

1                   **AMENDMENTS REGARDING NOTICE ON UTAH**

2                                   **PUBLIC NOTICE WEBSITE**

3   2009 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Bradley A. Winn**

6                                   Senate Sponsor: Sheldon L. Killpack

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8   **LONG TITLE**

9   **General Description:**

10           This bill modifies provisions related to general plan, capital facilities plan, and  
11 long-range plan notice requirements.

12   **Highlighted Provisions:**

13           This bill:

14           ▶ modifies the notice that certain entities are required to provide before preparing a  
15 proposed general plan or amendment, long-range plan, or capital facilities plan so  
16 that:

17           • some entities are required to provide notice on the Utah Public Notice Website  
18 rather than to the state planning coordinator; and

19           • those entities not required to provide notice on the Utah Public Notice Website  
20 but that voluntarily provide notice on that website need not provide notice to  
21 the state planning coordinator.

22   **Monies Appropriated in this Bill:**

23           None

24   **Other Special Clauses:**

25           None

26   **Utah Code Sections Affected:**

27   AMENDS:

28           **10-9a-203**, as last amended by Laws of Utah 2008, Chapter 382

29           **11-36-201**, as last amended by Laws of Utah 2008, Chapters 70, 360, and 382

30 17-27a-203, as last amended by Laws of Utah 2008, Chapter 382

31 17B-1-106, as last amended by Laws of Utah 2008, Chapter 382

32 53A-2-123, as last amended by Laws of Utah 2008, Chapters 360 and 382

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

35 Section 1. Section 10-9a-203 is amended to read:

36 **10-9a-203. Notice of intent to prepare a general plan or comprehensive general**  
37 **plan amendments in certain municipalities.**

38 (1) Before preparing a proposed general plan or a comprehensive general plan  
39 amendment, each municipality within a county of the first or second class shall provide ten  
40 calendar days notice of its intent to prepare a proposed general plan or a comprehensive  
41 general plan amendment [to]:

42 (a) to each affected entity;

43 (b) to the Automated Geographic Reference Center created in Section 63F-1-506;

44 (c) to the association of governments, established pursuant to an interlocal agreement  
45 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a  
46 member; and

47 (d) (i) on the Utah Public Notice Website created under Section 63F-1-701, if the  
48 municipality:

49 (A) is required under Subsection 52-4-202(3) to use that website to provide public  
50 notice of a meeting; or

51 (B) voluntarily chooses to provide notice on that website despite not being required to  
52 do so under Subsection (1)(d)(i)(A); or

53 ~~(d) (ii)~~ (ii) to the state planning coordinator appointed under Section 63J-4-202, if the  
54 municipality does not provide notice on the Utah Public Notice Website under Subsection  
55 (1)(d)(i).

56 (2) Each notice under Subsection (1) shall:

57 (a) indicate that the municipality intends to prepare a general plan or a comprehensive

58 general plan amendment, as the case may be;

59 (b) describe or provide a map of the geographic area that will be affected by the  
60 general plan or amendment;

61 (c) be sent by mail, e-mail, or other effective means;

62 (d) invite the affected entities to provide information for the municipality to consider in  
63 the process of preparing, adopting, and implementing a general plan or amendment  
64 concerning:

65 (i) impacts that the use of land proposed in the proposed general plan or amendment  
66 may have; and

67 (ii) uses of land within the municipality that the affected entity is considering that may  
68 conflict with the proposed general plan or amendment; and

69 (e) include the address of an Internet website, if the municipality has one, and the  
70 name and telephone number of a person where more information can be obtained concerning  
71 the municipality's proposed general plan or amendment.

72 Section 2. Section **11-36-201** is amended to read:

73 **11-36-201. Impact fees -- Analysis -- Capital facilities plan -- Notice of plan --**  
74 **Summary -- Exemptions.**

75 (1) (a) Each local political subdivision and private entity shall comply with the  
76 requirements of this chapter before establishing or modifying any impact fee.

77 (b) A local political subdivision may not:

78 (i) establish any new impact fees that are not authorized by this chapter; or

79 (ii) impose or charge any other fees as a condition of development approval unless  
80 those fees are a reasonable charge for the service provided.

