HB0368S03 compared with HB0368

~~{Omitted text}~~ shows text that was in HB0368 but was omitted in HB0368S03
inserted text shows text that was not in HB0368 but was inserted into HB0368S03

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Local Land Use Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen L. Whyte

Senate Sponsor:Lincoln Fillmore

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;
- {~~modifies~~ } 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;

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- 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 variance or another land use appeal;
- modifies the ability of a municipality or county to enforce an ordinance by withholding a building permit or certificate of occupancy;
- modifies the State Fire Code Act;
- modifies provisions related to special districts and land use;
- establishes a process by which a person may convey real property by deed to a public entity; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

AMENDS:

10-2-510 (Effective 05/07/25), as last amended by Laws of Utah 2010, Chapter 378 **(Effective 05/07/25)**, as last amended by Laws of Utah 2010, Chapter 378

10-2a-103 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 342 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 342

10-2a-107 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 342 **(Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 342

10-2a-201.5 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 342, 518 and 534 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 342, 518 and 534

~~**{10-2a-204.3 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 518 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 518}**~~

10-2a-205 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 342, 518 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 342, 518

10-2a-205.5 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 342 **(Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 342

10-2a-207 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapters 224, 435 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 224 and further amended by Revisor Instructions, Laws of Utah 2023, Chapter 224 **(Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 224, 435 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 224 and further amended by Revisor Instructions, Laws of Utah 2023, Chapter 224

10-2a-210 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 342 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 342

10-2a-501 (Effective 05/07/25) (Repealed 01/01/31), as enacted by Laws of Utah 2024, Chapter 534 **(Effective 05/07/25) (Repealed 01/01/31)**, as enacted by Laws of Utah 2024, Chapter 534

10-2a-506 (Effective 05/07/25) (Repealed 01/01/31), as enacted by Laws of Utah 2024, Chapter 534 **(Effective 05/07/25) (Repealed 01/01/31)**, as enacted by Laws of Utah 2024, Chapter 534

10-6-103 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 438 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 438

10-8-14 (Effective 05/07/25), as last amended by Laws of Utah 2019, Chapter 99 **(Effective 05/07/25)**, as last amended by Laws of Utah 2019, Chapter 99

10-9a-103 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 464 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 464

10-9a-205 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 435 **(Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 435

10-9a-508 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapters 255, 478 **(Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 255, 478

10-9a-509 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 415

10-9a-509.5 (Effective 05/07/25), as last amended by Laws of Utah 2020, Chapter 126 **(Effective 05/07/25)**, as last amended by Laws of Utah 2020, Chapter 126

10-9a-509.7 (Effective 05/07/25), as last amended by Laws of Utah 2012, Chapter 231 **(Effective 05/07/25)**, as last amended by Laws of Utah 2012, Chapter 231

10-9a-510 (Effective 05/07/25), as last amended by Laws of Utah 2021, Chapter 35 **(Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 35

10-9a-529 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 464 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 464

10-9a-536 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 415

10-9a-604.5 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 415

10-9a-701 (Effective 05/07/25), as last amended by Laws of Utah 2021, Chapter 385 **(Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 385

10-9a-802 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 415

15A-1-105 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 375 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 375

15A-3-203 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 505 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 505

15A-5-205.6 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 95 **(Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 95

17-27a-102 (Effective 05/07/25), as last amended by Laws of Utah 2022, Chapter 307 **(Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 307

17-27a-103 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 464 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 464

17-27a-205 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 435 **(Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 435

17-27a-508 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 415

17-27a-509 (Effective 05/07/25), as last amended by Laws of Utah 2021, Chapter 35 **(Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 35

17-27a-509.5 (Effective 05/07/25), as last amended by Laws of Utah 2019, Chapter 384 **(Effective 05/07/25)**, as last amended by Laws of Utah 2019, Chapter 384

17-27a-509.7 (Effective 05/07/25), as last amended by Laws of Utah 2012, Chapter 231 **(Effective 05/07/25)**, as last amended by Laws of Utah 2012, Chapter 231

17-27a-532 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 415

17-27a-604.5 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 415

17-27a-701 (Effective 05/07/25), as last amended by Laws of Utah 2021, Chapter 385 **(Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 385

17-27a-802 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 415 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 415

17B-1-119 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 15 **(Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 15

17B-1-503 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 15 **(Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 15

17B-1-512 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 342 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 342

17B-2a-1106 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 342, 438 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 342, 438

23A-13-304 (Effective 05/07/25), as renumbered and amended by Laws of Utah 2023, Chapter 103 **(Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023, Chapter 103

26B-1-429 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 529 **(Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 529

53-2d-514 (Effective 05/07/25), as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307 **(Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023, Chapters 307, 310 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

54-3-30 (Effective 05/07/25), as last amended by Laws of Utah 2014, Chapter 55 **(Effective 05/07/25)**, as last amended by Laws of Utah 2014, Chapter 55

54-3-31 (Effective 05/07/25), as last amended by Laws of Utah 2014, Chapters 55, 189 **(Effective 05/07/25)**, as last amended by Laws of Utah 2014, Chapters 55, 189

57-1-1 (Effective 05/07/25), as last amended by Laws of Utah 2004, Chapter 249 **(Effective 05/07/25)**, as last amended by Laws of Utah 2004, Chapter 249

59-12-208.1 (Effective 05/07/25), as last amended by Laws of Utah 2012, Chapter 254 **(Effective 05/07/25)**, as last amended by Laws of Utah 2012, Chapter 254

59-12-355 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 263 **(Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 263

59-12-403 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 471 **(Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 471

59-12-806 (Effective 05/07/25), as last amended by Laws of Utah 2012, Chapter 254 **(Effective 05/07/25)**, as last amended by Laws of Utah 2012, Chapter 254

59-12-1302 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 471 **(Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 471

59-12-1402 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 471 **(Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 471

59-12-2102 (Effective 05/07/25), as enacted by Laws of Utah 2008, Chapter 323 **(Effective 05/07/25)**, as enacted by Laws of Utah 2008, Chapter 323

63A-5b-305 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 435 **(Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 435

~~**{63I-1-210 (Effective 05/07/25), as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 (Effective 05/07/25), as last amended by Laws of Utah 2024, Third Special Session, Chapter 5}**~~

ENACTS:

10-2-802 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

10-2-901 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

10-2-902 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

10-2-904 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

10-2-905 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

10-9a-508.1 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

10-9a-541 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

17-27a-309 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

17-27a-508.1 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

17-27a-536 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

57-1-48 (Effective 05/07/25), Utah Code Annotated 1953 **(Effective 05/07/25)**, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

10-2-801 (Effective 05/07/25), (Renumbered from 10-2-401, as last amended by Laws of Utah 2023, Chapters 16, 478) **(Effective 05/07/25)**, (Renumbered from 10-2-401, as last amended by Laws of Utah 2023, Chapters 16, 478)

10-2-803 (Effective 05/07/25), (Renumbered from 10-2-401.5, as last amended by Laws of Utah 2021, Chapter 112) **(Effective 05/07/25)**, (Renumbered from 10-2-401.5, as last amended by Laws of Utah 2021, Chapter 112)

10-2-804 (Effective 05/07/25), (Renumbered from 10-2-402, as last amended by Laws of Utah 2023, Chapters 224, 478) **(Effective 05/07/25)**, (Renumbered from 10-2-402, as last amended by Laws of Utah 2023, Chapters 224, 478)

10-2-805 (Effective 05/07/25), (Renumbered from 10-2-402.5, as enacted by Laws of Utah 2021, Chapter 112) **(Effective 05/07/25)**, (Renumbered from 10-2-402.5, as enacted by Laws of Utah 2021, Chapter 112)

10-2-806 (Effective 05/07/25), (Renumbered from 10-2-403, as last amended by Laws of Utah 2024, Chapter 415) **(Effective 05/07/25)**, (Renumbered from 10-2-403, as last amended by Laws of Utah 2024, Chapter 415)

10-2-807 (Effective 05/07/25), (Renumbered from 10-2-405, as last amended by Laws of Utah 2024, Chapter 438) **(Effective 05/07/25)**, (Renumbered from 10-2-405, as last amended by Laws of Utah 2024, Chapter 438)

