

**MUNICIPAL § [~~AND COUNTY~~] § LAND USE AND
DEVELOPMENT AMENDMENTS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael G. Waddoups

This act modifies municipal § [~~and county~~] § land use and development provisions to prohibit a municipality § [~~or county~~] § from enforcing land use and development ordinances with respect to a special district's water treatment plant that provides culinary water to more than one political subdivision of the state. The act provides an exception to the prohibition in the case of uniform building code or other ordinances necessary for the protection of public health and safety § OR TO ENFORCE STANDARDS PROMOTING

COMPATIBILITY WITH SURROUNDING USES. [~~This act has an immediate effective date.~~] §

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

AMENDS:

10-9-106, as last amended by Chapter 149, Laws of Utah 1999

§ [~~17-27-105, as last amended by Chapter 149, Laws of Utah 1999~~] §

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

Section 1. Section **10-9-106** is amended to read:

10-9-106. Property owned by other government units -- Effect of land use and development ordinances.

(1) (a) [Each] Except as provided in Subsection (4), each county, municipality, school district, special district, and political subdivision of Utah shall conform to the land use and development ordinances of any municipality when installing, constructing, operating, or otherwise using any area, land, or building situated within that municipality only in a manner or for a purpose that conforms to that municipality's ordinances.

(b) In addition to any other remedies provided by law, when a municipality's land use and development ordinances are being violated or about to be violated by another political subdivision, that municipality may institute an injunction, mandamus, abatement, or other



28 appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation,
29 improvement, or use.

30 (2) A school district is subject to a municipality's land use regulations under this
31 chapter, except that a municipality may not:

32 (a) impose requirements for landscaping, fencing, aesthetic considerations,
33 construction methods or materials, building codes, building use for educational purposes, or the
34 placement or use of temporary classroom facilities on school property;

35 (b) require a school district to participate in the cost of any roadway or sidewalk not
36 reasonably necessary for the safety of school children and not located on or contiguous to
37 school property, unless the roadway or sidewalk is required to connect an otherwise isolated
38 school site to an existing roadway;

39 (c) require a district to pay fees not authorized by this section;

40 (d) provide for inspection of school construction or assess a fee or other charges for
41 inspection, unless the school district is unable to provide for inspection by an inspector, other
42 than the project architect or contractor, who is qualified under criteria established by the state
43 superintendent;

44 (e) require a school district to pay any impact fee for an improvement project that is
45 not reasonably related to the impact of the project upon the need that the improvement is to
46 address; or

47 (f) impose regulations upon the location of a project except as necessary to avoid
48 unreasonable risks to health or safety.

49 (3) Subject to Section 53A-20-108, a school district shall coordinate the siting of a new
50 school with the municipality in which the school is to be located, to avoid or mitigate existing
51 and potential traffic hazards to maximize school safety.

52 (4) A municipality:

53 (a) except as provided in Subsection (4)(b), may not enforce land use and development
54 ordinances or other provisions with respect to a special district's location, design, or
55 construction of a water treatment plant that will provide culinary water for consumption in
56 more than one political subdivision of the state; and

57 (b) may enforce § :

57a (i) § uniform building code and other ordinances relating to the
58 construction of a water treatment plant described in Subsection (4)(a) if necessary to protect

59 public health and safety § [] ; AND

59a (ii) BUILDING AND SITE DESIGN STANDARDS TO PROMOTE COMPATIBILITY OF A WATER
 59b TREATMENT PLANT DESCRIBED IN SUBSECTION (4)(a) WITH SURROUNDING LAND USES, IF THOSE
 59c STANDARDS DO NOT UNREASONABLY INTERFERE WITH THE LOCATION, SIZE, CAPACITY, OR
 59d OPERATION OF THE WATER TREATMENT PLANT. §

60 § [Section 2. Section 17-27-105 is amended to read:

61 -----17-27-105. Property owned by other government units -- Effect of land use and
 62 development ordinances.

63 ----- (1) (a) [Each] Except as provided in Subsection (4), each county, municipality, school
 64 district, special district, and political subdivision of Utah shall conform to the land use and
 65 development ordinances of any county when installing, constructing, operating, or otherwise
 66 using any area, land, or building situated within that county only in a manner or for a purpose
 67 that conforms to that county's ordinances.

68 ----- (b) In addition to any other remedies provided by law, when a county's land use and
 69 development ordinances are being violated or about to be violated by another political
 70 subdivision, that county may institute injunction, mandamus, abatement, or other appropriate
 71 action or proceeding to prevent, enjoin, abate, or remove the improper installation,
 72 improvement, or use.

73 ----- (2) A school district is subject to a county's land use regulations under this chapter,
 74 except that a county may not:

75 ----- (a) impose requirements for landscaping, fencing, aesthetic considerations,
 76 construction methods or materials, building codes, building use for educational purposes, or the
 77 placement or use of temporary classroom facilities on school property;

78 ----- (b) require a school district to participate in the cost of any roadway or sidewalk not
 79 reasonably necessary for the safety of school children and not located on or contiguous to
 80 school property, unless the roadway or sidewalk is required to connect an otherwise isolated
 81 school site to an existing roadway;

82 ----- (c) require a district to pay fees not authorized by this section;

83 ----- (d) provide for inspection of school construction or assess a fee or other charges for
 84 inspection, unless the school district is unable to provide for inspection by an inspector, other
 85 than the project architect or contractor, who is qualified under criteria established by the state
 86 superintendent;

87 ----- (e) require a school district to pay any impact fee for an improvement project that is
 88 not reasonably related to the impact of the project upon the need that the improvement is to
 89 address; or] §

90 § ~~[(f) impose regulations upon the location of a project except as necessary to avoid~~
91 ~~unreasonable risks to health or safety.~~

92 ~~—— (3) Subject to Section 53A-20-108, a school district shall coordinate the siting of a new~~
93 ~~school with the county in which the school is to be located, to avoid or mitigate existing and~~
94 ~~potential traffic hazards to maximize school safety.~~

95 ~~—— (4) A county:~~

96 ~~—— (a) except as provided in Subsection (4)(b), may not enforce land use and development~~
97 ~~ordinances or other provisions with respect to a special district's location, design, or~~
98 ~~construction of a water treatment plant that will provide culinary water for consumption in~~
99 ~~more than one political subdivision of the state; and~~

100 ~~—— (b) may enforce uniform building code and other ordinances relating to the~~
101 ~~construction of a water treatment plant described in Subsection (4)(a) if necessary to protect~~
102 ~~public health and safety.~~

103 ~~—— Section 3. Effective date:~~

104 ~~—— If approved by two-thirds of all the members elected to each house, this act takes effect~~
105 ~~upon approval by the governor, or the day following the constitutional time limit of Utah~~
106 ~~Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,~~
107 ~~the date of veto override.] §~~

Legislative Review Note
as of 1-9-03 5:12 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0050

Municipal and County Land Use and Development Amendments

27-Jan-03

10:11 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst