

**MINUTES OF THE  
POLITICAL SUBDIVISIONS INTERIM COMMITTEE**  
Wednesday, April 16, 2008 – 2:00 p.m. – W020 House Building

**Members Present:**

Sen. Dennis E. Stowell, Senate Chair  
Rep. Fred R Hunsaker, House Chair  
Sen. Fred J. Fife  
Sen. Michael G. Waddoups  
Rep. Sheryl L. Allen  
Rep. Tim M. Cosgrove  
Rep. Bradley M. Daw  
Rep. Gage Froerer  
Rep. Richard A. Greenwood  
Rep. Christopher N. Herrod  
Rep. Christine A. Johnson  
Rep. Brad King  
Rep. Jennifer M. Seelig  
Rep. R. Curt Webb  
Rep. Carl Wimmer

**Members Absent:**

Sen. Sheldon Killpack  
Rep. Kerry W. Gibson

**Staff Present:**

Mr. Joseph Wade, Policy Analyst  
Mr. Robert H. Rees, Associate General Counsel  
Ms. Wendy L. Bangerter, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Dennis Stowell called the meeting to order at 2:15 p.m. He asked the committee members to introduce themselves and the districts they represent.

**MOTION:** Rep. Hunsaker moved to approve the minutes of the November 14, 2007 meeting. The motion passed unanimously. Rep. Daw and Rep. Froerer were absent for the vote.

**2. Vision Dixie**

Mr. Alan Matheson, Executive Director, Coalition for Utah's Future, Sponsor of Envision Utah, briefed the Committee on Vision Dixie, which is a planning partnership formed to help Washington County residents outline a broad vision for how Washington County could accommodate population growth, perfect its environment, enhance its economic strength, and maintain its quality of life. Mr. Matheson reviewed the planning process and the development and implementation of planned strategies. He addressed ways Vision Dixie could act as a model for other areas in Utah as well. He distributed two booklets that outline Vision Dixie's process.

**3. Review Interim Study Items**

The Committee was briefed on items assigned by the Legislative Management Committee to the Political Subdivisions Interim Committee from 2008 General Session S.J.R. 11, Master Study Resolution (MSR).

**MSR #158, Health Department Funding**

Rep. Stephen Clark explained the need to provide funding for major health issues, pandemics, and other emergencies that do and can occur statewide. He noted that because Utah is considered a "healthy" state,

meeting the national funding standard is not necessary, but the funding does need to be increased. He is proposing legislation that will allow counties to increase their mill levy. He stated that this issue is a priority item for Utah's Health Department.

**MSR #161, New Entities and Boundary Changes**

Rep. Holdaway explained the need to address the way changes to government boundaries and certifications are handled. He stated that using AGRC (Automated Geographic Reference Center) technology increases the accuracy of the boundaries.

**MSR #162, Residential Construction and Affordable Housing**

Sen. Madsen explained the need to address and resolve the issue of providing affordable housing for Utah's residents. He stated that municipalities and counties are imposing many restrictions on developers driving the price of homes beyond affordability. He gave some suggestions for collaboration between the municipality and the developer.

**MSR #156, County Surveyors**

Sen. VanTassell addressed the issue of licensing surveyors, especially in those areas where the surveyor office has been combined with the county recorder and the person needs the required license to fulfill the surveyor responsibilities. He also addressed the issue of whether county surveyors should continue to be elected. He hopes to collaborate with county surveyors and other interested entities and bring a bill to the Committee.

**MSR #159, Local Regulation of State Land Development**

Chair Stowell stated this item will be discussed later in the meeting.

**MSR #164, Zoning and Housing Development**

Rep. Herrod stated his topic is similar to Sen. Madsen's regarding the need to make affordable housing available to Utah residents. He stated his plan to collaborate with Sen. Madsen and others to reduce overlap regarding this issue.

**MSR #160, Manufactured Housing**

Rep. Hunsaker requested that the study of manufactured and mobile home parks preservation be put on a future agenda to be discussed during the interim.

**MSR #157, Disaster Fund Participation**

Rep. Oda addressed the issue of local districts, municipalities, and special districts maintaining a disaster fund. He also addressed the possibility of a revolving loan fund, using state money, in cases where a local entity is not prepared to handle their disaster situation.

**MSR #163, Riparian Overlay Zones**

Rep. Garn was not available to address this issue.

**MOTION:** Rep. Hunsaker moved to accept all the above issues for study by the Political Subdivisions Interim Committee during the 2008 interim. The motion passed unanimously. Rep. Daw and Rep. King were absent for the vote.