10-2-808 (Effective 05/07/25), (Renumbered from 10-2-406, as last amended by Laws of Utah 2023, Chapters 16, 435) **(Effective 05/07/25)**, (Renumbered from 10-2-406, as last amended by Laws of Utah 2023, Chapters 16, 435)

10-2-809 (Effective 05/07/25), (Renumbered from 10-2-409, as last amended by Laws of Utah 2001, Chapter 206) **(Effective 05/07/25)**, (Renumbered from 10-2-409, as last amended by Laws of Utah 2001, Chapter 206)

10-2-810 (Effective 05/07/25), (Renumbered from 10-2-407, as last amended by Laws of Utah 2023, Chapters 435, 478) **(Effective 05/07/25)**, (Renumbered from 10-2-407, as last amended by Laws of Utah 2023, Chapters 435, 478)

10-2-811 (Effective 05/07/25), (Renumbered from 10-2-415, as last amended by Laws of Utah 2023, Chapter 435) **(Effective 05/07/25)**, (Renumbered from 10-2-415, as last amended by Laws of Utah 2023, Chapter 435)

10-2-812 (Effective 05/07/25), (Renumbered from 10-2-418, as last amended by Laws of Utah 2023, Chapters 16, 435) **(Effective 05/07/25)**, (Renumbered from 10-2-418, as last amended by Laws of Utah 2023, Chapters 16, 435)

10-2-813 (Effective 05/07/25), (Renumbered from 10-2-425, as last amended by Laws of Utah 2024, Chapters 342, 438) **(Effective 05/07/25)**, (Renumbered from 10-2-425, as last amended by Laws of Utah 2024, Chapters 342, 438)

10-2-814 (Effective 05/07/25), (Renumbered from 10-2-429, as enacted by Laws of Utah 2024, Chapter 342) **(Effective 05/07/25)**, (Renumbered from 10-2-429, as enacted by Laws of Utah 2024, Chapter 342)

10-2-815 (Effective 05/07/25), (Renumbered from 10-2-422, as repealed and reenacted by Laws of Utah 1997, Chapter 389) **(Effective 05/07/25)**, (Renumbered from 10-2-422, as repealed and reenacted by Laws of Utah 1997, Chapter 389)

10-2-816 (Effective 05/07/25), (Renumbered from 10-2-420, as repealed and reenacted by Laws of Utah 1997, Chapter 389) **(Effective 05/07/25)**, (Renumbered from 10-2-420, as repealed and reenacted by Laws of Utah 1997, Chapter 389)

10-2-817 (Effective 05/07/25), (Renumbered from 10-2-421, as last amended by Laws of Utah 2021, Chapter 54) **(Effective 05/07/25)**, (Renumbered from 10-2-421, as last amended by Laws of Utah 2021, Chapter 54)

10-2-903 (Effective 05/07/25), (Renumbered from 10-2-419, as last amended by Laws of Utah 2023, Chapters 16, 139, 327, and 435) **(Effective 05/07/25)**, (Renumbered from 10-2-419, as last amended by Laws of Utah 2023, Chapters 16, 139, 327, and 435)

10-9a-542 (Effective 05/07/25), (Renumbered from 10-6-160, as last amended by Laws of Utah 2024, Chapter {~~375~~} 375) **(Effective 05/07/25)**, (Renumbered from 10-6-160, as last amended by Laws of Utah 2024, Chapter {~~375~~} 375)

17-27a-537 (Effective 05/07/25), (Renumbered from 17-36-55, as last amended by Laws of Utah 2024, Chapter {~~375~~} 375) **(Effective 05/07/25)**, (Renumbered from 17-36-55, as last amended by Laws of Utah 2024, Chapter {~~375~~} 375)

REPEALS:

10-2-408 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 478 **(Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 478

10-2-409.5 (Effective 05/07/25), as enacted by Laws of Utah 2001, Chapter 206 **(Effective 05/07/25)**, as enacted by Laws of Utah 2001, Chapter 206

10-2-410 (Effective 05/07/25), as last amended by Laws of Utah 2001, Chapter 206 **(Effective 05/07/25)**, as last amended by Laws of Utah 2001, Chapter 206

10-2-411 (Effective 05/07/25), as last amended by Laws of Utah 2015, Chapter 352 **(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 **(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 **(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 **(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 **(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 **(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 **(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 **(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 (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. 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~~] 10-2-903.

Section 2. Section **10-2-801** is renumbered and amended to read:

Part 8. Annexation

[~~10-2-401]~~ 10-2-801. 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; and

[~~(v)~~] (e) a municipality whose boundaries are within 1/2 mile of an area proposed for annexation.

[~~(b)~~] (3) "Annexation action" means:

(a) the enactment of an ordinance annexing an unincorporated area;

(b) the enactment of an ordinance approving a boundary adjustment by each of the municipalities involved in the boundary adjustment; or

(c) an automatic annexation that occurs on July 1, 2027, under Subsection 10-2-814(2)(b).

(4) "Annexation petition" means a petition under Section [~~10-2-403~~] 10-2-806 proposing the annexation to a municipality of a contiguous, unincorporated area that is contiguous to the municipality.

(5) "Annexing municipality" means:

(a) the municipality that annexes an unincorporated area; or

(b) the municipality to which an unincorporated island is automatically annexed under Section 10-2-814.

(6) "Applicable legislative body" means:

(a) the legislative body of each municipality that enacts an ordinance under this part approving the annexation of an unincorporated area or the adjustment of a boundary; or

(b) the legislative body of a municipality to which an unincorporated island is automatically annexed under Section 10-2-814.

[~~(c) "Commission" means a boundary commission established under Section 10-2-409 for the county in which the property that is proposed for annexation is located.~~]

[~~(d)~~] (7) "Expansion area" means the unincorporated area that is identified in an annexation policy plan under Section [~~10-2-401.5~~] 10-2-803 as the area that the municipality anticipates annexing in the future.

[~~(e)~~] (8) "Feasibility consultant" means a person or firm with expertise in the processes and economics of local government.

[~~(f)~~] (9) "Mining protection area" means the same as that term is defined in Section 17-41-101.

(10) "Municipal records officer" means a:

(a) city recorder; or

(b) town clerk.

[~~(g)~~] (11) "Municipal selection committee" means a committee in each county composed of the mayor of each municipality within that county.

(12) "Owner of real property" means:

(a) the record title owner according to the records of the county recorder on the date of the filing of the petition or protest; or

(b) the lessee of military land, as defined in Section 63H-1-102, if the area proposed for annexation includes military land that is within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act.

[~~(h) "Planning advisory area" means the same as that term is defined in Section 17-27a-306.~~]

[~~(i)~~] (13) "Private," with respect to real property, means not owned by:

(a) the United States or any agency of the federal government[~~,~~] ;

(b) the state[~~,~~] ;

(c) a county[~~,~~] ;

(d) a municipality[~~,~~] ;

(e) a school district[~~,~~] ;

(f) a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts[~~,~~] ;

(g) a special service district under Title 17D, Chapter 1, Special Service District Act[~~,~~] ; or

(h) any other political subdivision or governmental entity of the state.

[~~(j)~~] (14)

[~~(i)~~] (a) "Rural real property" means a group of contiguous tax parcels, or a single tax parcel, that:

[~~(A)~~] (i) are under common ownership;

[~~(B)~~] (ii) consist of no less than 1,000 total acres;

[~~(C)~~] (iii) are zoned for manufacturing or agricultural purposes; and

[~~(D)~~] (iv) do not have a residential unit density greater than one unit per acre.

[~~(ii)~~] (b) "Rural real property" includes any portion of private real property, if the private real property:

[~~(A)~~] (i) qualifies as rural real property under Subsection [~~(1)(j)(i)~~] (14)(a); and

[~~(B)~~] (ii) consists of more than 1,500 total acres.

[~~(k)~~] (15) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.

[~~(l)~~] (16) "Unincorporated peninsula" means an unincorporated area:

[~~(i)~~] (a) that is part of a larger unincorporated area;

[~~(ii)~~] (b) that extends from the rest of the unincorporated area of which it is a part;

[~~(iii)~~] (c) that is surrounded by land that is within a municipality, except where the area connects to and extends from the rest of the unincorporated area of which it is a part; and

[~~(iv)~~] (d) whose width, at any point where a straight line may be drawn from a place where it borders a municipality to another place where it borders a municipality, is no more than 25% of the boundary of the area where it borders a municipality.

