 10 days after the ~~[Supreme Court certifies its]~~ day on which the court
1182 certifies the decision, the local legislative body shall:

1183 (a) proclaim as law all ~~[those]~~ measures approved by the people ~~[as law]~~ that the
1184 ~~[Supreme Court has determined]~~ court determines are not in conflict; and

1185 (b) ~~[of all those]~~ for the measures approved by the people as law that the ~~[Supreme~~
1186 ~~Court has determined]~~ court determines to be in conflict, proclaim as law the ~~[one]~~ measure
1187 that received the greatest number of affirmative votes, regardless of the difference in
1188 majorities.

1189 Section 21. Section **20A-7-512** is amended to read:

1190 **20A-7-512. Misconduct of electors and officers -- Penalty.**

1191 (1) It is unlawful for any ~~[person]~~ individual to:

1192 (a) sign any name other than the ~~[person's own]~~ individual's own name to any initiative
1193 petition;

1194 ~~[(b) knowingly sign the person's name more than once for the same measure at one~~
1195 ~~election;]~~

1196 ~~[(c)]~~ (b) sign an initiative knowing the ~~[person]~~ individual is not a legal voter; or

1197 ~~[(d)]~~ (c) knowingly and willfully violate any provision of this part.

1198 (2) It is unlawful for any ~~[person]~~ individual to sign the verification for an initiative
1199 packet knowing that:

1200 (a) the ~~[person]~~ individual does not meet the residency requirements of Section
1201 20A-2-105;

1202 (b) the ~~[person]~~ individual has not witnessed the signatures of ~~[those persons]~~ the
1203 individuals whose names appear in the initiative packet; or

1204 (c) one or more ~~[persons]~~ individuals whose signatures appear in the initiative packet is
1205 either:

- 1206 (i) not registered to vote in Utah; or
1207 (ii) does not intend to become registered to vote in Utah.
1208 (3) ~~[Any person violating]~~ An individual who violates this part is guilty of a class A
1209 misdemeanor.

1210 Section 22. Section **20A-7-513** is amended to read:

1211 **20A-7-513. Fiscal review -- Repeal, amendment, or resubmission.**

1212 (1) No later than 60 days after the date of an election in which the voters approve an
1213 initiative petition, the budget officer shall:

1214 (a) for each initiative approved by the voters, prepare a final fiscal impact statement,
1215 using current financial information and containing the information required by Subsection
1216 **20A-7-502.5**(2), except for the information required by Subsection **20A-7-502.5**(2)(a)(vii); and

1217 (b) deliver a copy of the final fiscal impact statement to:

1218 (i) the local legislative body of the jurisdiction where the initiative was circulated;

1219 (ii) the local clerk; and

1220 (iii) the first ~~[five]~~ three sponsors listed on the initiative application.

1221 (2) If the final fiscal impact statement exceeds the initial fiscal impact estimate by 25%
1222 or more, the local legislative body shall review the final fiscal impact statement and may, by a
1223 majority vote:

1224 (a) repeal the law established by passage of the initiative;

1225 (b) amend the law established by the passage of the initiative; or

1226 (c) pass a resolution informing the voters that they may file an initiative petition to
1227 repeal the law enacted by the passage of the initiative.

1228 Section 23. Section **20A-7-601** is amended to read:

1229 **20A-7-601. Referenda -- General signature requirements -- Signature**

1230 **requirements for land use laws and subjurisdictional laws -- Time requirements.**

1231 ~~[(1) Except as provided in Subsection (2) or (3), a person seeking to have a local law~~
1232 ~~passed by the local legislative body submitted to a vote of the people shall obtain legal~~
1233 ~~signatures equal to:]~~

~~[(a) 10% of all the votes cast in the county, city, or town for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes exceeds 25,000;]~~

~~[(b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 25,000 but is more than 10,000;]~~

~~[(c) 15% of all the votes cast in the county, city, or town for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 10,000 but is more than 2,500;]~~

~~[(d) 20% of all the votes cast in the county, city, or town for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 2,500 but is more than 500;]~~

~~[(e) 25% of all the votes cast in the county, city, or town for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 500 but is more than 250; and]~~

~~[(f) 30% of all the votes cast in the county, city, or town for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 250;]~~

~~[(2) (a) As used in this Subsection (2), "land use law" includes a land use development code, an annexation ordinance, and comprehensive zoning ordinances;]~~

~~[(b) Except as provided in Subsection (3), a person seeking to have a land use law or local obligation law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:]~~

~~[(i) in a county or in a city of the first or second class, 20% of all votes cast in the county or city for all candidates for president of the United States at the last election at which a president of the United States was elected; and]~~

~~[(ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the city or town for all candidates for president of the United States at the last election at which a~~

1262 president of the United States was elected.]

1263 ~~[(3) (a) As used in this Subsection (3):]~~

1264 ~~[(i) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the~~
1265 ~~jurisdiction of a county, city, or town that are subject to a subjurisdictional law.]]~~

1266 ~~[(ii) "Subjurisdictional law" means a local law or local obligation law passed by a local~~
1267 ~~legislative body that imposes a tax or other payment obligation on property in an area that does~~
1268 ~~not include all precincts and subprecincts under the jurisdiction of the county, city, or town.]]~~

1269 ~~[(b) A person seeking to have a subjurisdictional law passed by the local legislative~~
1270 ~~body submitted to a vote of the people shall obtain legal signatures of the residents in the~~
1271 ~~subjurisdiction equal to:]~~

1272 ~~[(i) 10% of the total votes cast in the subjurisdiction for all candidates for president of~~
1273 ~~the United States at the last election at which a president of the United States was elected if the~~
1274 ~~total number of votes exceeds 25,000;]]~~

1275 ~~[(ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president~~
1276 ~~of the United States at the last election at which a president of the United States was elected if~~
1277 ~~the total number of votes does not exceed 25,000 but is more than 10,000;]]~~

1278 ~~[(iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of~~
1279 ~~the United States at the last election at which a president of the United States was elected if the~~
1280 ~~total number of votes does not exceed 10,000 but is more than 2,500;]]~~

1281 ~~[(iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of~~
1282 ~~the United States at the last election at which a president of the United States was elected if the~~
1283 ~~total number of votes does not exceed 2,500 but is more than 500;]]~~

1284 ~~[(v) 25% of all the votes cast in the subjurisdiction for all candidates for president of~~
1285 ~~the United States at the last election at which a president of the United States was elected if the~~
1286 ~~total number of votes does not exceed 500 but is more than 250; and]]~~

1287 ~~[(vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of~~
1288 ~~the United States at the last election at which a president of the United States was elected if the~~
1289 ~~total number of votes does not exceed 250;]]~~

1290 (1) As used in this section:

1291 (a) "Number of active voters" means the number of active voters in the county, city, or
 1292 town on the immediately preceding January 1.

1293 (b) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the
 1294 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

1295 (c) (i) "Subjurisdictional law" means a local law or local obligation law passed by a
 1296 local legislative body that imposes a tax or other payment obligation on property in an area that
 1297 does not include all precincts and subprecincts under the jurisdiction of the county, city, town,
 1298 or metro township.

1299 (ii) "Subjurisdictional law" does not include a land use law.

1300 (d) "Voter participation area" means an area described in Subsection [20A-7-401.3\(1\)\(a\)](#)
 1301 or (2)(b).

1302 (2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local
 1303 law passed by the local legislative body submitted to a vote of the people shall obtain legal
 1304 signatures equal to:

1305 (a) for a county of the first class:

1306 (i) 7.75% of the number of active voters in the county; and

1307 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75%
 1308 of the county's voter participation areas;

1309 (b) for a metro township with a population of 100,000 or more, or a city of the first
 1310 class:

1311 (i) 7.5% of the number of active voters in the metro township or city; and

1312 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%
 1313 of the metro township's or city's voter participation areas;

1314 (c) for a county of the second class:

1315 (i) 8% of the number of active voters in the county; and

1316 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75% of
 1317 the county's voter participation areas;

1318 (d) for a metro township with a population of 65,000 or more but less than 100,000, or
1319 a city of the second class:

1320 (i) 8.25% of the number of active voters in the metro township or city; and
1321 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75%
1322 of the metro township's or city's voter participation areas;

1323 (e) for a county of the third class:

1324 (i) 9.5% of the number of active voters in the county; and
1325 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%
1326 of the county's voter participation areas;

1327 (f) for a metro township with a population of 30,000 or more but less than 65,000, or a
1328 city of the third class:

1329 (i) 10% of the number of active voters in the metro township or city; and
1330 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%
1331 of the metro township's or city's voter participation areas;

1332 (g) for a county of the fourth class:

1333 (i) 11.5% of the number of active voters in the county; and
1334 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
1335 of the county's voter participation areas;

1336 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a
1337 city of the fourth class:

1338 (i) 11.5% of the number of active voters in the metro township or city; and
1339 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75%
1340 of the metro township's or city's voter participation areas;

1341 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city
1342 of the fifth class, or a county of the fifth class, 25% of the number of active voters in the metro
1343 township, city, or county; or

1344 (j) for a metro township with a population of less than 1,000, a town, or a county of the
1345 sixth class, 35% of the number of active voters in the metro township, town, or county.

(3) Except as provided in Subsection (4), an eligible voter seeking to have a land use law or local obligation law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) for a county of the first, second, third, or fourth class:

(i) 16% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a county of the fifth or sixth class:

(i) 16% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;

(c) for a metro township with a population of 100,000 or more, or a city of the first class:

(i) 15% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:

(i) 16% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(e) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:

(i) 27.5% of the number of active voters in the metro township or city; and

(ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(f) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:

1374 (i) 29% of the number of active voters in the metro township or city; and
1375 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%
1376 of the metro township's or city's voter participation areas;

1377 (g) for a metro township with a population of 1,000 or more but less than 10,000, or a
1378 city of the fifth class, 35% of the number of active voters in the metro township or city; or

1379 (h) for a metro township with a population of less than 1,000 or a town, 40% of the
1380 number of active voters in the metro township or town.

1381 (4) A person seeking to have a subjurisdictional law passed by the local legislative
1382 body submitted to a vote of the people shall obtain legal signatures of the residents in the
1383 subjurisdiction equal to:

1384 (a) 10% of the number of active voters in the subjurisdiction if the number of active
1385 voters exceeds 25,000;

1386 (b) 12-1/2% of the number of active voters in the subjurisdiction if the number of
1387 active voters does not exceed 25,000 but is more than 10,000;

1388 (c) 15% of the number of active voters in the subjurisdiction if the number of active
1389 voters does not exceed 10,000 but is more than 2,500;

1390 (d) 20% of the number of active voters in the subjurisdiction if the number of active
1391 voters does not exceed 2,500 but is more than 500;

1392 (e) 25% of the number of active voters in the subjurisdiction if the number of active
1393 voters does not exceed 500 but is more than 250; and

1394 (f) 30% of the number of active voters in the subjurisdiction if the number of active
1395 voters does not exceed 250.

1396 ~~[(4)]~~ (5) (a) Sponsors of any referendum petition challenging, under Subsection ~~[(1),~~
1397 ~~(2), or (3)]~~ (2), (3), or (4), any local law passed by a local legislative body shall file the
1398 application within ~~[five]~~ seven days after the ~~[passage of]~~ day on which the local law was
1399 passed.

1400 (b) Except as provided in Subsection ~~[(4)]~~ (5)(c), when a referendum petition has been
1401 declared sufficient, the local law that is the subject of the petition does not take effect unless

and until the local law is approved by a vote of the people.

(c) When a referendum petition challenging a subjurisdictional law has been declared sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless and until the subjurisdictional law is approved by a vote of the people who reside in the subjurisdiction.

~~[(5)]~~ (6) If the referendum passes, the local law that was challenged by the referendum is repealed as of the date of the election.

~~[(6)]~~ (7) Nothing in this section authorizes a local legislative body to impose a tax or other payment obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.

Section 24. Section **20A-7-602** is amended to read:

20A-7-602. Local referendum process -- Application procedures.

(1) ~~[Persons]~~ An eligible voter wishing to circulate a referendum petition shall file an application with the local clerk.

(2) The application shall contain:

(a) the name and residence address of at least five sponsors of the referendum petition;

(b) a certification indicating that each of the sponsors~~[(i)]~~ is a resident of Utah; ~~[and]~~

~~[(ii) (A) if the referendum challenges a county local law, has voted in a regular general election in Utah within the last three years; or]~~

~~[(B) if the referendum challenges a municipal local law, has voted in a regular municipal election in Utah within the last three years;]~~

(c) a statement indicating that each of the sponsors has voted in an election in Utah in the last three years;

~~[(c)]~~ (d) the signature of each of the sponsors, ~~[attested to]~~ acknowledged by a notary public; and

~~[(d)]~~ (e) (i) if the referendum challenges an ordinance or resolution, one copy of the law; or

(ii) if the referendum challenges a local law that is not an ordinance or resolution, a

1430 written description of the local law, including the result of the vote on the local law.

1431 Section 25. Section **20A-7-602.5** is amended to read:

1432 **20A-7-602.5. Initial fiscal and legal impact estimate -- Preparation of estimate.**

1433 (1) Within three [~~working~~] business days after the day on which the local clerk receives
1434 an application for a referendum petition, the local clerk shall submit a copy of the application
1435 to the county, city, or town's budget officer.

1436 (2) (a) The budget officer, together with legal counsel, shall prepare an unbiased, good
1437 faith estimate of the fiscal and legal impact of repealing the law the referendum proposes to
1438 repeal that contains:

1439 (i) a dollar amount representing the total estimated fiscal impact of repealing the law;

1440 (ii) if repealing the law would increase or decrease taxes, a dollar amount representing
1441 the total estimated increase or decrease for each type of tax that would be impacted by the law's
1442 repeal and a dollar amount representing the total estimated increase or decrease in taxes that
1443 would result from the law's repeal;

1444 (iii) if repealing the law would result in the issuance or a change in the status of bonds,
1445 notes, or other debt instruments, a dollar amount representing the total estimated increase or
1446 decrease in public debt that would result;

1447 (iv) a listing of all sources of funding for the estimated costs that would be associated
1448 with the law's repeal, showing each source of funding and the percentage of total funding that
1449 would be provided from each source;

1450 (v) a dollar amount representing the estimated costs or savings, if any, to state and
1451 local government entities if the law were repealed;

1452 (vi) the legal impacts that would result from repealing the law, including:

1453 (A) any significant effects on a person's vested property rights;

1454 (B) any significant effects on other laws or ordinances;

1455 (C) any significant legal liability the city, county, or town may incur; and

1456 (D) any other significant legal impact as determined by the budget officer and the legal
1457 counsel; and

(vii) a concise explanation, not exceeding 100 words, of the above information and of the estimated fiscal impact, if any, if the law were repealed.

(b) (i) If repealing the law would have no fiscal impact, the local budget officer shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The (title of the local budget officer) estimates that repealing the law this referendum proposes to repeal would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."

(ii) If repealing the law is estimated to have a fiscal impact, the local budget officer shall include a summary statement describing the fiscal impact.

(iii) If the estimated fiscal impact of repealing the law is highly variable or is otherwise difficult to reasonably express in a summary statement, the local budget officer may include in the summary statement a brief explanation that identifies those factors impacting the variability or difficulty of the estimate.

(3) Within ~~[25]~~ 20 calendar days after the day on which the local clerk submits a copy of the application under Subsection (1), the budget officer shall:

(a) deliver a copy of the initial fiscal impact estimate, including the legal impact estimate, to the local clerk's office; and

(b) ~~[mail]~~ deliver a copy of the initial fiscal impact estimate, including the legal impact estimate, to the first ~~[five]~~ three sponsors named in the application.

Section 26. Section **20A-7-602.7** is enacted to read:

20A-7-602.7. Referability to voters of local law other than land use law.

(1) Within 20 days after the day on which an eligible voter files an application to circulate a referendum petition under Section [20A-7-602](#) for a local law other than a land use law, the county, city, town, or metro township to which the referendum pertains shall:

(a) review the application to determine whether the proposed referendum is legally referable to voters; and

(b) notify the first three sponsors, in writing, whether the proposed referendum is:

1486 (i) legally referable to voters; or
1487 (ii) rejected as not legally referable to voters.
1488 (2) For a local law other than a land use law, a proposed referendum is legally referable
1489 to voters unless:
1490 (a) the proposed referendum challenges an action that is administrative, rather than
1491 legislative, in nature;
1492 (b) the proposed referendum challenges more than one law passed by the local
1493 legislative body; or
1494 (c) the application for the proposed referendum was not timely filed or does not
1495 comply with the requirements of this part.
1496 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
1497 or metro township may not, for a local law other than a land use law:
1498 (a) reject a proposed referendum as not legally referable to voters; or
1499 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
1500 proposed referendum on the grounds that the proposed referendum is not legally referable to
1501 voters.
1502 (4) (a) If, under Subsection (1)(b)(ii), a county, city, town, or metro township rejects a
1503 proposed referendum concerning a local law other than a land use law, a sponsor of the
1504 proposed referendum may, within 10 days after the day on which a sponsor is notified under
1505 Subsection (1)(b), challenge or appeal the decision to:
1506 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
1507 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
1508 under Subsection (4)(a)(i).
1509 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection
1510 (4)(a) terminates the referendum.
1511 (5) If, on a challenge or appeal, the court determines that the proposed referendum
1512 described in Subsection (4) is legally referable to voters, the local clerk shall comply with
1513 Subsection [20A-7-604\(2\)](#) within five days after the day on which the determination, and any

1514 challenge or appeal of the determination, is final.

1515 Section 27. Section **20A-7-602.8** is enacted to read:

1516 **20A-7-602.8. Referability to voters of local land use law.**

1517 (1) Within 20 days after the day on which an eligible voter files an application to
1518 circulate a referendum petition under Section [20A-7-602](#) for a land use law, the county,
1519 city, town, or metro township to which the referendum pertains shall:

1520 (a) review the application to determine whether the proposed referendum is legally
1521 referable to voters; and

1522 (b) notify the first three sponsors, in writing, whether the proposed referendum is:

1523 (i) legally referable to voters; or

1524 (ii) rejected as not legally referable to voters.

1525 (2) For a land use law, a proposed referendum is legally referable to voters unless:

1526 (a) the proposed referendum challenges an action that is administrative, rather than
1527 legislative, in nature;

1528 (b) the proposed referendum challenges a land use decision, rather than a land use
1529 regulation, as those terms are defined in Section [10-9a-103](#) or [17-27a-103](#);

1530 (c) the proposed referendum challenges more than one law passed by the local
1531 legislative body; or

1532 (d) the application for the proposed referendum was not timely filed or does not
1533 comply with the requirements of this part.

1534 (3) After the end of the 20-day period described in Subsection (1), a county, city, town,
1535 or metro township may not, for a land use law:

1536 (a) reject a proposed referendum as not legally referable to voters; or

1537 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a
1538 proposed referendum on the grounds that the proposed referendum is not legally referable to
1539 voters.

1540 (4) (a) If a county, city, town, or metro township rejects a proposed referendum
1541 concerning a land use law, a sponsor of the proposed referendum may, within seven days after

1542 the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision
1543 to:

1544 (i) the Supreme Court, by means of an extraordinary writ, if possible; or
1545 (ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ
1546 under Subsection (4)(a)(i).

1547 (b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection
1548 (4)(a) terminates the referendum.

1549 (5) If, on challenge or appeal, the court determines that the proposed referendum is
1550 legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(2) within
1551 five days after the day on which the determination, and any challenge or appeal of the
1552 determination, is final.

1553 Section 28. Section **20A-7-603** is amended to read:

1554 **20A-7-603. Form of referendum petition and signature sheets.**

1555 (1) (a) Each proposed referendum petition shall be printed in substantially the
1556 following form:

1557 "REFERENDUM PETITION To the Honorable ____, County Clerk/City
1558 Recorder/Town Clerk:

1559 We, the undersigned citizens of Utah, respectfully order that (description of local law or
1560 portion of local law being challenged), passed by the ____ be referred to the voters for their
1561 approval or rejection at the regular/municipal general election to be held on
1562 ____ (month\day\year);

1563 Each signer says:

1564 I have personally signed this petition;

1565 The date next to my signature correctly reflects the date that I actually signed the
1566 petition;

1567 I have personally reviewed the entire statement included with this packet;

1568 I am registered to vote in Utah or intend to become registered to vote in Utah before the
1569 certification of the petition names by the county clerk; and

- 1570 My residence and post office address are written correctly after my name."
- 1571 (b) The sponsors of a referendum shall attach a copy of the law that is the subject of the
1572 referendum to each referendum petition.
- 1573 (2) Each signature sheet shall:
- 1574 (a) be printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- 1575 (b) be ruled with a horizontal line three-fourths inch from the top, with the space above
1576 that line blank for the purpose of binding;
- 1577 (c) contain the title of the referendum printed below the horizontal line;
- 1578 (d) contain the word "Warning" printed or typed at the top of each signature sheet
1579 under the title of the referendum;
- 1580 (e) contain, to the right of the word "Warning," the following statement printed or
1581 typed in not less than eight-point, single-leaded type:
- 1582 "It is a class A misdemeanor for an individual to sign a referendum petition with any
1583 other name than the individual's own name, or to knowingly sign the individual's name more
1584 than once for the same measure, or to sign a referendum petition when the individual knows
1585 that the individual is not a registered voter and knows that the individual does not intend to
1586 become registered to vote before the certification of the petition names by the county clerk.";
- 1587 (f) contain horizontally ruled lines three-eighths inch apart under the "Warning"
1588 statement required by this section;
- 1589 (g) be vertically divided into columns as follows:
- 1590 (i) the edge of the first column shall appear ~~[at]~~ .5 inch from the extreme left of the
1591 sheet, be ~~[five-eighths]~~ .25 inch wide, and be headed, together with the second column, "For
1592 Office Use Only[;]" ~~[and be subdivided with a light vertical line down the middle];~~
- 1593 (ii) the second column shall be .25 inch wide;
- 1594 ~~[(ii)]~~ (iii) the ~~[next]~~ third column shall be ~~[2-1/2]~~ 2.5 inches wide, headed "Registered
1595 Voter's Printed Name (must be legible to be counted)";
- 1596 ~~[(iii)]~~ (iv) the ~~[next]~~ fourth column shall be ~~[2-1/2]~~ 2.5 inches wide, headed "Signature
1597 of Registered Voter";

1598 (v) the fifth column shall be .75 inch wide, headed "Date Signed";

1599 ~~[(iv)]~~ (vi) the ~~[next]~~ sixth column shall be ~~[one inch]~~ three inches wide, headed ~~["Birth~~

1600 ~~Date or Age (Optional)"]~~ "Street Address, City, Zip Code"; and

1601 ~~[(v)]~~ (vii) the ~~[final]~~ seventh column shall be ~~[4-3/8 inches]~~ .75 inch wide, headed

1602 ~~["Street Address, City, Zip Code";]~~ "Birth Date or Age (Optional)";

1603 (h) be horizontally divided into rows as follows:

1604 (i) the top of the first row, for the purpose of entering the information described in

1605 Subsection (2)(g), shall be .5 inch high;

1606 ~~[(h) spanning the sheet horizontally beneath each row on which a registered voter may~~

1607 ~~submit the information described in Subsection (2)(g);]~~

1608 (ii) the second row shall be .15 inch high and contain the following statement printed

1609 or typed in not less than eight-point, single-leaded type: "By signing this petition, you are

1610 stating that you have read and understand the law this petition seeks to overturn."; and

1611 (iii) the first and second rows shall be repeated, in order, leaving sufficient room at the

1612 bottom of the sheet for the information described in Subsection (2)(i); and

1613 (i) at the bottom of the sheet, contain the following statement: "Birth date or age

1614 information is not required, but it may be used to verify your identity with voter registration

1615 records. If you choose not to provide it, your signature may not be verified as a valid signature

1616 if you change your address before petition signatures are verified or if the information you

1617 provide does not match your voter registration records."

1618 (3) The final page of each referendum packet shall contain the following printed or

1619 typed statement:

1620 "Verification

1621 State of Utah, County of ____

1622 I, _____, of _____, hereby state that:

1623 I am a resident of Utah and am at least 18 years old;

1624 All the names that appear in this referendum packet were signed by ~~[persons]~~

1625 individuals who professed to be the ~~[persons]~~ individuals whose names appear in it, and each

of ~~[them signed his]~~ the individuals signed the individual's name on it in my presence;

I did not knowingly make a misrepresentation of fact concerning the law this petition seeks to overturn;

I believe that each individual has printed and signed ~~[his]~~ the individual's name and written ~~[his]~~ the individual's post office address and residence correctly, and that each signer is registered to vote in Utah or intends to become registered to vote before the certification of the petition names by the county clerk.

_____ "

(4) The forms prescribed in this section are not mandatory, and, if substantially followed, the referendum petitions are sufficient, notwithstanding clerical and merely technical errors.

Section 29. Section **20A-7-604** is amended to read:

20A-7-604. Circulation requirements -- Local clerk to provide sponsors with materials.

(1) In order to obtain the necessary number of signatures required by this part, the sponsors shall, after the sponsors receive the documents described in Subsection (2) and Subsection 20A-7-401.5(4)(b), circulate referendum packets that meet the form requirements of this part.

(2) Within five days after the day on which a ~~[local clerk receives an application that complies with the requirements of Section 20A-7-602]~~ county, city, town, metro township, or court determines, in accordance with Section 20A-7-602.7, that a proposed referendum is legally referable to voters, the local clerk shall furnish to the sponsors~~[(a) five copies]~~ a copy of the referendum petition~~[:]~~ and a signature sheet.

~~[(b) five signature sheets.]~~

(3) The sponsors of the petition shall:

(a) arrange and pay for the printing of all additional copies of the petition and signature sheets; and

(b) ensure that the copies of the petition and signature sheets meet the form

requirements of this section.

(4) (a) The sponsors may prepare the referendum for circulation by creating multiple referendum packets.

(b) The sponsors shall create those packets by binding a copy of the referendum petition, a copy of the law that is the subject of the referendum, and no more than 50 signature sheets together at the top in such a way that the packets may be conveniently opened for signing.

(c) The sponsors need not attach a uniform number of signature sheets to each referendum packet.

~~[(5) (a) After the sponsors have prepared sufficient referendum packets, they shall return them to the local clerk.]~~

~~[(b) The local clerk shall:]~~

~~[(i) number each of the referendum packets and return them to the sponsors within five working days, and]~~

~~[(ii) keep a record of the numbers assigned to each packet.]~~

(d) The sponsors shall include, with each packet, a copy of the proposition information pamphlet provided to the sponsors under Subsection 20A-7-401.5(4)(b).

Section 30. Section **20A-7-605** is amended to read:

20A-7-605. Obtaining signatures -- Verification -- Removal of signature.

(1) Any Utah voter may sign a local referendum petition if the voter is a legal voter and resides in the local jurisdiction.

(2) (a) The sponsors shall ensure that the ~~[person]~~ individual in whose presence each signature sheet was signed:

(i) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(ii) verifies each signature sheet by completing the verification printed on the last page of each referendum packet.

(b) ~~[A person]~~ An individual may not sign the verification printed on the last page of

the referendum packet if the [person] individual signed a signature sheet in the referendum packet.

(3) (a) Any voter who has signed a referendum petition may have the voter's signature removed from the petition by submitting a [notarized] statement to that effect to the [local] county clerk.

(b) Except as provided in Subsection (3)(c), upon receipt of the statement, the [local] county clerk shall remove the signature of the [person] individual submitting the statement from the referendum petition.

(c) A [local] county clerk may not remove signatures from a referendum petition later than seven days after the [petition has been submitted to the county clerk to be certified] day on which the sponsors timely submit the last signature packet to the county clerk.

(4) The sponsors of a referendum petition:

(a) shall, for each signature packet:

(i) within seven days after the day on which the first individual signs the signature packet, provide a clear, legible image of all signatures on the signature packet to the county clerk via email or other electronic means; and

(ii) immediately send a new image if the county clerk informs the sponsors that the image is not clear and legible;

(b) may not permit additional signatures on a signature packet of which the sponsors have sent an image under Subsection (4)(a); and

(c) may not submit a signature packet to the county clerk unless the sponsors timely comply with the requirements of Subsection (4)(a) in relation to the signature packet.

(5) Each person who gathers a signature removal statement described in Subsection (3):

(a) shall, within seven days after the day on which the individual signs the signature removal statement, provide a clear, legible image of the statement to the county clerk via email or other electronic means; and

(b) shall, immediately send a new image if the local clerk informs the sender that the

1710 image is not clear and legible; and

1711 (c) may not submit a signature removal statement to the county clerk, unless the sender
1712 timely complies with the requirements of Subsections (5)(a) and (b) in relation to the signature
1713 removal statement.

1714 (6) (a) The county clerk shall provide to an individual, upon request:

1715 (i) an image of a signature packet or signature removal statement with the dates of birth
1716 redacted; or

1717 (ii) instead of providing an image described in Subsection (6)(a)(i), a document or
1718 electronic list containing the name and other information, other than the dates of birth, that
1719 appear on an image described in this Subsection (6)(a).

1720 (b) Subject to Subsection [20A-7-606.3](#)(4), the local clerk may begin certifying,
1721 removing, and tallying signatures upon receipt of an image described in Subsection (4) or (5).

1722 Section 31. Section **20A-7-606.3** is amended to read:

1723 **20A-7-606.3. Verification of petition signatures.**

1724 (1) (a) For the purposes of this section, "substantially similar name" means:

1725 (i) the given name and surname shown on the petition, or both, contain only minor
1726 spelling differences when compared to the given name and surname shown on the official
1727 register;

1728 (ii) the surname shown on the petition exactly matches the surname shown on the
1729 official register, and the given names differ only because one of the given names shown is a
1730 commonly used abbreviation or variation of the other;

1731 (iii) the surname shown on the petition exactly matches the surname shown on the
1732 official register, and the given names differ only because one of the given names shown is
1733 accompanied by a first or middle initial or a middle name which is not shown on the other
1734 record; or

1735 (iv) the surname shown on the petition exactly matches the surname shown on the
1736 official register, and the given names differ only because one of the given names shown is an
1737 alphabetically corresponding initial that has been provided in the place of a given name shown

1738 on the other record.

1739 (b) For the purposes of this section, "substantially similar name" does not mean a name
1740 having an initial or a middle name shown on the petition that does not match a different initial
1741 or middle name shown on the official register.

1742 (2) The county clerk shall use the following procedures in determining whether or not a
1743 signer is a registered voter:

1744 (a) When a signer's name and address shown on the petition exactly match a name and
1745 address shown on the official register and the signer's signature appears substantially similar to
1746 the signature on the statewide voter registration database, the county clerk shall declare the
1747 signature valid.

1748 (b) When there is no exact match of an address and a name, the county clerk shall
1749 declare the signature valid if:

1750 (i) the address on the petition matches the address of [~~a person~~] an individual on the
1751 official register with a substantially similar name; and

1752 (ii) the signer's signature appears substantially similar to the signature on the statewide
1753 voter registration database of the [~~person~~] individual described in Subsection (2)(b)(i).

1754 (c) When there is no match of an address and a substantially similar name, the county
1755 clerk shall declare the signature valid if:

1756 (i) the birth date or age on the petition matches the birth date or age of [~~a person~~] an
1757 individual on the official register with a substantially similar name; and

1758 (ii) the signer's signature appears substantially similar to the signature on the statewide
1759 voter registration database of the [~~person~~] individual described in Subsection (2)(c)(i).

1760 (d) If a signature is not declared valid under Subsection (2)(a), (b), or (c), the county
1761 clerk shall declare the signature to be invalid.

1762 (4) The county clerk may not provide a final verification of the signature packets
1763 submitted for a proposed referendum until eight days after the day on which a sponsor submits
1764 the final, timely signature packet to the county clerk to be certified.

1765 Section 32. Section **20A-7-607** is amended to read:

20A-7-607. Evaluation by the local clerk -- Determination of election for vote on referendum.

(1) When each referendum packet is received from a county clerk, the local clerk shall check off from the local clerk's record the number of each referendum packet filed.

(2) Within [~~15~~] two days after the day on which the local clerk receives each referendum packet from a county clerk, the local clerk shall:

(a) count the number of the names certified by the county clerks that appear on each verified signature sheet;

(b) if the total number of certified names from each verified signature sheet equals or exceeds the number of names required by Section 20A-7-601 and the requirements of this part are met, mark upon the front of the petition the word "sufficient";

(c) if the total number of certified names from each verified signature sheet does not equal or exceed the number of names required by Section 20A-7-601 or a requirement of this part is not met, mark upon the front of the petition the word "insufficient"; and

(d) notify any one of the sponsors of the local clerk's finding.

(3) If the local clerk finds the total number of certified signatures from each verified signature sheet to be insufficient, any sponsor may file a written demand with the local clerk for a recount of the signatures appearing on the referendum petition in the presence of any sponsor.

(4) (a) If the local clerk refuses to accept and file any referendum petition, any voter may apply to [~~the Supreme Court~~] a court for an extraordinary writ to compel the local clerk to do so within 10 days after the refusal.

(b) If [~~the Supreme Court~~] a court determines that the referendum petition is legally sufficient, the local clerk shall file it, with a verified copy of the judgment attached to it, as of the date on which it was originally offered for filing in the local clerk's office.

(c) If [~~the Supreme Court~~] a court determines that any petition filed is not legally sufficient, the [~~Supreme Court~~] court may enjoin the local clerk and all other officers from:

(i) certifying or printing the ballot title and numbers of that measure on the official

1794 ballot for the next election; or

1795 (ii) as it relates to a local tax law that is conducted entirely by absentee ballot,
1796 certifying, printing, or mailing the ballot title and numbers of that measure under Section
1797 [20A-7-609.5](#).

1798 (5) A petition determined to be sufficient in accordance with this section is qualified
1799 for the ballot.

1800 (6) (a) If a referendum relates to legislative action taken after April 15, the election
1801 officer may not place the referendum on an election ballot until a primary election, a general
1802 election, or a special election the following year.

1803 (b) For a referendum on a land use law, if, before August 30, the local clerk or a court
1804 determines that the total number of certified names equals or exceeds the number of signatures
1805 required in Section [20A-7-601](#), the election officer shall place the referendum on the election
1806 ballot for the next general election.

1807 Section 33. Section **20A-7-608** is amended to read:

1808 **20A-7-608. Ballot title -- Duties of local clerk and local attorney.**

1809 (1) [~~Whenever a referendum petition is declared sufficient for submission to a vote of~~
1810 ~~the people,~~] Upon receipt of a referendum petition, the local clerk shall deliver a copy of the
1811 petition and the proposed law to the local attorney.

1812 (2) The local attorney shall:

1813 (a) entitle each county or municipal referendum that has qualified for the ballot
1814 "Proposition Number ___" and give it a number as assigned under Section [20A-6-107](#);

1815 (b) prepare a proposed ballot title for the referendum;

1816 (c) file the proposed ballot title and the numbered referendum titles with the local clerk
1817 within [~~15~~] 20 days after the [~~date the referendum petition is declared sufficient for submission~~
1818 ~~to a vote of the people~~] day on which an eligible voter submits the referendum petition to the
1819 local clerk; and

1820 (d) promptly provide notice of the filing of the proposed ballot title to:

1821 (i) the sponsors of the petition; and

(ii) the local legislative body for the jurisdiction where the referendum petition was circulated.

(3) (a) The ballot title may be distinct from the title of the law that is the subject of the petition, and shall express, in not exceeding 100 words, the purpose of the measure.

(b) In preparing a ballot title, the local attorney shall, to the best of ~~his~~ the local attorney's ability, give a true and impartial statement of the purpose of the measure.

(c) The ballot title may not intentionally be an argument, or likely to create prejudice, for or against the measure.

(4) (a) Within five calendar days after the date the local attorney files a proposed ballot title under Subsection (2)(c), the local legislative body for the jurisdiction where the referendum petition was circulated and the sponsors of the petition may file written comments in response to the proposed ballot title with the local clerk.

(b) Within five calendar days after the last date to submit written comments under Subsection (4)(a), the local attorney shall:

(i) review any written comments filed in accordance with Subsection (4)(a);

(ii) prepare a final ballot title that meets the requirements of Subsection (3); and

(iii) return the petition and file the ballot title with the local clerk.

(c) Subject to Subsection (6), the ballot title, as determined by the local attorney, shall be printed on the official ballot.

(5) Immediately after the local attorney files a copy of the ballot title with the local clerk, the local clerk shall serve a copy of the ballot title by mail upon the sponsors of the petition and the local legislative body for the jurisdiction where the referendum petition was circulated.

(6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does not comply with the requirements of this section, the decision of the local attorney may be appealed ~~[by a petition]~~ to the district court, or, if the Supreme Court has original jurisdiction, to the Supreme Court ~~[that is]~~, brought by:

(i) at least three sponsors of the referendum petition; or

1850 (ii) a majority of the local legislative body for the jurisdiction where the referendum
1851 petition was circulated.

1852 (b) The ~~[Supreme Court]~~ court:

1853 (i) shall examine the measures and consider the arguments~~[-, and, in its decision,]; and~~

1854 (ii) may ~~[certify]~~ issue an order to the local clerk that includes a ballot title for the
1855 measure that fulfills the intent of this section.

1856 (c) The local clerk shall print the title certified by the ~~[Supreme Court]~~ court on the
1857 official ballot.

1858 Section 34. Section **20A-7-609.5** is amended to read:

1859 **20A-7-609.5. Election on referendum challenging local tax law conducted entirely**
1860 **by absentee ballot.**

1861 (1) An election officer may administer an election on a referendum challenging a local
1862 tax law entirely by absentee ballot.

1863 (2) For purposes of an election conducted under this section, the election officer shall:

1864 (a) designate as the election day the day that is 30 days after the day on which the
1865 election officer complies with Subsection (2)(b); and

1866 (b) within 30 days after the day on which the referendum described in Subsection (1)
1867 qualifies for the ballot, mail to each registered voter within the voting precincts to which the
1868 local tax law applies:

1869 (i) an absentee ballot;

1870 (ii) a statement that there will be no polling place in the voting precinct for the
1871 election;

1872 (iii) a statement specifying the election day described in Subsection (2)(a);

1873 (iv) a business reply mail envelope;

1874 (v) instructions for returning the ballot that include an express notice about any
1875 relevant deadlines that the voter must meet in order for the voter's vote to be counted; ~~[and]~~

1876 (vi) a warning, on a separate page of colored paper in boldface print, indicating that if
1877 the voter fails to follow the instructions included with the absentee ballot, the voter will be

1878 unable to vote in that election because there will be no polling place in the voting precinct on
1879 the day of the election[-]; and

1880 (vii) (A) a copy of the proposition information pamphlet relating to the referendum if a
1881 proposition information pamphlet relating to the referendum was published under Section
1882 20A-7-401.5; or

1883 (B) a website address where an individual may view a copy of the proposition
1884 information pamphlet described in Subsection (2)(b)(vii)(A).

1885 (3) A voter who votes by absentee ballot under this section is not required to apply for
1886 an absentee ballot as required by this part.

1887 (4) An election officer who administers an election under this section shall:

1888 (a) (i) obtain, in person, the signatures of each voter within that voting precinct before
1889 the election; or

1890 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
1891 and

1892 (b) maintain the signatures on file in the election officer's office.

1893 (5) (a) Upon receiving the returned absentee ballots under this section, the election
1894 officer shall compare the signature on each absentee ballot with the voter's signature that is
1895 maintained on file and verify that the signatures are the same.

1896 (b) If the election officer questions the authenticity of the signature on the absentee
1897 ballot, the election officer shall immediately contact the voter to verify the signature.

1898 (c) If the election officer determines that the signature on the absentee ballot does not
1899 match the voter's signature that is maintained on file, the election officer shall:

1900 (i) unless the absentee ballot application deadline described in Section 20A-3-304 has
1901 passed, immediately send another absentee ballot and other voting materials as required by this
1902 section to the voter; and

1903 (ii) disqualify the initial absentee ballot.

1904 Section 35. Section 20A-7-610 is amended to read:

1905 **20A-7-610. Return and canvass -- Conflicting measures -- Law effective on**

1906 **proclamation.**

1907 (1) The votes on the [~~law proposed by~~] proposed law that is the subject of the
1908 referendum petition shall be counted, canvassed, and delivered as provided in Title 20A,
1909 Chapter 4, Part 3, Canvassing Returns.

1910 (2) After the local board of canvassers completes [~~its~~] the canvass, the local clerk shall
1911 certify to the local legislative body the vote for and against the [~~law proposed by~~] proposed law
1912 that is the subject of the referendum petition.

1913 (3) (a) The local legislative body shall immediately issue a proclamation that:

1914 (i) gives the total number of votes cast in the local jurisdiction for and against each
1915 [~~law proposed by~~] proposed law that is the subject of a referendum petition; and

1916 (ii) declares those laws [~~proposed by~~] that are the subject of a referendum petition that
1917 were approved by majority vote to be in full force and effect as the law of the local jurisdiction.

1918 (b) When the local legislative body determines that two proposed laws, or that parts of
1919 two proposed laws approved by the people at the same election are entirely in conflict, they
1920 shall proclaim that measure to be law that has received the greatest number of affirmative
1921 votes, regardless of the difference in the majorities which those measures have received.

1922 (4) (a) Within 10 days after the local legislative body's proclamation, any qualified
1923 voter [~~who signed the referendum petition proposing the~~] residing in the jurisdiction for a law
1924 that is declared by the local legislative body to be superseded by another measure approved at
1925 the same election may [~~apply to the~~] bring an action in a district court, or, if the Supreme Court
1926 has original jurisdiction, the Supreme Court to review the decision.

1927 (b) The [~~Supreme Court~~] court shall:

1928 (i) consider the matter and decide whether [~~or not~~] the proposed laws are entirely in
1929 conflict; and

1930 (ii) [~~certify its~~] issue an order, consistent with the court's decision, to the local
1931 legislative body.

1932 (5) Within 10 days after the [~~Supreme Court certifies its~~] day on which the court
1933 certifies the decision, the local legislative body shall:

1934 (a) proclaim ~~[all those]~~ as law all measures approved by the people ~~[as law]~~ that the
1935 ~~[Supreme Court has determined]~~ court determines are not in conflict; and

1936 (b) ~~[of all those]~~ for the measures approved by the people as law that the ~~[Supreme~~
1937 ~~Court has determined]~~ court determines to be in conflict, proclaim as law the ~~[one]~~ measure
1938 that received the greatest number of affirmative votes, regardless of the difference in
1939 majorities.

1940 Section 36. Section **20A-7-612** is amended to read:

1941 **20A-7-612. Misconduct of electors and officers -- Penalty.**

1942 (1) It is unlawful for ~~[any person]~~ an individual to:

1943 (a) sign any name other than ~~[his own]~~ the individual's own name to any referendum
1944 petition;

1945 ~~[(b) knowingly sign his name more than once for the same measure at one election;]~~

1946 ~~[(c)]~~ (b) sign a referendum knowing ~~[he]~~ that the individual is not a legal voter; ~~[or]~~

1947 (c) in connection with circulating a referendum petition, represent that a document is
1948 an official government document if the individual knows or has reason to know that the
1949 document is not an official government document; or

1950 (d) knowingly and willfully violate any provision of this part.