#### **4. Relationship of Local Regulation and State Agency Activities**

**MSR #159, To study whether the Department of Transportation, the School and Institutional Trust Lands Administration, and other state agencies who acquire or develop land should be required to abide by local city and county ordinances or the wishes of the county legislative body or the city mayor and council.**

Mr. Robert Rees explained that the state has given local entities broad authority for regulating land use within their jurisdiction. However, that authority does not extend to regulating land owned by the state, although they are required to cooperate and coordinate with the state.

Mr. Cory Ritz, Farmington City Councilman, explained Farmington's experience with developers and local representatives, specifically with the Legacy north extension. They have attempted to work with UDOT (Utah Department of Transportation) on an alternate route for Legacy north that would not negatively impact Farmington community, will continue to help prepare an amenable pathway through the community, and will work to preserve good relationships between Farmington City and the state.

Mr. John Njord, UDOT, addressed the process of developing transportation in the state, emphasizing that UDOT works hard with local governments through MPOs (Metropolitan Planning Organizations) to plan for transportation far into the future. He said partnerships are established for smaller local entities to facilitate a discussion to prepare a plan. He explained their use of NEPA (National Environment Policy Act) to select the best facility for a project. He addressed the Legacy north project and the discussions that have taken place with Farmington City. He emphasized that no corridor has yet been identified.

Mr. John Andrews, SITLA (School and Institutional Trust Lands Administration) distributed "Local Zoning of School and Institutional Trust Lands." He explained the business of the trust lands and how SITLA was created. He stated that even though SITLA is exempt from doing so, every development on SITLA lands is taken through the local zoning process.

Mr. Kevin Christopherson, Division of Wildlife Resources, distributed "Northern Book Cliffs Bison Management Plan." He explained the Book Cliffs area and the plan to manage the bison located there, as well as developing a free-ranging herd. He reviewed the minimal impact to local ranchers.

Mr. Roger Eggett, Farmington property owner, addressed the Legacy north issue and the impact that the preferred corridor already has had on his property. He requested that UDOT not be given authority to push through properties without going through the local governmental process.

Mr. Njord responded that there are four location proposals prepared by UDOT and the City. UDOT was asked to render their opinion for the one preferred plan. He reemphasized that no particular plan has been chosen as yet. He described the RAC (Regional Advisory Council) process.

Mr. Nate Career, Farmington City resident and land owner, addressed two points regarding city and state agencies working together: 1) that Vision Utah be used in the northern areas of the state and that UDOT be involved with that planning process, and 2) that UDOT be held accountable to the three criteria they stated in the Farmington City Council meetings to be their measure of success. He stated that when the preferred option was discussed in city meetings, the citizens were told that the purchase of property would begin and that the project would be moving forward.

## **5. Followup Issues Regarding Local Districts**

Chair Stowell explained that the Special Districts Subcommittee of the Political Subdivisions Interim Committee has for the past several years worked on rewriting/recodifying Title 17A regarding special districts (now called local districts). Passed in the 2007 General Session, H.B. 65, "Special and Local Districts Amendments," was a significant milestone in the recodification/rewrite. Passed in the 2008 General Session, S.B. 47, "Limited Purpose Local Government Entities Revisions," concluded the rewrite/recodification of the multi-year effort. Since the rewrite, some issues have been discovered.

Mr. Craig Smith, Attorney, Smith and Hartvigson, introduced the electrical power issues between Garfield and Kane Counties and Rocky Mountain Power to bring electrical power to Ticaboo, Utah. He explained that Uranium mining is reopening and power will be needed for the increased citizenship. They are looking at alternatives, i.e. an electrical district, in order to bring electricity or generate electricity at a lower cost to the citizens. At this time, S.B. 47 prohibits the forming of that district, which may involve multiple counties. He noted that legislation may be needed at some point in the process.

Mr. Dallin Jensen, Attorney, Parsons Behle and Latimer, introduced the possible need for legislation so a ground water management district can be developed in the Enterprise/Beryl area. This district would also involve multiple districts.

Rep. Hunsaker introduced 2008 General Session H.B. 453, "Assessment Area Amendments" distributed in the committee packet.

Mr. Blaine Carlton, Attorney, Ballard Spahr Andrews and Ingersoll, reviewed parts of the Assessment Area Act included in 2007 General Session H.B. 65 and the changes that were proposed in H.B. 453.

Committee discussion followed.

## **6. Adjourn**

**MOTION:** Rep. Daw moved to adjourn the meeting. The motion passed unanimously. Rep. Allen, Rep. Froerer, Rep. Johnson, Rep. King, and Rep. Wimmer were absent for the vote.

Chair Stowell adjourned the meeting at 4:50 p.m.