[~~(m)~~] (17) "Urban development" means:

[~~(i)~~] (a) a housing development with more than 15 residential units and an average density greater than one residential unit per acre; or

[~~(ii)~~] (b) a commercial or industrial development for which cost projections exceed $750,000 for all phases.

[~~(2) For purposes of this part:~~]

[~~(a) the owner of real property shall be:~~]

[~~(i) except as provided in Subsection (2)(a)(ii), the record title owner according to the records of the county recorder on the date of the filing of the petition or protest; or~~]

[~~(ii) the lessee of military land, as defined in Section 63H-1-102, if the area proposed for annexation includes military land that is within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act; and~~]

[~~(b) the value of private real property shall be determined according to the last assessment roll for county taxes before the filing of the petition or protest.~~]

[~~(3) For purposes of each provision of this part that requires the owners of private real property covering a percentage or majority of the total private land area within an area to sign a petition or protest:~~]

[~~(a) a parcel of real property may not be included in the calculation of the required percentage or majority unless the petition or protest is signed by:~~]

[~~(i) except as provided in Subsection (3)(a)(ii), owners representing a majority ownership interest in that parcel; or~~]

[~~(ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number of owners of that parcel;~~]

[~~(b) the signature of a person signing a petition or protest in a representative capacity on behalf of an owner is invalid unless:~~]

[~~(i) the person's representative capacity and the name of the owner the person represents are indicated on the petition or protest with the person's signature; and~~]

[~~(ii) the person provides documentation accompanying the petition or protest that substantiates the person's representative capacity; and~~]

[~~(c) subject to Subsection (3)(b), a duly appointed personal representative may sign a petition or protest on behalf of a deceased owner.~~]

Section 3. Section **3** is enacted to read:

10-2-802. Valuation of private real property -- Determining consent to petition or protest by owners of real property.

(1) For purposes of this part and Part 9, Municipal Boundary Adjustments, the value of private real property shall be determined according to the last assessment roll for county taxes before the filing of the petition or protest.

(2) For purposes of each provision of this part and Part 9, Municipal Boundary Adjustments, that require an owner of private real property covering a percentage or majority of the total private land area within an area to sign a petition or protest:

(a) a parcel of real property may not be included in the calculation of the required percentage or majority unless the petition or protest is signed by:

(i) except as provided in Subsection (2)(a)(ii), owners of real property representing a majority ownership interest in that parcel; or

(ii) if the parcel is owned by joint tenants or tenants in the entirety, 50% of the number of owners of real property within that parcel;and

{~~(b)~~ {~~the signature of a person signing a petition or protest in a representative capacity on behalf of an owner of real property is invalid unless:~~} }

{~~(i)~~ {~~the person's representative capacity and the name of the owner of real property the person represents are indicated on the petition or protest with the person's signature; and~~} }

{~~(ii)~~ {~~the person provides documentation accompanying the petition or protest that substantiates the person's representative capacity; and~~} }

{~~(c)~~} (b) subject to Subsection (2)(b), a duly appointed personal representative may sign a petition or protest on behalf of a deceased owner of real property.

Section 4. Section **10-2-803** is renumbered and amended to read:

~~[10-2-401.5]~~ 10-2-803. Annexation policy plan.

(1) [~~No municipality may annex an unincorporated area located within a specified county unless the municipality has adopted an annexation policy plan as provided in this section.~~] {~~Before~~} Except as provided in Subsection (9), before a municipality may annex an unincorporated area:

(a) the municipality's planning commission shall prepare and recommend to the legislative body an annexation policy plan, as described in Subsections (2) through (4); and

(b) a municipal legislative body shall adopt a recommended annexation policy plan, as described in Subsection (6).

[~~(2) To adopt an annexation policy plan:~~]

[~~(a) the planning commission shall:~~]

[~~(i) prepare a proposed annexation policy plan that complies with Subsection (3);~~]

[~~(ii) hold a public meeting to allow affected entities to examine the proposed annexation policy plan and to provide input on it;~~]

[~~(iii) provide notice of the public meeting under Subsection (2)(a)(ii) to each affected entity at least 14 days before the meeting;~~]

[~~(iv) accept and consider any additional written comments from affected entities until 10 days after the public meeting under Subsection (2)(a)(ii);~~]

[~~(v) before holding the public hearing required under Subsection (2)(a)(vi), make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on input provided at or within 10 days after the public meeting under Subsection (2)(a)(ii);~~]

[~~(vi) hold a public hearing on the proposed annexation policy plan;~~]

[~~(vii) provide reasonable public notice, including notice to each affected entity, of the public hearing required under Subsection (2)(a)(vi) at least 14 days before the date of the hearing;~~]

[~~(viii) make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on public input provided at the public hearing; and~~]

[~~(ix) submit the planning commission's recommended annexation policy plan to the municipal legislative body; and~~]

[~~(b) the municipal legislative body shall:~~]

[~~(i) hold a public hearing on the annexation policy plan recommended by the planning commission;~~]

[~~(ii) provide reasonable notice, including notice to each affected entity, of the public hearing at least 14 days before the date of the hearing;~~]

[~~(iii) after the public hearing under Subsection (2)(b)(ii), make any modifications to the recommended annexation policy plan that the legislative body considers appropriate; and~~]

[~~(iv) adopt the recommended annexation policy plan, with or without modifications.~~]

[~~(3)~~] (2)

(a) Each proposed annexation policy plan shall include:

[~~(a)~~] (i) a map of the expansion area which may include territory located outside the county in which the municipality is located;

[~~(b)~~] (ii) a statement of the specific criteria that will guide the municipality's decision whether or not to grant future annexation petitions, addressing matters relevant to those criteria including:

[~~(i)~~] (A) the character of the community;

[~~(ii)~~] (B) the need for municipal services in developed and undeveloped unincorporated areas;

[~~(iii)~~] (C) the municipality's plans for extension of municipal services;

[~~(iv)~~] (D) how the services will be financed;

[~~(v)~~] (E) an estimate of the tax consequences to residents both currently within the municipal boundaries and in the expansion area; and

[~~(vi)~~] (F) the interests of all affected entities; and

[~~(c)~~] (iii) justification for excluding from the expansion area any area containing urban development within 1/2 mile of the municipality's boundary; and

[~~(d)~~] (b) In addition to the requirements described in Subsection (2)(a), a recommended annexation policy plan all also include a statement addressing any comments made by affected entities at or within 10 days after the public meeting{ ~~described in Subsection (4)(d)~~} [~~under Subsection (2)(a)(ii)~~] described in Subsection (4)(d).

[~~(4)~~] (3) In [~~developing, considering, and adopting an~~] preparing a proposed annexation policy plan, the planning commission [~~and municipal legislative body~~]shall:

(a) attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;

(b) consider population growth projections for the municipality and adjoining areas for the next 20 years;

(c) consider current and projected costs of infrastructure, urban services, and public facilities necessary:

(i) to facilitate full development of the area within the municipality; and

(ii) to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area;

(d) consider, in conjunction with the municipality's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development;

(e) consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality; and

(f) be guided by the principles set forth in Subsection [~~10-2-403(5)~~] 10-2-806(5).

(4) Before presenting a recommended annexation policy plan to a municipal legislative body, the planning commission shall:

(a) prepare a proposed annexation policy plan, as described in Subsections (2)(a) and (3);

(b) hold a public meeting to allow affected entities to examine the proposed annexation policy plan and to provide comments on the proposed annexation policy plan;

(c) provide notice of the public meeting under Subsection (4)(b):

(i) as a class A notice, as described in Section 63G-30-102; and

(ii) to each affected entity at least 14 days before the day of the meeting;

(d) accept and consider any additional written comments from affected entities for 10 days following the public meeting under Subsection (4)(b);

(e) if the planning commission receives {~~input~~ } comments from affected entities under Subsection {~~(4)b)~~ } (4)(b) or written comments under (4)(d):

(i) if appropriate, make modifications to the proposed annexation policy plan{~~, as appropriate, based on comments at the public meeting described in Subsection (4)(b) or written comments provided to the planning commission under Subsection (4)(d)~~} ; and

(ii) modify the proposed annexation policy plan to include the statement required by Subsection (2)(b);

(f) hold a public hearing on the proposed annexation policy plan, including any new modifications to the proposed annexation policy plan under Subsection (4)(e);

(g) provide notice of the public hearing described in Subsection (4)(f):

(i) as class A notice, as described in Section 63G-30-102; and

(ii) to each affected entity at least 14 days before the day of the hearing;

(h) make any final modifications to the proposed annexation policy plan, as appropriate, based on public input provided at the public hearing; and

(i) submit the planning commission's recommended annexation policy plan to the municipal legislative body.