1951 (2) It is unlawful for ~~[any person]~~ an individual to sign the verification for a
1952 referendum packet knowing that:

1953 (a) ~~[he]~~ the individual does not meet the residency requirements of Section **20A-2-105**;

1954 (b) ~~[he]~~ the individual has not witnessed the signatures of ~~[those persons]~~ the
1955 individuals whose names appear in the referendum packet; or

1956 (c) one or more ~~[persons]~~ individuals whose signatures appear in the referendum
1957 packet;

1958 (i) is either:

1959 ~~[(i)]~~ (A) not registered to vote in Utah; or

1960 ~~[(ii)]~~ (B) does not intend to become registered to vote in Utah~~[-];~~ or

1961 (ii) appears next to an inaccurate date of signature.

(3) ~~[Any person violating]~~ An individual who violates this part is guilty of a class A misdemeanor.

(4) The county attorney or municipal attorney shall prosecute any violation of this section.

Section 37. Section **20A-7-613** is amended to read:

20A-7-613. Property tax referendum petition.

(1) As used in this section, "certified tax rate" means the same as that term is defined in Section [59-2-924](#).

(2) Except as provided in this section, the requirements of this part apply to a referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that exceeds the certified tax rate.

~~[(3) Notwithstanding Subsection [20A-7-604](#)(5), the local clerk shall number each of the referendum packets and return them to the sponsors within two working days.]~~

~~[(4)]~~ (3) Notwithstanding Subsection [20A-7-606](#)(1), the sponsors shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated no later than 40 days after the day on which the local clerk complies with Subsection ~~[(3)]~~ [20A-7-604](#)(2).

~~[(5)]~~ (4) Notwithstanding Subsections [20A-7-606](#)(2) and (3), the county clerk shall take the actions required in Subsections [20A-7-606](#)(2) and (3) within 10 working days after the day on which the county clerk receives the signed and verified referendum packet as described in Subsection ~~[(4)]~~ (3).

~~[(6)]~~ (5) The local clerk shall take the actions required by Section [20A-7-607](#) within two working days after the day on which the local clerk receives the referendum packets from the county clerk.

~~[(7)]~~ (6) Notwithstanding Subsection [20A-7-608](#)(2), the local attorney shall prepare the ballot title within two working days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.

~~[(8)]~~ (7) Notwithstanding Subsection [20A-7-609](#)(2)(c), a referendum that qualifies for

the ballot under this section shall appear on the ballot for the earlier of the next regular general election or the next municipal general election unless a special election is called.

~~[(9)]~~ (8) Notwithstanding the requirements related to absentee ballots under this title:

(a) the election officer shall prepare absentee ballots for those voters who have requested an absentee ballot as soon as possible after the ballot title is prepared as described in Subsection ~~[(7)]~~ (6); and

(b) the election officer shall mail absentee ballots on a referendum under this section the later of:

(i) the time provided in Section 20A-3-305 or 20A-16-403; or

(ii) the time that absentee ballots are prepared for mailing under this section.

~~[(10)]~~ (9) Section 20A-7-402 does not apply to a referendum described in this section.

~~[(11)]~~ (10) (a) If a majority of voters does not vote against imposing the tax at a rate calculated to generate the increased revenue budgeted, adopted, and approved by the taxing entity's legislative body:

(i) the certified tax rate for the fiscal year during which the referendum petition is filed is its most recent certified tax rate; and

(ii) the proposed increased revenues for purposes of establishing the certified tax rate for the fiscal year after the fiscal year described in Subsection ~~[(11)]~~ (10)(a)(i) are the proposed increased revenues budgeted, adopted, and approved by the taxing entity's legislative body before the filing of the referendum petition.

(b) If a majority of voters votes against imposing a tax at the rate established by the vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the taxing entity's most recent certified tax rate.

(c) If the tax rate is set in accordance with Subsection ~~[(11)]~~ (10)(a)(ii), a taxing entity is not required to comply with the notice and public hearing requirements of Section 59-2-919 if the taxing entity complies with those notice and public hearing requirements before the referendum petition is filed.

~~[(12)]~~ (11) The ballot title shall, at a minimum, include in substantially this form the

following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as budgeted, adopted, and approved by the [name of the taxing entity]".

~~[(13)]~~ (12) A taxing entity shall pay the county the costs incurred by the county that are directly related to meeting the requirements of this section and that the county would not have incurred but for compliance with this section.

~~[(14)]~~ (13) (a) An election officer shall include on a ballot a referendum that has not yet qualified for placement on the ballot, if:

(i) sponsors file an application for a referendum described in this section;

(ii) the ballot will be used for the election for which the sponsors are attempting to qualify the referendum; and

(iii) the deadline for qualifying the referendum for placement on the ballot occurs after the day on which the ballot will be printed.

(b) If an election officer includes on a ballot a referendum described in Subsection ~~[(14)]~~ (13)(a), the ballot title shall comply with Subsection ~~[(12)]~~ (11).

(c) If an election officer includes on a ballot a referendum described in Subsection ~~[(14)]~~ (13)(a) that does not qualify for placement on the ballot, the election officer shall inform the voters by any practicable method that the referendum has not qualified for the ballot and that votes cast in relation to the referendum will not be counted.

Section 38. Section **20A-11-1202** is amended to read:

20A-11-1202. Definitions.

As used in this part:

(1) "Applicable election officer" means:

(a) a county clerk, if the email relates only to a local election; or

(b) the lieutenant governor, if the email relates to an election other than a local election.

(2) "Ballot proposition" means constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to

2046 the voters for their approval or rejection.

2047 (3) "Campaign contribution" means any of the following when done for a political
2048 purpose or to advocate for or against a ballot proposition:

2049 (a) a gift, subscription, donation, loan, advance, deposit of money, or anything of value
2050 given to a filing entity;

2051 (b) an express, legally enforceable contract, promise, or agreement to make a gift,
2052 subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything
2053 of value to a filing entity;

2054 (c) any transfer of funds from another reporting entity to a filing entity;

2055 (d) compensation paid by any person or reporting entity other than the filing entity for
2056 personal services provided without charge to the filing entity;

2057 (e) remuneration from:

2058 (i) any organization or the organization's directly affiliated organization that has a
2059 registered lobbyist; or

2060 (ii) any agency or subdivision of the state, including a school district; or

2061 (f) an in-kind contribution.

2062 (4) (a) "Commercial interlocal cooperation agency" means an interlocal cooperation
2063 agency that receives its revenues from conduct of its commercial operations.

2064 (b) "Commercial interlocal cooperation agency" does not mean an interlocal
2065 cooperation agency that receives some or all of its revenues from:

2066 (i) government appropriations;

2067 (ii) taxes;

2068 (iii) government fees imposed for regulatory or revenue raising purposes; or

2069 (iv) interest earned on public funds or other returns on investment of public funds.

2070 (5) "Expenditure" means:

2071 (a) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
2072 or anything of value;

2073 (b) an express, legally enforceable contract, promise, or agreement to make any

2074 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
2075 value;

2076 (c) a transfer of funds between a public entity and a candidate's personal campaign
2077 committee;

2078 (d) a transfer of funds between a public entity and a political issues committee; or

2079 (e) goods or services provided to or for the benefit of a candidate, a candidate's
2080 personal campaign committee, or a political issues committee for political purposes at less than
2081 fair market value.

2082 (6) "Filing entity" means the same as that term is defined in Section 20A-11-101.

2083 (7) "Governmental interlocal cooperation agency" means an interlocal cooperation
2084 agency that receives some or all of its revenues from:

2085 (a) government appropriations;

2086 (b) taxes;

2087 (c) government fees imposed for regulatory or revenue raising purposes; or

2088 (d) interest earned on public funds or other returns on investment of public funds.

2089 (8) [(a)] "Influence" means to campaign or advocate for or against a ballot proposition.

2090 ~~[(b) "Influence" does not mean providing a brief statement about a public entity's~~
2091 ~~position on a ballot proposition and the reason for that position.]~~

2092 (9) "Interlocal cooperation agency" means an entity created by interlocal agreement
2093 under the authority of Title 11, Chapter 13, Interlocal Cooperation Act.

2094 (10) "Local district" means an entity under Title 17B, Limited Purpose Local
2095 Government Entities - Local Districts, and includes a special service district under Title 17D,
2096 Chapter 1, Special Service District Act.

2097 (11) "Political purposes" means an act done with the intent or in a way to influence or
2098 intend to influence, directly or indirectly, any person to refrain from voting or to vote for or
2099 against any:

2100 (a) candidate for public office at any caucus, political convention, primary, or election;

2101 or

2102 (b) judge standing for retention at any election.

2103 (12) "Proposed initiative" means an initiative proposed in an application filed under
2104 Section 20A-7-202 or 20A-7-502.

2105 (13) "Proposed referendum" means a referendum proposed in an application filed
2106 under Section 20A-7-302 or 20A-7-602.

2107 ~~[(12)]~~ (14) (a) "Public entity" includes the state, each state agency, each county,
2108 municipality, school district, local district, governmental interlocal cooperation agency, and
2109 each administrative subunit of each of them.

2110 (b) "Public entity" does not include a commercial interlocal cooperation agency.

2111 (c) "Public entity" includes local health departments created under Title 26, Chapter 1,
2112 Department of Health Organization.

2113 ~~[(13)]~~ (15) (a) "Public funds" means any money received by a public entity from
2114 appropriations, taxes, fees, interest, or other returns on investment.

2115 (b) "Public funds" does not include money donated to a public entity by a person or
2116 entity.

2117 ~~[(14)]~~ (16) (a) "Public official" means an elected or appointed member of government
2118 with authority to make or determine public policy.

2119 (b) "Public official" includes the person or group that:

2120 (i) has supervisory authority over the personnel and affairs of a public entity; and

2121 (ii) approves the expenditure of funds for the public entity.

2122 ~~[(15)]~~ (17) "Reporting entity" means the same as that term is defined in Section
2123 20A-11-101.

2124 ~~[(16)]~~ (18) (a) "State agency" means each department, commission, board, council,
2125 agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory,
2126 library, unit, bureau, panel, or other administrative unit of the state.

2127 (b) "State agency" includes the legislative branch, the Board of Regents, the
2128 institutional councils of each higher education institution, and each higher education
2129 institution.

2130 Section 39. Section **20A-11-1203** is amended to read:

2131 **20A-11-1203. Public entity prohibited from expending public funds on certain**
2132 **electoral matters.**

2133 (1) Unless specifically required by law, and except as provided in Section
2134 **20A-11-1206**, a public entity may not:

2135 (a) make an expenditure from public funds for political purposes ~~[or]~~, to influence a
2136 ballot proposition~~[-]~~, or to influence a proposed initiative or proposed referendum; or

2137 (b) publish on the public entity's website an argument for or against a ballot
2138 proposition, a proposed initiative, or a proposed referendum.

2139 (2) A violation of this section does not invalidate an otherwise valid election.

2140 (3) This section does not prohibit the reasonable expenditure of public funds to gather
2141 information for, and respond directly to, an individual who makes an inquiry regarding a ballot
2142 proposition, a proposed initiative, or a proposed referendum.

2143 (4) This section does not prohibit:

2144 (a) a public entity from conducting research, or collecting and compiling information
2145 or arguments in relation to, a ballot proposition, a proposed initiative, or a proposed
2146 referendum;

2147 (b) an elected or appointed official of the public entity described in Subsection (4)(a)
2148 from using the research, information, or arguments described in Subsection (4)(a) for the
2149 purpose of advocating for or against a ballot proposition, proposed initiative, or proposed
2150 referendum via a website, or another medium, not owned or controlled by the public entity;

2151 (c) a public entity from posting on the public entity's website a link to another website,
2152 with a brief description, that is not owned or controlled by a public entity, or from publishing in
2153 any medium owned, controlled, or paid for by a public entity a website address, with a brief
2154 description, where an individual may view research, information, and arguments for or against
2155 a ballot proposition, proposed initiative, or proposed referendum if the public entity:

2156 (i) before posting the link or publishing the address, provides at least seven days
2157 written notice to the sponsors of the ballot proposition, proposed initiative, or proposed

2158 referendum:

2159 (A) of the public entity's intent to post the link or publish the address;

2160 (B) a description of each medium in which the public entity intends to post the link or
 2161 publish the address; and

2162 (C) the dates of the publication or posting; and

2163 (ii) posts, immediately adjacent to the link or address, and brief description described
 2164 in Subsection (4)(c)(i), a link to, or an address for, a website, with a brief description,
 2165 containing the sponsors' research, information, and arguments for or against the ballot
 2166 proposition, proposed initiative, or proposed referendum, if the sponsors provide a link or
 2167 address within seven days after the day on which the sponsors receive the notice described in
 2168 Subsection (4)(c)(i); or

2169 (d) a public entity from posting on the public entity's website, or any medium, a
 2170 complete copy of a proposition information pamphlet described in Section [20A-7-401.5](#) or a
 2171 voter information pamphlet.

2172 Section 40. Section **20A-11-1205** is amended to read:

2173 **20A-11-1205. Use of public email for a political purpose.**

2174 (1) Except as provided in Subsection (5), a person may not send an email using the
 2175 email of a public entity:

2176 (a) for a political purpose;

2177 (b) to advocate for or against a ~~[ballot proposition]~~ proposed initiative, initiative,
 2178 proposed referendum, or referendum; or

2179 (c) to solicit a campaign contribution.

2180 (2) (a) ~~The [applicable election officer shall]~~ lieutenant governor shall, after giving the
 2181 person and the complainant notice and an opportunity to be heard, impose a civil fine against a
 2182 person who violates Subsection (1) as follows:

2183 ~~[(a)]~~ (i) up to \$250 for a first violation; and

2184 ~~[(b)]~~ (ii) except as provided in Subsection (3), for each subsequent violation committed
 2185 after ~~[any applicable election officer]~~ the lieutenant governor imposes a fine against the person

for a first violation, \$1,000 multiplied by the number of violations committed by the person.

(b) A person may, within 30 days after the day on which the lieutenant governor imposes a fine against the person under this Subsection (2), appeal the fine to a district court.

(3) The ~~[applicable election officer]~~ lieutenant governor shall consider a violation of this section as a first violation if the violation is committed more than seven years after the day on which the person last committed a violation of this section.

(4) For purposes of this section, one violation means one act of sending an email, regardless of the number of recipients of the email.