81 (c) Notwithstanding any other requirements of this chapter, each local political  
82 subdivision shall ensure that each existing impact fee that is charged for any public facility not  
83 authorized by Subsection 11-36-102(12) is repealed by July 1, 1995.

84 (d) (i) Existing impact fees that a local political subdivision charges for public  
85 facilities authorized in Subsection 11-36-102(12) need not comply with the requirements of

86 this chapter until July 1, 1997.

87 (ii) By July 1, 1997, each local political subdivision shall:

88 (A) review any impact fees in existence as of the effective date of this act, and prepare  
89 and approve the analysis required by this section for each of those impact fees; and

90 (B) ensure that the impact fees comply with the requirements of this chapter.

91 (2) (a) Before imposing impact fees, each local political subdivision and private entity  
92 shall, except as provided in Subsection (2)(f), prepare a capital facilities plan.

93 (b) (i) As used in this Subsection (2)(b):

94 (A) (I) "Affected entity" means each county, municipality, local district under Title  
95 17B, Limited Purpose Local Government Entities - Local Districts, special service district  
96 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation  
97 entity established under Chapter 13, Interlocal Cooperation Act, and specified public utility:

98 (Aa) whose services or facilities are likely to require expansion or significant  
99 modification because of the facilities proposed in the proposed capital facilities plan; or

100 (Ab) that has filed with the local political subdivision or private entity a copy of the  
101 general or long-range plan of the county, municipality, local district, special service district,  
102 school district, interlocal cooperation entity, or specified public utility.

103 (II) "Affected entity" does not include the local political subdivision or private entity  
104 that is required under this Subsection (2) to provide notice.

105 (B) "Specified public utility" means an electrical corporation, gas corporation, or  
106 telephone corporation, as those terms are defined in Section 54-2-1.

107 (ii) Before preparing or amending a capital facilities plan, each local political  
108 subdivision and each private entity shall provide written notice, as provided in this Subsection  
109 (2)(b), of its intent to prepare or amend a capital facilities plan.

110 (iii) Each notice under Subsection (2)(b)(ii) shall:

111 (A) indicate that the local political subdivision or private entity intends to prepare or  
112 amend a capital facilities plan;

113 (B) describe or provide a map of the geographic area where the proposed capital

114 facilities will be located;

115 (C) be ~~sent to~~:

116 (I) sent to each county in whose unincorporated area and each municipality in whose  
117 boundaries is located the land on which the proposed facilities will be located;

118 (II) sent to each affected entity;

119 (III) sent to the Automated Geographic Reference Center created in Section  
120 63F-1-506;

121 (IV) sent to the association of governments, established pursuant to an interlocal  
122 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, in which the facilities are  
123 proposed to be located;

124 (V) (Aa) placed on the Utah Public Notice Website created under Section 63F-1-701,  
125 if the local political subdivision:

126 (Ii) is required under Subsection 52-4-203(3) to use that website to provide public  
127 notice of a meeting; or

128 (Iiii) voluntarily chooses to place notice on that website despite not being required to  
129 do so under Subsection (2)(b)(iii)(C)(V)(Aa)(Ii); or

130 [~~V~~] (Bb) sent to the state planning coordinator appointed under Section 63J-4-202, if  
131 the local political subdivision does not provide notice on the Utah Public Notice Website  
132 under Subsection (2)(b)(iii)(C)(V)(Aa) or for a private entity;

133 (VI) sent to the registered agent of the Utah Home Builders Association;

134 (VII) sent to the registered agent of the Utah Association of Realtors; and

135 (VIII) sent to the registered agent of the Utah Chapter of the Associated General  
136 Contractors of America; and

137 (D) with respect to the notice to an affected entity, invite the affected entity to provide  
138 information for the local political subdivision or private entity to consider in the process of  
139 preparing, adopting, and implementing or amending a capital facilities plan concerning:

140 (I) impacts that the facilities proposed in the capital facilities plan may have on the  
141 affected entity; and

142 (II) facilities or uses of land that the affected entity is planning or considering that may  
143 conflict with the facilities proposed in the capital facilities plan.

144 (c) The plan shall identify:

145 (i) demands placed upon existing public facilities by new development activity; and

146 (ii) the proposed means by which the local political subdivision will meet those  
147 demands.