(5) A municipal legislative body may reject a recommended annexation plan or adopt a recommended annexation plan as described in Subsection (6).

(6) To adopt a recommended annexation plan, a municipal body shall:

(a) hold a public hearing on the annexation policy plan recommended by the planning commission;

(b) provide notice of the public hearing described in Subsection (6)(a):

(i) as class A notice, as described in Section 63G-30-102; and

(ii) to each affected entity at least 14 days before the day of the hearing;

(c) after the public hearing, make modifications to the recommended annexation policy plan, as appropriate; and

(d) adopt the recommended annexation policy plan, with or without modifications.

[~~(5)~~] (7) Within 30 days after adopting [~~an~~] a recommendedor modified annexation policy plan, the municipal legislative body shall submit a copy of the adopted annexation policy plan to the legislative body of each county in which any of the municipality's expansion area is located.

[~~(6)~~] (8) Nothing in this chapter may be construed to prohibit or restrict two or more municipalities [~~in specified counties~~]from negotiating and cooperating with respect to defining each municipality's expansion area under an annexation policy plan.

(9)

(a) This section does not apply to a municipality engaged in an automatic annexation under Section 10-2-814.

(b) A municipality is not required to comply with the provisions of this section for an annexation petition that is pending on May 7, 2025.

Section 5. Section **10-2-804** is renumbered and amended to read:

~~[10-2-402]~~ 10-2-804. Annexation -- Limitations. <compare mode="add">(Compare Error)</compare>

(1)

[~~(a)~~] A contiguous, unincorporated area that is contiguous to a municipality may be annexed to the municipality as provided in this part.

[~~(b)~~] (2) Except as provided in Subsection [~~(1)(c),~~] (3), a municipality may not annex an unincorporated area [~~may not be annexed to a municipality~~]unless:

[~~(i)~~] (a) the unincorporated area is a contiguous area;

[~~(ii)~~] (b) the unincorporated area is contiguous to the municipality;

[~~(iii)~~] (c) annexation will not leave or create an unincorporated island or unincorporated peninsula:

[~~(A)~~] (i) except as provided in Subsection [~~10-2-418(3)~~] 10-2-812(2);

[~~(B)~~] (ii) except where an unincorporated island or peninsula existed before the annexation, if the annexation will reduce the size of the unincorporated island or peninsula; or

[~~(C)~~] (iii) unless the county and municipality have otherwise agreed; and

[~~(iv)~~] (d) [~~for an area located in a specified county, ~~]the area is within the proposed annexing municipality's expansion area, as specified in an annexation policy plan adopted as described in Section 10-2-803.

[~~(c)~~] (3) A municipality may annex an unincorporated area within a specified county that does not meet the requirements of Subsection [~~(1)(b)~~] (2), leaving or creating an unincorporated island or unincorporated peninsula, if:

[~~(i)~~] (a) the area is within the annexing municipality's expansion area;

[~~(ii)~~] (b) the [~~specified~~]county in which the area is located and the annexing municipality agree to the annexation;

[~~(iii)~~] (c) the area is not within the area of another municipality's annexation policy plan, unless the other municipality agrees to the annexation; and

[~~(iv)~~] (d) the annexation is for the purpose of providing municipal services to the area.

[~~(2)~~] (4) Except as provided in Section [~~10-2-418~~] 10-2-812, a municipality may not annex an unincorporated area unless a petition under Section [~~10-2-403~~] 10-2-806 is filed requesting annexation.

[~~(3)~~] (5)

(a) An annexation under this part may not include part of a parcel of real property and exclude part of that same parcel unless the owner of that parcel has signed the annexation petition under Section [~~10-2-403~~] 10-2-806.

(b) A piece of real property that has more than one parcel number is considered to be a single parcel for purposes of Subsection [~~(3)(a)~~] (5)(a) if owned by the same owner.

[~~(4)~~] (6) A municipality may not annex an unincorporated area [~~in a specified county~~]for the sole purpose of acquiring municipal revenue or to [~~retard~~] hinder the capacity of another municipality to annex the same or a related area unless the annexing municipality has the ability and intent to benefit the annexed area by providing municipal services to the annexed area.

[~~(5)~~

~~(a) As used in this subsection, "expansion area urban development" means:~~]

[~~(i) for a specified county, urban development within a city or town's expansion area; or~~]

[~~(ii) for a county of the first class, urban development within a city or town's expansion area that:~~]

[~~(A) consists of 50 or more acres;~~]

[~~(B) requires the county to change the zoning designation of the land on which the urban development is located; and~~]

[~~(C) does not include commercial or industrial development that is located within a mining protection area as defined in Section 17-41-101, regardless of whether the commercial or industrial development is for a mining use as defined in Section 17-41-101.~~]

[~~(b) A county legislative body may not approve expansion area urban development unless:~~]

[~~(i) the county notifies the city or town of the proposed development; and~~]

[~~(ii)~~

~~(A) the city or town consents in writing to the development;~~]

[~~(B) within 90 days after the county's notification of the proposed development, the city or town submits to the county a written objection to the county's approval of the proposed development and the county responds in writing to the city or town's objection; or~~]

[~~(C) the city or town fails to respond to the county's notification of the proposed development within 90 days after the day on which the county provides the notice.~~]

[~~(6)~~] (7)

(a) As used in this Subsection [~~(6)~~] (7), "airport" means an area that the Federal Aviation Administration has, by a record of decision, approved for the construction or operation of a Class I, II, or III commercial service airport, as designated by the Federal Aviation Administration in 14 C.F.R. Part 139.

(b) A municipality may not annex an unincorporated area within 5,000 feet of the center line of any runway of an airport operated or to be constructed and operated by another municipality unless the legislative body of the other municipality adopts a resolution consenting to the annexation.

(c) A municipality that operates or intends to construct and operate an airport and does not adopt a resolution consenting to the annexation of an area described in Subsection [~~(6)(b)~~] (7)(b) may not deny an annexation petition proposing the annexation of that same area to that municipality.

[~~(7)~~] (8)

(a) As used in this Subsection [~~(7),~~] (8):

"Authority" means the same as that term is defined in Section 63H-1-102.

(ii) ["~~project~~] "Project area" means [~~a project area as defined in Section 63H-1-102 that is in a project area plan as defined in Section 63H-1-102 adopted by the Military Installation Development Authority under Title 63H, Chapter 1, Military Installation Development Authority Act~~] the same as that term is defined in Section 63H-1-102.

(b) A municipality may not annex an unincorporated area located within a project area without the authority's approval.

(c)

[~~(i) Except as provided in Subsection (7)(c)(ii), the Military Installation Development Authority~~] The authority may petition for annexation of the following areas to a municipality as if the [~~Military Installation Development Authority~~] authority was the sole private property owner within the area:

[~~(A)~~] (i) an area within a project area;

[~~(B)~~] (ii) an area that is contiguous to a project area and within the boundaries of a military installation;

[~~(C)~~] (iii) an area owned by the [~~Military Installation Development Authority~~] authority; and

[~~(D)~~] (iv) an area that is contiguous to an area owned by the [~~Military Installation Development Authority~~] authority that the [~~Military Installation Development Authority~~] authority plans to add to an existing project area.

[~~(ii) If any portion of an area annexed under a petition for annexation filed by the Military Installation Development Authority is located in a specified county:~~]

[~~(A) the annexation process shall follow the requirements for a specified county; and~~]

[~~(B) the provisions of Section 10-2-402.5 do not apply.~~]

[~~(8)~~] (9)A municipality may not annex an unincorporated area if:

(a) area is proposed for incorporation in:

(i)a feasibility study conducted under Section 10-2a-205; or

(ii)a supplemental feasibility study conducted under Section 10-2a-206;[~~and~~]

(b)the [~~county clerk~~] lieutenant governor completes the [~~second~~] first public hearing on the proposed incorporation under Subsection 10-2a-207(4); and

(c) [-] the time period for a specified landowner to request that the lieutenant governor exclude the specified landowner's property from the proposed incorporation has not expired.

Section 6. Section **10-2-805** is renumbered and amended to read:

~~[10-2-402.5]~~ 10-2-805. Cross-county annexation -- Requirements.

(1) As used in this section:

(a) "Affected county" means the county in which an area proposed for cross-county annexation is located.

(b) "Affected municipality" means a municipality:

(i) located in an affected county; and

(ii) whose expansion area includes the area proposed for cross-county annexation.

(c) "Applicant" means a person intending to file an annexation petition proposing a cross-county annexation.

(d) "Cross-county annexation" means the annexation of an area located in a county that is not the county in which the proposed annexing municipality is located.

(e) "Specified public utility" means the same as that term is defined in Section 10-9a-103.

(2) An applicant may not file a petition under Section [~~10-2-403 proposing~~] 10-2-806 that proposes a cross-county annexation unless:

(a) the applicant sends a written notice of intent to file a petition proposing a cross-county annexation to the legislative body of each affected municipality describing:

(i) the area proposed for cross-county annexation; and

(ii) the proposed annexing municipality;

(b) the proposed annexing municipality adopts or amends the municipality's annexation policy plan under Section [~~10-2-401.5~~] 10-2-803 to include the area proposed for cross-county annexation within the proposed annexing municipality's expansion area;

(c) the applicant files a request to approve the proposed cross-county annexation with the legislative body of the affected county:

(i) no sooner than 90 days after the day on which the applicant sends the written notice described in Subsection (2)(a) to each affected municipality; and

(ii) no later than 180 days after the day on which the applicant sends the written notice described in Subsection (2)(a) to each affected municipality;

(d) a feasibility consultant conducts a feasibility study in accordance with Subsection (3), unless the feasibility study is waived under Subsection (3)(b); and

(e) the legislative body of the affected county:

(i) holds a public hearing in accordance with Subsection (4); and

(ii) adopts the resolution described in Subsection (4)(a)(iii)(A).

(3)

(a) Within 60 days after the day on which a legislative body of an affected county receives the request described in Subsection (2)(c), or within a time period longer than 60 days if agreed to by the legislative body of the affected county and the applicant, the legislative body of the affected county and the applicant shall jointly select and engage a feasibility consultant to:

(i) conduct a feasibility study on the proposed cross-county annexation; and

(ii) submit written results of the feasibility study to the legislative body of the affected county and the applicant no later than 90 days after the day on which the feasibility consultant is engaged to conduct the feasibility study.

(b) The legislative body of the affected county may waive the requirement for a feasibility study under Subsection (3)(a).

(c) The feasibility study under Subsection (3)(a) shall determine:

(i) whether the proposed cross-county annexation eliminates, leaves, or creates an unincorporated island or unincorporated peninsula;

(ii) the fiscal impact of the proposed cross-county annexation on:

(A) the affected county;

(B) affected municipalities;

(C) specified public utilities that serve the area proposed for cross-county annexation; and

(D) affected entities;

(iii) the estimated cost that the proposed annexing municipality would incur to provide governmental services in the area proposed for cross-county annexation during the current fiscal year;

(iv) the estimated revenue that the proposed annexing municipality would receive from the area proposed for cross-county annexation during the current fiscal year; and

(v)

(A) each entity that has provided municipal-type services in the area proposed for cross-county annexation;

(B) the methods under which each entity described in Subsection (3)(c)(v)(A) has provided municipal-type services in the area proposed for cross-county annexation; and

(C) the feasibility of the proposed annexing municipality providing municipal-type services in the area proposed for cross-county annexation.

(d) For purposes of Subsection (3)(c)(iv), the feasibility consultant shall assume that the ad valorem property tax rate on property within the area proposed for cross-county annexation is the same property tax rate that the proposed annexing municipality currently imposes on property within the municipality.

(e) The applicant and the affected county shall share equally the feasibility consultant fees and expenses.

(4)

(a) A legislative body of an affected county shall hold, within 30 days after the day on which the legislative body receives the written results of the feasibility study under Subsection (3)(a) or waives the requirement for a feasibility study under Subsection (3)(b), a public hearing to:

(i) determine whether the requirements described in Subsections (2)(a) and (b) have been met;

(ii) consider the results of the feasibility study under Subsection (3)(a), unless the feasibility study is waived under Subsection (3)(b); and

(iii)

(A) adopt a resolution approving the proposed cross-county annexation; or

(B) adopt a resolution rejecting the proposed cross-county annexation.

(b) The legislative body of the affected county shall send, at least 15 days before the day on which the public hearing described in Subsection (4)(a) occurs, written notice of the public hearing to:

(i) the applicant;

(ii) each residence within, and to each owner of real property located within:

(A) the area proposed for cross-county annexation; and

(B) 300 feet of the area proposed for cross-county annexation;

(iii) the legislative body of:

(A) the proposed annexing municipality; and

(B) the county in which the proposed annexing municipality is located;

(iv) each specified public utility that serves the area proposed for cross-county annexation;

(v) each affected municipality; and

(vi) each affected entity.

(c) At the public hearing described in Subsection (4)(a), the legislative body of the affected county shall allow the individuals present to speak to the proposed cross-county annexation.

(d) A legislative body of an affected county may not adopt a resolution rejecting a proposed cross-county annexation under this section unless the legislative body determines that:

(i) the requirements described in Subsections (2)(a) and (b) have not been met; or

(ii) the results of the feasibility study under Subsection (3)(a) show that:

(A) the proposed cross-county annexation would impose a substantial burden on the affected county;

(B) the estimated revenue under Subsection (3)(c)(iv) exceeds the estimated cost to provide governmental services under Subsection (3)(c)(iii) by more than 5%; or

(C) it would not be feasible for the proposed annexing municipality to provide municipal-type services in the area proposed for cross-county annexation.

(e) A legislative body of an affected county that adopts a resolution rejecting a proposed cross-county annexation under this section shall provide to the applicant a written explanation of the legislative body's decision.

(f) A legislative body of an affected county may adopt a resolution approving a proposed cross-county annexation under this section regardless of the results of a feasibility study under Subsection (3)(a).

(5)

(a) A party adversely affected by a legislative body of an affected county's decision under Subsection (4)(a) may, within 30 days after the day on which the legislative body [~~issues the legislative body's decision~~] adopts a resolution approving or rejecting a cross-county annexation, file a petition for review of the decision in the district court with jurisdiction in the affected county.

(b) The district court shall defer to the legislative body of the affected county's decision under Subsection (4)(a) unless the court determines that the decision is arbitrary, capricious, or unlawful.

(6) Section [~~10-2-418~~] 10-2-812 does not apply to a cross-county annexation unless consented to by all affected counties.

Section 7. Section **10-2-806** is renumbered and amended to read:

[~~10-2-403]~~ 10-2-806. Annexation petition -- Requirements -- Notice required before filing.

(1) Except as provided in Section [~~10-2-418~~] 10-2-812 and except for an automatic annexation under Section [~~10-2-429~~] 10-2-814, the process to annex an unincorporated area to a municipality is initiated by a petition as provided in this section.

(2)

(a)

(i) Before filing a petition under Subsection (1), the person [~~or persons~~]intending to file a petition shall:

(A) file with the [~~city recorder or town clerk~~] municipal records officer of the proposed annexing municipality a notice of intent to file a petition; and

(B) send a copy of the notice of intent to file a petition to each affected entity.

(ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the area that is proposed to be annexed.