(5) A person does not violate this section if:

(a) the lieutenant governor finds that the email described in Subsection (1) was inadvertently sent by the person ~~[described in Subsection (1);]~~ using the email of a public entity[-];

(b) the person is directly providing information solely to another person or a group of people in response to a question asked by the other person or group of people;

(c) the information the person emails is an argument or rebuttal argument prepared under Section [20A-7-401.5](#) or [20A-7-402](#), and the email includes each opposing argument and rebuttal argument that:

(i) relates to the same proposed initiative, initiative, proposed referendum, or referendum; and

(ii) complies with the requirements of Section [20A-7-401.5](#) or [20A-7-402](#); or

(d) the person is engaging in:

(i) an internal communication solely within the public entity;

(ii) a communication solely with another public entity;

(iii) a communication solely with legal counsel;

(iv) a communication solely with the sponsors of an initiative or referendum;

(v) a communication solely with a land developer for a project permitted by a local land use law that is challenged by a proposed referendum or a referendum; or

(vi) a communication solely with a person involved in a business transaction directly

2214 relating to a project described in Subsection (5)(d)(v).

2215 (6) A violation of this section does not invalidate an otherwise valid election.

2216 (7) An email sent in violation of Subsection (1), as determined by the records officer,
2217 constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of Title
2218 63G, Chapter 2, Government Records Access and Management Act, notwithstanding any
2219 applicability of Subsection 63G-2-103(22)(b)(i).

2220 Section 41. Section 20A-11-1206 is amended to read:

2221 **20A-11-1206. Exclusions.**

2222 (1) Nothing in this chapter prohibits a public official from speaking, campaigning,
2223 contributing personal money, or otherwise exercising the public official's individual First
2224 Amendment rights for political purposes.

2225 (2) (a) [Nothing] Subject to Subsection (2)(b), nothing in this chapter prohibits a public
2226 entity from providing factual information about a ballot proposition to the public, so long as the
2227 information grants equal access to both the opponents and proponents of the ballot proposition.

2228 (b) A county or municipality may not provide any information to the public about a
2229 proposed initiative, initiative, proposed referendum, or referendum unless the county or
2230 municipality:

2231 (i) provides the information in a manner required, or expressly permitted, by law; or

2232 (ii) is directly providing information solely to a person or a group of people in response
2233 to a question asked by the person or group of people.

2234 (3) Nothing in this chapter prohibits a public entity from the neutral encouragement of
2235 voters to vote.

2236 (4) Nothing in this chapter prohibits an elected official from campaigning or
2237 advocating for or against a ballot proposition.

2238 (5) Subject to Subsection (6), a county or municipality may expend a reasonable
2239 amount of public funds to:

2240 (a) prepare and publish a written argument or written rebuttal argument in accordance
2241 with Section 20A-7-401.5, 20A-7-402, or 59-1-1604; or

- 2242 (b) prepare an argument for, and present an argument at, a public meeting under
2243 Section [20A-7-405](#) or [59-1-1605](#).
- 2244 (6) A county or municipality may not:
- 2245 (a) publish an argument or rebuttal argument prepared under Section [20A-7-401.5](#) or
2246 [20A-7-402](#), unless, at the same time and in the same manner, the county or municipality
2247 publishes each opposing argument and rebuttal argument that:
- 2248 (i) relates to the same proposed initiative, initiative, proposed referendum, or
2249 referendum; and
- 2250 (ii) complies with the requirements of Section [20A-7-401.5](#) or [20A-7-402](#);
- 2251 (b) publish an argument or rebuttal argument for or against a proposed initiative,
2252 initiative, proposed referendum, or referendum that was not prepared and submitted in
2253 accordance with Section [20A-7-401.5](#) or [20A-7-402](#); or
- 2254 (c) present an argument or rebuttal argument for or against a proposed initiative,
2255 initiative, proposed referendum, or referendum at a public meeting, unless the county or
2256 municipality provides equal opportunity for persons to present opposing arguments and rebuttal
2257 arguments at the public meeting.
- 2258 Section 42. Section **63I-2-220** is amended to read:
- 2259 **63I-2-220. Repeal dates, Title 20A.**
- 2260 (1) Subsection [20A-5-803](#)(8) is repealed July 1, 2023.
- 2261 (2) Section [20A-5-804](#) is repealed July 1, 2023.
- 2262 (3) On January 1, 2019, Subsections [20A-6-107](#)(2) and (4) are repealed and the
2263 remaining subsections, and references to those subsections, are renumbered accordingly.
- 2264 (4) On July 1, 2018, in Subsection [20A-11-101](#)(21), the language that states "[10-2a-302](#)," is repealed.
- 2265
- 2266 (5) On January 1, 2026:
- 2267 (a) In Subsection [20A-1-102](#)~~[(23)]~~ (22)(a), the language that states "or Title 20A,
2268 Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.
- 2269 (b) In Subsections [20A-1-303](#)(1)(a) and (b), the language that states "Except as

2270 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
2271 repealed.

2272 (c) In Section 20A-1-304, the language that states "Except for a race conducted by
2273 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
2274 Pilot Project," is repealed.

2275 (d) In Subsection 20A-3-105(1)(a), the language that states "Except as provided in
2276 Subsection (5)," is repealed.

2277 (e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states "Except
2278 as provided in Subsections (5) and (6)," is repealed.

2279 (f) In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a), the language that states
2280 "Subject to Subsection (5)," is repealed.

2281 (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section
2282 20A-3-105 are renumbered accordingly.

2283 (h) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in
2284 Subsection (2)(f)," is repealed.

2285 (i) Subsection 20A-4-101(2)(f) is repealed.

2286 (j) Subsection 20A-4-101[~~(4)~~] (3) is repealed and replaced with the following:

2287 "[~~(4)~~] (3) To resolve questions that arise during the counting of ballots, a counting
2288 judge shall apply the standards and requirements of Section 20A-4-105."

2289 (k) In Subsection 20A-4-102(1)(a), the language that states "or a rule made under
2290 Subsection 20A-4-101(2)(f)(i)" is repealed.

2291 (l) Subsection 20A-4-102(1)(b) is repealed and replaced with the following:

2292 "(b) To resolve questions that arise during the counting of ballots, a counting judge
2293 shall apply the standards and requirements of Section 20A-4-105."

2294 (m) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in
2295 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made
2296 under Subsection 20A-4-101(2)(f)(i)" is repealed.

2297 (n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise

2298 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
2299 repealed.

2300 (o) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3-105(5), or
2301 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

2302 (p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as
2303 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
2304 Project," is repealed.

2305 (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter
2306 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

2307 (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title
2308 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

2309 (s) Subsection 20A-4-304(2)(a)(v) is repealed and replaced with the following:
2310 "(v) from each voting precinct:

2311 (A) the number of votes for each candidate; and

2312 (B) the number of votes for and against each ballot proposition;".

2313 (t) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection (1)
2314 are renumbered accordingly, and the cross-references to those subsections are renumbered
2315 accordingly.

2316 (u) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is
2317 repealed.

2318 (v) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in
2319 Subsection (3) are renumbered accordingly.

2320 (w) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in
2321 Subsection (4) are renumbered accordingly.

2322 (x) Section 20A-6-203.5 is repealed.

2323 (y) In Subsections 20A-6-402(1), (2), (3), and (4), the language that states "Except as
2324 otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4,
2325 Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

(z) In Subsection [20A-9-404](#)(1)(a), the language that states "or Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

(aa) In Subsection [20A-9-404](#)(2), the language that states "Except as otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

(6) Section [20A-7-407](#) is repealed January 1, 2021.

Section 43. **Revisor instructions.**

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace the reference in Subsection [20A-7-407](#)(1)(b) from "this bill" to the bill's designated chapter number in the Laws of Utah.

Section 44. **Coordinating H.B. 119 with S.B. 33 -- Substantive and technical amendments.**

If this H.B. 119 and S.B. 33, Political Procedures Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by amending Subsections [20A-7-402](#)(3)(f) through (i) to read:

"[(f)] (g) (i) [~~Except as provided in Subsection (3)(g), a~~] A sponsor of a special local ballot proposition may prepare [~~an~~] a written argument in favor of the special local ballot proposition.

(ii) [~~Except as provided in Subsection (3)(g), and subject~~] Subject to Subsection [(3)] (2)(e), an eligible voter opposed to the special local ballot proposition who submits a request under Subsection [(3)] (2)(d) may prepare [~~an~~] a written argument against the special local ballot proposition.

[(g) (i) ~~For a referendum, subject to Subsection (3)(e), an eligible voter who is in favor of a law that is referred to the voters and who submits a request under Subsection (3)(d) may prepare an argument for adoption of the law.]~~

[(ii) ~~The sponsors of a referendum may prepare an argument against the adoption of a law that is referred to the voters.]~~

2354 (h) An eligible voter who submits ~~[an]~~ a written argument under this section in relation
2355 to a special local ballot proposition shall:

2356 (i) ensure that the written argument does not exceed 500 words in length, not counting
2357 the information described in Subsection (2)(h)(ii) or (iv);

2358 (ii) ~~[ensure that the argument does not]~~ list, at the end of the argument, at least one, but
2359 no more than five, names as sponsors;

2360 (iii) submit the written argument to the election officer before 5 p.m. no later than 60
2361 days before the election day on which the ballot proposition will be submitted to the voters;
2362 ~~[and]~~

2363 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's
2364 residential address; and

2365 ~~[(iv)]~~ (v) ~~[include]~~ submit with the written argument the eligible voter's name,
2366 residential address, postal address, email address if available, and phone number.

2367 (i) An election officer shall refuse to accept and publish an argument ~~[that is]~~
2368 submitted after the deadline described in Subsection ~~[(3)]~~ (2)(h)(iii)."

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Moderate Income Housing Element of General Plan

FOR CONSIDERATION ON: 17 September 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and recommend the proposed menu items for the Moderate Income Housing Element of the General Plan.

BACKGROUND INFORMATION:

Per Senate Bill 34, Alpine City is tasked with implementing 3 or more items from the menu below as part of the Moderate Income Housing Element of the General Plan by the end of 2019.

***Menu :** Shall include a recommendation to implement 3 or more of the following strategies, aka the 'menu' (518; 1205):*

- A. rezone for densities necessary to assure the production of MIH*
- B. facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of MIH*
- C. facilitate the rehabilitation of existing uninhabitable housing stock into MIH*
- D. consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city*
- E. create or allow for, and reduce regulations related to, accessory dwelling units in residential zones*
- F. allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers*
- G. encourage higher density or moderate income residential development near major transit investment corridors*
- H. eliminate or reduce parking requirements for residential development where a resident is less likely to rely on their own vehicle, e.g. residential development near major transit investment corridors or senior living facilities*
- I. allow for single room occupancy developments*
- J. implement zoning incentives for low to moderate income units in new developments*
- K. utilize strategies that preserve subsidized low to moderate income units on a long-term basis*
- L. preserve existing MIH*
- M. reduce impact fees, as defined in Section 11-36a-102, related to low and MIH*
- N. participate in a community land trust program for low or MIH*
- O. implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality*
- P. apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH*

- Q. apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity*
- R. apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services*
- S. apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act [not in county list of recommendations]*
- T. apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create MIH*
- U. apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance*
- V. utilize a MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency*
- W. any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income*

After a discussion between staff and the City Council at the September 10, 2019 City Council Meeting it is proposed that the following menu items be under consideration to be added to the Moderate Income Housing Element of the General Plan.

- Item E: Alpine City already meets this requirement based on the current ordinance that allows for Accessory Apartments on any lot in any zone of the City.
- Item J: Developers could be given incentives such as, higher density, smaller setbacks, etc. to help incentivize moderate income units in new developments. Moderate income units would be deed restricted.
- Item L: Alpine City has duplexes, fourplexes, and smaller homes that could be preserved and protected as moderate income housing through new ordinances.
- Item M: Impact fees could be reduced or even waived for developers who would participate in creating new deed restricted moderate income housing.
- Item N: Alpine City could set aside a money each year that would be given to the Provo Housing Authority, Olene Walker Housing Loan Fund or similar trust.
- Item O: In order to encourage Police, Fire, and other City employees to live in town a mortgage assistance program could be implemented for qualifying employees.
- Item W: City could set aside money to subsidize rent and wave utility bills for certain qualifying candidates (i.e. fixed income households, etc.).

STAFF RECOMMENDATION:

Review and make a recommendation regarding the proposed menu items for the Moderate Income Housing Element of the General Plan.

SAMPLE MOTION TO APPROVE:

I motion that the proposed menu items be added to the Moderate Income Housing Element of the General Plan.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I motion that the proposed menu items be added to the Moderate Income Housing Element of the General Plan with the following conditions:

- ***Insert Finding***

SAMPLE MOTION TO DENY:

I motion that the proposal to add menu items to the Moderate Income Housing Element of the General Plan be denied based on the following:

- ***Insert Finding***

GOAL #1

Promote moderate income housing that meets the needs of those desiring to live in Alpine.



POLICIES

- 1.1 Allow accessory apartments within owner-occupied dwellings throughout the City
- 1.2 Allow senior housing units to be built in more dense clusters to reduce costs of living.
- 1.3 Allow detached accessory dwelling units (ADU) and regulate them in order to maintain the character of Alpine City.
- 1.4 Provide zoning incentives to encourage the creation of new moderate income housing.
- 1.5 Preserve existing moderate income housing.
- 1.6 Allow impact fees to be waived for new moderate income housing units.
- 1.7 Actively participate in a community land trust program on a continual ongoing basis.
- 1.8 Provide mortgage assistance for employees of the municipality who qualify and live within City boundaries.
- 1.9 Subsidize rent and waive utility bills for qualifying fixed income households.

Summary of SB 34 Affordable Housing Modifications (4th Substitute)

Sen. Jake Anderegg / Rep. Val Potter

Summary: SB34 encourages local communities to plan for housing for residents of all income levels, and coordinate that housing with transportation. Communities are required to develop a moderate income housing (MIH) plan as part of their general plan. Communities that are required to annually report on their MIH plan implementation must satisfy these requirements to remain eligible for state transportation investments.

Revisions to required elements of municipal and county general plans:

Land Use element must now consider location of land for housing for residents of various income levels in addition to the other categories of public and private uses of land (line 481 for municipalities; 1172 for counties).

Transportation and Traffic Circulation element:

- “Provide the general location and extent” of active transportation facilities in addition to freeways, arterial and collector streets, public transit, and other modes of transportation (491; 1182).
- Plan residential and commercial development around “major transit investment corridors” to improve connections between housing, employment, education, recreation, and commerce (494; 1185).
 - Defines “major transit investment corridor” as public transit service that uses or occupies: (a) public transit rail right-of-way; (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and (i) a public transit district as defined in Section 17B-2a-802, or (ii) an eligible political subdivision as defined in Section 59-12-2219 (246; 858).
 - Municipalities without a major transit investment corridor must plan for residential and commercial development in areas that maintain and improve these connections (498).
- Correlate the transportation plan with population and employment projections, and the proposed land use element (502, 1188).
- Consider the regional transportation plan developed by the region’s metropolitan planning organization (MPO); if outside an MPO, consider the long-range transportation plan developed by UDOT (575; 1258).

Moderate Income Housing (MIH) element:

- ***Municipalities/counties covered:*** Utah Code has long required municipalities and counties to plan for moderate income housing growth. SB34 requires, by December 1, 2019, the following municipalities and counties to update and adopt the moderate income housing element of their general plan (444; 1074), and annually report on implementation (614; 1296):
 - all municipalities of the 1st, 2nd, 3rd, and 4th class;
 - cities of the 5th class with a population of 5,000 or more that are located in counties of the 1st, 2nd, and 3rd class;
 - metro townships with a population of 5,000 or more; and
 - all counties must plan and adopt a MIH element including strategies from the ‘menu’ (see below) but only counties of the 1st, 2nd, and 3rd class with an unincorporated population of 5,000 or more must annually report on implementation.
- Facilitate a reasonable opportunity for a variety of housing including MIH and shall now 1) meet the needs of people of various income levels living, working, or desiring to live or work in the community (509; 1198); 2) “allow people with various incomes to benefit from and participate in all aspects of neighborhood and community life” (511; 1200); 3) towns may and cities shall analyze how they will provide a realistic opportunity for the development of MIH within 5 years for cities (513) and within the planning horizon for counties (1203).

- **Menu:** Shall include a recommendation to implement 3 or more of the following strategies, aka the 'menu' (518; 1205):
 - (A) rezone for densities necessary to assure the production of MIH
 - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of MIH
 - (C) facilitate the rehabilitation of existing uninhabitable housing stock into MIH
 - (D) consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city
 - (E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones
 - (F) allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers
 - (G) encourage higher density or moderate income residential development near major transit investment corridors
 - (H) eliminate or reduce parking requirements for residential development where a resident is less likely to rely on their own vehicle, e.g. residential development near major transit investment corridors or senior living facilities
 - (I) allow for single room occupancy developments
 - (J) implement zoning incentives for low to moderate income units in new developments
 - (K) utilize strategies that preserve subsidized low to moderate income units on a long-term basis
 - (L) preserve existing MIH
 - (M) reduce impact fees, as defined in Section 11-36a-102, related to low and MIH
 - (N) participate in a community land trust program for low or MIH
 - (O) implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality
 - (P) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH
 - (Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity
 - (R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services
 - (S) apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act [not in county list of recommendations]
 - (T) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create MIH
 - (U) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance
 - (V) utilize a MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency
 - (W) any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income
- In addition to the recommendations required above, municipalities that have a "fixed guideway public transit station" shall include a recommendation to implement either "G" or "H" (568) [not required for counties].

- **Annual reporting and review of the moderate income housing plan:** The municipal/county legislative body shall annually review their MIH plan and implementation of that plan; prepare and post a report of their findings on their website; and send the report to Dept. of Workforce Services, AOG, and MPO if applicable (612; 1294).
 - The report shall include: a) revised estimate of the need for MIH in the next 5 years; b) description of progress made to provide MIH by analyzing and publishing data on the # of housing units that are at or below 80%, 50%, and 30% adjusted median family income; c) description of efforts to utilize a MIH set-aside from community reinvestment agency, redevelopment agency, or community development and renewal agency; d) description of the implementation of the MIH recommendations aka 'menu'.
 - Requires the DWS Division of Housing and Community Development to (i) assist in the creation of the MIH reports, and (ii) evaluate the reports for purposes of determining eligibility for state transportation funds. Gives DWS rulemaking authority to develop the evaluation process (1414).

Revisions to Olene Walker Housing Loan Fund (1325): SB34 did not provide any additional funding for housing. Revises Olene Walker Housing Loan Fund board to add 1 member w/expertise in transit-oriented development and 1 member who represents rural interests. The board must hold two public input meetings each year, once in a rural area. Allows fund money to be used to purchase land for low-income housing (1388).

Revisions to state transportation funding:

- Adds access to educational facilities and MIH to the prioritization process for new transportation capacity projects administered by the Utah Transportation Commission (1749).
- State Transportation Investment Fund (TIF) or Transit Transportation Investment Fund (TTIF) funds may not be used in a municipality or unincorporated county that has failed to adopt a MIH plan or has failed to report on implementation of their MIH plan as determined by DWS. TIF funds can still be used for a limited-access facility, but not for construction, reconstruction, or renovation of an interchange. TTIF funds can still be used for a multi-community fixed-guideway public transportation project, but not for the construction, reconstruction, or renovation of a station (1808).

Moderate Income Housing Element

[DISCLAIMER: This moderate income housing plan is based on information that may now be inaccurate and/or out-of-date. It is Alpine City's understanding, as of February 12, 2007, that the State of Utah is updating the model used to develop a moderate income housing plan, and that this updated model should be available by the fall of 2007. When the updated model is available to Alpine City, this plan will be updated and readopted.]

Utah State Code requires cities to adopt a plan for moderate income housing. A plan for moderate income housing is a written document that includes: (1) an estimate of the existing supply of moderate income housing, (2) an estimate of the need for moderate income housing for the next five years as revised biennially, (3) a survey of total residential land use, (4) an evaluation of how existing land uses and zones affect opportunities for moderate income housing, and (5) a description of the city's program to encourage an adequate supply of moderate income housing.

BACKGROUND

Moderate income housing means "housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located" (Utah Code, Section 10-9a-103). In the following analysis, moderate income housing will be divided into three categories: 80%, 50%, and 30% of the median gross income.

According to the definition, the Utah County moderate income level is recommended to be used in assessing the affordability of housing in Alpine. The average household size for Utah County was 4.3 persons in 2000, rounding to 4.0 for statistical purposes. In 2000, the median gross income for a family of four in Utah County was \$56,125. Therefore, an average household earning less than 80% (\$44,900), 50% (\$28,063), and 30% (\$16,838) of the Utah County median income is considered to be the standard by which Alpine should assess the affordability of housing within the community.

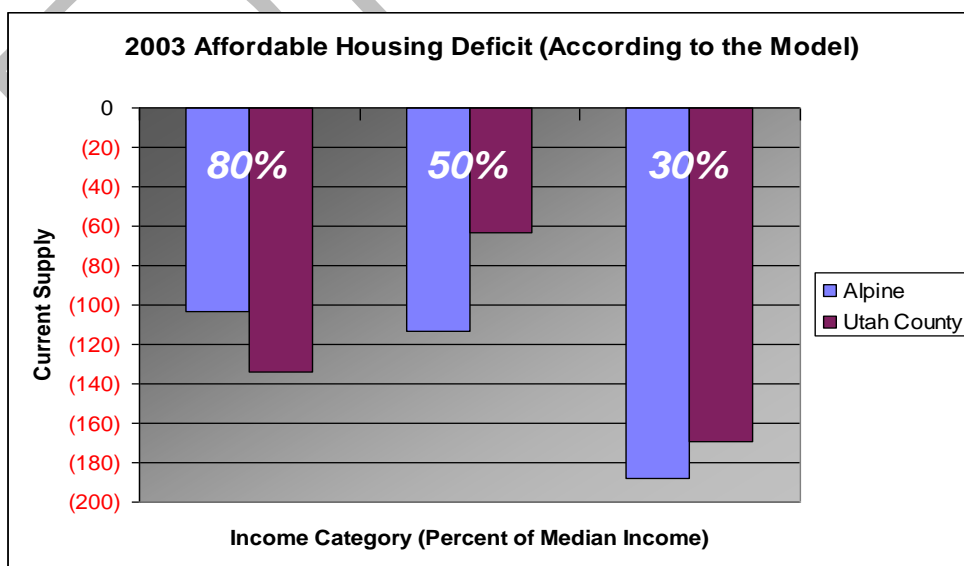
However, the use of the Utah County median income level does not adequately reflect current income levels in Alpine. Therefore, various demographic data must be taken into consideration. Based on 2000 census data, Alpine's median household income level was about 50% higher than the Utah County level. The following table illustrates this disparity.

Income, Purchase Price, and Rent Comparisons				
	Income Group	Utah Co.	Alpine	% Difference
Household Income	80%	\$ 44,900	\$ 70,256	56%
	50%	\$ 28,063	\$ 43,910	56%
	30%	\$ 16,838	\$ 26,346	56%
Maximum Purchase Price	80%	\$ 174,600	\$ 278,400	59%
	50%	\$ 105,700	\$ 170,600	61%
	30%	\$ 59,700	\$ 98,600	65%
Maximum Monthly Rent	80%	\$ 945	\$ 1,585	68%
	50%	\$ 525	\$ 925	76%
	30%	\$ 245	\$ 485	98%

They not only illustrate that Alpine residents typically have a higher income, but also that the housing market is substantially more expensive in Alpine. The outcomes determined by the spreadsheet model must be reviewed against Alpine's high income levels. As the State model may inadequately address the needs of the unique housing situation in Alpine, a more practical approach that caters to moderate income housing implementation for Alpine's specific housing needs must be considered.

ESTIMATE OF EXISTING SUPPLY

The chart below shows that in 2003, Alpine had a deficit of 104 units for households making 80% of the median annual income, a deficit of 113 units for those making 50% of the median income, and a deficit of 188 units for those making 30% of the median income. Utah County data also shows similar results: a deficit of 134 units for households making 80% of the median income, a deficit of 63 units available to those making 50% of the median income, and a deficit of 170 units for those making 30% of the median income.



ESTIMATE OF NEED (for the Next Five Years)

The majority of the need for moderate income housing in Alpine will be to serve the City's own growth. According to the moderate income housing model, population growth in Alpine has created a demand for the following units from 2004 to 2008:

Estimate of the Need for Moderate Income Housing			
	Income Group	Utah County	Alpine
New Demand in Units (2004 to 2008)	80%	44	44
	50%	30	30
	30%	67	67
Net Need in Units (Current Supply Plus Future Demand)	80%	178	147
	50%	94	143
	30%	237	255
Units Needed Per Year to Comply with State Model	80%	36	29
	50%	19	29
	30%	47	51

The model projects a need for a total of 29-51 units in Alpine per year of affordable housing depending on income data used. From 2000-2002, 36 residential permits were issued and the median building permit valuation was \$229,914, with a high of \$693,713 and a low of \$99,446 (not including lot prices). Using local income data, 113 permits, or about 48% of the total building permits, were in the affordable range for moderate income families. This is an average of 37 a year, which is slightly above the needed number of units projected by the model.

From 2003 to 2005, the City issued 255 residential building permits and the median building permit valuation was \$251,000, with a high of \$1,800,000 and a low of \$135,000. About 42 permits, or 16% of the residential permits, were in the affordable range for moderate income families. This equates to an average of 14 a year, which is significantly below the needed number of units projected by the model. Thus, according to the model, Alpine had a sufficient supply of moderate income housing units from 2000-2002, but an insufficient supply of moderate income housing units from 2003-2005. This could be attributed, at least in part, to the rapid appreciation of land value in the area.

The median maximum purchase price of a home in Alpine is more than \$100,000 higher than that of Utah County. The cost of housing includes mortgage or rent payments, utilities, interest, homeowners' insurance, mortgage insurance, property taxes, and other applicable fees. The entire sum of these costs should not exceed 30% of a household's gross income in order for the housing to be considered affordable.

Revisiting the demographic profile of the City deserves consideration at this point. Approximately 8% of the population is age 60 and older, retired, and on a fixed income.

This may account for the slightly increasing percentage in the category for households making 30% of the median income. These people likely have their houses paid off even though the model predicts that their houses are not affordable to them, thus, potentially accounting for the higher deficit of housing affordable to those making 50% or less of the median income. Similarly, the model projects that the percentage of retired households classified as having low incomes will increase.

Also, in the 2005 community survey, 94% of respondents reported that they own their home. Of those who said they own the home they live in, 25% indicated that their home is paid off. In the same survey, residents were asked what percentage of their income is paid to housing costs. Almost 10% of respondents reported that they have no housing costs and 65% of respondents stated they pay 30% or less of their income towards housing costs. Thus, about three-quarters of residents live in affordable housing.

Additionally, Alpine allows for accessory apartments throughout the community. An accessory apartment is a subordinate, semi-independent living area created within a one-family home. In the 2005 community survey, about 10% of respondents indicated they have an accessory apartment, with only about half reporting that their accessory apartment is occupied. There are about 60 accessory apartments currently registered with the City, however, there is likely two or three times that many that are not registered. In the past, accessory apartments have enabled Alpine to meet the state moderate-income housing model and will continue to do so in the future.

SURVEY OF RESIDENTIAL ZONING

The City has four residential use zones, including:

- Town Residential District – T-R 10,000 (about 7%): was created to allow for residential growth within the originally settled town center of Alpine; to maintain the village scale and character; to provide for appropriate community activities and civic buildings; and to allow a density of development that is compatible with the limitations of municipal resources.
- Country Residential - C-R 20,000 (about 19%): was created to provide a location within the City allowing residential development on the traditional agricultural lands and lower undeveloped areas within the City; to provide for the perpetuation of the rural and open space image while reducing the impact of development on lands that are highly visible and susceptible to erosion; and to allow a density of development that is compatible with the limitations of municipal resources.
- Country Residential District - 1 Acre - C-R 40,000 (about 49%): includes the territory generally located around the periphery of the City considered appropriate for low-density residential development. Also included in the zone are areas, which because of the presence of steep slope, adverse soil characteristics, flood hazard, mud-flow or earthquake potential, wildfire

hazard, or similar critical and sensitive natural conditions, are considered environmentally fragile.

- Critical Environment Zone District - CE-5 (about 23%): consists primarily of the more mountainous areas of the City, which, because of the presence of steep slopes, unique soil characteristics, wildfire hazard or similar natural conditions, are considered environmentally sensitive. It is anticipated that uses in this zone will be limited to one-family dwellings in naturalistic settings with associated personal uses and structures. Such uses will be permitted in those portions of the zone that are most suitable for development activity (development cluster areas) interspersed with large and undisturbed open space areas.