148 (d) A municipality or county need not prepare a separate capital facilities plan if the  
149 general plan required by Section 10-9a-401 or 17-27a-401, respectively, contains the elements  
150 required by Subsection (2)(c).

151 (e) (i) If a local political subdivision chooses to prepare an independent capital  
152 facilities plan rather than include a capital facilities element in the general plan, the local  
153 political subdivision shall:

154 (A) before preparing or contracting to prepare or amending or contracting to amend  
155 the independent capital facilities plan, send written notice:

156 (I) to:

157 (Aa) the registered agent of the Utah Home Builders Association;

158 (Bb) the registered agent of the Utah Association of Realtors; and

159 (Cc) the registered agent of the Utah Chapter of the Associated General Contractors of  
160 America;

161 (II) stating the local political subdivision's intent to prepare or amend a capital  
162 facilities plan; and

163 (III) inviting each of the notice recipients to participate in the preparation of or  
164 amendment to the capital facilities plan; and

165 (B) before adopting or amending the capital facilities plan:

166 (I) give public notice of the plan or amendment according to Subsection (2)(e)(ii)(A),

167 (B), or (C), as the case may be, at least 14 days before the date of the public hearing;

168 (II) make a copy of the plan or amendment, together with a summary designed to be  
169 understood by a lay person, available to the public;

170 (III) place a copy of the plan or amendment and summary in each public library within  
171 the local political subdivision; and

172 (IV) hold a public hearing to hear public comment on the plan or amendment.

173 (ii) With respect to the public notice required under Subsection (2)(e)(i)(B)(I):

174 (A) each municipality shall comply with the notice and hearing requirements of, and,  
175 except as provided in Subsection 11-36-401(4)(f), receive the protections of Sections  
176 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2);

177 (B) each county shall comply with the notice and hearing requirements of, and, except  
178 as provided in Subsection 11-36-401(4)(f), receive the protections of Sections 17-27a-205 and  
179 17-27a-801 and Subsection 17-27a-502(2); and

180 (C) each local district, special service district, and private entity shall comply with the  
181 notice and hearing requirements of, and receive the protections of, Section 17B-1-111.

182 (iii) Nothing contained in this Subsection (2)(e) or in the subsections referenced in  
183 Subsections (2)(e)(ii)(A) and (B) may be construed to require involvement by a planning  
184 commission in the capital facilities planning process.

185 (f) (i) A local political subdivision with a population or serving a population of less  
186 than 5,000 as of the last federal census need not comply with the capital facilities plan  
187 requirements of this part, but shall ensure that:

188 (A) the impact fees that the local political subdivision imposes are based upon a  
189 reasonable plan; and

190 (B) each applicable notice required by this chapter is given.

191 (ii) Subsection (2)(f)(i) does not apply to private entities.

192 (3) In preparing the plan, each local political subdivision shall generally consider all  
193 revenue sources, including impact fees, to finance the impacts on system improvements.

194 (4) A local political subdivision or private entity may only impose impact fees on  
195 development activities when its plan for financing system improvements establishes that  
196 impact fees are necessary to achieve an equitable allocation to the costs borne in the past and  
197 to be borne in the future, in comparison to the benefits already received and yet to be received.

198           (5) (a) Subject to the notice requirement of Subsection (5)(b), each local political  
199 subdivision and private entity intending to impose an impact fee shall prepare a written  
200 analysis of each impact fee that:

201           (i) identifies the impact on system improvements required by the development  
202 activity;

203           (ii) demonstrates how those impacts on system improvements are reasonably related to  
204 the development activity;

205           (iii) estimates the proportionate share of the costs of impacts on system improvements  
206 that are reasonably related to the new development activity; and

207           (iv) based upon those factors and the requirements of this chapter, identifies how the  
208 impact fee was calculated.

209           (b) Before preparing or contracting to prepare the written analysis required under  
210 Subsection (5)(a), each local political subdivision or private entity shall provide:

211           (i) public notice; and

212           (ii) written notice:

213           (A) to:

214           (I) the registered agent of the Utah Home Builders Association;

215           (II) the registered agent of the Utah Association of Realtors; and

216           (III) the registered agent of the Utah Chapter of the Associated General Contractors of  
217 America;

218           (B) indicating the local political subdivision or private entity's intent to prepare or  
219 contract to prepare a written analysis of an impact fee; and

220           (C) inviting each notice recipient to participate in the preparation of the written  
221 analysis.