(b)

(i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be annexed is located shall:

(A) mail the notice described in Subsection (2)(b)(iii) to:

(I) each owner of real property located within the area proposed to be annexed; and

(II) each owner of real property located within 300 feet of the area proposed to be annexed; and

(B) send to the proposed annexing municipality a copy of the notice and a certificate indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

(ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20 days after receiving from the person [~~or persons~~]who filed the notice of intent:

(A) a written request to mail the required notice; and

(B) payment of an amount equal to the county's expected actual cost of mailing the notice.

(iii) Each notice required under Subsection (2)(b)(i)(A) shall:

(A) be in writing;

(B) state, in bold and conspicuous terms, substantially the following:

"Attention: Your property may be affected by a proposed annexation.

Records show that you own property within an area that is intended to be included in a proposed annexation to (state the name of the proposed annexing municipality) or that is within 300 feet of that area. If your property is within the area proposed for annexation, you may be asked to sign a petition supporting the annexation. You may choose whether to sign the petition. By signing the petition, you indicate your support of the proposed annexation. If you sign the petition but later change your mind about supporting the annexation, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality) within 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.

There will be no public election on the proposed annexation because Utah law does not provide for an annexation to be approved by voters at a public election. Signing or not signing the annexation petition is the method under Utah law for the owners of property within the area proposed for annexation to demonstrate their support of or opposition to the proposed annexation.

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 county official or employee designated to respond to questions about the proposed annexation), or (state the name, mailing address, telephone number, and email address of the person who filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the notice of intent, one of those persons). Once filed, the annexation petition will be available for inspection and copying at the office of (state the name of the proposed annexing municipality) located at (state the address of the municipal offices of the proposed annexing municipality)."; and

(C) be accompanied by an accurate map identifying the area proposed for annexation.

(iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any other information or materials related or unrelated to the proposed annexation.

(c)

(i) After receiving the certificate from the county as provided in Subsection (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person [~~or persons~~]who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for the annexation proposed in the notice of intent.

(ii) An annexation petition provided by the proposed annexing municipality may be duplicated for circulation for signatures.

(3) Each petition under Subsection (1) shall:

(a) be filed with the [~~applicable city recorder or town clerk~~] municipal records officer of the proposed annexing municipality;

(b) contain the signatures of, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government, the owners of all the publicly owned real property, or the owners of private real property that:

(i) is located within the area proposed for annexation;

(ii)

(A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land area within the area proposed for annexation;

(B) covers 100% of all of the rural real property within the area proposed for annexation; and

(C) covers 100% of all of the private land area within the area proposed for annexation if the area is within a migratory bird production area created under Title 23A, Chapter 13, Migratory Bird Production Area; and

(iii) is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation;

(c) be accompanied by:

(i) an accurate and recordable map, prepared by a licensed surveyor in accordance with Section 17-23-20, of the area proposed for annexation; and

(ii) a copy of the notice sent to affected entities as required under Subsection (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

(d) contain on each signature page a notice in bold and conspicuous terms that states substantially the following:

"Notice:

• There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.

• If you sign this petition and later decide that you do not support the petition, you may 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 signature, you shall do so no later than 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.";

(e) if the petition proposes a cross-county annexation, as defined in Section [~~10-2-402.5~~] 10-2-805, be accompanied by a copy of the resolution described in Subsection [~~10-2-402.5(4)(a)(iii)(A)~~] 10-2-805(4)(a)(iii)(A); and

(f) designate up to five of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.

(4) A petition under Subsection (1) may not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected, or granted.

(5) If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

(a) along the boundaries of existing special districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities;

(b) to eliminate islands and peninsulas of territory that is not receiving municipal-type services;

(c) to facilitate the consolidation of overlapping functions of local government;

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

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

(6) On the date of filing, the petition [~~sponsors~~] contact sponsor shall deliver or mail a copy of the petition to the county clerk of the county in which the area proposed for annexation is located.

(7) A property owner who signs an annexation petition may withdraw the owner's signature by filing a written withdrawal, signed by the property owner, with the [~~city recorder or town clerk~~] municipal records officer no later than 30 days after the municipal legislative body's receipt of the notice of certification under Subsection [~~10-2-405(2)(c)(i)~~] 10-2-807(2)(c)(i).

Section 8. Section **10-2-807** is renumbered and amended to read:

[~~10-2-405]~~ 10-2-807. Acceptance or denial of an annexation petition -- Petition certification process -- Modified petition.

(1)

(a)

(i) A municipal legislative body may:

(A) subject to Subsection (1)(a)(ii), deny a petition filed under Section [~~10-2-403~~] 10-2-806; or

(B) accept the petition for further consideration under this part.

(ii) A petition shall be considered to have been accepted for further consideration under this part if a municipal legislative body fails to [~~act to~~]deny or accept the petition under Subsection (1)(a)(i):

(A) in the case of a city of the first or second class, within 14 days after the [~~filing of the~~]petition is filed; or

(B) in the case of a city of the third, fourth, or fifth class or a town, at the next regularly scheduled meeting of the municipal legislative body that is at least 14 days after the date the petition was filed.

(b) If a municipal legislative body denies a petition under Subsection (1)(a)(i), it shall, within five days after the denial, mail written notice of the denial to:

(i) the contact sponsor; and

(ii) the county clerk of the county in which the area proposed for annexation is located.

(2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i)(B) or is considered to have accepted the petition under Subsection (1)(a)(ii), the [~~city recorder or town clerk, as the case may be,~~] municipal records officer shall, within 30 days after [~~that~~] the day of acceptance:

(a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the area proposed for annexation is located the records the [~~city recorder or town clerk~~] municipal records officer needs to determine whether the petition meets the requirements of Subsections [~~10-2-403(3)~~] 10-2-806(3) and (4);

(b) with the assistance of the municipal attorney, determine whether the petition meets the requirements of Subsections [~~10-2-403(3)~~] 10-2-806(3) and (4); and

(c)

(i) if the [~~city recorder or town clerk~~] municipal records officer determines that the petition meets [~~those requirements~~] the requirements described in Subsection (2)(b), certify the petition and mail or deliver written notification [~~of the certification to~~] to:

(A) the municipal legislative body[~~,~~] ;

(B) the contact sponsor[~~,~~] ; and

(C) the county legislative body; or

(ii) if the [~~city recorder or town clerk~~] municipal records officer determines that the petition fails to meet [~~any of those requirements~~] a requirement described in Subsection (2)(b), reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to:

(A) the municipal legislative body[~~,~~] ;

(B) the contact sponsor[~~,~~] ; and

(C) the county legislative body.

(3) The day the municipal records officer mails or delivers written notification of the certification, as described in Subsection (2)(c)(i), is the day of certification.

[~~(3)~~] (4)

(a)

(i) If the [~~city recorder or town clerk~~] municipal records officer rejects a petition under Subsection (2)(c)(ii), the petition sponsor may modify the petition [~~may be modified~~]to correct the deficiencies for which it was rejected and [~~then refiled~~] refile the petition with the [~~city recorder or town clerk, as the case may be~~] municipal records officer.

(ii) A signature on an annexation petition filed under Section [~~10-2-403~~] 10-2-806 may be used toward fulfilling the signature requirement of Subsection [~~10-2-403(2)(b)~~] 10-2-806(2)(b) for the petition as modified under Subsection [~~(3)(a)(i)~~] (4)(a)(i).

(b) If a petition is refiled under Subsection [~~(3)(a)~~] (4)(a) after having been rejected by the [~~city recorder or town clerk~~] municipal records officer under Subsection (2)(c)(ii), the refiled petition shall be treated as a newly filed petition under Subsection [~~10-2-403(1)~~] 10-2-806(1).

[~~(4)~~] (5) Any vote by a municipal legislative body to deny a petition under this part may be recalled and set for reconsideration by a majority of the voting members of the municipal legislative body.

[~~(5)~~] (6) Each county assessor, clerk, surveyor, and recorder shall provide copies of records that a [~~city recorder or town clerk~~] municipal records officer requests under Subsection (2)(a).

Section 9. Section **10-2-808** is renumbered and amended to read:

[~~10-2-406~~] 10-2-808. Notice of certification -- Providing notice of petition.

