

**ECONOMIC ANALYSIS AND REPORTING OF
COST OF LAND USE REGULATION**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies county and municipal land use development and management provisions.

Highlighted Provisions:

This bill:

▶ requires counties and municipalities to:

- deliver a form to each land use applicant that lists all requirements that exceed building code or health or safety requirements;
- allow property owners to file completed forms indicating the owner's calculation of the regulatory cost of the additional requirements; and
- preserve, index, and allow public access to completed regulatory cost forms that owners file;

▶ prohibits counties and municipalities that fail to deliver the regulatory cost form to land use applicants from collecting a land use application fee, with an exception;

▶ allows owners to add to a regulatory cost form additional requirements not listed on the form;

▶ allows counties and municipalities to add comments to a completed regulatory cost form to reflect a disagreement with the owner's figures; and

▶ provides definitions.



28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 ENACTS:

34 **10-9a-522**, Utah Code Annotated 1953

35 **17-27a-521**, Utah Code Annotated 1953



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

38 Section 1. Section **10-9a-522** is enacted to read:

39 **10-9a-522. Regulatory costs.**

40 (1) As used in this section:

41 (a) "Additional requirement":

42 (i) means a condition, standard, or specification that:

43 (A) a municipality imposes:

44 (I) by ordinance or through the land use application approval process;

45 (II) on an owner of residential property; and

46 (III) with respect to new construction; and

47 (B) exceeds conditions, standards, or specifications imposed:

48 (I) under the International Building Code; or

49 (II) because of health or safety concerns; and

50 (ii) includes:

51 (A) a setback requirement;

52 (B) a requirement specifying the type and quality of materials to be used on the exterior

53 of a structure;

54 (C) an architectural or design guideline;

55 (D) a requirement relating to garage entry orientation;

56 (E) a minimum lot size requirement;

57 (F) a minimum square footage requirement or a requirement that a residence occupy a

58 certain portion of the lot;

59 (G) a park strip or landscape requirement;

60 (H) an impact fee; and

61 (I) an offsite improvement, including an entry monument, park, or open space.

62 (b) "Completed regulatory cost form" means a regulatory cost form on which an owner
63 has stated a dollar figure that the owner calculates to be the regulatory cost of each additional
64 requirement applicable to the owner's property.

65 (c) "New construction" means any construction on residential property within the
66 municipality for which the municipality requires subdivision plat approval or a building permit.

67 (d) "Owner" means the person that the municipality requires to obtain subdivision plat
68 approval or a building permit for new construction.

69 (e) "Regulatory cost" means that part of the cost of a parcel of residential property:

70 (i) attributable to the cost of complying with an additional requirement; and

71 (ii) that would not exist without the additional requirement.

72 (f) "Regulatory cost form" means a form prepared by or under the direction of a
73 municipality that includes:

74 (i) a list of each additional requirement:

75 (A) relating to the property that is the subject of the land use application; and

76 (B) that results in a regulatory cost; and

77 (ii) a space for recording a dollar figure for the regulatory cost of each additional
78 requirement.

79 (2) (a) Each municipality shall deliver a regulatory cost form to each land use applicant
80 at the time of or before the applicant's filing of a land use application.

81 (b) A municipality that fails to comply with Subsection (2)(a) may not collect from an
82 applicant a fee associated with the applicant's land use application.

83 (c) Subsections (2)(a) and (b) do not apply if the municipality has previously delivered
84 a regulatory cost form to the applicant at the time of or before the applicant's filing of a
85 previous land use application with respect to the same property.

86 (3) Each municipality shall:

87 (a) allow an owner to file a completed regulatory cost form with the municipality;

88 (b) preserve and index each completed regulatory cost form; and

89 (c) allow public access to all completed regulatory cost forms filed with the

90 municipality.

91 (4) An owner may modify a regulatory cost form to include:

92 (a) an additional requirement not included on the regulatory cost form that the owner
93 believes should have been included; and

94 (b) the owner's calculation of the regulatory cost of that additional requirement.

95 (5) A municipality may add or attach comments to a completed regulatory cost form
96 that the municipality considers appropriate to reflect the municipality's disagreement with the
97 amounts listed on the completed regulatory cost form.

98 Section 2. Section **17-27a-521** is enacted to read:

99 **17-27a-521. Regulatory costs.**

100 (1) As used in this section:

101 (a) "Additional requirement":

102 (i) means a condition, standard, or specification that:

103 (A) a county imposes:

104 (I) by ordinance or through the land use application approval process;

105 (II) on an owner of residential property; and

106 (III) with respect to new construction; and

107 (B) exceeds conditions, standards, or specifications imposed:

108 (I) under the International Building Code; or

109 (II) because of health or safety concerns; and

110 (ii) includes:

111 (A) a setback requirement;

112 (B) a requirement specifying the type and quality of materials to be used on the exterior
113 of a structure;

114 (C) an architectural or design guideline;

115 (D) a requirement relating to garage entry orientation;

116 (E) a minimum lot size requirement;

117 (F) a minimum square footage requirement or a requirement that a residence occupy a
118 certain portion of the lot;

119 (G) a park strip or landscape requirement;

120 (H) an impact fee; and

- 121 (l) an offsite improvement, including an entry monument, park, or open space.
- 122 (b) "Completed regulatory cost form" means a regulatory cost form on which an owner
123 has stated a dollar figure that the owner calculates to be the regulatory cost of each additional
124 requirement applicable to the owner's property.
- 125 (c) "New construction" means any construction on residential property within the
126 unincorporated area of the county for which the county requires subdivision plat approval or a
127 building permit.
- 128 (d) "Owner" means the person that the county requires to obtain subdivision plat
129 approval or a building permit for new construction.
- 130 (e) "Regulatory cost" means that part of the cost of a property attributable to the cost of
131 complying with additional requirements.
- 132 (f) "Regulatory cost form" means a form prepared by or under the direction of a county
133 that includes:
- 134 (i) a list of each additional requirement:
- 135 (A) relating to the property that is the subject of the land use application; and
136 (B) that results in a regulatory cost; and
- 137 (ii) a space for recording a dollar figure for the regulatory cost of each additional
138 requirement.
- 139 (2) (a) Each county shall deliver a regulatory cost form to each land use applicant at the
140 time of or before the applicant's filing of a land use application.
- 141 (b) A county that fails to comply with Subsection (2)(a) may not collect from an
142 applicant a fee associated with the applicant's land use application.
- 143 (c) Subsections (2)(a) and (b) do not apply if the county has previously delivered a
144 regulatory cost form to the applicant at the time of or before the applicant's filing of a previous
145 land use application with respect to the same property.
- 146 (3) Each county shall:
- 147 (a) allow an owner to file a completed regulatory cost form with the county;
148 (b) preserve and index each completed regulatory cost form; and
149 (c) allow public access to all completed regulatory cost forms filed with the county.
- 150 (4) An owner may modify a regulatory cost form to include:
- 151 (a) an additional requirement not included on the regulatory cost form that the owner

152 believes should have been included; and

153 (b) the owner's calculation of the regulatory cost of that additional requirement.

154 (5) A county may add or attach comments to a completed regulatory cost form that the
155 county considers appropriate to reflect the county's disagreement with the amounts listed on the
156 completed regulatory cost form.

Legislative Review Note

as of 1-21-08 11:02 AM

Office of Legislative Research and General Counsel

S.B. 86 - Economic Analysis and Reporting of Cost of Land Use Regulation

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