EVALUATION OF ZONING'S AFFECT ON HOUSING OPPORTUNITIES

For most cities, zoning and reducing impact fees for moderate income housing developments can be important keys for the Planning Commission and City Council to provide housing opportunities to persons of moderate income. In Alpine, however, these keys have very little impact. A combined reduction in impact fees and increased density will cause only a minor reduction in total housing costs. The total cost of new housing for the median priced home in Alpine would need to be reduced by about 60% to equal the housing costs targeted by the model. A 60% reduction of total housing cost is not feasible through zoning or an impact fee reduction.

Alpine is located in a very desirable housing market. Market demands for housing have driven up the cost of housing in the City. Adjustments in density that would be compatible with the City's infrastructure and topography would have a limited effect in reducing total cost of housing. The sale price of the lot does not necessarily decrease in direct proportion to a reduction in lot size. For example, in the neighboring city of Lehi, where zoning is fairly similar to the structure of Alpine's, lot prices are \$150,000 cheaper than in Alpine. The apparent difference is not due to zoning, but to economics.

ALPINE'S PROGRAM TO ENCOURAGE MODERATE INCOME HOUSING

This is the point in the analysis where the State model may be too broad to apply to the unique characteristics of Alpine. Impediments to moderate income housing in Alpine include a variety of factors. Alpine is a small bedroom community where residents highly value low-density residential housing. In the 2005 General Plan survey, over 90% of the respondents indicated that the minimum lot size should be 10,000 square feet or greater. In this same survey, a majority of respondents reported that they see no need for condominiums, twin homes, or apartments in the City. Higher density housing, including multi-family housing, would be very difficult to pursue in Alpine as there would be very little public support for such a project.

Additionally, there is a very limited amount of commercial business within the City. It is presumptuous to conclude that there is a high demand for moderate income housing in the community as very few moderate or low income jobs exist. The majority of jobs that

do exist in Alpine are either home occupations or could be categorized as small office business – such as mortgage companies, medical and dental offices, and realty. Essentially, if high-density moderate income housing is placed in Alpine, there would not be enough jobs to sustain it. Therefore, if Alpine did have moderate income housing, people would still have to commute to work in other cities. As Alpine does not currently receive public transportation services, other than paratransit services, any individual who did not have their own transportation would not have any public transportation options available in order to travel to and from their employment in other cities.

Also, Alpine is not currently located near any large retail areas that would create a significant amount of moderate income jobs. Nor are there any colleges or universities nearby that would generate a population that would create a demand for moderate income jobs and housing.

Since the demand for living in Alpine is high, but the supply of dense residential housing is lower than that of other communities, the temptation for developers to build dense residential projects is high because competition is virtually non-existent. The market conditions, including high land value, enable developers to charge a higher monthly rent or a higher sale price than they could in other cities, creating a substantial profit. Therefore, not only is the single-family identity of Alpine damaged, but also the moderate-income housing that may exist in the area is more expensive than it should be.

Nonetheless, to ensure that moderate income housing exists, Alpine should continue to allow accessory apartments. The City may consider an “amnesty” type of program to encourage more residents that have illegal accessory apartments in their homes to comply with current ordinances and register the apartment with the City. The City also has no minimum requirement on house size, which may provide another manner in which housing prices can be made more affordable. Landlords renting homes within the City also have the opportunity to work with the Utah County Housing Authority to provide housing more affordable to the moderate income population.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Public Hearing – Short Term Rentals

FOR CONSIDERATION ON: 17 September 2019

PETITIONER: Staff

ACTION REQUESTED BY PETITIONER: Review and recommend approval of the proposed Short Term Rental ordinance.

BACKGROUND INFORMATION:

Alpine City currently has approximately 30-35 Short Term Rentals (i.e. Airbnb, VRBO, etc.) in town. Staff have received complaints about one of the rentals in the past, but overall there have been few complaints regarding existing Short Term Rentals (STR's).

Currently, STRs are not allowed in the residential zones of the City per the definition of Residence found in Article 3.1.110:

***RESIDENCE.** A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days or less.*

It is difficult to enforce this ordinance as it is a challenge for the City to be able to prove someone is using their home as an STR. Website listings cannot be used as evidence, and activity occurs on private property, where staff is limited by its inability to search and inspect the residences in question.

Allowing STRs could provide the benefit of an alternative source of revenue, ability to track STR's in town, and the ability to regulate STRs. If the City were to adopt an STR ordinance the following should be considered:

- Number of STRs allowed in the City?
- Number of STRs allowed in a single residence?
- Limit on number of bedrooms allowed per STR unit?
- Owner occupied STRs? Or Local Manager required?
- Business License requirement?
- In which zones shall STRs be permitted?
- Parking Requirements?
- Fees and Taxes?

Staff have prepared a draft Short Term Rental Ordinance based on the above considerations (see attached).

STAFF RECOMMENDATION:

Review the proposed Short Term Rental ordinance and make a recommendation to City Council.

SAMPLE MOTION TO APPROVE:

I motion to approve the Short Term Rental ordinance as proposed.

SAMPLE MOTION TO DENY:

I motion that the proposed Short Term Rental ordinance be denied based on the following:

- ***Insert Finding***

DRAFT 8-24-19

Chapter 7 SHORT-TERM RENTALS

Sections:

7.01 Findings; Purpose. Definitions.

7.02 Permit required. Minimum duration. Where permitted. Exceptions.

7.03 Minimum Duration Permit application and renewal; Approval standards.

7.04 Exceptions

7.05 Permit Application and Renewal

7.06 Display of Permit

7.07 Exterior display of contact information.

7.08 Occupancy Limits

7.09 Parking

7.10 Maintenance

7.11 Binding Effect

7.12 Inspections

7.13 Reserved

7.14 Fees

7.15 Violations and Penalties.

The City Council finds that while short-term rental properties may provide additional lodging opportunities for visitors to the City, such use is, essentially, a commercial use that can have a significant adverse impact on the appearance, tranquility and standard of living in the surrounding neighborhoods and, therefore, merits careful regulation and enforcement. The purpose of this chapter is to regulate short-term rentals in the City in order to safeguard the peace, safety and general welfare of existing neighborhoods by reducing or eliminating detrimental effects caused by noise, vandalism, overcrowding, congestion, traffic, parking and other adverse effects that may accompany the introduction of transient populations in neighborhoods as a result of the operation of short-term rental properties.

7.01 Definitions.

A. "Bedroom" means a room designated and used primarily for sleeping and rest on a bed. Every bedroom shall have at least one operable emergency escape and rescue opening that

complies with all applicable requirements and standards set forth in the latest version of the International Building Code adopted by the City.

B. “Director” means the city’s planner, his designee, or any other designee of the City.

C. “Short-term rental” means the rental, letting of rooms or sub- leasing/renting of any structure, dwelling or portion thereof for occupancy, dwelling, lodging or sleeping purposes for at least three but not more than 30 consecutive days in duration.

D. “Short-term rental operator” or “operator” means the owner or a responsible party designated by the owner of a short-term rental property to act for and in behalf of the owner in managing the property. If the operator is not the owner, the actions, undertakings and certifications of the operator shall be binding on the owner. To assure prompt response to complaints and _ issues concerning a short-term rental property, the operator must:

1. maintain a call center or other complaint “hotline” that 1s staffed by a live person (i.e.—mere voicemail or an answering machine is non-compliant with this requirement) and fully responsive 24 hours per day, 365 days per year;
2. cause a responsible party with decision-making authority to be on-site

at the short-term rental property within one hour after the telephonic lodging of a complaint reasonably requiring the operator’s on-site presence, including, without limitation, complaints from neighbors and the city concerning the behavior of occupants or guests of the short-term rental property; and

3. continuously maintain on file with the city the operator’s current (i) address, (ii) telephone number, and (ii) facsimile number and/or e-mail address, for the city’s use in contacting the operator for purposes of this chapter and Title 5 of this code, which information shall be promptly updated on the city’s records by the operator as such information changes.

E. “Short-term rental property” means real property licensed under this chapter for use for short-term rental purposes.

7.02 Permit required.

All short-term rental properties shall obtain a short-term rental permit from the city prior to operation. A short-term rental permit is a conditional use permit that is in addition to, and not in substitution for, a business license for each short-term rental property required by title 7.08 of this code. A short-term rental permit previously granted as provided in this chapter, and which has not been previously terminated, may be renewed annually upon application by the holder to the director. The holder’s failure to, annually renew a short-term rental permit as provided in this chapter is, of itself, grounds for revocation of such conditional.

7.03-Minimum duration.

Renting, letting of rooms or sub- leasing/renting of any structure or dwelling or portion thereof for occupancy, dwelling, lodging or sleeping purposes for less than three consecutive calendar days in duration is prohibited in any zone in the city where residential use is a permitted or conditional use unless use of such structure, etc. as a hotel, motel, bed and breakfast or similar use has been specifically authorized as a permitted or conditional use of such parcel.

A. Short-term rental permits, and renewals thereof, may be approved by the director as conditional uses in the city's TR 10,000, CR- 20,000, CR- 40,000, CE-5 and Business Commercial zoning districts.

7.04 Exceptions.

Rentals of more than 30 consecutive days in duration in any of the city's residential zoning districts are not required to obtain a short-term rental permit.

7.05 Permit application and renewal; Approval standards.

Application for, and issuance of, a short-term rental permit shall proceed as follows:

- A. The applicant shall submit an application for a short-term rental permit, or annual renewal thereof, to the city on a city-approved form, paying all applicable fees and complying with all required inspections. Unless sooner revoked, issued permits initially shall expire on the first July 1 "that follows issuance of the permit by at least five months, with renewal permits expiring each July 1, thereafter. The City shall provide to the operator a written renewal notice for each currently issued short- term rental permit. Failure to renew a short-term rental permit within one month after the deadline specified in such renewal notice shall, of itself, constitute grounds for revocation of such conditional use. The applicant may be the operator of the proposed short-term rental property or the operator's agent. Both the operator and the applicant (if different from the operator) shall be responsible for compliance with all provisions of this chapter. and all other applicable ordinances regulating or applicable to short-term rentals, including, without
- B. An initial or renewal application for a short-term rental permit shall include a declaration of compliance with all legal requirements and all other applicable laws, which shall be signed and sworn to by the operator under penalty of perjury. Material misstatements in such declaration by the operator, or elsewhere in the application, shall, of itself, constitute grounds for rejection of the application or revocation of any resulting conditional use (issued in error based on such improper application).
- C. The application shall be granted unless the director makes one or more of the following findings:
 1. The proposed use is not a conditional use under this chapter;
 2. The permit should not be granted due to (a) uncured violations of this chapter or of any other applicable law, ordinance, rule or regulation, (b) the occurrence of three or more violations for such short-term rental property during the (typically, 12-month)

term of the preceding permit (in which event the operator may not re-apply for any available short-term rental permit or business license for such property for two years from the date of denial), or (c) any other reason for which the short-term rental permit application legally could have been denied; or

3, The City is unable to impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use on the surrounding residential properties and neighborhood.

.

In recognition that short-term rental uses are commercial in nature, and can have a significant adverse impact on the appearance, tranquility and standard of living in surrounding residential neighborhoods, the following special operational standards are mandatory for all short-term rental properties in order to protect the health, safety, welfare and tranquility of the surrounding residential neighborhoods:

A. Each short-term rental operator shall ensure that the occupants and guests of its short-term rental property do not create unreasonable noise or disturbances (judged against, inter alia, the nature of the neighborhood where the short-term rental property is located, the time of day of the noise or disturbance, and the level of noise or similar disturbances then emanating from surrounding properties), engage in disorderly conduct, or violate provisions of this code or any other applicable federal, state, county, city or other law,

mule or regulation (collectively, “applicable laws”) pertaining to noise, disorderly conduct, overcrowding,

illegal consumption of alcohol, use of illegal drugs, or otherwise. An operator shall be deemed to have ensured compliance with applicable laws if it

1. clearly advises its occupants and guests of such requirements before they take occupancy of the property;
2. promptly and appropriately responds to complaints concerning the behavior of its occupants and guests as required by this chapter;
3. promptly evicts from the short-term rental property any who have failed to comply with applicable laws on two or more occasions (“persistent violations”) during their period of

occupancy of a short-term rental property; and

4. refuses to allow any persons who have engaged in or been party to persistent violations of applicable laws in their occupancy of a short-term rental property to occupy in the future any short-term rental property under such operator’s ownership or control.

B. Promptly upon notification that the occupants or guests of a short-term rental property have violated subsection 7. (A) above, the operator shall use its most diligent best efforts to prevent a recurrence of such conduct by those occupants or guests and all future occupants

and guests. Such response by the operator to the notification shall occur within one hour after receipt. Failure to timely or properly respond to a complaint regarding any such violation as provided in this subsection shall constitute a violation of this chapter and shall be grounds for imposition of the penalties specified in section 7. below.

C. Each operator shall ensure that the operation of its short-term rental property complies with all other requirements of this code and all other applicable laws.

D. The director shall be authorized to prospectively impose additional reasonable conditions, applicable to all short-term rental properties in the city, as necessary to achieve the intent and objectives of this chapter. The city shall endeavor to notify all short-term rental operators of any change in the standards applicable to short-term rentals and short-term rental properties.

E. A short-term rental property shall not contain more than four (4) bedrooms. Only one short term rental is allowed per property.

F, Short-term rental properties and all related or accessory structures or improvements shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the surrounding neighborhood.

G. Snow shall be removed from sidewalks and driveways as provided by the City Municipal Code.

H. A short-term rental property shall not have any signs visible from the exterior of the premises that advertise the use, other than as required by this chapter.

I. The use of a property in a residential neighborhood for short-term rental purposes shall not change the exterior appearance of the property so that it appears dissimilar from residential properties in the surrounding neighborhood.

J. Outdoor pools, hot tubs, saunas or spas shall not be used between the hours of 10:00 p.m. and 8:00 a.m.

K. Occupants and guests of a short- term rental property shall not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any other applicable federal, state, county, city or other law, rule' or _ regulation (collectively, "applicable laws") pertaining to noise, disorderly conduct, overcrowding, illegal consumption of alcohol, use of illegal drugs, or otherwise.

7.06 Display of permit.

Each operator shall affix and maintain a copy of its short-term rental permit on the inside of the main entry door of the short-term rental property to which it applies.