(1)

(a) [~~After receipt of the notice of certification from the city recorder or town clerk under Subsection 10-2-405(2)(c)(i),~~] After the day of certification as described in Subsection 10-2-807(3) and within the time described in Subsection (1)(b), the municipal legislative body shall provide notice:

[~~(a)~~] (i) for the area proposed for annexation and [~~the~~] any unincorporated area within 1/2 mile of the area proposed for annexation, as a class B notice under Section 63G-30-102[~~, no later than 10 days after the day on which the municipal legislative body receives the notice of certification~~]; and

[~~(b)~~] (ii) [~~within 20 days after the day on which the municipal legislative body receives the notice of certification, ~~]by mailing written notice to each affected entity.

(b) The municipal legislative body shall provide the notice:

(i) described in Subsection (1)(a)(i) no later than 10 days after the day of certification; and

(ii) described in Subsection (1)(a)(ii) no later than 20 days after the day of certification.

(2) The notice described in Subsection (1) shall:

(a) state that a petition has been filed with the municipality proposing the annexation of an area to the municipality;

(b) state the [~~date of the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c)(i)~~] day of certification;

(c) describe the area proposed for annexation in the annexation petition;

(d) state that the complete annexation petition is available for inspection and copying at the office of the [~~city recorder or town clerk~~] municipal records officer;

(e) state in conspicuous and plain terms that the municipality may grant the petition and annex the area described in the petition unless, [~~within the time required under Subsection 10-2-407(2)(a)(i), ~~] no later than 30 days after the day of certification:

(i) a written protest to the annexation petition is filed with the boundary commission; and

(ii) a copy of the written protest is delivered to the [~~city recorder or town clerk~~] municipal records officer of the proposed annexing municipality;

(f)

(i) state the address of the boundary commission [~~or,~~] where a protest to the annexation petition may be filed; or

(ii) if a boundary commission has not yet been created in the county, the address of the county clerk, where a protest to the annexation petition may be filed;

(g) provide brief instructions on how to file a protest to the annexation petition or a link to a web page that contains instructions on how to file a protest to the annexation petition;

(h) state that the area proposed for annexation to the municipality will also automatically be annexed to a special district providing fire protection, paramedic, and emergency services or a special district providing law enforcement service, as the case may be, as provided in Section 17B-1-416, if:

(i) the proposed annexing municipality is entirely within the boundaries of a special district:

(A) that provides fire protection, paramedic, and emergency services or law enforcement service, respectively; and

(B) in the creation of which an election was not required because of Subsection 17B-1-214(3)(c); and

(ii) the area proposed to be annexed to the municipality is not already within the boundaries of the special district; and

[~~(h)~~] (i) state that the area proposed for annexation to the municipality will be automatically withdrawn from a special district providing fire protection, paramedic, and emergency services or a special

district providing law enforcement service, as the case may be, as provided in Subsection 17B-1-502(2), if:

(i) the petition proposes the annexation of an area that is within the boundaries of a special district:

(A) that provides fire protection, paramedic, and emergency services or law enforcement service, respectively; and

(B) in the creation of which an election was not required because of Subsection 17B-1-214(3)(c); and

(ii) the proposed annexing municipality is not within the boundaries of the special district.

(3)

[~~(a)~~] The statement required by Subsection (2)(e) shall state the deadline for filing a written protest in terms of the actual date[~~rather than~~] , not by reference to the statutory citation.

[~~(b) In addition to the requirements under Subsection (2), a notice under Subsection (1) for a proposed annexation of an area within a county of the first class shall include a statement that a protest to the annexation petition may be filed with the commission by property owners if it contains the signatures of the owners of private real property that:~~]

[~~(i) is located in the unincorporated area within 1/2 mile of the area proposed for annexation;~~]

[~~(ii) covers at least 25% of the private land area located in the unincorporated area within 1/2 mile of the area proposed for annexation; and~~]

[~~(iii) is equal in value to at least 15% of all real property located in the unincorporated area within 1/2 mile of the area proposed for annexation.~~]

Section 10. Section **10-2-809** is renumbered and amended to read:

~~[10-2-409]~~ 10-2-809. Boundary commission -- Creation -- Members -- Terms -- Chair -- Boundary commission quorum -- Municipal selection committee.

(1) The legislative body of each county:

(a) may create a boundary commission on its own initiative at any time; and

(b) shall create a boundary commission within 30 days of the filing of a protest under Section [~~10-2-407~~] 10-2-810.

(2) A boundary commission shall hear and decide, according to the provisions of this part, any protest filed under Section 10-2-810 with respect to an area that is located within the boundary commission's county.

(3) Each boundary commission shall be composed of:

(a) in a county with two or more municipalities:

(i) two members who are elected county officers, appointed by:

[~~(A)~~

~~(I)~~] (A) in a county [~~of the first class~~]operating under a form of government in which the executive and legislative functions are separated, the county executive with the advice and consent of the county legislative body; or

[~~(II)~~] (B) in a county [~~of the first class~~]operating under a form of government in which the executive and legislative functions of the governing body are not separated, the county legislative body; [~~or~~]

[~~(B) in a specified county, the county legislative body;~~]

(ii) two members who are elected municipal officers from separate municipalities within the county, appointed by the municipal selection committee described in Subsection (13); and

(iii) three members who are residents of the county, none of whom is a county or municipal elected officer, appointed by the four other members of the boundary commission; and

(b) in a county with only one municipality:

(i) two members who are county elected officers, appointed by the county legislative body;

(ii) one member who is a municipal elected officer, appointed by the governing body of the municipality; and

(iii) two members who are residents of the county, neither of whom is a county or municipal elected officer, appointed by the other three members of the boundary commission.

[~~(3)~~] (4) At the expiration of the term of each member appointed under this section, the member's successor shall be appointed by the same body that appointed the member whose term is expiring, as provided in this section.

(5)

(a) Except as provided in Subsection (5)(b), the term of each member of a boundary commission:

(i) is approximately four years; and

(ii) begins and expires on the first Monday of January of the applicable year.

(b) Notwithstanding Subsection (5)(a), the terms of the first members of a boundary commission shall be staggered by lot so that:

(i) on a seven-member commission described in Subsection (3)(a), the term of one member is approximately one year, the term of two members is approximately two years, the term of two members approximately three years, and the term of two members is approximately four years; and

(ii) on a five-member commission described in Subsection (3)(b), the term of two members is approximately two years and the term of the other three members is approximately four years.

(c) A vacancy on a boundary commission shall be filled for the remaining unexpired term in the same manner that the predecessor member was appointed, as described in Subsection (3).

(6)

(a)

(i) The members of a boundary commission shall elect a chair from the eligible membership of the boundary commission.

(ii) A member of a boundary commission is eligible to serve as chair if the member has at least two years remaining in the member's term.

(b) The term of a boundary commission chair is two years from the day on which the chair is elected.

(7)

(a) A majority of the members of the boundary commission constitutes a quorum.

(b) Boundary commission action requires a majority vote of the members of the boundary commission.

(8)

(a) A member of the boundary commission is disqualified from hearing and deciding a protest if the boundary commission member owns any property within the area proposed for annexation that is the subject of the protest.

(b) In the event a member of the boundary commission is disqualified as described in Subsection (8)(a), the body that appointed the disqualified member of the boundary commission shall appoint an alternate member of the boundary commission to hear and decide the protest.

(9) In considering a protest filed under Section 10-2-810, the boundary commission may:

(a) adopt and enforce rules of procedure for the orderly and fair conduct of boundary commission proceedings;

(b) authorize a member of the boundary commission to administer oaths, if necessary in the performance of the boundary commission's duties;

(c) employ staff or retain professional or consulting services reasonably necessary to enable the commission to carry out the boundary commission's duties;

(d) incur reasonable and necessary expenses in order to carry out the boundary commission's duties; and

(e) request any additional information from the sponsor of the protest that the boundary commission considers necessary to make a determination.

(10) The legislative body of each county shall, with respect to the boundary commission in that county:

(a) furnish the boundary commission with any necessary office space, equipment, and supplies;

(b) pay necessary operating expenses incurred by the boundary commission; and

(c) reimburse the reasonable and necessary expenses incurred by each member appointed under Subsection (2), unless otherwise provided by interlocal agreement.

(11) Each county legislative body or municipal legislative body shall reimburse the reasonable and necessary expenses incurred by a boundary commission member who is a county or municipal elected officer, respectively.

