

- 28           **10-9a-701**, as enacted by Laws of Utah 2005, Chapter 254
- 29           **17-27a-103**, as last amended by Laws of Utah 2010, Chapters 269 and 330
- 30           **17-27a-305**, as last amended by Laws of Utah 2010, Chapters 203 and 330
- 31           **17-27a-509**, as last amended by Laws of Utah 2010, Chapter 203
- 32           **17-27a-701**, as enacted by Laws of Utah 2005, Chapter 254

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

35           Section 1. Section **10-9a-103** is amended to read:

36           **10-9a-103. Definitions.**

37           As used in this chapter:

38           (1) "Affected entity" means a county, municipality, local district, special service  
39 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
40 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
41 public utility, a property owner, a property owners association, or the Utah Department of  
42 Transportation, if:

43           (a) the entity's services or facilities are likely to require expansion or significant  
44 modification because of an intended use of land;

45           (b) the entity has filed with the municipality a copy of the entity's general or long-range  
46 plan; or

47           (c) the entity has filed with the municipality a request for notice during the same  
48 calendar year and before the municipality provides notice to an affected entity in compliance  
49 with a requirement imposed under this chapter.

50           (2) "Appeal authority" means the person, board, commission, agency, or other body  
51 designated by ordinance to decide an appeal of a decision of a land use application or a  
52 variance.

53           (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
54 residential property if the sign is designed or intended to direct attention to a business, product,  
55 or service that is not sold, offered, or existing on the property where the sign is located.

56           ~~Ĥ→ [(4) "Building permit fee" means any fee charged to enforce the uniform codes adopted~~  
57 ~~pursuant to Title 58, Chapter 56, Utah Uniform Building Standards Act, that is no greater than~~  
58 ~~a fee indicated in the appendix to the International Building Code.] ←Ĥ~~

59 **H→** [f] (4) [f] [~~5~~] **←H** "Charter school" includes:

60 (a) an operating charter school;

61 (b) a charter school applicant that has its application approved by a chartering entity in  
62 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

63 (c) an entity who is working on behalf of a charter school or approved charter applicant  
64 to develop or construct a charter school building.

65 **H→** [f] (5) [f] [~~6~~] **←H** "Conditional use" means a land use that, because of its unique  
65a characteristics

66 or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not  
67 be compatible in some areas or may be compatible only if certain conditions are required that  
68 mitigate or eliminate the detrimental impacts.

69 **H→** [f] (6) [f] [~~7~~] **←H** "Constitutional taking" means a governmental action that results in a  
69a taking of

70 private property so that compensation to the owner of the property is required by the:

71 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

72 (b) Utah Constitution Article I, Section 22.

73 **H→** [f] (7) [f] [~~8~~] **←H** "Culinary water authority" means the department, agency, or public  
73a entity with

74 responsibility to review and approve the feasibility of the culinary water system and sources for  
75 the subject property.

76 **H→** [f] (8) [f] [~~9~~] **←H** "Development activity" means:

77 (a) any construction or expansion of a building, structure, or use that creates additional  
78 demand and need for public facilities;

79 (b) any change in use of a building or structure that creates additional demand and need  
80 for public facilities; or

81 (c) any change in the use of land that creates additional demand and need for public  
82 facilities.

83 **H→** [f] (9) [f] [~~10~~] **←H** (a) "Disability" means a physical or mental impairment that  
83a substantially

84 limits one or more of a person's major life activities, including a person having a record of such  
85 an impairment or being regarded as having such an impairment.

86 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
87 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
88 802.

89 **H→** [f] (10) [f] [~~11~~] **←H** "Educational facility":

524 (iv) delivering the service for which the applicant or owner paid the fee.

525 (6) A municipality may not impose on or collect from a public agency any fee  
526 associated with the public agency's development of its land other than:

527 (a) subject to Subsection (4), a fee for a development service that the public agency  
528 does not itself provide;

529 (b) subject to Subsection (3), a hookup fee; and

530 (c) an impact fee for a public facility listed in Subsection 11-36-102(14)(a), (b), (c),  
531 (d), (e), or (g), subject to any applicable credit under Subsection 11-36-202(2)(b).

532 (7) A provider of culinary or secondary water that commits to provide a water service  
533 required by a ~~§~~ → [public] ← ~~§~~ land use application process is subject to the following as if it were a  
534 municipality:

535 (a) Subsections (5) and (6);

536 (b) Section 10-9a-508; and

537 (c) Section 10-9a-509.5.

