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Local Land Use Amendments

2025 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Stephen L. Whyte

Senate Sponsor: Lincoln Fillmore

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LONG TITLE

General Description:

This bill modifies provisions related to land use.

Highlighted Provisions:

This bill:

- defines terms and modifies definitions;
- clarifies and modifies statutes regarding municipal annexation and municipal boundary adjustments;
 - renumbers and amends Title 10, Chapter 2, Part 4, Annexation, to Title 10, Chapter 2,
- Part 8, Annexation and Title 10, Chapter 2, Part 9, Municipal Boundary Adjustments;
- renumbers and amends the process by which a municipality or county conducts certain plan reviews;
 - modifies notice requirements before a public hearing on a proposed land use regulation;
 - provides that a municipality or county may not require a private individual or entity, including a community association or homeowners association, to permanently maintain or be responsible for a public access amenity or water utility unless certain conditions apply;
 - modifies the process by which a municipality or county inspects and approves or rejects the performance of warranty work;
 - modifies a municipality's or county's process in regulating landscaping;
 - modifies the process for a municipality or county to allow transferable development rights;
 - creates a process by which an applicant may submit an identical floor plan to a municipality for an expedited review;
 - provides that a municipality or county may not require a public hearing for a request for a

28	variance or another land use appeal;
29	 modifies the ability of a municipality or county to enforce an ordinance by withholding a
30	building permit or certificate of occupancy;
31	modifies the State Fire Code Act;
32	 modifies provisions related to special districts and land use;
33	• establishes a process by which a person may convey real property by deed to a public
34	entity; and
35	 makes technical and conforming changes.
36	Money Appropriated in this Bill:
37	None
38	Other Special Clauses:
39	None
40	Utah Code Sections Affected:
41	AMENDS:
42	10-2-510 (Effective 05/07/25), as last amended by Laws of Utah 2010, Chapter 378
43	10-2a-103 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 342
44	10-2a-107 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 342
45	10-2a-201.5 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 342,
46	518 and 534
47	10-2a-205 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 342,
48	518
49	10-2a-205.5 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 342
50	10-2a-207 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapters 224,
51	435 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 224 and further
52	amended by Revisor Instructions, Laws of Utah 2023, Chapter 224
53	10-2a-210 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 342
54	10-2a-501 (Effective 05/07/25) (Repealed 01/01/31), as enacted by Laws of Utah 2024,
55	Chapter 534
56	10-2a-506 (Effective 05/07/25) (Repealed 01/01/31), as enacted by Laws of Utah 2024,
57	Chapter 534
58	10-6-103 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 438
59	10-8-14 (Effective 05/07/25), as last amended by Laws of Utah 2019, Chapter 99
60	10-9a-103 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 464
61	10-9a-205 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 435

52	10-9a-508 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapters 255,
53	478
54	10-9a-509 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415
65	10-9a-509.5 (Effective 05/07/25), as last amended by Laws of Utah 2020, Chapter 126
56	10-9a-509.7 (Effective 05/07/25), as last amended by Laws of Utah 2012, Chapter 231
67	10-9a-510 (Effective 05/07/25), as last amended by Laws of Utah 2021, Chapter 35
58	10-9a-529 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 464
59	10-9a-536 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415
70	10-9a-604.5 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415
71	10-9a-701 (Effective 05/07/25), as last amended by Laws of Utah 2021, Chapter 385
72	10-9a-802 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415
73	15A-1-105 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 375
74	15A-3-203 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 505
75	15A-5-205.6 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 95
76	17-27a-102 (Effective 05/07/25), as last amended by Laws of Utah 2022, Chapter 307
77	17-27a-103 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 464
78	17-27a-205 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 435
79	17-27a-508 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415
80	17-27a-509 (Effective 05/07/25), as last amended by Laws of Utah 2021, Chapter 35
81	17-27a-509.5 (Effective 05/07/25), as last amended by Laws of Utah 2019, Chapter 384
82	17-27a-509.7 (Effective 05/07/25), as last amended by Laws of Utah 2012, Chapter 231
83	17-27a-532 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415
84	17-27a-604.5 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415
85	17-27a-701 (Effective 05/07/25), as last amended by Laws of Utah 2021, Chapter 385
86	17-27a-802 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415
87	17B-1-119 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 15
88	17B-1-503 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 15
89	17B-1-512 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 342
90	17B-2a-1106 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 342,
91	438
92	23A-13-304 (Effective 05/07/25), as renumbered and amended by Laws of Utah 2023,
93	Chapter 103
94	26B-1-429 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 529
95	53-2d-514 (Effective 05/07/25), as renumbered and amended by Laws of Utah 2023,

96	Chapters 307, 310 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307,
97	54-3-30 (Effective 05/07/25), as last amended by Laws of Utah 2014, Chapter 55
98	54-3-31 (Effective 05/07/25), as last amended by Laws of Utah 2014, Chapters 55, 189
99	57-1-1 (Effective 05/07/25), as last amended by Laws of Utah 2004, Chapter 249
100	59-12-208.1 (Effective 05/07/25), as last amended by Laws of Utah 2012, Chapter 254
101	59-12-355 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 263
102	59-12-403 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 471
103	59-12-806 (Effective 05/07/25), as last amended by Laws of Utah 2012, Chapter 254
104	59-12-1302 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 471
105	59-12-1402 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 471
106	59-12-2102 (Effective 05/07/25), as enacted by Laws of Utah 2008, Chapter 323
107	63A-5b-305 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 435
108	ENACTS:
109	10-2-802 (Effective 05/07/25), Utah Code Annotated 1953
110	10-2-901 (Effective 05/07/25), Utah Code Annotated 1953
111	10-2-902 (Effective 05/07/25), Utah Code Annotated 1953
112	10-2-904 (Effective 05/07/25), Utah Code Annotated 1953
113	10-2-905 (Effective 05/07/25), Utah Code Annotated 1953
114	10-9a-508.1 (Effective 05/07/25), Utah Code Annotated 1953
115	10-9a-541 (Effective 05/07/25), Utah Code Annotated 1953
116	17-27a-309 (Effective 05/07/25), Utah Code Annotated 1953
117	17-27a-508.1 (Effective 05/07/25), Utah Code Annotated 1953
118	17-27a-536 (Effective 05/07/25), Utah Code Annotated 1953
119	57-1-48 (Effective 05/07/25), Utah Code Annotated 1953
120	RENUMBERS AND AMENDS:
121	10-2-801 (Effective 05/07/25), (Renumbered from 10-2-401, as last amended by
122	Laws of Utah 2023, Chapters 16, 478)
123	10-2-803 (Effective 05/07/25), (Renumbered from 10-2-401.5, as last amended by
124	Laws of Utah 2021, Chapter 112)
125	10-2-804 (Effective 05/07/25), (Renumbered from 10-2-402, as last amended by
126	Laws of Utah 2023, Chapters 224, 478)
127	10-2-805 (Effective 05/07/25), (Renumbered from 10-2-402.5, as enacted by Laws
128	of Utah 2021, Chapter 112)
129	10-2-806 (Effective 05/07/25), (Renumbered from 10-2-403, as last amended by

130	Laws of Utah 2024, Chapter 415)
131	10-2-807 (Effective 05/07/25), (Renumbered from 10-2-405, as last amended by
132	Laws of Utah 2024, Chapter 438)
133	10-2-808 (Effective 05/07/25), (Renumbered from 10-2-406, as last amended by
134	Laws of Utah 2023, Chapters 16, 435)
135	10-2-809 (Effective 05/07/25), (Renumbered from 10-2-409, as last amended by
136	Laws of Utah 2001, Chapter 206)
137	10-2-810 (Effective 05/07/25), (Renumbered from 10-2-407, as last amended by
138	Laws of Utah 2023, Chapters 435, 478)
139	10-2-811 (Effective 05/07/25), (Renumbered from 10-2-415, as last amended by
140	Laws of Utah 2023, Chapter 435)
141	10-2-812 (Effective 05/07/25), (Renumbered from 10-2-418, as last amended by
142	Laws of Utah 2023, Chapters 16, 435)
143	10-2-813 (Effective 05/07/25), (Renumbered from 10-2-425, as last amended by
144	Laws of Utah 2024, Chapters 342, 438)
145	10-2-814 (Effective 05/07/25), (Renumbered from 10-2-429, as enacted by Laws of
146	Utah 2024, Chapter 342)
147	10-2-815 (Effective 05/07/25), (Renumbered from 10-2-422, as repealed and
148	reenacted by Laws of Utah 1997, Chapter 389)
149	10-2-816 (Effective 05/07/25), (Renumbered from 10-2-420, as repealed and
150	reenacted by Laws of Utah 1997, Chapter 389)
151	10-2-817 (Effective 05/07/25), (Renumbered from 10-2-421, as last amended by
152	Laws of Utah 2021, Chapter 54)
153	10-2-903 (Effective 05/07/25), (Renumbered from 10-2-419, as last amended by
154	Laws of Utah 2023, Chapters 16, 139, 327, and 435)
155	10-9a-542 (Effective 05/07/25), (Renumbered from 10-6-160, as last amended by
156	Laws of Utah 2024, Chapter 375)
157	17-27a-537 (Effective 05/07/25), (Renumbered from 17-36-55, as last amended by
158	Laws of Utah 2024, Chapter 375)
159	REPEALS:
160	10-2-408 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 478
161	10-2-409.5 (Effective 05/07/25), as enacted by Laws of Utah 2001, Chapter 206
162	10-2-410 (Effective 05/07/25), as last amended by Laws of Utah 2001, Chapter 206
163	10-2-411 (Effective 05/07/25), as last amended by Laws of Utah 2015, Chapter 352

10-2-412 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 16
10-2-413 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 16
10-2-414 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 16
10-2-416 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 478
10-2-417 (Effective 05/07/25), as repealed and reenacted by Laws of Utah 1997, Chapter
389
10-2-426 (Effective 05/07/25), as last amended by Laws of Utah 2001, Chapter 206
10-2-428 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 16
10-5-132 (Effective 05/07/25), as last amended by Laws of Utah 2021, First Special
Session, Chapter 3
Be it enacted by the Legislature of the state of Utah:
Section 1. Section 10-2-510 is amended to read:
10-2-510 (Effective 05/07/25). Boundary adjustment procedure not affected.
This part may not be construed to abrogate, modify, or replace the boundary adjustment
procedure provided in Section [10-2-419] <u>10-2-903</u> .
Section 2. Section 10-2-801, which is renumbered from Section 10-2-401 is renumbered
and amended to read:
Part 8. Annexation
[10-2-401] 10-2-801 (Effective 05/07/25). Definitions.
[(1)] As used in this part:
[(a)] (1) "Affected area" means an annexed area or area proposed for annexation.
(2) "Affected entity" means:
[(i)] (a) a county of the first or second class in whose unincorporated area the area
proposed for annexation is located;
[(ii)] (b) a county of the third, fourth, fifth, or sixth class in whose unincorporated area
the area proposed for annexation is located, if the area includes residents or
commercial or industrial development;
[(iii)] (c) a special district under Title 17B, Limited Purpose Local Government Entities -
Special Districts, or special service district under Title 17D, Chapter 1, Special
Service District Act, whose boundary includes any part of an area proposed for
annexation;
[(iv)] (d) a school district whose boundary includes any part of an area proposed for
annexation, if the boundary is proposed to be adjusted as a result of the annexation:

198	and
199	[(v)] (e) a municipality whose boundaries are within 1/2 mile of an area proposed for
200	annexation.
201	[(b)] (3) "Annexation action" means:
202	(a) the enactment of an ordinance annexing an unincorporated area;
203	(b) the enactment of an ordinance approving a boundary adjustment by each of the
204	municipalities involved in the boundary adjustment; or
205	(c) an automatic annexation that occurs on July 1, 2027, under Subsection 10-2-814(2)(b)
206	(4) "Annexation petition" means a petition under Section [10-2-403] 10-2-806 proposing the
207	annexation to a municipality of a contiguous, unincorporated area that is contiguous to
208	the municipality.
209	(5) "Annexing municipality" means:
210	(a) the municipality that annexes an unincorporated area; or
211	(b) the municipality to which an unincorporated island is automatically annexed under
212	Section 10-2-814.
213	(6) "Applicable legislative body" means:
214	(a) the legislative body of each municipality that enacts an ordinance under this part
215	approving the annexation of an unincorporated area or the adjustment of a boundary;
216	<u>or</u>
217	(b) the legislative body of a municipality to which an unincorporated island is
218	automatically annexed under Section 10-2-814.
219	[(e) "Commission" means a boundary commission established under Section 10-2-409
220	for the county in which the property that is proposed for annexation is located.]
221	[(d)] (7) "Expansion area" means the unincorporated area that is identified in an annexation
222	policy plan under Section $[10-2-401.5]$ $\underline{10-2-803}$ as the area that the municipality
223	anticipates annexing in the future.
224	[(e)] (8) "Feasibility consultant" means a person or firm with expertise in the processes and
225	economics of local government.
226	[(f)] (9) "Mining protection area" means the same as that term is defined in Section
227	17-41-101.
228	(10) "Municipal records officer" means a:
229	(a) city recorder; or
230	(b) town clerk.
231	[(g)] (11) "Municipal selection committee" means a committee in each county composed of

232	the mayor of each municipality within that county.
233	(12) "Owner of real property" means:
234	(a) the record title owner according to the records of the county recorder on the date of
235	the filing of the petition or protest; or
236	(b) the lessee of military land, as defined in Section 63H-1-102, if the area proposed for
237	annexation includes military land that is within a project area described in a project
238	area plan adopted by the military installation development authority under Title 63H,
239	Chapter 1, Military Installation Development Authority Act.
240	[(h) "Planning advisory area" means the same as that term is defined in Section
241	17-27a-306.]
242	[(i)] (13) "Private," with respect to real property, means not owned by:
243	(a) the United States or any agency of the federal government[7];
244	(b) the state $[;]$;
245	(c) a county[-];
246	(d) a municipality[,];
247	(e) a school district[,];
248	(f) a special district under Title 17B, Limited Purpose Local Government Entities -
249	Special Districts[,];
250	(g) a special service district under Title 17D, Chapter 1, Special Service District Act[7];
251	or
252	(h) any other political subdivision or governmental entity of the state.
253	[(j)] (14)[(i)] (a) "Rural real property" means a group of contiguous tax parcels, or a
254	single tax parcel, that:
255	[(A)] (i) are under common ownership;
256	[(B)] (ii) consist of no less than 1,000 total acres;
257	[(C)] (iii) are zoned for manufacturing or agricultural purposes; and
258	[(D)] (iv) do not have a residential unit density greater than one unit per acre.
259	[(ii)] (b) "Rural real property" includes any portion of private real property, if the private
260	real property:
261	[(A)] (i) qualifies as rural real property under Subsection [(1)(j)(i)] (14)(a); and
262	[(B)] (ii) consists of more than 1,500 total acres.
263	[(k)] (15) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.
264	[(1)] (16) "Unincorporated peninsula" means an unincorporated area:
265	(a) that is part of a larger unincorporated area:

266	[(ii)] (b) that extends from the rest of the unincorporated area of which it is a part;
267	[(iii)] (c) that is surrounded by land that is within a municipality, except where the area
268	connects to and extends from the rest of the unincorporated area of which it is a part;
269	and
270	[(iv)] (d) whose width, at any point where a straight line may be drawn from a place
271	where it borders a municipality to another place where it borders a municipality, is no
272	more than 25% of the boundary of the area where it borders a municipality.
273	[(m)] (17) "Urban development" means:
274	[(i)] (a) a housing development with more than 15 residential units and an average
275	density greater than one residential unit per acre; or
276	[(ii)] (b) a commercial or industrial development for which cost projections exceed
277	\$750,000 for all phases.
278	[(2) For purposes of this part:]
279	[(a) the owner of real property shall be:]
280	[(i) except as provided in Subsection (2)(a)(ii), the record title owner according to the
281	records of the county recorder on the date of the filing of the petition or protest; or]
282	[(ii) the lessee of military land, as defined in Section 63H-1-102, if the area proposed
283	for annexation includes military land that is within a project area described in a
284	project area plan adopted by the military installation development authority under
285	Title 63H, Chapter 1, Military Installation Development Authority Act; and]
286	[(b) the value of private real property shall be determined according to the last
287	assessment roll for county taxes before the filing of the petition or protest.]
288	[(3) For purposes of each provision of this part that requires the owners of private real
289	property covering a percentage or majority of the total private land area within an area to
290	sign a petition or protest:]
291	[(a) a parcel of real property may not be included in the calculation of the required
292	percentage or majority unless the petition or protest is signed by:]
293	[(i) except as provided in Subsection (3)(a)(ii), owners representing a majority
294	ownership interest in that parcel; or]
295	[(ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the
296	number of owners of that parcel;]
297	[(b) the signature of a person signing a petition or protest in a representative capacity on
298	behalf of an owner is invalid unless:]
299	(i) the person's representative capacity and the name of the owner the person

300	represents are indicated on the petition or protest with the person's signature; and]
301	[(ii) the person provides documentation accompanying the petition or protest that
302	substantiates the person's representative capacity; and]
303	[(e) subject to Subsection (3)(b), a duly appointed personal representative may sign a
304	petition or protest on behalf of a deceased owner.]
305	Section 3. Section 10-2-802 is enacted to read:
306	$\underline{10\text{-}2\text{-}802}$ (Effective 05/07/25). Valuation of private real property Determining
307	consent to petition or protest by owners of real property.
308	(1) For purposes of this part and Part 9, Municipal Boundary Adjustments, the value of
309	private real property shall be determined according to the last assessment roll for county
310	taxes before the filing of the petition or protest.
311	(2) For purposes of each provision of this part and Part 9, Municipal Boundary
312	Adjustments, that require an owner of private real property covering a percentage or
313	majority of the total private land area within an area to sign a petition or protest:
314	(a) a parcel of real property may not be included in the calculation of the required
315	percentage or majority unless the petition or protest is signed by:
316	(i) except as provided in Subsection (2)(a)(ii), owners of real property representing a
317	majority ownership interest in that parcel; or
318	(ii) if the parcel is owned by joint tenants or tenants in the entirety, 50% of the
319	number of owners of real property within that parcel; and
320	(b) subject to Subsection (2)(b), a duly appointed personal representative may sign a
321	petition or protest on behalf of a deceased owner of real property.
322	Section 4. Section 10-2-803, which is renumbered from Section 10-2-401.5 is renumbered
323	and amended to read:
324	[10-2-401.5] <u>10-2-803</u> (Effective 05/07/25). Annexation policy plan.
325	(1) [No municipality may annex an unincorporated area located within a specified county
326	unless the municipality has adopted an annexation policy plan as provided in this section.]
327	Except as provided in Subsection (9), before a municipality may annex an
328	unincorporated area:
329	(a) the municipality's planning commission shall prepare and recommend to the
330	legislative body an annexation policy plan, as described in Subsections (2) through
331	<u>(4); and</u>
332	(b) a municipal legislative body shall adopt a recommended annexation policy plan, as
333	described in Subsection (6).

334	[(2) To adopt an annexation policy plan:]
335	[(a) the planning commission shall:]
336	[(i) prepare a proposed annexation policy plan that complies with Subsection (3);]
337	[(ii) hold a public meeting to allow affected entities to examine the proposed
338	annexation policy plan and to provide input on it;]
339	[(iii) provide notice of the public meeting under Subsection (2)(a)(ii) to each affected
340	entity at least 14 days before the meeting;]
341	[(iv) accept and consider any additional written comments from affected entities until
342	10 days after the public meeting under Subsection (2)(a)(ii);]
343	[(v) before holding the public hearing required under Subsection (2)(a)(vi), make any
344	modifications to the proposed annexation policy plan the planning commission
345	considers appropriate, based on input provided at or within 10 days after the
346	public meeting under Subsection (2)(a)(ii);]
347	[(vi) hold a public hearing on the proposed annexation policy plan;]
348	[(vii) provide reasonable public notice, including notice to each affected entity, of the
349	public hearing required under Subsection (2)(a)(vi) at least 14 days before the date
350	of the hearing;]
351	[(viii) make any modifications to the proposed annexation policy plan the planning
352	commission considers appropriate, based on public input provided at the public
353	hearing; and]
354	[(ix) submit the planning commission's recommended annexation policy plan to the
355	municipal legislative body; and]
356	[(b) the municipal legislative body shall:]
357	[(i) hold a public hearing on the annexation policy plan recommended by the
358	planning commission;]
359	[(ii) provide reasonable notice, including notice to each affected entity, of the public
360	hearing at least 14 days before the date of the hearing;]
361	[(iii) after the public hearing under Subsection (2)(b)(ii), make any modifications to
362	the recommended annexation policy plan that the legislative body considers
363	appropriate; and]
364	[(iv) adopt the recommended annexation policy plan, with or without modifications.]
365	[(3)] (2)(a) Each <u>proposed</u> annexation policy plan shall include:
366	[(a)] (i) a map of the expansion area which may include territory located outside the
367	county in which the municipality is located;

368	[(b)] (ii) a statement of the specific criteria that will guide the municipality's decision
369	whether or not to grant future annexation petitions, addressing matters relevant to
370	those criteria including:
371	[(i)] (A) the character of the community;
372	[(ii)] (B) the need for municipal services in developed and undeveloped
373	unincorporated areas;
374	[(iii)] (C) the municipality's plans for extension of municipal services;
375	[(iv)] (D) how the services will be financed;
376	[(v)] (E) an estimate of the tax consequences to residents both currently within the
377	municipal boundaries and in the expansion area; and
378	[(vi)] (F) the interests of all affected entities; and
379	[(e)] (iii) justification for excluding from the expansion area any area containing
380	urban development within 1/2 mile of the municipality's boundary; and
381	[(d)] (b) In addition to the requirements described in Subsection (2)(a), a recommended
382	annexation policy plan shall also include a statement addressing any comments made
383	by affected entities at or within 10 days after the public meeting [under Subsection
384	(2)(a)(ii)] described in Subsection (4)(d).
385	[(4)] (3) In [developing, considering, and adopting an] preparing a proposed annexation
386	policy plan, the planning commission [and municipal legislative body-]shall:
387	(a) attempt to avoid gaps between or overlaps with the expansion areas of other
388	municipalities;
389	(b) consider population growth projections for the municipality and adjoining areas for
390	the next 20 years;
391	(c) consider current and projected costs of infrastructure, urban services, and public
392	facilities necessary:
393	(i) to facilitate full development of the area within the municipality; and
394	(ii) to expand the infrastructure, services, and facilities into the area being considered
395	for inclusion in the expansion area;
396	(d) consider, in conjunction with the municipality's general plan, the need over the next
397	20 years for additional land suitable for residential, commercial, and industrial
398	development;
399	(e) consider the reasons for including agricultural lands, forests, recreational areas, and
400	wildlife management areas in the municipality; and
401	(f) be guided by the principles set forth in Subsection [10-2-403(5)] 10-2-806(5).

402	(4) Before presenting a recommended annexation policy plan to a municipal legislative
403	body, the planning commission shall:
404	(a) prepare a proposed annexation policy plan, as described in Subsections (2)(a) and (3):
405	(b) hold a public meeting to allow affected entities to examine the proposed annexation
406	policy plan and to provide comments on the proposed annexation policy plan;
407	(c) provide notice of the public meeting under Subsection (4)(b):
408	(i) as a class A notice, as described in Section 63G-30-102; and
409	(ii) to each affected entity at least 14 days before the day of the meeting;
410	(d) accept and consider any additional written comments from affected entities for 10
411	days following the public meeting under Subsection (4)(b);
412	(e) if the planning commission receives comments from affected entities under
413	Subsection (4)(b) or written comments under (4)(d):
414	(i) if appropriate, make modifications to the proposed annexation policy plan; and
415	(ii) modify the proposed annexation policy plan to include the statement required by
416	Subsection (2)(b);
417	(f) hold a public hearing on the proposed annexation policy plan, including any new
418	modifications to the proposed annexation policy plan under Subsection (4)(e);
419	(g) provide notice of the public hearing described in Subsection (4)(f):
420	(i) as class A notice, as described in Section 63G-30-102; and
421	(ii) to each affected entity at least 14 days before the day of the hearing;
422	(h) make any final modifications to the proposed annexation policy plan, as appropriate,
423	based on public input provided at the public hearing; and
424	(i) submit the planning commission's recommended annexation policy plan to the
425	municipal legislative body.
426	(5) A municipal legislative body may reject a recommended annexation plan or adopt a
427	recommended annexation plan as described in Subsection (6).
428	(6) To adopt a recommended annexation plan, a municipal body shall:
429	(a) hold a public hearing on the annexation policy plan recommended by the planning
430	commission;
431	(b) provide notice of the public hearing described in Subsection (6)(a):
432	(i) as class A notice, as described in Section 63G-30-102; and
433	(ii) to each affected entity at least 14 days before the day of the hearing;
434	(c) after the public hearing, make modifications to the recommended annexation policy
435	plan, as appropriate; and

(d) adop	ot the recommended annexation policy plan, with or without modifications.
[(5)] <u>(7)</u> Wit	thin 30 days after adopting [an] a recommended or modified annexation policy
plan, the	municipal legislative body shall submit a copy of the adopted annexation
policy pl	an to the legislative body of each county in which any of the municipality's
expansio	on area is located.
[(6)] <u>(8)</u> Not	thing in this chapter may be construed to prohibit or restrict two or more
municipa	alities [in specified counties-] from negotiating and cooperating with respect to
defining	each municipality's expansion area under an annexation policy plan.
	ection does not apply to a municipality engaged in an automatic annexation ction 10-2-814.
(b) A m	unicipality is not required to comply with the provisions of this section for an
anne	exation petition that is pending on May 7, 2025.
Section	n 5. Section 10-2-804 , which is renumbered from Section 10-2-402 is renumbered
and amended	I to read:
[10-2- -	402] <u>10-2-804</u> (Effective 05/07/25). Annexation Limitations.
(1)[(a)] A co	ontiguous, unincorporated area that is contiguous to a municipality may be
annexed	to the municipality as provided in this part.
[(b)] <u>(2)</u> Exc	cept as provided in Subsection [(1)(c),] (3), a municipality may not annex an
unincorp	orated area [may not be annexed to a municipality-]unless:
[(i)] <u>(a)</u>	the unincorporated area is a contiguous area;
[(ii)] <u>(b)</u>	the unincorporated area is contiguous to the municipality;
[(iii)] <u>(c)</u>	annexation will not leave or create an unincorporated island or unincorporated
peni	nsula:
[(A)]	(i) except as provided in Subsection [10-2-418(3)] <u>10-2-812(2)</u> ;
[(B)]	(ii) except where an unincorporated island or peninsula existed before the
8	annexation, if the annexation will reduce the size of the unincorporated island or
1	peninsula; or
[(C)]	(iii) unless the county and municipality have otherwise agreed; and
[(iv)] <u>(d)</u>	[for an area located in a specified county,]the area is within the proposed
anne	exing municipality's expansion area, as specified in an annexation policy plan
adop	oted as described in Section 10-2-803.
[(e)] <u>(3)</u> A m	nunicipality may annex an unincorporated area within a specified county that
does not	meet the requirements of Subsection $[(1)(b)]$ (2), leaving or creating an
unincorp	orated island or unincorporated peninsula, if:

470	[(i)] (a) the area is within the annexing municipality's expansion area;
471	[(ii)] (b) the [specified-]county in which the area is located and the annexing municipality
472	agree to the annexation;
473	[(iii)] (c) the area is not within the area of another municipality's annexation policy plan,
474	unless the other municipality agrees to the annexation; and
475	[(iv)] (d) the annexation is for the purpose of providing municipal services to the area.
476	[(2)] (4) Except as provided in Section [10-2-418] 10-2-812, a municipality may not annex
477	an unincorporated area unless a petition under Section [10-2-403] 10-2-806 is filed
478	requesting annexation.
479	[(3)] (5)(a) An annexation under this part may not include part of a parcel of real
480	property and exclude part of that same parcel unless the owner of that parcel has
481	signed the annexation petition under Section [10-2-403] 10-2-806.
482	(b) A piece of real property that has more than one parcel number is considered to be a
483	single parcel for purposes of Subsection $[(3)(a)]$ (5)(a) if owned by the same owner.
484	[(4)] (6) A municipality may not annex an unincorporated area [in a specified county] for
485	the sole purpose of acquiring municipal revenue or to [retard] hinder the capacity of
486	another municipality to annex the same or a related area unless the annexing
487	municipality has the ability and intent to benefit the annexed area by providing
488	municipal services to the annexed area.
489	[(5)(a) As used in this subsection, "expansion area urban development" means:]
490	[(i) for a specified county, urban development within a city or town's expansion area;
491	or]
492	[(ii) for a county of the first class, urban development within a city or town's
493	expansion area that:]
494	[(A) consists of 50 or more acres;]
495	[(B) requires the county to change the zoning designation of the land on which the
496	urban development is located; and]
497	[(C) does not include commercial or industrial development that is located within
498	a mining protection area as defined in Section 17-41-101, regardless of
499	whether the commercial or industrial development is for a mining use as
500	defined in Section 17-41-101.]
501	[(b) A county legislative body may not approve expansion area urban development
502	unless:]
503	[(i) the county notifies the city or town of the proposed development; and]

504	[(ii)(A) the city or town consents in writing to the development;]
505	[(B) within 90 days after the county's notification of the proposed development,
506	the city or town submits to the county a written objection to the county's
507	approval of the proposed development and the county responds in writing to
508	the city or town's objection; or]
509	[(C) the city or town fails to respond to the county's notification of the proposed
510	development within 90 days after the day on which the county provides the
511	notice.]
512	[(6)] (7)(a) As used in this Subsection [(6)] (7), "airport" means an area that the Federal
513	Aviation Administration has, by a record of decision, approved for the construction
514	or operation of a Class I, II, or III commercial service airport, as designated by the
515	Federal Aviation Administration in 14 C.F.R. Part 139.
516	(b) A municipality may not annex an unincorporated area within 5,000 feet of the center
517	line of any runway of an airport operated or to be constructed and operated by
518	another municipality unless the legislative body of the other municipality adopts a
519	resolution consenting to the annexation.
520	(c) A municipality that operates or intends to construct and operate an airport and does
521	not adopt a resolution consenting to the annexation of an area described in Subsection [
522	$\frac{(6)(b)}{(7)(b)}$ may not deny an annexation petition proposing the annexation of that
523	same area to that municipality.
524	[(7)] (8)(a) As used in this Subsection $[(7),]$ (8):
525	(i) "Authority" means the same as that term is defined in Section 63H-1-102.
526	(ii) ["project] "Project area" means [a project area as defined in Section 63H-1-102
527	that is in a project area plan as defined in Section 63H-1-102 adopted by the
528	Military Installation Development Authority under Title 63H, Chapter 1, Military
529	Installation Development Authority Act] the same as that term is defined in
530	Section 63H-1-102.
531	(b) A municipality may not annex an unincorporated area located within a project area
532	without the authority's approval.
533	(c)[(i) Except as provided in Subsection (7)(e)(ii), the Military Installation
534	Development Authority] The authority may petition for annexation of the
535	following areas to a municipality as if the [Military Installation Development
536	Authority authority was the sole private property owner within the area:
537	[(A)] (i) an area within a project area;

538	[(B)] (ii) an area that is contiguous to a project area and within the boundaries of a
539	military installation;
540	[(C)] (iii) an area owned by the [Military Installation Development Authority] authority
541	and
542	[(D)] (iv) an area that is contiguous to an area owned by the [Military Installation
543	Development Authority authority that the [Military Installation Development
544	Authority plans to add to an existing project area.
545	[(ii) If any portion of an area annexed under a petition for annexation filed by the
546	Military Installation Development Authority is located in a specified county:]
547	[(A) the annexation process shall follow the requirements for a specified county;
548	and]
549	[(B) the provisions of Section 10-2-402.5 do not apply.]
550	[(8)] (9)(a) [A] Except as provided in Subsection (9)(b), a municipality may not annex an
551	unincorporated area if:
552	[(a)] (i) the <u>unincorporated</u> area is proposed for incorporation in:
553	[(i)] (A) a feasibility study conducted under Section 10-2a-205; or
554	[(ii)] (B) a supplemental feasibility study conducted under Section 10-2a-206; and
555	[(b)] (ii) the county clerk completes the second public hearing on the proposed
556	incorporation under Subsection 10-2a-207(4)[-].
557	(b) If an unincorporated area proposed for incorporation, as described in Subsection
558	(9)(a)(i), does not incorporate within three years from the day on which the county
559	clerk completes the second public hearing on the proposed municipality, a
560	municipality may annex the unincorporated area.
561	Section 6. Section 10-2-805, which is renumbered from Section 10-2-402.5 is renumbered
562	and amended to read:
563	[10-2-402.5] <u>10-2-805</u> (Effective 05/07/25). Cross-county annexation
564	Requirements.
565	(1) As used in this section:
566	(a) "Affected county" means the county in which an area proposed for cross-county
567	annexation is located.
568	(b) "Affected municipality" means a municipality:
569	(i) located in an affected county; and
570	(ii) whose expansion area includes the area proposed for cross-county annexation.
571	(c) "Applicant" means a person intending to file an annexation petition proposing a

572	cross-county annexation.
573	(d) "Cross-county annexation" means the annexation of an area located in a county that
574	is not the county in which the proposed annexing municipality is located.
575	(e) "Specified public utility" means the same as that term is defined in Section 10-9a-103.
576	(2) An applicant may not file a petition under Section [10-2-403 proposing] 10-2-806 that
577	proposes a cross-county annexation unless:
578	(a) the applicant sends a written notice of intent to file a petition proposing a
579	cross-county annexation to the legislative body of each affected municipality
580	describing:
581	(i) the area proposed for cross-county annexation; and
582	(ii) the proposed annexing municipality;
583	(b) the proposed annexing municipality adopts or amends the municipality's annexation
584	policy plan under Section [10-2-401.5] 10-2-803 to include the area proposed for
585	cross-county annexation within the proposed annexing municipality's expansion area;
586	(c) the applicant files a request to approve the proposed cross-county annexation with
587	the legislative body of the affected county:
588	(i) no sooner than 90 days after the day on which the applicant sends the written
589	notice described in Subsection (2)(a) to each affected municipality; and
590	(ii) no later than 180 days after the day on which the applicant sends the written
591	notice described in Subsection (2)(a) to each affected municipality;
592	(d) a feasibility consultant conducts a feasibility study in accordance with Subsection (3),
593	unless the feasibility study is waived under Subsection (3)(b); and
594	(e) the legislative body of the affected county:
595	(i) holds a public hearing in accordance with Subsection (4); and
596	(ii) adopts the resolution described in Subsection (4)(a)(iii)(A).
597	(3)(a) Within 60 days after the day on which a legislative body of an affected county
598	receives the request described in Subsection (2)(c), or within a time period longer
599	than 60 days if agreed to by the legislative body of the affected county and the
600	applicant, the legislative body of the affected county and the applicant shall jointly
601	select and engage a feasibility consultant to:
602	(i) conduct a feasibility study on the proposed cross-county annexation; and
603	(ii) submit written results of the feasibility study to the legislative body of the
604	affected county and the applicant no later than 90 days after the day on which the
605	feasibility consultant is engaged to conduct the feasibility study.

606	(b)	The legislative body of the affected county may waive the requirement for a
607		feasibility study under Subsection (3)(a).
608	(c)	The feasibility study under Subsection (3)(a) shall determine:
609		(i) whether the proposed cross-county annexation eliminates, leaves, or creates an
610		unincorporated island or unincorporated peninsula;
611		(ii) the fiscal impact of the proposed cross-county annexation on:
612		(A) the affected county;
613		(B) affected municipalities;
614		(C) specified public utilities that serve the area proposed for cross-county
615		annexation; and
616		(D) affected entities;
617		(iii) the estimated cost that the proposed annexing municipality would incur to
618		provide governmental services in the area proposed for cross-county annexation
619		during the current fiscal year;
620		(iv) the estimated revenue that the proposed annexing municipality would receive
621		from the area proposed for cross-county annexation during the current fiscal year;
622		and
623		(v)(A) each entity that has provided municipal-type services in the area proposed
624		for cross-county annexation;
625		(B) the methods under which each entity described in Subsection $(3)(c)(v)(A)$ has
626		provided municipal-type services in the area proposed for cross-county
627		annexation; and
628		(C) the feasibility of the proposed annexing municipality providing
629		municipal-type services in the area proposed for cross-county annexation.
630	(d)	For purposes of Subsection (3)(c)(iv), the feasibility consultant shall assume that the
631		ad valorem property tax rate on property within the area proposed for cross-county
632		annexation is the same property tax rate that the proposed annexing municipality
633		currently imposes on property within the municipality.
634	(e)	The applicant and the affected county shall share equally the feasibility consultant
635		fees and expenses.
636	(4)(a)	A legislative body of an affected county shall hold, within 30 days after the day
637	on	which the legislative body receives the written results of the feasibility study
638	unc	der Subsection (3)(a) or waives the requirement for a feasibility study under
639	Sul	osection (3)(b), a public hearing to:

640	(i) determine whether the requirements described in Subsections (2)(a) and (b) have	•
641	been met;	
642	(ii) consider the results of the feasibility study under Subsection (3)(a), unless the	
643	feasibility study is waived under Subsection (3)(b); and	
644	(iii)(A) adopt a resolution approving the proposed cross-county annexation; or	
645	(B) adopt a resolution rejecting the proposed cross-county annexation.	
646	(b) The legislative body of the affected county shall send, at least 15 days before the da	y
647	on which the public hearing described in Subsection (4)(a) occurs, written notice of	
648	the public hearing to:	
649	(i) the applicant;	
650	(ii) each residence within, and to each owner of real property located within:	
651	(A) the area proposed for cross-county annexation; and	
652	(B) 300 feet of the area proposed for cross-county annexation;	
653	(iii) the legislative body of:	
654	(A) the proposed annexing municipality; and	
655	(B) the county in which the proposed annexing municipality is located;	
656	(iv) each specified public utility that serves the area proposed for cross-county	
657	annexation;	
658	(v) each affected municipality; and	
659	(vi) each affected entity.	
660	(c) At the public hearing described in Subsection (4)(a), the legislative body of the	
661	affected county shall allow the individuals present to speak to the proposed	
662	cross-county annexation.	
663	(d) A legislative body of an affected county may not adopt a resolution rejecting a	
664	proposed cross-county annexation under this section unless the legislative body	
665	determines that:	
666	(i) the requirements described in Subsections (2)(a) and (b) have not been met; or	
667	(ii) the results of the feasibility study under Subsection (3)(a) show that:	
668	(A) the proposed cross-county annexation would impose a substantial burden of	n
669	the affected county;	
670	(B) the estimated revenue under Subsection (3)(c)(iv) exceeds the estimated co	st
671	to provide governmental services under Subsection (3)(c)(iii) by more than	
672	5%; or	
673	(C) it would not be feasible for the proposed annexing municipality to provide	

674	municipal-type services in the area proposed for cross-county annexation.
675	(e) A legislative body of an affected county that adopts a resolution rejecting a proposed
676	cross-county annexation under this section shall provide to the applicant a written
677	explanation of the legislative body's decision.
678	(f) A legislative body of an affected county may adopt a resolution approving a proposed
679	cross-county annexation under this section regardless of the results of a feasibility
680	study under Subsection (3)(a).
681	(5)(a) A party adversely affected by a legislative body of an affected county's decision
682	under Subsection (4)(a) may, within 30 days after the day on which the legislative
683	body [issues the legislative body's decision] adopts a resolution approving or rejecting
684	a cross-county annexation, file a petition for review of the decision in the district
685	court with jurisdiction in the affected county.
686	(b) The district court shall defer to the legislative body of the affected county's decision
687	under Subsection (4)(a) unless the court determines that the decision is arbitrary,
688	capricious, or unlawful.
689	(6) Section [10-2-418] 10-2-812 does not apply to a cross-county annexation unless
690	consented to by all affected counties.
691	Section 7. Section 10-2-806, which is renumbered from Section 10-2-403 is renumbered
692	and amended to read:
693	[10-2-403] 10-2-806 (Effective 05/07/25). Annexation petition Requirements
694	Notice required before filing.
695	(1) Except as provided in Section [10-2-418] 10-2-812 and except for an automatic
696	annexation under Section [10-2-429] 10-2-814, the process to annex an unincorporated
697	area to a municipality is initiated by a petition as provided in this section.
698	(2)(a)(i) Before filing a petition under Subsection (1), the person [or persons-]
699	intending to file a petition shall:
700	(A) file with the [city recorder or town clerk] municipal records officer of the
701	proposed annexing municipality a notice of intent to file a petition; and
702	(B) send a copy of the notice of intent to file a petition to each affected entity.
703	(ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of
704	the area that is proposed to be annexed.
705	(b)(i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be
706	annexed is located shall:
707	(A) mail the notice described in Subsection (2)(b)(iii) to:

708 (I) each owner of real property located within the area proposed to be annexed; 709 and 710 (II) each owner of real property located within 300 feet of the area proposed to 711 be annexed; and 712 (B) send to the proposed annexing municipality a copy of the notice and a 713 certificate indicating that the notice has been mailed as required under 714 Subsection (2)(b)(i)(A). 715 (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20 716 days after receiving from the person [or persons-] who filed the notice of intent: 717 (A) a written request to mail the required notice; and 718 (B) payment of an amount equal to the county's expected actual cost of mailing 719 the notice. 720 (iii) Each notice required under Subsection (2)(b)(i)(A) shall: 721 (A) be in writing; 722 (B) state, in bold and conspicuous terms, substantially the following: 723 "Attention: Your property may be affected by a proposed annexation. 724 Records show that you own property within an area that is intended to be included in a 725 proposed annexation to (state the name of the proposed annexing municipality) or that is 726 within 300 feet of that area. If your property is within the area proposed for annexation, you 727 may be asked to sign a petition supporting the annexation. You may choose whether to sign 728 the petition. By signing the petition, you indicate your support of the proposed annexation. If 729 you sign the petition but later change your mind about supporting the annexation, you may 730 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk 731 of (state the name of the proposed annexing municipality) within 30 days after (state the name 732 of the proposed annexing municipality) receives notice that the petition has been certified. 733 There will be no public election on the proposed annexation because Utah law does not 734 provide for an annexation to be approved by voters at a public election. Signing or not signing 735 the annexation petition is the method under Utah law for the owners of property within the 736 area proposed for annexation to demonstrate their support of or opposition to the proposed 737 annexation. 738

You may obtain more information on the proposed annexation by contacting (state the name, mailing address, telephone number, and email address of the official or employee of the proposed annexing municipality designated to respond to questions about the proposed annexation), (state the name, mailing address, telephone number, and email address of the

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742 county official or employee designated to respond to questions about the proposed 743 annexation), or (state the name, mailing address, telephone number, and email address of the 744 person who filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person 745 filed the notice of intent, one of those persons). Once filed, the annexation petition will be 746 available for inspection and copying at the office of (state the name of the proposed annexing 747 municipality) located at (state the address of the municipal offices of the proposed annexing 748 municipality)."; and 749 (C) be accompanied by an accurate map identifying the area proposed for 750 annexation. 751 (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) 752 any other information or materials related or unrelated to the proposed annexation. 753 (c)(i) After receiving the certificate from the county as provided in Subsection 754 (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the 755 person [or persons] who filed the notice of intent under Subsection (2)(a)(i)(A), 756 provide an annexation petition for the annexation proposed in the notice of intent. 757 (ii) An annexation petition provided by the proposed annexing municipality may be 758 duplicated for circulation for signatures. 759 (3) Each petition under Subsection (1) shall: 760 (a) be filed with the [applicable city recorder or town clerk] municipal records officer of 761 the proposed annexing municipality; 762 (b) contain the signatures of, if all the real property within the area proposed for 763 annexation is owned by a public entity other than the federal government, the owners 764 of all the publicly owned real property, or the owners of private real property that: 765 (i) is located within the area proposed for annexation; 766 (ii)(A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land 767 area within the area proposed for annexation; 768 (B) covers 100% of all of the rural real property within the area proposed for 769 annexation; and 770 (C) covers 100% of all of the private land area within the area proposed for 771 annexation if the area is within a migratory bird production area created under 772 Title 23A, Chapter 13, Migratory Bird Production Area; and 773 (iii) is equal in value to at least 1/3 of the value of all private real property within the 774 area proposed for annexation;

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(c) be accompanied by:

776 (i) an accurate and recordable map, prepared by a licensed surveyor in accordance 777 with Section 17-23-20, of the area proposed for annexation; and 778 (ii) a copy of the notice sent to affected entities as required under Subsection 779 (2)(a)(i)(B) and a list of the affected entities to which notice was sent; 780 (d) contain on each signature page a notice in bold and conspicuous terms that states 781 substantially the following: 782 "Notice: 783 • There will be no public election on the annexation proposed by this petition because 784 Utah law does not provide for an annexation to be approved by voters at a public election. 785 • If you sign this petition and later decide that you do not support the petition, you may 786 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality). If you choose to withdraw your 787 788 signature, you shall do so no later than 30 days after (state the name of the proposed annexing 789 municipality) receives notice that the petition has been certified."; 790 (e) if the petition proposes a cross-county annexation, as defined in Section [10-2-402.5] 791 <u>10-2-805</u>, be accompanied by a copy of the resolution described in Subsection [792 $\frac{10-2-402.5(4)(a)(iii)(A)}{10-2-805(4)(a)(iii)(A)}$; and 793 (f) designate up to five of the signers of the petition as sponsors, one of whom shall be 794 designated as the contact sponsor, and indicate the mailing address of each sponsor. 795 (4) A petition under Subsection (1) may not propose the annexation of all or part of an area 796 proposed for annexation to a municipality in a previously filed petition that has not been 797 denied, rejected, or granted. 798 (5) If practicable and feasible, the boundaries of an area proposed for annexation shall be 799 drawn: 800 (a) along the boundaries of existing special districts and special service districts for 801 sewer, water, and other services, along the boundaries of school districts whose 802 boundaries follow city boundaries or school districts adjacent to school districts 803 whose boundaries follow city boundaries, and along the boundaries of other taxing 804 entities; 805 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type 806 services; (c) to facilitate the consolidation of overlapping functions of local government; 807

- 24 -

(e) to encourage the equitable distribution of community resources and obligations.

(d) to promote the efficient delivery of services; and

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810	(6) On the date of filing, the petition [sponsors] contact sponsor shall deliver or mail a copy
811	of the petition to the county clerk of the county in which the area proposed for
812	annexation is located.
813	(7) A property owner who signs an annexation petition may withdraw the owner's signature
814	by filing a written withdrawal, signed by the property owner, with the [city recorder or
815	town clerk] municipal records officer no later than 30 days after the municipal legislative
816	body's receipt of the notice of certification under Subsection [10-2-405(2)(c)(i)]
817	10-2-807(2)(c)(i).
818	Section 8. Section 10-2-807, which is renumbered from Section 10-2-405 is renumbered
819	and amended to read:
820	$[10-2-405]$ $\underline{10-2-807}$ (Effective 05/07/25). Acceptance or denial of an annexation
821	petition Petition certification process Modified petition.
822	(1)(a)(i) A municipal legislative body may:
823	(A) subject to Subsection (1)(a)(ii), deny a petition filed under Section [10-2-403]
824	<u>10-2-806;</u> or
825	(B) accept the petition for further consideration under this part.
826	(ii) A petition shall be considered to have been accepted for further consideration
827	under this part if a municipal legislative body fails to [act to-]deny or accept the
828	petition under Subsection (1)(a)(i):
829	(A) in the case of a city of the first or second class, within 14 days after the [filing
830	of the]petition is filed; or
831	(B) in the case of a city of the third, fourth, or fifth class or a town, at the next
832	regularly scheduled meeting of the municipal legislative body that is at least 14
833	days after the date the petition was filed.
834	(b) If a municipal legislative body denies a petition under Subsection (1)(a)(i), it shall,
835	within five days after the denial, mail written notice of the denial to:
836	(i) the contact sponsor; and
837	(ii) the <u>county</u> clerk of the county in which the area proposed for annexation is
838	located.
839	(2) If the municipal legislative body accepts a petition under Subsection $(1)(a)(i)(\underline{B})$ or is
840	considered to have accepted the petition under Subsection (1)(a)(ii), the [eity recorder or
841	town clerk, as the case may be,] municipal records officer shall, within 30 days after [that]
842	the day of acceptance:
843	(a) obtain from the assessor clerk surveyor and recorder of the county in which the

844	area proposed for annexation is located the records the [city recorder or town clerk]
845	municipal records officer needs to determine whether the petition meets the
846	requirements of Subsections [10-2-403(3)] 10-2-806(3) and (4);
847	(b) with the assistance of the municipal attorney, determine whether the petition meets
848	the requirements of Subsections $[10-2-403(3)]$ $10-2-806(3)$ and (4); and
849	(c)(i) if the [eity recorder or town clerk] municipal records officer determines that the
850	petition meets [those requirements] the requirements described in Subsection (2)(b),
851	certify the petition and mail or deliver written notification [of the certification to]
852	<u>to:</u>
853	(A) the municipal legislative body[5];
854	(B) the contact sponsor[,]; and
855	(C) the county legislative body; or
856	(ii) if the [eity recorder or town clerk] municipal records officer determines that the
857	petition fails to meet [any of those requirements] a requirement described in
858	Subsection (2)(b), reject the petition and mail or deliver written notification of the
859	rejection and the reasons for the rejection to:
860	(A) the municipal legislative body[-,];
861	(B) the contact sponsor[;]; and
862	(C) the county legislative body.
863	(3) The day the municipal records officer mails or delivers written notification of the
864	certification, as described in Subsection (2)(c)(i), is the day of certification.
865	[(3)] (4)(a)(i) If the [city recorder or town clerk] municipal records officer rejects a
866	petition under Subsection (2)(c)(ii), the petition sponsor may modify the petition [
867	may be modified]to correct the deficiencies for which it was rejected and [then
868	refiled] refile the petition with the [eity recorder or town clerk, as the case may be]
869	municipal records officer.
870	(ii) A signature on an annexation petition filed under Section [10-2-403] 10-2-806
871	may be used toward fulfilling the signature requirement of Subsection [10-2-403
872	(2)(b)] 10-2-806(2)(b) for the petition as modified under Subsection [(3)(a)(i)]
873	(4)(a)(i).
874	(b) If a petition is refiled under Subsection $[(3)(a)]$ $(4)(a)$ after having been rejected by
875	the [eity recorder or town clerk] municipal records officer under Subsection (2)(c)(ii),
876	the refiled petition shall be treated as a newly filed petition under Subsection [
877	10-2-403(1) 1 10-2-806(1).

878	[(4)] (5) Any vote by a municipal legislative body to deny a petition under this part may be
879	recalled and set for reconsideration by a majority of the voting members of the
880	municipal legislative body.
881	[(5)] (6) Each county assessor, clerk, surveyor, and recorder shall provide copies of records
882	that a [city recorder or town clerk] municipal records officer requests under Subsection
883	(2)(a).
884	Section 9. Section 10-2-808, which is renumbered from Section 10-2-406 is renumbered
885	and amended to read:
886	$[10-2-406]$ $\underline{10-2-808}$ (Effective 05/07/25). Notice of certification Providing
887	notice of petition.
888	(1)(a) [After receipt of the notice of certification from the city recorder or town clerk
889	under Subsection 10-2-405(2)(e)(i),] After the day of certification as described in
890	Subsection 10-2-807(3) and within the time described in Subsection (1)(b), the
891	municipal legislative body shall provide notice:
892	[(a)] (i) for the area proposed for annexation and [the] any unincorporated area within
893	1/2 mile of the area proposed for annexation, as a class B notice under Section
894	63G-30-102[, no later than 10 days after the day on which the municipal
895	legislative body receives the notice of certification]; and
896	[(b)] (ii) [within 20 days after the day on which the municipal legislative body
897	receives the notice of certification,]by mailing written notice to each affected
898	entity.
899	(b) The municipal legislative body shall provide the notice:
900	(i) described in Subsection (1)(a)(i) no later than 10 days after the day of
901	certification; and
902	(ii) described in Subsection (1)(a)(ii) no later than 20 days after the day of
903	certification.
904	(2) The notice described in Subsection (1) shall:
905	(a) state that a petition has been filed with the municipality proposing the annexation of
906	an area to the municipality;
907	(b) state the [date of the municipal legislative body's receipt of the notice of certification
908	under Subsection 10-2-405(2)(e)(i)] day of certification;
909	(c) describe the area proposed for annexation in the annexation petition;
910	(d) state that the complete annexation petition is available for inspection and copying at
911	the office of the [city recorder or town clerk] municipal records officer:

912	(e) state in conspicuous and plain terms that the municipality may grant the petition and
913	annex the area described in the petition unless, [within the time required under
914	Subsection 10-2-407(2)(a)(i),] no later than 30 days after the day of certification:
915	(i) a written protest to the annexation petition is filed with the boundary commission;
916	and
917	(ii) a copy of the written protest is delivered to the [city recorder or town clerk]
918	municipal records officer of the proposed annexing municipality;
919	(f)(i) state the address of the boundary commission [or,] where a protest to the
920	annexation petition may be filed; or
921	(ii) if a boundary commission has not yet been created in the county, the address of
922	the county clerk, where a protest to the annexation petition may be filed;
923	(g) provide brief instructions on how to file a protest to the annexation petition or a link
924	to a webpage that contains instructions on how to file a protest to the annexation
925	petition;
926	(h) state that the area proposed for annexation to the municipality will also automatically
927	be annexed to a special district providing fire protection, paramedic, and emergency
928	services or a special district providing law enforcement service, as the case may be,
929	as provided in Section 17B-1-416, if:
930	(i) the proposed annexing municipality is entirely within the boundaries of a special
931	district:
932	(A) that provides fire protection, paramedic, and emergency services or law
933	enforcement service, respectively; and
934	(B) in the creation of which an election was not required because of Subsection
935	17B-1-214(3)(c); and
936	(ii) the area proposed to be annexed to the municipality is not already within the
937	boundaries of the special district; and
938	[(h)] (i) state that the area proposed for annexation to the municipality will be
939	automatically withdrawn from a special district providing fire protection, paramedic,
940	and emergency services or a special district providing law enforcement service, as the
941	case may be, as provided in Subsection 17B-1-502(2), if:
942	(i) the petition proposes the annexation of an area that is within the boundaries of a
943	special district:
944	(A) that provides fire protection, paramedic, and emergency services or law
945	enforcement service, respectively; and

946	(B) in the creation of which an election was not required because of Subsection
947	17B-1-214(3)(c); and
948	(ii) the proposed annexing municipality is not within the boundaries of the special
949	district.
950	(3)[(a)] The statement required by Subsection (2)(e) shall state the deadline for filing a
951	written protest in terms of the actual date[-rather than], not by reference to the
952	statutory citation.
953	[(b) In addition to the requirements under Subsection (2), a notice under Subsection (1)
954	for a proposed annexation of an area within a county of the first class shall include a
955	statement that a protest to the annexation petition may be filed with the commission
956	by property owners if it contains the signatures of the owners of private real property
957	that:]
958	[(i) is located in the unincorporated area within 1/2 mile of the area proposed for
959	annexation;]
960	[(ii) covers at least 25% of the private land area located in the unincorporated area
961	within 1/2 mile of the area proposed for annexation; and]
962	[(iii) is equal in value to at least 15% of all real property located in the
963	unincorporated area within 1/2 mile of the area proposed for annexation.]
964	Section 10. Section 10-2-809, which is renumbered from Section 10-2-409 is renumbered
965	and amended to read:
966	[10-2-409] <u>10-2-809</u> (Effective 05/07/25). Boundary commission Creation
967	Members Terms Chair Boundary commission quorum Municipal selection
968	committee.
969	(1) The legislative body of each county:
970	(a) may create a boundary commission on its own initiative at any time; and
971	(b) shall create a boundary commission within 30 days of the filing of a protest under
972	Section [10-2-407] <u>10-2-810</u> .
973	(2) A boundary commission shall hear and decide, according to the provisions of this part,
974	any protest filed under Section 10-2-810 with respect to an area that is located within the
975	boundary commission's county.
976	(3) Each boundary commission shall be composed of:
977	(a) in a county with two or more municipalities:
978	(i) two members who are elected county officers, appointed by:
979	[(A)(I)] (A) in a county [of the first class-]operating under a form of government in

980	which the executive and legislative functions are separated, the county
981	executive with the advice and consent of the county legislative body; or
982	[(H)] (B) in a county [of the first class] operating under a form of government in
983	which the executive and legislative functions of the governing body are not
984	separated, the county legislative body; [or]
985	[(B) in a specified county, the county legislative body;]
986	(ii) two members who are elected municipal officers from separate municipalities
987	within the county, appointed by the municipal selection committee described in
988	Subsection (13); and
989	(iii) three members who are residents of the county, none of whom is a county or
990	municipal elected officer, appointed by the four other members of the boundary
991	commission; and
992	(b) in a county with only one municipality:
993	(i) two members who are county elected officers, appointed by the county legislative
994	body;
995	(ii) one member who is a municipal <u>elected</u> officer, appointed by the governing body
996	of the municipality; and
997	(iii) two members who are residents of the county, neither of whom is a county or
998	municipal elected officer, appointed by the other three members of the boundary
999	commission.
1000	[(3)] (4) At the expiration of the term of each member appointed under this section, the
1001	member's successor shall be appointed by the same body that appointed the member
1002	whose term is expiring, as provided in this section.
1003	(5)(a) Except as provided in Subsection (5)(b), the term of each member of a boundary
1004	commission:
1005	(i) is approximately four years; and
1006	(ii) begins and expires on the first Monday of January of the applicable year.
1007	(b) Notwithstanding Subsection (5)(a), the terms of the first members of a boundary
1008	commission shall be staggered by lot so that:
1009	(i) on a seven-member commission described in Subsection (3)(a), the term of one
1010	member is approximately one year, the term of two members is approximately
1011	two years, the term of two members is approximately three years, and the term of
1012	two members is approximately four years; and
1013	(ii) on a five-member commission described in Subsection (3)(b), the term of two

1014	members is approximately two years and the term of the other three members is
1015	approximately four years.
1016	(c) A vacancy on a boundary commission shall be filled for the remaining unexpired
1017	term in the same manner that the predecessor member was appointed, as described in
1018	Subsection (3).
1019	(6)(a)(i) The members of a boundary commission shall elect a chair from the eligible
1020	membership of the boundary commission.
1021	(ii) A member of a boundary commission is eligible to serve as chair if the member
1022	has at least two years remaining in the member's term.
1023	(b) The term of a boundary commission chair is two years from the day on which the
1024	chair is elected.
1025	(7)(a) A majority of the members of the boundary commission constitutes a quorum.
1026	(b) Boundary commission action requires a majority vote of the members of the
1027	boundary commission.
1028	(8)(a) A member of the boundary commission is disqualified from hearing and deciding
1029	a protest if the boundary commission member owns any property within the area
1030	proposed for annexation that is the subject of the protest.
1031	(b) In the event a member of the boundary commission is disqualified as described in
1032	Subsection (8)(a), the body that appointed the disqualified member of the boundary
1033	commission shall appoint an alternate member of the boundary commission to hear
1034	and decide the protest.
1035	(9) In considering a protest filed under Section 10-2-810, the boundary commission may:
1036	(a) adopt and enforce rules of procedure for the orderly and fair conduct of boundary
1037	commission proceedings;
1038	(b) authorize a member of the boundary commission to administer oaths, if necessary in
1039	the performance of the boundary commission's duties;
1040	(c) employ staff or retain professional or consulting services reasonably necessary to
1041	enable the commission to carry out the boundary commission's duties;
1042	(d) incur reasonable and necessary expenses in order to carry out the boundary
1043	commission's duties; and
1044	(e) request any additional information from the sponsor of the protest that the boundary
1045	commission considers necessary to make a determination.
1046	(10) The legislative body of each county shall, with respect to the boundary commission in
1047	that county:

1048	(a) furnish the boundary commission with any necessary office space, equipment, and
1049	supplies;
1050	(b) pay necessary operating expenses incurred by the boundary commission; and
1051	(c) reimburse the reasonable and necessary expenses incurred by each member
1052	appointed under Subsection (2), unless otherwise provided by interlocal agreement.
1053	(11) Each county legislative body or municipal legislative body shall reimburse the
1054	reasonable and necessary expenses incurred by a boundary commission member who is
1055	a county or municipal elected officer, respectively.
1056	(12) The boundary commission may request, and a relevant county or municipality shall
1057	provide, records, information, or any other relevant material necessary to enable the
1058	boundary commission to hear and decide a protest.
1059	(13)(a) A municipal selection committee consists of the municipal executive of each
1060	municipality in the county.
1061	(b)(i) In a county with an odd number of municipalities, a majority of the members of
1062	a municipal selection committee constitutes a quorum.
1063	(ii) In a county with an even number of municipalities, half of the members of the
1064	municipal selection committee constitutes a quorum.
1065	(c) A legislative body that creates a boundary commission described in Subsection (3)(a)
1066	shall, at the same time the legislative body creates the boundary commission as
1067	described in Subsection (1), notify the municipal selection committee of the
1068	obligation to select the members described in Subsection (3)(a)(ii).
1069	Section 11. Section 10-2-810, which is renumbered from Section 10-2-407 is renumbered
1070	and amended to read:
1071	[10-2-407] <u>10-2-810</u> (Effective 05/07/25). Protest to annexation petition
1072	Planning advisory area planning commission recommendation Petition requirements
1073	Disposition of petition if no protest filed Public hearing and notice.
1074	(1) A protest to an annexation petition under Section [10-2-403] <u>10-2-806</u> may only be filed
1075	by:
1076	(a) the legislative body or governing board of an affected entity;
1077	(b) an owner of rural real property located within the area proposed for annexation; or
1078	[(c) for a proposed annexation of an area within a county of the first class, an owner of
1079	private real property that:]
1080	[(i) is located in the unincorporated area within 1/2 mile of the area proposed for
1081	annexation;]

1082	[(ii) covers at least 25% of the private land area located in the unincorporated area
1083	within 1/2 mile of the area proposed for annexation; and]
1084	[(iii) is equal in value to at least 15% of all real property located in the
1085	unincorporated area within 1/2 mile of the area proposed for annexation; or]
1086	[(d)] (c) an owner of private real property located in a mining protection area.
1087	(2) Each protest under Subsection (1) shall:
1088	[(a) be filed:]
1089	[(i) no later than 30 days after the municipal legislative body's receipt of the notice of
1090	certification under Subsection 10-2-405(2)(c)(i); and]
1091	[(ii)(A) in a county that has already created a commission under Section 10-2-409,
1092	with the commission; or]
1093	[(B) in a county that has not yet created a commission under Section 10-2-409,
1094	with the clerk of the county in which the area proposed for annexation is
1095	located;]
1096	[(b)] (a) be filed with the county clerk of the county in which the area proposed for
1097	annexation is located;
1098	(b) state each reason for the protest of the annexation petition and [, if the area proposed
1099	to be annexed is located in a specified county,] justification for the protest under the
1100	standards established in this [chapter] part;
1101	[(e) if the area proposed to be annexed is located in a specified county, contain other
1102	information that the commission by rule requires or that the party filing the protest
1103	eonsiders pertinent; and]
1104	[(d)] (c) contain any information that the county boundary commission requires or the
1105	party filing the protest considers relevant to the protest; and
1106	(d) contain the name and address of a contact person who is to receive notices sent by
1107	the boundary commission with respect to the protest proceedings.
1108	(3) The party filing a protest under this section shall on the same date deliver or mail a copy
1109	of the protest to the [eity recorder or town clerk] municipal records officer of the
1110	proposed annexing municipality.
1111	(4) Each <u>county</u> clerk who receives a protest under Subsection [(2)(a)(ii)(B)] (2)(a) shall:
1112	(a) immediately notify the county legislative body of the protest; and
1113	(b) deliver the protest to the boundary commission within five days after:
1114	(i) receipt of the protest, if the boundary commission has previously been created; or
1115	(ii) creation of the boundary commission under [Subsection 10-2-409(1)(b)] Section

1116	10-2-809, if the boundary commission has not previously been created.
1117	(5)(a) If a protest is filed under this section:
1118	(i) the municipal legislative body may, at [its] the next regular municipal legislative
1119	meeting [after expiration of the deadline under Subsection (2)(a)(i)] occurring
1120	within 30 days of the day of certification, as described in Subsection 10-2-807(3),
1121	deny the annexation petition; or
1122	(ii) if the municipal legislative body does not deny the annexation petition under
1123	Subsection (5)(a)(i), the municipal legislative body may [take no] not take further
1124	action on the annexation petition until after receipt of the boundary commission's
1125	notice of its decision on the protest under Section [10-2-416] 10-2-811.
1126	(b) If a municipal legislative body denies an annexation petition under Subsection
1127	(5)(a)(i), the municipal legislative body shall, within five days after the denial, send
1128	notice of the denial in writing to:
1129	(i) the contact sponsor of the annexation petition;
1130	(ii) the boundary commission; and
1131	(iii) each entity that filed a protest.
1132	(6)(a) A protest may not be filed later than 30 days after the day of certification, as
1133	described in Subsection 10-2-807(3).
1134	(b) If no timely protest is filed under this section, the municipal legislative body may,
1135	subject to Subsection (7), approve the annexation petition.
1136	(7) Before approving an annexation petition under Subsection (6), the municipal legislative
1137	body shall <u>:</u>
1138	(a) hold a public hearing; and
1139	(b) provide notice of the public hearing by publishing the notice for the municipality and
1140	the area proposed for annexation, as a class B notice under Section 63G-30-102, for
1141	at least seven days before the date of the public hearing.
1142	[(8)(a) Subject to Subsection (8)(b), only a person or entity that is described in
1143	Subsection (1) has standing to challenge an annexation in district court.]
1144	[(b) A person or entity described in Subsection (1) may only bring an action in district
1145	court to challenge an annexation if the person or entity has timely filed a protest as
1146	described in Subsection (2) and exhausted the administrative remedies described in
1147	this section.]
1148	Section 12. Section 10-2-811, which is renumbered from Section 10-2-415 is renumbered
1149	and amended to read:

1150	[10-2-415] <u>10-2-811</u> (Effective 05/07/25). Public hearing of protest Notice
1151	Decision Municipal legislative action Judicial review.
1152	[(1)(a) If the results of the feasibility study or supplemental feasibility study meet the
1153	requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an
1154	area located in a county of the first class, the commission shall hold a public hearing
1155	within 30 days after the day on which the commission receives the feasibility study
1156	or supplemental feasibility study results.]
1157	[(b) At the public hearing described in Subsection (1)(a), the commission shall:]
1158	[(i) require the feasibility consultant to present the results of the feasibility study and,
1159	if applicable, the supplemental feasibility study;]
1160	[(ii) allow those present to ask questions of the feasibility consultant regarding the
1161	study results; and]
1162	[(iii) allow those present to speak to the issue of annexation.]
1163	[(2) The commission shall provide notice of the public hearing described in Subsection
1164	(1)(a) for the area proposed for annexation, the surrounding 1/2 mile of unincorporated
1165	area, and the proposed annexing municipality, as a class B notice under Section
1166	63G-30-102, for at least two weeks before the date of the public hearing.]
1167	[(3) The notice described in Subsection (2) shall:]
1168	[(a) be entitled, "notice of annexation hearing";]
1169	[(b) state the name of the annexing municipality;]
1170	[(e) describe the area proposed for annexation; and]
1171	[(d) specify the following sources where an individual may obtain a copy of the
1172	feasibility study conducted in relation to the proposed annexation:]
1173	[(i) if the municipality has a website, the municipality's website;]
1174	[(ii) a municipality's physical address; and]
1175	[(iii) a mailing address and telephone number.]
1176	[(4) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest has
1177	expired with respect to a proposed annexation of an area located in a specified county,
1178	the boundary commission shall hold a hearing on all protests that were filed with respect
1179	to the proposed annexation.]
1180	[(5) For at least 14 days before the date of a hearing described in Subsection (4), the
1181	commission chair shall provide notice of the hearing, for the area proposed for
1182	annexation, as a class B notice under Section 63G-30-102.]
1183	[(6)] (1)(a) Except as provided in Subsection (1)(b), the boundary commission for each

1184	county shall hear and decide, according to the provisions of this part, each protest
1185	timely filed under Section 10-2-810.
1186	(b) If the municipal legislative body has already denied the petition for annexation that is
1187	the subject of the protest under Subsection 10-2-810(5)(a), the boundary commission
1188	shall take no further action on the protest.
1189	(2) In regard to a protest described in Subsection (1)(a), the boundary commission shall:
1190	(a) schedule a public hearing on the protest no later than 30 days from the day on which
1191	the time for filing a protest expired; and
1192	(b) except as provided in Subsection (5), hold the public hearing on the protest.
1193	(3) At least 14 days before the day of a hearing described in Subsection (2), the boundary
1194	commission shall provide notice of the public hearing:
1195	(a)(i) by posting one notice, and at least one additional notice per 2,000 residents
1196	within the area proposed for annexation, in places reasonably likely to give notice
1197	of the public hearing; and
1198	(ii) by mailing notice to each resident within, and each owner of property located
1199	within, the area proposed for annexation;
1200	(b) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601,
1201	for 14 days before the day of the public hearing;
1202	(c) if the annexing municipality has a website, by providing notice to the municipal
1203	records officer to post on the municipality's website for 14 days before the day of the
1204	public hearing; and
1205	(d) by posting notice on the county's website for 14 days before the day of the public
1206	hearing.
1207	(4) Each notice described in Subsection [(5)] (3) shall:
1208	(a) state the date, time, and place of the hearing;
1209	(b) briefly summarize the nature of the protest; and
1210	(c) state that a copy of the protest is on file at:
1211	(i) the boundary commission's office, if the boundary commission has a physical
1212	office; or
1213	(ii) the county recorder's office.
1214	[(7)] (5) The boundary commission may [continue] postpone a scheduled public hearing[
1215	under Subsection (4) from time to time], but no [continued] postponed hearing may be
1216	held later than 60 days after the original hearing date.
1217	[(8)] (6) In considering [protests] a protest, the boundary commission shall consider whether

1218	the proposed annexation:
1219	(a) complies with the requirements of [-Sections 10-2-402 and 10-2-403-]:
1220	(i) Section 10-2-804;
1221	(ii) Section 10-2-806; and
1222	(iii) the annexation policy plan of the proposed annexing municipality, as described
1223	<u>in Section 10-2-803;</u>
1224	(b) conflicts with the annexation policy plan of another municipality; and
1225	(c) if the proposed annexation includes urban development, will have an adverse tax
1226	consequence on the remaining unincorporated area of the county.
1227	(7) After the public hearing required by this section, the boundary commission:
1228	(a) shall, within 30 days, issue a written decision on the protest filed under Section
1229	<u>10-2-810;</u>
1230	(b) shall send a copy of the written decision described in Subsection (7)(a) to:
1231	(i) the legislative body of the county in which the area proposed for annexation is
1232	located;
1233	(ii) the legislative body of the proposed annexing municipality;
1234	(iii) the sponsor of the annexation petition; and
1235	(iv) the contact person for the protest; and
1236	(c) may:
1237	(i) recommend approval of the proposed annexation, either with or without
1238	conditions; or
1239	(ii) recommend denying the proposed annexation.
1240	[(9)] (8)(a) The boundary commission shall record each public hearing under this section
1241	by electronic means.
1242	(b) [A] The record of a boundary commission proceeding includes:
1243	(i) the transcription of the recording under Subsection (8)(a)[-(9)(a),];
1244	(ii) the feasibility study, if applicable[-,];
1245	(iii) information received at the hearing[-;]; and
1246	(iv) the written decision of the boundary commission[-shall constitute the record of
1247	the hearing].
1248	(9) Except as provided in Subsection (12), upon receipt of the boundary commission's
1249	written decision under Subsection (7), the legislative body of the annexing municipality
1250	shall take action no earlier than 30 days after but no later than 60 days after receipt of
1251	the boundary commission's written decision to:

1252	(a) deny the annexation petition; or
1253	(b) subject to Subsection (10), approve the annexation petition, with or without any
1254	conditions recommended by the boundary commission.
1255	(10) A municipal legislative body shall exclude from an annexation:
1256	(a) rural real property, unless the owner of the rural real property has signed the
1257	annexation petition or otherwise gives written consent to the inclusion of the owner's
1258	property to the annexation; and
1259	(b) private real property located within a mining protection area, unless the owner of the
1260	private property located in the mining protection area has signed the annexation
1261	petition or otherwise gives written consent to the inclusion of the owner's property to
1262	the annexation.
1263	(11)(a) As used in this subsection, "party" means:
1264	(i) an annexing municipality;
1265	(ii) the contact sponsor of an annexation petition; or
1266	(iii) the contact person for a protest.
1267	(b) A party may seek review of a boundary commission's written decision in the state
1268	district court with jurisdiction over the county in which the boundary commission is
1269	established by filing a petition for review of the written decision within 20 days of
1270	receiving the boundary commission's written decision.
1271	(c) A party that files a petition for review under Subsection (11)(b) shall provide notice
1272	of the filing to the legislative body of the annexing municipality, unless the annexing
1273	municipality is the party that filed a petition for review.
1274	(d) The district court shall consider the record described in Subsection (8)(b) and affirm
1275	the boundary commission's written decision unless the court determines the boundary
1276	commission's written decision is arbitrary or capricious.
1277	(12) The legislative body of an annexing municipality is excused from complying with the
1278	requirements of Subsection (9) until judicial review is concluded.
1279	Section 13. Section 10-2-812, which is renumbered from Section 10-2-418 is renumbered
1280	and amended to read:
1281	$[10-2-418]$ $\underline{10-2-812}$ (Effective 05/07/25). Annexation of an island or peninsula
1282	without a petition Notice Hearing.
1283	[(1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in
1284	accordance with this section of an area located within a county of the first class,
1285	"municipal-type services" does not include a service provided by a municipality

1286	pursuant to a contract that the municipality has with another political subdivision as
1287	"political subdivision" is defined in Section 17B-1-102.]
1288	[(2)] (1) Notwithstanding Subsection $[10-2-402(2)]$ $[10-2-804(4)]$, a municipality may annex
1289	an unincorporated area under this section without an annexation petition if:
1290	(a) for an unincorporated area within the expansion area of more than one municipality,
1291	each municipality agrees to the annexation; and
1292	(b)(i)(A) the area to be annexed consists of one or more unincorporated islands
1293	within or unincorporated peninsulas contiguous to the municipality;
1294	(B) the majority of each island or peninsula consists of residential or commercial
1295	development;
1296	(C) the area proposed for annexation requires the delivery of municipal-type
1297	services; and
1298	(D) the municipality has provided most or all of the municipal-type services to the
1299	area for more than one year;
1300	(ii)(A) the area to be annexed consists of one or more unincorporated islands
1301	within or unincorporated peninsulas contiguous to the municipality, each of
1302	which has fewer than 800 residents; and
1303	(B) the municipality has provided one or more municipal-type services to the area
1304	for at least one year;
1305	(iii) the area consists of:
1306	(A) an unincorporated island within or an unincorporated peninsula contiguous to
1307	the municipality; and
1308	(B) [for an area outside of the county of the first class proposed for annexation,]
1309	no more than 50 acres; or
1310	(iv)(A) the area to be annexed consists only of one or more unincorporated islands
1311	in a county of the second class;
1312	(B) the area to be annexed is located in the expansion area of a municipality; and
1313	(C) the county legislative body in which the municipality is located provides
1314	notice to each property owner within the area to be annexed that the county
1315	legislative body will hold a public hearing, no less than 15 days after the day
1316	on which the county legislative body provides the notice, and may make a
1317	recommendation of annexation to the municipality whose expansion area
1318	includes the area to be annexed after the public hearing.
1319	[(3)] (2) Notwithstanding Subsection $[10-2-402(1)(b)(iii)]$ $[10-2-804(2)(c)]$, a municipality

1320	may annex a portion of an unincorporated island or unincorporated peninsula under this
1321	section, leaving unincorporated the remainder of the unincorporated island or
1322	unincorporated peninsula, if:
1323	(a) in adopting the resolution under Subsection $[(5)(a)]$ (3)(a) the municipal legislative
1324	body determines that not annexing the entire unincorporated island or unincorporated
1325	peninsula is in the municipality's best interest; and
1326	(b) for an annexation of one or more unincorporated islands under Subsection [(2)(b)]
1327	(1)(b), the entire island of unincorporated area, of which a portion is being annexed,
1328	complies with the requirement of Subsection [(2)(b)(ii)] (1)(b)(ii) relating to the
1329	number of residents.
1330	[(4)(a) This Subsection (4) applies only to an annexation within a county of the first
1331	class.]
1332	[(b) A county of the first class shall agree to an annexation if the majority of private
1333	property owners within the area to be annexed give written consent to the annexation,
1334	in accordance with Subsection (4)(d), to the recorder of the annexing municipality.]
1335	[(e) For purposes of Subsection (4)(b), the majority of private property owners is
1336	property owners who own:]
1337	[(i) the majority of the total private land area within the area proposed for annexation;
1338	and]
1339	[(ii) private real property equal to at least 1/2 the value of private real property within
1340	the area proposed for annexation.]
1341	[(d) A property owner consenting to annexation shall indicate the property owner's consent on
1342	a form which includes language in substantially the following form:
1343	"Notice: If this written consent is used to proceed with an annexation of your property
1344	in accordance with Utah Code Section 10-2-418, no public election is required by law to
1345	approve the annexation. If you sign this consent and later decide you do not want to support
1346	the annexation of your property, you may withdraw your signature by submitting a signed,
1347	written withdrawal with the recorder or clerk of [name of annexing municipality]. If you
1348	choose to withdraw your signature, you must do so no later than the close of the public hearing
1349	on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(d).".]
1350	[(e) A private property owner may withdraw the property owner's signature indicating
1351	consent by submitting a signed, written withdrawal with the recorder or clerk no later
1352	than the close of the public hearing held in accordance with Subsection (5)(b).]
1353	[(5)] (3) The legislative body of each municipality intending to annex an area under this

1354	section shall:
1355	(a) adopt a resolution indicating the municipal legislative body's intent to annex the area,
1356	describing the area proposed to be annexed; and
1357	(b) hold a public hearing on the proposed annexation no earlier than 30 days after the
1358	adoption of the resolution described in Subsection $[(5)(a)]$ (3)(a).
1359	[(6)] (4) A legislative body described in Subsection [(5)] (3) shall provide notice of a public
1360	hearing described in Subsection [(5)(b)] (3)(b):
1361	(a) for at least three weeks before the day of the public hearing, for the municipality and
1362	the area proposed for annexation, as a class B notice under Section 63G-30-102; and
1363	(b) by sending written notice to:
1364	(i) the board of each special district and special service district whose boundaries
1365	contain some or all of the area proposed for annexation; and
1366	(ii) the legislative body of the county in which the area proposed for annexation is
1367	located.
1368	[(7)] (5) The legislative body of the annexing municipality shall ensure that:
1369	(a) each notice described in Subsection [(6)] <u>(4)</u> :
1370	(i) states that the municipal legislative body has adopted a resolution indicating the
1371	municipality's intent to annex the area proposed for annexation;
1372	(ii) states the date, time, and place of the public hearing described in Subsection [
1373	(5)(b)] $(3)(b)$;
1374	(iii) describes the area proposed for annexation; and
1375	(iv) except for an annexation that meets the requirements of Subsection [(8)(b)] (6)(b)
1376	or (c), states in conspicuous and plain terms that the municipal legislative body
1377	will annex the area unless, at or before the public hearing described in Subsection
1378	(5)(b)] (3)(b), written protests to the annexation are filed by the owners of private
1379	real property that:
1380	(A) is located within the area proposed for annexation;
1381	(B) covers a majority of the total private land area within the entire area proposed
1382	for annexation; and
1383	(C) is equal in value to at least 1/2 the value of all private real property within the
1384	entire area proposed for annexation; and
1385	(b) the first publication of the notice described in Subsection $[(6)(a)]$ $(4)(a)$ occurs within
1386	14 days after the day on which the municipal legislative body adopts a resolution
1387	under Subsection $\left[\frac{(5)(a)}{(3)}\right]$ (3)(a).

1388 [(8)] (6)(a) Except as provided in Subsections [(8)(b)(i)] (6)(b)(i) and [(8)(c)(i)] (6)(c)(i), 1389 upon conclusion of the public hearing described in Subsection $[\frac{(5)(b)}{(5)(b)}]$ (3)(b), the 1390 municipal legislative body may adopt an ordinance approving the annexation of the 1391 area proposed for annexation under this section unless, at or before the hearing, 1392 written protests to the annexation have been filed with the recorder or clerk of the 1393 municipality by the owners of private real property that: 1394 (i) is located within the area proposed for annexation; 1395 (ii) covers a majority of the total private land area within the entire area proposed for 1396 annexation; and 1397 (iii) is equal in value to at least 1/2 the value of all private real property within the 1398 entire area proposed for annexation. 1399 (b)(i) Notwithstanding Subsection [(8)(a)] (6)(a), upon conclusion of the public 1400 hearing described in Subsection [(5)(b)] (3)(b), a municipality may adopt an 1401 ordinance approving the annexation of the area proposed for annexation under this 1402 section without allowing or considering protests under Subsection [(8)(a)] (6)(a) if 1403 the owners of at least 75% of the total private land area within the entire area 1404 proposed for annexation, representing at least 75% of the value of the private real 1405 property within the entire area proposed for annexation, have consented in writing 1406 to the annexation. 1407 (ii) Upon the effective date under Section [10-2-425] 10-2-813 of an annexation 1408 approved by an ordinance adopted under Subsection [(8)(b)(i)] [(6)(b)(i), the area 1409 annexed is conclusively presumed to be validly annexed. 1410 (c)(i) Notwithstanding Subsection $[\frac{(8)(a)}{(a)}]$ (6)(a), upon conclusion of the public 1411 hearing described in Subsection [(5)(b)] (3)(b), a municipality may adopt an 1412 ordinance approving the annexation of an area that the county legislative body 1413 proposes for annexation under this section without allowing or considering 1414 protests under Subsection [(8)(a)] (6)(a) if the county legislative body has formally 1415 recommended annexation to the annexing municipality and has made a formal 1416 finding that: 1417 (A) the area to be annexed can be more efficiently served by the municipality than 1418 by the county; 1419 (B) the area to be annexed is not likely to be naturally annexed by the 1420

municipality in the future as the result of urban development;

(C) annexation of the area is likely to facilitate the consolidation of overlapping

1421

1422	functions of local government; and
1423	(D) annexation of the area is likely to result in an equitable distribution of
1424	community resources and obligations.
1425	(ii) The county legislative body may base the finding required in Subsection [
1426	$\frac{(8)(c)(i)(B)}{(6)(c)(i)(B)}$ on:
1427	(A) existing development in the area;
1428	(B) natural or other conditions that may limit the future development of the area;
1429	or
1430	(C) other factors that the county legislative body considers relevant.
1431	(iii) A county legislative body may make the recommendation for annexation
1432	required in Subsection $[(8)(c)(i)]$ $(6)(c)(i)$ for only a portion of an unincorporated
1433	island if, as a result of information provided at the public hearing, the county
1434	legislative body makes a formal finding that it would be equitable to leave a
1435	portion of the island unincorporated.
1436	(iv) If a county legislative body has made a recommendation of annexation under
1437	Subsection $[(8)(c)(i)]$ $(6)(c)(i)$:
1438	(A) the relevant municipality is not required to proceed with the recommended
1439	annexation; and
1440	(B) if the relevant municipality proceeds with annexation, the municipality shall
1441	annex the entire area that the county legislative body recommended for
1442	annexation.
1443	(v) Upon the effective date under Section [10-2-425] <u>10-2-813</u> of an annexation
1444	approved by an ordinance adopted under Subsection $[(8)(c)(i)]$ $(6)(c)(i)$, the area
1445	annexed is conclusively presumed to be validly annexed.
1446	[(9)] (7) (a) Except as provided in Subsections $[(8)(b)(i)]$ $(6)(b)(i)$ and $[(8)(c)(i)]$ $(6)(c)(i)$,
1447	if protests are timely filed under Subsection $[(8)(a)]$ $(6)(a)$, the municipal legislative
1448	body may not adopt an ordinance approving the annexation of the area proposed for
1449	annexation, and the annexation proceedings under this section shall be considered
1450	terminated.
1451	(b) Subsection $[(9)(a)]$ (7)(a) does not prohibit the municipal legislative body from
1452	excluding from a proposed annexation under Subsection [$(2)(b)$] $(1)(b)$ the property
1453	within an unincorporated island regarding which protests have been filed and
1454	proceeding under Subsection [(3)] (2) to annex some or all of the remaining portion of
1455	the unincorporated island.

1456	(8) Nothing in this section prohibits a municipal legislative body from excluding from a
1457	proposed annexation any property that is the subject of a protest, or excluding from a
1458	proposed annexation any property for any other reason, and proceeding with the
1459	annexation of the non-excluded property if:
1460	(a) the non-excluded property complies with Subsection (1); and
1461	(b) the requirements of Subsection (2) are met.
1462	Section 14. Section 10-2-813, which is renumbered from Section 10-2-425 is renumbered
1463	and amended to read:
1464	[10-2-425] 10-2-813 (Effective 05/07/25). Filing of notice and plat Recording
1465	and notice requirements Effective date of annexation or boundary adjustment.
1466	[(1) As used in this section:]
1467	[(a) "Annexation action" means:]
1468	[(i) the enactment of an ordinance annexing an unincorporated area;]
1469	[(ii) an election approving an annexation under Section 10-2a-404;]
1470	[(iii) the enactment of an ordinance approving a boundary adjustment by each of the
1471	municipalities involved in the boundary adjustment; or]
1472	[(iv) an automatic annexation that occurs on July 1, 2027 under Subsection 10-2-429
1473	(2)(b).]
1474	[(b) "Applicable legislative body" means:]
1475	[(i) the legislative body of each municipality that enacts an ordinance under this part
1476	approving the annexation of an unincorporated area or the adjustment of a
1477	boundary; or]
1478	[(ii) the legislative body of a municipality to which an unincorporated island is
1479	automatically annexed under Section 10-2-429.]
1480	[(2)] (1) An applicable legislative body shall:
1481	(a) within 60 days after an annexation action, file with the lieutenant governor:
1482	(i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that
1483	meets the requirements of Subsection 67-1a-6.5(3);
1484	(ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
1485	(iii) if applicable, a copy of [an agreement] a resolution under Subsection [10-2-429
1486	(2)(a)(ii)] <u>10-2-814(2)(a)(ii);</u>
1487	(b) upon the lieutenant governor's issuance of a certificate of annexation or boundary
1488	adjustment, as the case may be, under Section 67-1a-6.5:
1489	(i) if the annexed area or area subject to the boundary adjustment is located within the

1490	boundary of a single county, submit to the recorder of that county the original
1491	notice of an impending boundary action, the original certificate of annexation or
1492	boundary adjustment, the original approved final local entity plat, and a certified
1493	copy of the ordinance approving the annexation or boundary adjustment; or
1494	(ii) if the annexed area or area subject to the boundary adjustment is located within
1495	the boundaries of more than a single county:
1496	(A) submit to the recorder of one of [those] the affected counties the original
1497	notice of impending boundary action, the original certificate of annexation or
1498	boundary adjustment, and the original approved final local entity plat;
1499	(B) submit to the recorder of each other affected county a certified copy of the
1500	documents listed in Subsection [(2)(b)(ii)(A)] (1)(b)(ii)(A); and
1501	(C) submit a certified copy of the ordinance approving the annexation or boundary
1502	adjustment to each county described in Subsections $[(2)(b)(ii)(A)]$ $(1)(b)(ii)(A)$
1503	and (B); and
1504	(c) concurrently with Subsection $[(2)(b)]$ $(1)(b)$:
1505	(i) send notice of the annexation or boundary adjustment to each affected entity; and
1506	(ii) in accordance with Section 53-2d-514, file with the Bureau of Emergency
1507	Medical Services:
1508	(A) a certified copy of the ordinance approving the annexation of an
1509	unincorporated area or the adjustment of a boundary, if applicable; and
1510	(B) a copy of the approved final local entity plat.
1511	[(3)] (2) If an annexation under this part or a boundary adjustment under [this part] Part 9,
1512	Municipal Boundary Adjustments, also causes an automatic annexation to a special
1513	district under Section 17B-1-416 or an automatic withdrawal from a special district
1514	under Subsection 17B-1-502(2), the municipal legislative body shall, as soon as
1515	practicable after the lieutenant governor issues a certificate of annexation or boundary
1516	adjustment under Section 67-1a-6.5, send notice of the annexation or boundary
1517	adjustment to the special district to which the annexed area is automatically annexed or
1518	from which the annexed area is automatically withdrawn.
1519	[(4)] (3) Each notice required under Subsection (1) relating to an annexation or boundary
1520	adjustment shall state the effective date of the annexation or boundary adjustment, as
1521	determined under Subsection $[(5)]$ (4) .
1522	[(5)] (4) An annexation under this part or a boundary adjustment under [this part] Part 9,
1523	Municipal Boundary Adjustments, is completed and takes effect:

1524	(a) for the annexation of or boundary adjustment affecting an area located in a county of
1525	the first class, except for an annexation under Section [10-2-418] 10-2-812:
1526	(i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a
1527	certificate of annexation or boundary adjustment if:
1528	(A) the certificate is issued during the preceding November 1 through April 30;
1529	and
1530	(B) the requirements of Subsection $[(2)]$ (1) are met before that July 1; or
1531	(ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of
1532	a certificate of annexation or boundary adjustment if:
1533	(A) the certificate is issued during the preceding May 1 through October 31; and
1534	(B) the requirements of Subsection $[(2)]$ (1) are met before that January 1; and
1535	(b) subject to Subsection [(6)] (5), for all other annexations and boundary adjustments,
1536	the date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate
1537	of annexation or boundary adjustment.
1538	[(6)(a) As used in this Subsection (6):]
1539	[(i) "Affected area" means:]
1540	[(A) in the case of an annexation, the annexed area; and]
1541	[(B) in the case of a boundary adjustment, any area that, as a result of the
1542	boundary adjustment, is moved from within the boundary of one municipality
1543	to within the boundary of another municipality.]
1544	[(ii) "Annexing municipality" means:]
1545	[(A) in the case of an annexation, the municipality that annexes an unincorporated
1546	area or the municipality to which an unincorporated island is automatically
1547	annexed under Section 10-2-429; and]
1548	[(B) in the case of a boundary adjustment, a municipality whose boundary
1549	includes an affected area as a result of a boundary adjustment.]
1550	[(b)] (5)(a) The effective date of an annexation or boundary adjustment for purposes of
1551	assessing property within an affected area is governed by Section 59-2-305.5.
1552	[(e)] (b) Until the documents listed in Subsection [(2)(b)(i)] (1)(b)(i) are recorded in the
1553	office of the recorder of each county in which the property is located, a municipality
1554	may not:
1555	(i) levy or collect a property tax on property within an affected area;
1556	(ii) levy or collect an assessment on property within an affected area; or
1557	(iii) charge or collect a fee for service provided to property within an affected area,

1558	unless the municipality was charging and collecting the fee within that area
1559	immediately before annexation.
1560	Section 15. Section 10-2-814, which is renumbered from Section 10-2-429 is renumbered
1561	and amended to read:
1562	[10-2-429] 10-2-814 (Effective 05/07/25). Automatic annexations in a county of
1563	the first class.
1564	(1) As used in this section:
1565	(a) "Most populous bordering municipality" means the municipality with the highest
1566 1567	population of any municipality that shares a common border with an unincorporated island.
1568	(b) "Unincorporated island" means an area that is:
1569	(i) within a county of the first class;
1570	(ii) not within a municipality; and
1571	(iii) completely surrounded by land that is within one or more municipalities within
1572	the county of the first class.
1573	(2)(a) Notwithstanding any other provision of this part, on July 1, 2027, an
1574	unincorporated island is automatically annexed to:
1575	(i) the most populous bordering municipality, except as provided in Subsection
1576	(2)(a)(ii); or
1577	(ii) a municipality other than the most populous bordering municipality if:
1578	(A) the other municipality shares a common border with the unincorporated
1579	island; and
1580	(B) the other municipality and the most populous bordering municipality each
1581	adopt a resolution agreeing that the unincorporated island should be annexed to
1582	the other municipality.
1583	(b) The effective date of an annexation under Subsection (2)(a) is governed by Section [
1584	10-2-425] <u>10-2-813</u> .
1585	Section 16. Section 10-2-815, which is renumbered from Section 10-2-422 is renumbered
1586	and amended to read:
1587	$[10-2-422]$ $\underline{10-2-815}$ (Effective 05/07/25). Conclusive presumption of annexation.
1588	An area annexed to a municipality under this part shall be conclusively presumed to
1589	have been validly annexed if:
1590	(1) the municipality has levied and the taxpayers within the area have paid property taxes
1591	for more than one year after annexation; and

1592	(2) no resident of the area has contested the annexation in a court of proper jurisdiction
1593	during the year following annexation.
1594	Section 17. Section 10-2-816, which is renumbered from Section 10-2-420 is renumbered
1595	and amended to read:
1596	[10-2-420] <u>10-2-816</u> (Effective 05/07/25). Bonds not affected by annexations
1597	Payment of property taxes.
1598	(1) [A boundary adjustment or] An annexation under this part may not jeopardize or
1599	endanger any general obligation or revenue bond.
1600	(2) A bondholder may require the payment of property taxes from any area that:
1601	(a) was included in the taxable value of the municipality or other governmental entity
1602	issuing the bond at the time the bond was issued; and
1603	(b) is no longer within the boundaries of the municipality or other governmental entity
1604	issuing the bond due to [the boundary adjustment or-] an annexation.
1605	Section 18. Section 10-2-817, which is renumbered from Section 10-2-421 is renumbered
1606	and amended to read:
1607	$[10-2-421]$ $\underline{10-2-817}$ (Effective 05/07/25). Electric utility service in annexed area
1608	Reimbursement for value of facilities Liability Arbitration.
1609	(1) As used in this section:
1610	(a) "Commission" means the Public Service Commission established in Section 54-1-1.
1611	(b) "Current replacement cost" means the cost the transferring party would incur to
1612	construct the facility at the time of transfer using the transferring party's:
1613	(i) standard estimating rates and standard construction methodologies for the facility;
1614	and
1615	(ii) standard estimating process.
1616	(c) "Depreciation" means an amount calculated:
1617	(i) based on:
1618	(A) the life and depreciation mortality curve most recently set for the type of
1619	facility in the depreciation rates set by the commission or other governing
1620	regulatory authority for the electrical corporation; or
1621	(B) a straight-line depreciation rate that represents the expended life if agreed to
1622	by the transferring and receiving parties; and
1623	(ii) to include the gross salvage value of the type of facility based on the latest
1624	depreciation life approved by the commission or other governing regulatory
1625	authority for the electrical corporation, with a floor at the gross salvage value of

1626	the asset and in no case less than zero.
1627	(d) "Electrical corporation" means:
1628	(i) an entity as defined in Section 54-2-1; or
1629	(ii) an improvement district system described in Subsection 17B-2a-403(1)(a)(iv).
1630	(e) "Facility" means electric equipment or infrastructure used to serve an electric
1631	customer, above ground or underground, including:
1632	(i) a power line, transformer, switch gear, pole, wire, guy anchor, conductor, cable, or
1633	other related equipment; or
1634	(ii) a right-of-way, easement, or any other real property interest or legal right or
1635	interest used to operate and maintain the electric equipment or infrastructure.
1636	(f) "Facility transfer" means the transfer of a facility from a transferring party to a
1637	receiving party in accordance with Subsection (3).
1638	(g) "Lost or stranded facility" means a facility that is currently used by a transferring
1639	party that will no longer be used, whether in whole or in part, as a result of a facility
1640	transfer.
1641	(h) "Receiving party" means a municipality or electrical corporation to whom a facility
1642	is transferred.
1643	(i) "Transferring party" means a municipality or electrical corporation that transfers a
1644	facility.
1645	(2)(a) If an electric customer in an area being annexed by a municipality receives
1646	electric service from an electrical corporation that is not an improvement district
1647	system described in Subsection 17B-2a-403(1)(a)(iv), the municipality may not,
1648	without the agreement of the electrical corporation, furnish municipal electric service
1649	to any electric customer in the annexed area until the municipality has reimbursed the
1650	electrical corporation for the value of each facility used to serve any electric customer
1651	within the annexed area, including the value of any facility owned by a wholesale
1652	electric cooperative affiliated with the electrical corporation, dedicated to provide
1653	service to the annexed area.
1654	(b) If an electric customer in an area being annexed by a municipality receives electric
1655	service from an electrical corporation that is an improvement district system
1656	described in Subsection 17B-2a-403(1)(a)(iv), the municipality may not, without the
1657	agreement of the electrical corporation, furnish municipal electric service to the
1658	electric customer until the municipality has reimbursed the electric corporation for

the value of the facility used to serve the electric customer within the annexed area.

1659

1660	(3) The following procedures [shall] apply if a municipality transfers a facility to an
1661	electrical corporation in accordance with Section 10-8-14 or if an electrical corporation
1662	transfers a facility to a municipality in accordance with Subsection (2), Section 54-3-30,
1663	or 54-3-31:
1664	(a) [The] the transferring party shall provide a written estimate of the transferring party's
1665	cost of preparing the inventory required in Subsection (3)(c) to the receiving party no
1666	later than 60 days after the date of notice from the receiving party[-];
1667	(b)(i) [The-] the receiving party shall pay the estimated cost of preparing the inventory
1668	to the transferring party no later than 60 days after the day that the receiving party
1669	receives the written estimate[-] ; or
1670	(ii) [H-] if the actual cost of preparing the inventory differs from the estimated cost,
1671	the transferring party shall include the difference between the actual cost and the
1672	estimated cost in the reimbursement described in Subsection (5)[\bar{z}];
1673	(c) [Except-] except as provided in Subsection (3)(f), the transferring party shall prepare,
1674	in accordance with Subsection (4), and deliver the inventory to the receiving party no
1675	later than 180 days after the day that the transferring party receives the payment
1676	specified in Subsection (3)(b)[-];
1677	(d)(i) [At-] at any time, the parties may by agreement correct or update the inventory[-];
1678	<u>or</u>
1679	(ii) [H-] if the parties are unable to reach an agreement on an updated inventory, they
1680	shall:
1681	(A) proceed with the facility transfer and reimbursement based on the inventory as
1682	submitted in accordance with Subsection (3)(c); and
1683	(B) resolve their dispute as provided in Subsection (6)[-];
1684	(e) [Except-] except as provided in Subsection (3)(f), the parties shall complete each
1685	facility transfer and reimbursement contemplated by this Subsection (3) no later than
1686	180 days after the date that the transferring party delivers the inventory to the
1687	receiving party in accordance with Subsection (3)(c)[-]; and
1688	(f) [The-] the periods specified in Subsections (3)(c) and (e) may be extended for up to an
1689	additional 90 days by agreement of the parties.
1690	(4)(a) The inventory prepared by a transferring party in accordance with Subsection
1691	(3)(c) shall include an identification of each facility to be transferred and the amount
1692	of reimbursement as provided in Subsection (5).
1693	(b) The transferring party may not include in the inventory a facility that the transferring

1694	party removed from service for at least 36 consecutive months prior to the date of the
1695	inventory, unless the facility was taken out of service as a result of an action by the
1696	receiving party.
1697	(5)(a) Unless otherwise agreed by the parties, the reimbursement for the transfer of each
1698	facility shall include:
1699	(i) the cost of preparing the inventory as provided in Subsection (3)(b);
1700	(ii) subject to Subsection (5)(b)(i), the value of each transferred facility calculated by
1701	the current replacement cost of the facility less depreciation based on facility age;
1702	(iii) the cost incurred by the transferring party for:
1703	(A) the physical separation of each facility from its system, including the cost of
1704	any facility constructed or installed that is necessary for the transferring party
1705	to continue to provide reliable electric service to its remaining customers;
1706	(B) administrative, engineering, and record keeping expenses incurred by the
1707	transferring party for the transfer of each facility to the receiving party,
1708	including any difference between the actual cost of preparing the inventory and
1709	the estimated cost of preparing the inventory; and
1710	(C) reimbursement for any tax consequences to the transferring party resulting
1711	from each facility transfer;
1712	(iv) the value of each lost or stranded facility of the transferring party based on the
1713	valuation formula described in Subsection (5)(a)(ii) or as otherwise agreed by the
1714	parties;
1715	(v) the diminished value of each transferring party facility that will not be transferred
1716	based on the percentage of the facility that will no longer be used as a result of the
1717	facility transfer; and
1718	(vi) the transferring party's book value of a right-of-way or easement transferred with
1719	each facility.
1720	(b)(i)(A) The receiving party may review the estimation of the current
1721	replacement costs of each facility, including the wage rates, material costs,
1722	overhead assumptions, and other pricing used to establish the estimation of the
1723	current replacement costs of the facility.
1724	(B) Prior to reviewing the estimation, the receiving party shall enter into a
1725	nondisclosure agreement acceptable to the transferring party.
1726	(C) The nondisclosure agreement shall restrict the use of the information provided
1727	by the transferring party solely for the purpose of reviewing the estimation of

1728 the current replacement cost and preserve the confidentiality of the information 1729 to prevent any effect on a competitive bid received by either party. 1730 (ii)(A) If the age of a facility may be readily determined by the transferring party, 1731 the transferring party shall use that age to determine the facility's depreciation. 1732 (B) If the age of a facility cannot be readily determined, the transferring party 1733 shall estimate the age of the facility based on the average remaining life 1734 approved for the same type of facility in the most current depreciation rates set 1735 by the commission or other governing regulatory authority for the electrical 1736 corporation. 1737 (c)(i)(A) A transferring party that transfers a facility in accordance with this 1738 section shall, upon delivery of a document conveying title to the receiving 1739 party, transfer the facility without any express or implied warranties. 1740 (B) A receiving party that receives a facility in accordance with this section shall, 1741 upon receipt of a document conveying title, accept the facility in its existing 1742 condition and assume any and all liability, fault, risk, or potential loss arising 1743 from or related to the facility. 1744 (ii) Notwithstanding Subsection (5)(c)(i), if, within six months after the date that any 1745 oil filled equipment is transferred, the receiving party discovers that a transferred 1746 oil filled equipment contains polychlorinated biphenyl, the transferring party shall 1747 reimburse the receiving party for the cost of testing and disposal of that oil filled 1748 equipment. 1749 (6)(a) If the parties cannot agree on each facility to be transferred or the respective 1750 reimbursement amount, the parties shall: 1751 (i) proceed with the facility transfer and the reimbursement based on the inventory as 1752 submitted by the transferring party in accordance with Subsection (3)(c) and in 1753 accordance with the schedule provided in Subsection (3)(e); and 1754 (ii) submit the dispute for mediation or arbitration. 1755 (b) The parties shall share equally in the costs of mediation or arbitration. 1756 (c) If the parties are unable to resolve the dispute through mediation or arbitration, either 1757 party may bring an action in the state court of jurisdiction. 1758 (d) The arbitrator, or state court if the parties cannot agree on arbitration, shall determine 1759 each facility to be transferred and the amount to be reimbursed in accordance with 1760 Subsection (5). 1761 (e) If the arbitrator or state court determines that:

1762 (i) a transferring party transferred a facility that should not have been transferred, the 1763 receiving party shall return the facility; 1764 (ii) a party did not transfer a facility that should have been transferred, the party that 1765 should have transferred the facility shall transfer the facility to the party to whom 1766 the facility should have been transferred; 1767 (iii) the amount reimbursed by the receiving party is insufficient, the receiving party 1768 shall pay the difference to the transferring party; or 1769 (iv) the amount reimbursed by the receiving party is more than the amount that 1770 should have been reimbursed, the transferring party shall pay the difference to the 1771 receiving party. 1772 (7) Unless otherwise agreed upon in writing by the parties: 1773 (a) a party shall transfer a facility to be transferred in accordance with Subsection (6)(e) 1774 no later than 60 days after the day that the arbitrator or court issues a determination 1775 unless the parties mutually agree to a longer time to complete the transfer; and 1776 (b) a party shall: 1777 (i) pay an amount required to be paid in accordance with Subsection (6)(e) no later 1778 than 30 days after the day that the arbitrator or court issues a determination; and 1779 (ii) include interest in the payment at the overall rate of return on the rate base most 1780 recently authorized by the commission or other governing regulatory agency for 1781 the electrical corporation from the date the reimbursement was originally paid 1782 until the difference is paid. 1783 (8)(a) Nothing in this section limits the availability of other damages under law arising 1784 by virtue of an agreement between the municipality and the electrical corporation. 1785 (b) Notwithstanding Subsection (8)(a), a party described in this section is not entitled to 1786 an award for: 1787 (i) damages that are indirect, incidental, punitive, exemplary, or consequential; 1788 (ii) lost profits; or 1789 (iii) other business interruption damages. 1790 (9) Nothing in this section or Section 10-8-14, 54-3-30, or 54-3-31 applies to a transfer of 1791 facilities from an electrical corporation to a municipality in accordance with a decision 1792 by a municipality that did not previously provide electric service and seeks to commence 1793 providing electric service to a customer currently served by an electrical corporation 1794 within the municipal boundary.

(10) The provisions of this section apply to any annexation under this part.

1795

1796	Section 19. Section 10-2-901 is enacted to read:
1797	Part 9. Municipal Boundary Adjustments
1798	10-2-901 (Effective 05/07/25). Definitions.
1799	As used in this part:
1800	(1) "Affected area" means any area that, as a result of the boundary adjustment, is moved
1801	from within the boundary of one municipality to within the boundary of another
1802	municipality.
1803	(2) "Annexing municipality" means a municipality whose boundary includes an affected
1804	area as a result of a boundary adjustment.
1805	(3) "Municipal records officer" means the same as that term is defined in Section 10-2-801.
1806	(4) "Owner of real property" means the same as that term is defined in Section 10-2-801.
1807	Section 20. Section 10-2-902 is enacted to read:
1808	10-2-902 (Effective 05/07/25). Valuation of private real property Determining
1809	consent to petition or protest by owners of real property.
1810	(1) For purposes of implementing the provisions of this part, the value of private real
1811	property shall be determined according to the provisions of Section 10-2-802.
1812	(2) For purposes of implementing the provisions of this part requiring an owner of private
1813	real property to sign a petition or protest, determining the appropriate individual to sign
1814	the petition or protest shall be determined according to the provisions of Section
1815	<u>10-2-802.</u>
1816	Section 21. Section 10-2-903, which is renumbered from Section 10-2-419 is renumbered
1817	and amended to read:
1818	[10-2-419] <u>10-2-903</u> (Effective 05/07/25). Municipal boundary adjustment
1819	Notice and hearing Protest.
1820	(1) The legislative bodies of two or more municipalities having common boundaries may
1821	adjust [their] the common boundaries as provided in this section.
1822	(2) The legislative body of each municipality intending to adjust a boundary that is
1823	common with another municipality shall:
1824	(a) adopt a resolution indicating the intent of the municipal legislative body to adjust a
1825	common boundary; and
1826	(b) hold a public hearing on the proposed adjustment no less than 60 days after the
1827	adoption of the resolution under Subsection (2)(a).
1828	(3) A legislative body described in Subsection (2) shall provide notice of a public hearing
1829	described in Subsection (2)(b):

1830	(a) for the municipality, as a class B notice under Section 63G-30-102, for at least three
1831	weeks before the day of the public hearing; and
1832	(b) if the proposed boundary adjustment may cause any part of real property owned by
1833	the state to be within the geographic boundary of a different local governmental
1834	entity than before the adjustment, by providing written notice, at least 50 days before
1835	the day of the public hearing, to:
1836	(i) the title holder of any state-owned real property described in this Subsection (3)(b);
1837	and
1838	(ii) the Utah State Developmental Center Board, created under Section 26B-1-429, if
1839	any state-owned real property described in this Subsection (3)(b) is associated
1840	with the Utah State Developmental Center.
1841	(4) The notice described in Subsection (3) shall:
1842	(a) state that the municipal legislative body has adopted a resolution indicating the
1843	municipal legislative body's intent to adjust a boundary that the municipality has in
1844	common with another municipality;
1845	(b) describe the area proposed to be adjusted;
1846	(c) state the date, time, and place of the public hearing described in Subsection (2)(b);
1847	(d) state in conspicuous and plain terms that the municipal legislative body will adjust
1848	the boundaries unless, at or before the public hearing described in Subsection (2)(b),
1849	a written protest to the adjustment is filed by:
1850	(i) an owner of private real property that:
1851	(A) is located within the area proposed for adjustment;
1852	(B) covers at least 25% of the total private land area within the area proposed for
1853	adjustment; and
1854	(C) is equal in value to at least 15% of the value of all private real property within
1855	the area proposed for adjustment; or
1856	(ii) a title holder of state-owned real property described in Subsection (3)(b);
1857	(e) state that the area that is the subject of the boundary adjustment will, because of the
1858	boundary adjustment, be automatically annexed to a special district providing fire
1859	protection, paramedic, and emergency services or a special district providing law
1860	enforcement service, as the case may be, as provided in Section 17B-1-416, if:
1861	(i) the municipality to which the area is being added because of the boundary
1862	adjustment is entirely within the boundaries of a special district:
1863	(A) that provides fire protection, paramedic, and emergency services or law

1864	enforcement service, respectively; and
1865	(B) in the creation of which an election was not required because of Subsection
1866	17B-1-214(3)(c); and
1867	(ii) the municipality from which the area is being taken because of the boundary
1868	adjustment is not within the boundaries of the special district; and
1869	(f) state that the area proposed for annexation to the municipality will be automatically
1870	withdrawn from a special district providing fire protection, paramedic, and
1871	emergency services, as provided in Subsection 17B-1-502(2), if:
1872	(i) the municipality to which the area is being added because of the boundary
1873	adjustment is not within the boundaries of a special district:
1874	(A) that provides fire protection, paramedic, and emergency services; and
1875	(B) in the creation of which an election was not required because of Subsection
1876	17B-1-214(3)(c); and
1877	(ii) the municipality from which the area is being taken because of the boundary
1878	adjustment is entirely within the boundaries of the special district.
1879	(5) Upon conclusion of the public hearing described in Subsection (2)(b), the municipal
1880	legislative body may adopt an ordinance approving the adjustment of the common
1881	boundary unless, at or before the hearing described in Subsection (2)(b), a written
1882	protest to the adjustment is filed with the [eity recorder or town clerk] municipal records
1883	officer by a person described in Subsection (3)(b)(i) or (ii).
1884	(6) The municipal legislative body of an annexing municipality shall, in regards to an
1885	affected area, comply with the requirements of Section [10-2-425] 10-2-813 in regards to
1886	the filing of notice and plat and recording a boundary adjustment as if the boundary
1887	adjustment were an annexation.
1888	(7)(a) An ordinance adopted under Subsection (5) becomes effective when each
1889	municipality involved in the boundary adjustment has adopted an ordinance under
1890	Subsection (5).
1891	(b) The effective date of a boundary adjustment under this section is governed by
1892	Section [10-2-425] <u>10-2-813</u> .
1893	Section 22. Section 10-2-904 is enacted to read:
1894	10-2-904 (Effective 05/07/25). Bonds not affected by municipal boundary
1895	adjustment Payment of property taxes.
1896	(1) A boundary adjustment under this part may not jeopardize or endanger any general
1897	obligation or revenue bond.

1898	(2) A bondholder may require the payment of property taxes from any area that:
1899	(a) was included in the taxable value of the municipality or other governmental entity
1900	issuing the bond at the time the bond was issued; and
1901	(b) is no longer within the boundaries of the municipality or other governmental entity
1902	issuing the bond due to a boundary adjustment.
1903	Section 23. Section 10-2-905 is enacted to read:
1904	10-2-905 (Effective 05/07/25). Municipal boundary adjustment effect on local
1905	districts and special service districts.
1906	(1) a local district under Title 17B, Limited Purpose Local Government Entities Special
1907	Districts; or
1908	(2) a special service district under Title 17D, Chapter 1, Special Service District Act.
1909	Section 24. Section 10-2a-103 is amended to read:
1910	10-2a-103 (Effective 05/07/25). Incorporation of a contiguous area
1911	Incorporation of a community council area Incorporation involving more than one
1912	county.
1913	(1)(a) An unincorporated contiguous area of a county not within a municipality may
1914	incorporate as a municipality as provided in this chapter.
1915	(b) Two or more unincorporated islands, as defined in Section [10-2-429] 10-2-814, that
1916	are not contiguous with each other may incorporate as a municipality, as provided in
1917	this chapter, if:
1918	(i) those unincorporated islands are part of a community council area; and
1919	(ii) a feasibility request for the proposed incorporation of the community council area
1920	is submitted under Section 10-2a-202 no later than May 1, 2025.
1921	(2) If a proposed incorporation relates to an area in more than one county:
1922	(a) the individual who files the feasibility request shall file the request with each county
1923	containing a portion of the area proposed for incorporation; and
1924	(b) the counties shall work together, in accordance with direction given by the lieutenant
1925	governor, to complete the actions required by this chapter.
1926	Section 25. Section 10-2a-107 is amended to read:
1927	10-2a-107 (Effective 05/07/25). Effect of incorporation of community council
1928	area.
1929	(1) As used in this section:
1930	(a) "Service area" means the area for which a service provider provided municipal
1931	services to an unincorporated island immediately before the incorporation of a

1932	community council municipality that includes the previously unincorporated island.
1933	(b) "Service provider" means a special district or other provider of municipal services
1934	that, before the incorporation of a community council municipality, provided service
1935	to the service area.
1936	(c) "Unincorporated island" means the same as that term is defined in Section [10-2-429]
1937	<u>10-2-814</u> .
1938	(2) An incorporation of a community council municipality does not affect the boundary of
1939	any service provider, subject to any future change in the boundary as provided by
1940	applicable law.
1941	(3) All roads and other utilities that before incorporation of a community council
1942	municipality were under the jurisdiction of the county in which the community council
1943	municipality is located become, upon incorporation, under the jurisdiction of the
1944	community council municipality.
1945	Section 26. Section 10-2a-201.5 is amended to read:
1946	10-2a-201.5 (Effective 05/07/25). Qualifications for incorporation.
1947	(1)(a) An area may incorporate as a town in accordance with this part if the area:
1948	(i)(A) is contiguous; or
1949	(B) is a community council area;
1950	(ii) has a population of at least 100 people, but fewer than 1,000 people; and
1951	(iii) is not already part of a municipality.
1952	(b) A preliminary municipality may transition to, and incorporate as, a town, in
1953	accordance with Section 10-2a-510.
1954	(c) An area may incorporate as a city in accordance with this part if the area:
1955	(i)(A) is contiguous; or
1956	(B) is a community council area;
1957	(ii) has a population of 1,000 people or more; and
1958	(iii) is not already part of a municipality.
1959	(2)(a) An area may not incorporate under this part if:
1960	(i) the area has a population of fewer than 100 people; or
1961	(ii) except as provided in Subsection (2)(b), the area has an average population
1962	density of fewer than seven people per square mile.
1963	(b) Subsection (2)(a)(ii) does not prohibit incorporation of an area if:
1964	(i) noncompliance with Subsection (2)(a)(ii) is necessary to connect separate areas
1965	that share a demonstrable community interest; and

1966	(ii) the area is contiguous.
1967	(3) An area incorporating under this part may not include land owned by the United States
1968	federal government unless:
1969	(a) the area, including the land owned by the United States federal government, is
1970	contiguous; and
1971	(b)(i) incorporating the land is necessary to connect separate areas that share a
1972	demonstrable community interest; or
1973	(ii) excluding the land from the incorporating area would create an unincorporated
1974	island within the proposed municipality.
1975	(4)(a) Except as provided in Subsection (4)(b), an area incorporating under this part may
1976	not include some or all of an area proposed for annexation in an annexation petition
1977	under Section [10-2-403] <u>10-2-806</u> that:
1978	(i) was filed before the filing of the request for a feasibility study, described in
1979	Section 10-2a-202, relating to the incorporating area; and
1980	(ii) is still pending on the date the request for the feasibility study described in
1981	Subsection (4)(a)(i) is filed.
1982	(b) A feasibility request may propose for incorporation an area that includes some or all
1983	of an area proposed for annexation in an annexation petition described in Subsection
1984	(4)(a) if:
1985	(i) the proposed annexation area that is part of the area proposed for incorporation
1986	does not exceed 20% of the area proposed for incorporation;
1987	(ii) the feasibility request complies with Subsections 10-2a-202(1), (3), (4), and (5)
1988	with respect to excluding the proposed annexation area from the area proposed for
1989	incorporation; and
1990	(iii) excluding the area proposed for annexation from the area proposed for
1991	incorporation would not cause the area proposed for incorporation to not be
1992	contiguous.
1993	(c) Except as provided in Section 10-2a-206, the lieutenant governor shall consider each
1994	feasibility request to which Subsection (4)(b) applies as not proposing the
1995	incorporation of an area proposed for annexation.
1996	(5)(a) An area incorporating under this part may not include part of a parcel of real
1997	property and exclude part of that same parcel unless the owner of the parcel gives
1998	written consent to exclude part of the parcel.
1999	(b) A piece of real property that has more than one parcel number is considered to be a

2000	single parcel for purposes of Subsection (5)(a) if owned by the same owner.
2001	Section 27. Section 10-2a-205 is amended to read:
2002	10-2a-205 (Effective 05/07/25). Feasibility study Feasibility study consultant
2003	Qualifications for proceeding with incorporation.
2004	(1)(a) The lieutenant governor shall, within 10 days after the day on which the lieutenant
2005	governor certifies a feasibility request under Subsection 10-2a-204(5)(a):
2006	(i) estimate the cost of a feasibility study under this section; and
2007	(ii) provide the estimated cost to the feasibility request sponsors.
2008	(b) The feasibility request sponsors shall pay to the lieutenant governor the amount of
2009	the estimated cost under Subsection (1)(a) of a feasibility study conducted on or after
2010	May 1, 2024.
2011	(c) Within 90 days after the feasibility request sponsors pay the estimated feasibility
2012	study cost under Subsection (1)(a), the lieutenant governor shall, in accordance with
2013	Subsection (2), engage a feasibility consultant to conduct a feasibility study.
2014	(2) The lieutenant governor shall:
2015	(a) select a feasibility consultant in accordance with Title 63G, Chapter 6a, Utah
2016	Procurement Code;
2017	(b) ensure that the feasibility consultant:
2018	(i) has expertise in the processes and economics of local government;
2019	(ii) is independent of and not affiliated with a sponsor of the feasibility request or the
2020	county in which the proposed municipality is located; and
2021	(iii) for a feasibility study for the proposed incorporation of a community council
2022	area, has expertise in the processes and economics of a municipal services district
2023	providing municipal services to an unincorporated island, as defined in Section [
2024	10-2-429] <u>10-2-814;</u> and
2025	(c) require the feasibility consultant to:
2026	(i) submit a draft of the feasibility study to each applicable person with whom the
2027	feasibility consultant is required to consult under Subsection (3)(c) within 90 days
2028	after the day on which the lieutenant governor engages the feasibility consultant to
2029	conduct the study;
2030	(ii) allow each person to whom the consultant provides a draft under Subsection
2031	(2)(c)(i) to review and provide comment on the draft;
2032	(iii) submit a completed feasibility study, including a one-page summary of the
2033	results, to the following within 120 days after the day on which the lieutenant

2034	governor engages the feasibility consultant to conduct the feasibility study:
2035	(A) the lieutenant governor;
2036	(B) the county legislative body of the county in which the incorporation is
2037	proposed;
2038	(C) the contact sponsor; and
2039	(D) each person to whom the consultant provided a draft under Subsection
2040	(2)(c)(i); and
2041	(iv) attend the public hearings described in Section 10-2a-207 to present the
2042	feasibility study results and respond to questions from the public.
2043	(3)(a) The feasibility study shall include:
2044	(i) an analysis of the population and population density within the area proposed for
2045	incorporation and the surrounding area;
2046	(ii) the current and projected five-year demographics and tax base within the
2047	boundaries of the proposed municipality and surrounding area, including
2048	household size and income, commercial and industrial development, and public
2049	facilities;
2050	(iii) subject to Subsection (3)(b), the current and five-year projected cost of providing
2051	municipal services to the proposed municipality, including administrative costs;
2052	(iv) assuming the same tax categories and tax rates as currently imposed by the
2053	county and all other current service providers, the present and five-year projected
2054	revenue for the proposed municipality;
2055	(v) an analysis of the risks and opportunities that might affect the actual costs
2056	described in Subsection (3)(a)(iii) or revenues described in Subsection (3)(a)(iv)
2057	of the newly incorporated municipality;
2058	(vi) an analysis of new revenue sources that may be available to the newly
2059	incorporated municipality that are not available before the area incorporates,
2060	including an analysis of the amount of revenues the municipality might obtain
2061	from those revenue sources;
2062	(vii) the projected tax burden per household of any new taxes that may be levied
2063	within the proposed municipality within five years after incorporation;
2064	(viii) the fiscal impact of the municipality's incorporation on unincorporated areas,
2065	other municipalities, special districts, special service districts, and other
2066	governmental entities in the county; and
2067	(ix) if the county clerk excludes property from, or includes property in, the proposed

2068 municipality under Section 10-2a-204.5, an update to the map and legal 2069 description described in Subsection 10-2a-202(3)(c). 2070 (b)(i) In calculating the projected costs under Subsection (3)(a)(iii), the feasibility 2071 consultant shall assume the proposed municipality will provide a level and quality 2072 of municipal services that fairly and reasonably approximate the level and quality 2073 of municipal services that are provided to the area of the proposed municipality at 2074 the time the feasibility consultant conducts the feasibility study. 2075 (ii) In calculating the current cost of a municipal service under Subsection (3)(a)(iii), 2076 the feasibility consultant shall consider: 2077 (A) the amount it would cost the proposed municipality to provide the municipal 2078 service for the first five years after the municipality's incorporation; and 2079 (B) the current municipal service provider's present and five-year projected cost of 2080 providing the municipal service. 2081 (iii) In calculating costs under Subsection (3)(a)(iii), the feasibility consultant shall 2082 account for inflation and anticipated growth. 2083 (c) In conducting the feasibility study, the feasibility consultant shall consult with the 2084 following before submitting a draft of the feasibility study under Subsection (2)(c)(i): 2085 (i) if the proposed municipality will include lands owned by the United States federal 2086 government, the entity within the United States federal government that has 2087 jurisdiction over the land; 2088 (ii) if the proposed municipality will include lands owned by the state, the entity 2089 within state government that has jurisdiction over the land; 2090 (iii) each entity that provides a municipal service to a portion of the proposed 2091 municipality; and 2092 (iv) each other special service district that provides services to a portion of the 2093 proposed municipality. 2094 (4) If the five-year projected revenues calculated under Subsection (3)(a)(iv) exceed the 2095 five-year projected costs calculated under Subsection (3)(a)(iii) by more than 5%, the 2096 feasibility consultant shall project and report the expected annual revenue surplus to the 2097 contact sponsor and the lieutenant governor. 2098 (5)(a) Except as provided in Subsection (5)(b), if the results of the feasibility study, or a 2099 supplemental feasibility study described in Section 10-2a-206, show that the average 2100 annual amount of revenue calculated under Subsection (3)(a)(iv) does not exceed the 2101 average annual cost calculated under Subsection (3)(a)(iii) by more than 5%, the

2102 process to incorporate the area that is the subject of the feasibility study or 2103 supplemental feasibility study may not proceed. 2104 (b) The process to incorporate an area described in Subsection (5)(a) may proceed if a 2105 subsequent supplemental feasibility study conducted under Section 10-2a-206 for the 2106 proposed incorporation demonstrates compliance with Subsection (5)(a). 2107 (6) If the results of the feasibility study or revised feasibility study do not comply with 2108 Subsection (5), and if requested by the sponsors of the request, the feasibility consultant 2109 shall, as part of the feasibility study or revised feasibility study, make recommendations 2110 regarding how the boundaries of the proposed municipality may be altered to comply 2111 with Subsection (5). 2112 (7) The lieutenant governor shall post a copy of the feasibility study, and any supplemental 2113 feasibility study described in Section 10-2a-206, on the lieutenant governor's website 2114 and make a copy available for public review at the lieutenant governor's office. 2115 Section 28. Section **10-2a-205.5** is amended to read: 2116 10-2a-205.5 (Effective 05/07/25). Additional feasibility consultant considerations 2117 for proposed incorporation of community council area -- Additional feasibility study 2118 requirements. 2119 (1) As used in this section: 2120 (a) "Applicable community council" means the community council that represents the 2121 community council area that is proposed to be incorporated. 2122 (b) "Request sponsors" means the sponsors of a feasibility request relating to the 2123 proposed incorporation of a community council area. 2124 (2) Subsections 10-2a-205(3)(a) and (b) do not apply to a feasibility study for a proposed 2125 incorporation of a community council area. 2126 (3) A feasibility consultant conducting a feasibility study for a proposed incorporation of a 2127 community council area shall consider: 2128 (a) population and population density within the community council area; 2129 (b) current and five-year projections of demographics and economic base in the 2130 community council area, including household size and income, commercial and 2131 industrial development, and public facilities; 2132 (c) projected population growth in the community council area during the next five years; 2133 (d) subject to Subsection (4)(a), the present and five-year projections of the cost, 2134 including overhead, of providing the same or a similar service in the community 2135 council area as is provided by the municipal services district, including a comparison

2136	of:
2137	(i) the estimated cost if the municipal services district continues to provide service;
2138	(ii) the estimated cost if the community council municipality provides service directly
2139	or through a contract with another service provider; and
2140	(iii) the estimated cost if an unincorporated island within the community council area
2141	is annexed under Section [10-2-429] 10-2-814 and the annexing municipality
2142	provides service;
2143	(e) subject to Subsection (4)(a), evaluating the present and five-year projections of the
2144	cost, including overhead, of a municipal services district providing municipal
2145	services to the community council area, comparing those costs assuming that the
2146	community council area is included in the service area of the municipal services
2147	district with those costs assuming that the community council area is excluded from
2148	the service area of the municipal services district;
2149	(f) a projection of any new taxes per household that may be levied within the community
2150	council municipality within five years after incorporation;
2151	(g) the fiscal impact that the community council area's incorporation will have on other
2152	municipalities and unincorporated areas served by the municipal services district,
2153	including any rate increase that may become necessary to maintain required coverage
2154	ratios for the municipal services district's debt if, after incorporation:
2155	(i) the municipal services district continues to provide service to the community
2156	council area; or
2157	(ii) the community council area provides service directly or through contract with
2158	another service provider;
2159	(h) the physical and other assets that will be required by the municipal services district
2160	to provide, without interruption or diminution of service, the same or a similar
2161	service to the community council municipality upon incorporation;
2162	(i) the physical and other assets that will no longer be required by the municipal services
2163	district to continue to provide the current level of service to the remainder of the
2164	service area without the community council area if the community council area
2165	incorporates and provides services directly or through contract with another service
2166	provider;
2167	(j) the number and classification of municipal services district employees who will no
2168	longer be required to serve the remaining portions of the service area if a community
2169	council area provides service directly or through contract with another service

2170 provider upon incorporation, including the dollar amount of the wages, salaries, and 2171 benefits attributable to the employees and the estimated cost associated with 2172 termination of the employees if the community council municipality does not employ 2173 the employees; 2174 (k) if the community council municipality will provide service directly or through 2175 another service provider, the effects of maintaining as a base, for a period of three 2176 years, the existing schedule of pay and benefits for municipal services district 2177 employees who may be transferred to the employment of the community council 2178 municipality or to another service provider with which the community council 2179 municipality contracts for service; and 2180 (1) any other factor that the feasibility consultant considers relevant to the cost of 2181 providing municipal services as a result of a community council area's incorporation 2182 or the annexation of one or more unincorporated islands under Section [10-2-429] 2183 10-2-814. 2184 (4)(a) For purposes of Subsections (3)(d) and (e): 2185 (i) the feasibility consultant shall assume a level and quality of service to be provided 2186 in the future to the community council municipality that fairly and reasonably 2187 approximates the level and quality of service that the municipal services district 2188 provides to the community council area at the time of the feasibility study; 2189 (ii) in determining the present-value cost of a service that the municipal services 2190 district provides, the feasibility consultant shall consider: 2191 (A) the cost to the community council municipality of providing the service for 2192 the first five years after incorporation; 2193 (B) the municipal services district's present and five-year projected cost of 2194 providing the same service to the community council area; 2195 (C) the present and five-year projected cost of providing the same or a similar 2196 service to the community council area if service is provided by a municipality 2197 to which one or more unincorporated islands are annexed under Section [2198 10-2-429] <u>10-2-814</u>; 2199 (D) evaluate and detail the expected cost savings and qualitative benefits that 2200 result from a service provider other than the proposed municipality providing 2201 some municipal services; 2202 (E) incorporate into the overall cost projection for the proposed municipality the 2203 potential for municipal services to be provided by a service provider other than

2204	the proposed municipality; and
2205	(F) evaluate and detail projected costs for municipal services based on the
2206	proposed municipality providing municipal services as compared to service
2207	providers other than the proposed municipality providing municipal services
2208	funded by those other service providers; and
2209	(iii) the feasibility consultant shall consider inflation and anticipated population
2210	growth in calculating the cost of providing service.
2211	(b) A feasibility consultant may not consider an allocation of municipal services district
2212	assets or a transfer of municipal services district employees to the extent that the
2213	allocation or transfer would impair the municipal services district's ability to continue
2214	to provide the current level of service to the remainder of the municipal services
2215	district's service area without the community council area, unless the municipal
2216	services district consents to the allocation or transfer.
2217	(5)(a) A feasibility consultant shall prepare a written report of the results of the
2218	feasibility study.
2219	(b) A report under Subsection (5)(a) shall:
2220	(i) contain a recommendation as to whether the proposed incorporation of the
2221	community council area is functionally and financially feasible for the community
2222	council area;
2223	(ii) include any conditions the feasibility consultant determines are required to be
2224	satisfied to make the incorporation functionally and financially feasible; and
2225	(iii) compare the costs of incorporation to the costs of the unincorporated islands
2226	within the community council area being annexed under Section [10-2-429]
2227	<u>10-2-814</u> .
2228	(c)(i) Before finalizing a written report under this Subsection (5), the feasibility
2229	consultant shall provide a copy of a draft feasibility study report to the request
2230	sponsors and the county for their review and comments.
2231	(ii) Based on comments provided under Subsection (5)(c)(i), a feasibility consultant
2232	may adjust the draft feasibility study report before finalizing the report.
2233	(6) Upon completion of the feasibility study and preparation of a written report, the
2234	feasibility consultant shall deliver a copy of the report to:
2235	(a) the applicable community council;
2236	(b) the request sponsors;
2237	(c) the municipal services district that provides service to the community council area;

2238	(d) the county in which the community council area is located; and
2239	(e) each municipality that borders any part of the community council area.
2240	(7)(a)(i) If the request sponsors or the county in which the community council area is
2241	located disagrees with any aspect of a feasibility study report or, if applicable, a
2242	feasibility study report modified under Subsection (7)(c), the request sponsors or
2243	county may, within 20 business days after receiving a copy of the report under
2244	Subsection (6) or a copy of a modified feasibility study report under Subsection
2245	(7)(c)(ii), submit to the feasibility consultant a written objection detailing the
2246	disagreement.
2247	(ii) Request sponsors who submit a written objection under Subsection (7)(a)(i) shall
2248	simultaneously deliver a copy of the objection to the county.
2249	(iii) A county that submits a written objection under Subsection (7)(a)(i) shall
2250	simultaneously deliver a copy of the objection to the request sponsors.
2251	(b)(i) The request sponsors or a county may, within 10 business days after receiving
2252	an objection under Subsection (7)(a)(i), submit to the feasibility consultant a
2253	written response to the objection.
2254	(ii) The request sponsors who submit a response under Subsection (7)(b)(i) shall
2255	simultaneously deliver a copy of the response to the county.
2256	(iii) A county that submits a response under Subsection (7)(b)(i) shall simultaneously
2257	deliver a copy of the response to the request sponsors.
2258	(c) If an objection is filed under Subsection (7)(a)(i), the feasibility consultant shall,
2259	within 20 business days after the expiration of the deadline under Subsection (7)(b)(i)
2260	for submitting a response to an objection:
2261	(i)(A) modify the feasibility study report; or
2262	(B) explain in writing why the feasibility consultant is not modifying the
2263	feasibility study report; and
2264	(ii) deliver the modified feasibility study report or written explanation to:
2265	(A) the request sponsors;
2266	(B) the municipal services district that provides service to the community council
2267	area;
2268	(C) the county in which the community council area is located; and
2269	(D) each municipality that borders any part of the community council area.
2270	(d) Within seven days after the expiration of the deadline under Subsection (7)(a)(i) for
2271	submitting an objection or, if an objection is submitted, within seven days after

2272	receiving a modified feasibility study report or written explanation under Subsection
2273	(7)(c), but at least 30 days before a public hearing under Subsection (9), the
2274	applicable community council shall:
2275	(i) make a copy of the report available to the public at the primary office of the
2276	applicable community council; and
2277	(ii) post a copy of the report on the website of the applicable community council, if
2278	the applicable community council has a website.
2279	(8)(a) A feasibility study report or, if a feasibility study report is modified under
2280	Subsection (7), a modified feasibility study report may not be challenged unless the
2281	basis of the challenge is that the report results from collusion or fraud.
2282	(b) Subsection (8)(a) does not apply to an objection to a feasibility study report or a
2283	modified feasibility study report under Subsection (7).
2284	(9)(a) Following the expiration of the deadline under Subsection (7)(a)(i) for submitting
2285	an objection, or, if an objection is submitted under Subsection (7)(a)(i), following the
2286	applicable community council's receipt of the modified feasibility study report or
2287	written explanation under Subsection (7)(c), the applicable community council shall,
2288	at the applicable community council's next regular meeting, schedule at least one
2289	public hearing to be held:
2290	(i) within the following 60 days; and
2291	(ii) for the purpose of allowing:
2292	(A) the feasibility consultant to present the results of the feasibility study; and
2293	(B) the public to become informed about the feasibility study results, to ask the
2294	feasibility consultant questions about the feasibility study, and to express the
2295	public's views about the proposed incorporation of the community council area
2296	(b) At a public hearing under Subsection (9)(a), the applicable community council shall:
2297	(i) provide a copy of the feasibility study for public review; and
2298	(ii) allow the public to:
2299	(A) ask the feasibility consultant questions about the feasibility study; and
2300	(B) express the public's views about the advantages and disadvantages of the
2301	proposed incorporation as compared to a potential annexation under Section [
2302	10-2-429] <u>10-2-814</u> .
2303	(c)(i) The applicable community council shall publish notice of a hearing under
2304	Subsection (9)(a), as a class A notice under Section 63G-30-102, for three
2305	consecutive weeks immediately before the public hearing.

2306	(ii) A notice under Subsection (9)(c)(i) shall state:
2307	(A) the date, time, and location of the public hearing; and
2308	(B) that a copy of the feasibility study report may be obtained, free of charge, at
2309	the office of the applicable community council or, if applicable, on the
2310	applicable community council's website.
2311	(10) A community council area may not incorporate if the feasibility study concludes that
2312	incorporation of the community council area is not functionally and financially feasible.
2313	(11) Notwithstanding any other provision of this part:
2314	(a) the lieutenant governor shall pay the fees and costs of a feasibility consultant using
2315	funds from the Municipal Incorporation Expendable Special Revenue Fund under
2316	Section 10-2a-220; and
2317	(b) if the community council area incorporates as a municipality, the newly incorporated
2318	municipality shall pay incorporation costs to the lieutenant governor and county as
2319	provided in Section 10-2a-220.
2320	(12) Unless the request sponsors and county agree otherwise, conditions that a feasibility
2321	study report indicates are necessary to be met for the incorporation of the community
2322	council area to be functionally and financially feasible for the proposed community
2323	council municipality are binding on the community council municipality and county if
2324	the incorporation occurs.
2325	Section 29. Section 10-2a-207 is amended to read:
2326	10-2a-207 (Effective 05/07/25). Additional public hearings on feasibility study
2327	results Notice of hearings.
2328	(1) As used in this section, "specified landowner" means the same as that term is defined in
2329	Section 10-2a-204.5.
2330	(2) If the results of the feasibility study or supplemental feasibility study comply with
2331	Subsection 10-2a-205(5)(a), the county clerk shall, after receipt of the results of the
2332	feasibility study or supplemental feasibility study, conduct additional public hearings in
2333	accordance with this section.
2334	(3)(a) If an area proposed for incorporation is approved for annexation after the
2335	feasibility study or supplemental feasibility study is conducted but before the county
2336	clerk conducts the second public hearing under Subsection (4), the county clerk may
2337	not conduct the second public hearing under Subsection (4) unless:
2338	(i) the sponsors of the feasibility study file a modified feasibility request in
2339	accordance with Section 10-2a-206; and

2340	(ii) the results of the supplemental feasibility study comply with Subsection
2341	10-2a-205(5)(a).
2342	(b) For purposes of Subsection (3)(a), an area is approved for annexation if a municipal
2343	legislative body:
2344	(i) approves an annexation petition proposing the annexation of an area that is part of
2345	the area proposed for incorporation under Section [10-2-407 or 10-2-408] <u>10-2-810</u>
2346	<u>or 10-2-811;</u> or
2347	(ii) adopts an ordinance approving the annexation of an area that is part of the area
2348	proposed for incorporation under Section [10-2-418] 10-2-812.
2349	(4) The county clerk shall conduct the second public hearing:
2350	(a) within 60 days after the day on which the county clerk receives the results under
2351	Subsection (2) or (3)(a)(ii);
2352	(b) at a location approved by the lieutenant governor within or near the proposed
2353	municipality; and
2354	(c) to allow the feasibility consultant to present the results of the feasibility study and
2355	inform the public about the results.
2356	(5) The county clerk shall:
2357	(a) conduct an additional public hearing following each occasion when, after the day of
2358	the second public hearing, the county clerk receives the results of a supplemental
2359	feasibility study that comply with Subsection 10-2a-205(5); and
2360	(b) hold the public hearing described in Subsection (5)(a):
2361	(i) within 30 days after the day on which the county clerk receives the results of the
2362	supplemental feasibility study;
2363	(ii) at a location approved by the lieutenant governor within or near the proposed
2364	municipality;
2365	(iii) to inform the public that the feasibility presented to the public at the preceding
2366	public hearing does not apply; and
2367	(iv) to allow the feasibility consultant to present the results of the supplemental
2368	feasibility study and inform the public about the results.
2369	(6) At each public hearing required under this section, the county clerk shall:
2370	(a) provide a map or plat of the boundary of the proposed municipality;
2371	(b) provide a copy of the applicable feasibility study for public review;
2372	(c) allow members of the public to express views about the proposed incorporation,
2373	including views about the proposed boundaries; and

2374	(d) allow the public to ask the feasibility consultant questions about the applicable
2375	feasibility study.
2376	(7) The county clerk shall publish notice of each public hearing required under this section,
2377	and Section 10-2a-204.3, for the proposed municipality, as a class B notice under
2378	Section 63G-30-102, for at least three weeks before the day of the public hearing.
2379	(8)(a) Except as provided in Subsection (8)(b), for a hearing described in this section,
2380	the notice described in Subsection (7) shall:
2381	(i) include the feasibility study summary described in Subsection 10-2a-205(2)(c)(iii);
2382	and
2383	(ii) indicate that a full copy of the feasibility study is available on the county's
2384	website and for inspection at the county clerk's office.
2385	(b) Instead of publishing the feasibility summary under Subsection (8)(a)(i), the county
2386	clerk may publish a statement that specifies the following sources where a resident
2387	within, or the owner of real property located within, the proposed municipality, may
2388	view or obtain a copy of the feasibility study:
2389	(i) the lieutenant governor's website;
2390	(ii) the county's website;
2391	(iii) the physical address of the county clerk's office; and
2392	(iv) a mailing address and telephone number.
2393	Section 30. Section 10-2a-210 is amended to read:
2394	10-2a-210 (Effective 05/07/25). Incorporation election Notice of election
2395	Voter information pamphlet.
2396	(1)(a) If the county clerk certifies a petition for incorporation under Subsection
2397	10-2a-209(1)(b), the lieutenant governor shall schedule an incorporation election for
2398	the proposed municipality described in the petition for incorporation to be held on the
2399	date of the next regular general election described in Section 20A-1-201, or the next
2400	municipal general election described in Section 20A-1-202, that is at least 65 days
2401	after the day on which the county clerk certifies the petition for incorporation.
2402	(b)(i) The lieutenant governor shall direct the county legislative body of the county in
2403	which the proposed municipality is located to hold the election on the date that the
2404	lieutenant governor schedules under Subsection (1)(a).
2405	(ii) The county legislative body shall hold the election as directed by the lieutenant
2406	governor under Subsection (1)(b)(i).
2407	(2) The county clerk shall provide notice of the election for the area proposed to be

2408	incorporated, as a class B notice under Section 63G-30-102, for at least three weeks
2409	before the day of the election.
2410	(3)(a) The notice described in Subsection (2) shall include:
2411	(i) a statement of the contents of the petition for incorporation;
2412	(ii) a description of the area proposed to be incorporated as a municipality;
2413	(iii) a statement of the date and time of the election and the location of polling places;
2414	and
2415	(iv) except as provided in Subsection (3)(b), the feasibility study summary described
2416	in Subsection 10-2a-205(2)(c)(iii) and a statement that a full copy of the study is
2417	available on the county's website and for inspection at the county offices.
2418	(b) Instead of including the feasibility summary under Subsection (3)(a)(iv), the notice
2419	may include a statement that specifies the following sources where a registered voter
2420	in the area proposed to be incorporated may view or obtain a copy of the feasibility
2421	study:
2422	(i) the county's website;
2423	(ii) the physical address of the county clerk office; and
2424	(iii) a mailing address and telephone number.
2425	(4)(a) In addition to the notice described in Subsection (2), the county clerk shall publish
2426	and distribute, before the incorporation election is held, a voter information pamphlet:
2427	(i) in accordance with the procedures and requirements of Section 20A-7-402;
2428	(ii) in consultation with the lieutenant governor; and
2429	(iii) in a manner that the county clerk determines is adequate, subject to Subsections
2430	(4)(a)(i) and (ii).
2431	(b) The voter information pamphlet described in Subsection (4)(a):
2432	(i) shall inform the public of the proposed incorporation; and
2433	(ii) may include written statements, printed in the same font style and point size, from
2434	proponents and opponents of the proposed incorporation.
2435	(5) An individual may not vote in an incorporation election under this section unless the
2436	individual is a registered voter who is a resident, as defined in Section 20A-1-102,
2437	within the boundaries of the proposed municipality.
2438	(6)(a) Subject to Subsection (6)(b), if a majority of those who vote in an incorporation
2439	election held under this section cast votes in favor of incorporation, the area shall
2440	incorporate.
2441	(b)(i) As used in this Subsection (6)(b):

2442		(A) "Approving separate area" means a separate area in which a majority of those
2443		voting in an incorporation election for the incorporation of a community
2444		council area vote in favor of incorporation.
2445		(B) "Separate area" means an unincorporated island, as defined in Section [
2446		10-2-429] 10-2-814, that is within a community council area.
2447		(ii) If a majority of those within a separate area voting in an incorporation election for
2448		the incorporation of a community council area vote against incorporation, that
2449		separate area is excluded from the incorporation.
2450		(iii) Approving separate areas are incorporated as a municipality if the combined total
2451		population within all approving separate areas is at least 80% of the population
2452		within the community council area.
2453		Section 31. Section 10-2a-501 is amended to read:
2454		10-2a-501 (Effective 05/07/25) (Repealed 01/01/31). Definitions.
2455		As used in this part:
2456	(1)	"Affordable housing" means housing occupied or reserved for occupancy by households
2457		with a gross household income equal to or less than 80% of the median gross income of
2458		the applicable municipal or county statistical area for households of the same size.
2459	(2)	"Board," in relation to a preliminary municipality, means the same as a council
2460		described in Section 10-3b-402.
2461	(3)	"Board chair," in relation to a preliminary municipality, means the same as a mayor
2462		described in Section 10-3b-402.
2463	(4)	"Contiguous" means the same as that term is defined in Section 10-2a-102.
2464	(5)	"Feasibility consultant" means a person or firm:
2465		(a) with expertise in the processes and economics of local government; and
2466		(b) who is independent of, and not affiliated with, a county or a sponsor of a petition to
2467		incorporate a preliminary municipality under this part.
2468	(6)	"Feasibility request" means a request, described in Section 10-2a-502, for a feasibility
2469		study for the proposed incorporation of a preliminary municipality.
2470	(7)	"Initial landowners" means the persons who owned the land within the proposed
2471		preliminary municipality area when the person filed the feasibility request under Section
2472		20A-1-501.
2473	(8)	"Municipal service" means the same as that term is defined in Section 10-2a-102.
2474	(9)	"Pending annexation area" means an area proposed for annexation in an annexation
2475		petition described in Section [10-2-403] 10-2-806 that is filed before, and is still pending

2476	when, a person files the applicable request for a feasibility study under Section
2477	10-2a-502.
2478	(10) "Primary sponsor contact" means:
2479	(a) in relation to a feasibility request:
2480	(i) the individual designated as the primary sponsor contact for a feasibility request
2481	under Subsection 10-2a-502(5)(c); or
2482	(ii) an individual designated, in writing, by the initial landowners if a replacement
2483	primary sponsor contact is needed; or
2484	(b) in relation to a petition for incorporation of a preliminary municipality:
2485	(i) the individual designated as the primary sponsor contact for a petition for
2486	incorporation of a preliminary municipality under Subsection 10-2a-507(1)(d); or
2487	(ii) an individual designated, in writing, by the initial landowners if a replacement
2488	primary sponsor contact is needed.
2489	(11) "Private," in relation to real property, means taxable real property.
2490	(12) "Proposed preliminary municipality area" means the area proposed for incorporation as
2491	a preliminary municipality in a feasibility request.
2492	(13) "System infrastructure" means, as shown on the map or plat described in Subsection
2493	10-2a-502(5)(e) for the proposed preliminary municipal area:
2494	(a) the main thoroughfares within the proposed preliminary municipal area, including
2495	the roads that connect the proposed preliminary municipality area to an existing road
2496	outside the proposed preliminary municipality area; and
2497	(b) the main lines that will connect a utility to the proposed preliminary municipality
2498	area, including the stubs that will connect the main lines to the development in the
2499	proposed preliminary municipality area.
2500	Section 32. Section 10-2a-506 is amended to read:
2501	10-2a-506 (Effective $05/07/25$) (Repealed $01/01/31$). Public hearings on feasibility
2502	study results Notice of hearings.
2503	(1) If the results of the feasibility study or supplemental feasibility study comply with
2504	Subsection 10-2a-504(4), the lieutenant governor shall, after receipt of the results of the
2505	feasibility study or supplemental feasibility study, conduct public hearings in accordance
2506	with this section.
2507	(2)(a) If a portion of the proposed preliminary municipality area is approved for
2508	annexation after the feasibility study or supplemental feasibility study is conducted

but before the lieutenant governor conducts a public hearing under Subsection (4),

2509

2510	the lieutenant governor may not conduct the public hearing under Subsection (4)
2511	unless:
2512	(i) the sponsors of the feasibility study file a modified feasibility request in
2513	accordance with Section 10-2a-505; and
2514	(ii) the results of the supplemental feasibility study comply with Subsection
2515	10-2a-504(4).
2516	(b) For purposes of Subsection (2)(a), an area is approved for annexation if a municipal
2517	legislative body:
2518	(i) approves an annexation petition proposing the annexation of an area that is part of
2519	the proposed preliminary municipality area under Section [10-2-407 or 10-2-408]
2520	<u>10-2-810 or 10-2-811;</u> or
2521	(ii) adopts an ordinance approving the annexation of an area that is part of the
2522	proposed preliminary municipality area under Section [10-2-418] 10-2-812.
2523	(3) The lieutenant governor shall conduct a public hearing:
2524	(a) within 60 days after the day on which the lieutenant governor receives the results
2525	under Subsection (1) or (2)(a)(ii);
2526	(b) at a location within or near the proposed preliminary municipality; and
2527	(c) to allow the feasibility consultant to present the results of the feasibility study and
2528	inform the public about the results.
2529	(4) The lieutenant governor shall:
2530	(a) conduct an additional public hearing following each occasion when, after the day of
2531	the initial public hearing, the lieutenant governor receives the results of a
2532	supplemental feasibility study that comply with Subsection 10-2a-504(4); and
2533	(b) hold the public hearing described in Subsection (4)(a):
2534	(i) within 30 days after the day on which the lieutenant governor receives the results
2535	of the supplemental feasibility study;
2536	(ii) at a location within or near the proposed preliminary municipality;
2537	(iii) to inform the public that the feasibility presented to the public at the preceding
2538	public hearing does not apply; and
2539	(iv) to allow the feasibility consultant to present the results of the supplemental
2540	feasibility study and inform the public about the results.
2541	(5) At each public hearing required under this section, the lieutenant governor shall:
2542	(a) provide a map or plat of the boundary of the proposed preliminary municipality;
2543	(b) provide a copy of the applicable feasibility study for public review:

2544	(c) allow members of the public to express views about the proposed preliminary
2545	municipality, including views about the proposed boundaries; and
2546	(d) allow the public to ask the feasibility consultant questions about the applicable
2547	feasibility study.
2548	(6) The lieutenant governor shall publish notice of each public hearing required under this
2549	section for the proposed preliminary municipality area, as a class B notice under Section
2550	63G-30-102, for at least three weeks before the day of the public hearing.
2551	(7)(a) Except as provided in Subsection (7)(b), for a hearing described in this section,
2552	the notice described in Subsection [(7)] <u>(6)</u> shall:
2553	(i) include the feasibility study summary described in Subsection 10-2a-504
2554	(2)(c)(iii); and
2555	(ii) indicate that a full copy of the feasibility study is available on the lieutenant
2556	governor's website and for inspection at the lieutenant governor's office.
2557	(b) Instead of publishing the feasibility summary under Subsection (7)(a)(i), the
2558	lieutenant governor may publish a statement that specifies the following sources
2559	where a person may view or obtain a copy of the feasibility study:
2560	(i) the lieutenant governor's website;
2561	(ii) the lieutenant governor's office; and
2562	(iii) a mailing address and telephone number.
2563	Section 33. Section 10-6-103 is amended to read:
2564	10-6-103 (Effective 05/07/25). Applicability.
2565	This chapter applies to all_cities, including charter cities.
2566	Section 34. Section 10-8-14 is amended to read:
2567	10-8-14 (Effective 05/07/25). Utility and telecommunications services Service
2568	beyond municipal limits Retainage Notice of service and agreement.
2569	(1) As used in this section, "public telecommunications service facilities" means the same
2570	as that term is defined in Section 10-18-102.
2571	(2) A municipality may:
2572	(a) construct, maintain, and operate waterworks, sewer collection, sewer treatment
2573	systems, gas works, electric light works, telecommunications lines, cable television
2574	lines, public transportation systems, or public telecommunications service facilities;
2575	(b) authorize the construction, maintenance and operation of the works or systems listed
2576	in Subsection (2)(a) by others;
2577	(c) purchase or lease the works or systems listed in Subsection (2)(a) from any person or

2578	corporation; and
2579	(d) sell and deliver the surplus product or service capacity of any works or system listed
2580	in Subsection (2)(a), not required by the municipality or the municipality's
2581	inhabitants, to others beyond the limits of the municipality, except the sale and
2582	delivery of:
2583	(i) retail electricity beyond the municipal boundary is governed by Subsections (3)
2584	through (8);
2585	(ii) cable television services or public telecommunications services is governed by
2586	Subsection (12); and
2587	(iii) water is governed by Sections 10-7-14 and 10-8-22.
2588	(3) If any payment on a contract with a private person, firm, or corporation to construct
2589	waterworks, sewer collection, sewer treatment systems, gas works, electric works,
2590	telecommunications lines, cable television lines, public transportation systems, or public
2591	telecommunications service facilities is retained or withheld, it shall be retained or
2592	withheld and released as provided in Section 13-8-5.
2593	(4)(a) Except as provided in Subsection (4)(b), (6), or (10), a municipality may not sell
2594	or deliver the electricity produced or distributed by the municipality's electric works
2595	constructed, maintained, or operated in accordance with Subsection (2) to a retail
2596	customer located beyond the municipality's municipal boundary.
2597	(b) A municipality that provides retail electric service to a customer beyond the
2598	municipality's municipal boundary on or before June 15, 2013, may continue to serve
2599	that customer if:
2600	(i) on or before December 15, 2013, the municipality provides the electrical
2601	corporation, as defined in Section 54-2-1, that is obligated by the municipality's
2602	certificate of public convenience and necessity to serve the customer with an
2603	accurate and complete verified written notice described in Subsection (4)(c) that
2604	identifies each customer served by the municipality beyond the municipality's
2605	municipal boundary;
2606	(ii) no later than June 15, 2014, the municipality enters into a written filing
2607	agreement for the provision of electric service with the electrical corporation; and
2608	(iii) the Public Service Commission approves the written filing agreement in
2609	accordance with Section 54-4-40.
2610	(c) The municipality shall include in the written notice required in Subsection (4)(b)(i)
2611	for each customer:

2612	(i) the customer's meter number;
2613	(ii) the location of the customer's meter by street address, global positioning system
2614	coordinates, metes and bounds description, or other similar method of meter
2615	location;
2616	(iii) the customer's class of service; and
2617	(iv) a representation that the customer was receiving service from the municipality on
2618	or before June 15, 2013.
2619	(5) The written filing agreement entered into in accordance with Subsection (4)(b)(ii) shall
2620	require the following:
2621	(a) The municipality shall provide electric service to a customer identified in accordance
2622	with Subsection (4)(b)(i) unless the municipality and the electrical corporation
2623	subsequently agree in writing that the electrical corporation will provide electric
2624	service to the customer.
2625	(b) If a customer who is located outside the municipal boundary and who is not
2626	identified in accordance with Subsection (4)(b)(i) requests service from the
2627	municipality after June 15, 2013, the municipality may not provide that customer
2628	electric service unless the municipality submits a request to and enters into a written
2629	agreement with the electric corporation in accordance with Subsection (6).
2630	(6)(a) A municipality may submit to the electrical corporation a request to provide
2631	electric service to an electric customer described in Subsection (5)(b).
2632	(b) If a municipality submits a request, the electrical corporation shall respond to the
2633	request within 60 days.
2634	(c) If the electrical corporation agrees to allow the municipality to provide electric
2635	service to the customer:
2636	(i) the electrical corporation and the municipality shall enter into a written agreement;
2637	(ii) the municipality shall agree in the written agreement to subsequently transfer
2638	service to the customer described in Subsection (5)(b) if the electrical corporation
2639	notifies, in writing, the municipality that the electrical corporation has installed a
2640	facility capable of providing electric service to the customer; and
2641	(iii) the municipality may provide the service if:
2642	(A) except as provided in Subsection (6)(c)(iii)(B), the Public Service
2643	Commission approves the agreement in accordance with Section 54-4-40; or
2644	(B) for an electrical cooperative that meets the requirements of Subsection
2645	54-7-12(7), the governing board of the electrical cooperative approves the

2646	agreement.
2647	(d) The municipality or the electrical corporation may terminate the agreement for the
2648	provision of electric service if the Public Service Commission imposes a condition
2649	authorized in Section 54-4-40 that is a material change to the agreement.
2650	(7) If the municipality and electrical corporation make a transfer described in Subsection
2651	(6)(c)(ii):
2652	(a)(i) the municipality shall transfer the electric service customer to the electrical
2653	corporation; and
2654	(ii) the electrical corporation shall provide electric service to the customer; and
2655	(b) the municipality shall transfer a facility in accordance with and for the value as
2656	provided in Section [10-2-421] <u>10-2-817</u> .
2657	(8)(a) In accordance with Subsection (8)(b), the municipality shall establish a reasonable
2658	mechanism for resolving potential future complaints by an electric customer located
2659	outside the municipality's municipal boundary.
2660	(b) The mechanism shall require:
2661	(i) that the rates and conditions of service for a customer outside the municipality's
2662	boundary are at least as favorable as the rates and conditions of service for a
2663	similarly situated customer within the municipality's boundary; and
2664	(ii) if the municipality provides a general rebate, refund, or other payment to a
2665	customer located within the municipality's boundary, that the municipality also
2666	provide the same general rebate, refund, or other payment to a similarly situated
2667	customer located outside the municipality's boundary.
2668	(9) The municipality is relieved of any obligation to transfer a customer described in
2669	Subsection (5)(b) or facility used to serve the customer in accordance with Subsection
2670	(6)(c)(ii) if the municipality annexes the property on which the customer is being served.
2671	(10)(a) A municipality may provide electric service outside of the municipality's
2672	municipal boundary to a facility that is solely owned and operated by the
2673	municipality for municipal service.
2674	(b) A municipality's provision of electric service to a facility that is solely owned and
2675	operated by the municipality does not expand the municipality's electric service area.
2676	(11) Nothing in this section expands or diminishes the ability of a municipality to enter into
2677	a wholesale electrical sales contract with another municipality that serves electric
2678	customers to sell and deliver wholesale electricity to the other municipality.
2679	(12) A municipality's actions under this section related to works or systems involving

2680		public telecommunications services or cable television services are subject to the
2681		requirements of Chapter 18, Municipal Cable Television and Public
2682		Telecommunications Services Act.
2683		Section 35. Section 10-9a-103 is amended to read:
2684		10-9a-103 (Effective 05/07/25). Definitions.
2685		As used in this chapter:
2686	(1)	"Accessory dwelling unit" means a habitable living unit added to, created within, or
2687		detached from a primary single-family dwelling and contained on one lot.
2688	(2)	"Adversely affected party" means a person other than a land use applicant who:
2689		(a) owns real property adjoining the property that is the subject of a land use application
2690		or land use decision; or
2691		(b) will suffer a damage different in kind than, or an injury distinct from, that of the
2692		general community as a result of the land use decision.
2693	(3)	"Affected entity" means a county, municipality, special district, special service district
2694		under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
2695		cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
2696		specified public utility, property owner, property owners association, or the Department
2697		of Transportation, if:
2698		(a) the entity's services or facilities are likely to require expansion or significant
2699		modification because of an intended use of land;
2700		(b) the entity has filed with the municipality a copy of the entity's general or long-range
2701		plan; or
2702		(c) the entity has filed with the municipality a request for notice during the same
2703		calendar year and before the municipality provides notice to an affected entity in
2704		compliance with a requirement imposed under this chapter.
2705	(4)	"Affected owner" means the owner of real property that is:
2706		(a) a single project;
2707		(b) the subject of a land use approval that sponsors of a referendum timely challenged in
2708		accordance with Subsection 20A-7-601(6); and
2709		(c) determined to be legally referable under Section 20A-7-602.8.
2710	(5)	"Appeal authority" means the person, board, commission, agency, or other body
2711		designated by ordinance to decide an appeal of a decision of a land use application or a
2712		variance.
2713	(6)	"Billboard" means a freestanding ground sign located on industrial, commercial, or

2714	residential property if the sign is designed or intended to direct attention to a business,
2715	product, or service that is not sold, offered, or existing on the property where the sign is
2716	located.
2717	(7)(a) "Charter school" means:
2718	(i) an operating charter school;
2719	(ii) a charter school applicant that a charter school authorizer approves in accordance
2720	with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
2721	(iii) an entity that is working on behalf of a charter school or approved charter
2722	applicant to develop or construct a charter school building.
2723	(b) "Charter school" does not include a therapeutic school.
2724	(8) "Building code adoption cycle" means the period of time beginning the day on which a
2725	specific edition of a construction code from a nationally recognized code authority is
2726	adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day
2727	before a new edition of a construction code is adopted and effective in Title 15A, State
2728	Construction and Fire Codes Act.
2729	(9) "Conditional use" means a land use that, because of the unique characteristics or
2730	potential impact of the land use on the municipality, surrounding neighbors, or adjacent
2731	land uses, may not be compatible in some areas or may be compatible only if certain
2732	conditions are required that mitigate or eliminate the detrimental impacts.
2733	[(9)] (10) "Constitutional taking" means a governmental action that results in a taking of
2734	private property so that compensation to the owner of the property is required by the:
2735	(a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
2736	(b) Utah Constitution, Article I, Section 22.
2737	[(10)] (11) "Culinary water authority" means the department, agency, or public entity with
2738	responsibility to review and approve the feasibility of the culinary water system and
2739	sources for the subject property.
2740	[(11)] (12) "Development activity" means:
2741	(a) any construction or expansion of a building, structure, or use that creates additional
2742	demand and need for public facilities;
2743	(b) any change in use of a building or structure that creates additional demand and need
2744	for public facilities; or
2745	(c) any change in the use of land that creates additional demand and need for public
2746	facilities.
2747	[(12)] (13)(a) "Development agreement" means a written agreement or amendment to a

2748	written agreement between a municipality and one or more parties that regulates or
2749	controls the use or development of a specific area of land.
2750	(b) "Development agreement" does not include an improvement completion assurance.
2751	[(13)] (14)(a) "Disability" means a physical or mental impairment that substantially
2752	limits one or more of a person's major life activities, including a person having a
2753	record of such an impairment or being regarded as having such an impairment.
2754	(b) "Disability" does not include current illegal use of, or addiction to, any federally
2755	controlled substance, as defined in Section 102 of the Controlled Substances Act, 21
2756	U.S.C. 802.
2757	[(14)] <u>(15)</u> "Educational facility":
2758	(a) means:
2759	(i) a school district's building at which pupils assemble to receive instruction in a
2760	program for any combination of grades from preschool through grade 12,
2761	including kindergarten and a program for children with disabilities;
2762	(ii) a structure or facility:
2763	(A) located on the same property as a building described in Subsection [(14)(a)(i)]
2764	(15)(a)(i); and
2765	(B) used in support of the use of that building; and
2766	(iii) a building to provide office and related space to a school district's administrative
2767	personnel; and
2768	(b) does not include:
2769	(i) land or a structure, including land or a structure for inventory storage, equipment
2770	storage, food processing or preparing, vehicle storage or maintenance, or similar
2771	use that is:
2772	(A) not located on the same property as a building described in Subsection [
2773	$\frac{(14)(a)(i)}{(15)(a)(i)}$; and
2774	(B) used in support of the purposes of a building described in Subsection [
2775	$\frac{(14)(a)(i)}{(15)(a)(i)}$; or
2776	(ii) a therapeutic school.
2777	[(15)] (16) "Fire authority" means the department, agency, or public entity with
2778	responsibility to review and approve the feasibility of fire protection and suppression
2779	services for the subject property.
2780	[(16)] (17) "Flood plain" means land that:
2781	(a) is within the 100-year flood plain designated by the Federal Emergency Management

2782	Agency; or
2783	(b) has not been studied or designated by the Federal Emergency Management Agency
2784	but presents a likelihood of experiencing chronic flooding or a catastrophic flood
2785	event because the land has characteristics that are similar to those of a 100-year flood
2786	plain designated by the Federal Emergency Management Agency.
2787	[(17)] (18) "General plan" means a document that a municipality adopts that sets forth
2788	general guidelines for proposed future development of the land within the municipality.
2789	[(18)] (19) "Geologic hazard" means:
2790	(a) a surface fault rupture;
2791	(b) shallow groundwater;
2792	(c) liquefaction;
2793	(d) a landslide;
2794	(e) a debris flow;
2795	(f) unstable soil;
2796	(g) a rock fall; or
2797	(h) any other geologic condition that presents a risk:
2798	(i) to life;
2799	(ii) of substantial loss of real property; or
2800	(iii) of substantial damage to real property.
2801	[(19)] (20) "Historic preservation authority" means a person, board, commission, or other
2802	body designated by a legislative body to:
2803	(a) recommend land use regulations to preserve local historic districts or areas; and
2804	(b) administer local historic preservation land use regulations within a local historic
2805	district or area.
2806	[(20)] (21) "Home-based microschool" means the same as that term is defined in Section
2807	53G-6-201.
2808	[(21)] (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
2809	meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or
2810	other utility system.
2811	[(22)] (23)(a) "Identical plans" means [building] floor plans submitted to a municipality
2812	that:
2813	[(a)] (i) are [clearly marked as "identical plans"] submitted within the same building
2814	code adoption cycle as floor plans that were previously approved by the
2815	municipality:

2816	[(b)] (ii) [are substantially identical to building-] have no structural differences from
2817	floor plans that were previously [submitted to and reviewed and]approved by the
2818	municipality; and
2819	[(e)] (iii) describe a building that:
2820	[(i)] (A) is located on land zoned the same as the land on which the building
2821	described in the previously approved plans is located;
2822	[(ii) is subject to the same geological and meteorological conditions and the same law
2823	as the building described in the previously approved plans;]
2824	[(iii)] (B) has a substantially identical floor plan [identical to the building] to a floor
2825	plan previously [submitted to and reviewed and]approved by the municipality;
2826	and
2827	[(iv)] (C) does not require any [additional] engineering or analysis beyond a
2828	review to confirm the submitted floor plans are substantially identical to a floor
2829	plan previously approved by the municipality or a review of the site plan and
2830	associated geotechnical reports for the site.
2831	(b) "Identical plans" include floor plans that are oriented differently as the floor plan that
2832	was previously approved by the municipality.
2833	[(23)] (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
2834	Impact Fees Act.
2835	[(24)] (25) "Improvement completion assurance" means a surety bond, letter of credit,
2836	financial institution bond, cash, assignment of rights, lien, or other equivalent security
2837	required by a municipality to guaranty the proper completion of landscaping or an
2838	infrastructure improvement required as a condition precedent to:
2839	(a) recording a subdivision plat; or
2840	(b) development of a commercial, industrial, mixed use, or multifamily project.
2841	[(25)] (26) "Improvement warranty" means an applicant's unconditional warranty that the
2842	applicant's installed and accepted landscaping or infrastructure improvement:
2843	(a) complies with the municipality's written standards for design, materials, and
2844	workmanship; and
2845	(b) will not fail in any material respect, as a result of poor workmanship or materials,
2846	within the improvement warranty period.
2847	[(26)] (27) "Improvement warranty period" means a period:
2848	(a) no later than one year after a municipality's acceptance of required <u>public</u>
2849	landscaping; or

2850	(b) no later than one year after a municipality's acceptance of required infrastructure,
2851	unless the municipality:
2852	(i) determines, based on accepted industry standards and for good cause, that a
2853	one-year period would be inadequate to protect the public health, safety, and
2854	welfare; and
2855	(ii) has substantial evidence, on record:
2856	(A) of prior poor performance by the applicant; or
2857	(B) that the area upon which the infrastructure will be constructed contains
2858	suspect soil and the municipality has not otherwise required the applicant to
2859	mitigate the suspect soil.
2860	[(27)] (28) "Infrastructure improvement" means permanent infrastructure that is essential for
2861	the public health and safety or that:
2862	(a) is required for human occupation; and
2863	(b) an applicant must install:
2864	(i) in accordance with published installation and inspection specifications for public
2865	improvements; and
2866	(ii) whether the improvement is public or private, as a condition of:
2867	(A) recording a subdivision plat;
2868	(B) obtaining a building permit; or
2869	(C) development of a commercial, industrial, mixed use, condominium, or
2870	multifamily project.
2871	[(28)] (29) "Internal lot restriction" means a platted note, platted demarcation, or platted
2872	designation that:
2873	(a) runs with the land; and
2874	(b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
2875	the plat; or
2876	(ii) designates a development condition that is enclosed within the perimeter of a lot
2877	described on the plat.
2878	[(29)] (30) "Land use applicant" means a property owner, or the property owner's designee,
2879	who submits a land use application regarding the property owner's land.
2880	[(30)] (31) "Land use application":
2881	(a) means an application that is:
2882	(i) required by a municipality; and
2883	(ii) submitted by a land use applicant to obtain a land use decision; and

2884	(b) does not mean an application to enact, amend, or repeal a land use regulation.
2885	[(31)] (32) "Land use authority" means:
2886	(a) a person, board, commission, agency, or body, including the local legislative body,
2887	designated by the local legislative body to act upon a land use application; or
2888	(b) if the local legislative body has not designated a person, board, commission, agency,
2889	or body, the local legislative body.
2890	[(32)] (33) "Land use decision" means an administrative decision of a land use authority or
2891	appeal authority regarding:
2892	(a) a land use permit; or
2893	(b) a land use application.
2894	[(33)] (34) "Land use permit" means a permit issued by a land use authority.
2895	[(34)] (35) "Land use regulation":
2896	(a) means a legislative decision enacted by ordinance, law, code, map, resolution,
2897	engineering or development standard, specification for public improvement, fee, or
2898	rule that governs the use or development of land;
2899	(b) includes the adoption or amendment of a zoning map or the text of the zoning code;
2900	and
2901	(c) does not include:
2902	(i) a land use decision of the legislative body acting as the land use authority, even if
2903	the decision is expressed in a resolution or ordinance; or
2904	(ii) a temporary revision to an engineering specification that does not materially:
2905	(A) increase a land use applicant's cost of development compared to the existing
2906	specification; or
2907	(B) impact a land use applicant's use of land.
2908	[(35)] (36) "Legislative body" means the municipal council.
2909	[(36)] (37) "Local historic district or area" means a geographically definable area that:
2910	(a) contains any combination of buildings, structures, sites, objects, landscape features,
2911	archeological sites, or works of art that contribute to the historic preservation goals of
2912	a legislative body; and
2913	(b) is subject to land use regulations to preserve the historic significance of the local
2914	historic district or area.
2915	[(37)] (38) "Lot" means a tract of land, regardless of any label, that is created by and shown
2916	on a subdivision plat that has been recorded in the office of the county recorder.
2917	[(38)] (39)(a) "Lot line adjustment" means a relocation of a lot line boundary between

2918	adjoining lots or between a lot and adjoining parcels in accordance with Section
2919	10-9a-608:
2920	(i) whether or not the lots are located in the same subdivision; and
2921	(ii) with the consent of the owners of record.
2922	(b) "Lot line adjustment" does not mean a new boundary line that:
2923	(i) creates an additional lot; or
2924	(ii) constitutes a subdivision or a subdivision amendment.
2925	(c) "Lot line adjustment" does not include a boundary line adjustment made by the
2926	Department of Transportation.
2927	[(39)] (40) "Major transit investment corridor" means public transit service that uses or
2928	occupies:
2929	(a) public transit rail right-of-way;
2930	(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
2931	(c) fixed-route bus corridors subject to an interlocal agreement or contract between a
2932	municipality or county and:
2933	(i) a public transit district as defined in Section 17B-2a-802; or
2934	(ii) an eligible political subdivision as defined in Section 59-12-2219.
2935	[(40)] (41) "Micro-education entity" means the same as that term is defined in Section
2936	53G-6-201.
2937	[(41)] (42) "Moderate income housing" means housing occupied or reserved for occupancy
2938	by households with a gross household income equal to or less than 80% of the median
2939	gross income for households of the same size in the county in which the city is located.
2940	[(42)] (43) "Municipal utility easement" means an easement that:
2941	(a) is created or depicted on a plat recorded in a county recorder's office and is described
2942	as a municipal utility easement granted for public use;
2943	(b) is not a protected utility easement or a public utility easement as defined in Section
2944	54-3-27;
2945	(c) the municipality or the municipality's affiliated governmental entity uses and
2946	occupies to provide a utility service, including sanitary sewer, culinary water,
2947	electrical, storm water, or communications or data lines;
2948	(d) is used or occupied with the consent of the municipality in accordance with an
2949	authorized franchise or other agreement;
2950	(e)(i) is used or occupied by a specified public utility in accordance with an
2951	authorized franchise or other agreement; and

2952	(ii) is located in a utility easement granted for public use; or
2953	(f) is described in Section 10-9a-529 and is used by a specified public utility.
2954	[(43)] (44) "Nominal fee" means a fee that reasonably reimburses a municipality only for
2955	time spent and expenses incurred in:
2956	(a) verifying that building plans are identical plans; and
2957	(b) reviewing and approving those minor aspects of identical plans that differ from the
2958	previously reviewed and approved building plans.
2959	[(44)] (45) "Noncomplying structure" means a structure that:
2960	(a) legally existed before the structure's current land use designation; and
2961	(b) because of one or more subsequent land use ordinance changes, does not conform to
2962	the setback, height restrictions, or other regulations, excluding those regulations,
2963	which govern the use of land.
2964	[(45)] (46) "Nonconforming use" means a use of land that:
2965	(a) legally existed before its current land use designation;
2966	(b) has been maintained continuously since the time the land use ordinance governing
2967	the land changed; and
2968	(c) because of one or more subsequent land use ordinance changes, does not conform to
2969	the regulations that now govern the use of the land.
2970	[(46)] (47) "Official map" means a map drawn by municipal authorities and recorded in a
2971	county recorder's office that:
2972	(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
2973	highways and other transportation facilities;
2974	(b) provides a basis for restricting development in designated rights-of-way or between
2975	designated setbacks to allow the government authorities time to purchase or
2976	otherwise reserve the land; and
2977	(c) has been adopted as an element of the municipality's general plan.
2978	[(47)] (48) "Parcel" means any real property that is not a lot.
2979	[(48)] (49)(a) "Parcel boundary adjustment" means a recorded agreement between
2980	owners of adjoining parcels adjusting the mutual boundary, either by deed or by a
2981	boundary line agreement in accordance with Section 10-9a-524, if no additional
2982	parcel is created and:
2983	(i) none of the property identified in the agreement is a lot; or
2984	(ii) the adjustment is to the boundaries of a single person's parcels.
2985	(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line

2986	that:
2987	(i) creates an additional parcel; or
2988	(ii) constitutes a subdivision.
2989	(c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
2990	the Department of Transportation.
2991	[(49)] (50) "Person" means an individual, corporation, partnership, organization,
2992	association, trust, governmental agency, or any other legal entity.
2993	[(50)] (51) "Plan for moderate income housing" means a written document adopted by a
2994	municipality's legislative body that includes:
2995	(a) an estimate of the existing supply of moderate income housing located within the
2996	municipality;
2997	(b) an estimate of the need for moderate income housing in the municipality for the next
2998	five years;
2999	(c) a survey of total residential land use;
3000	(d) an evaluation of how existing land uses and zones affect opportunities for moderate
3001	income housing; and
3002	(e) a description of the municipality's program to encourage an adequate supply of
3003	moderate income housing.
3004	[(51)] (52) "Plat" means an instrument subdividing property into lots as depicted on a map
3005	or other graphical representation of lands that a licensed professional land surveyor
3006	makes and prepares in accordance with Section 10-9a-603 or 57-8-13.
3007	[(52)] (53) "Potential geologic hazard area" means an area that:
3008	(a) is designated by a Utah Geological Survey map, county geologist map, or other
3009	relevant map or report as needing further study to determine the area's potential for
3010	geologic hazard; or
3011	(b) has not been studied by the Utah Geological Survey or a county geologist but
3012	presents the potential of geologic hazard because the area has characteristics similar
3013	to those of a designated geologic hazard area.
3014	[(53)] <u>(54)</u> "Public agency" means:
3015	(a) the federal government;
3016	(b) the state;
3017	(c) a county, municipality, school district, special district, special service district, or
3018	other political subdivision of the state; or
3019	(d) a charter school

3020	[(54)] (55) "Public hearing" means a hearing at which members of the public are provided a
3021	reasonable opportunity to comment on the subject of the hearing.
3022	[(55)] (56) "Public meeting" means a meeting that is required to be open to the public under
3023	Title 52, Chapter 4, Open and Public Meetings Act.
3024	[(56)] (57) "Public street" means a public right-of-way, including a public highway, public
3025	avenue, public boulevard, public parkway, public road, public lane, public alley, public
3026	viaduct, public subway, public tunnel, public bridge, public byway, other public
3027	transportation easement, or other public way.
3028	[(57)] (58) "Receiving zone" means an area [of a municipality]that [the] a municipality
3029	designates, by ordinance, as an area in which an owner of land may receive a
3030	transferable development right.
3031	[(58)] (59) "Record of survey map" means a map of a survey of land prepared in accordance
3032	with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.
3033	[(59)] (60) "Residential facility for persons with a disability" means a residence:
3034	(a) in which more than one person with a disability resides; and
3035	(b) which is licensed or certified by the Department of Health and Human Services
3036	under:
3037	(i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
3038	(ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
3039	[(60)] (61) "Residential roadway" means a public local residential road that:
3040	(a) will serve primarily to provide access to adjacent primarily residential areas and
3041	property;
3042	(b) is designed to accommodate minimal traffic volumes or vehicular traffic;
3043	(c) is not identified as a supplementary to a collector or other higher system classified
3044	street in an approved municipal street or transportation master plan;
3045	(d) has a posted speed limit of 25 miles per hour or less;
3046	(e) does not have higher traffic volumes resulting from connecting previously separated
3047	areas of the municipal road network;
3048	(f) cannot have a primary access, but can have a secondary access, and does not abut lots
3049	intended for high volume traffic or community centers, including schools, recreation
3050	centers, sports complexes, or libraries; and
3051	(g) primarily serves traffic within a neighborhood or limited residential area and is not
3052	necessarily continuous through several residential areas.
3053	[(61)] (62) "Rules of order and procedure" means a set of rules that govern and prescribe in

3054	a public meeting:
3055	(a) parliamentary order and procedure;
3056	(b) ethical behavior; and
3057	(c) civil discourse.
3058	[(62)] (63) "Sanitary sewer authority" means the department, agency, or public entity with
3059	responsibility to review and approve the feasibility of sanitary sewer services or onsite
3060	wastewater systems.
3061	[(63)] (64) "Sending zone" means an area [of a municipality]that [the] a municipality
3062	designates, by ordinance, as an area from which an owner of land may transfer a
3063	transferable development right.
3064	[(64)] (65) "Special district" means an entity under Title 17B, Limited Purpose Local
3065	Government Entities - Special Districts, and any other governmental or
3066	quasi-governmental entity that is not a county, municipality, school district, or the state.
3067	[(65)] (<u>66)</u> "Specified public agency" means:
3068	(a) the state;
3069	(b) a school district; or
3070	(c) a charter school.
3071	[(66)] (67) "Specified public utility" means an electrical corporation, gas corporation, or
3072	telephone corporation, as those terms are defined in Section 54-2-1.
3073	[(67)] (68) "State" includes any department, division, or agency of the state.
3074	[(68)] (69)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to
3075	be divided into two or more lots or other division of land for the purpose, whether
3076	immediate or future, for offer, sale, lease, or development either on the installment
3077	plan or upon any and all other plans, terms, and conditions.
3078	(b) "Subdivision" includes:
3079	(i) the division or development of land, whether by deed, metes and bounds
3080	description, devise and testacy, map, plat, or other recorded instrument, regardless
3081	of whether the division includes all or a portion of a parcel or lot; and
3082	(ii) except as provided in Subsection [(68)(c)] (69)(c), divisions of land for residential
3083	and nonresidential uses, including land used or to be used for commercial,
3084	agricultural, and industrial purposes.
3085	(c) "Subdivision" does not include:
3086	(i) a bona fide division or partition of agricultural land for the purpose of joining one
3087	of the resulting separate parcels to a contiguous parcel of unsubdivided

3088	agricultural land, if neither the resulting combined parcel nor the parcel remaining
3089	from the division or partition violates an applicable land use ordinance;
3090	(ii) a boundary line agreement recorded with the county recorder's office between
3091	owners of adjoining parcels adjusting the mutual boundary in accordance with
3092	Section 10-9a-524 if no new parcel is created;
3093	(iii) a recorded document, executed by the owner of record:
3094	(A) revising the legal descriptions of multiple parcels into one legal description
3095	encompassing all such parcels; or
3096	(B) joining a lot to a parcel;
3097	(iv) a boundary line agreement between owners of adjoining subdivided properties
3098	adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and
3099	10-9a-608 if:
3100	(A) no new dwelling lot or housing unit will result from the adjustment; and
3101	(B) the adjustment will not violate any applicable land use ordinance;
3102	(v) a bona fide division of land by deed or other instrument if the deed or other
3103	instrument states in writing that the division:
3104	(A) is in anticipation of future land use approvals on the parcel or parcels;
3105	(B) does not confer any land use approvals; and
3106	(C) has not been approved by the land use authority;
3107	(vi) a parcel boundary adjustment;
3108	(vii) a lot line adjustment;
3109	(viii) a road, street, or highway dedication plat;
3110	(ix) a deed or easement for a road, street, or highway purpose; or
3111	(x) any other division of land authorized by law.
3112	[(69)] (70)(a) "Subdivision amendment" means an amendment to a recorded subdivision
3113	in accordance with Section 10-9a-608 that:
3114	(i) vacates all or a portion of the subdivision;
3115	(ii) alters the outside boundary of the subdivision;
3116	(iii) changes the number of lots within the subdivision;
3117	(iv) alters a public right-of-way, a public easement, or public infrastructure within the
3118	subdivision; or
3119	(v) alters a common area or other common amenity within the subdivision.
3120	(b) "Subdivision amendment" does not include a lot line adjustment, between a single lot
3121	and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

3122	[(70)] (71) "Substantial evidence" means evidence that:
3123	(a) is beyond a scintilla; and
3124	(b) a reasonable mind would accept as adequate to support a conclusion.
3125	[(71)] (72) "Suspect soil" means soil that has:
3126	(a) a high susceptibility for volumetric change, typically clay rich, having more than a
3127	3% swell potential;
3128	(b) bedrock units with high shrink or swell susceptibility; or
3129	(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
3130	commonly associated with dissolution and collapse features.
3131	[(72)] (73) "Therapeutic school" means a residential group living facility:
3132	(a) for four or more individuals who are not related to:
3133	(i) the owner of the facility; or
3134	(ii) the primary service provider of the facility;
3135	(b) that serves students who have a history of failing to function:
3136	(i) at home;
3137	(ii) in a public school; or
3138	(iii) in a nonresidential private school; and
3139	(c) that offers:
3140	(i) room and board; and
3141	(ii) an academic education integrated with:
3142	(A) specialized structure and supervision; or
3143	(B) services or treatment related to a disability, an emotional development, a
3144	behavioral development, a familial development, or a social development.
3145	[(73)] (74) "Transferable development right" means a right to develop and use land that
3146	originates by an ordinance that authorizes a land owner in a designated sending zone to
3147	transfer land use rights from a designated sending zone to a designated receiving zone.
3148	[(74)] (75) "Unincorporated" means the area outside of the incorporated area of a city or
3149	town.
3150	[(75)] (76) "Water interest" means any right to the beneficial use of water, including:
3151	(a) each of the rights listed in Section 73-1-11; and
3152	(b) an ownership interest in the right to the beneficial use of water represented by:
3153	(i) a contract; or
3154	(ii) a share in a water company, as defined in Section 73-3-3.5.
3155	[(76)] (77) "Zoning map" means a map, adopted as part of a land use ordinance, that depict

3156	land use zones, overlays, or districts.
3157	Section 36. Section 10-9a-205 is amended to read:
3158	10-9a-205 (Effective 05/07/25). Notice of public hearings and public meetings on
3159	adoption or modification of land use regulation.
3160	(1) Each municipality shall give:
3161	(a) notice of the date, time, and place of the first public hearing to consider the adoption
3162	or any modification of a land use regulation; and
3163	(b) notice of each public meeting on the subject.
3164	(2) Each notice of a public hearing under Subsection (1)(a) shall be:
3165	(a) mailed to each affected entity at least 10 calendar days before the public hearing; and
3166	(b)(i) provided for the area directly affected by the land use ordinance change, as a
3167	class B notice under Section 63G-30-102, for at least 10 calendar days before the
3168	day of the public hearing[-] ; or
3169	(ii) if the proposed land use ordinance adoption or modification is ministerial in
3170	nature, as described in Subsections (6)(a) and (b), provided as a class A notice
3171	under Section 63G-30-102 for at least 10 calendar days before the day of the
3172	public hearing.
3173	(3) In addition to the notice requirements described in Subsections (1) and (2), for any
3174	proposed modification to the text of a zoning code, the notice posted in accordance with
3175	Subsection (2) shall:
3176	(a) include:
3177	(i) a summary of the effect of the proposed modifications to the text of the zoning
3178	code designed to be understood by a lay person; or
3179	(ii) a direct link to the municipality's webpage where a person can find a summary of
3180	the effect of the proposed modifications to the text of the zoning code designed to
3181	be understood by a lay person; and
3182	(b) be provided to any person upon written request.
3183	(4) Each notice of a public meeting under Subsection (1)(b) shall be provided for the
3184	municipality, as a class A notice under Section 63G-30-102, for at least 24 hours before
3185	the meeting.
3186	(5)(a) A municipality shall send a courtesy notice to each owner of private real property
3187	whose property is located entirely or partially within a proposed zoning map
3188	enactment or amendment at least 10 days before the scheduled day of the public
3189	hearing.

3190	(b) The notice shall:
3191	(i) identify with specificity each owner of record of real property that will be affected
3192	by the proposed zoning map or map amendments;
3193	(ii) state the current zone in which the real property is located;
3194	(iii) state the proposed new zone for the real property;
3195	(iv) provide information regarding or a reference to the proposed regulations,
3196	prohibitions, and permitted uses that the property will be subject to if the zoning
3197	map or map amendment is adopted;
3198	(v) state that the owner of real property may no later than 10 days after the day of the
3199	first public hearing file a written objection to the inclusion of the owner's property
3200	in the proposed zoning map or map amendment;
3201	(vi) state the address where the property owner should file the protest;
3202	(vii) notify the property owner that each written objection filed with the municipality
3203	will be provided to the municipal legislative body; and
3204	(viii) state the location, date, and time of the public hearing described in Section
3205	10-9a-502.
3206	(c) If a municipality mails notice to a property owner in accordance with Subsection
3207	(2)(b)(i) for a public hearing on a zoning map or map amendment, the notice required
3208	in this Subsection (5) may be included in or part of the notice described in Subsection
3209	$(2)(b)(\underline{i})$ rather than sent separately.
3210	(6)(a) For purpose of the notice requirements in Subsection (2)(b) only, a proposed land
3211	use ordinance is ministerial in nature if the proposed land use ordinance is to:
3212	(i) bring the municipality's land use ordinances into compliance with a state or federal
3213	<u>law;</u>
3214	(ii) adopt a municipal land use update that affects:
3215	(A) an entire zoning district; or
3216	(B) multiple zoning districts;
3217	(iii) adopt a non-substantive, clerical text amendment to an existing land use
3218	ordinance;
3219	(iv) recodify the municipality's existing land use ordinances; or
3220	(v) designate or define an affected area for purposes of a boundary adjustment or
3221	annexation.
3222	(b) A proposed land use ordinance may include more than one of the purposes described
3223	in Subsection (6)(a) and remain ministerial in nature.

3224	(c) If a proposed land use ordinance includes an adoption or modification not described
3225	in Subsection (6)(a):
3226	(i) the proposed land use ordinance is not ministerial in nature, even if the proposed
3227	land use ordinance also includes a change or modification described in Subsection
3228	(6)(a); and
3229	(ii) the notice requirements of Subsection (2)(b)(i) apply.
3230	Section 37. Section 10-9a-508 is amended to read:
3231	10-9a-508 (Effective 05/07/25). Exactions Exaction for water interest
3232	Requirement to offer to original owner property acquired by exaction.
3233	(1) A municipality may impose an exaction or exactions on development proposed in a land
3234	use application, including, subject to Subsection (3), an exaction for a water interest, if:
3235	(a) an essential link exists between a legitimate governmental interest and each exaction;
3236	and
3237	(b) each exaction is roughly proportionate, both in nature and extent, to the impact of the
3238	proposed development.
3239	(2) If a land use authority imposes an exaction for another governmental entity:
3240	(a) the governmental entity shall request the exaction; and
3241	(b) the land use authority shall transfer the exaction to the governmental entity for which
3242	it was exacted.
3243	(3)(a)(i) Subject to the requirements of this Subsection (3), a municipality shall base
3244	an exaction for a water interest on the culinary water authority's established
3245	calculations of projected water interest requirements.
3246	(ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base
3247	an exaction for a culinary water interest on:
3248	(A) consideration of the system-wide minimum sizing standards established for
3249	the culinary water authority by the Division of Drinking Water pursuant to
3250	Section 19-4-114; and
3251	(B) the number of equivalent residential connections associated with the culinary
3252	water demand for each specific development proposed in the development's
3253	land use application, applying lower exactions for developments with lower
3254	equivalent residential connections as demonstrated by at least five years of
3255	usage data for like land uses within the municipality.
3256	(iii) A municipality may impose an exaction for a culinary water interest that results
3257	in less water being exacted than would otherwise be exacted under Subsection

3258	(3)(a)(ii) if the municipality, at the municipality's sole discretion, determines there
3259	is good cause to do so.
3260	(iv)(A) A municipality shall make public the methodology used to comply with
3261	Subsection (3)(a)(ii)(B).
3262	(B) A land use applicant may appeal to the municipality's governing body an
3263	exaction calculation used by the municipality under Subsection (3)(a)(ii).
3264	(C) A land use applicant may present data and other information that illustrates a
3265	need for an exaction recalculation and the municipality's governing body shall
3266	respond with due process.
3267	(v) Upon an applicant's request, the culinary water authority shall provide the
3268	applicant with the basis for the culinary water authority's calculations under
3269	Subsection (3)(a)(i) on which an exaction for a water interest is based.
3270	(b) A municipality may not impose an exaction for a water interest if the culinary water
3271	authority's existing available water interests exceed the water interests needed to meet
3272	the reasonable future water requirement of the public, as determined under
3273	Subsection 73-1-4(2)(f).
3274	(4)(a) If a municipality plans to dispose of surplus real property that was acquired under
3275	this section and has been owned by the municipality for less than 15 years, the
3276	municipality shall first offer to reconvey the property, without receiving additional
3277	consideration, to the person who granted the property to the municipality.
3278	(b) A person to whom a municipality offers to reconvey property under Subsection (4)(a)
3279	has 90 days to accept or reject the municipality's offer.
3280	(c) If a person to whom a municipality offers to reconvey property declines the offer, the
3281	municipality may offer the property for sale.
3282	(d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by
3283	a community reinvestment agency.
3284	(5)(a) A municipality may not, as part of an infrastructure improvement, require the
3285	installation of pavement on a residential roadway at a width in excess of 32 feet.
3286	(b) Subsection (5)(a) does not apply if a municipality requires the installation of
3287	pavement in excess of 32 feet:
3288	(i) in a vehicle turnaround area;
3289	(ii) in a cul-de-sac;
3290	(iii) to address specific traffic flow constraints at an intersection, mid-block
3291	crossings, or other areas;

3292	(iv) to address an applicable general or master plan improvement, including
3293	transportation, bicycle lanes, trails, or other similar improvements that are not
3294	included within an impact fee area;
3295	(v) to address traffic flow constraints for service to or abutting higher density
3296	developments or uses that generate higher traffic volumes, including community
3297	centers, schools, and other similar uses;
3298	(vi) as needed for the installation or location of a utility which is maintained by the
3299	municipality and is considered a transmission line or requires additional roadway
3300	width;
3301	(vii) for third-party utility lines that have an easement preventing the installation of
3302	utilities maintained by the municipality within the roadway;
3303	(viii) for utilities over 12 feet in depth;
3304	(ix) for roadways with a design speed that exceeds 25 miles per hour;
3305	(x) as needed for flood and stormwater routing;
3306	(xi) as needed to meet fire code requirements for parking and hydrants; or
3307	(xii) as needed to accommodate street parking.
3308	(c) Nothing in this section shall be construed to prevent a municipality from approving a
3309	road cross section with a pavement width less than 32 feet.
3310	(d)(i) A land use applicant may appeal a municipal requirement for pavement in
3311	excess of 32 feet on a residential roadway.
3312	(ii) A land use applicant that has appealed a municipal specification for a residential
3313	roadway pavement width in excess of 32 feet may request that the municipality
3314	assemble a panel of qualified experts to serve as the appeal authority for purposes
3315	of determining the technical aspects of the appeal.
3316	(iii) Unless otherwise agreed by the applicant and the municipality, the panel
3317	described in Subsection (5)(d)(ii) shall consist of the following three experts:
3318	(A) one licensed engineer, designated by the municipality;
3319	(B) one licensed engineer, designated by the land use applicant; and
3320	(C) one licensed engineer, agreed upon and designated by the two designated
3321	engineers under Subsections (5)(d)(iii)(A) and (B).
3322	(iv) A member of the panel assembled by the municipality under Subsection (5)(d)(ii)
3323	may not have an interest in the application that is the subject of the appeal.
3324	(v) The land use applicant shall pay:
3325	(A) 50% of the cost of the panel; and

3326	(B) the municipality's published appeal fee.
3327	(vi) The decision of the panel is a final decision, subject to a petition for review under
3328	Subsection (5)(d)(vii).
3329	(vii) Pursuant to Section 10-9a-801, a land use applicant or the municipality may file
3330	a petition for review of the decision with the district court within 30 days after the
3331	date that the decision is final.
3332	Section 38. Section 10-9a-508.1 is enacted to read:
3333	10-9a-508.1 (Effective 05/07/25). Private maintenance of public access amenities
3334	prohibited.
3335	(1) As used in this section:
3336	(a) "Public access amenity" means a physical feature like a trail or recreation area that a
3337	municipality designates for public access and use.
3338	(b) "Retail water line" means the same as that term is defined in Section 11-8-4.
3339	(c) "Sewer lateral" means the same as that term is defined in Section 11-8-4.
3340	(d)(i) "Water utility" means a main line or other integral part of a sewer or water
3341	utility service.
3342	(ii) "Water utility" does not include a retail water line, privately owned water utility,
3343	or sewer lateral.
3344	(2) A municipality may not require a private individual or entity, including a community
3345	association or homeowners association, to maintain and be responsible for a public
3346	access amenity or water utility in perpetuity unless:
3347	(a) the public access amenity is the property located adjacent to the private property
3348	owned by the private individual or entity to the curb line of the street, including park
3349	strips and sidewalks; or
3350	(b) the private individual or entity agreed to maintain or be responsible for the public
3351	access amenity or water utility in perpetuity in a covenant, utility service agreement,
3352	development agreement, or other agreement between the municipality and the private
3353	individual or entity.
3354	Section 39. Section 10-9a-509 is amended to read:
3355	10-9a-509 (Effective 05/07/25). Applicant's entitlement to land use application
3356	approval Municipality's requirements and limitations Vesting upon submission of
3357	development plan and schedule.
3358	(1)(a)(i) An applicant who has submitted a complete land use application as
3359	described in Subsection (1)(c), including the payment of all application fees, is

3360 entitled to substantive review of the application under the land use regulations: 3361 (A) in effect on the date that the application is complete; and 3362 (B) applicable to the application or to the information shown on the application. 3363 (ii) An applicant is entitled to approval of a land use application if the application 3364 conforms to the requirements of the applicable land use regulations, land use 3365 decisions, and development standards in effect when the applicant submits a 3366 complete application and pays application fees, unless: 3367 (A) the land use authority, on the record, formally finds that a compelling, 3368 countervailing public interest would be jeopardized by approving the 3369 application and specifies the compelling, countervailing public interest in 3370 writing; or 3371 (B) in the manner provided by local ordinance and before the applicant submits 3372 the application, the municipality formally initiates proceedings to amend the 3373 municipality's land use regulations in a manner that would prohibit approval of 3374 the application as submitted. 3375 (b) The municipality shall process an application without regard to proceedings the 3376 municipality initiated to amend the municipality's ordinances as described in 3377 Subsection (1)(a)(ii)(B) if: 3378 (i) 180 days have passed since the municipality initiated the proceedings; and 3379 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval 3380 of the application as submitted; or 3381 (B) during the 12 months prior to the municipality processing the application, or 3382 multiple applications of the same type, are impaired or prohibited under the 3383 terms of a temporary land use regulation adopted under Section 10-9a-504. 3384 (c) A land use application is considered submitted and complete when the applicant 3385 provides the application in a form that complies with the requirements of applicable 3386 ordinances and pays all applicable fees. 3387

(d) A subsequent incorporation of a municipality or a petition that proposes the incorporation of a municipality does not affect a land use application approved by a county in accordance with Section 17-27a-508.

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- (e) Unless a phasing sequence is required in an executed development agreement, a municipality shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.
- (f) The continuing validity of an approval of a land use application is conditioned upon

3394	the applicant proceeding after approval to implement the approval with reasonable
3395	diligence.
3396	(g) A municipality may not impose on an applicant who has submitted a complete
3397	application a requirement that is not expressed in:
3398	(i) this chapter;
3399	(ii) a municipal ordinance in effect on the date that the applicant submits a complete
3400	application, subject to Subsection 10-9a-509(1)(a)(ii); or
3401	(iii) a municipal specification for public improvements applicable to a subdivision or
3402	development that is in effect on the date that the applicant submits an application.
3403	(h) A municipality may not impose on a holder of an issued land use permit or a final,
3404	unexpired subdivision plat a requirement that is not expressed:
3405	(i) in a land use permit;
3406	(ii) on the subdivision plat;
3407	(iii) in a document on which the land use permit or subdivision plat is based;
3408	(iv) in the written record evidencing approval of the land use permit or subdivision
3409	plat;
3410	(v) in this chapter;
3411	(vi) in a municipal ordinance; or
3412	(vii) in a municipal specification for residential roadways in effect at the time a
3413	residential subdivision was approved.
3414	(i) Except as provided in Subsection (1)(j) or (k), a municipality may not withhold
3415	issuance of a certificate of occupancy or acceptance of subdivision improvements
3416	because of an applicant's failure to comply with a requirement that is not expressed:
3417	(i) in the building permit or subdivision plat, documents on which the building permit
3418	or subdivision plat is based, or the written record evidencing approval of the land
3419	use permit or subdivision plat; or
3420	(ii) in this chapter or the municipality's ordinances.
3421	(j) A municipality may not unreasonably withhold issuance of a certificate of occupancy
3422	where an applicant has met all requirements essential for the public health, public
3423	safety, and general welfare of the occupants, in accordance with this chapter, unless:
3424	(i) the applicant and the municipality have agreed in a written document to the
3425	withholding of a certificate of occupancy; or
3426	(ii) the applicant has not provided a financial assurance for required and uncompleted
3427	public landscaping improvements or infrastructure improvements in accordance

3428 with an applicable <u>local</u> ordinance that the legislative body adopts under this 3429 chapter]. 3430 (k) A municipality may not conduct a final inspection required before issuing a 3431 certificate of occupancy for a residential unit that is within the boundary of an 3432 infrastructure financing district, as defined in Section 17B-1-102, until the applicant 3433 for the certificate of occupancy provides adequate proof to the municipality that any 3434 lien on the unit arising from the infrastructure financing district's assessment against 3435 the unit under Title 11, Chapter 42, Assessment Area Act, has been released after 3436 payment in full of the infrastructure financing district's assessment against that unit. 3437 (1) A municipality: 3438 (i) may require the submission of a private landscaping plan, as defined in Section 3439 10-9a-604.5, before landscaping is installed; and 3440 (ii) may not withhold an applicant's building permit or certificate of occupancy 3441 because the applicant has not submitted a private landscaping plan. 3442 (2) A municipality is bound by the terms and standards of applicable land use regulations 3443 and shall comply with mandatory provisions of those regulations. 3444 (3) A municipality may not, as a condition of land use application approval, require a 3445 person filing a land use application to obtain documentation regarding a school district's 3446 willingness, capacity, or ability to serve the development proposed in the land use 3447 application. 3448 (4) Upon a specified public agency's submission of a development plan and schedule as 3449 required in Subsection 10-9a-305(8) that complies with the requirements of that 3450 subsection, the specified public agency vests in the municipality's applicable land use 3451 maps, zoning map, hookup fees, impact fees, other applicable development fees, and 3452 land use regulations in effect on the date of submission. 3453 (5)(a) If sponsors of a referendum timely challenge a project in accordance with 3454 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land 3455 use approval by delivering a written notice: 3456 (i) to the local clerk as defined in Section 20A-7-101; and 3457 (ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(5). 3458 3459 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are 3460 rescinded and are of no further force or effect: 3461 (i) the relevant land use approval; and

3462	(ii) any land use regulation enacted specifically in relation to the land use approval.
3463	(6)(a) After issuance of a building permit, a municipality may not:
3464	(i) change or add to the requirements expressed in the building permit, unless the
3465	change or addition is:
3466	(A) requested by the building permit holder; or
3467	(B) necessary to comply with an applicable state building code; or
3468	(ii) revoke the building permit or take action that has the effect of revoking the
3469	building permit.
3470	(b) Subsection (6)(a) does not prevent a municipality from issuing a building permit that
3471	contains an expiration date defined in the building permit.
3472	Section 40. Section 10-9a-509.5 is amended to read:
3473	10-9a-509.5 (Effective 05/07/25). Review for application completeness
3474	Substantive application review Reasonable diligence required for determination of
3475	whether improvements or warranty work meets standards Money damages claim
3476	prohibited.
3477	(1)(a) Each municipality shall, in a timely manner, determine whether a land use
3478	application is complete for the purposes of subsequent, substantive land use authority
3479	review.
3480	(b) After a reasonable period of time to allow the municipality diligently to evaluate
3481	whether all objective ordinance-based application criteria have been met, if
3482	application fees have been paid, the applicant may in writing request that the
3483	municipality provide a written determination either that the application is:
3484	(i) complete for the purposes of allowing subsequent, substantive land use authority
3485	review; or
3486	(ii) deficient with respect to a specific, objective, ordinance-based application
3487	requirement.
3488	(c) Within 30 days of receipt of an applicant's request under this section, the
3489	municipality shall either:
3490	(i) mail a written notice to the applicant advising that the application is deficient with
3491	respect to a specified, objective, ordinance-based criterion, and stating that the
3492	application shall be supplemented by specific additional information identified in
3493	the notice; or
3494	(ii) accept the application as complete for the purposes of further substantive
3495	processing by the land use authority.

3496	(d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application
3497	shall be considered complete, for purposes of further substantive land use authority
3498	review.
3499	(e)(i) The applicant may raise and resolve in a single appeal any determination made
3500	under this Subsection (1) to the appeal authority, including an allegation that a
3501	reasonable period of time has elapsed under Subsection $[(1)(a)]$ $(1)(b)$.
3502	(ii) The appeal authority shall issue a written decision for any appeal requested under
3503	this Subsection (1)(e).
3504	(f)(i) The applicant may appeal to district court the decision of the appeal authority
3505	made under Subsection (1)(e).
3506	(ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of
3507	the written decision.
3508	(2)(a) Each land use authority shall substantively review a complete application and an
3509	application considered complete under Subsection (1)(d), and shall approve or deny
3510	each application with reasonable diligence.
3511	(b) After a reasonable period of time to allow the land use authority to consider an
3512	application, the applicant may in writing request that the land use authority take final
3513	action within 45 days from date of service of the written request.
3514	(c) Within 45 days from the date of service of the written request described in
3515	Subsection (2)(b):
3516	(i) except as provided in Subsection (2)(c)(ii), the land use authority shall take final
3517	action, approving or denying the application; and
3518	(ii) if a landowner petitions for a land use regulation, a legislative body shall take
3519	final action by approving or denying the petition.
3520	(d) If the land use authority denies an application processed under the mandates of
3521	Subsection (2)(b), or if the applicant has requested a written decision in the
3522	application, the land use authority shall include its reasons for denial in writing, on
3523	the record, which may include the official minutes of the meeting in which the
3524	decision was rendered.
3525	(e) If the land use authority fails to comply with Subsection (2)(c), the applicant may
3526	appeal this failure to district court within 30 days of the date on which the land use
3527	authority is required to take final action under Subsection (2)(c).
3528	(3)(a) As used in this Subsection (3), an "infrastructure improvement category" includes:
3529	(i) a culinary water system;

3530	(ii) a sanitary sewer system;
3531	(iii) a storm water system;
3532	(iv) a transportation system;
3533	(v) a secondary and irrigation water system;
3534	(vi) public landscaping; or
3535	(vii) public parks, trails, or open space.
3536	(b) With reasonable diligence, each land use authority shall determine whether the
3537	installation of required subdivision improvements or the performance of warranty
3538	work meets the municipality's adopted standards.
3539	[(b)] (c)(i) An applicant may in writing request the land use authority to accept or
3540	reject the applicant's installation of required subdivision improvements or
3541	performance of warranty work.
3542	(ii) The land use authority shall accept or reject subdivision improvements within 15
3543	days after receiving an applicant's written request under Subsection [(3)(b)(i)]
3544	(3)(c)(i), or as soon as practicable after that 15-day period if inspection of the
3545	subdivision improvements is impeded by winter weather conditions.
3546	(iii) [The-] Except as provided in Subsection (3)(c)(iv), (3)(d), or (3)(e), the land use
3547	authority shall accept or reject the performance of warranty work within 45 days
3548	after receiving an applicant's written request under Subsection (3)(b)(i), or as soon
3549	as practicable after that 45-day period if inspection of the warranty work is
3550	impeded by winter weather conditions] :
3551	(A) for a city of a first, second, third, or fourth class, 15 days after the day on
3552	which the land use authority receives an applicant's written request under
3553	Subsection (3)(c)(i); and
3554	(B) for a city of the fifth class or a town, 30 days after the day on which the land
3555	use authority receives an applicant's written request under Subsection (3)(c)(i).
3556	(iv) If winter weather conditions do not reasonably permit a full and complete
3557	inspection of warranty work within the relevant time period described in
3558	Subsection (3)(c)(iii) so the land use authority is able to accept or reject the
3559	warranty work, the land use authority shall:
3560	(A) notify the applicant in writing before the end of the applicable time period
3561	described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of winter
3562	weather conditions, the land use authority will require additional time to accept
3563	or reject the performance of warranty work; and

3564	(B) complete the inspection of the performance of warranty work and provide the
3565	applicant with an acceptance or rejection as soon as practicable.
3566	[(e)] (d) If a land use authority rejects an applicant's performance of warranty work three
3567	times, the municipality may take 15 days in addition to the relevant time period
3568	described in Subsection (3)(c)(iii) for subsequent inspections of the applicant's
3569	warranty work.
3570	(e)(i) If extraordinary circumstances do not permit a land use authority to complete
3571	inspection of warranty work within the relevant time period described in
3572	Subsection (3)(c)(iii) so the land use authority is able to accept or reject the
3573	warranty work, the land use authority shall:
3574	(A) notify the applicant in writing before the end of the applicable time period
3575	described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of the
3576	extraordinary circumstances, the land use authority requires additional time to
3577	accept or reject the performance of warranty work; and
3578	(B) complete the inspection of the performance of warranty work and provide the
3579	applicant with an acceptance or rejection within 30 days after the day on which
3580	the relevant time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B)
3581	<u>ends.</u>
3582	(ii) The following situations constitute extraordinary circumstances for purposes of
3583	Subsection (3)(e)(i):
3584	(A) the land use authority is processing a request for inspection that substantially
3585	exceeds the normal scope of inspection the municipality is customarily
3586	required to perform;
3587	(B) the applicant has provided two or more written requests described in
3588	Subsection (3)(c)(i) within the same 30-day time period; or
3589	(C) the land use authority is processing an unusually large number of written
3590	requests described in Subsection (3)(c)(i) to accept or reject subdivision
3591	improvements or performance of warranty work.
3592	(f)(i) If a land use authority determines that the installation of required subdivision
3593	improvements or the performance of warranty work does not meet the
3594	municipality's adopted standards, the land use authority shall, within 15 days of
3595	the day on which the land use authority makes the determination,
3596	comprehensively and with specificity list the reasons for the land use authority's
3597	determination.

3598 (ii) If the land use authority fails to provide an applicant with the list described in 3599 Subsection (3)(f)(i) within the required time period: 3600 (A) the applicant may send written notice to the land use authority requesting the 3601 list within five days; and 3602 (B) if the applicant does not receive the list within five days from the day on 3603 which the applicant provides the land use authority with written notice as 3604 described in Subsection (3)(f)(ii)(A), the applicant may demand, and the land 3605 use authority shall provide, a reimbursement equal to 20% of the applicant's 3606 improvement completion assurance or security for the warranty work within 3607 each infrastructure improvement category. 3608 (g) Subject to the provisions of Section 10-9a-604.5: 3609 (i) within 15 days of the day on which the land use authority determines that an 3610 infrastructure improvement within a certain infrastructure improvement category, 3611 as described in Subsection (3)(a), meets the municipality's adopted standards for 3612 that category of infrastructure improvement and an applicant submits complete 3613 as-built drawings to the land use authority, whichever occurs later, the land use 3614 authority shall return to the applicant 90% of the applicant's improvement 3615 completion assurance allocated toward that infrastructure improvement category; 3616 and 3617 (ii) within 15 days of the day on which the warranty period expires and the land use 3618 authority determines that an infrastructure improvement within a certain 3619 infrastructure improvement category, as described in Subsection (3)(a), meets the 3620 municipality's adopted standards for that category of infrastructure improvement, 3621 the land use authority shall return to the applicant the remaining 10% of the 3622 applicant's improvement completion assurance allocated toward that infrastructure 3623 improvement category, plus any remaining portion of a bond described in 3624 Subsection 10-9a-604.5(5)(b). (h) The following acts under this Subsection (3) are administrative acts: 3625 3626 (i) a municipality's return of an applicant's improvement completion assurance, or 3627 any portion of an improvement completion assurance, within a category of 3628 infrastructure improvements, to the applicant; and 3629 (ii) a municipality's return of an applicant's security for an improvement warranty, or 3630 any portion of security for an improvement warranty, within a category of 3631

infrastructure improvements, to the applicant.

3632	(4) Subject to Section 10-9a-509, nothing in this section and no action or inaction of the
3633	land use authority relieves an applicant's duty to comply with all applicable substantive
3634	ordinances and regulations.
3635	(5) There shall be no money damages remedy arising from a claim under this section.
3636	Section 41. Section 10-9a-509.7 is amended to read:
3637	10-9a-509.7 (Effective 05/07/25). Transferable development rights.
3638	(1) A municipality may adopt an ordinance:
3639	(a) designating sending zones and receiving zones <u>located wholly</u> within the
3640	municipality;
3641	(b) designating a sending zone if the area described in the sending zone is located, at
3642	least in part, within the municipality, and the area described in the sending zone that
3643	is located outside the municipality complies with Subsection (2);
3644	(c) designating a receiving zone if the area described in the receiving zone is located, at
3645	least in part, within the municipality, and the area described in the receiving zone that
3646	is located outside the municipality complies with Subsection (2); and
3647	[(b)] (d) allowing the transfer of a transferable development right from a sending zone to
3648	a receiving zone.
3649	(2) A municipality may adopt an ordinance designating a sending zone or receiving zone
3650	that is located, in part, in another municipality or unincorporated county if the legislative
3651	body of every municipality or county with land inside the sending zone or receiving
3652	zone adopts an ordinance designating the sending zone or receiving zone.
3653	[(2)] (3) A municipality may not allow the use of a transferable development right unless the
3654	municipality adopts an ordinance described in Subsection (1).
3655	Section 42. Section 10-9a-510 is amended to read:
3656	10-9a-510 (Effective 05/07/25). Limit on fees Requirement to itemize fees
3657	Appeal of fee Provider of culinary or secondary water.
3658	(1) A municipality may [not-]impose or collect a fee for reviewing or approving the plans
3659	for a commercial or residential building[-that exceeds] , not to exceed the lesser of:
3660	(a) the actual cost of performing the plan review; and
3661	(b) 65% of the amount the municipality charges for a building permit fee for that
3662	building.
3663	(2)(a) Subject to Subsection [(1)] (2)(b), a municipality may impose and collect [only-]a [
3664	nominal]fee for reviewing and approving identical [floor]plans, as described in
3665	Section 10-9a-541, not to exceed the lesser of:

3666	(i) the actual cost of performing the plan review; or
3667	(ii) 30% of the fee that would be imposed and collected under Subsection (1).
3668	(b) A municipality may impose and collect a fee for reviewing an original plan, as
3669	defined in Section 10-9a-541, that an applicant submits with the intent that the
3670	original plan be used as the basis for a future identical plan submission, the same as
3671	any other plan review fee under Subsection (1).
3672	(3) A municipality may not impose or collect a hookup fee that exceeds the reasonable cost
3673	of installing and inspecting the pipe, line, meter, and appurtenance to connect to the
3674	municipal water, sewer, storm water, power, or other utility system.
3675	(4) A municipality may not impose or collect:
3676	(a) a land use application fee that exceeds the reasonable cost of processing the
3677	application or issuing the permit; or
3678	(b) an inspection, regulation, or review fee that exceeds the reasonable cost of
3679	performing the inspection, regulation, or review.
3680	(5)(a) If requested by an applicant who is charged a fee or an owner of residential
3681	property upon which a fee is imposed, the municipality shall provide an itemized fee
3682	statement that shows the calculation method for each fee.
3683	(b) If an applicant who is charged a fee or an owner of residential property upon which a
3684	fee is imposed submits a request for an itemized fee statement no later than 30 days
3685	after the day on which the applicant or owner pays the fee, the municipality shall no
3686	later than 10 days after the day on which the request is received provide or commit to
3687	provide within a specific time:
3688	(i) for each fee, any studies, reports, or methods relied upon by the municipality to
3689	create the calculation method described in Subsection (5)(a);
3690	(ii) an accounting of each fee paid;
3691	(iii) how each fee will be distributed; and
3692	(iv) information on filing a fee appeal through the process described in Subsection
3693	(5)(c).
3694	(c) A municipality shall establish a fee appeal process subject to an appeal authority
3695	described in Part 7, Appeal Authority and Variances, and district court review in
3696	accordance with Part 8, District Court Review, to determine whether a fee reflects
3697	only the reasonable estimated cost of:
3698	(i) regulation;
3699	(ii) processing an application:

3700	(iii) issuing a permit; or
3701	(iv) delivering the service for which the applicant or owner paid the fee.
3702	(6) A municipality may not impose on or collect from a public agency any fee associated
3703	with the public agency's development of its land other than:
3704	(a) subject to Subsection (4), a fee for a development service that the public agency does
3705	not itself provide;
3706	(b) subject to Subsection (3), a hookup fee; and
3707	(c) an impact fee for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d),
3708	(e), or (g), subject to any applicable credit under Subsection 11-36a-402(2).
3709	(7) A provider of culinary or secondary water that commits to provide a water service
3710	required by a land use application process is subject to the following as if it were a
3711	municipality:
3712	(a) Subsections (5) and (6);
3713	(b) Section 10-9a-508; and
3714	(c) Section 10-9a-509.5.
3715	Section 43. Section 10-9a-529 is amended to read:
3716	10-9a-529 (Effective 05/07/25). Specified public utility located in a municipal
3717	utility easement.
3718	A specified public utility may exercise each power of a public utility under Section
3719	54-3-27 if the specified public utility uses an easement:
3720	(1) with the consent of a municipality; and
3721	(2) that is located within a municipal utility easement described in Subsections [10-9a-103
3722	(42)(a)] 10-9a-103(43)(a) through (e).
3723	Section 44. Section 10-9a-536 is amended to read:
3724	10-9a-536 (Effective 05/07/25). Water wise landscaping Municipal landscaping
3725	regulations.
3726	(1) As used in this section:
3727	(a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
3728	grasses.
3729	(b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose
3730	and applied to the soil.
3731	(c) "Overhead spray irrigation" means above ground irrigation heads that spray water
3732	through a nozzle.
3733	(d) "Private landscaping plan" means the same as that term is defined in Section

3734	<u>10-9a-604.5.</u>
3735	[(d)] (e)(i) "Vegetative coverage" means the ground level surface area covered by the
3736	exposed leaf area of a plant or group of plants at full maturity.
3737	(ii) "Vegetative coverage" does not mean the ground level surface area covered by
3738	the exposed leaf area of a tree or trees.
3739	[(e)] (f) "Water wise landscaping" means any or all of the following:
3740	(i) installation of plant materials suited to the microclimate and soil conditions that
3741	can:
3742	(A) remain healthy with minimal irrigation once established; or
3743	(B) be maintained without the use of overhead spray irrigation;
3744	(ii) use of water for outdoor irrigation through proper and efficient irrigation design
3745	and water application; or
3746	(iii) use of other landscape design features that:
3747	(A) minimize the need of the landscape for supplemental water from irrigation; or
3748	(B) reduce the landscape area dedicated to lawn or turf.
3749	(2) A municipality may not enact or enforce an ordinance, resolution, or policy that
3750	prohibits, or has the effect of prohibiting, a property owner from incorporating water
3751	wise landscaping on the property owner's property.
3752	(3)(a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a municipality from
3753	requiring a property owner to:
3754	(i) comply with a site plan review, private landscaping plan review, or other review
3755	process before installing water wise landscaping;
3756	(ii) maintain plant material in a healthy condition; and
3757	(iii) follow specific water wise landscaping design requirements adopted by the
3758	municipality, including a requirement that:
3759	(A) restricts or clarifies the use of mulches considered detrimental to municipal
3760	operations;
3761	(B) imposes minimum or maximum vegetative coverage standards; or
3762	(C) restricts or prohibits the use of specific plant materials.
3763	(b) A municipality may not require a property owner to install or keep in place lawn or
3764	turf in an area with a width less than eight feet.
3765	(4) A municipality may require a seller of a newly constructed residence to inform the first
3766	buyer of the newly constructed residence of a municipal ordinance requiring water wise
3767	landscaping.

3768	(5) A municipality shall report to the Division of Water Resources the existence, enactment,
3769	or modification of an ordinance, resolution, or policy that implements regional-based
3770	water use efficiency standards established by the Division of Water Resources by rule
3771	under Section 73-10-37.
3772	(6) A municipality may enforce a municipal landscaping ordinance in compliance with this
3773	section.
3774	Section 45. Section 10-9a-541 is enacted to read:
3775	10-9a-541 (Effective 05/07/25). Identical plan review Process Indexing of
3776	plans Prohibitions.
3777	(1) As used in this section:
3778	(a) "Business day" means Monday, Tuesday, Wednesday, Thursday, or Friday, unless
3779	the day falls on a federal, state, or municipal holiday.
3780	(b) "Nonidentical plan" means a plan that does not meet the definition of an identical
3781	plan in Section 10-9a-103.
3782	(c) "Original plan" means a floor plan that an applicant intends to:
3783	(i) replicate in the future; and
3784	(ii) use as the basis for the submission of an identical plan.
3785	(2) An applicant may submit, and a municipality shall review, an identical plan as described
3786	in this section.
3787	(3) At the time of submitting an identical plan for review to a municipality, an applicant
3788	shall:
3789	(a) mark the floor plan as "identical plans";
3790	(b) identify in writing:
3791	(i) the building permit number the municipality issued for the original plan:
3792	(A) that was previously approved by the municipality; and
3793	(B) to which the submitted floor plan qualifies as an identical plan; or
3794	(ii) the identifying index number assigned by the municipality to the original plan, as
3795	described in Subsection (5)(b); and
3796	(c) identify the site on which the applicant intends to implement the identical plan.
3797	(4) Beginning May 7, 2025, an applicant that intends to submit an identical plan for review
3798	to a municipality shall:
3799	(a) indicate, at the time of submitting an original plan to the municipality for review and
3800	approval, that the applicant intends to use the original plan as the basis for submitting
3801	a future identical plan if the original plan is approved by the municipality; and

3802		(b) identify:
3803		(i) the name or other identifier of the original plan; and
3804		(ii) the zone the building will be located in, if the municipality approves the original
3805		<u>plan.</u>
3806	<u>(5)</u>	Upon approving an original plan and receiving the information described in Subsection
3807		(4), a municipality shall:
3808		(a) file and index the original plan for future reference against an identical plan later
3809		submitted under Subsection (2); and
3810		(b) provide the applicant with an identifying index number for the original plan.
3811	<u>(6)</u>	A municipality that receives a submission under Subsection (2) shall review and
3812		compare the submitted identical plan to the original plan to ensure:
3813		(a) the identical plan and original plan are substantially identical; and
3814		(b) no structural changes have been made from the original plan.
3815	<u>(7)</u>	Nothing in this section prohibits a municipality from conducting a site review and
3816		requiring geological analysis of the proposed site identified by the applicant under
3817		Subsection (3)(c).
3818	<u>(8)</u>	A municipality shall:
3819		(a) review a submitted identical plan for compliance with this section; and
3820		(b) approve or reject the identical plan within five business days after the day on which
3821		the identical plan was submitted under Subsection (2).
3822	<u>(9)</u>	An applicant that submits a nonidentical plan to a municipality as an identical plan, with
3823		knowledge that the nonidentical plan does not qualify as an identical plan and with
3824		intent to deceive the municipality:
3825		(a) may be fined by the municipality receiving the submission of the nonidentical plan:
3826		(i) in an amount not to exceed three times the building permit fee, if the municipality
3827		approved the nonidentical plan as an identical plan before discovering the
3828		submission did not qualify as an identical plan; or
3829		(ii) in an amount equal to the building permit fee that would have been issued for the
3830		nonidentical plan, if the municipality did not approve the nonidentical plan before
3831		discovering the submission did not qualify as an identical plan; and
3832		(b) is prohibited from submitting an identical plan for review and approval under this
3833		section for a period of two years from the day on which the municipality discovers
3834		the nonidentical plan identified as an identical plan in the applicant's submission did
3835		not qualify as an identical plan.

3836	(10) A municipality may impose a criminal penalty, as described in Section 10-3-703, for
3837	an applicant that knowingly violates the prohibition described in Subsection (9)(b).
3838	Section 46. Section 10-9a-542, which is renumbered from Section 10-6-160 is renumbered
3839	and amended to read:
3840	$[10-6-160]$ $\underline{10-9a-542}$ (Effective 05/07/25). Fees collected for construction
3841	approval Approval of plans.
3842	(1) As used in this section:
3843	(a) "Automated review" means a computerized process used to conduct a plan review,
3844	including through the use of software and algorithms to assess compliance with an
3845	applicable building code, regulation, or ordinance to ensure that a plan meets all of a
3846	municipality's required criteria for approval.
3847	(b) "Business day" means [a day other than Saturday, Sunday, or a legal holiday] the
3848	same as that term is defined in Section 10-9a-541.
3849	[(b)] (c) "Construction project" means:
3850	(i) the same as that term is defined in Section 38-1a-102[-]; or
3851	(ii) any work requiring a permit for construction of or on a one- or two-family
3852	dwelling, a townhome, or other residential structure built under the State
3853	Construction Code and State Fire Code.
3854	[(e)] (d) "Lodging establishment" means a place providing temporary sleeping
3855	accommodations to the public, including any of the following:
3856	(i) a bed and breakfast establishment;
3857	(ii) a boarding house;
3858	(iii) a dormitory;
3859	(iv) a hotel;
3860	(v) an inn;
3861	(vi) a lodging house;
3862	(vii) a motel;
3863	(viii) a resort; or
3864	(ix) a rooming house.
3865	[(d) "Planning review" means a review to verify that a city has approved the following
3866	elements of a construction project:]
3867	[(i) zoning;]
3868	[(ii) lot sizes;]
3869	[(iii) setbacks;]

3870	[(iv) easements;]
3871	[(v) curb and gutter elevations;]
3872	[(vi) grades and slopes;]
3873	[(vii) utilities;]
3874	[(viii) street names;]
3875	[(ix) defensible space provisions and elevations, if required by the Utah Wildland
3876	Urban Interface Code adopted under Section 15A-2-103; and]
3877	[(x) subdivision.]
3878	(e)(i) "Plan review" means all of the reviews and approvals of a plan that a [eity]
3879	municipality, including all relevant divisions or departments within a municipality,
3880	requires [to obtain] before issuing a building permit[from the city], with a scope
3881	that may not exceed a review to verify:
3882	(A) that the construction project complies with the provisions of the State
3883	Construction Code under Title 15A, State Construction and Fire Codes Act;
3884	(B) that the construction project complies with the energy code adopted under
3885	Section 15A-2-103;
3886	(C) that the construction project [received a planning review] complies with local
3887	ordinances;
3888	(D) that the applicant paid any required fees;
3889	(E) that the applicant obtained final approvals from any other required reviewing
3890	agencies;
3891	[(F) that the construction project complies with federal, state, and local storm
3892	water protection laws;]
3893	[(G)] (F) that the construction project received a structural review;
3894	[(H)] (G) the total square footage for each building level of finished, garage, and
3895	unfinished space; and
3896	[(1)] (H) that the plans include a printed statement indicating that, before the
3897	disturbance of land and during the actual construction, the applicant will
3898	comply with applicable <u>federal</u> , <u>state</u> , <u>and</u> local <u>laws and</u> ordinances[<u>and the</u>
3899	state construction codes], including any storm water protection laws and
3900	ordinances.
3901	(ii) "Plan review" does not mean a review of [-a document]:
3902	(A) a document required to be re-submitted for a construction project other than a
3903	construction project for a one[-to] -or two[-] -family dwelling or townhome if

3904	additional modifications or substantive changes are identified by the plan
3905	review;
3906	(B) a document submitted as part of a deferred submittal when requested by the
3907	applicant and approved by the building official; [or]
3908	(C) <u>a document</u> that, due to the document's technical nature or on the request of
3909	the applicant, is reviewed by a third party[-] ; or
3910	(D) a storm water permit.
3911	(f) "Screening period" means the three business days following the day on which an
3912	applicant submits an application.
3913	(g) "State Construction Code" means the same as that term is defined in Section
3914	15A-1-102.
3915	[(g)] (h) "State Fire Code" means the same as that term is defined in Section 15A-1-102.
3916	(i) "Storm water permit" means the same as that term is defined in Section 19-5-108.5.
3917	[(h)] (j) "Structural review" means:
3918	(i) a review that verifies that a construction project complies with the following:
3919	(A) footing size and bar placement;
3920	(B) foundation thickness and bar placement;
3921	(C) beam and header sizes;
3922	(D) nailing patterns;
3923	(E) bearing points;
3924	(F) structural member size and span; and
3925	(G) sheathing; or
3926	(ii) if the review exceeds the scope of the review described in Subsection $[(1)(h)(i)]$
3927	(1)(j)(i), a review that a licensed engineer conducts.
3928	[(i)] (k) "Technical nature" means a characteristic that places an item outside the training
3929	and expertise of an individual who regularly performs plan reviews.
3930	(2)(a) If a [eity] municipality collects a fee for the inspection of a construction project,
3931	the [eity] municipality shall ensure that the construction project receives a prompt
3932	inspection as described in Subsection (2)(b).
3933	(b) If a [eity] municipality cannot provide a building inspection within three business
3934	days after the day on which the [eity] municipality receives the request for the
3935	inspection, the building permit applicant may engage a third-party inspection firm
3936	from the third-party inspection firm list described in Section 15A-1-105.
3937	(c) Notwithstanding Subsection (2)(b), if an applicant requests that an inspection take

3938	place on a date that is more than three days from the day on which the applicant
3939	requests the inspection, the [eity] municipality shall conduct the inspection on the date
3940	requested.
3941	(d) If an inspector identifies one or more violations of the State Construction Code or
3942	State Fire Code during an inspection, the inspector shall give the permit holder
3943	written notification that:
3944	(i) identifies each violation;
3945	(ii) upon request by the permit holder, includes a reference to each applicable
3946	provision of the State Construction Code or State Fire Code; and
3947	(iii) is delivered:
3948	(A) in hardcopy or by electronic means; and
3949	(B) the day on which the inspection occurs.
3950	(3)(a)(i) A municipality that receives an application for a plan review shall determine
3951	if the application is complete, as described in Subsection (12), within the
3952	screening period.
3953	(ii) If the municipality determines an application for a plan review is complete as
3954	described in Subsection (12) within the screening period, the municipality shall
3955	begin the plan review process described in Subsection (4).
3956	(b) If the municipality determines that an application for a plan review is not complete
3957	as described in Subsection (12), and if the municipality notifies the applicant of the
3958	municipality's determination:
3959	(i) before 5 p.m. on the last day of the screening period, the municipality may:
3960	(A) pause the screening period until the applicant ensures the application meets
3961	the requirements of Subsection (12); or
3962	(B) reject the incomplete application; or
3963	(ii) after 5 p.m. on the last day of the screening period, the municipality may not
3964	pause the screening period and shall begin the plan review process described in
3965	Subsection (4).
3966	(c) If an application is rejected as described in Subsection (3)(b)(i)(B) and an applicant
3967	resubmits the application, the resubmission begins a new screening period in which
3968	the municipality shall review the resubmitted application to determine if the
3969	application is complete as described in Subsection (12).
3970	(d) If the municipality gives notice of an incomplete application after 5 p.m. on the last
3971	day of the screening period, the municipality:

3972	(i) shall immediately notify the applicant that the municipality has determined the
3973	application is not complete and the basis for the determination;
3974	(ii) may not, except as provided in Subsection (3)(d)(iii), pause the relevant time
3975	period described in Subsection (4); and
3976	(iii) may pause the relevant time period described in Subsection (4)(a) or (b) as
3977	described in Subsection (4)(c).
3978	[(3)] (4)(a) [A city] Except as provided in Subsection (7), once a municipality determines
3979	an application is complete, or proceeds to review an incomplete application for plan
3980	review under Subsection (3)(b)(ii), the municipality shall complete a plan review of a
3981	construction project for a one[-to] -or two[-] -family dwelling or townhome by no later
3982	than 14 business days after the day on which the [applicant submits a complete
3983	building permit application to the city] screening period for the application ends.
3984	(b) [A city-] Except as provided in Subsection (7), once a municipality determines an
3985	application is complete, or proceeds to review an incomplete application for plan
3986	review under Subsection (3)(b)(ii), the municipality shall complete a plan review of a
3987	construction project for a residential structure built under the [International Building]
3988	State Construction Code[, not including] that is not a one- or two-family dwelling,
3989	townhome, or a lodging establishment, by no later than 21 business days after the day
3990	on which the [applicant submits a complete building permit application to the city]
3991	screening period for the application ends.
3992	[(e)(i) Subject to Subsection (3)(e)(ii), if a city does not complete a plan review
3993	before the time period described in Subsection (3)(a) or (b) expires, an applicant
3994	may request that the city complete the plan review.]
3995	[(ii) If an applicant makes a request under Subsection (3)(c)(i), the city shall perform
3996	the plan review no later than:]
3997	[(A) for a plan review described in Subsection (3)(a), 14 days from the day on
3998	which the applicant makes the request; or]
3999	[(B) for a plan review described in Subsection (3)(b), 21 days from the day on
4000	which the applicant makes the request.]
4001	[(d)] (c) If a municipality gives notice of an incomplete application as described in
4002	Subsection (3)(d), the municipality:
4003	(i) may pause the time period described in Subsection (4)(a) or (b):
4004	(A) within the last five days of the relevant time period; and
4005	(B) until the applicant provides the municipality with the information necessary to

4006	consider the application complete under Subsection (12); and
4007	(ii) shall resume the relevant time period upon receipt of the information necessary to
4008	consider the application complete; and
4009	(iii) may, if necessary, use five additional days beginning the day on which the
4010	municipality receives the information described in Subsection (4)(c)(ii) to
4011	consider whether the application meets the requirements for a building permit,
4012	even if the five additional days extend beyond the relevant time period described
4013	in Subsection 4(a) or (b).
4014	(d) If, at the conclusion of plan review, the municipality determines the application
4015	meets the requirements for a building permit, the municipality shall approve the
4016	application and, subject to Subsection (10)(b), issue the building permit to the
4017	applicant.
4018	(5)(a) A municipality may utilize another government entity to determine if an
4019	application is complete or perform a plan review, in whole or in part.
4020	(b) A municipality that utilizes another government entity to determine if an application
4021	is complete or perform a plan review, as described in Subsection (5)(a), shall:
4022	(i) notify any other government entities, including water providers, within 24 hours
4023	of receiving any building permit application; and
4024	(ii) provide the government entity all documents necessary to determine if an
4025	application is complete or perform a plan review, in whole or in part, as requested
4026	by the municipality.
4027	(6) A government entity determining if an application is complete or performing a plan
4028	review, in whole or in part, as requested by a municipality, shall:
4029	(a) comply with the requirements of this chapter; and
4030	(b) notify the municipality within the screening period whether the application, or a
4031	portion of the application, is complete.
4032	(7) An applicant may:
4033	[(i)] (a) waive the plan review time requirements described in [this Subsection (3)]
4034	Subsection (4); or
4035	[(ii)] (b) with the [eity's] municipality's written consent, establish an alternative plan
4036	review time requirement.
4037	[(4)] (8)(a) A [eity] municipality may not enforce a requirement to have a plan review if:
4038	[(a)] (i) the [eity] municipality does not complete the plan review within the relevant
4039	time period described in Subsection $[(3)(a) \text{ or } (b)]$ (4) ; and

4040	[(b)] (ii) a licensed architect or structural engineer, or both when required by law,
4041	stamps the plan.
4042	(b) If a municipality is prohibited from enforcing a requirement to have a plan review
4043	under Subsection (8)(a), the municipality shall return to the applicant the plan review
4044	fee.
4045	[(5)] (9)(a) A [eity] municipality may attach to a reviewed plan a list that includes:
4046	(i) items with which the [eity] municipality is concerned and may enforce during
4047	construction; and
4048	(ii) building code violations found in the plan.
4049	(b) A [eity] municipality may not require an applicant to redraft a plan if the city requests
4050	minor changes to the plan that the list described in Subsection $[(5)(a)]$ $(9)(a)$ identifies.
4051	(c) A [eity] municipality may only require a single resubmittal of plans for a one- or two[-]
4052	-family dwelling or townhome if [the resubmission is required to address deficiencies
4053	identified by a third-party review of a geotechnical report or geological report]
4054	deficiencies in the plan would affect the site plan interaction or footprint of the design.
4055	[(6)] (10)(a) If a [eity] municipality charges a fee for a building permit, the [eity]
4056	municipality may not refuse payment of the fee at the time the applicant submits [a
4057	building permit] an application under Subsection (3).
4058	(b) If a municipality charges a fee for a building permit and does not require the fee for a
4059	building permit be included in an application for plan review, upon approval of an
4060	application for plan review under Subsection (4)(d), the municipality may require the
4061	applicant to pay the fee for the building permit before the municipality issues the
4062	building permit.
4063	[(7)] (11) A [eity] municipality may not limit the number of [building permit] applications
4064	submitted under Subsection (3).
4065	[(8)] (12) For purposes of Subsection (3), [a building permit] an application for plan review
4066	is complete if the application contains:
4067	(a) the name, address, and contact information of:
4068	(i) the applicant; and
4069	(ii) the construction manager/general contractor, as defined in Section 63G-6a-103,
4070	for the construction project;
4071	(b) a site plan for the construction project that:
4072	(i) is drawn to scale;
4073	(ii) includes a north arrow and legend; and

4074	(iii) provides specifications for the following:
4075	(A) lot size and dimensions;
4076	(B) setbacks and overhangs for setbacks;
4077	(C) easements;
4078	(D) property lines;
4079	(E) topographical details, if the slope of the lot is greater than 10%;
4080	(F) retaining walls;
4081	(G) hard surface areas;
4082	(H) curb and gutter elevations as indicated in the subdivision documents;
4083	(I) existing and proposed utilities, including water [-meter and sewer lateral
4084	location], sewer, and subsurface drainage facilities;
4085	(J) street names;
4086	(K) driveway locations;
4087	(L) defensible space provisions and elevations, if required by the Utah Wildland
4088	Urban Interface Code adopted under Section 15A-2-103; and
4089	(M) the location of the nearest hydrant;
4090	(c) construction plans and drawings, including:
4091	(i) elevations, only if the construction project is new construction;
4092	(ii) floor plans for each level, including the location and size of doors[-and], windows
4093	and egress;
4094	(iii) foundation, structural, and framing detail; [and]
4095	(iv) electrical, mechanical, and plumbing design;
4096	(v) a licensed architect's or structural engineer's stamp, when required by law; and
4097	(vi) fire suppression details, when required by fire code;
4098	(d) documentation of energy code compliance;
4099	(e) structural calculations, except for trusses;
4100	(f) a geotechnical report, including a slope stability evaluation and retaining wall design,
4101	if:
4102	(i) the slope of the lot is greater than 15%; and
4103	(ii) required by the city; [and]
4104	(g) a statement indicating[-that actual construction will comply with applicable local
4105	ordinances and building codes.] :
4106	(i) before land disturbance occurs on the subject property, the applicant will obtain a
4107	storm water permit; and

4108	(ii) during actual construction, the applicant shall comply with applicable local
4109	ordinances and building codes; and
4110	(h) the fees, if any, established by ordinance for the municipality to perform a plan
4111	review.
4112	(13) A municipality may, at the municipality's discretion, utilize automated review to fulfill,
4113	in whole or in part, the municipality's obligation to conduct a plan review described in
4114	this section.
4115	Section 47. Section 10-9a-604.5 is amended to read:
4116	10-9a-604.5 (Effective 05/07/25). Subdivision plat recording or development
4117	activity before required landscaping or infrastructure is completed Improvement
4118	completion assurance Improvement warranty.
4119	(1) As used in this section[5]:
4120	(a) "Private landscaping plan" means a proposal:
4121	(i) to install landscaping on a lot owned by a private individual or entity; and
4122	(ii) submitted to a municipality by the private individual or entity, or on behalf of a
4123	private individual or entity, that owns the lot.
4124	(b) ["public "Public landscaping improvement" means landscaping that an applicant is
4125	required to install to comply with published installation and inspection specifications
4126	for public improvements that:
4127	[(a)] (i) will be dedicated to and maintained by the municipality; or
4128	[(b)] (ii) are associated with and proximate to trail improvements that connect to
4129	planned or existing public infrastructure.
4130	(2) A land use authority shall establish objective inspection standards for acceptance of a
4131	public landscaping improvement or infrastructure improvement that the land use
4132	authority requires.
4133	(3)(a) [Before] Except as provided in Subsection (3)(d) or (e), before an applicant
4134	conducts any development activity or records a plat, the applicant shall:
4135	(i) complete any required public landscaping improvements or infrastructure
4136	improvements; or
4137	(ii) post an improvement completion assurance for any required public landscaping
4138	improvements or infrastructure improvements.
4139	(b) If an applicant elects to post an improvement completion assurance, the applicant
4140	shall in accordance with Subsection (5) provide completion assurance for:
4141	(i) completion of 100% of the required public landscaping improvements or

4142	infrastructure improvements; or
4143	(ii) if the municipality has inspected and accepted a portion of the public landscaping
4144	improvements or infrastructure improvements, 100% of the incomplete or
4145	unaccepted public landscaping improvements or infrastructure improvements.
4146	(c) A municipality shall:
4147	(i) establish a minimum of two acceptable forms of completion assurance;
4148	(ii)(A) if an applicant elects to post an improvement completion assurance, allow
4149	the applicant to post an assurance that meets the conditions of this [title,] chapter
4150	and any local ordinances; and
4151	(B) if a municipality accepts cash deposits as a form of completion assurance and
4152	the applicant elects to post a cash deposit as a form of completion assurance,
4153	place the cash deposit in an interest-bearing account upon receipt and return
4154	any earned interest to the applicant with the return of the completion assurance
4155	according to the conditions of this chapter and any local ordinances;
4156	(iii) establish a system for the partial release of an improvement completion
4157	assurance as portions of required public landscaping improvements or
4158	infrastructure improvements are completed and accepted in accordance with local
4159	ordinance; and
4160	(iv) issue or deny a building permit in accordance with Section 10-9a-802 based on
4161	the installation of public landscaping improvements or infrastructure
4162	improvements.
4163	(d) A municipality may not require an applicant to post an improvement completion
4164	assurance for:
4165	(i) public landscaping improvements or an infrastructure improvement that the
4166	municipality has previously inspected and accepted;
4167	(ii) infrastructure improvements that are private and not essential or required to meet
4168	the building code, fire code, flood or storm water management provisions, street
4169	and access requirements, or other essential necessary public safety improvements
4170	adopted in a land use regulation;
4171	(iii) in a municipality where ordinances require all infrastructure improvements
4172	within the area to be private, infrastructure improvements within a development
4173	that the municipality requires to be private;[-or]
4174	(iv) landscaping improvements that are not public landscaping improvements, unless
4175	the landscaping improvements and completion assurance are required under the

4176	terms of a development agreement[-];
4177	(v) a private landscaping plan;
4178	(vi) landscaping improvements or infrastructure improvements that an applicant
4179	elects to install at the applicant's own risk:
4180	(A) before the plat is recorded;
4181	(B) pursuant to inspections required by the municipality for the infrastructure
4182	improvement; and
4183	(C) pursuant to final civil engineering plan approval by the municipality; or
4184	(vii) any individual public landscaping improvement or individual infrastructure
4185	improvement when the individual public landscaping improvement or individual
4186	infrastructure improvement is also included as part of a separate improvement
4187	completion assurance.
4188	(e)(i) A municipality may not:
4189	(A) prohibit an applicant from installing a public landscaping improvement or an
4190	infrastructure improvement when the municipality has approved final civil
4191	engineering plans for the development activity or plat for which the public
4192	landscaping improvement or infrastructure improvement is required; or
4193	(B) require an applicant to sign an agreement, release, or other document
4194	inconsistent with this chapter as a condition of posting an improvement
4195	completion assurance, security for an improvement warranty, or receiving a
4196	building permit.
4197	(ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and
4198	infrastructure improvements that are installed by an applicant are subject to
4199	inspection by the municipality in accordance with the municipality's adopted
4200	inspection standards.
4201	(f)(i) Each improvement completion assurance and improvement warranty posted by
4202	an applicant with a municipality shall be independent of any other improvement
4203	completion assurance or improvement warranty posted by the same applicant with
4204	the municipality.
4205	(ii) Subject to Section 10-9a-509.5, if an applicant has posted a form of security with
4206	a municipality for more than one infrastructure improvement or public
4207	landscaping improvement, the municipality may not withhold acceptance of an
4208	applicant's required subdivision improvements, public landscaping improvement,
4209	infrastructure improvements, or the performance of warranty work for the same

4210	applicant's failure to complete a separate subdivision improvement, public
4211	landscaping improvement, infrastructure improvement, or warranty work under a
4212	separate improvement completion assurance or improvement warranty.
4213	(4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or
4214	other entitlement benefit not currently available under the existing zone, a
4215	municipality may require a completion assurance bond for landscaped amenities and
4216	common area that are dedicated to and maintained by a homeowners association.
4217	(b) Any agreement regarding a completion assurance bond under Subsection (4)(a)
4218	between the applicant and the municipality shall be memorialized in a development
4219	agreement.
4220	(c) A municipality may not require a completion assurance bond for or dictate who
4221	installs or is responsible for the cost of the landscaping of residential lots or the
4222	equivalent open space surrounding single-family attached homes, whether platted as
4223	lots or common area.
4224	(5) The sum of the improvement completion assurance required under Subsections (3) and
4225	(4) may not exceed the sum of:
4226	(a) 100% of the estimated cost of the public landscaping improvements or infrastructure
4227	improvements, as evidenced by an engineer's estimate or licensed contractor's bid;
4228	and
4229	(b) 10% of the amount of the bond to cover administrative costs incurred by the
4230	municipality to complete the improvements, if necessary.
4231	(6)(a) [At any time before a municipality accepts a public landscaping improvement or
4232	infrastructure improvement,] Upon an applicant's written request that the land use
4233	authority accept or reject the applicant's installation of required subdivision
4234	improvements or performance of warranty work as set forth in Section 10-9a-509.5,
4235	and for the duration of each improvement warranty period, the municipality may
4236	require the applicant to:
4237	[(a)] (i) execute an improvement warranty for the improvement warranty period; and
4238	[(b)] (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as
4239	required by the municipality, in the amount of up to 10% of the lesser of the:
4240	[(i)] (A) municipal engineer's original estimated cost of completion; or
4241	$[\frac{(ii)}{B}]$ applicant's reasonable proven cost of completion.
4242	[(7)] (b) A municipality may not require the payment of the deposit of the improvement
4243	warranty assurance described in Subsection (6)(a)(i) for an infrastructure

4244	improvement or public landscaping improvement before the applicant indicates
4245	through written request that the applicant has completed the infrastructure
4246	improvement or public landscaping improvement.
4247	(7) When a municipality accepts an improvement completion assurance for public
4248	landscaping improvements or infrastructure improvements for a development in
4249	accordance with Subsection (3)(c)(ii), the municipality may not deny an applicant a
4250	building permit if the development meets the requirements for the issuance of a building
4251	permit under the building code and fire code.
4252	(8) A municipality may not require the submission of a private landscaping plan as part of
4253	an application for a building permit.
4254	[(8)] (9) The provisions of this section do not supersede the terms of a valid development
4255	agreement, an adopted phasing plan, or the state construction code.
4256	Section 48. Section 10-9a-701 is amended to read:
4257	10-9a-701 (Effective 05/07/25). Appeal authority required Condition precedent
4258	to judicial review Appeal authority duties.
4259	(1)(a) Each municipality adopting a land use ordinance shall, by ordinance, establish one
4260	or more appeal authorities.
4261	(b) An appeal authority described in Subsection (1)(a) shall hear and decide:
4262	(i) requests for variances from the terms of land use ordinances;
4263	(ii) appeals from land use decisions applying land use ordinances; and
4264	(iii) appeals from a fee charged in accordance with Section 10-9a-510.
4265	(c) An appeal authority described in Subsection (1)(a) may not hear an appeal from the
4266	enactment of a land use regulation.
4267	(2) As a condition precedent to judicial review, each adversely affected party shall timely
4268	and specifically challenge a land use authority's land use decision, in accordance with
4269	local ordinance.
4270	(3) An appeal authority described in Subsection (1)(a):
4271	(a) shall:
4272	(i) act in a quasi-judicial manner; and
4273	(ii) serve as the final arbiter of issues involving the interpretation or application of
4274	land use ordinances; and
4275	(b) may not entertain an appeal of a matter in which the appeal authority, or any
4276	participating member, had first acted as the land use authority.
4277	(4) By ordinance, a municipality may:

4278	(a) designate a separate appeal authority to hear requests for variances than the appeal
4279	authority the municipality designates to hear appeals;
4280	(b) designate one or more separate appeal authorities to hear distinct types of appeals of
4281	land use authority decisions;
4282	(c) require an adversely affected party to present to an appeal authority every theory of
4283	relief that the adversely affected party can raise in district court;
4284	(d) not require a land use applicant or adversely affected party to pursue duplicate or
4285	successive appeals before the same or separate appeal authorities as a condition of an
4286	appealing party's duty to exhaust administrative remedies; and
4287	(e) provide that specified types of land use decisions may be appealed directly to the
4288	district court.
4289	(5) A municipality may not require a public hearing for a request for a variance or land use
4290	appeal.
4291	(6) If the municipality establishes or, prior to the effective date of this chapter, has
4292	established a multiperson board, body, or panel to act as an appeal authority, at a
4293	minimum the board, body, or panel shall:
4294	(a) notify each of the members of the board, body, or panel of any meeting or hearing of
4295	the board, body, or panel;
4296	(b) provide each of the members of the board, body, or panel with the same information
4297	and access to municipal resources as any other member;
4298	(c) convene only if a quorum of the members of the board, body, or panel is present; and
4299	(d) act only upon the vote of a majority of the convened members of the board, body, or
4300	panel.
4301	Section 49. Section 10-9a-802 is amended to read:
4302	10-9a-802 (Effective 05/07/25). Enforcement Limitations on a municipality's
4303	ability to enforce an ordinance by withholding a permit or certificate.
4304	(1)(a) A municipality or an adversely affected party may, in addition to other remedies
4305	provided by law, institute:
4306	(i) injunctions, mandamus, abatement, or any other appropriate actions; or
4307	(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
4308	(b) A municipality need only establish the violation to obtain the injunction.
4309	(2)(a) Except as provided in Subsections (3) [and (4)] though (6), a municipality may
4310	enforce the municipality's ordinance by withholding a building permit or certificate
4311	of occupancy.

4312	(b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any
4313	building or other structure within a municipality without approval of a building
4314	permit.
4315	(c) A municipality may not issue a building permit unless the plans of and for the
4316	proposed erection, construction, reconstruction, alteration, or use fully conform to all
4317	regulations then in effect.
4318	(d) A municipality may require an applicant to maintain and repair a temporary fire
4319	apparatus road during the construction of a structure accessed by the temporary fire
4320	apparatus road in accordance with the municipality's adopted standards.
4321	(e) A municipality may require temporary signs to be installed at each street intersection
4322	once construction of a new roadway allows passage by a motor vehicle.
4323	(f) A municipality may adopt and enforce any appendix of the International Fire Code,
4324	2021 Edition.
4325	[(d)]
4326	(3)(a) A municipality may not deny an applicant a building permit or certificate of
4327	occupancy because the applicant has not completed an infrastructure improvement:
4328	(i) [that is not] unless the infrastructure improvement is essential to meet the
4329	requirements for the issuance of a building permit or certificate of occupancy
4330	under [the building code and fire code] Title 15A, State Construction and Fire
4331	Codes Act; and
4332	(ii) for which the municipality has accepted an improvement completion assurance
4333	for a public landscaping improvement, as defined in Section 10-9a-604.5, or an
4334	infrastructure improvement for the development.
4335	(b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6,
4336	infrastructure improvement that is essential means:
4337	(i) for a building permit:
4338	(A) operable fire hydrants installed in a manner that is consistent with the
4339	municipality's adopted engineering standards; and
4340	(B) for temporary roads used during construction, a properly compacted road base
4341	installed in a manner consistent with the municipality's adopted engineering
4342	standards;
4343	(ii) for a certificate of occupancy, at the discretion of the municipality, at least one of
4344	the following:
4345	(A) a permanent road;

4346	(B) a temporary road covered with asphalt or concrete; or
4347	(C) another method for accessing a structure consistent with Appendix D of the
4348	International Fire Code; and
4349	(iii) public infrastructure necessary for the health, life, and safety of the occupant.
4350	(c) A municipality may not adopt an engineering standard that requires an applicant to
4351	install a permanent road or a temporary road with asphalt or concrete before
4352	receiving a building permit.
4353	[(3)] (4) A municipality may not deny an applicant a building permit or certificate of
4354	occupancy [based on the lack of completion of a] for failure to:
4355	(a) submit a private landscaping plan, as defined in Section 10-9a-604.5; or
4356	(b) complete a landscaping improvement that is not a public landscaping improvement,
4357	as defined in Section 10-9a-604.5.
4358	[(4)] (5) A municipality may not withhold a building permit based on the lack of completion
4359	of a portion of a public sidewalk to be constructed within a public right-of-way serving a
4360	lot where a single-family or two-family residence or town home is proposed in a
4361	building permit application if an improvement completion assurance has been posted for
4362	the incomplete portion of the public sidewalk.
4363	[(5)] (6) A municipality may not prohibit the construction of a single-family or two-family
4364	residence or town home, withhold recording a plat, or withhold acceptance of a public
4365	landscaping improvement, as defined in Section 10-9a-604.5, or an infrastructure
4366	improvement based on the lack of installation of a public sidewalk if an improvement
4367	completion assurance has been posted for the public sidewalk.
4368	[(6)] (7) A municipality may not redeem an improvement completion assurance securing the
4369	installation of a public sidewalk sooner than 18 months after the date the improvement
4370	completion assurance is posted.
4371	[(7)] (8) A municipality shall allow an applicant to post an improvement completion
4372	assurance for a public sidewalk separate from an improvement completion assurance for:
4373	(a) another infrastructure improvement; or
4374	(b) a public landscaping improvement, as defined in Section 10-9a-604.5.
4375	[(8)] (9) A municipality may withhold a certificate of occupancy for a single-family or
4376	two-family residence or town home until the portion of the public sidewalk to be
4377	constructed within a public right-of-way and located immediately adjacent to the
4378	single-family or two-family residence or town home is completed and accepted by the
4379	municipality.

4380	Section 50. Section 15A-1-105 is amended to read:
4381	15A-1-105 (Effective 05/07/25). Third-party inspection firms.
4382	(1) As used in this section:
4383	(a) "Building permit applicant" means a person who applies to a local regulator for a
4384	building permit.
4385	(b) "Inspection" means a physical examination of all aspects of a structure to ensure
4386	compliance with the State Construction Code.
4387	(c) "Local regulator" means the same as that terms is defined in Section 15A-1-102.
4388	(d) "Third-party inspection firm" means an entity that is:
4389	(i) licensed under Title 58, Chapter 56, Building Inspector and Factory Built Housing
4390	Licensing Act;
4391	(ii) independent, but may include a building inspector for an adjacent city or county;
4392	and
4393	(iii) included on the local regulator's third-party inspection firm list.
4394	(e) "Third-party inspection firm list" means a list of:
4395	(i) for a first, second, third, or fourth class county, or a municipality located within a
4396	first, second, third, or fourth class county, three or more third-party inspection
4397	firms approved by the local regulator; or
4398	(ii) for a fifth or sixth class county, or a municipality located within a fifth or sixth
4399	class county, one or more third-party inspection firms approved by the local
4400	regulator.
4401	(2)(a) Subject to the provisions of this section and Subsections [10-6-160(2)]
4402	10-9a-542(2) and $[17-36-55(2)]$ $17-27a-537(2)$, after submitting a request for
4403	inspection, a building permit applicant may engage a third-party inspection firm from
4404	the local regulator's third-party inspection firm list to conduct or complete an
4405	inspection for the scope of work identified under the original request for inspection.
4406	(b) If a building permit applicant wishes to engage a third-party inspection firm in
4407	accordance with Subsection (2)(a), the building permit applicant shall first notify the
4408	local regulator of the third-party inspection firm the building permit applicant intends
4409	to engage.
4410	(c) Upon completing the inspection, the third-party inspection firm shall submit the
4411	inspection report to the local regulator.
4412	(d)(i) The local regulator shall pay the cost of the inspection to the third-party
4413	inspection firm after the local regulator receives the third-party inspection report

4414	indicating the third-party inspection firm completed the inspection.
4415	(ii) This section does not require a local regulator to pay for an inspection that
4416	exceeds the scope of work identified under the original request for inspection.
4417	(3)(a) The local regulator shall issue a certificate of occupancy to the building permit
4418	applicant if the third-party inspection firm:
4419	(i) completes the inspection; and
4420	(ii) submits the inspection report to the local regulator.
4421	(b) The local regulator shall promptly issue the certificate of occupancy or letter of
4422	completion after the third-party inspection firm submits the final inspection report to
4423	the local regulator as described in Subsection (3)(a)(ii).
4424	(4) A local regulator is not liable for any inspection performed by a third-party inspection
4425	firm.
4426	Section 51. Section 15A-3-203 is amended to read:
4427	15A-3-203 (Effective 05/07/25). Amendments to Chapters 6 through 15 of IRC.
4428	(1) IRC, Section R609.4.1, is deleted.
4429	(2) In IRC, Section N1101.4 (R102.1.1), a new section N1101.4.1 (R102.1.1) is added as
4430	follows: "N1101.4.1 National Green Building Standard. Buildings complying with ICC
4431	700-2020 National Green Building Standard and achieving the Gold rating level for the
4432	energy efficiency category shall be deemed to exceed the energy efficiency required by
4433	this code. The building shall also meet the requirements identified in table N1105.2 and
4434	the building thermal envelope efficiency is greater than or equal to levels of efficiency
4435	and solar heat gain coefficients (SHGC) in Tables N1102.2.2 and N1102.1.3 of the 2009
4436	IRC."
4437	(3) In IRC, Section N1101.5 (R103.2), all words after the words "herein governed." are
4438	deleted and replaced with the following: "Construction documents include all
4439	documentation required for building permits shall include only those items specified in
4440	Subsection [10-5-132(8)] 10-9a-542(8) or 17-27a-537(8) of the Utah [Municipal] Code."
4441	(4) In IRC, Section N1101.10.3 (R303.1.3) the following changes are made:
4442	(a) The following is added at the end of the first sentence "or EN
4443	14351-1:2006+A1:2010."
4444	(b) The word "accredited" is replaced with "approved" in the third sentence.
4445	(c) The following sentence is added after the third sentence: "A conversion factor of
4446	5.678 shall be used to convert from U values expressed in SI units: ()/53678=."
4447	(d) After "NFRC 200" the following words are added: "or FN 14351-1:2006+A1:2010."

4448	and in the sentence the word "accredited" is replaced with the word "approved."
4449	(e) The following new sentence shall be inserted immediately prior to the last sentence:
4450	"Total Energy Transmittance values may be substituted for SHGC, and Luminous
4451	Transmission values may be substituted for VT."
4452	(5) In IRC, Section N1101.12 (R303.3), all wording after the first sentence is deleted.
4453	(6) In IRC, Section N1101.13 (R401.2), in the first sentence, the words "Section
4454	N1101.13.5 and" are deleted.
4455	(7) In IRC, Section N1101.13.5 (R401.2.5) is deleted.
4456	(8) In IRC, Section N1101.14 (R401.3) Number 7, the words "and the compliance path
4457	used" are deleted.
4458	(9) In IRC, Table N1102.1.2 (R402.1.2):
4459	(a) in the column titled Fenestration U-Factor the following changes are made:
4460	(i) in the row titled "Climate Zone 3" delete 0.30 and replace it with 0.32;
4461	(ii) in the row titled "Climate Zone 5 and Marine 4" delete 0.30 and replace it with
4462	0.32; and
4463	(iii) in the row titled "Climate Zone 6" delete 0.30 and replace it with 0.32;
4464	(b) in the column titled "Glazed Fenestration SHGC", the following change is made: in
4465	the row titled "Climate Zone 3" delete 0.25 and replace it with 0.35;
4466	(c) in the column titled "Ceiling U-Factor" the following changes are made:
4467	(i) in the row titled "Climate Zone 3" delete 0.026 and replace it with 0.030;
4468	(ii) in the row titled "Climate Zone 5 and Marine 4" delete 0.024 and replace it with
4469	0.026; and
4470	(iii) in the row titled "Climate Zone 6" delete 0.024 and replace it with 0.026;
4471	(d) in the column titled "Wood Frame Wall U Factor", the following changes are made:
4472	(i) in the row titled "Climate Zone 3" delete 0.060 and replace it with 0.060;
4473	(ii) in the row titled "Climate Zone 5 and Marine 4" delete 0.045 and replace it with
4474	0.060; and
4475	(iii) in the row titled "Climate Zone 6" delete 0.045 and replace it with 0.060;
4476	(e) in the column titled "Basement Wall U-Factor" the following changes are made:
4477	(i) in the row titled "Climate Zone 5 and Marine 4" delete 0.050 and replace it with
4478	0.075; and
4479	(ii) in the row titled "Climate Zone 6" delete 0.50 and replace it with 0.065; and
4480	(f) in the column titled "Crawl Space Wall U-Factor" the following changes are made:
4481	(i) in the row titled "Climate Zone 5 and Marine 4" delete 0.055 and replace it with

4482	0.078; and
4483	(ii) in the row titled "Climate Zone 6" delete 0.55 and replace it with 0.065.
4484	(10) In IRC, Table N1102.1.3 (R402.1.3), the following changes are made:
4485	(a) in the column titled "Wood Frame Walls R-Value" a new footnote indicator "j" is
4486	added and at the bottom of the footnotes the following footnote "j" is added: "j. In
4487	climate zone 3B and 5B, an R-15, and in climate zone 6, an R-20 shall be acceptable
4488	where air-impermeable insulation is installed in the cavity space, exterior continuous
4489	insulation, or some combination thereof; and the tested house air leakage is a
4490	maximum of 2.0 ACH50"; and
4491	(b) add a new footnote "k" as follows: "k. Log walls complying with ICC400 and with a
4492	minimum average wall thickness of 5 inches or greater shall be permitted in Zones 5
4493	through 8 when overall window glazing has 0.30 U-factor or lower, minimum
4494	heating equipment efficiency is for gas 95 AFUE, or for oil, 84 AFUE, and all other
4495	components requirements are met."
4496	(11) In IRC, Table N1102.1.3 (R402.1.3) the following changes are made:
4497	(a) in the column titled "Fenestration U-Factor" the following changes are made:
4498	(i) in the row titled "Climate Zone 3" delete 0.30 and replace it with 0.32;
4499	(ii) in the row titled "Climate Zone 5 and Marine 4" delete 0.30 and replace it with
4500	0.32; and
4501	(iii) in the row titled "Climate Zone 6" delete 0.30 and replace it with 0.32;
4502	(b) in the column titled "Glazed Fenestration SHGC" the following change is made: in
4503	the row titled "Climate Zone 3" delete 0.25 and replace it with 0.35;
4504	(c) in the Column R-Value the following changes are made:
4505	(i) in the row titled "Climate Zone 3" delete 49 and replace it with 38;
4506	(ii) in the row titled "Climate Zone 5 and Marine 4" delete 60 and replace it with 49:
4507	and
4508	(iii) in the row titled "Climate Zone 6" delete 60 and replace it with 49;
4509	(d) in the Column titled "Wood Frame Wall R-Value" the following changes are made:
4510	(i) in the row titled "Climate Zone 3" delete all values and replace with 20+Oci or
4511	13+5ci or 015ci;
4512	(ii) in the row titled "Climate Zone 5 or Marine 4" delete all values and replace with
4513	21+Oci or 15+5ci or 0+15ci; and
4514	(iii) in the row titled "Climate Zone 6" delete all values and replace with 21+Oci or
4515	15+5ci or 0+15ci;

4516	(e) in the column titled "Basement Wall R Value" the following changes are made:
4517	(i) in the row titled "Climate Zone 5 or Marine 4" delete all values and replace with
4518	15+Oci or 0+11ci or 11+5ci; and
4519	(ii) in the row titled "Climate Zone 6" delete all values and replace with 19+Oci or
4520	0+13ci or 11+5ci;
4521	(f) in the column titled "Slab R Value and Depth" the following changes are made:
4522	(i) in the row titled "Climate Zone 3" delete 10ci. 2 ft and replace it with NR; and
4523	(ii) in the row titled "Climate Zone 5 & Marine 4" delete 4 ft and replace it with 2 ft;
4524	and
4525	(g) in the column titled "Crawl Space Wall R-Value" the following changes are made:
4526	(i) in the row titled "Climate Zone 5 or Marine 4" delete all values and replace with
4527	15+Oci or 0+11ci or 11+5ci; and
4528	(ii) in the row titled "Climate Zone 6" delete all values and replace with 19+Oci or
4529	0+13ci or 0+11+5ci.
4530	(12) In IRC, a new subsection N1102.1.5.1 (R402.1.5.1) is added as follows: "1102.1.5.1
4531	(R402.1.5.1) RESCheck 2012 Utah Energy Conservation Code. Compliance with
4532	section N1102.1.5 (R402.1.5) may be satisfied using the software RESCheck 2012 Utah
4533	Energy Conservation Code, which shall satisfy the R-value and U-factor requirements of
4534	N1102.1, N1102.2, and N1102.3, provided the following conditions are met:
4535	(a) in "Climate Zone 5 and 6" the software result shall show 5% better than code; and
4536	(b) in "Climate Zone 3", the software result shall show 5% better than code when
4537	software inputs for window U-factor .65 and window SHGC=0.40, notwithstanding
4538	actual windows installed shall conform to requirements of Tables N1102.1.2
4539	(R402.1.2) and N1102.1.3 (R402.1.3)."
4540	(13) In IRC, Sections N1102.2.1 (R402.2.1), a new Section N1102.2.1.1 is added as follows:
4541	"N1102.2.1.1. Unvented attic and unvented enclosed rafter assemblies. Unvented attic
4542	and unvented enclosed rafter assemblies conforming to Section R806.5 shall be provided with
4543	an R-value of R-22 (maximum U-Factor of 0.045) in Climate Zone 3-B or an R-value of R-26
4544	(maximum U-factor of 0.038) in Climate Zones 5-B and 6-B shall be permitted provided all
4545	the following conditions are met:
4546	1. The unvented attic assembly complies with the requirements of the International
4547	Residential Code, R806.5.
4548	2. The house shall attain a blower door test result 2.5ACH 50.
4549	3. The house shall require a whole house mechanical ventilation system that does not

rely solely on a negative pressure strategy (must be positive, balanced or hybrid).

- 4. Where insulation is installed below the roof deck and the exposed portion of roof
 rafters are not already covered by the R-20 depth of the air-impermeable insulation, the
 exposed portion of the roof rafters shall be wrapped (covered) by minimum R-3 unless directly
 covered by drywall/finished ceiling. Roof rafters are not required to be covered by minimum
 R-3 if a continuous insulation is installed above the roof deck.
 - 5. Indoor heating, cooling and ventilation equipment (including ductwork) shall be inside the building thermal envelope."
 - (14) In IRC, Section N1102.2.9.1 (R402.2.9.1) the numeral (i) is added before the words "cut at a 45 degree" and the following is added after the words "exterior wall": "or (ii) lowered from top of slab 4" when a 4" thermal break material such as, but not limited to, felt or asphalt impregnated fiber board, with a minimum thickness of 1/4" is installed at the upper 4" of slab".
 - (15) In IRC, Section N1102.4.1 (R402.4.1), in the first sentence, the word "and" is deleted and replaced with the word "or."
 - (16) In IRC, Section N1102.4.1.1 (R402.4.1.1), the last sentence is deleted and replaced with the following: "Where allowed by the code official, the builder may certify compliance to components criteria for items which may not be inspected during regularly scheduled inspections."
 - (17) In IRC, Table N1102.4.1.1 (R402.4.1.1) in the column titled "COMPONENT, the following changes are made:
 - (a) In the row "Rim Joists" the word "exterior" in the first sentence is deleted, and the second sentence is deleted.
 - (b) In the row "Electrical/phone box on the exterior walls" the last sentence is deleted and replaced with: "Alternatively, close cell foam, caulking or gaskets may be used, or air sealed boxes may be installed."
 - (18) In IRC, Section N1102.4.1.2 (R402.4.1.2), the following changes are made:
 - (a) In the fourth sentence, the word "third" is deleted.
 - (b) The following sentence is added after the fourth sentence: "The following parties shall be approved to conduct testing: Parties certified by BPI or RESNET, or licensed contractors who have completed training provided by Blower Door Test equipment manufacturers or other comparable training."
 - (c) In the first Exception the second sentence is deleted.
 - (19) IRC, Section N1103.3.3 (R403.3.3), is deleted.

4584	[(a) on or after January 1, 2017, and before January 1, 2019, with the following:
4585	"Exception: The duct air leakage test is not required for systems with all air
4586	handlers and at least 65% of all ducts (measured by length) located entirely within
4587	the building thermal envelope.";]
4588	(20) IRC Section N1103.3.3.1 (R403.3.3.1) is deleted.
4589	(21) In IRC, Section N1103.3.5 (R403.3.5), [the-]the following changes are made:
4590	(a) a second Exception is added as follows: "A duct leakage test shall not be required for
4591	any system designed such that no air handlers or ducts are located within
4592	unconditioned attics."; and
4593	(b) the following is added at the end of the section: "The following parties shall be
4594	approved to conduct testing:
4595	(i) Parties certified by BPT or RESNET; and
4596	(ii) Licensed contractors who have completed training provided by Duct Test
4597	equipment manufacturers or other comparable training."
4598	(22) In IRC, Section N1103.3.6 (R403.3.6) the following changes are made:
4599	(a) in Subsection 1:
4600	(i) the number 4.0 is changed to 6.0;
4601	(ii) the number 113.3 is changed to 170;
4602	(iii) the number 3.0 is changed to 5.0; and
4603	(iv) the number 85 is changed to 141;
4604	(b) in Subsection 2:
4605	(i) the number 4.0 is changed to 5.0; and
4606	(ii) the number 113.3 is changed to 141; and
4607	(c) Subsection 3 is deleted.
4608	(23) In IRC, Section N1103.3.7 (R403.3.7) the words "or plenums" are deleted.
4609	(24) In IRC, Section N1103.5.1.1 (R403.5.1.1) the words "Where installed" are added at the
4610	beginning of the first sentence.
4611	(25) In IRC, Section N1103.5.2 (R403.5.2) the following change is made, Subsections 5
4612	and 6 are deleted and Subsection 7 is renumbered to 5.
4613	(26) IRC, Section N1103.6.2 (R403.6.2), is deleted and replaced with the following:
4614	"N1103.6.2 (R403.6.2) Whole-house mechanical ventilation system fan efficacy. Fans used to
4615	provide whole-house mechanical ventilation shall meet the efficacy requirements of Table
4616	N1103.6.2 (R403.6.2).
4617	Exception: Where an air handler that is integral to tested and listed HVAC equipment is

used to provide whole-house mechanical ventilation, the air handler shall be powered by an electronically commutated motor."

4620 (27) In IRC, Section N1103.6.2 (R403.6.2), the table is deleted and replaced with the

4621 following:

4622 "TABLE N1103.6.2 (R403.6.2)",

4623 MECHANICAL VENTILATION SYSTEM FAN EFFICACY

4624	FAN LOCATION	AIR FLOW RATE	MINIMUM	AIR FLOW RATE
		MINIMUM (CFM)	EFFICACY	MAXIMUM (CFM)
			(CFM/WATT)	
4625	HRV or ERV	Any	1.2 cfm/watt	Any
4626	Range hoods	Any	2.8 cfm/watt	Any
4627	In-line fan	Any	2.8 cfm/watt	Any
4628	Bathroom, utility room	10	1.4 cfm/watt	90
4629	Bathroom, utility room	90	2.8 cfm/watt	Any"

- 4630 (28) IRC, Section N1103.6.3 (R403.6.3) is deleted.
- 4631 (29) In IRC, Section N1103.7 (R403.7) the word "approved" is deleted in the first sentence
- and the following is added after the word "methodologies": "complying with N1103.7.1
- 4633 (R403.7.1)".
- 4634 (30) A new IRC, Section N1103.7.1 (R403.7.1) is added as follows: "N1103.7.1
- 4635 Qualifications. An individual performing load calculations shall be qualified by completing
- 4636 HVAC training from one of the following:
- 1. HVAC load calculation education from ACCA;
- 4638 2. A recognized educational institution;
- 4639 3. HVAC equipment manufacturer's training; or
- 4. Other recognized industry certification."
- 4641 (31) In IRC, Section N1104.1 (R404.1), the word "All" is replaced with "Not less than 90
- percent of the lamps in".
- 4643 (32) IRC, Section N1104.1.1 (R404.1.1) is deleted.
- 4644 (33) IRC, Section N1104.2 (R404.2) is deleted.
- 4645 (34) IRC, Section N1104.3 (R404.3) is deleted.
- 4646 (35) In IRC, section N1105.2 (R405.2) the following changes are made:
- 4647 (a) In Subsection 3, the words "approved by the code official" are deleted; and
- (b) In Subsection 3, the following words are added at the end of the sentence: "when

4649	applicable and readily available".
4650	(36) In IRC, Section N1106.3 (R406.3) "Building thermal envelope" is deleted, and
4651	replaced with "Building thermal envelope and on-site renewables. The proposed total
4652	building thermal envelope UA, which is the sum of U-factor times assembly area, shall
4653	be less than or equal to the building thermal envelope UA using the prescriptive
4654	U-factors from Table N1102.1.2 multiplied by 1.15 in accordance with Equation 11-4.
4655	The area-weighted maximum fenestration SHGC permitted in Climate Zones 0 through
4656	3 shall be: 0.30.UAProposed design =1.15xUAPrescriptive reference design (Equation
4657	11-4)."
4658	(37) In IRC, Section N1106.3.1 (R406.3.1) is deleted.
4659	(38) In IRC, Section N1106.3.2 (R403.3.2) is deleted.
4660	(39) In IRC, Section N1106.4 (R406.4) the following changes are made:
4661	(a) In the first sentence, the words "in accordance with Equation 11-5" are deleted and
4662	replaced with: "permitted to be calculated using the minimum total air exchange rate
4663	for the rated home (Qtot) and for the index adjustment factor in accordance with
4664	Equation 11.5.";
4665	(b) In equation 11-5, the words "Ventilation rate, CFM" are deleted and replaced with:
4666	"Qtot"; and
4667	(c) In the last sentence the number "5" is deleted and replaced with "15".
4668	(40) In IRC N1106.5, in the column titled "ENERGY RATING INDEX" of Table R406.5,
4669	the following changes are made:
4670	(a) In the row for "Climate Zone 3", "51" is deleted and replaced with "65";
4671	(b) In the row for "Climate Zone 5", "55" is deleted and replaced with "69"; and
4672	(c) In the row for "Climate Zone 6", "54" is deleted and replaced with "68".
4673	(41) In IRC, Section N1108 (R408) is deleted.
4674	(42) In IRC, Section M1401.3 the word "approved" is deleted in the first sentence and the
4675	following is added after the word methodologies ", complying with M1401.3.1".
4676	(43) A new IRC, Section M1401.3.1, is added as follows: "M1401.3.1 Qualifications. An
4677	individual performing load calculations shall be qualified by completing HVAC training from
4678	one of the following:
4679	1. HVAC load calculation education from ACCA;
4680	2. A recognized educational institution;
4681	3. HVAC equipment manufacturer's training; or

4. Other recognized industry certification."

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4683	(44) In IRC, Section M1402.1, the following is added at the end of the second sentence: "or
4684	UL/CSA 60335-2-40."
4685	(45) In IRC, Section M1403.1, the characters "/ANCE" are deleted.
4686	(46) IRC, Section M1411.9, is deleted.
4687	(47) In IRC, Section M1412.1, the characters "/ANCE" are deleted.
4688	(48) In IRC, Section M1413.1, the characters "/ANCE" are deleted.
4689	Section 52. Section 15A-5-205.6 is amended to read:
4690	15A-5-205.6 (Effective 05/07/25). Amendments and additions to Chapter 33 of
4691	IFC.
4692	(1) IFC, Chapter 33, Section 3311.1, Required access, is deleted and rewritten as follows:
4693	"3311.1 Required access.
4694	3311.1.1 Approved vehicle access. Approved vehicle access for fire fighting shall be
4695	provided as described in Chapter 5 of this code to all construction or demolition sites.
4696	3311.1.2 Fire department connections. Vehicle access shall be provided to within 100
4697	feet of temporary or permanent fire department connections.
4698	3311.1.3 Type of access. Vehicle access shall be provided by either temporary or
4699	permanent roads.
4700	3311.3.1 Temporary road requirements. Temporary roads shall be constructed with a
4701	minimum of site specific required structural fill for permanent roads and road base, or other
4702	approved material complying with local standards.
4703	3311.3.2 Reports. Compaction reports may be required. An engineer's review and
4704	certification of a temporary fire department access road is not required.
4705	3311.3.3 Local jurisdictions. [If an improvement completion assurance has been posted
4706	in accordance with Section 10-9a-604.5, a] A local jurisdiction may not require:
4707	(a) [-]permanent roads, or asphalt or concrete on temporary roads[,] before final approval
4708	of the structure served by the road; or
4709	(b) permanent roads, or asphalt and concrete on temporary roads, during construction of the
4710	structure served by the road.
4711	3311.1.4 Maintenance. Temporary roads shall be maintained until permanent fire
4712	apparatus access roads are available.
4713	3311.1.5 Time line. Temporary or permanent fire department access roads shall be
4714	functional before construction above the foundation begins and before an appreciable amount
4715	of combustible construction materials are on site."
4716	(2) IFC, Chapter 33, Section 3311.2, Key boxes, is deleted.

4/1/	(3) Notwithstanding IFC 3311.3.1, a temporary road that meets the requirements of Section
4718	10-9a-802 or 17-27a-802, and any local regulation adopted in accordance with Section
4719	10-9a-802 or 17-27a-802, may be constructed.
4720	Section 53. Section 17-27a-102 is amended to read:
4721	17-27a-102 (Effective 05/07/25). Purposes General land use authority
4722	Limitations.
4723	(1)(a) The purposes of this chapter are to:
4724	(i) provide for the health, safety, and welfare;
4725	(ii) promote the prosperity;
4726	(iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of
4727	each county and each county's present and future inhabitants and businesses;
4728	(iv) protect the tax base;
4729	(v) secure economy in governmental expenditures;
4730	(vi) foster the state's agricultural and other industries;
4731	(vii) protect both urban and nonurban development;
4732	(viii) protect and ensure access to sunlight for solar energy devices;
4733	(ix) provide fundamental fairness in land use regulation;
4734	(x) facilitate orderly growth and allow growth in a variety of housing types; and
4735	(xi) protect property values.
4736	(b) Subject to Subsection (4) and Section 11-41-103, to accomplish the purposes of this
4737	chapter, a county may enact all ordinances, resolutions, and rules and may enter into
4738	other forms of land use controls and development agreements that the county
4739	considers necessary or appropriate for the use and development of land within the
4740	unincorporated area of the county or a designated mountainous planning district,
4741	including ordinances, resolutions, rules, restrictive covenants, easements, and
4742	development agreements governing:
4743	(i) uses;
4744	(ii) density;
4745	(iii) open spaces;
4746	(iv) structures;
4747	(v) buildings;
4748	(vi) energy-efficiency;
4749	(vii) light and air;
4750	(viii) air quality;

4751	(ix) transportation and public or alternative transportation;	
4752	(x) infrastructure;	
4753	(xi) street and building orientation and width requirements;	
4754	(xii) public facilities;	
4755	(xiii) fundamental fairness in land use regulation; and	
4756	(xiv) considerations of surrounding land uses to balance the foregoing purposes with	
4757	a landowner's private property interests and associated statutory and constitutional	
4758	protections.	
4759	(2) Each county shall comply with the mandatory provisions of this part before any	
4760	agreement or contract to provide goods, services, or municipal-type services to any	
4761	storage facility or transfer facility for high-level nuclear waste, or greater than class C	
4762	radioactive waste, may be executed or implemented.	
4763	(3)(a) Any ordinance, resolution, or rule enacted by a county pursuant to its authority	
4764	under this chapter shall comply with the state's exclusive jurisdiction to regulate oil	
4765	and gas activity, as described in Section 40-6-2.5.	
4766	(b) A county may enact an ordinance, resolution, or rule that regulates surface activity	
4767	incident to an oil and gas activity if the county demonstrates that the regulation:	
4768	(i) is necessary for the purposes of this chapter;	
4769	(ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and	
4770	(iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas	
4771	activity, as described in Section 40-6-2.5.	
4772	(4)(a) This Subsection (4) applies to development agreements entered into on or after	
4773	May 5, 2021.	
4774	(b) A provision in a county development agreement is unenforceable if the provision	
4775	requires an individual or an entity, as a condition for issuing building permits or	
4776	otherwise regulating development activities within an unincorporated area of the	
4777	county, to initiate a process for a municipality to annex the unincorporated area in	
4778	accordance with [Title 10, Chapter 2, Part 4, Annexation] Title 10, Chapter 2, Part 8,	
4779	Annexation.	
4780	(c) Subsection (4)(b) does not affect or impair the enforceability of any other provision	
4781	in the development agreement.	
4782	Section 54. Section 17-27a-103 is amended to read:	
4783	17-27a-103 (Effective 05/07/25). Definitions.	
4784	As used in this chapter:	

- 4785 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.
- 4787 (2) "Adversely affected party" means a person other than a land use applicant who:
 - (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or
 - (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.
 - (3) "Affected entity" means a county, municipality, special district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified property owner, property owner's association, public utility, or the Department of Transportation, if:
 - (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
 - (b) the entity has filed with the county a copy of the entity's general or long-range plan; or
 - (c) the entity has filed with the county a request for notice during the same calendar year and before the county provides notice to an affected entity in compliance with a requirement imposed under this chapter.
 - (4) "Affected owner" means the owner of real property that is:
 - (a) a single project;

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- (b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(6); and
- (c) determined to be legally referable under Section 20A-7-602.8.
- (5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.
- 4812 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
 4813 residential property if the sign is designed or intended to direct attention to a business,
 4814 product, or service that is not sold, offered, or existing on the property where the sign is
 4815 located.
- 4816 (7) "Building code adoption cycle" means the period of time beginning the day on which a
 4817 specific edition of a construction code from a nationally recognized code authority is
 4818 adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day

4819	before a new edition of a construction code is adopted and effective in Title 15A, State
4820	Construction and Fire Codes Act.
4821	[(7)] (8)(a) "Charter school" means:
4822	(i) an operating charter school;
4823	(ii) a charter school applicant that a charter school authorizer approves in accordance
4824	with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
4825	(iii) an entity that is working on behalf of a charter school or approved charter
4826	applicant to develop or construct a charter school building.
4827	(b) "Charter school" does not include a therapeutic school.
4828	[(8)] (9) "Chief executive officer" means the person or body that exercises the executive
4829	powers of the county.
4830	[(9)] (10) "Conditional use" means a land use that, because of the unique characteristics or
4831	potential impact of the land use on the county, surrounding neighbors, or adjacent land
4832	uses, may not be compatible in some areas or may be compatible only if certain
4833	conditions are required that mitigate or eliminate the detrimental impacts.
4834	[(10)] (11) "Constitutional taking" means a governmental action that results in a taking of
4835	private property so that compensation to the owner of the property is required by the:
4836	(a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
4837	(b) Utah Constitution, Article I, Section 22.
4838	[(11)] (12) "County utility easement" means an easement that:
4839	(a) a plat recorded in a county recorder's office described as a county utility easement or
4840	otherwise as a utility easement;
4841	(b) is not a protected utility easement or a public utility easement as defined in Section
4842	54-3-27;
4843	(c) the county or the county's affiliated governmental entity owns or creates; and
4844	(d)(i) either:
4845	(A) no person uses or occupies; or
4846	(B) the county or the county's affiliated governmental entity uses and occupies to
4847	provide a utility service, including sanitary sewer, culinary water, electrical,
4848	storm water, or communications or data lines; or
4849	(ii) a person uses or occupies with or without an authorized franchise or other
4850	agreement with the county.
4851	[(12)] (13) "Culinary water authority" means the department, agency, or public entity with
4852	responsibility to review and approve the feasibility of the culinary water system and

4853	sources for the subject property.
4854	[(13)] (14) "Development activity" means:
4855	(a) any construction or expansion of a building, structure, or use that creates additional
4856	demand and need for public facilities;
4857	(b) any change in use of a building or structure that creates additional demand and need
4858	for public facilities; or
4859	(c) any change in the use of land that creates additional demand and need for public
4860	facilities.
4861	[(14)] (15)(a) "Development agreement" means a written agreement or amendment to a
4862	written agreement between a county and one or more parties that regulates or controls
4863	the use or development of a specific area of land.
4864	(b) "Development agreement" does not include an improvement completion assurance.
4865	[(15)] (16)(a) "Disability" means a physical or mental impairment that substantially
4866	limits one or more of a person's major life activities, including a person having a
4867	record of such an impairment or being regarded as having such an impairment.
4868	(b) "Disability" does not include current illegal use of, or addiction to, any federally
4869	controlled substance, as defined in Section 102 of the Controlled Substances Act, 21
4870	U.S.C. Sec. 802.
4871	[(16)] (17) "Educational facility":
4872	(a) means:
4873	(i) a school district's building at which pupils assemble to receive instruction in a
4874	program for any combination of grades from preschool through grade 12,
4875	including kindergarten and a program for children with disabilities;
4876	(ii) a structure or facility:
4877	(A) located on the same property as a building described in Subsection [(16)(a)(i)]
4878	(17)(a)(i); and
4879	(B) used in support of the use of that building; and
4880	(iii) a building to provide office and related space to a school district's administrative
4881	personnel; and
4882	(b) does not include:
4883	(i) land or a structure, including land or a structure for inventory storage, equipment
4884	storage, food processing or preparing, vehicle storage or maintenance, or similar
4885	use that is:
4886	(A) not located on the same property as a building described in Subsection [

4887	$\frac{(16)(a)(i)}{(17)(a)(i)}$; and
4888	(B) used in support of the purposes of a building described in Subsection [
4889	$\frac{(16)(a)(i)}{(17)(a)(i)}$; or
4890	(ii) a therapeutic school.
4891	[(17)] (18) "Fire authority" means the department, agency, or public entity with
4892	responsibility to review and approve the feasibility of fire protection and suppression
4893	services for the subject property.
4894	[(18)] (19) "Flood plain" means land that:
4895	(a) is within the 100-year flood plain designated by the Federal Emergency Management
4896	Agency; or
4897	(b) has not been studied or designated by the Federal Emergency Management Agency
4898	but presents a likelihood of experiencing chronic flooding or a catastrophic flood
4899	event because the land has characteristics that are similar to those of a 100-year flood
4900	plain designated by the Federal Emergency Management Agency.
4901	[(19)] (20) "Gas corporation" has the same meaning as defined in Section 54-2-1.
4902	[(20)] (21) "General plan" means a document that a county adopts that sets forth general
4903	guidelines for proposed future development of:
4904	(a) the unincorporated land within the county; or
4905	(b) for a mountainous planning district, the land within the mountainous planning
4906	district.
4907	[(21)] (22) "Geologic hazard" means:
4908	(a) a surface fault rupture;
4909	(b) shallow groundwater;
4910	(c) liquefaction;
4911	(d) a landslide;
4912	(e) a debris flow;
4913	(f) unstable soil;
4914	(g) a rock fall; or
4915	(h) any other geologic condition that presents a risk:
4916	(i) to life;
4917	(ii) of substantial loss of real property; or
4918	(iii) of substantial damage to real property.
4919	[(22)] (23) "Home-based microschool" means the same as that term is defined in Section
4920	53G-6-201.

4921	[(23)] (24) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
4922	meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
4923	utility system.
4924	[(24)] (25)(a) "Identical plans" means [building] floor plans submitted to a county that:
4925	[(a)] (i) are [clearly marked as "identical plans"] submitted within the same building
4926	code adoption cycle as floor plans that were previously approved by the county;
4927	[(b)] (ii) [are substantially identical building-] have no structural differences from floor
4928	plans that were previously[-submitted to and reviewed and] approved by the
4929	county; and
4930	[(e)] <u>(iii)</u> describe a building that:
4931	[(i)] (A) is located on land zoned the same as the land on which the building
4932	described in the previously approved plans is located;
4933	[(ii) is subject to the same geological and meteorological conditions and the same law
4934	as the building described in the previously approved plans;]
4935	[(iii)] (B) has a substantially identical floor plan [identical to the building] to a floor
4936	plan previously [submitted to and reviewed and]approved by the county; and
4937	[(iv)] (C) does not require any [additional] engineering or analysis beyond a
4938	review to confirm the submitted floor plans are substantially identical to a floor
4939	plan previously approved by the county or a review of the site plan and
4940	associated geotechnical reports for the site.
4941	(b) "Identical plans" include floor plans that are oriented differently as the floor plan that
4942	was previously approved by the county.
4943	[(25)] (26) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
4944	Impact Fees Act.
4945	[(26)] (27) "Improvement completion assurance" means a surety bond, letter of credit,
4946	financial institution bond, cash, assignment of rights, lien, or other equivalent security
4947	required by a county to guaranty the proper completion of landscaping or an
4948	infrastructure improvement required as a condition precedent to:
4949	(a) recording a subdivision plat; or
4950	(b) development of a commercial, industrial, mixed use, or multifamily project.
4951	[(27)] (28) "Improvement warranty" means an applicant's unconditional warranty that the
4952	applicant's installed and accepted landscaping or infrastructure improvement:
4953	(a) complies with the county's written standards for design, materials, and workmanship;
4954	and

4955	(b) will not fail in any material respect, as a result of poor workmanship or materials,
4956	within the improvement warranty period.
4957	[(28)] (29) "Improvement warranty period" means a period:
4958	(a) no later than one year after a county's acceptance of required <u>public</u> landscaping; or
4959	(b) no later than one year after a county's acceptance of required infrastructure, unless
4960	the county:
4961	(i) determines, based on accepted industry standards and for good cause, that a
4962	one-year period would be inadequate to protect the public health, safety, and
4963	welfare; and
4964	(ii) has substantial evidence, on record:
4965	(A) of prior poor performance by the applicant; or
4966	(B) that the area upon which the infrastructure will be constructed contains
4967	suspect soil and the county has not otherwise required the applicant to mitigate
4968	the suspect soil.
4969	[(29)] (30) "Infrastructure improvement" means permanent infrastructure that is essential for
4970	the public health and safety or that:
4971	(a) is required for human consumption; and
4972	(b) an applicant must install:
4973	(i) in accordance with published installation and inspection specifications for public
4974	improvements; and
4975	(ii) as a condition of:
4976	(A) recording a subdivision plat;
4977	(B) obtaining a building permit; or
4978	(C) developing a commercial, industrial, mixed use, condominium, or multifamily
4979	project.
4980	[(30)] (31) "Internal lot restriction" means a platted note, platted demarcation, or platted
4981	designation that:
4982	(a) runs with the land; and
4983	(b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
4984	the plat; or
4985	(ii) designates a development condition that is enclosed within the perimeter of a lot
4986	described on the plat.
4987	[(31)] (32) "Interstate pipeline company" means a person or entity engaged in natural gas
4988	transportation subject to the jurisdiction of the Federal Energy Regulatory Commission

4989	under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
4990	[(32)] (33) "Intrastate pipeline company" means a person or entity engaged in natural gas
4991	transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
4992	Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
4993	[(33)] (34) "Land use applicant" means a property owner, or the property owner's designee,
4994	who submits a land use application regarding the property owner's land.
4995	[(34)] <u>(35)</u> "Land use application":
4996	(a) means an application that is:
4997	(i) required by a county; and
4998	(ii) submitted by a land use applicant to obtain a land use decision; and
4999	(b) does not mean an application to enact, amend, or repeal a land use regulation.
5000	[(35)] (36) "Land use authority" means:
5001	(a) a person, board, commission, agency, or body, including the local legislative body,
5002	designated by the local legislative body to act upon a land use application; or
5003	(b) if the local legislative body has not designated a person, board, commission, agency,
5004	or body, the local legislative body.
5005	[(36)] (37) "Land use decision" means an administrative decision of a land use authority or
5006	appeal authority regarding:
5007	(a) a land use permit;
5008	(b) a land use application; or
5009	(c) the enforcement of a land use regulation, land use permit, or development agreement.
5010	[(37)] (38) "Land use permit" means a permit issued by a land use authority.
5011	[(38)] <u>(39)</u> "Land use regulation":
5012	(a) means a legislative decision enacted by ordinance, law, code, map, resolution,
5013	engineering or development standard, specification for public improvement, fee, or
5014	rule that governs the use or development of land;
5015	(b) includes the adoption or amendment of a zoning map or the text of the zoning code;
5016	and
5017	(c) does not include:
5018	(i) a land use decision of the legislative body acting as the land use authority, even if
5019	the decision is expressed in a resolution or ordinance; or
5020	(ii) a temporary revision to an engineering specification that does not materially:
5021	(A) increase a land use applicant's cost of development compared to the existing
5022	specification; or

5023	(B) impact a land use applicant's use of land.
5024	[(39)] (40) "Legislative body" means the county legislative body, or for a county that has
5025	adopted an alternative form of government, the body exercising legislative powers.
5026	[(40)] (41) "Lot" means a tract of land, regardless of any label, that is created by and shown
5027	on a subdivision plat that has been recorded in the office of the county recorder.
5028	[(41)] (42)(a) "Lot line adjustment" means a relocation of a lot line boundary between
5029	adjoining lots or between a lot and adjoining parcels in accordance with Section
5030	17-27a-608:
5031	(i) whether or not the lots are located in the same subdivision; and
5032	(ii) with the consent of the owners of record.
5033	(b) "Lot line adjustment" does not mean a new boundary line that:
5034	(i) creates an additional lot; or
5035	(ii) constitutes a subdivision or a subdivision amendment.
5036	(c) "Lot line adjustment" does not include a boundary line adjustment made by the
5037	Department of Transportation.
5038	[(42)] (43) "Major transit investment corridor" means public transit service that uses or
5039	occupies:
5040	(a) public transit rail right-of-way;
5041	(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
5042	(c) fixed-route bus corridors subject to an interlocal agreement or contract between a
5043	municipality or county and:
5044	(i) a public transit district as defined in Section 17B-2a-802; or
5045	(ii) an eligible political subdivision as defined in Section 59-12-2219.
5046	[(43)] (44) "Micro-education entity" means the same as that term is defined in Section
5047	53G-6-201.
5048	[(44)] (45) "Moderate income housing" means housing occupied or reserved for occupancy
5049	by households with a gross household income equal to or less than 80% of the median
5050	gross income for households of the same size in the county in which the housing is
5051	located.
5052	[(45)] (46) "Mountainous planning district" means an area designated by a county legislative
5053	body in accordance with Section 17-27a-901.
5054	[(46)] (47) "Nominal fee" means a fee that reasonably reimburses a county only for time
5055	spent and expenses incurred in:
5056	(a) verifying that building plans are identical plans; and

5057	(b) reviewing and approving those minor aspects of identical plans that differ from the
5058	previously reviewed and approved building plans.
5059	[(47)] (48) "Noncomplying structure" means a structure that:
5060	(a) legally existed before the structure's current land use designation; and
5061	(b) because of one or more subsequent land use ordinance changes, does not conform to
5062	the setback, height restrictions, or other regulations, excluding those regulations that
5063	govern the use of land.
5064	[(48)] (49) "Nonconforming use" means a use of land that:
5065	(a) legally existed before the current land use designation;
5066	(b) has been maintained continuously since the time the land use ordinance regulation
5067	governing the land changed; and
5068	(c) because of one or more subsequent land use ordinance changes, does not conform to
5069	the regulations that now govern the use of the land.
5070	[(49)] (50) "Official map" means a map drawn by county authorities and recorded in the
5071	county recorder's office that:
5072	(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
5073	highways and other transportation facilities;
5074	(b) provides a basis for restricting development in designated rights-of-way or between
5075	designated setbacks to allow the government authorities time to purchase or
5076	otherwise reserve the land; and
5077	(c) has been adopted as an element of the county's general plan.
5078	[(50)] (51) "Parcel" means any real property that is not a lot.
5079	[(51)] (52)(a) "Parcel boundary adjustment" means a recorded agreement between
5080	owners of adjoining parcels adjusting the mutual boundary, either by deed or by a
5081	boundary line agreement in accordance with Section 17-27a-523, if no additional
5082	parcel is created and:
5083	(i) none of the property identified in the agreement is a lot; or
5084	(ii) the adjustment is to the boundaries of a single person's parcels.
5085	(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line
5086	that:
5087	(i) creates an additional parcel; or
5088	(ii) constitutes a subdivision.
5089	(c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
5090	the Department of Transportation.

5091	[(52)] (53) "Person" means an individual, corporation, partnership, organization,
5092	association, trust, governmental agency, or any other legal entity.
5093	[(53)] (54) "Plan for moderate income housing" means a written document adopted by a
5094	county legislative body that includes:
5095	(a) an estimate of the existing supply of moderate income housing located within the
5096	county;
5097	(b) an estimate of the need for moderate income housing in the county for the next five
5098	years;
5099	(c) a survey of total residential land use;
5100	(d) an evaluation of how existing land uses and zones affect opportunities for moderate
5101	income housing; and
5102	(e) a description of the county's program to encourage an adequate supply of moderate
5103	income housing.
5104	[(54)] (55) "Planning advisory area" means a contiguous, geographically defined portion of
5105	the unincorporated area of a county established under this part with planning and zoning
5106	functions as exercised through the planning advisory area planning commission, as
5107	provided in this chapter, but with no legal or political identity separate from the county
5108	and no taxing authority.
5109	[(55)] (56) "Plat" means an instrument subdividing property into lots as depicted on a map
5110	or other graphical representation of lands that a licensed professional land surveyor
5111	makes and prepares in accordance with Section 17-27a-603 or 57-8-13.
5112	[(56)] (57) "Potential geologic hazard area" means an area that:
5113	(a) is designated by a Utah Geological Survey map, county geologist map, or other
5114	relevant map or report as needing further study to determine the area's potential for
5115	geologic hazard; or
5116	(b) has not been studied by the Utah Geological Survey or a county geologist but
5117	presents the potential of geologic hazard because the area has characteristics similar
5118	to those of a designated geologic hazard area.
5119	[(57)] (58) "Public agency" means:
5120	(a) the federal government;
5121	(b) the state;
5122	(c) a county, municipality, school district, special district, special service district, or
5123	other political subdivision of the state; or
5124	(d) a charter school.

5125	[(58)] (59) "Public hearing" means a hearing at which members of the public are provided a
5126	reasonable opportunity to comment on the subject of the hearing.
5127	[(59)] (60) "Public meeting" means a meeting that is required to be open to the public under
5128	Title 52, Chapter 4, Open and Public Meetings Act.
5129	[(60)] (61) "Public street" means a public right-of-way, including a public highway, public
5130	avenue, public boulevard, public parkway, public road, public lane, public alley, public
5131	viaduct, public subway, public tunnel, public bridge, public byway, other public
5132	transportation easement, or other public way.
5133	[(61)] (62) "Receiving zone" means an unincorporated area [of a county-]that [the] a county
5134	designates, by ordinance, as an area in which an owner of land may receive a
5135	transferable development right.
5136	[(62)] (63) "Record of survey map" means a map of a survey of land prepared in accordance
5137	with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.
5138	[(63)] (64) "Residential facility for persons with a disability" means a residence:
5139	(a) in which more than one person with a disability resides; and
5140	(b) which is licensed or certified by the Department of Health and Human Services
5141	under:
5142	(i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
5143	(ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
5144	[(64)] (65) "Residential roadway" means a public local residential road that:
5145	(a) will serve primarily to provide access to adjacent primarily residential areas and
5146	property;
5147	(b) is designed to accommodate minimal traffic volumes or vehicular traffic;
5148	(c) is not identified as a supplementary to a collector or other higher system classified
5149	street in an approved municipal street or transportation master plan;
5150	(d) has a posted speed limit of 25 miles per hour or less;
5151	(e) does not have higher traffic volumes resulting from connecting previously separated
5152	areas of the municipal road network;
5153	(f) cannot have a primary access, but can have a secondary access, and does not abut lots
5154	intended for high volume traffic or community centers, including schools, recreation
5155	centers, sports complexes, or libraries; and
5156	(g) primarily serves traffic within a neighborhood or limited residential area and is not
5157	necessarily continuous through several residential areas.
5158	[(65)] (66) "Rules of order and procedure" means a set of rules that govern and prescribe in

5159	a public meeting:
5160	(a) parliamentary order and procedure;
5161	(b) ethical behavior; and
5162	(c) civil discourse.
5163	[(66)] (67) "Sanitary sewer authority" means the department, agency, or public entity with
5164	responsibility to review and approve the feasibility of sanitary sewer services or onsite
5165	wastewater systems.
5166	[(67)] (68) "Sending zone" means an unincorporated area [of a county-]that [the] a county
5167	designates, by ordinance, as an area from which an owner of land may transfer a
5168	transferable development right.
5169	[(68)] (69) "Site plan" means a document or map that may be required by a county during a
5170	preliminary review preceding the issuance of a building permit to demonstrate that an
5171	owner's or developer's proposed development activity meets a land use requirement.
5172	[(69)] (70)(a) "Special district" means an entity under Title 17B, Limited Purpose Local
5173	Government Entities - Special Districts.
5174	(b) "Special district" includes a governmental or quasi-governmental entity that is not a
5175	county, municipality, school district, or the state.
5176	[(70)] (71) "Specified public agency" means:
5177	(a) the state;
5178	(b) a school district; or
5179	(c) a charter school.
5180	[(71)] (72) "Specified public utility" means an electrical corporation, gas corporation, or
5181	telephone corporation, as those terms are defined in Section 54-2-1.
5182	[(72)] (73) "State" includes any department, division, or agency of the state.
5183	[(73)] (74) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to
5184	be divided into two or more lots or other division of land for the purpose, whether
5185	immediate or future, for offer, sale, lease, or development either on the installment
5186	plan or upon any and all other plans, terms, and conditions.
5187	(b) "Subdivision" includes:
5188	(i) the division or development of land, whether by deed, metes and bounds
5189	description, devise and testacy, map, plat, or other recorded instrument, regardless
5190	of whether the division includes all or a portion of a parcel or lot; and
5191	(ii) except as provided in Subsection [(73)(e)] (74)(e), divisions of land for residential
5192	and nonresidential uses including land used or to be used for commercial

5193	agricultural, and industrial purposes.
5194	(c) "Subdivision" does not include:
5195	(i) a bona fide division or partition of agricultural land for agricultural purposes;
5196	(ii) a boundary line agreement recorded with the county recorder's office between
5197	owners of adjoining parcels adjusting the mutual boundary in accordance with
5198	Section 17-27a-523 if no new lot is created;
5199	(iii) a recorded document, executed by the owner of record:
5200	(A) revising the legal descriptions of multiple parcels into one legal description
5201	encompassing all such parcels; or
5202	(B) joining a lot to a parcel;
5203	(iv) a bona fide division or partition of land in a county other than a first class county
5204	for the purpose of siting, on one or more of the resulting separate parcels:
5205	(A) an electrical transmission line or a substation;
5206	(B) a natural gas pipeline or a regulation station; or
5207	(C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
5208	utility service regeneration, transformation, retransmission, or amplification
5209	facility;
5210	(v) a boundary line agreement between owners of adjoining subdivided properties
5211	adjusting the mutual lot line boundary in accordance with Sections 17-27a-523
5212	and 17-27a-608 if:
5213	(A) no new dwelling lot or housing unit will result from the adjustment; and
5214	(B) the adjustment will not violate any applicable land use ordinance;
5215	(vi) a bona fide division of land by deed or other instrument if the deed or other
5216	instrument states in writing that the division:
5217	(A) is in anticipation of future land use approvals on the parcel or parcels;
5218	(B) does not confer any land use approvals; and
5219	(C) has not been approved by the land use authority;
5220	(vii) a parcel boundary adjustment;
5221	(viii) a lot line adjustment;
5222	(ix) a road, street, or highway dedication plat;
5223	(x) a deed or easement for a road, street, or highway purpose; or
5224	(xi) any other division of land authorized by law.
5225	[(74)] (75)(a) "Subdivision amendment" means an amendment to a recorded subdivision
5226	in accordance with Section 17-27a-608 that:

5227	(i) vacates all or a portion of the subdivision;
5228	(ii) alters the outside boundary of the subdivision;
5229	(iii) changes the number of lots within the subdivision;
5230	(iv) alters a public right-of-way, a public easement, or public infrastructure within the
5231	subdivision; or
5232	(v) alters a common area or other common amenity within the subdivision.
5233	(b) "Subdivision amendment" does not include a lot line adjustment, between a single lot
5234	and an adjoining lot or parcel, that alters the outside boundary of the subdivision.
5235	[(75)] (76) "Substantial evidence" means evidence that:
5236	(a) is beyond a scintilla; and
5237	(b) a reasonable mind would accept as adequate to support a conclusion.
5238	[(76)] (77) "Suspect soil" means soil that has:
5239	(a) a high susceptibility for volumetric change, typically clay rich, having more than a
5240	3% swell potential;
5241	(b) bedrock units with high shrink or swell susceptibility; or
5242	(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
5243	commonly associated with dissolution and collapse features.
5244	[(77)] (78) "Therapeutic school" means a residential group living facility:
5245	(a) for four or more individuals who are not related to:
5246	(i) the owner of the facility; or
5247	(ii) the primary service provider of the facility;
5248	(b) that serves students who have a history of failing to function:
5249	(i) at home;
5250	(ii) in a public school; or
5251	(iii) in a nonresidential private school; and
5252	(c) that offers:
5253	(i) room and board; and
5254	(ii) an academic education integrated with:
5255	(A) specialized structure and supervision; or
5256	(B) services or treatment related to a disability, an emotional development, a
5257	behavioral development, a familial development, or a social development.
5258	[(78)] (79) "Transferable development right" means a right to develop and use land that
5259	originates by an ordinance that authorizes a land owner in a designated sending zone to
5260	transfer land use rights from a designated sending zone to a designated receiving zone.

5261	[(79)] (80) "Unincorporated" means the area outside of the incorporated area of a
5262	municipality.
5263	[(80)] (81) "Water interest" means any right to the beneficial use of water, including:
5264	(a) each of the rights listed in Section 73-1-11; and
5265	(b) an ownership interest in the right to the beneficial use of water represented by:
5266	(i) a contract; or
5267	(ii) a share in a water company, as defined in Section 73-3-3.5.
5268	[(81)] (82) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
5269	land use zones, overlays, or districts.
5270	Section 55. Section 17-27a-205 is amended to read:
5271	17-27a-205 (Effective 05/07/25). Notice of public hearings and public meetings
5272	on adoption or modification of land use regulation.
5273	(1) Each county shall give:
5274	(a) notice of the date, time, and place of the first public hearing to consider the adoption
5275	or modification of a land use regulation; and
5276	(b) notice of each public meeting on the subject.
5277	(2) Each notice of a public hearing under Subsection (1)(a) shall be:
5278	(a) mailed to each affected entity at least 10 calendar days before the public hearing; and
5279	(b)(i) [published] provided for the area affected by the land use ordinance changes, as
5280	a class B notice under Section 63G-30-102, for at least 10 calendar days before
5281	the day of the public hearing; or
5282	(ii) if the proposed land use ordinance adoption or modification is ministerial in
5283	nature, as described in Subsections (6)(a) and (b), provided as a class A notice
5284	under Section 63G-30-102 for at least 10 calendar days before the day of the
5285	public hearing.
5286	(3) In addition to the notice requirements described in Subsections (1) and (2), for any
5287	proposed modification to the text of a zoning code, the notice posted in accordance with
5288	Subsection (2) shall:
5289	(a) include:
5290	(i) a summary of the effect of the proposed modifications to the text of the zoning
5291	code designed to be understood by a lay person; or
5292	(ii) a direct link to the county's webpage where a person can find a summary of the
5293	effect of the proposed modifications to the text of the zoning code designed to be
5294	understood by a lay person; and

5295	(b) be provided to any person upon written request.
5296	(4) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before
5297	the hearing and shall be published for the county, as a class A notice under Section
5298	63G-30-102, for at least 24 hours.
5299	(5)(a) A county shall send a courtesy notice to each owner of private real property
5300	whose property is located entirely or partially within the proposed zoning map
5301	enactment or amendment at least 10 days before the scheduled day of the public
5302	hearing.
5303	(b) The notice shall:
5304	(i) identify with specificity each owner of record of real property that will be affected
5305	by the proposed zoning map or map amendments;
5306	(ii) state the current zone in which the real property is located;
5307	(iii) state the proposed new zone for the real property;
5308	(iv) provide information regarding or a reference to the proposed regulations,
5309	prohibitions, and permitted uses that the property will be subject to if the zoning
5310	map or map amendment is adopted;
5311	(v) state that the owner of real property may no later than 10 days after the day of the
5312	first public hearing file a written objection to the inclusion of the owner's property
5313	in the proposed zoning map or map amendment;
5314	(vi) state the address where the property owner should file the protest;
5315	(vii) notify the property owner that each written objection filed with the county will
5316	be provided to the county legislative body; and
5317	(viii) state the location, date, and time of the public hearing described in Section
5318	17-27a-502.
5319	(c) If a county mails notice to a property owner under Subsection (2)(b)(i) for a public
5320	hearing on a zoning map or map amendment, the notice required in this Subsection
5321	(5) may be included in or part of the notice described in Subsection (2)(b)(i) rather
5322	than sent separately.
5323	(6)(a) A proposed land use ordinance is ministerial in nature if the proposed land use
5324	ordinance change is to:
5325	(i) bring the county's land use ordinances into compliance with a state or federal law;
5326	(ii) adopt a county land use update that affects:
5327	(A) an entire zoning district; or
5328	(B) multiple zoning districts;

5329	(iii) adopt a non-substantive, clerical text amendment to an existing land use
5330	ordinance;
5331	(iv) recodify the county's existing land use ordinances; or
5332	(v) designate or define an affected area for purposes of a boundary adjustment or
5333	annexation.
5334	(b) A proposed land use ordinance may include more than one of the purposes described
5335	in Subsection (6)(a) and remain ministerial in nature.
5336	(c) If a proposed land use ordinance includes an adoption or modification not described
5337	in Subsection (6)(a):
5338	(i) the proposed land use ordinance is not ministerial in nature, even if the proposed
5339	land use ordinance also includes a change or modification described in Subsection
5340	(6)(a); and
5341	(ii) the notice requirements of Subsection (2)(b)(i) apply.
5342	Section 56. Section 17-27a-309 is enacted to read:
5343	17-27a-309 (Effective 05/07/25). Urban development in municipal expansion
5344	area Requirements.
5345	(1) For purposes of this section, "urban development" means the same as the term is defined
5346	in Section 10-2-801.
5347	(2) A county legislative body may approve urban development within an adopted expansion
5348	area of a municipality if the county notifies the municipality of the proposed urban
5349	development, and:
5350	(a) the municipality consents in writing to the proposed urban development; or
5351	(b) the municipality fails to respond to the county's notification of the proposed urban
5352	development within 90 days after the day on which the county provides the notice.
5353	(3) If a municipality responds to the county's notice under Subsection (2) within 90 days
5354	after the county's notification of the proposed urban development to object to the
5355	proposed urban development, the county may approve the urban development if the
5356	county responds to the municipality's objection in writing.
5357	Section 57. Section 17-27a-508 is amended to read:
5358	17-27a-508 (Effective 05/07/25). Applicant's entitlement to land use application
5359	approval Application relating to land in a high priority transportation corridor
5360	County's requirements and limitations Vesting upon submission of development plan
5361	and schedule.
5362	(1)(a)(i) An applicant who has submitted a complete land use application, including

5363 the payment of all application fees, is entitled to substantive review of the 5364 application under the land use regulations: 5365 (A) in effect on the date that the application is complete; and 5366 (B) applicable to the application or to the information shown on the submitted 5367 application. 5368 (ii) An applicant is entitled to approval of a land use application if the application 5369 conforms to the requirements of the applicable land use regulations, land use 5370 decisions, and development standards in effect when the applicant submits a 5371 complete application and pays all application fees, unless: 5372 (A) the land use authority, on the record, formally finds that a compelling, 5373 countervailing public interest would be jeopardized by approving the 5374 application and specifies the compelling, countervailing public interest in 5375 writing; or 5376 (B) in the manner provided by local ordinance and before the applicant submits 5377 the application, the county formally initiates proceedings to amend the county's 5378 land use regulations in a manner that would prohibit approval of the 5379 application as submitted. 5380 (b) The county shall process an application without regard to proceedings the county 5381 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if: 5382 (i) 180 days have passed since the county initiated the proceedings; and 5383 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval 5384 of the application as submitted; or 5385 (B) during the 12 months prior to the county processing the application or 5386 multiple applications of the same type, the application is impaired or prohibited 5387 under the terms of a temporary land use regulation adopted under Section 5388 17-27a-504. 5389 (c) A land use application is considered submitted and complete when the applicant 5390 provides the application in a form that complies with the requirements of applicable 5391 ordinances and pays all applicable fees. (d) Unless a phasing sequence is required in an executed development agreement, a 5392 5393 county shall, without regard to any other separate and distinct land use application, 5394 accept and process a complete land use application.

> (e) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable

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5397	diligence.
5398	(f) A county may not impose on an applicant who has submitted a complete application
5399	a requirement that is not expressed in:
5400	(i) this chapter;
5401	(ii) a county ordinance in effect on the date that the applicant submits a complete
5402	application, subject to Subsection (1)(a)(ii); or
5403	(iii) a county specification for public improvements applicable to a subdivision or
5404	development that is in effect on the date that the applicant submits an application.
5405	(g) A county may not impose on a holder of an issued land use permit or a final,
5406	unexpired subdivision plat a requirement that is not expressed:
5407	(i) in a land use permit;
5408	(ii) on the subdivision plat;
5409	(iii) in a document on which the land use permit or subdivision plat is based;
5410	(iv) in the written record evidencing approval of the land use permit or subdivision
5411	plat;
5412	(v) in this chapter;
5413	(vi) in a county ordinance; or
5414	(vii) in a county specification for residential roadways in effect at the time a
5415	residential subdivision was approved.
5416	(h) Except as provided in Subsection (1)(i) or (j), a county may not withhold issuance of
5417	a certificate of occupancy or acceptance of subdivision improvements because of an
5418	applicant's failure to comply with a requirement that is not expressed:
5419	(i) in the building permit or subdivision plat, documents on which the building permit
5420	or subdivision plat is based, or the written record evidencing approval of the
5421	building permit or subdivision plat; or
5422	(ii) in this chapter or the county's ordinances.
5423	(i) A county may not unreasonably withhold issuance of a certificate of occupancy
5424	where an applicant has met all requirements essential for the public health, public
5425	safety, and general welfare of the occupants, in accordance with this chapter, unless:
5426	(i) the applicant and the county have agreed in a written document to the withholding
5427	of a certificate of occupancy; or
5428	(ii) the applicant has not provided a financial assurance for required and uncompleted
5429	public landscaping improvements or infrastructure improvements in accordance
5430	with an applicable local ordinance that the legislative body adopts under this

5431 chapter]. 5432 (j) A county may not conduct a final inspection required before issuing a certificate of 5433 occupancy for a residential unit that is within the boundary of an infrastructure 5434 financing district, as defined in Section 17B-1-102, until the applicant for the 5435 certificate of occupancy provides adequate proof to the county that any lien on the 5436 unit arising from the infrastructure financing district's assessment against the unit 5437 under Title 11, Chapter 42, Assessment Area Act, has been released after payment in 5438 full of the infrastructure financing district's assessment against that unit. 5439 (k) A county: 5440 (i) may require the submission of a private landscaping plan, as defined in Section 5441 17-27a-604.5, before landscaping is installed; and 5442 (ii) may not withhold an applicant's building permit or certificate of occupancy 5443 because the applicant has not submitted a private landscaping plan. 5444 (2) A county is bound by the terms and standards of applicable land use regulations and 5445 shall comply with mandatory provisions of those regulations. 5446 (3) A county may not, as a condition of land use application approval, require a person 5447 filing a land use application to obtain documentation regarding a school district's 5448 willingness, capacity, or ability to serve the development proposed in the land use 5449 application. 5450 (4) Upon a specified public agency's submission of a development plan and schedule as 5451 required in Subsection 17-27a-305(8) that complies with the requirements of that 5452 subsection, the specified public agency vests in the county's applicable land use maps, 5453 zoning map, hookup fees, impact fees, other applicable development fees, and land use 5454 regulations in effect on the date of submission. 5455 (5)(a) If sponsors of a referendum timely challenge a project in accordance with 5456 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land 5457 use approval by delivering a written notice: 5458 (i) to the local clerk as defined in Section 20A-7-101; and 5459 (ii) no later than seven days after the day on which a petition for a referendum is 5460 determined sufficient under Subsection 20A-7-607(4). 5461 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are 5462 rescinded and are of no further force or effect: 5463 (i) the relevant land use approval; and 5464 (ii) any land use regulation enacted specifically in relation to the land use approval.

5465	(6)(a) After issuance of a building permit, a county may not:
5466	(i) change or add to the requirements expressed in the building permit, unless the
5467	change or addition is:
5468	(A) requested by the building permit holder; or
5469	(B) necessary to comply with an applicable state building code; or
5470	(ii) revoke the building permit or take action that has the effect of revoking the
5471	building permit.
5472	(b) Subsection (6)(a) does not prevent a county from issuing a building permit that
5473	contains an expiration date defined in the building permit.
5474	Section 58. Section 17-27a-508.1 is enacted to read:
5475	17-27a-508.1 (Effective 05/07/25). Private maintenance of public access
5476	amenities prohibited.
5477	(1) As used in this section:
5478	(a) "Public access amenity" means a physical feature like a trail or recreation area that a
5479	municipality designates for public access and use.
5480	(b) "Retail water line" means the same as that term is defined in Section 11-8-4.
5481	(c) "Sewer lateral" means the same as that term is defined in Section 11-8-4.
5482	(d)(i) "Water utility" means a main line or other integral part of a sewer or water
5483	utility service.
5484	(ii) "Water utility" does not include a retail water line or sewer lateral.
5485	(2) A county may not require a private individual or entity, including a community
5486	association or homeowners association, to maintain and be responsible for a public
5487	access amenity or water utility in perpetuity unless:
5488	(a) the public access amenity is the property located adjacent to the private property
5489	owned by the private individual or entity to the curb line of the street, including park
5490	strips and sidewalks; or
5491	(b) the private individual or entity agreed to maintain or be responsible for the public
5492	access amenity or water utility in perpetuity in a covenant, utility service agreement,
5493	development agreement, or other agreement between the county and the private
5494	individual or entity.
5495	Section 59. Section 17-27a-509 is amended to read:
5496	17-27a-509 (Effective 05/07/25). Limit on fees Requirement to itemize fees
5497	Appeal of fee Provider of culinary or secondary water.
5498	(1) A county may [not limpose or collect a fee for reviewing or approving the plans for a

5499	commercial or residential building[that exceeds] , not to exceed the lesser of:
5500	(a) the actual cost of performing the plan review; and
5501	(b) 65% of the amount the county charges for a building permit fee for that building.
5502	(2)(a) Subject to Subsection [(1)] (2)(b), a county may impose and collect [only-]a [
5503	nominal]fee for reviewing and approving identical [floor]plans, as described in
5504	Section 17-27a-536, not to exceed the lesser of:
5505	(i) the actual cost of performing the plan review; or
5506	(ii) 30% of the fee that would be imposed and collected under Subsection (1).
5507	(b) A county may impose and collect a fee for reviewing an original plan, as defined in
5508	Section 17-27a-536, that an applicant submits with the intent that the original plan be
5509	used as the basis for a future identical plan submission, the same as any other plan
5510	review fee under Subsection (1).
5511	(3) A county may not impose or collect a hookup fee that exceeds the reasonable cost of
5512	installing and inspecting the pipe, line, meter, or appurtenance to connect to the county
5513	water, sewer, storm water, power, or other utility system.
5514	(4) A county may not impose or collect:
5515	(a) a land use application fee that exceeds the reasonable cost of processing the
5516	application or issuing the permit; or
5517	(b) an inspection, regulation, or review fee that exceeds the reasonable cost of
5518	performing the inspection, regulation, or review.
5519	(5)(a) If requested by an applicant who is charged a fee or an owner of residential
5520	property upon which a fee is imposed, the county shall provide an itemized fee
5521	statement that shows the calculation method for each fee.
5522	(b) If an applicant who is charged a fee or an owner of residential property upon which a
5523	fee is imposed submits a request for an itemized fee statement no later than 30 days
5524	after the day on which the applicant or owner pays the fee, the county shall no later
5525	than 10 days after the day on which the request is received provide or commit to
5526	provide within a specific time:
5527	(i) for each fee, any studies, reports, or methods relied upon by the county to create
5528	the calculation method described in Subsection (5)(a);
5529	(ii) an accounting of each fee paid;
5530	(iii) how each fee will be distributed; and
5531	(iv) information on filing a fee appeal through the process described in Subsection
5532	(5)(c).

5533	(c) A county shall establish a fee appeal process subject to an appeal authority described
5534	in Part 7, Appeal Authority and Variances, and district court review in accordance
5535	with Part 8, District Court Review, to determine whether a fee reflects only the
5536	reasonable estimated cost of:
5537	(i) regulation;
5538	(ii) processing an application;
5539	(iii) issuing a permit; or
5540	(iv) delivering the service for which the applicant or owner paid the fee.
5541	(6) A county may not impose on or collect from a public agency any fee associated with the
5542	public agency's development of its land other than:
5543	(a) subject to Subsection (4), a fee for a development service that the public agency does
5544	not itself provide;
5545	(b) subject to Subsection (3), a hookup fee; and
5546	(c) an impact fee for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d),
5547	(e), or (g), subject to any applicable credit under Subsection 11-36a-402(2).
5548	(7) A provider of culinary or secondary water that commits to provide a water service
5549	required by a land use application process is subject to the following as if it were a
5550	county:
5551	(a) Subsections (5) and (6);
5552	(b) Section 17-27a-507; and
5553	(c) Section 17-27a-509.5.
5554	Section 60. Section 17-27a-509.5 is amended to read:
5555	17-27a-509.5 (Effective 05/07/25). Review for application completeness
5556	Substantive application review Reasonable diligence required for determination of
5557	whether improvements or warranty work meets standards Money damages claim
5558	prohibited.
5559	(1)(a) Each county shall, in a timely manner, determine whether a land use application is
5560	complete for the purposes of subsequent, substantive land use authority review.
5561	(b) After a reasonable period of time to allow the county diligently to evaluate whether
5562	all objective ordinance-based application criteria have been met, if application fees
5563	have been paid, the applicant may in writing request that the county provide a written
5564	determination either that the application is:
5565	(i) complete for the purposes of allowing subsequent, substantive land use authority
5566	review; or

5567	(ii) deficient with respect to a specific, objective, ordinance-based application
5568	requirement.
5569	(c) Within 30 days of receipt of an applicant's request under this section, the county shall
5570	either:
5571	(i) mail a written notice to the applicant advising that the application is deficient with
5572	respect to a specified, objective, ordinance-based criterion, and stating that the
5573	application must be supplemented by specific additional information identified in
5574	the notice; or
5575	(ii) accept the application as complete for the purposes of further substantive
5576	processing by the land use authority.
5577	(d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application
5578	shall be considered complete, for purposes of further substantive land use authority
5579	review.
5580	(e)(i) The applicant may raise and resolve in a single appeal any determination made
5581	under this Subsection (1) to the appeal authority, including an allegation that a
5582	reasonable period of time has elapsed under Subsection (1)(a).
5583	(ii) The appeal authority shall issue a written decision for any appeal requested under
5584	this Subsection (1)(e).
5585	(f)(i) The applicant may appeal to district court the decision of the appeal authority
5586	made under Subsection (1)(e).
5587	(ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of
5588	the written decision.
5589	(2)(a) Each land use authority shall substantively review a complete application and an
5590	application considered complete under Subsection (1)(d), and shall approve or deny
5591	each application with reasonable diligence.
5592	(b) After a reasonable period of time to allow the land use authority to consider an
5593	application, the applicant may in writing request that the land use authority take final
5594	action within 45 days from date of service of the written request.
5595	(c) Within 45 days from the date of service of the written request described in
5596	Subsection (2)(b):
5597	(i) except as provided in Subsection (2)(c)(ii), the land use authority shall take final
5598	action, approving or denying the application; and
5599	(ii) if a landowner petitions for a land use regulation, a legislative body shall take
5600	final action by approving or denying the petition.

5601	(d) If the land use authority denies an application processed under the mandates of
5602	Subsection (2)(b), or if the applicant has requested a written decision in the
5603	application, the land use authority shall include its reasons for denial in writing, on
5604	the record, which may include the official minutes of the meeting in which the
5605	decision was rendered.
5606	(e) If the land use authority fails to comply with Subsection (2)(c), the applicant may
5607	appeal this failure to district court within 30 days of the date on which the land use
5608	authority should have taken final action under Subsection (2)(c).
5609	(3)(a) As used in this Subsection (3), an "infrastructure improvement category" includes
5610	<u>a:</u>
5611	(i) culinary water system;
5612	(ii) sanitary sewer system;
5613	(iii) storm water system;
5614	(iv) transportation system;
5615	(v) secondary and irrigation water system;
5616	(vi) public landscaping; or
5617	(vii) public parks, trails, or open space.
5618	(b) With reasonable diligence, each land use authority shall determine whether the
5619	installation of required subdivision improvements or the performance of warranty
5620	work meets the county's adopted standards.
5621	[(b)] (c)(i) An applicant may in writing request the land use authority to accept or
5622	reject the applicant's installation of required subdivision improvements or
5623	performance of warranty work.
5624	(ii) The land use authority shall accept or reject subdivision improvements within 15
5625	days after receiving an applicant's written request under Subsection [(3)(b)(i)]
5626	(3)(c)(i), or as soon as practicable after that 15-day period if inspection of the
5627	subdivision improvements is impeded by winter weather conditions.
5628	(iii) [The-] Except as provided in Subsection (3)(c)(iv), (3)(d), or (3)(e), the land use
5629	authority shall accept or reject the performance of warranty work within 45 days
5630	after receiving an applicant's written request under Subsection (3)(b)(i), or as soon
5631	as practicable after that 45-day period if inspection of the warranty work is
5632	impeded by winter weather conditions.] :
5633	(A) for a county of a first, second, or third class, 15 days after the day on which
5634	the land use authority receives an applicant's written request under Subsection

5635	(3)(c)(i); and
5636	(B) for a county of the fourth, fifth, or sixth class, 30 days after the day on which
5637	the land use authority receives an applicant's written request under Subsection
5638	(3)(c)(i).
5639	(iv) If winter weather conditions do not reasonably permit a full and complete
5640	inspection of warranty work within the time periods described in Subsection
5641	(3)(c)(iii)(A) or (3)(c)(iii)(B) so the land use authority is able to accept or reject
5642	the warranty work, the land use authority shall:
5643	(A) notify the applicant in writing before the end of the applicable time period
5644	described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of winter
5645	weather conditions, the land use authority will require additional time to accept
5646	or reject the performance of warranty work; and
5647	(B) complete the inspection of the performance of warranty work and provide the
5648	applicant with an acceptance or rejection as soon as practicable.
5649	(d) If a land use authority rejects an applicant's performance of warranty work three
5650	times, the county may take 15 days in addition to the relevant time period described
5651	in Subsection (3)(c)(iii) for subsequent inspections of the applicant's warranty work.
5652	(e)(i) If extraordinary circumstances do not permit a land use authority to complete
5653	inspection of warranty work within the relevant time period described in
5654	Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) so the land use authority is able to accept
5655	or reject the warranty work, the land use authority shall:
5656	(A) notify the applicant in writing before the end of the applicable time period
5657	described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of the
5658	extraordinary circumstances, the land use authority will require additional time
5659	to accept or reject the performance of warranty work; and
5660	(B) complete the inspection of the performance of warranty work and provide the
5661	applicant with an acceptance or rejection within 30 days after the day on which
5662	the relevant time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B)
5663	<u>ends.</u>
5664	(ii) The following situations constitute extraordinary circumstances for purposes of
5665	Subsection (3)(e)(i):
5666	(A) the land use authority is processing a request for inspection that substantially
5667	exceeds the normal scope of inspection the county is customarily required to
5668	perform;

5669	(B) the applicant has provided two or more written requests described in
5670	Subsection (3)(c)(i) within the same 30-day time period; or
5671	(C) the land use authority is processing an unusually large number of written
5672	requests described in Subsection (3)(c)(i) to accept or reject subdivision
5673	improvements or performance of warranty work.
5674	[(e)] (f)(i) If a land use authority determines that the installation of required
5675	subdivision improvements or the performance of warranty work does not meet the
5676	county's adopted standards, the land use authority shall, within 15 days of the day
5677	on which the land use authority makes the determination, comprehensively and
5678	with specificity list the reasons for the land use authority's determination.
5679	(ii) If the land use authority fails to provide an applicant with the list described in
5680	Subsection (3)(f)(i) within the required time period:
5681	(A) the applicant may send written notice to the land use authority requesting the
5682	list within five days; and
5683	(B) if the applicant does not receive the list within five days from the day on
5684	which the applicant provides the land use authority with written notice as
5685	described in Subsection (3)(f)(ii)(A), the applicant may demand, and the land
5686	use authority shall provide, a reimbursement equal to 20% of the applicant's
5687	improvement completion assurance or security for the warranty work within
5688	each infrastructure improvement category.
5689	(g) Subject to the provisions of Section 10-9a-604.5:
5690	(i) within 15 days of the day on which the land use authority determines that an
5691	infrastructure improvement within a certain infrastructure improvement category,
5692	as described in Subsection (3)(a), meets the county's adopted standards for that
5693	category of infrastructure improvement and an applicant submits complete as-built
5694	drawings to the land use authority, whichever occurs later, the land use authority
5695	shall return to the applicant 90% of the applicant's improvement completion
5696	assurance allocated toward that infrastructure improvement category; and
5697	(ii) within 15 days of the day on which the warranty period expires and the land use
5698	authority determines that an infrastructure improvement within a certain
5699	infrastructure improvement category, as described in Subsection (3)(a), meets the
5700	county's adopted standards for that category of infrastructure improvement, the
5701	land use authority shall return to the applicant the remaining 10% of the
5702	applicant's improvement completion assurance allocated toward that infrastructure

5703	improvement category, plus any remaining portion of a bond described in
5704	Subsection 10-9a-604.5(5)(b).
5705	(h) The following acts under this Subsection (3) are administrative acts:
5706	(i) a county's return of an applicant's improvement completion assurance, or any
5707	portion of an improvement completion assurance, within a category of
5708	infrastructure improvements, to the applicant; and
5709	(ii) a county's return of an applicant's security for an improvement warranty, or any
5710	portion of security for an improvement warranty, within a category of
5711	infrastructure improvements, to the applicant.
5712	(4) Subject to Section 17-27a-508, nothing in this section and no action or inaction of the
5713	land use authority relieves an applicant's duty to comply with all applicable substantive
5714	ordinances and regulations.
5715	(5) There shall be no money damages remedy arising from a claim under this section.
5716	Section 61. Section 17-27a-509.7 is amended to read:
5717	17-27a-509.7 (Effective 05/07/25). Transferable development rights.
5718	(1) A county may adopt an ordinance:
5719	(a) designating sending zones and receiving zones <u>located wholly</u> within the
5720	unincorporated area of the county;
5721	(b) designating a sending zone if the area described in the sending zone is located, at
5722	least in part, within the unincorporated county, and the area described in the sending
5723	zone that is located outside the county complies with Subsection (2);
5724	(c) designating a receiving zone if the area described in the receiving zone is located, at
5725	least in part, within the unincorporated county, and the area described in the receiving
5726	zone that is located outside the county complies with Subsection (2); and
5727	[(b)] (d) allowing the transfer of a transferable development right from a sending zone to
5728	a receiving zone.
5729	(2) A county may adopt an ordinance designating a sending zone or receiving zone that is
5730	located, in part, in a municipality or unincorporated area of another county, if the
5731	legislative body of every municipality or county with land inside the sending zone or
5732	receiving zone adopts an ordinance designating the sending zone or receiving zone.
5733	[(2)] (3) A county may not allow the use of a transferable development right unless the
5734	county adopts an ordinance described in Subsection (1).
5735	Section 62. Section 17-27a-532 is amended to read:
5736	17-27a-532 (Effective 05/07/25). Water wise landscaping County landscaping

5737	regulations.
5738	(1) As used in this section:
5739	(a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed
5740	grasses.
5741	(b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose
5742	and applied to the soil.
5743	(c) "Overhead spray irrigation" means above ground irrigation heads that spray water
5744	through a nozzle.
5745	(d) "Private landscaping plan" means the same as that term is defined in Section
5746	<u>17-27a-604.5.</u>
5747	[(d)] (e)(i) "Vegetative coverage" means the ground level surface area covered by the
5748	exposed leaf area of a plant or group of plants at full maturity.
5749	(ii) "Vegetative coverage" does not mean the ground level surface area covered by
5750	the exposed leaf area of a tree or trees.
5751	[(e)] (f) "Water wise landscaping" means any or all of the following:
5752	(i) installation of plant materials suited to the microclimate and soil conditions that
5753	can:
5754	(A) remain healthy with minimal irrigation once established; or
5755	(B) be maintained without the use of overhead spray irrigation;
5756	(ii) use of water for outdoor irrigation through proper and efficient irrigation design
5757	and water application; or
5758	(iii) the use of other landscape design features that:
5759	(A) minimize the need of the landscape for supplemental water from irrigation; or
5760	(B) reduce the landscape area dedicated to lawn or turf.
5761	(2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits, or
5762	has the effect of prohibiting, a property owner from incorporating water wise
5763	landscaping on the property owner's property.
5764	(3)(a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a county from
5765	requiring a property owner to:
5766	(i) comply with a site plan review, private landscaping plan review, or other review
5767	process before installing water wise landscaping;
5768	(ii) maintain plant material in a healthy condition; and
5769	(iii) follow specific water wise landscaping design requirements adopted by the
5770	county, including a requirement that:

5771	(A) restricts or clarifies the use of mulches considered detrimental to county
5772	operations;
5773	(B) imposes minimum or maximum vegetative coverage standards; or
5774	(C) restricts or prohibits the use of specific plant materials.
5775	(b) A county may not require a property owner to install or keep in place lawn or turf in
5776	an area with a width less than eight feet.
5777	(4) A county may require a seller of a newly constructed residence within the
5778	unincorporated area of the county to inform the first buyer of the newly constructed
5779	residence of a county ordinance requiring water wise landscaping.
5780	(5) A county shall report to the Division of Water Resources the existence, enactment, or
5781	modification of an ordinance, resolution, or policy that implements regional-based water
5782	use efficiency standards established by the Division of Water Resources by rule under
5783	Section 73-10-37.
5784	(6) A county may enforce a county landscaping ordinance in compliance with this section.
5785	Section 63. Section 17-27a-536 is enacted to read:
5786	17-27a-536 (Effective 05/07/25). Identical plan review Process Indexing of
5787	plans Prohibitions.
5788	(1) As used in this section:
5789	(a) "Business day" means Monday, Tuesday, Wednesday, Thursday, or Friday, unless
5790	the day falls on a federal, state, or county holiday.
5791	(b) "Nonidentical plan" means a plan that does not meet the definition of an identical
5792	plan in Section 17-27a-103.
5793	(c) "Original plan" means the same as that term is defined in Section 10-9a-541.
5794	(2) An applicant may submit, and a county shall review, an identical plan as described in
5795	this section.
5796	(3) At the time of submitting an identical plan for review to a county, an applicant shall:
5797	(a) mark the floor plan as "identical plans";
5798	(b) identify in writing:
5799	(i) the building permit number the county issued for the original plan:
5800	(A) that was previously approved by the county; and
5801	(B) to which the submitted floor plan qualifies as an identical plan; or
5802	(ii) the identifying index number assigned by the county to the original plan, as
5803	described in Subsection (5)(b); and
5804	(c) identify the site on which the applicant intends to implement the identical plan

5805	<u>(4)</u>	Beginning May 7, 2025, an applicant that intends to submit an identical plan for review
5806		to a county shall:
5807		(a) indicate, at the time of submitting an original plan to the county for review and
5808		approval, that the applicant intends to use the original plan as the basis for submitting
5809		a future identical plan if the original plan is approved by the county; and
5810		(b) identify:
5811		(i) the name or other identifier of the original plan; and
5812		(ii) the zone the building will be located in, if the county approves the original plan.
5813	<u>(5)</u>	Upon approving an original plan and receiving the information described in Subsection
5814		(4), a county shall:
5815		(a) file and index the original plan for future reference against an identical plan later
5816		submitted under Subsection (2); and
5817		(b) provide the applicant with an identifying index number for the original plan.
5818	<u>(6)</u>	A county that receives a submission under Subsection (2) shall review and compare the
5819		submitted identical plan to the original plan to ensure:
5820		(a) the identical plan and original plan are substantially identical; and
5821		(b) no structural changes have been made from the original plan.
5822	<u>(7)</u>	Nothing in this section prohibits a county from conducting a site review and requiring
5823		geological analysis of the proposed site identified by the applicant under Subsection
5824		(3)(c).
5825	<u>(8)</u>	A county shall:
5826		(a) review a submitted identical plan for compliance with this section; and
5827		(b) approve or reject the identical plan within five business days after the day on which
5828		the identical plan was submitted under Subsection (2).
5829	<u>(9)</u>	An applicant that submits a nonidentical plan to a county as an identical plan, with
5830		knowledge that the nonidentical plan does not qualify as an identical plan and with
5831		intent to deceive the county:
5832		(a) may be fined by the county receiving the submission of the nonidentical plan:
5833		(i) in an amount not to exceed three times the building permit fee, if the county
5834		approved the nonidentical plan as an identical plan before discovering the
5835		submission did not qualify as an identical plan; or
5836		(ii) in an amount equal to the building permit fee that would have been issued for the
5837		nonidentical plan, if the county did not approve the nonidentical plan before
5838		discovering the submission did not qualify as an identical plan; and

5839	(b) is prohibited from submitting an identical plan for review and approval under this
5840	section for a period of two years from the day on which the county discovers the
5841	nonidentical plan identified as an identical plan in the applicant's submission did not
5842	qualify as an identical plan.
5843	(10) A county may impose a criminal penalty, as described in Section 17-53-223, for an
5844	applicant that knowingly violates the prohibition described in Subsection (9)(b).
5845	Section 64. Section 17-27a-537, which is renumbered from Section 17-36-55 is renumbered
5846	and amended to read:
5847	$[17-36-55]$ $\underline{17-27a-537}$ (Effective 05/07/25). Fees collected for construction
5848	approval Approval of plans.
5849	(1) As used in this section:
5850	(a) "Automated review" means a computerized process used to conduct a plan review,
5851	including through the use of software and algorithms to assess compliance with an
5852	applicable building code, regulation, or ordinance to ensure that a plan meets all of a
5853	county's required criteria for approval.
5854	(b) "Business day" means [a day other than Saturday, Sunday, or a legal holiday] the
5855	same as that term is defined in Section 17-27a-536.
5856	[(b)] (c) "Construction project" means:
5857	(i) the same as that term is defined in Section 38-1a-102[-]; or
5858	(ii) any work requiring a permit for construction of or on a one- or two-family
5859	dwelling, a townhome, or other residential structure built under the State
5860	Construction Code and State Fire Code.
5861	[(e)] (d) "Lodging establishment" means a place providing temporary sleeping
5862	accommodations to the public, including any of the following:
5863	(i) a bed and breakfast establishment;
5864	(ii) a boarding house;
5865	(iii) a dormitory;
5866	(iv) a hotel;
5867	(v) an inn;
5868	(vi) a lodging house;
5869	(vii) a motel;
5870	(viii) a resort; or
5871	(ix) a rooming house.
5872	[(d) "Planning review" means a review to verify that a county has approved the

5873	following elements of a construction project:]
5874	[(i) zoning;]
5875	[(ii) lot sizes;]
5876	[(iii) setbacks;]
5877	[(iv) easements;]
5878	[(v) curb and gutter elevations;]
5879	[(vi) grades and slopes;]
5880	[(vii) utilities;]
5881	[(viii) street names;]
5882	[(ix) defensible space provisions and elevations, if required by the Utah Wildland
5883	Urban Interface Code adopted under Section 15A-2-103; and]
5884	[(x) subdivision.]
5885	(e)(i) "Plan review" means all of the reviews and approvals of a plan that a county,
5886	including all relevant divisions or departments within a county, requires [to obtain]
5887	before issuing a building permit[from the county], with a scope that may not
5888	exceed a review to verify:
5889	(A) that the construction project complies with the provisions of the State
5890	Construction Code under Title 15A, State Construction and Fire Codes Act;
5891	(B) that the construction project complies with the energy code adopted under
5892	Section 15A-2-103;
5893	(C) that the construction project [received a planning review] complies with local
5894	ordinances;
5895	(D) that the applicant paid any required fees;
5896	(E) that the applicant obtained final approvals from any other required reviewing
5897	agencies;
5898	[(F) that the construction project complies with federal, state, and local storm
5899	water protection laws;]
5900	[(G)] (F) that the construction project received a structural review;
5901	[(H)] (G) the total square footage for each building level of finished, garage, and
5902	unfinished space; and
5903	[(H)] (H) that the plans include a printed statement indicating that, before the
5904	disturbance of land and during the actual construction, the applicant will
5905	comply with applicable <u>federal</u> , <u>state</u> , <u>and</u> local <u>laws and</u> ordinances[and the
5906	state construction codes.], including any storm water protection laws and

5907	<u>ordinances.</u>
5908	(ii) "Plan review" does not mean a review of[-a document]:
5909	(A) a document required to be re-submitted for a construction project other than a
5910	construction project for a one[-to] -or two[-] -family dwelling or townhome if
5911	additional modifications or substantive changes are identified by the plan
5912	review;
5913	(B) a document submitted as part of a deferred submittal when requested by the
5914	applicant and approved by the building official; [or]
5915	(C) a document that, due to the document's technical nature or on the request of
5916	the applicant, is reviewed by a third party[-]; or
5917	(D) a storm water permit.
5918	(f) "Screening period" means the three business days following the day on which an
5919	applicant submits an application.
5920	(g) "State Construction Code" means the same as that term is defined in Section
5921	15A-1-102.
5922	$[\underline{(g)}]$ (h) "State Fire Code" means the same as that term is defined in Section 15A-1-102.
5923	(i) "Storm water permit" means the same as that term is defined in Section 19-5-108.5.
5924	[(h)] (j) "Structural review" means:
5925	(i) a review that verifies that a construction project complies with the following:
5926	(A) footing size and bar placement;
5927	(B) foundation thickness and bar placement;
5928	(C) beam and header sizes;
5929	(D) nailing patterns;
5930	(E) bearing points;
5931	(F) structural member size and span; and
5932	(G) sheathing; or
5933	(ii) if the review exceeds the scope of the review described in Subsection $[(1)(h)(i)]$
5934	(1)(j)(i), a review that a licensed engineer conducts.
5935	[(i)] (k) "Technical nature" means a characteristic that places an item outside the training
5936	and expertise of an individual who regularly performs plan reviews.
5937	(2)(a) If a county collects a fee for the inspection of a construction project, the county
5938	shall ensure that the construction project receives a prompt inspection.
5939	(b) If a county cannot provide a building inspection within three business days after the
5940	day on which the county receives the request for the inspection, the applicant may

5941	engage an inspection with a third-party inspection firm from the third-party
5942	inspection firm list, as described in Section 15A-1-105.
5943	(c) If an inspector identifies one or more violations of the State Construction Code or
5944	State Fire Code during an inspection, the inspector shall give the permit holder
5945	written notification that:
5946	(i) identifies each violation;
5947	(ii) upon request by the permit holder, includes a reference to each applicable
5948	provision of the State Construction Code or State Fire Code; and
5949	(iii) is delivered:
5950	(A) in hardcopy or by electronic means; and
5951	(B) the day on which the inspection occurs.
5952	(3)(a)(i) A county that receives an application for a plan review shall determine if the
5953	application is complete, as described in Subsection (12), within the screening
5954	period.
5955	(ii) If the county determines an application for a plan review is complete, as
5956	described in Subsection (12), within the screening period, the county shall begin
5957	the plan review process described in Subsection (4).
5958	(b) If the county determines that an application for a plan review is not complete as
5959	described in Subsection (12), and if the county notifies the applicant of the county's
5960	determination:
5961	(i) before 5 p.m. on the last day of the screening period, the county may:
5962	(A) pause the screening period until the applicant ensures the application meets
5963	the requirements of Subsection (12); or
5964	(B) reject the incomplete application; or
5965	(ii) after 5 p.m. on the last day of the screening period, the county may not pause the
5966	screening period and shall begin the plan review process described in Subsection
5967	<u>(4).</u>
5968	(c) If an application is rejected as described in Subsection (3)(b)(i)(B) and an applicant
5969	resubmits the application, the resubmission begins a new screening period in which
5970	the county shall review the resubmitted application to determine if the application is
5971	complete as described in Subsection (12).
5972	(d) If the county gives notice of an incomplete application after 5 p.m. on the last day of
5973	the screening period, the county:
5974	(i) shall immediately notify the applicant that the county has determined the

5975	application is not complete and the basis for the determination;
5976	(ii) may not, except as provided in Subsection (3)(d)(iii), pause the relevant time
5977	period described in Subsection (4); and
5978	(iii) may pause the relevant time period described in Subsection (4)(a) or (b) as
5979	described in Subsection (4)(c).
5980	[(3)] (4)(a) [A] Except as provided in Subsection (7), once a county determines an
5981	application for plan review is complete, or proceeds to review an incomplete
5982	application for plan review under Subsection (3)(b)(ii), the county shall complete a
5983	plan review of a construction project for a one[-to] - or two[-] -family dwelling or
5984	townhome by no later than 14 business days after the day on which the [applicant
5985	submits a complete building permit application to the county] screening period for the
5986	application ends.
5987	(b) [A-] Except as provided in Subsection (7), once a county determines an application
5988	for plan review is complete, or proceeds to review an incomplete application for plan
5989	review under Subsection (3)(b)(ii), the county shall complete a plan review of a
5990	construction project for a residential structure built under the [International Building]
5991	State Construction Code[, not including] that is not a one- or two-family dwelling,
5992	townhome, or a lodging establishment, by no later than 21 business days after the day
5993	on which the [applicant submits a complete building permit application to the county]
5994	screening period for the application ends.
5995	[(c)(i) Subject to Subsection (3)(c)(ii), if a county does not complete a plan review
5996	before the time period described in Subsection (3)(a) or (b) expires, an applicant
5997	may request that the county complete the plan review.]
5998	[(ii) If an applicant makes a request under Subsection (3)(c)(i), the county shall
5999	perform the plan review no later than:]
6000	[(A) for a plan review described in Subsection (3)(a), 14 days from the day on
6001	which the applicant makes the request; or]
6002	[(B) for a plan review described in Subsection (3)(b), 21 days from the day on
6003	which the applicant makes the request.]
6004	[(d)] (c) If a county gives notice of an incomplete application as described in Subsection
6005	(3)(d), the county:
6006	(i) may pause the time period described in Subsection (4)(a) or (b):
6007	(A) within the last five days of the relevant time period; and
6008	(B) until the applicant provides the county with the information necessary to

6009	consider the application complete under Subsection (12);
6010	(ii) shall resume the relevant time period upon receipt of the information necessary to
6011	consider the application complete; and
6012	(iii) may, if necessary, use five additional days beginning the day on which the
6013	county receives the information described in Subsection (4)(c)(ii) to consider
6014	whether the application meets the requirements for a building permit, even if the
6015	five additional days extend beyond the relevant time period described in
6016	Subsection 4(a) or (b).
6017	(d) If, at the conclusion of plan review, the county determines the application meets the
6018	requirements for a building permit, the county shall approve the application and,
6019	subject to Subsection (10)(b), issue the building permit to the applicant.
6020	(5)(a) A county may utilize another government entity to determine if an application is
6021	complete or perform a plan review, in whole or in part.
6022	(b) A county that utilizes another government entity to determine if an application is
6023	complete or perform a plan review, as described in Subsection (5)(a), shall:
6024	(i) notify any other government entities, including water providers, within 24 hours
6025	of receiving any building permit application; and
6026	(ii) provide the government entity all documents necessary to determine if an
6027	application is complete or perform a plan review, in whole or in part, as requested
6028	by the county.
6029	(6) A government entity determining if an application is complete or performing a plan
6030	review, in whole or in part, as requested by a county, shall:
6031	(a) comply with the requirements of this chapter; and
6032	(b) notify the county within the screening period whether the application, or a portion of
6033	the application, is complete.
6034	(7) An applicant may:
6035	[(i)] (a) waive the plan review time requirements described in [this Subsection (3)]
6036	Subsection (4); or
6037	[(ii)] (b) with the county's written consent, establish an alternative plan review time
6038	requirement.
6039	[(4)] (8)(a) A county may not enforce a requirement to have a plan review if:
6040	[(a)] (i) the county does not complete the plan review within the relevant time period
6041	described in Subsection $[(3)(a) \text{ or } (b)]$ (4) ; and
6042	[(b)] (ii) a licensed architect or structural engineer, or both when required by law,

6043	stamps the plan.
6044	(b) If a county is prohibited from enforcing a requirement to have a plan review under
6045	Subsection (8)(a), the county shall return to the applicant the plan review fee.
6046	[(5)] (9)(a) A county may attach to a reviewed plan a list that includes:
6047	(i) items with which the county is concerned and may enforce during construction;
6048	and
6049	(ii) building code violations found in the plan.
6050	(b) A county may not require an applicant to redraft a plan if the county requests minor
6051	changes to the plan that the list described in Subsection $[(5)(a)]$ $(9)(a)$ identifies.
6052	(c) A county may require a single resubmittal of plans for a one- or two[-] -family
6053	dwelling or townhome if [the resubmission is required to address deficiencies
6054	identified by a third-party review of a geotechnical report or geological report]
6055	deficiencies in the plan would affect the site plan interaction or footprint of the design
6056	[(6)] (10)(a) If a county charges a fee for a building permit, the county may not refuse
6057	payment of the fee at the time the applicant submits [a building permit] an application
6058	under Subsection (3).
6059	(b) If a county charges a fee for a building permit and does not require the fee for a
6060	building permit be included in an application for plan review, upon approval of an
6061	application for plan review under Subsection (4)(d), the county may require the
6062	applicant to pay the fee for the building permit before the county issues the building
6063	permit.
6064	[(7)] (11) A county may not limit the number of [building permit] applications submitted
6065	under Subsection (3).
6066	[(8)] (12) For purposes of Subsection (3), [a building permit] an application for plan review
6067	is complete if the application contains:
6068	(a) the name, address, and contact information of:
6069	(i) the applicant; and
6070	(ii) the construction manager/general contractor, as defined in Section 63G-6a-103,
6071	for the construction project;
6072	(b) a site plan for the construction project that:
6073	(i) is drawn to scale;
6074	(ii) includes a north arrow and legend; and
6075	(iii) provides specifications for the following:
6076	(A) lot size and dimensions:

6077	(B) setbacks and overhangs for setbacks;
6078	(C) easements;
6079	(D) property lines;
6080	(E) topographical details, if the slope of the lot is greater than 10%;
6081	(F) retaining walls;
6082	(G) hard surface areas;
6083	(H) curb and gutter elevations as indicated in the subdivision documents;
6084	(I) existing and proposed utilities, including water [-meter and sewer lateral
6085	location], sewer, and subsurface drainage facilities;
6086	(J) street names;
6087	(K) driveway locations;
6088	(L) defensible space provisions and elevations, if required by the Utah Wildland
6089	Urban Interface Code adopted under Section 15A-2-103; and
6090	(M) the location of the nearest hydrant;
6091	(c) construction plans and drawings, including:
6092	(i) elevations, only if the construction project is new construction;
6093	(ii) floor plans for each level, including the location and size of doors[-and], windows
6094	and egress;
6095	(iii) foundation, structural, and framing detail; [and]
6096	(iv) electrical, mechanical, and plumbing design;
6097	(v) a licensed architect's or structural engineer's stamp, when required by law; and
6098	(vi) fire suppression details, when required by fire code;
6099	(d) documentation of energy code compliance;
6100	(e) structural calculations, except for trusses;
6101	(f) a geotechnical report, including a slope stability evaluation and retaining wall design,
6102	if:
6103	(i) the slope of the lot is greater than 15%; and
6104	(ii) required by the county; [and]
6105	(g) a statement indicating that [-actual construction will comply with applicable local
6106	ordinances and building codes.] :
6107	(i) before land disturbance occurs on the subject property, the applicant will obtain a
6108	storm water permit; and
6109	(ii) during actual construction, the applicant shall comply with applicable local
6110	ordinances and building codes; and

6111	(h) the fees, if any, established by ordinance for the county to perform a plan review.
6112	(13) A county may, at the county's discretion, utilize automated review to fulfill, in whole
6113	or in part, the county's obligation to conduct plan review described in this section.
6114	Section 65. Section 17-27a-604.5 is amended to read:
6115	17-27a-604.5 (Effective 05/07/25). Subdivision plat recording or development
6116	activity before required infrastructure is completed Improvement completion
6117	assurance Improvement warranty.
6118	(1) As used in this section[-,]:
6119	(a) "Private landscaping plan" means a proposal:
6120	(i) to install landscaping on a lot owned by a private individual or entity; and
6121	(ii) submitted to a county by the private individual or entity, or on behalf of a private
6122	individual or entity, that owns the lot.
6123	(b) "[public] Public landscaping improvement" means landscaping that an applicant is
6124	required to install to comply with published installation and inspection specifications
6125	for public improvements that:
6126	[(a)] (i) will be dedicated to and maintained by the county; or
6127	[(b)] (ii) are associated with and proximate to trail improvements that connect to
6128	planned or existing public infrastructure.
6129	(2) A land use authority shall establish objective inspection standards for acceptance of a
6130	required public landscaping improvement or infrastructure improvement.
6131	(3)(a) [Before] Except as provided in Subsection (3)(d) or (3)(e), before an applicant
6132	conducts any development activity or records a plat, the applicant shall:
6133	(i) complete any required public landscaping improvements or infrastructure
6134	improvements; or
6135	(ii) post an improvement completion assurance for any required public landscaping
6136	improvements or infrastructure improvements.
6137	(b) If an applicant elects to post an improvement completion assurance, the applicant
6138	shall in accordance with Subsection (5) provide completion assurance for:
6139	(i) completion of 100% of the required public landscaping improvements or
6140	infrastructure improvements; or
6141	(ii) if the county has inspected and accepted a portion of the public landscaping
6142	improvements or infrastructure improvements, 100% of the incomplete or
6143	unaccepted public landscaping improvements or infrastructure improvements.
6144	(c) A county shall:

6145	(i) establish a minimum of two acceptable forms of completion assurance;
6146	(ii)(A) if an applicant elects to post an improvement completion assurance, allow
6147	the applicant to post an assurance that meets the conditions of this [title,] chapter
6148	and any local ordinances; and
6149	(B) if a county accepts cash deposits as a form of completion assurance and an
6150	applicant elects to post a cash deposit as a form of completion assurance, place
6151	the cash deposit in an interest-bearing account upon receipt and return any
6152	earned interest to the applicant with the return of the completion assurance
6153	according to the conditions of this chapter and any local ordinances;
6154	(iii) establish a system for the partial release of an improvement completion
6155	assurance as portions of required public landscaping improvements or
6156	infrastructure improvements are completed and accepted in accordance with local
6157	ordinance; and
6158	(iv) issue or deny a building permit in accordance with Section 17-27a-802 based on
6159	the installation of public landscaping improvements or infrastructure
6160	improvements.
6161	(d) A county may not require an applicant to post an improvement completion assurance
6162	for:
6163	(i) public landscaping improvements or infrastructure improvements that the county
6164	has previously inspected and accepted;
6165	(ii) infrastructure improvements that are private and not essential or required to meet
6166	the building code, fire code, flood or storm water management provisions, street
6167	and access requirements, or other essential necessary public safety improvements
6168	adopted in a land use regulation;
6169	(iii) in a county where ordinances require all infrastructure improvements within the
6170	area to be private, infrastructure improvements within a development that the
6171	county requires to be private;[-or]
6172	(iv) landscaping improvements that are not public landscaping improvements, unless
6173	the landscaping improvements and completion assurance are required under the
6174	terms of a development agreement[-];
6175	(v) a private landscaping plan;
6176	(vi) landscaping improvements or infrastructure improvements that an applicant
6177	elects to install at the applicant's own risk:
6178	(A) before the plat is recorded;

6179	(B) pursuant to inspections required by the county for the infrastructure
6180	improvement; and
6181	(C) pursuant to final civil engineering plan approval by the county; or
6182	(vii) any individual public landscaping improvement or individual infrastructure
6183	improvement when the individual public landscaping improvement or individual
6184	infrastructure improvement is also included as part of a separate improvement
6185	completion assurance.
6186	(e)(i) A county may not:
6187	(A) prohibit an applicant from installing a public landscaping improvement or an
6188	infrastructure improvement when the municipality has approved final civil
6189	engineering plans for the development activity or plat for which the public
6190	landscaping improvement or infrastructure improvement is required; or
6191	(B) require an applicant to sign an agreement, release, or other document
6192	inconsistent with this chapter as a condition of posting an improvement
6193	completion assurance, security for an improvement warranty, or receiving a
6194	building permit.
6195	(ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and
6196	infrastructure improvements that are installed by an applicant are subject to
6197	inspection by the county in accordance with the county's adopted inspection
6198	standards.
6199	(f)(i) Each improvement completion assurance and improvement warranty posted by
6200	an applicant with a county shall be independent of any other improvement
6201	completion assurance or improvement warranty posted by the same applicant with
6202	the county.
6203	(ii) Subject to Section 10-9a-509.5, if an applicant has posted a form of security with
6204	a county for more than one infrastructure improvement or public landscaping
6205	improvement, the county may not withhold acceptance of an applicant's required
6206	subdivision improvements, public landscaping improvement, infrastructure
6207	improvements, or the performance of warranty work for the same applicant's
6208	failure to complete a separate subdivision improvement, public landscaping
6209	improvement, infrastructure improvement, or warranty work under a separate
6210	improvement completion assurance or improvement warranty.
6211	(4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or
6212	other entitlement benefit not currently available under the existing zone, a county

6213	may require a completion assurance bond for landscaped amenities and common area
6214	that are dedicated to and maintained by a homeowners association.
6215	(b) Any agreement regarding a completion assurance bond under Subsection (4)(a)
6216	between the applicant and the county shall be memorialized in a development
6217	agreement.
6218	(c) A county may not require a completion assurance bond for or dictate who installs or
6219	is responsible for the cost of the landscaping of residential lots or the equivalent open
6220	space surrounding single-family attached homes, whether platted as lots or common
6221	area.
6222	(5) The sum of the improvement completion assurance required under Subsections (3) and
6223	(4) may not exceed the sum of:
6224	(a) 100% of the estimated cost of the public landscaping improvements or infrastructure
6225	improvements, as evidenced by an engineer's estimate or licensed contractor's bid;
6226	and
6227	(b) 10% of the amount of the bond to cover administrative costs incurred by the county
6228	to complete the improvements, if necessary.
6229	(6)(a) [At any time before a county accepts a public landscaping improvement or
6230	infrastructure improvement] Upon an applicant's written request that the land use
6231	authority accept or reject the applicant's installation of required subdivision
6232	improvements or performance of warranty work as set forth in Section 17-27a-509.5,
6233	and for the duration of each improvement warranty period, the land use authority
6234	may require the applicant to:
6235	[(a)] (i) execute an improvement warranty for the improvement warranty period; and
6236	[(b)] (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as
6237	required by the county, in the amount of up to 10% of the lesser of the:
6238	[(i)] (A) county engineer's original estimated cost of completion; or
6239	[(ii)] (B) applicant's reasonable proven cost of completion.
6240	(b) A county may not require the payment of the deposit of the improvement warranty
6241	assurance described in Subsection (6)(a) for an infrastructure improvement or public
6242	landscaping improvement before the applicant indicates through written request that
6243	the applicant has completed the infrastructure improvement or public landscaping
6244	improvement.
6245	(7) When a county accepts an improvement completion assurance for public landscaping
6246	improvements or infrastructure improvements for a development in accordance with

6247	Subsection (3)(c)(ii)(A), the county may not deny an applicant a building permit if the
6248	development meets the requirements for the issuance of a building permit under the
6249	building code and fire code.
6250	(8) A county may not require the submission of a private landscaping plan as part of an
6251	application for a building permit.
6252	[(8)] (9) The provisions of this section do not supersede the terms of a valid development
6253	agreement, an adopted phasing plan, or the state construction code.
6254	Section 66. Section 17-27a-701 is amended to read:
6255	17-27a-701 (Effective 05/07/25). Appeal authority required Condition
6256	precedent to judicial review Appeal authority duties.
6257	(1)(a) Each county adopting a land use ordinance shall, by ordinance, establish one or
6258	more appeal authorities.
6259	(b) An appeal authority shall hear and decide:
6260	(i) requests for variances from the terms of land use ordinances;
6261	(ii) appeals from land use decisions applying land use ordinances; and
6262	(iii) appeals from a fee charged in accordance with Section 17-27a-509.
6263	(c) An appeal authority may not hear an appeal from the enactment of a land use
6264	regulation.
6265	(2) As a condition precedent to judicial review, each adversely affected party shall timely
6266	and specifically challenge a land use authority's land use decision, in accordance with
6267	local ordinance.
6268	(3) An appeal authority described in Subsection (1)(a):
6269	(a) shall:
6270	(i) act in a quasi-judicial manner; and
6271	(ii) serve as the final arbiter of issues involving the interpretation or application of
6272	land use ordinances; and
6273	(b) may not entertain an appeal of a matter in which the appeal authority, or any
6274	participating member, had first acted as the land use authority.
6275	(4) By ordinance, a county may:
6276	(a) designate a separate appeal authority to hear requests for variances than the appeal
6277	authority the county designates to hear appeals;
6278	(b) designate one or more separate appeal authorities to hear distinct types of appeals of
6279	land use authority decisions;
6280	(c) require an adversely affected party to present to an appeal authority every theory of

6281	relief that the adversely affected party can raise in district court;
6282	(d) not require a land use applicant or adversely affected party to pursue duplicate or
6283	successive appeals before the same or separate appeal authorities as a condition of an
6284	appealing party's duty to exhaust administrative remedies; and
6285	(e) provide that specified types of land use decisions may be appealed directly to the
6286	district court.
6287	(5) A county may not require a public hearing for a request for a variance or land use appeal.
6288	(6) If the county establishes or, prior to the effective date of this chapter, has established a
6289	multiperson board, body, or panel to act as an appeal authority, at a minimum the board,
6290	body, or panel shall:
6291	(a) notify each of the members of the board, body, or panel of any meeting or hearing of
6292	the board, body, or panel;
6293	(b) provide each of the members of the board, body, or panel with the same information
6294	and access to municipal resources as any other member;
6295	(c) convene only if a quorum of the members of the board, body, or panel is present; and
6296	(d) act only upon the vote of a majority of the convened members of the board, body, or
6297	panel.
6298	Section 67. Section 17-27a-802 is amended to read:
6299	17-27a-802 (Effective 05/07/25). Enforcement Limitations on a county's ability
6300	to enforce an ordinance by withholding a permit or certificate.
6301	(1)(a) A county or an adversely affected party may, in addition to other remedies
6302	provided by law, institute:
6303	(i) injunctions, mandamus, abatement, or any other appropriate actions; or
6304	(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
6305	(b) A county need only establish the violation to obtain the injunction.
6306	(2)(a) Except as provided in Subsections (3) [and (4)] through (6), a county may enforce
6307	the county's ordinance by withholding a building permit or certificate of occupancy.
6308	(b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building
6309	or other structure within a county without approval of a building permit.
6310	(c) The county may not issue a building permit unless the plans of and for the proposed
6311	erection, construction, reconstruction, alteration, or use fully conform to all
6312	regulations then in effect.
6313	(d) A county may require an applicant to install a permanent road, cover a temporary
6314	road with asphalt or concrete, or create another method for servicing a structure that

6315	is consistent with Appendix D of the International Fire Code, before receiving a
6316	certificate of occupancy for that structure.
6317	(e) A county may require an applicant to maintain and repair a temporary fire apparatus
6318	road during the construction of a structure accessed by the temporary fire apparatus
6319	road in accordance with the county's adopted standards.
6320	(f) A county may require temporary signs to be installed at each street intersection once
6321	construction of new roadway allows passage by a motor vehicle.
6322	(g) A county may adopt and enforce any appendix of the International Fire Code, 2021
6323	Edition.
6324	(3)(a) A county may not deny an applicant a building permit or certificate of occupancy
6325	because the applicant has not completed an infrastructure improvement:
6326	(i) [that is not] unless the infrastructure improvement is essential to meet the
6327	requirements for the issuance of a building permit or certificate of occupancy
6328	under [the building code and fire code] Title 15A, State Construction and Fire
6329	Codes Act; and
6330	(ii) for which the county has accepted an improvement completion assurance for a
6331	public landscaping improvement, as defined in Section 17-27a-604.5, or an
6332	infrastructure improvement for the development.
6333	(b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6,
6334	infrastructure improvement that is essential means:
6335	(i) operable fire hydrants installed in a manner that is consistent with the county's
6336	adopted engineering standards; and
6337	(ii) for temporary roads used during construction, a properly compacted road base
6338	installed in a manner consistent with the county's adopted engineering standards.
6339	(c) A county may not adopt an engineering standard that requires an applicant to install a
6340	permanent road or a temporary road with asphalt or concrete before receiving a
6341	building permit.
6342	[(3)] (4) A county may not deny an applicant a building permit or certificate of occupancy [
6343	based on the lack of completion of a] for failure to:
6344	(a) submit a private landscaping plan, as defined in Section 17-27a-604.5; or
6345	(b) complete a landscaping improvement that is not a public landscaping improvement,
6346	as defined in Section 17-27a-604.5.
6347	[(4)] (5) A county may not withhold a building permit based on the lack of completion of a
6348	portion of a public sidewalk to be constructed within a public right-of-way serving a lot

6349	where a single-family or two-family residence or town home is proposed in a building
6350	permit application if an improvement completion assurance has been posted for the
6351	incomplete portion of the public sidewalk.
6352	[(5)] (6) A county may not prohibit the construction of a single-family or two-family
6353	residence or town home, withhold recording a plat, or withhold acceptance of a public
6354	landscaping improvement, as defined in Section 17-27a-604.5, or an infrastructure
6355	improvement based on the lack of installation of a public sidewalk if an improvement
6356	completion assurance has been posted for the public sidewalk.
6357	[(6)] (7) A county may not redeem an improvement completion assurance securing the
6358	installation of a public sidewalk sooner than 18 months after the date the improvement
6359	completion assurance is posted.
6360	[(7)] (8) A county shall allow an applicant to post an improvement completion assurance for
6361	a public sidewalk separate from an improvement completion assurance for:
6362	(a) another infrastructure improvement; or
6363	(b) a public landscaping improvement, as defined in Section 17-27a-604.5.
6364	[(8)] (9) A county may withhold a certificate of occupancy for a single-family or two-family
6365	residence or town home until the portion of the public sidewalk to be constructed within
6366	a public right-of-way and located immediately adjacent to the single-family or
6367	two-family residence or town home is completed and accepted by the county.
6368	Section 68. Section 17B-1-119 is amended to read:
6369	17B-1-119 (Effective $05/07/25$). Duty to comply with local land use provisions
6370	Requirements before providing a service.
6371	[A special district shall comply with Title 10, Chapter 9a, Municipal Land Use,
6372	Development, and Management Act, and Title 17, Chapter 27a, County Land Use,
6373	Development, and Management Act, as applicable, if]
6374	(1)(a) If a land use authority consults with or allows [the] a special district to participate
6375	in any way in a land use authority's land use development review or approval process[-]
6376	, the special district shall comply with Title 10, Chapter 9a, Municipal Land Use and
6377	Development Act, or Title 17, Chapter 27a, County Land Use and Development Act,
6378	as applicable to the land use authority.
6379	(b) The compliance required under Subsection (1)(a) is not limited to the special
6380	district's participation in the land use authority's review or approval process.
6381	(2)(a) Before a special district begins providing a service to a service applicant, the
6382	service applicant shall provide the special district with an improvement assurance and

6383	an improvement assurance warranty.
6384	(b) A special district that has not received an improvement assurance and an
6385	improvement assurance warranty from a service applicant may not begin providing
6386	service to the service applicant.
6387	Section 69. Section 17B-1-503 is amended to read:
6388	17B-1-503 (Effective 05/07/25). Withdrawal or boundary adjustment with
6389	municipal approval.
6390	(1) A municipality and a special district whose boundaries adjoin or overlap may adjust the
6391	boundary of the special district to include more or less of the municipality, including the
6392	expansion area identified in the annexation policy plan adopted by the municipality
6393	under Section [10-2-401.5] 10-2-803, in the special district by following the same
6394	procedural requirements as set forth in Section 17B-1-417 for boundary adjustments
6395	between adjoining special [-]districts.
6396	(2)(a) Notwithstanding any other provision of this title, a municipality annexing all or
6397	part of an unincorporated island or peninsula under Title 10, Chapter 2,
6398	Classification, Boundaries, Consolidation, and Dissolution of Municipalities, that
6399	overlaps a municipal services district organized under Chapter 2a, Part 11, Municipal
6400	Services District Act, may petition to withdraw the area from the municipal services
6401	district in accordance with this Subsection (2).
6402	(b) For a valid withdrawal described in Subsection (2)(a):
6403	(i) the annexation petition under Section [10-2-403] 10-2-806 or a separate consent,
6404	signed by owners of at least 60% of the total private land area, shall state that the
6405	signers request the area to be withdrawn from the municipal services district; and
6406	(ii) the legislative body of the municipality shall adopt a resolution, which may be the
6407	resolution adopted in accordance with Subsection [10-2-418(5)(a)] 10-2-812(3)(a)
6408	stating the municipal legislative body's intent to withdraw the area from the
6409	municipal services district.
6410	(c) The board of trustees of the municipal services district shall consider the
6411	municipality's petition to withdraw the area from the municipal services district
6412	within 90 days after the day on which the municipal services district receives the
6413	petition.
6414	(d) The board of trustees of the municipal services district:
6415	(i) may hold a public hearing in accordance with the notice and public hearing
6416	provisions of Section 17B-1-508;

6417	(ii) shall consider information that includes any factual data presented by the
6418	municipality and any owner of private real property who signed a petition or other
6419	form of consent described in Subsection (2)(b)(i); and
6420	(iii) identify in writing the information upon which the board of trustees relies in
6421	approving or rejecting the withdrawal.
6422	(e) The board of trustees of the municipal services district shall approve the withdrawal,
6423	effective upon the annexation of the area into the municipality or, if the municipality
6424	has already annexed the area, as soon as possible in the reasonable course of events,
6425	if the board of trustees makes a finding that:
6426	(i)(A) the loss of revenue to the municipal services district due to a withdrawal of
6427	the area will be offset by savings associated with no longer providing
6428	municipal-type services to the area; or
6429	(B) if the loss of revenue will not be offset by savings resulting from no longer
6430	providing municipal-type services to the area, the municipality agreeing to
6431	terms and conditions, which may include terms and conditions described in
6432	Subsection 17B-1-510(5), can mitigate or eliminate the loss of revenue;
6433	(ii) the annexation petition under Section [10-2-403] <u>10-2-806</u> , or a separate petition
6434	meeting the same signature requirements, states that the signers request the area to
6435	be withdrawn from the municipal services district; or
6436	(iii) the following have consented in writing to the withdrawal:
6437	(A) owners of more than 60% of the total private land area; or
6438	(B) owners of private land equal in assessed value to more than 60% of the
6439	assessed value of all private real property within the area proposed for
6440	withdrawal have consented in writing to the withdrawal.
6441	(f) If the board of trustees of the municipal services district does not make any of the
6442	findings described in Subsection (2)(e), the board of trustees may approve or reject
6443	the withdrawal based upon information upon which the board of trustees relies and
6444	that the board of trustees identifies in writing.
6445	(g)(i) If a municipality annexes an island or a part of an island before May 14, 2019,
6446	the legislative body of the municipality may initiate the withdrawal of the area
6447	from the municipal services district by adopting a resolution that:
6448	(A) requests that the area be withdrawn from the municipal services district; and
6449	(B) a final local entity plat accompanies, identifying the area proposed to be
6450	withdrawn from the municipal services district.

6451	(ii)(A) Upon receipt of the resolution and except as provided in Subsection
6452	(2)(g)(ii)(B), the board of trustees of the municipal services district shall
6453	approve the withdrawal.
6454	(B) The board of trustees of the municipal services district may reject the
	•
6455	withdrawal if the rejection is based upon a good faith finding that lost revenues
6456	due to the withdrawal will exceed expected cost savings resulting from no
6457	longer serving the area.
6458	(h)(i) Based upon a finding described in Subsection (e) or (f):
6459	(A) the board of trustees of the municipal services district shall adopt a resolution
6460	approving the withdrawal; and
6461	(B) the chair of the board shall sign a notice of impending boundary action, as
6462	defined in Section 67-1a-6.5, that meets the requirements of Subsection
6463	67-1a-6.5(3).
6464	(ii) The annexing municipality shall deliver the following to the lieutenant governor:
6465	(A) the resolution and notice of impending boundary action described in
6466	Subsection (2)(g)(i);
6467	(B) a copy of an approved final local entity plat as defined in Section 67-1a-6.5;
6468	and
6469	(C) any other documentation required by law.
6470	(i)(i) Once the lieutenant governor has issued an applicable certificate as defined in
6471	Section 67-1a-6.5, the municipality shall deliver the certificate, the resolution and
6472	notice of impending boundary action described in Subsection (2)(h)(i), the final
6473	local entity plat as defined in Section 67-1a-6.5, and any other document required
6474	by law, to the recorder of the county in which the area is located.
6475	(ii) After the municipality makes the delivery described in Subsection (2)(i)(i), the
6476	area, for all purposes, is no longer part of the municipal services district.
6477	(j) The annexing municipality and the municipal services district may enter into an
6478	interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, stating:
6479	(i) the municipality's and the district's duties and responsibilities in conducting a
6480	withdrawal under this Subsection (2); and
6481	(ii) any other matter respecting an unincorporated island that the municipality
6482	surrounds on all sides.
6483	(3) After a boundary adjustment under Subsection (1) or a withdrawal under Subsection (2)
6484	is complete:

6485	(a) the special district shall, without interruption, provide the same service to any area
6486	added to the special district as provided to other areas within the special district; and
6487	(b) the municipality shall, without interruption, provide the same service that the special
6488	district previously provided to any area withdrawn from the special district.
6489	(4) No area within a municipality may be added to the area of a special district under this
6490	section if the area is part of a special district that provides the same wholesale or retail
6491	service as the first special district.
6492	Section 70. Section 17B-1-512 is amended to read:
6493	17B-1-512 (Effective 05/07/25). Filing of notice and plat Recording
6494	requirements Contest period Judicial review.
6495	(1)(a) Within the time specified in Subsection (1)(b), the board of trustees shall file with
6496	the lieutenant governor:
6497	(i) a copy of a notice of an impending boundary action, as defined in Section
6498	67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
6499	(ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.
6500	(b) The board of trustees shall file the documents listed in Subsection (1)(a):
6501	(i) within 10 days after adopting a resolution approving a withdrawal under Section
6502	17B-1-510;
6503	(ii) on or before January 31 of the year following the board of trustees' receipt of a
6504	notice or copy described in Subsection (1)(c), if the board of trustees receives the
6505	notice or copy between July 1 and December 31; or
6506	(iii) on or before the July 31 following the board of trustees' receipt of a notice or
6507	copy described in Subsection (1)(c), if the board of trustees receives the notice or
6508	copy between January 1 and June 30.
6509	(c) The board of trustees shall comply with the requirements described in Subsection
6510	(1)(b)(ii) or (iii) after:
6511	(i) receiving:
6512	(A) a notice under Subsection $[10-2-425(3)]$ $\underline{10-2-813(2)}$ of an automatic
6513	withdrawal under Subsection 17B-1-502(2);
6514	(B) a copy of the municipal legislative body's resolution approving an automatic
6515	withdrawal under Subsection 17B-1-502(3)(a); or
6516	(C) notice of a withdrawal of a municipality from a special district under Section
6517	17B-1-502; or
6518	(ii) entering into an agreement with a municipality under Subsection 17B-1-505

6519	(5)(a)(ii)(A) or (5)(b).
6520	(d) Upon the lieutenant governor's issuance of a certificate of withdrawal under Section
6521	67-1a-6.5, the board shall:
6522	(i) if the withdrawn area is located within the boundary of a single county, submit to
6523	the recorder of that county:
6524	(A) the original:
6525	(I) notice of an impending boundary action;
6526	(II) certificate of withdrawal; and
6527	(III) approved final local entity plat; and
6528	(B) if applicable, a certified copy of the resolution or notice referred to in
6529	Subsection (1)(b); or
6530	(ii) if the withdrawn area is located within the boundaries of more than a single
6531	county, submit:
6532	(A) the original of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and
6533	(III) and, if applicable, a certified copy of the resolution or notice referred to in
6534	Subsection (1)(b) to one of those counties; and
6535	(B) a certified copy of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and
6536	(III) and a certified copy of the resolution or notice referred to in Subsection
6537	(1)(b) to each other county.
6538	(2)(a) Upon the lieutenant governor's issuance of the certificate of withdrawal under
6539	Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic
6540	withdrawal under Subsection 17B-1-502(3), or for the withdrawal of a municipality
6541	from a special district under Section 17B-1-505, the withdrawal shall be effective,
6542	subject to the conditions of the withdrawal resolution, if applicable.
6543	(b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon the
6544	lieutenant governor's issuance of a certificate of withdrawal under Section 67-1a-6.5.
6545	(3)(a) The special district may provide for the publication of any resolution approving or
6546	denying the withdrawal of an area:
6547	(i) in a newspaper of general circulation in the area proposed for withdrawal; and
6548	(ii) as required in Section 45-1-101.
6549	(b) In lieu of publishing the entire resolution, the special district may publish a notice of
6550	withdrawal or denial of withdrawal, containing:
6551	(i) the name of the special district;
6552	(ii) a description of the area proposed for withdrawal;

6553 (iii) a brief explanation of the grounds on which the board of trustees determined to 6554 approve or deny the withdrawal; and 6555 (iv) the times and place where a copy of the resolution may be examined, which shall 6556 be at the place of business of the special district, identified in the notice, during 6557 regular business hours of the special district as described in the notice and for a 6558 period of at least 30 days after the publication of the notice. 6559 (4) Any sponsor of the petition or receiving entity may contest the board's decision to deny 6560 a withdrawal of an area from the special district by submitting a request, within 60 days 6561 after the resolution is adopted under Section 17B-1-510, to the board of trustees, 6562 suggesting terms or conditions to mitigate or eliminate the conditions upon which the 6563 board of trustees based its decision to deny the withdrawal. (5) Within 60 days after the request under Subsection (4) is submitted to the board of 6564 6565 trustees, the board may consider the suggestions for mitigation and adopt a resolution 6566 approving or denying the request in the same manner as provided in Section 17B-1-510 6567 with respect to the original resolution denying the withdrawal and file a notice of the 6568 action as provided in Subsection (1). 6569 (6)(a) Any person in interest may seek judicial review of: 6570 (i) the board of trustees' decision to withdraw an area from the special district; 6571 (ii) the terms and conditions of a withdrawal; or 6572 (iii) the board's decision to deny a withdrawal. 6573 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the 6574 district court in the county in which a majority of the area proposed to be withdrawn 6575 is located: 6576 (i) if the resolution approving or denying the withdrawal is published under 6577 Subsection (3), within 60 days after the publication or after the board of trustees' 6578 denial of the request under Subsection (5); 6579 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after 6580 the resolution approving or denying the withdrawal is adopted; or 6581 (iii) if a request is submitted to the board of trustees of a special district under 6582 Subsection (4), and the board adopts a resolution under Subsection (5), within 60 6583 days after the board adopts a resolution under Subsection (5) unless the resolution 6584 is published under Subsection (3), in which event the action shall be filed within 6585 60 days after the publication.

(c) A court in which an action is filed under this Subsection (6) may not overturn, in

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6587	whole or in part, the board of trustees' decision to approve or reject the withdrawal
6588	unless:
6589	(i) the court finds the board of trustees' decision to be arbitrary or capricious; or
6590	(ii) the court finds that the board materially failed to follow the procedures set forth
6591	in this part.
6592	(d) A court may award costs and expenses of an action under this section, including
6593	reasonable attorney fees, to the prevailing party.
6594	(7) After the applicable contest period under Subsection (4) or (6), no person may contest
6595	the board of trustees' approval or denial of withdrawal for any cause.
6596	Section 71. Section 17B-2a-1106 is amended to read:
6597	17B-2a-1106 (Effective 05/07/25). Municipal services district board of trustees
6598	Governance.
6599	(1) Notwithstanding any other provision of law regarding the membership of a special
6600	district board of trustees, the initial board of trustees of a municipal services district shall
6601	consist of the county legislative body.
6602	(2)(a) If, after the initial creation of a municipal services district, an area within the
6603	district is incorporated as a municipality as defined in Section 10-1-104 and the area
6604	is not withdrawn from the district in accordance with Section 17B-1-502 or
6605	17B-1-505, or an area within the municipality is annexed into the municipal services
6606	district in accordance with Section 17B-2a-1103, the district's board of trustees shall
6607	be as follows:
6608	(i) subject to Subsection (2)(b), a member of that municipality's governing body;
6609	(ii) one member of the county council of the county in which the municipal services
6610	district is located; and
6611	(iii) the total number of board members is not required to be an odd number.
6612	(b) A member described in Subsection (2)(a)(i) shall be designated by the municipal
6613	legislative body.
6614	(3)(a) As used in this Subsection (3):
6615	(i) "District participant" means:
6616	(A) the county that created a municipal services district under Section
6617	17B-2a-1105; or
6618	(B) a municipality that is part of the municipal services district.
6619	(ii) "Proportionate amount" means, for each district participant, the amount that is
6620	attributable to the district participant in proportion to the total amount attributable

6621	to all district participants.
6622	(iii) "Trigger date" means the earliest of:
6623	(A) the effective date of an annexation of an unincorporated island, as defined in
6624	Section [10-2-429] <u>10-2-814</u> , that occurs under Title 10, Chapter 2, [Part 4] <u>Part</u>
6625	8, Annexation, excluding an automatic annexation under Section [10-2-429]
6626	<u>10-2-814;</u>
6627	(B) the effective date of an incorporation of a community council area, as defined
6628	in Section 10-2a-102; and
6629	(C) the effective date of an automatic annexation under Section [10-2-429]
6630	<u>10-2-814</u> .
6631	(b) For a board of trustees described in Subsection (2), each board member's vote is
6632	weighted:
6633	(i) until the trigger date, using the proportion of the municipal services district
6634	population that resides:
6635	(A) for each member described in Subsection (2)(a)(i), within that member's
6636	municipality; and
6637	(B) for the member described in Subsection (2)(a)(ii), within the unincorporated
6638	county; and
6639	(ii) beginning the trigger date:
6640	(A) 60% according to the proportionate amount of the combined total of sales tax
6641	revenue and revenue for B and C roads under Section 72-2-108;
6642	(B) 30% according to the proportionate amount of weighted mileage, as defined in
6643	Section 72-2-108; and
6644	(C) 10% according to the proportionate amount of population.
6645	(4) The board may adopt a resolution providing for future board members to be appointed,
6646	as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.
6647	(5) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees may
6648	adopt a resolution to determine the internal governance of the board.
6649	(6) The municipal services district and the county may enter into an agreement for the
6650	provision of legal services to the municipal services district.
6651	Section 72. Section 23A-13-304 is amended to read:
6652	23A-13-304 (Effective 05/07/25). Annexation restrictions.
6653	A municipality may annex real property within a migratory bird production area as
6654	provided by [Title 10, Chapter 2, Part 4, Annexation] Title 10, Chapter 2, Part 8, Annexation.

6655	Section 73. Section 26B-1-429 is amended to read:
6656	26B-1-429 (Effective 05/07/25). Utah State Developmental Center Board
6657	Creation Membership Duties Powers.
6658	(1) There is created the Utah State Developmental Center Board within the department.
6659	(2) The board is composed of nine members as follows:
6660	(a) the director of the Division of Services for People with Disabilities or the director's
6661	designee;
6662	(b) the superintendent of the developmental center or the superintendent's designee;
6663	(c) the executive director or the executive director's designee;
6664	(d) a resident of the Utah State Developmental Center selected by the superintendent; and
6665	(e) five members appointed or reappointed by the governor with the advice and consent
6666	of the Senate as follows:
6667	(i) three members of the general public; and
6668	(ii) two members who are parents or guardians of individuals who receive services at
6669	the Utah State Developmental Center.
6670	(3) In making appointments to the board, the governor shall ensure that:
6671	(a) no more than three members have immediate family residing at the Utah State
6672	Developmental Center; and
6673	(b) members represent a variety of geographic areas and economic interests of the state.
6674	(4)(a) The governor shall appoint each member described in Subsection (2)(e) for a term
6675	of four years.
6676	(b) An appointed member may not serve more than two full consecutive terms unless the
6677	governor determines that an additional term is in the best interest of the state.
6678	(c) Notwithstanding the requirements of Subsections (4)(a) and (b), the governor shall,
6679	at the time of appointment or reappointment, adjust the length of terms to ensure that
6680	the terms of appointed members are staggered so that approximately half of the
6681	appointed members are appointed every two years.
6682	(d) Appointed members shall continue in office until the expiration of their terms and
6683	until their successors are appointed, which may not exceed 120 days after the formal
6684	expiration of a term.
6685	(e) When a vacancy occurs in the membership for any reason, the governor shall, with
6686	the advice and consent of the Senate, appoint a replacement for the unexpired term.
6687	(5)(a) The director shall serve as the chair.
6688	(b) The board shall appoint a member to serve as vice chair.