222           (c) In analyzing whether or not the proportionate share of the costs of public facilities  
223 are reasonably related to the new development activity, the local political subdivision or  
224 private entity, as the case may be, shall identify, if applicable:

225           (i) the cost of existing public facilities;

226 (ii) the manner of financing existing public facilities, such as user charges, special  
227 assessments, bonded indebtedness, general taxes, or federal grants;

228 (iii) the relative extent to which the newly developed properties and other properties  
229 have already contributed to the cost of existing public facilities, by such means as user  
230 charges, special assessments, or payment from the proceeds of general taxes;

231 (iv) the relative extent to which the newly developed properties and other properties  
232 will contribute to the cost of existing public facilities in the future;

233 (v) the extent to which the newly developed properties are entitled to a credit because  
234 the local political subdivision or private entity, as the case may be, requires its developers or  
235 owners, by contractual arrangement or otherwise, to provide common facilities, inside or  
236 outside the proposed development, that have been provided by the local political subdivision  
237 or private entity, respectively, and financed through general taxation or other means, apart  
238 from user charges, in other parts of the service area;

239 (vi) extraordinary costs, if any, in servicing the newly developed properties; and

240 (vii) the time-price differential inherent in fair comparisons of amounts paid at  
241 different times.

242 (d) Each local political subdivision and private entity that prepares a written analysis  
243 under this Subsection (5) on or after July 1, 2000 shall also prepare a summary of the written  
244 analysis, designed to be understood by a lay person.

245 (6) Each local political subdivision that adopts an impact fee enactment under Section  
246 11-36-202 on or after July 1, 2000 shall, at least 14 days before adopting the enactment,  
247 submit a copy of the written analysis required by Subsection (5)(a) and a copy of the  
248 summary required by Subsection (5)(d) to:

249 (a) each public library within the local political subdivision;

250 (b) the registered agent of the Utah Home Builders Association;

251 (c) the registered agent of the Utah Association of Realtors; and

252 (d) the registered agent of the Utah Chapter of the Associated General Contractors of  
253 America.

254 (7) Nothing in this chapter may be construed to repeal or otherwise eliminate any  
255 impact fee in effect on the effective date of this chapter that is pledged as a source of revenues  
256 to pay bonded indebtedness that was incurred before the effective date of this chapter.

257 Section 3. Section **17-27a-203** is amended to read:

258 **17-27a-203. Notice of intent to prepare a general plan or comprehensive general**  
259 **plan amendments in certain counties.**

260 (1) Before preparing a proposed general plan or a comprehensive general plan  
261 amendment, each county of the first or second class shall provide ten calendar days notice of  
262 its intent to prepare a proposed general plan or a comprehensive general plan amendment [to]:

- 263 (a) to each affected entity;
- 264 (b) to the Automated Geographic Reference Center created in Section 63F-1-506;
- 265 (c) to the association of governments, established pursuant to an interlocal agreement  
266 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; and  
267 ~~[(d) the state planning coordinator appointed under Section 63J-4-202.]~~
- 268 (d) on the Utah Public Notice Website created under Section 63F-1-701.

269 (2) Each notice under Subsection (1) shall:

- 270 (a) indicate that the county intends to prepare a general plan or a comprehensive  
271 general plan amendment, as the case may be;
- 272 (b) describe or provide a map of the geographic area that will be affected by the  
273 general plan or amendment;
- 274 (c) be sent by mail, e-mail, or other effective means;
- 275 (d) invite the affected entities to provide information for the county to consider in the  
276 process of preparing, adopting, and implementing a general plan or amendment concerning:
  - 277 (i) impacts that the use of land proposed in the proposed general plan or amendment  
278 may have; and
  - 279 (ii) uses of land within the county that the affected entity is considering that may  
280 conflict with the proposed general plan or amendment; and
  - 281 (e) include the address of an Internet website, if the county has one, and the name and

282 telephone number of a person where more information can be obtained concerning the  
283 county's proposed general plan or amendment.