538 Section 4. Section **10-9a-701** is amended to read:

539 **10-9a-701. Appeal authority required -- Condition precedent to judicial review --**

540 **Appeal authority duties.**

541 (1) Each municipality adopting a land use ordinance shall, by ordinance, establish one  
542 or more appeal authorities to hear and decide:

543 (a) requests for variances from the terms of the land use ordinances; [~~and~~]

544 (b) appeals from decisions applying the land use ordinances[-]; and

545 (c) appeals from a fee charged in accordance with Section 10-9a-510.

546 (2) As a condition precedent to judicial review, each adversely affected person shall  
547 timely and specifically challenge a land use authority's decision, in accordance with local  
548 ordinance.

549 (3) An appeal authority:

550 (a) shall:

551 (i) act in a quasi-judicial manner; and

552 (ii) serve as the final arbiter of issues involving the interpretation or application of land  
553 use ordinances; and

554 (b) may not entertain an appeal of a matter in which the appeal authority, or any

586 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
587 or

588 (c) the entity has filed with the county a request for notice during the same calendar  
589 year and before the county provides notice to an affected entity in compliance with a  
590 requirement imposed under this chapter.

591 (2) "Appeal authority" means the person, board, commission, agency, or other body  
592 designated by ordinance to decide an appeal of a decision of a land use application or a  
593 variance.

594 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
595 residential property if the sign is designed or intended to direct attention to a business, product,  
596 or service that is not sold, offered, or existing on the property where the sign is located.

597 **H→ [(4) "Building permit fee" means any fee charged to enforce the uniform codes adopted**  
598 **pursuant to Title 58, Chapter 56, Utah Uniform Building Standards Act, that is no greater than**  
599 **a fee indicated in the appendix to the International Building Code.]**

600 [F] (4) [F] [(5)] ←H "Charter school" includes:

- 601 (a) an operating charter school;
- 602 (b) a charter school applicant that has its application approved by a chartering entity in  
603 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and
- 604 (c) an entity who is working on behalf of a charter school or approved charter applicant  
605 to develop or construct a charter school building.

606 **H→ [F] (5) [F] [(6)] ←H** "Chief executive officer" means the person or body that exercises the  
607 executive powers of the county.

608 **H→ [F] (6) [F] [(7)] ←H** "Conditional use" means a land use that, because of its unique  
608a characteristics  
609 or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
610 compatible in some areas or may be compatible only if certain conditions are required that  
611 mitigate or eliminate the detrimental impacts.

612 **H→ [F] (7) [F] [(8)] ←H** "Constitutional taking" means a governmental action that results in a  
612a taking of  
613 private property so that compensation to the owner of the property is required by the:

- 614 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 615 (b) Utah Constitution Article I, Section 22.

616 **H→ [F] (8) [F] [(9)] ←H** "Culinary water authority" means the department, agency, or  
616a public entity with

1082 (iv) delivering the service for which the applicant or owner paid the fee.

1083 (6) A county may not impose on or collect from a public agency any fee associated  
1084 with the public agency's development of its land other than:

1085 (a) subject to Subsection (4), a fee for a development service that the public agency  
1086 does not itself provide;

1087 (b) subject to Subsection (3), a hookup fee; and

1088 (c) an impact fee for a public facility listed in Subsection 11-36-102(14)(a), (b), (c),  
1089 (d), (e), or (g), subject to any applicable credit under Subsection 11-36-202(2)(b).

1090 (7) A provider of culinary or secondary water that commits to provide a water service  
1091 required by a ~~§~~ → [public] ← ~~§~~ land use application process is subject to the following as if it were a  
1092 county:

1093 (a) Subsections (5) and (6);

1094 (b) Section 17-27a-507; and

1095 (c) Section 17-27a-509.5.

1096 Section 8. Section **17-27a-701** is amended to read:

1097 **17-27a-701. Appeal authority required -- Condition precedent to judicial review**  
1098 **-- Appeal authority duties.**

1099 (1) Each county adopting a land use ordinance shall, by ordinance, establish one or  
1100 more appeal authorities to hear and decide:

1101 (a) requests for variances from the terms of the land use ordinances; [~~and~~]

1102 (b) appeals from decisions applying the land use ordinances[-:]; and

1103 (c) appeals from a fee charged in accordance with Section 17-27a-509.

1104 (2) As a condition precedent to judicial review, each adversely affected person shall  
1105 timely and specifically challenge a land use authority's decision, in accordance with local  
1106 ordinance.

1107 (3) An appeal authority:

1108 (a) shall:

1109 (i) act in a quasi-judicial manner; and

1110 (ii) serve as the final arbiter of issues involving the interpretation or application of land  
1111 use ordinances; and

1112 (b) may not entertain an appeal of a matter in which the appeal authority, or any