

Representative Kory M. Holdaway proposes to substitute the following bill:

MUNICIPAL AND COUNTY NOTICE PROVISIONS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Kory M. Holdaway

AN ACT RELATING TO CITIES AND TOWNS AND COUNTIES; REQUIRING NOTICE TO NEARBY ENTITIES WHEN A CITY, TOWN, OR COUNTY PROPOSES TAKING CERTAIN ACTION.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

10-9-103.5, Utah Code Annotated 1953

17-27-103.5, Utah Code Annotated 1953

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

Section 1. Section **10-9-103.5** is enacted to read:

10-9-103.5. Notice to nearby entities.

(1) As used in this section, "predevelopment activity" means a public hearing concerning or consideration by the planning commission or the municipal legislative body of:

(a) a proposed change in zoning designation;

(b) a preliminary or final plat describing a multiple-unit residential development or a commercial or industrial development; or

(c) a proposed modification of the municipality's general plan whereby the vehicular capacity of a municipal road is proposed to be increased.

(2) The planning commission or legislative body, as the case may be, of each municipality shall provide notice of predevelopment activity occurring in the municipality to the legislative body of:

(a) each municipality whose boundaries are within one mile of the property that is the

26 subject of the predevelopment activity; and

27 (b) each county that has unincorporated territory within one mile of the property that is the
28 subject of the predevelopment activity.

29 (3) The notice required by Subsection (2) shall be provided at least ten days before the
30 predevelopment activity occurs.

31 (4) A planning commission or municipal legislative body meets the notice requirement of
32 Subsection (2) by mailing to each appropriate legislative body, at least 14 days before the
33 predevelopment activity occurs, a copy of a planning commission or municipal legislative body
34 meeting agenda that contains information sufficient to enable a reasonable reader to understand
35 that predevelopment activity is expected to occur in the municipality and the location of the
36 property that is the subject of the predevelopment activity.

37 (5) If notice given under this section is not challenged under Section 17-27-1001 within
38 30 days after the action for which notice is given, the notice is considered adequate and proper.

39 Section 2. Section **17-27-103.5** is enacted to read:

40 **17-27-103.5. Notice to nearby entities.**

41 (1) As used in this section, "predevelopment activity" means a public hearing concerning
42 or consideration by the planning commission or the county legislative body of:

43 (a) a proposed change in zoning designation;

44 (b) a preliminary or final plat describing a multiple-unit residential development or a
45 commercial or industrial development; or

46 (c) a proposed modification of the county's general plan whereby the vehicular capacity
47 of a county road is proposed to be increased.

48 (2) The planning commission or legislative body, as the case may be, of each county shall
49 provide notice of predevelopment activity occurring in the unincorporated county to the legislative
50 body of:

51 (a) each municipality whose boundaries are within one mile of the property that is the
52 subject of the predevelopment activity; and

53 (b) each county that has unincorporated territory within one mile of the property that is the
54 subject of the predevelopment activity.

55 (3) The notice required by Subsection (2) shall be provided at least ten days before the
56 predevelopment activity occurs.

57 (4) A planning commission or county legislative body meets the notice requirements of
58 Subsection (2) by mailing to each appropriate legislative body, at least 14 days before the
59 predevelopment activity occurs, a copy of a planning commission or county legislative body
60 meeting agenda that contains information sufficient to enable a reasonable reader to understand
61 that predevelopment activity is expected to occur in the county and the location of the property that
62 is the subject of the predevelopment activity.

63 (5) If notice given under this section is not challenged under Section 17-27-1001 within
64 30 days after the action for which notice is given, the notice is considered adequate and proper.