284 Section 4. Section **17B-1-106** is amended to read:

285 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**  
286 **certain property.**

287 (1) As used in this section:

288 (a) (i) "Affected entity" means each county, municipality, local district under this title,  
289 special service district, school district, interlocal cooperation entity established under Title 11,  
290 Chapter 13, Interlocal Cooperation Act, and specified public utility:

291 (A) whose services or facilities are likely to require expansion or significant  
292 modification because of an intended use of land; or

293 (B) that has filed with the local district a copy of the general or long-range plan of the  
294 county, municipality, local district, school district, interlocal cooperation entity, or specified  
295 public utility.

296 (ii) "Affected entity" does not include the local district that is required under this  
297 section to provide notice.

298 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
299 telephone corporation, as those terms are defined in Section 54-2-1.

300 (2) (a) If a local district under this title located in a county of the first or second class  
301 prepares a long-range plan regarding its facilities proposed for the future or amends an already  
302 existing long-range plan, the local district shall, before preparing a long-range plan or  
303 amendments to an existing long-range plan, provide written notice, as provided in this section,  
304 of its intent to prepare a long-range plan or to amend an existing long-range plan.

305 (b) Each notice under Subsection (2)(a) shall:

306 (i) indicate that the local district intends to prepare a long-range plan or to amend a  
307 long-range plan, as the case may be;

308 (ii) describe or provide a map of the geographic area that will be affected by the  
309 long-range plan or amendments to a long-range plan;

- 310 (iii) be ~~[sent to]~~:
- 311 (A) sent to each county in whose unincorporated area and each municipality in whose  
312 boundaries is located the land on which the proposed long-range plan or amendments to a  
313 long-range plan are expected to indicate that the proposed facilities will be located;
- 314 (B) sent to each affected entity;
- 315 (C) sent to the Automated Geographic Reference Center created in Section 63F-1-506;
- 316 (D) sent to each association of governments, established pursuant to an interlocal  
317 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or  
318 municipality described in Subsection (2)(b)(iii)(A) is a member; and
- 319 (E) (I) placed on the Utah Public Notice Website created under Section 63F-1-701, if  
320 the local district:
- 321 (Aa) is required under Subsection 52-4-203(3) to use that website to provide public  
322 notice of a meeting; or
- 323 (Bb) voluntarily chooses to place notice on that website despite not being required to  
324 do so under Subsection (2)(b)(iii)(E)(I)(Aa); or
- 325 (II) the state planning coordinator appointed under Section 63J-4-202, if the local  
326 district does not provide notice on the Utah Public Notice Website under Subsection  
327 (2)(b)(iii)(E)(I);
- 328 (iv) with respect to the notice to counties and municipalities described in Subsection  
329 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to  
330 consider in the process of preparing, adopting, and implementing the long-range plan or  
331 amendments to a long-range plan concerning:
- 332 (A) impacts that the use of land proposed in the proposed long-range plan or  
333 amendments to a long-range plan may have on the county, municipality, or affected entity; and
- 334 (B) uses of land that the county, municipality, or affected entity is planning or  
335 considering that may conflict with the proposed long-range plan or amendments to a  
336 long-range plan; and
- 337 (v) include the address of an Internet website, if the local district has one, and the

338 name and telephone number of a person where more information can be obtained concerning  
339 the local district's proposed long-range plan or amendments to a long-range plan.

340 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire  
341 real property in a county of the first or second class for the purpose of expanding the district's  
342 infrastructure or other facilities used for providing the services that the district is authorized to  
343 provide shall provide written notice, as provided in this Subsection (3), of its intent to acquire  
344 the property if the intended use of the property is contrary to:

345 (i) the anticipated use of the property under the county or municipality's general plan;  
346 or

347 (ii) the property's current zoning designation.

348 (b) Each notice under Subsection (3)(a) shall:

349 (i) indicate that the local district intends to acquire real property;

350 (ii) identify the real property; and

351 (iii) be sent to:

352 (A) each county in whose unincorporated area and each municipality in whose  
353 boundaries the property is located; and

354 (B) each affected entity.

355 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
356 63G-2-305(7).