- 6689 (c) The board shall hold meetings quarterly or as needed. 6690 (d) Five members are necessary to constitute a quorum at any meeting, and, if a quorum 6691 exists, the action of the majority of members present shall be the action of the board. 6692 (e) The chair shall be a non-voting member except that the chair may vote to break a tie 6693 vote between the voting members. 6694 (6) An appointed member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel 6695 6696 expenses in accordance with: 6697 (a) Section 63A-3-106; 6698 (b) Section 63A-3-107; and 6699 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 6700 63A-3-107. 6701 (7)(a) The board shall adopt bylaws governing the board's activities. 6702 (b) Bylaws shall include procedures for removal of a member who is unable or unwilling 6703 to fulfill the requirements of the member's appointment. 6704 (8) The board shall: 6705 (a) act for the benefit of the Utah State Developmental Center and the Division of 6706 Services for People with Disabilities; 6707 (b) advise and assist the Division of Services for People with Disabilities with the 6708 division's functions, operations, and duties related to the Utah State Developmental 6709 Center, described in Sections 26B-6-402, 26B-6-403, 26B-6-502, 26B-6-504, and 6710 26B-6-506; 6711 (c) administer the Utah State Developmental Center Miscellaneous Donation Fund, as 6712 described in Section 26B-1-330; 6713 (d) administer the Utah State Developmental Center Long-Term Sustainability Fund, as 6714 described in Section 26B-1-331; 6715 (e) approve the sale, lease, or other disposition of real property or water rights associated 6716 with the Utah State Developmental Center, as described in Subsection 26B-6-507(2); 6717 and 6718 (f) within 21 days after the day on which the board receives the notice required under 6719 Subsection [10-2-419(3) (b)] [10-2-903(3)(b)], provide a written opinion regarding the 6720 proposed boundary adjustment to:
 - (ii) the Legislative Management Committee.

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(i) the director of the Division of Facilities and Construction Management; and

6723	Section 74. Section 53-2d-514 is amended to read:
6724	53-2d-514 (Effective 05/07/25). Annexations.
6725	(1) A municipality shall comply with the provisions of this section if the municipality is
6726	licensed under this chapter and desires to provide service to an area that is:
6727	(a) included in a petition for annexation under [Title 10, Chapter 2, Part 4, Annexation]
6728	Title 10, Chapter 2, Part 8, Annexation; and
6729	(b) currently serviced by another provider licensed under this chapter.
6730	(2)(a)(i) At least 45 days prior to approving a petition for annexation, the
6731	municipality shall certify to the bureau that by the time of the approval of the
6732	annexation the municipality can meet or exceed the current level of service
6733	provided by the existing licensee for the annexed area by meeting the
6734	requirements of Subsections (2)(b)(ii)(A) through (D); and
6735	(ii) no later than three business days after the municipality files a petition for
6736	annexation in accordance with Section [10-2-403] 10-2-806, provide written notice
6737	of the petition for annexation to:
6738	(A) the existing licensee providing service to the area included in the petition of
6739	annexation; and
6740	(B) the bureau.
6741	(b)(i) After receiving a certification under Subsection (2)(a), but prior to the
6742	municipality approving a petition for annexation, the bureau may audit the
6743	municipality only to verify the requirements of Subsections (2)(b)(ii)(A) through
6744	(D).
6745	(ii) If the bureau elects to conduct an audit, the bureau shall make a finding that the
6746	municipality can meet or exceed the current level of service provided by the
6747	existing licensee for the annexed area if the bureau finds that the municipality has
6748	or will have by the time of the approval of the annexation:
6749	(A) adequate trained personnel to deliver basic and advanced life support services;
6750	(B) adequate apparatus and equipment to deliver emergency medical services;
6751	(C) adequate funding for personnel and equipment; and
6752	(D) appropriate medical controls, such as a medical director and base hospital.
6753	(iii) The bureau shall submit the results of the audit in writing to the municipal
6754	legislative body.
6755	(3)(a) If the bureau audit finds that the municipality meets the requirements of
6756	Subsection (2)(b)(ii), the bureau shall issue an amended license to the municipality

6757 and all other affected licensees to reflect the municipality's new boundaries after the 6758 bureau receives notice of the approval of the petition for annexation from the 6759 municipality in accordance with Section [10-2-425] <u>10-2-813</u>. 6760 (b)(i) Notwithstanding the provisions of Subsection 63G-4-102(2)(k), if the bureau 6761 audit finds that the municipality fails to meet the requirements of Subsection 6762 (2)(b)(ii), the municipality may request an adjudicative proceeding under the 6763 provisions of Title 63G, Chapter 4, Administrative Procedures Act. The 6764 municipality may approve the petition for annexation while an adjudicative 6765 proceeding requested under this Subsection (3)(b)(i) is pending. 6766 (ii) The bureau shall conduct an adjudicative proceeding when requested under 6767 Subsection (3)(b)(i). 6768 (iii) Notwithstanding the provisions of Sections 53-2d-504 through 53-2d-509, in any 6769 adjudicative proceeding held under the provisions of Subsection (3)(b)(i), the 6770 bureau bears the burden of establishing that the municipality cannot, by the time 6771 of the approval of the annexation, meet the requirements of Subsection (2)(b)(ii). 6772 (c) If, at the time of the approval of the annexation, an adjudicative proceeding is 6773 pending under the provisions of Subsection (3)(b)(i), the bureau shall issue amended 6774 licenses if the municipality prevails in the adjudicative proceeding. 6775 Section 75. Section **54-3-30** is amended to read: 6776 54-3-30 (Effective 05/07/25). Electric utility service within a provider 6777 municipality -- Electrical corporation prohibited as provider -- Exceptions -- Notice and agreement -- Transfer of customer. 6778 6779 (1) This section applies to an electrical corporation that intends to provide electric service 6780 to a customer: 6781 (a) who is located within the municipal boundary of a municipality that provides electric 6782 service; and 6783 (b) who is not described in Subsection 54-3-31(2). 6784 (2)(a) If an electrical corporation is authorized by the commission to provide electric 6785 service to a customer in an area adjacent to a municipality, and the municipality 6786 provides electric service to a customer located within its municipal boundary, the 6787 electrical corporation may not provide electric service to a customer within the 6788 municipal boundary unless:

- 200 -

municipality authorizing the electrical corporation to provide electric service:

(i) the electrical corporation has entered into a written agreement with the

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6791	(A) to a specified customer or to customers located within a specified area
6792	within the municipal boundary; and
6793	(B) in accordance with the terms and conditions of the electrical corporation's
6794	tariffs and regulations approved by the commission, or approved by the
6795	governing board for an electrical cooperative that meets the requirements
6796	Subsection 54-7-12(7); and
6797	(ii)(A) except as provided in Subsection (2)(a)(ii)(B), the commission approves
6798	the agreement in accordance with Section 54-4-40; or
6799	(B) for an electrical cooperative that meets the requirements of Subsection
6800	54-7-12(7), the governing board of the electrical cooperative approves the
6801	agreement.
6802	(b) The municipality or the electrical corporation may terminate the agreement for the
6803	provision of electric service if the commission imposes a condition authorized in
6804	Section 54-4-40 that is a material change to the agreement.
6805	(3) An electrical corporation that enters into an agreement described in Subsection (2)(a)
6806	shall transfer service to a customer described in Subsection (2):
6807	(a) at the conclusion of a term specified in the agreement; or
6808	(b) upon termination of the agreement by the electrical corporation in accordance with
6809	Subsection (4).
6810	(4) Unless otherwise agreed in writing by the electrical corporation and the municipality,
6811	the electrical corporation may terminate an agreement entered into in accordance with
6812	Subsection (2)(a) by giving written notice of termination to the municipality:
6813	(a) no earlier than two years before the day of termination; or
6814	(b) within a period of time shorter than two years if otherwise agreed to with the
6815	municipality.
6816	(5) Upon termination of an agreement in accordance with Subsection (3)(a), (3)(b), or (4):
6817	(a)(i) the electrical corporation shall transfer the electric service customer to the
6818	municipality; and
6819	(ii) the municipality shall provide electric service to the customer; and
6820	(b) the electrical corporation shall transfer a facility in accordance with and for the val
6821	as provided in Section [10-2-421] <u>10-2-817</u> .
6822	(6) This section may not be construed to modify or terminate any written franchise
6823	agreement or other agreement that expressly provides for electric service by an electric
6824	corporation to a customer within a municipality that was entered into between an

6825	electrical corporation and a municipality on or before June 15, 2013.
6826	Section 76. Section 54-3-31 is amended to read:
6827	54-3-31 (Effective 05/07/25). Electric utility service within a provider
6828	municipality Electrical corporation authorized as continuing provider for service
6829	provided on or before June 15, 2013 Notice of service and agreement Transfer of
6830	customer.
6831	(1) This section applies to an electrical corporation that:
6832	(a)(i) provides electric service to a customer on or before June 15, 2013, within the
6833	municipal boundary of a municipality that provides electric service; or
6834	(ii) provides electric service to a customer within an area:
6835	(A) established by an agreement dated on or before June 15, 2013, with a
6836	municipality; and
6837	(B) within the municipal boundary of a municipality that provides electric service;
6838	and
6839	(b) intends to continue providing service to that customer.
6840	(2) Notwithstanding Section 54-3-30, if an electrical corporation provides electric service to
6841	a customer as described in Subsection (1), and the municipality provides electric service
6842	to another customer within its municipal boundary, the electrical corporation may
6843	continue to provide electric service to the customer within the municipality's boundary
6844	after the termination of, or in the absence of, a written agreement, if:
6845	(a) the electrical corporation provides, on or before December 15, 2013, the municipality
6846	with an accurate and complete verified written notice, in accordance with Subsection
6847	(3), identifying each customer within the municipality served by the electrical
6848	corporation on or before June 15, 2013;
6849	(b) the electrical corporation enters into a written agreement with the municipality:
6850	(i)(A) prior to the termination of any prior written agreement; or
6851	(B) in the absence of a written agreement; and
6852	(ii) no later than June 15, 2014; and
6853	(c)(i) except as provided in Subsection (2)(c)(ii), the commission approves the
6854	agreement in accordance with Section 54-4-40; or
6855	(ii) for an electrical cooperative that meets the requirements of Subsection 54-7-12(7),
6856	the governing board of the electrical cooperative approves the agreement.
6857	(3) The written notice provided in accordance with Subsection (2)(a) shall include for each
6858	customer:

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(a) the customer's meter number;

6860	(b) the location of the customer's meter by street address, global positioning system
6861	coordinates, metes and bounds description, or other similar method of meter location;
6862	(c) the customer's class of service; and
6863	(d) a representation that the customer was receiving service from the electrical
6864	corporation on or before June 15, 2013.
6865	(4) The agreement entered into in accordance with Subsection (2) shall require the
6866	following:
6867	(a) The electrical corporation is the exclusive electric service provider to a customer
6868	identified in the notice described in Subsection (2)(a) unless the municipality and
6869	electrical corporation subsequently agree, in writing, that the municipality may
6870	provide electric service to the identified customer.
6871	(b) If a customer who is located within the municipal boundary and who is not identified
6872	in Subsection (2)(a) requests service after June 15, 2013, from the electrical
6873	corporation, the electrical corporation may not provide that customer electric service
6874	unless the electrical corporation subsequently submits a request to and enters into a
6875	written agreement with the municipality in accordance with Section 54-3-30.
6876	(5)(a) Unless otherwise agreed in writing by the electrical corporation and the
6877	municipality, the electrical corporation may terminate an agreement entered into in
6878	accordance with Subsection (2)(b) by giving written notice of termination to the
6879	municipality:
6880	(i) no earlier than two years before the day of termination; or
6881	(ii) within a period of time shorter than two years if otherwise agreed to with the
6882	municipality.
6883	(b) Upon termination of an agreement in accordance with Subsection (5)(a):
6884	(i)(A) the electrical corporation shall transfer an electric service customer located
6885	within the municipality to the municipality; and
6886	(B) the municipality shall provide electric service to the customer; and
6887	(ii) the electrical corporation shall transfer a facility in accordance with and for the
6888	value as provided in Section [10-2-421] <u>10-2-817</u> .
6889	(6) This section may not be construed to modify or terminate any written franchise
6890	agreement or other agreement that expressly provides for electric service by an electrical
6891	corporation to a customer within a municipality that was entered into between an
6892	electrical corporation and a municipality on or before June 15, 2013.
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Section 77. Section **57-1-1** is amended to read:

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6894	57-1-1 (Effective 05/07/25). Definitions.
6895	As used in this title:
6896	(1) "Certified copy" means a [eopy] duplicate of a document:
6897	(a) certified by its custodian to be a true and correct copy of the document[-or the copy
6898	of the document maintained by the custodian, where the document or copy is]; or
6899	(b) maintained under the authority of the United States, the state[of Utah or any of its
6900	political subdivisions], a political subdivision of the state, another state, a court of
6901	record, a foreign government, or an Indian tribe.
6902	(2) "Document" means every instrument in writing, including every conveyance, affecting,
6903	purporting to affect, describing, or otherwise concerning any right, title, or interest in
6904	real property, except wills and leases for a term not exceeding one year.
6905	(3) "Indian tribe" means the same as that term is defined in Section 9-9-101.
6906	(4) "Person" means an individual, corporation, business trust, estate, trust, public entity, or
6907	any other legal or commercial entity.
6908	(5) "Public entity" means:
6909	(a) the United States, including an agency of the United States;
6910	(b) the state, including an agency or department of the state;
6911	(c) a political subdivision, including a county, municipality, school district, special
6912	district, special service district, community reinvestment agency, or interlocal
6913	cooperation entity; or
6914	(d) an Indian tribe.
6915	(6) "Public entity affidavit" means a notarized affidavit:
6916	(a) signed by an authorized employee or officer of a public entity; and
6917	(b) evidencing consent to a conveyance of real property by deed to the public entity.
6918	[(3)] (7) "Real property" or "real estate" means any right, title, estate, or interest in land,
6919	including:
6920	(a) all nonextracted minerals located in, on, or under the land[,];
6921	(b) all buildings, fixtures and improvements on the land[-,]; and
6922	(c) all water rights, rights-of-way, easements, rents, issues, profits, income, tenements,
6923	hereditaments, possessory rights, claims[,] including mining claims, privileges, and
6924	appurtenances belonging to, used, or enjoyed with the land or any part of the land.
6925	[(4)] (8) "Stigmatized" means:
6926	(a) the site or suspected site of a homicide, other felony, or suicide;

6927	(b) the dwelling place of a person infected, or suspected of being infected, with the
6928	Human Immunodeficiency Virus, or any other infectious disease that the [Utah]
6929	Department of Health and Human Services, created in Section 26B-1-201,
6930	determines cannot be transferred by occupancy of a dwelling place; or
6931	(c) property that has been found to be contaminated, and that the local health department
6932	has subsequently found to have been decontaminated in accordance with Title 19,
6933	Chapter 6, Part 9, Illegal Drug Operations Site Reporting and Decontamination Act.
6934	Section 78. Section 57-1-48 is enacted to read:
6935	57-1-48 (Effective 05/07/25). Conveyance by deed to a public entity.
6936	(1) A grantor may convey real property by deed to a public entity, and a public entity may
6937	accept real property conveyed by deed from a grantor, as described in this section.
6938	(2) Real property conveyed to a public entity shall be conveyed by:
6939	(a) if the conveyance is between two public entities, recording a deed conveying real
6940	property;
6941	(b) if there is no purchaser for a property offered at a tax sale, complying with the
6942	procedure described in Section 59-2-1351.3; and
6943	(c) if the grantor is not a public entity:
6944	(i) recording a deed conveying real property along with a public entity affidavit that
6945	complies with Subsection (4); or
6946	(ii) recording a deed that has been notarized and signed by:
6947	(A) the grantor of the property; and
6948	(B) an authorized representative of the public entity.
6949	(3) A conveyance of real property by deed that is recorded in a county recorder's office
6950	after July 1, 2025, is voidable by the public entity intended to receive the real property
6951	until the earlier of the day on which:
6952	(a) a public entity affidavit approving the transfer is recorded; or
6953	(b) the deed conveying the real property is signed by an authorized employee or officer
6954	of the public entity.
6955	(4) A public entity affidavit shall be in substantially the following form:
6956	"PUBLIC ENTITY AFFIDAVIT
6957	I, (insert name), being of legal age and authorized by
6958	(name of public entity), hereafter "public entity," being first duly sworn, depose and
6959	state as follows:
6960	The public entity consents to the conveyance of real property by deed from

6961	(name of grantor(s)). By signing this Public Entity Affidavit, the public
6962	entity accepts the ownership of the real property described in the attached legal
6963	description.
6964	The public entity does not guarantee or provide an opinion as to the proper form or
6965	validity of any conveyance document related to the real property described in the
6966	attached legal description.
6967	This Public Entity Affidavit is intended to evidence that the public entity consents to
6968	(name of grantor(s)) conveying the real property described in the attached
6969	legal description to the public entity."
6970	Section 79. Section 59-12-208.1 is amended to read:
6971	59-12-208.1 (Effective 05/07/25). Enactment or repeal of tax Effective date
6972	Notice requirements.
6973	(1) For purposes of this section:
6974	(a) "Annexation" means an annexation to:
6975	(i) a county under Title 17, Chapter 2, County Consolidations and Annexations; or
6976	(ii) a city or town under [Title 10, Chapter 2, Part 4, Annexation] Title 10, Chapter 2
6977	Part 8, Annexation.
6978	(b) "Annexing area" means an area that is annexed into a county, city, or town.
6979	(2)(a) Except as provided in Subsection (2)(c) or (d), if, on or after July 1, 2004, a
6980	county, city, or town enacts or repeals a tax under this part, the enactment or repeal
6981	shall take effect:
6982	(i) on the first day of a calendar quarter; and
6983	(ii) after a 90-day period beginning on the date the commission receives notice
6984	meeting the requirements of Subsection (2)(b) from the county, city, or town.
6985	(b) The notice described in Subsection (2)(a)(ii) shall state:
6986	(i) that the county, city, or town will enact or repeal a tax under this part;
6987	(ii) the statutory authority for the tax described in Subsection (2)(b)(i);
6988	(iii) the effective date of the tax described in Subsection (2)(b)(i); and
6989	(iv) if the county, city, or town enacts the tax described in Subsection (2)(b)(i), the
6990	rate of the tax.
6991	(c)(i) The enactment of a tax takes effect on the first day of the first billing period:
6992	(A) that begins on or after the effective date of the enactment of the tax; and
6993	(B) if the billing period for the transaction begins before the effective date of the
6994	enactment of the tax under Section 59-12-204.

6995	(ii) The repeal of a tax applies to a billing period if the billing statement for the
6996	billing period is rendered on or after the effective date of the repeal of the tax
6997	imposed under Section 59-12-204.
6998	(d)(i) If a tax due under this chapter on a catalogue sale is computed on the basis of
6999	sales and use tax rates published in the catalogue, an enactment or repeal of a tax
7000	described in Subsection (2)(a) takes effect:
7001	(A) on the first day of a calendar quarter; and
7002	(B) beginning 60 days after the effective date of the enactment or repeal under
7003	Subsection (2)(a).
7004	(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7005	the commission may by rule define the term "catalogue sale."
7006	(3)(a) Except as provided in Subsection (3)(c) or (d), if, for an annexation that occurs on
7007	or after July 1, 2004, the annexation will result in the enactment or repeal of a tax
7008	under this part for an annexing area, the enactment or repeal shall take effect:
7009	(i) on the first day of a calendar quarter; and
7010	(ii) after a 90-day period beginning on the date the commission receives notice
7011	meeting the requirements of Subsection (3)(b) from the county, city, or town that
7012	annexes the annexing area.
7013	(b) The notice described in Subsection (3)(a)(ii) shall state:
7014	(i) that the annexation described in Subsection (3)(a) will result in an enactment or
7015	repeal of a tax under this part for the annexing area;
7016	(ii) the statutory authority for the tax described in Subsection (3)(b)(i);
7017	(iii) the effective date of the tax described in Subsection (3)(b)(i); and
7018	(iv) the rate of the tax described in Subsection (3)(b)(i).
7019	(c)(i) The enactment of a tax takes effect on the first day of the first billing period:
7020	(A) that begins on or after the effective date of the enactment of the tax; and
7021	(B) if the billing period for the transaction begins before the effective date of the
7022	enactment of the tax under Section 59-12-204.
7023	(ii) The repeal of a tax applies to a billing period if the billing statement for the
7024	billing period is rendered on or after the effective date of the repeal of the tax
7025	imposed under Section 59-12-204.
7026	(d)(i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7027	sales and use tax rates published in the catalogue, an enactment or repeal of a tax
7028	described in Subsection (3)(a) takes effect:

7029	(A) on the first day of a calendar quarter; and
7030	(B) beginning 60 days after the effective date of the enactment or repeal under
7031	Subsection (3)(a).
7032	(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7033	the commission may by rule define the term "catalogue sale."
7034	Section 80. Section 59-12-355 is amended to read:
7035	59-12-355 (Effective 05/07/25). Enactment or repeal of tax Tax rate change
7036	Effective date Notice requirements.
7037	(1) For purposes of this section:
7038	(a) "Annexation" means an annexation to a city or town under [Title 10, Chapter 2, Part
7039	4, Annexation] Title 10, Chapter 2, Part 8, Annexation.
7040	(b) "Annexing area" means an area that is annexed into a city or town.
7041	(2)(a) Except as provided in Subsection (2)(c), if, on or after July 1, 2004, a city or town
7042	enacts or repeals a tax or changes the rate of a tax under this part, or if the Point of
7043	the Mountain State Land Authority imposes or repeals a tax under Subsection
7044	59-12-352(6) or changes the rate of the tax, the enactment, repeal, or change shall
7045	take effect:
7046	(i) on the first day of a calendar quarter; and
7047	(ii) after a 90-day period beginning on the date the commission receives notice
7048	meeting the requirements of Subsection (2)(b) from the city or town.
7049	(b) The notice described in Subsection (2)(a)(ii) shall state:
7050	(i) that the city or town will enact or repeal a tax or change the rate of a tax under this
7051	part;
7052	(ii) the statutory authority for the tax described in Subsection (2)(b)(i);
7053	(iii) the effective date of the tax described in Subsection (2)(b)(i); and
7054	(iv) if the city or town enacts the tax or changes the rate of the tax described in
7055	Subsection $(2)(b)(i)$, the rate of the tax.
7056	(c)(i) Notwithstanding Subsection (2)(a), for a transaction described in Subsection
7057	(2)(c)(iii), the enactment of a tax or a tax rate increase shall take effect on the first
7058	day of the first billing period:
7059	(A) that begins after the effective date of the enactment of the tax or the tax rate
7060	increase; and
7061	(B) if the billing period for the transaction begins before the effective date of the
7062	enactment of the tax or the tax rate increase imposed under:

7063	(I) Section 59-12-352; or
7064	(II) Section 59-12-353.
7065	(ii) Notwithstanding Subsection (2)(a), for a transaction described in Subsection
7066	(2)(c)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day
7067	of the last billing period:
7068	(A) that began before the effective date of the repeal of the tax or the tax rate
7069	decrease; and
7070	(B) if the billing period for the transaction begins before the effective date of the
7071	repeal of the tax or the tax rate decrease imposed under:
7072	(I) Section 59-12-352; or
7073	(II) Section 59-12-353.
7074	(iii) Subsections (2)(c)(i) and (ii) apply to transactions subject to a tax under
7075	Subsection 59-12-103(1)(i).
7076	(3)(a) Except as provided in Subsection (3)(c), if, for an annexation that occurs on or
7077	after July 1, 2004, the annexation will result in the enactment, repeal, or change in the
7078	rate of a tax under this part for an annexing area, the enactment, repeal, or change
7079	shall take effect:
7080	(i) on the first day of a calendar quarter; and
7081	(ii) after a 90-day period beginning on the date the commission receives notice
7082	meeting the requirements of Subsection (3)(b) from the city or town that annexes
7083	the annexing area.
7084	(b) The notice described in Subsection (3)(a)(ii) shall state:
7085	(i) that the annexation described in Subsection (3)(a) will result in an enactment,
7086	repeal, or change in the rate of a tax under this part for the annexing area;
7087	(ii) the statutory authority for the tax described in Subsection (3)(b)(i);
7088	(iii) the effective date of the tax described in Subsection (3)(b)(i); and
7089	(iv) if the city or town enacts the tax or changes the rate of the tax described in
7090	Subsection $(3)(b)(i)$, the rate of the tax.
7091	(c)(i) Notwithstanding Subsection (3)(a), for a transaction described in Subsection
7092	(3)(c)(iii), the enactment of a tax or a tax rate increase shall take effect on the first
7093	day of the first billing period:
7094	(A) that begins after the effective date of the enactment of the tax or the tax rate
7095	increase; and
7096	(B) if the billing period for the transaction begins before the effective date of the

7097	enactment of the tax or the tax rate increase imposed under:
7098	(I) Section 59-12-352; or
7099	(II) Section 59-12-353.
7100	(ii) Notwithstanding Subsection (3)(a), for a transaction described in Subsection
7101	(3)(c)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day
7102	of the last billing period:
7103	(A) that began before the effective date of the repeal of the tax or the tax rate
7104	decrease; and
7105	(B) if the billing period for the transaction begins before the effective date of the
7106	repeal of the tax or the tax rate decrease imposed under:
7107	(I) Section 59-12-352; or
7108	(II) Section 59-12-353.
7109	(iii) Subsections (3)(c)(i) and (ii) apply to transactions subject to a tax under
7110	Subsection 59-12-103(1)(i).
7111	Section 81. Section 59-12-403 is amended to read:
7112	59-12-403 (Effective 05/07/25). Enactment or repeal of tax Tax rate change
7113	Effective date Notice requirements Administration, collection, and enforcement of
7114	tax Administrative charge.
7115	(1) For purposes of this section:
7116	(a) "Annexation" means an annexation to a city or town under [Title 10, Chapter 2, Part
7117	4, Annexation] Title 10, Chapter 2, Part 8, Annexation.
7118	(b) "Annexing area" means an area that is annexed into a city or town.
7119	(2)(a) Except as provided in Subsection (2)(c) or (d), if, on or after April 1, 2008, a city
7120	or town enacts or repeals a tax or changes the rate of a tax under this part, the
7121	enactment, repeal, or change shall take effect:
7122	(i) on the first day of a calendar quarter; and
7123	(ii) after a 90-day period beginning on the date the commission receives notice
7124	meeting the requirements of Subsection (2)(b) from the city or town.
7125	(b) The notice described in Subsection (2)(a)(ii) shall state:
7126	(i) that the city or town will enact or repeal a tax or change the rate of a tax under this
7127	part;
7128	(ii) the statutory authority for the tax described in Subsection (2)(b)(i);
7129	(iii) the effective date of the tax described in Subsection (2)(b)(i); and
7130	(iv) if the city or town enacts the tax or changes the rate of the tax described in

7131	Subsection $(2)(b)(i)$, the rate of the tax.
7132	(c)(i) If the billing period for a transaction begins before the effective date of the
7133	enactment of the tax or the tax rate increase imposed under Section 59-12-401,
7134	59-12-402, or 59-12-402.1, the enactment of the tax or the tax rate increase takes
7135	effect on the first day of the first billing period that begins on or after the effective
7136	date of the enactment of the tax or the tax rate increase.
7137	(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
7138	statement for the billing period is produced on or after the effective date of the
7139	repeal of the tax or the tax rate decrease imposed under Section 59-12-401,
7140	59-12-402, or 59-12-402.1.
7141	(d)(i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7142	sales and use tax rates published in the catalogue, an enactment, repeal, or change
7143	in the rate of a tax described in Subsection (2)(a) takes effect:
7144	(A) on the first day of a calendar quarter; and
7145	(B) beginning 60 days after the effective date of the enactment, repeal, or change
7146	in the rate of the tax under Subsection (2)(a).
7147	(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7148	the commission may by rule define the term "catalogue sale."
7149	(3)(a) Except as provided in Subsection (3)(c) or (d), if, for an annexation that occurs on
7150	or after July 1, 2004, the annexation will result in the enactment, repeal, or change in
7151	the rate of a tax under this part for an annexing area, the enactment, repeal, or change
7152	shall take effect:
7153	(i) on the first day of a calendar quarter; and
7154	(ii) after a 90-day period beginning on the date the commission receives notice
7155	meeting the requirements of Subsection (3)(b) from the city or town that annexes
7156	the annexing area.
7157	(b) The notice described in Subsection (3)(a)(ii) shall state:
7158	(i) that the annexation described in Subsection (3)(a) will result in an enactment,
7159	repeal, or change in the rate of a tax under this part for the annexing area;
7160	(ii) the statutory authority for the tax described in Subsection (3)(b)(i);
7161	(iii) the effective date of the tax described in Subsection (3)(b)(i); and
7162	(iv) if the city or town enacts the tax or changes the rate of the tax described in
7163	Subsection $(3)(b)(i)$, the rate of the tax.
7164	(c)(i) If the billing period for a transaction begins before the effective date of the

7165	enactment of the tax or the tax rate increase imposed under Section 59-12-401,
7166	59-12-402, or 59-12-402.1, the enactment of the tax or the tax rate increase takes
7167	effect on the first day of the first billing period that begins on or after the effective
7168	date of the enactment of the tax or the tax rate increase.
7169	(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
7170	statement for the billing period is produced on or after the effective date of the
7171	repeal of the tax or the tax rate decrease imposed under Section 59-12-401,
7172	59-12-402, or 59-12-402.1.
7173	(d)(i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7174	sales and use tax rates published in the catalogue, an enactment, repeal, or change
7175	in the rate of a tax described in Subsection (3)(a) takes effect:
7176	(A) on the first day of a calendar quarter; and
7177	(B) beginning 60 days after the effective date of the enactment, repeal, or change
7178	in the rate of the tax under Subsection (3)(a).
7179	(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7180	the commission may by rule define the term "catalogue sale."
7181	(4)(a) Except as provided in Subsection (4)(b), a tax authorized under this part shall be
7182	administered, collected, and enforced in accordance with:
7183	(i) the same procedures used to administer, collect, and enforce the tax under:
7184	(A) Part 1, Tax Collection; or
7185	(B) Part 2, Local Sales and Use Tax Act; and
7186	(ii) Chapter 1, General Taxation Policies.
7187	(b) A tax under this part is not subject to Subsections 59-12-205(2) through (5).
7188	(5) The commission shall retain and deposit an administrative charge in accordance with
7189	Section 59-1-306 from the revenue the commission collects from a tax under this part.
7190	Section 82. Section 59-12-806 is amended to read:
7191	59-12-806 (Effective 05/07/25). Enactment or repeal of tax Tax rate change
7192	Effective date Notice requirements.
7193	(1) For purposes of this section:
7194	(a) "Annexation" means an annexation to:
7195	(i) a county under Title 17, Chapter 2, County Consolidations and Annexations; or
7196	(ii) a city under [Title 10, Chapter 2, Part 4, Annexation] Title 10, Chapter 2, Part 8,
7197	Annexation.
7198	(b) "Annexing area" means an area that is annexed into a county or city.

7199	(2)(a) Except as provided in Subsection (2)(c) or (d), if, on or after July 1, 2004, a
7200	county or city enacts or repeals a tax or changes the rate of a tax under this part, the
7201	enactment, repeal, or change shall take effect:
7202	(i) on the first day of a calendar quarter; and
7203	(ii) after a 90-day period beginning on the date the commission receives notice
7204	meeting the requirements of Subsection (2)(b) from the county or city.
7205	(b) The notice described in Subsection (2)(a)(ii) shall state:
7206	(i) that the county or city will enact or repeal a tax or change the rate of a tax under
7207	this part;
7208	(ii) the statutory authority for the tax described in Subsection (2)(b)(i);
7209	(iii) the effective date of the tax described in Subsection (2)(b)(i); and
7210	(iv) if the county or city enacts the tax or changes the rate of the tax described in
7211	Subsection (2)(b)(i), the rate of the tax.
7212	(c)(i) The enactment of a tax or a tax rate increase takes effect on the first day of the
7213	first billing period:
7214	(A) that begins on or after the effective date of the enactment of the tax or the tax
7215	rate increase; and
7216	(B) if the billing period for the transaction begins before the effective date of the
7217	enactment of the tax or the tax rate increase imposed under:
7218	(I) Section 59-12-802; or
7219	(II) Section 59-12-804.
7220	(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
7221	statement for the billing period is rendered on or after the effective date of the
7222	repeal of the tax or the tax rate decrease imposed under:
7223	(A) Section 59-12-802; or
7224	(B) Section 59-12-804.
7225	(d)(i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7226	sales and use tax rates published in the catalogue, an enactment, repeal, or change
7227	in the rate of a tax described in Subsection (2)(a) takes effect:
7228	(A) on the first day of a calendar quarter; and
7229	(B) beginning 60 days after the effective date of the enactment, repeal, or change
7230	in the rate of the tax under Subsection (2)(a).
7231	(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7232	the commission may by rule define the term "catalogue sale."

7233	(3)(a) Except as provided in Subsection (3)(c) or (d), if, for an annexation that occurs on
7234	or after July 1, 2004, the annexation will result in the enactment, repeal, or change in
7235	the rate of a tax under this part for an annexing area, the enactment, repeal, or change
7236	shall take effect:
7237	(i) on the first day of a calendar quarter; and
7238	(ii) after a 90-day period beginning on the date the commission receives notice
7239	meeting the requirements of Subsection (3)(b) from the county or city that
7240	annexes the annexing area.
7241	(b) The notice described in Subsection (3)(a)(ii) shall state:
7242	(i) that the annexation described in Subsection (3)(a) will result in an enactment,
7243	repeal, or change in the rate of a tax under this part for the annexing area;
7244	(ii) the statutory authority for the tax described in Subsection (3)(b)(i);
7245	(iii) the effective date of the tax described in Subsection (3)(b)(i); and
7246	(iv) if the county or city enacts the tax or changes the rate of the tax described in
7247	Subsection $(3)(b)(i)$, the rate of the tax.
7248	(c)(i) The enactment of a tax or a tax rate increase takes effect on the first day of the
7249	first billing period:
7250	(A) that begins on or after the effective date of the enactment of the tax or the tax
7251	rate increase; and
7252	(B) if the billing period for the transaction begins before the effective date of the
7253	enactment of the tax or the tax rate increase imposed under:
7254	(I) Section 59-12-802; or
7255	(II) Section 59-12-804.
7256	(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
7257	statement for the billing period is rendered on or after the effective date of the
7258	repeal of the tax or the tax rate decrease imposed under:
7259	(A) Section 59-12-802; or
7260	(B) Section 59-12-804.
7261	(d)(i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7262	sales and use tax rates published in the catalogue, an enactment, repeal, or change
7263	in the rate of a tax described in Subsection (3)(a) takes effect:
7264	(A) on the first day of a calendar quarter; and
7265	(B) beginning 60 days after the effective date of the enactment, repeal, or change
7266	in the rate of a tax under Subsection (3)(a).

7267	(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7268	the commission may by rule define the term "catalogue sale."
7269	Section 83. Section 59-12-1302 is amended to read:
7270	59-12-1302 (Effective 05/07/25). Imposition of tax Base Rate Enactment or
7271	repeal of tax Tax rate change Effective date Notice requirements
7272	Administration, collection, and enforcement of tax Administrative charge.
7273	(1) Beginning on or after January 1, 1998, the governing body of a town may impose a tax
7274	as provided in this part in an amount that does not exceed 1%.
7275	(2) A town may impose a tax as provided in this part if the town imposed a license fee or
7276	tax on businesses based on gross receipts under Section 10-1-203 on or before January
7277	1, 1996.
7278	(3) A town imposing a tax under this section shall:
7279	(a) except as provided in Subsection (4), impose the tax on the transactions described in
7280	Subsection 59-12-103(1) located within the town; and
7281	(b) provide an effective date for the tax as provided in Subsection (5).
7282	(4)(a) A town may not impose a tax under this section on:
7283	(i) the sales and uses described in Section 59-12-104 to the extent the sales and uses
7284	are exempt from taxation under Section 59-12-104; and
7285	(ii) except as provided in Subsection (4)(c), amounts paid or charged for food and
7286	food ingredients.
7287	(b) For purposes of this Subsection (4), the location of a transaction shall be determined
7288	in accordance with Sections 59-12-211 through 59-12-215.
7289	(c) A town imposing a tax under this section shall impose the tax on the purchase price
7290	or sales price for amounts paid or charged for food and food ingredients if the food
7291	and food ingredients are sold as part of a bundled transaction attributable to food and
7292	food ingredients and tangible personal property other than food and food ingredients.
7293	(5)(a) For purposes of this Subsection (5):
7294	(i) "Annexation" means an annexation to a town under [Title 10, Chapter 2, Part 4,
7295	Annexation] Title 10, Chapter 2, Part 8, Annexation.
7296	(ii) "Annexing area" means an area that is annexed into a town.
7297	(b)(i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a
7298	town enacts or repeals a tax or changes the rate of a tax under this part, the
7299	enactment, repeal, or change shall take effect:
7300	(A) on the first day of a calendar quarter; and

7301	(B) after a 90-day period beginning on the date the commission receives notice
7302	meeting the requirements of Subsection (5)(b)(ii) from the town.
7303	(ii) The notice described in Subsection (5)(b)(i)(B) shall state:
7304	(A) that the town will enact or repeal a tax or change the rate of a tax under this
7305	part;
7306	(B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);
7307	(C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and
7308	(D) if the town enacts the tax or changes the rate of the tax described in
7309	Subsection $(5)(b)(ii)(A)$, the rate of the tax.
7310	(c)(i) If the billing period for the transaction begins before the effective date of the
7311	enactment of the tax or the tax rate increase imposed under Subsection (1), the
7312	enactment of the tax or the tax rate increase takes effect on the first day of the first
7313	billing period that begins on or after the effective date of the enactment of the tax
7314	or the tax rate increase.
7315	(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
7316	statement for the billing period is produced on or after the effective date of the
7317	repeal of the tax or the tax rate decrease imposed under Subsection (1).
7318	(d)(i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7319	sales and use tax rates published in the catalogue, an enactment, repeal, or change
7320	in the rate of a tax described in Subsection (5)(b)(i) takes effect:
7321	(A) on the first day of a calendar quarter; and
7322	(B) beginning 60 days after the effective date of the enactment, repeal, or change
7323	in the rate of the tax under Subsection (5)(b)(i).
7324	(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7325	the commission may by rule define the term "catalogue sale."
7326	(e)(i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs
7327	on or after July 1, 2004, the annexation will result in the enactment, repeal, or
7328	change in the rate of a tax under this part for an annexing area, the enactment,
7329	repeal, or change shall take effect:
7330	(A) on the first day of a calendar quarter; and
7331	(B) after a 90-day period beginning on the date the commission receives notice
7332	meeting the requirements of Subsection (5)(e)(ii) from the town that annexes
7333	the annexing area.
7334	(ii) The notice described in Subsection (5)(e)(i)(B) shall state:

7335	(A) that the annexation described in Subsection (5)(e)(i) will result in an
7336	enactment, repeal, or change in the rate of a tax under this part for the annexing
7337	area;
7338	(B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);
7339	(C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and
7340	(D) if the town enacts the tax or changes the rate of the tax described in
7341	Subsection $(5)(e)(ii)(A)$, the rate of the tax.
7342	(f)(i) If the billing period for a transaction begins before the effective date of the
7343	enactment of the tax or the tax rate increase imposed under Subsection (1), the
7344	enactment of the tax or the tax rate increase takes effect on the first day of the first
7345	billing period that begins on or after the effective date of the enactment of the tax
7346	or the tax rate increase.
7347	(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
7348	statement for the billing period is produced on or after the effective date of the
7349	repeal of the tax or the tax rate decrease imposed under Subsection (1).
7350	(g)(i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7351	sales and use tax rates published in the catalogue, an enactment, repeal, or change
7352	in the rate of a tax described in Subsection (5)(e)(i) takes effect:
7353	(A) on the first day of a calendar quarter; and
7354	(B) beginning 60 days after the effective date of the enactment, repeal, or change
7355	in the rate of the tax under Subsection (5)(e)(i).
7356	(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7357	the commission may by rule define the term "catalogue sale."
7358	(6) The commission shall:
7359	(a) distribute the revenue generated by the tax under this section to the town imposing
7360	the tax; and
7361	(b) except as provided in Subsection (8), administer, collect, and enforce the tax
7362	authorized under this section in accordance with:
7363	(i) the same procedures used to administer, collect, and enforce the tax under:
7364	(A) Part 1, Tax Collection; or
7365	(B) Part 2, Local Sales and Use Tax Act; and
7366	(ii) Chapter 1, General Taxation Policies.
7367	(7) The commission shall retain and deposit an administrative charge in accordance with
7368	Section 59-1-306 from the revenue the commission collects from a tax under this part.

7369	(8) A tax under this section is not subject to Subsections 59-12-205(2) through (5).
7370	Section 84. Section 59-12-1402 is amended to read:
7371	59-12-1402 (Effective 05/07/25). Opinion question election Base Rate
7372	Imposition of tax Expenditure of revenue Enactment or repeal of tax Effective
7373	date Notice requirements.
7374	(1)(a) Subject to the other provisions of this section, a city or town legislative body
7375	subject to this part may submit an opinion question to the residents of that city or
7376	town, by majority vote of all members of the legislative body, so that each resident of
7377	the city or town has an opportunity to express the resident's opinion on the imposition
7378	of a local sales and use tax of .1% on the transactions described in Subsection
7379	59-12-103(1) located within the city or town, to:
7380	(i) fund cultural facilities, recreational facilities, and zoological facilities and
7381	botanical organizations, cultural organizations, and zoological organizations in
7382	that city or town; or
7383	(ii) provide funding for a botanical organization, cultural organization, or zoological
7384	organization to pay for use of a bus or facility rental if that use of the bus or
7385	facility rental is in furtherance of the botanical organization's, cultural
7386	organization's, or zoological organization's primary purpose.
7387	(b) The opinion question required by this section shall state:
7388	"Shall (insert the name of the city or town), Utah, be authorized to impose a .1% sales
7389	and use tax for (list the purposes for which the revenue collected from the sales and use tax
7390	shall be expended)?"
7391	(c) A city or town legislative body may not impose a tax under this section:
7392	(i) if the county in which the city or town is located imposes a tax under Part 7,
7393	County Option Funding for Botanical, Cultural, Recreational, and Zoological
7394	Organizations or Facilities;
7395	(ii) on the sales and uses described in Section 59-12-104 to the extent the sales and
7396	uses are exempt from taxation under Section 59-12-104; and
7397	(iii) except as provided in Subsection (1)(e), on amounts paid or charged for food and
7398	food ingredients.
7399	(d) For purposes of this Subsection (1), the location of a transaction shall be determined
7400	in accordance with Sections 59-12-211 through 59-12-215.
7401	(e) A city or town legislative body imposing a tax under this section shall impose the tax
7402	on the purchase price or sales price for amounts paid or charged for food and food

7403	ingredients if the food and food ingredients are sold as part of a bundled transaction
7404	attributable to food and food ingredients and tangible personal property other than
7405	food and food ingredients.
7406	(f) Except as provided in Subsection (6), the election shall be held at a regular general
7407	election or a municipal general election, as those terms are defined in Section
7408	20A-1-102, and shall follow the procedures outlined in Title 11, Chapter 14, Local
7409	Government Bonding Act.
7410	(2) If the city or town legislative body determines that a majority of the city's or town's
7411	registered voters voting on the imposition of the tax have voted in favor of the
7412	imposition of the tax as prescribed in Subsection (1), the city or town legislative body
7413	may impose the tax by a majority vote of all members of the legislative body.
7414	(3) Subject to Section 59-12-1403, revenue collected from a tax imposed under Subsection
7415	(2) shall be expended:
7416	(a) to finance cultural facilities, recreational facilities, and zoological facilities within the
7417	city or town or within the geographic area of entities that are parties to an interlocal
7418	agreement, to which the city or town is a party, providing for cultural facilities,
7419	recreational facilities, or zoological facilities;
7420	(b) to finance ongoing operating expenses of:
7421	(i) recreational facilities described in Subsection (3)(a) within the city or town or
7422	within the geographic area of entities that are parties to an interlocal agreement, to
7423	which the city or town is a party, providing for recreational facilities; or
7424	(ii) botanical organizations, cultural organizations, and zoological organizations
7425	within the city or town or within the geographic area of entities that are parties to
7426	an interlocal agreement, to which the city or town is a party, providing for the
7427	support of botanical organizations, cultural organizations, or zoological
7428	organizations; and
7429	(c) as stated in the opinion question described in Subsection (1).
7430	(4)(a) Except as provided in Subsection (4)(b), a tax authorized under this part shall be:
7431	(i) administered, collected, and enforced in accordance with:
7432	(A) the same procedures used to administer, collect, and enforce the tax under:
7433	(I) Part 1, Tax Collection; or
7434	(II) Part 2, Local Sales and Use Tax Act; and
7435	(B) Chapter 1, General Taxation Policies; and
7436	(ii)(A) levied for a period of eight years; and

7437	(B) may be reauthorized at the end of the eight-year period in accordance with this
7438	section.
7439	(b)(i) If a tax under this part is imposed for the first time on or after July 1, 2011, the
7440	tax shall be levied for a period of 10 years.
7441	(ii) If a tax under this part is reauthorized in accordance with Subsection (4)(a) on or
7442	after July 1, 2011, the tax shall be reauthorized for a ten-year period.
7443	(c) A tax under this section is not subject to Subsections 59-12-205(2) through (5).
7444	(5)(a) For purposes of this Subsection (5):
7445	(i) "Annexation" means an annexation to a city or town under [Title 10, Chapter 2,
7446	Part 4, Annexation] Title 10, Chapter 2, Part 8, Annexation.
7447	(ii) "Annexing area" means an area that is annexed into a city or town.
7448	(b)(i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a city
7449	or town enacts or repeals a tax under this part, the enactment or repeal shall take
7450	effect:
7451	(A) on the first day of a calendar quarter; and
7452	(B) after a 90-day period beginning on the date the commission receives notice
7453	meeting the requirements of Subsection (5)(b)(ii) from the city or town.
7454	(ii) The notice described in Subsection (5)(b)(i)(B) shall state:
7455	(A) that the city or town will enact or repeal a tax under this part;
7456	(B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);
7457	(C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and
7458	(D) if the city or town enacts the tax described in Subsection (5)(b)(ii)(A), the rate
7459	of the tax.
7460	(c)(i) If the billing period for a transaction begins before the effective date of the
7461	enactment of the tax under this section, the enactment of the tax takes effect on the
7462	first day of the first billing period that begins on or after the effective date of the
7463	enactment of the tax.
7464	(ii) The repeal of a tax applies to a billing period if the billing statement for the
7465	billing period is produced on or after the effective date of the repeal of the tax
7466	imposed under this section.
7467	(d)(i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7468	sales and use tax rates published in the catalogue, an enactment or repeal of a tax
7469	described in Subsection (5)(b)(i) takes effect:
7470	(A) on the first day of a calendar quarter; and

7471	(B) beginning 60 days after the effective date of the enactment or repeal under
7472	Subsection (5)(b)(i).
7473	(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act
7474	the commission may by rule define the term "catalogue sale."
7475	(e)(i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs
7476	on or after July 1, 2004, the annexation will result in the enactment or repeal of a
7477	tax under this part for an annexing area, the enactment or repeal shall take effect:
7478	(A) on the first day of a calendar quarter; and
7479	(B) after a 90-day period beginning on the date the commission receives notice
7480	meeting the requirements of Subsection (5)(e)(ii) from the city or town that
7481	annexes the annexing area.
7482	(ii) The notice described in Subsection (5)(e)(i)(B) shall state:
7483	(A) that the annexation described in Subsection (5)(e)(i) will result in an
7484	enactment or repeal a tax under this part for the annexing area;
7485	(B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);
7486	(C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and
7487	(D) the rate of the tax described in Subsection (5)(e)(ii)(A).
7488	(f)(i) If the billing period for a transaction begins before the effective date of the
7489	enactment of the tax under this section, the enactment of the tax takes effect on the
7490	first day of the first billing period that begins on or after the effective date of the
7491	enactment of the tax.
7492	(ii) The repeal of a tax applies to a billing period if the billing statement for the
7493	billing period is produced on or after the effective date of the repeal of the tax
7494	imposed under this section.
7495	(g)(i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7496	sales and use tax rates published in the catalogue, an enactment or repeal of a tax
7497	described in Subsection (5)(e)(i) takes effect:
7498	(A) on the first day of a calendar quarter; and
7499	(B) beginning 60 days after the effective date of the enactment or repeal under
7500	Subsection $(5)(e)(i)$.
7501	(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act
7502	the commission may by rule define the term "catalogue sale."
7503	(6)(a) Before a city or town legislative body submits an opinion question to the residents
7504	of the city or town under Subsection (1), the city or town legislative body shall:

7505	(i) submit to the county legislative body in which the city or town is located a written
7506	notice of the intent to submit the opinion question to the residents of the city or
7507	town; and
7508	(ii) receive from the county legislative body:
7509	(A) a written resolution passed by the county legislative body stating that the
7510	county legislative body is not seeking to impose a tax under Part 7, County
7511	Option Funding for Botanical, Cultural, Recreational, and Zoological
7512	Organizations or Facilities; or
7513	(B) a written statement that in accordance with Subsection (6)(b) the results of a
7514	county opinion question submitted to the residents of the county under Part 7,
7515	County Option Funding for Botanical, Cultural, Recreational, and Zoological
7516	Organizations or Facilities, permit the city or town legislative body to submit
7517	the opinion question to the residents of the city or town in accordance with this
7518	part.
7519	(b)(i) Within 60 days after the day the county legislative body receives from a city or
7520	town legislative body described in Subsection (6)(a) the notice of the intent to
7521	submit an opinion question to the residents of the city or town, the county
7522	legislative body shall provide the city or town legislative body:
7523	(A) the written resolution described in Subsection (6)(a)(ii)(A); or
7524	(B) written notice that the county legislative body will submit an opinion question
7525	to the residents of the county under Part 7, County Option Funding for
7526	Botanical, Cultural, Recreational, and Zoological Organizations or Facilities,
7527	for the county to impose a tax under that part.
7528	(ii) If the county legislative body provides the city or town legislative body the
7529	written notice that the county legislative body will submit an opinion question as
7530	provided in Subsection (6)(b)(i)(B), the county legislative body shall submit the
7531	opinion question by no later than, from the date the county legislative body sends
7532	the written notice, the later of:
7533	(A) a 12-month period;
7534	(B) the next regular primary election; or
7535	(C) the next regular general election.
7536	(iii) Within 30 days of the date of the canvass of the election at which the opinion
7537	question under Subsection (6)(b)(ii) is voted on, the county legislative body shall
7538	provide the city or town legislative body described in Subsection (6)(a) written

7539	results of the opinion question submitted by the county legislative body under Part
7540	7, County Option Funding for Botanical, Cultural, Recreational, and Zoological
7541	Organizations or Facilities, indicating that:
7542	(A)(I) the city or town legislative body may not impose a tax under this part
7543	because a majority of the county's registered voters voted in favor of the
7544	county imposing the tax and the county legislative body by a majority vote
7545	approved the imposition of the tax; or
7546	(II) for at least 12 months from the date the written results are submitted to the
7547	city or town legislative body, the city or town legislative body may not
7548	submit to the county legislative body a written notice of the intent to submi
7549	an opinion question under this part because a majority of the county's
7550	registered voters voted against the county imposing the tax and the majority
7551	of the registered voters who are residents of the city or town described in
7552	Subsection (6)(a) voted against the imposition of the county tax; or
7553	(B) the city or town legislative body may submit the opinion question to the
7554	residents of the city or town in accordance with this part because although a
7555	majority of the county's registered voters voted against the county imposing the
7556	tax, the majority of the registered voters who are residents of the city or town
7557	voted for the imposition of the county tax.
7558	(c) Notwithstanding Subsection (6)(b), at any time a county legislative body may
7559	provide a city or town legislative body described in Subsection (6)(a) a written
7560	resolution passed by the county legislative body stating that the county legislative
7561	body is not seeking to impose a tax under Part 7, County Option Funding for
7562	Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, which
7563	permits the city or town legislative body to submit under Subsection (1) an opinion
7564	question to the city's or town's residents.
7565	Section 85. Section 59-12-2102 is amended to read:
7566	59-12-2102 (Effective 05/07/25). Definitions.
7567	As used in this part:
7568	(1) "Annexation" means an annexation to a city or town under [Title 10, Chapter 2, Part 4,
7569	Annexation] Title 10, Chapter 2, Part 8, Annexation.
7570	(2) "Annexing area" means an area that is annexed into a city or town.
7571	Section 86. Section 63A-5b-305 is amended to read:
7572	63A-5b-305 (Effective 05/07/25). Duties and authority of director.

7573	(1) The director shall:
7574	(a) administer the division's duties and responsibilities;
7575	(b) report all property acquired by the state, except property acquired by an institution of
7576	higher education or the trust lands administration, to the director of the Division of
7577	Finance for inclusion in the state's financial records;
7578	(c) after receiving the notice required under Subsection [10-2-419(3)(b)] <u>10-2-903(3)(b)</u> ,
7579	file a written protest at or before the public hearing under Subsection [10-2-419(2)(b)]
7580	<u>10-2-903(2)(b)</u> , if:
7581	(i) it is in the best interest of the state to protest the boundary adjustment; or
7582	(ii) the Legislature instructs the director to protest the boundary adjustment; and
7583	(d) take all other action that the director is required to take under this chapter or other
7584	applicable statute.
7585	(2) The director may:
7586	(a) create forms and make policies necessary for the division or director to perform the
7587	division or director's duties;
7588	(b)(i) hire or otherwise procure assistance and service, professional, skilled, or
7589	otherwise, necessary to carry out the director's duties under this chapter; and
7590	(ii) expend funds provided for the purpose described in Subsection (2)(b)(i) through
7591	annual operation budget appropriations or from other nonlapsing project funds;
7592	(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7593	make rules necessary for the division or director to perform the division or director's
7594	duties; and
7595	(d) take all other action necessary for carrying out the purposes of this chapter.
7596	Section 87. Repealer.
7597	This bill repeals:
7598	Section 10-2-408, Denying or approving the annexation petition Notice of approva
7599	Section 10-2-409.5, Municipal selection committee.
7600	Section 10-2-410, Boundary commission member terms Staggered terms Chair
7601	Section 10-2-411, Disqualification of commission member Alternate member.
7602	Section 10-2-412, Boundary commission authority Expenses Records.
7603	Section 10-2-413, Feasibility consultant Feasibility study Modifications to
7604	Section 10-2-414, Modified annexation petition Supplemental feasibility study.
7605	Section 10-2-416, Commission decision Time limit Limitation on approval of
7606	Section 10-2-417 District court review Notice

607	Section 10-2-426, Division of municipal-type services revenues.
608	Section 10-2-428, Neither annexation nor boundary adjustment has an effect on the
609	Section 10-5-132, Fees collected for construction approval Approval of plans.
610	Section 88. Effective Date.
611	This bill takes effect on May 7, 2025.