7.07 Exterior display of contact information.

A. Short-term rental operators shall prominently display in a city-approved location on the exterior of the short-term rental property that is visible to the general public and/or the

common areas of the surrounding neighborhood, the name and 24-hour per day, 365-days per year telephone number for the short-term rental operator who will take and resolve complaints regarding operation of the short-term rental property and its © occupants and guests. Such display also shall include (1) a telephone number to report violations of this chapter to a city code compliance officer 24 hours per day, 365 days per year; (2) the identifying number of the city-issued business license for the property; and (3) the date of the last city inspection of the property. The city will prescribe the form of said display of contact and other information. Applicants also — shall provide such information to all property owners residing within 300 feet of the short-term rental property. Operators shall provide updated contact information to all recipients, and for all purposes, specified hereunder as such information changes.

B. Operators shall respond (in person, if appropriate) to telephonic complaints within one hour after such complaint is made. Inappropriate and/or non-response to such complaints shall constitute a violation of this chapter, and shall be grounds for imposition of the

The operator must continuously maintain in force and effect a city business license for the short-term rental property and timely shall pay all taxes and fees relating to such business, including, without limitation, the city's transient room tax.

7.08 Occupancy limits.

A. The city has determined that the preferred means to avoid or minimize safety concerns and the adverse impacts on the surrounding neighborhood attending a large transient population residing in one dwelling is to limit both the occupancy of each short term rental property and the bedrooms available for use at such property. Consequently, occupancy in any short-term rental property shall not exceed the lesser of:

1. Up to two adults (persons aged 18 and above) and two related children (persons under age 18) per bedroom,
2. Total occupancy (adults and children) of no more than 12 persons in the entire short-term rental property.

B. A short-term rental property may not be artificially divided or partitioned for the purpose of increasing the available occupancy of an otherwise standard dwelling unit such as a house, a condominium unit, or an apartment.

7.09 Parking.

Occupants or guests of any short- term rental property shall not park more vehicles at the short-term rental property than can be legally parked in the garage or carport or on the driveway. Parking of occupant or guest vehicles on the public right-of-way adjoining the short-

term rental property, or on areas of the property designated as (or intended for, based on the landscaping of the surrounding neighborhood) yard or lawn, is prohibited. Required parking areas shall be properly maintained and be available for use at all times.

7.10 Maintenance.

All short-term rental properties shall comply with chapter 7.05 of this code, entitled “Nuisances and Abatement.”

7.11 Binding effect.

A. The requirements of this chapter shall be in effect throughout the time that a short-term rental permit is in effect for a property, notwithstanding that such property may be used intermittently by its owner or non-paying guests, based on the city’s determinations that, inter alia,

1. Given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of this chapter should be based on whether the property is licensed as a short-term rental property rather than the identity of its occupants from time to time;
2. Such a property essentially exists to provide lodging for a transient population (which may include a non- resident owner or its non-resident guests) that may not honor neighborhood mores or exhibit neighborly consideration to the same extent as more permanent residents; and
3. Requiring such compliance may encourage an owner that is not actively engaged in a short-term rental business for a property to terminate the short-term rental permit for such property, thereby mitigating the adverse impact on the character of the surrounding neighborhood posed by the potential

B. A short-term rental permit may be terminated at any time by the owner of a short-term rental property upon submission to the city of the property owner’s signed, notarized written notice of such termination.

7.12 Inspections.

A. The city has determined that the preferred method of assuring compliance with this chapter is through regular annual inspections of the short-term rental property at the time of permit application or renewal; through possible additional intermittent regular inspections upon prior notice to the operator during the term of a permit; and through special inspections immediately upon the city’s reasonable determination that a violation of this chapter may have occurred. Consequently, the city shall have the right to inspect a short-term rental property for compliance with the requirements of this code. Such an inspection (a “renewal inspection”) shall occur after application and _ before issuance of the short-term rental permit or any renewal thereof.

B. Additional inspections (“inter- mittent inspections”) may occur during the term of an issued permit upon at least 24 hours’ prior telephonic or written (via e-mail, facsimile or personal delivery) notice to the operator (measured from the time of delivery of such notice), using the operator’s contact information on file with the city.

C. The city also shall have the right to immediately inspect (a “violation inspection”) a short term rental property for compliance with this chapter upon issuance of a citation for violation of this chapter.

D. All inspections under this chapter shall comply with the requirements of section 7.12 (or its successor) of this code.

E. If necessary to gain entry for inspection purposes, the city may obtain an administrative search warrant.

F. Failure by an owner, operator, occupant or guest to allow inspection of a short-term rental property as provided in this section shall, of itself, constitute grounds for

1. Revocation of an issued short- term rental permit for such property as provided, in the case of an intermittent inspection or a violation inspection, or
2. Rejection of an application for renewal of a short-term rental permit, in the case of a renewal inspection.

7.13 (Reserved).

7.14 Fees.

The operator of a short-term rental property shall pay a yearly business license fee for the short-term rental property. An applicant for a short-term rental permit also shall pay

A. A one-time application fee conditional uses, as specified in the consolidated fee schedule; and

B. An annual permit renewal fee as specified in the consolidated fee schedule.

7.15 Violations and penalties.

A. Failure to comply with this chapter shall constitute a violation of this code for which a citation may be issued and penalties may be imposed by the city. Each day that a violation occurs or continues is a separate violation.

B. Operation of a property in the city for short-term rental purposes

without a permit or a business license shall be a violation of this code and shall be punishable as provided in this section of this code, with each day of unlicensed operation constituting a separate offense.

C. For noncompliance with this chapter of a permitted and licensed short-term rental property, the issuing officer shall issue a written citation to the operator, specifying the violation and the penalty to be imposed for such violation. Except as otherwise provided in this chapter, the penalty for violation of this chapter shall be as follows:

1. For the first violation within any 12 month period, the penalty shall be \$250;

2. For a second violation within any 12-month period, the penalty shall be an additional \$500; and,
3. For a third violation within any 12 month period, the penalty shall be an additional \$1,000 and revocation of the short term rental permit and the business license for the subject property; provided, however, that the operator may not re-apply for any available short- term rental permit or business license for such property for two years from the date of such revocation.

7.16 Appeals.

An operator desiring to contest a citation must appeal the citation to the City's appeal authority.

SHORT TERM RENTAL CONSIDERATIONS

There are currently approximately 30-35 Short Term Rentals in Alpine. If Alpine considered a Short Term Rental Ordinance (STR) what are the questions that should be answered?

How many short term rental units would be allowed in the City

There could be no limit on the number of units or for example Sandy City limits STRs to 2 per 100 dwellings. In Alpine's case this would allow 50 STRs.

How many rentals in each home would be allowed? This could be as low as one or up to three or four.

How many bedrooms would be allowed in each unit? The City could set a limit on the number of bedrooms allowed.

Should a short term rental be owner occupied? An STR could require that the rental be owner occupied or that a local manager be required.

Permits & licenses- A STR would be required to obtain a Business License

Which Zones would STRs be allowed? They could be allowed in any zone.

How many people would be allowed to stay in the units? The City could limit the number of people allowed to stay in the unit.

Parking- Parking could be limited to the garage and driveway.

Revenue- How much revenue would be generated by STRs

One time Application Fee of $\$250 \times 30 = \7500

Annual Renewal $\$150 \times 30 = \4500 per year

Transient Room Tax of 1% assuming 30 rentals bringing in \$50,000 per year each would be \$1,500,000 and would generate \$15,000 per year in taxes.

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
September 3, 2019

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00 pm by Chairman David Fotheringham. The following were present and constituted a quorum:

Chairman: David Fotheringham

Commission Members: Bryce Higbee, Jane Griener, Alan MacDonald, John MacKay, Sylvia Christiansen

Excused: Jessica Smuin

Staff: Austin Roy, Marla Fox,

Others: Dennis Tiberius, Judy Tiberius, Steve McArthur, David Gifford, Greg Wilding, Rachelle Martin, Kimberly Neece, Brent Bingham, Jeff Lyman, Dave McMillan, Paul Anderson

B. Prayer/Opening Comments: Alan MacDonald

C. Pledge of Allegiance: Paul Anderson

II. PUBLIC COMMENT

No comment

III. ACTION ITEMS

A. Public Hearing – Land Swap and Parking Exception – Paul Anderson

Austin Roy explained that the petitioner was seeking to exchange some of his property for publically owned property. The proposed exchange would clean up the boundary line between public and private property. Also, the petitioner was seeking two parking spaces within the front setback of his property, which required an exception to be recommended by the Planning Commission and approved by the City Council.

Austin Roy explained that UDOT was supposed to turn over a small corner of property next to Main Street over to the City. The petitioner would like to swap 246 square feet of his property along Main Street for the 246 square feet triangle piece. This would help both the City and the Petitioner.

Austin Roy said the petitioner needed two additional parking spaces. He further explained that the petitioner would either need an exception to take two stalls off the plan, or an exception to put the parking stalls in the setback.

Paul Anderson, the petitioner, presented a plan showing the outline of his proposed building. He said by doing the land swap, he would have the extra room to make the building look better and it would cost less to build.

Austin Roy continued that the Development Code stated the Planning Commission may grant exceptions to the parking requirements for the Business/Commercial and Gateway Historic Zone, as well as recommend changes to public property. The following Code language was reviewed:

Article 3.16.040.2

Land...shall not be materially changed, improved, altered, disposed of in any manner or used for any other purpose except after a recommendation of the Planning Commission following a public

hearing and by a super majority vote of the City Council (4 positive votes out of 5 City Council members are required).

Article 3.24.050.2

No portion of the setback area adjacent to a street shall be used for off-street parking unless recommended by the Gateway Historic Committee and Planning Commission, and approved by the City Council.

Article 3.11.040.3.e

The Planning Commission may recommend exceptions to the Business Commercial Zone requirements regarding parking, building height, signage, setbacks and use if it finds that the plans proposed better implement the design guidelines to the City Council for approval.

David Fotheringham opened the Public Hearing. No comments were made and David Fotheringham closed the Public Hearing.

MOTION: Bryce Higbee moved to recommend approval of the land swap and parking exception within the setback for the Paul Anderson property based on the following condition:

1. The City should complete the paperwork and obtain recorded ownership of the UDOT triangle piece.

John MacKay seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
John MacKay
David Fotheringham
Jessica Smuin
Sylvia Christiansen

Nays:

None

B. Public Hearing – Major Subdivision PRD Status – Alpine Ridge Estates – David Gifford

Austin Roy presented the staff report and explained that Alpine Ridge Estates consisted of nine lots on 9.775 acres. The development was located at approximately 430 North 400 West, and in the CR 20,000 zone. The plan showed a connection to the Whitby Woodlands Subdivision on the east side of the property. The proposed number of lots was based on bonus density that would be received from a Planned Residential Development (PRD). PRD status was dependent on a recommendation from the Planning Commission and approval by the City Council.

Austin Roy said the Planning Commission needed to decide if they wanted to recommend the Marsh property as a PRD. This PRD would include the nine lots on the Whitby property as well as the Marsh property.

Greg Wilding with Wilding Engineering said the Whitby property had already been granted a PRD and they now wanted to include the Marsh property with that PRD. They would reconfigure the road so that the lots made sense. He said they had plenty of room for open space and had a right-of-way for the road. The intent was to get the Marsh property up to speed and then come in with a plan for the whole project.

1 Sylvia Christiansen asked what the benefit would be to the City in granting the PRD. Austin Roy said he
2 spoke with the residents in the area and they were not interested in trails in that area. He said the staff
3 would like to see this remain as private open space.
4

5 Jane Griener asked what the point of this PRD was if the City and the citizens did not benefit in any way.
6 Austin Roy said by giving a PRD, it would be consistent with what had already been done in the
7 surrounding neighborhoods. Bryce Higbee said with larger lots, homeowners could cut into the hillside
8 thereby affecting the aesthetics of the area. The PRD maintained a natural look.
9

10 David Fotheringham opened the Public Hearing.

11
12 Judy Tiberius, 564 Hillside Circle, said twenty years ago the City cared about the City and the open
13 space; little by little they were starting to lose open space. Loss of open space meant loss of deer and
14 other wildlife; this needed to be taken into consideration. She opposed fencing of the development.
15

16 Dennis Tiberius, 564 Hillside Circle, had concerns about the Whitby phase coming into what he thought
17 was their open space. He said he had no idea that was being developed.
18

19 Kimberly Neece, 530 Hillside Circle, wanted to know how the fire department would access the property
20 and how the City would enforce taking care of the open space. David Fotheringham answered that the
21 maintenance of the open space would be the HOA's responsibility and not the City's. Sylvia Christiansen
22 added it may be helpful for both of the HOAs to develop an agreement concerning the open spaces.
23

24 Austin Roy said the Fire Chief had looked at this property and determined that there was already access
25 for emergency vehicles. They would need to abide by the Wildland Urban Interface Code, which applied
26 to all of the hillsides around Alpine. Therefore, these properties would have additional restrictions. The
27 Fire Chief was recommending the property to be clear of dead trees, leaves, etc..
28

29 Brent Bingham, 540 Hillside Circle, said he appreciated open space but was also cognizant of developer
30 rights. He didn't think it was in good faith to let neighbors know about a Public Hearing at the late hour
31 on a holiday weekend. He said he would like more information and detail on public easements and fire
32 access.
33

34 Jeff Lyman, said the City needed to look at slowing the speed on the road because there were several
35 small children that lived in the area. The issue would only continue to increase as the number of residents
36 in the area increased.
37

38 Dave McMillan, said it was beneficial to have mutual open areas and to work together with the other
39 HOAs. He suggested surveys be conducted for accuracy on the property lines.
40

41 David Fotheringham closed the Public hearing.
42

43 **MOTION:** Jane Griener moved to recommend approval of the Alpine Ridge Estates PRD status with the
44 following conditions:
45

- 46 1. Open space to be determined by City Council on whether they would like it to be public open
47 space or private open space.
48

49 Alan MacDonald seconded the motion.
50

51 **MOTION:** Bryce Higbee moved to recommend approval of the Alpine Ridge Estates PRD status.

Sylvia Christiansen seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
John MacKay
David Fotheringham
Jessica Smuin
Sylvia Christiansen

Nays:

None

Rachel Martin, Whitby Woodlands, was concerned that the neighbors were not notified about the public hearing. Austin Roy said a public hearing would also be held at the next meeting, and the City would send out notifications on the matter.

IV. Communications

The Planning Commission had a discussion on the status of the Verizon cellular tower. Austin Roy said the City Council was looking at other options; if another location was chosen, the item would then have to come back to the Planning Commission for review.

V. APPROVAL OF PLANNING COMMISSION MINUTES: August 8, 2019

MOTION: Sylvia Christiansen moved to approve the minutes for August 8, 2019, with corrections.

Alan MacDonald seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
John MacKay
David Fotheringham
Jessica Smuin
Sylvia Christiansen

Nays:

None

The meeting was adjourned at 8:33 pm.