357 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district  
358 previously provided notice under Subsection (2) identifying the general location within the  
359 municipality or unincorporated part of the county where the property to be acquired is located.

360 (ii) If a local district is not required to comply with the notice requirement of  
361 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide  
362 the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real  
363 property.

364 Section 5. Section **53A-2-123** is amended to read:

365 **53A-2-123. Notice before preparing or amending a long-range plan or acquiring**

366 **certain property.**

367 (1) As used in this section:

368 (a) "Affected entity" means each county, municipality, local district under Title 17B,  
369 Limited Purpose Local Government Entities - Local Districts, special service district under  
370 Title 17D, Chapter 1, Special Service District Act, interlocal cooperation entity established  
371 under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

372 (i) whose services or facilities are likely to require expansion or significant  
373 modification because of an intended use of land; or

374 (ii) that has filed with the school district a copy of the general or long-range plan of  
375 the county, municipality, local district, special service district, school district, interlocal  
376 cooperation entity, or specified public utility.

377 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
378 telephone corporation, as those terms are defined in Section 54-2-1.

379 (2) (a) If a school district located in a county of the first or second class prepares a  
380 long-range plan regarding its facilities proposed for the future or amends an already existing  
381 long-range plan, the school district shall, before preparing a long-range plan or amendments to  
382 an existing long-range plan, provide written notice, as provided in this section, of its intent to  
383 prepare a long-range plan or to amend an existing long-range plan.

384 (b) Each notice under Subsection (2)(a) shall:

385 (i) indicate that the school district intends to prepare a long-range plan or to amend a  
386 long-range plan, as the case may be;

387 (ii) describe or provide a map of the geographic area that will be affected by the  
388 long-range plan or amendments to a long-range plan;

389 (iii) be ~~sent to~~:

390 (A) sent to each county in whose unincorporated area and each municipality in whose  
391 boundaries is located the land on which the proposed long-range plan or amendments to a  
392 long-range plan are expected to indicate that the proposed facilities will be located;

393 (B) sent to each affected entity;

394 (C) sent to the Automated Geographic Reference Center created in Section 63F-1-506;

395 (D) sent to each association of governments, established pursuant to an interlocal  
396 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or  
397 municipality described in Subsection (2)(b)(iii)(A) is a member; and

398 [~~(E) the state planning coordinator appointed under Section 63J-4-202;~~]

399 (E) placed on the Utah Public Notice Website created under Section 63F-1-701;

400 (iv) with respect to the notice to counties and municipalities described in Subsection  
401 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to  
402 consider in the process of preparing, adopting, and implementing the long-range plan or  
403 amendments to a long-range plan concerning:

404 (A) impacts that the use of land proposed in the proposed long-range plan or  
405 amendments to a long-range plan may have on the county, municipality, or affected entity; and

406 (B) uses of land that the county, municipality, or affected entity is planning or  
407 considering that may conflict with the proposed long-range plan or amendments to a  
408 long-range plan; and

409 (v) include the address of an Internet website, if the school district has one, and the  
410 name and telephone number of a person where more information can be obtained concerning  
411 the school district's proposed long-range plan or amendments to a long-range plan.

412 (3) (a) Except as provided in Subsection (3)(d), each school district intending to  
413 acquire real property in a county of the first or second class for the purpose of expanding the  
414 district's infrastructure or other facilities shall provide written notice, as provided in this  
415 Subsection (3), of its intent to acquire the property if the intended use of the property is  
416 contrary to:

417 (i) the anticipated use of the property under the county or municipality's general plan;

418 or

419 (ii) the property's current zoning designation.

420 (b) Each notice under Subsection (3)(a) shall:

421 (i) indicate that the school district intends to acquire real property;

422 (ii) identify the real property; and

423 (iii) be sent to:

424 (A) each county in whose unincorporated area and each municipality in whose  
425 boundaries the property is located; and

426 (B) each affected entity.

427 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
428 63G-2-305(7).

429 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district  
430 previously provided notice under Subsection (2) identifying the general location within the  
431 municipality or unincorporated part of the county where the property to be acquired is located.

432 (ii) If a school district is not required to comply with the notice requirement of  
433 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall  
434 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of  
435 the real property.