(12) The boundary commission may request, and a relevant county or municipality shall provide, records, information, or any other relevant material necessary to enable the boundary commission to hear and decide a protest.

(13)

(a) A municipal selection committee consists of the municipal executive of each municipality in the county.

(b)

(i) In a county with an odd number of municipalities, a majority of the members of a municipal selection committee constitutes a quorum.

(ii) In a county with an even number of municipalities, half of the members of the municipal selection committee constitutes a quorum.

(c) A legislative body that creates a boundary commission described in Subsection (3)(a) shall, at the same time the legislative body creates the boundary commission as described in Subsection (1), notify the municipal selection committee of the obligation to select the members described in Subsection (3)(a)(ii).

Section 11. Section **10-2-810** is renumbered and amended to read:

~~[10-2-407]~~ 10-2-810. Protest to annexation petition -- Planning advisory area planning commission recommendation -- Petition requirements -- Disposition of petition if no protest filed -- Public hearing and notice.

(1) A protest to an annexation petition under Section [~~10-2-403~~] 10-2-806 may only be filed by:

(a) the legislative body or governing board of an affected entity;

(b) an owner of rural real property located within the area proposed for annexation; or

[~~(c) for a proposed annexation of an area within a county of the first class, an owner of private real property that:~~]

[~~(i) is located in the unincorporated area within 1/2 mile of the area proposed for annexation;~~]

[~~(ii) covers at least 25% of the private land area located in the unincorporated area within 1/2 mile of the area proposed for annexation; and~~]

[~~(iii) is equal in value to at least 15% of all real property located in the unincorporated area within 1/2 mile of the area proposed for annexation; or~~]

[~~(d)~~] (c) an owner of private real property located in a mining protection area.

(2) Each protest under Subsection (1) shall:

[~~(a) be filed:~~]

[~~(i) no later than 30 days after the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c)(i); and~~]

[~~(ii)~~

~~(A) in a county that has already created a commission under Section 10-2-409, with the commission; or~~]

[~~(B) in a county that has not yet created a commission under Section 10-2-409, with the clerk of the county in which the area proposed for annexation is located;~~]

[~~(b)~~] (a) be filed with the county clerk of the county in which the area proposed for annexation is located;

(b) state each reason for the protest of the annexation petition and[~~, if the area proposed to be annexed is located in a specified county,~~] justification for the protest under the standards established in this [~~chapter~~] part;

[~~(c) if the area proposed to be annexed is located in a specified county, contain other information that the commission by rule requires or that the party filing the protest considers pertinent; and~~]

[~~(d)~~] (c) contain any information that the county boundary commission requires or the party filing the protest considers relevant to the protest; and

(d) contain the name and address of a contact person who is to receive notices sent by the boundary commission with respect to the protest proceedings.

(3) The party filing a protest under this section shall on the same date deliver or mail a copy of the protest to the [~~city recorder or town clerk~~] municipal records officer of the proposed annexing municipality.

(4) Each county clerk who receives a protest under Subsection [~~(2)(a)(ii)(B)~~] (2)(a) shall:

(a) immediately notify the county legislative body of the protest; and

(b) deliver the protest to the boundary commission within five days after:

(i) receipt of the protest, if the boundary commission has previously been created; or

(ii) creation of the boundary commission under [~~Subsection~~] [~~10-2-409(1)(b)~~] Section 10-2-809, if the boundary commission has not previously been created.

(5)

(a) If a protest is filed under this section:

(i) the municipal legislative body may, at [~~its~~] the next regular municipal legislative meeting [~~after expiration of the deadline under Subsection (2)(a)(i)~~] occurring within 30 days of the day of certification, as described in Subsection 10-2-807(3), deny the annexation petition; or

(ii) if the municipal legislative body does not deny the annexation petition under Subsection (5)(a)(i), the municipal legislative body may [~~take no~~] not take further action on the annexation petition until after receipt of the boundary commission's notice of its decision on the protest under Section [~~10-2-416~~] 10-2-811.

(b) If a municipal legislative body denies an annexation petition under Subsection (5)(a)(i), the municipal legislative body shall, within five days after the denial, send notice of the denial in writing to:

(i) the contact sponsor of the annexation petition;

(ii) the boundary commission; and

(iii) each entity that filed a protest.

(6)

(a) A protest may not be filed later than 30 days after the day of certification, as described in Subsection 10-2-807(3).

(b) If no timely protest is filed under this section, the municipal legislative body may, subject to Subsection (7), approve the annexation petition.

(7) Before approving an annexation petition under Subsection (6), the municipal legislative body shall:

(a) hold a public hearing; and

(b) provide notice of the public hearing by publishing the notice for the municipality and the area proposed for annexation, as a class B notice under Section 63G-30-102, for at least seven days before the date of the public hearing.

[~~(8)~~

~~(a) Subject to Subsection (8)(b), only a person or entity that is described in Subsection (1) has standing to challenge an annexation in district court.~~]

[~~(b) A person or entity described in Subsection (1) may only bring an action in district court to challenge an annexation if the person or entity has timely filed a protest as described in Subsection (2) and exhausted the administrative remedies described in this section.~~]

Section 12. Section **10-2-811** is renumbered and amended to read:

[~~10-2-415]~~ 10-2-811. Public hearing of protest -- Notice -- Decision -- Municipal legislative action -- Judicial review.

[~~(1)~~

~~(a) If the results of the feasibility study or supplemental feasibility study meet the requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area located in a county of the first class, the commission shall hold a public hearing within 30 days after the day on which the commission receives the feasibility study or supplemental feasibility study results.~~]

[~~(b) At the public hearing described in Subsection (1)(a), the commission shall:~~]

[~~(i) require the feasibility consultant to present the results of the feasibility study and, if applicable, the supplemental feasibility study;~~]

[~~(ii) allow those present to ask questions of the feasibility consultant regarding the study results; and~~]

[~~(iii) allow those present to speak to the issue of annexation.~~]

[~~(2) The commission shall provide notice of the public hearing described in Subsection (1)(a) for the area proposed for annexation, the surrounding 1/2 mile of unincorporated area, and the proposed annexing municipality, as a class B notice under Section 63G-30-102, for at least two weeks before the date of the public hearing.~~]

[~~(3) The notice described in Subsection (2) shall:~~]

[~~(a) be entitled, "notice of annexation hearing";~~]

[~~(b) state the name of the annexing municipality;~~]

[~~(c) describe the area proposed for annexation; and~~]

[~~(d) specify the following sources where an individual may obtain a copy of the feasibility study conducted in relation to the proposed annexation:~~]

[~~(i) if the municipality has a website, the municipality's website;~~]

[~~(ii) a municipality's physical address; and~~]

[~~(iii) a mailing address and telephone number.~~]

[~~(4) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest has expired with respect to a proposed annexation of an area located in a specified county, the boundary commission shall hold a hearing on all protests that were filed with respect to the proposed annexation.~~]

[~~(5) For at least 14 days before the date of a hearing described in Subsection (4), the commission chair shall provide notice of the hearing, for the area proposed for annexation, as a class B notice under Section 63G-30-102.~~]

[~~(6)~~] (1)

(a) Except as provided in Subsection (1)(b), the boundary commission for each county shall hear and decide, according to the provisions of this part, each protest timely filed under Section 10-2-810.

(b) If the municipal legislative body has already denied the petition for annexation that is the subject of the protest under Subsection 10-2-810(5)(a), the boundary commission shall take no further action on the protest.

(2) In regard to a protest described in Subsection (1)(a), the boundary commission shall:

(a) schedule a public hearing on the protest no later than 30 days from the day on which the time for filing a protest expired; and

(b) except as provided in Subsection (5), hold the public hearing on the protest.

(3) At least 14 days before the day of a hearing described in Subsection (2), the boundary commission shall provide notice of the public hearing:

(a)

(i) by posting one notice, and at least one additional notice per 2,000 residents within the area proposed for annexation, in places reasonably likely to give notice of the public hearing; and

(ii) by mailing notice to each resident within, and each owner of property located within, the area proposed for annexation;

(b) by posting notice on the Utah Public Notice Website, created in Section 63A-16-601, for 14 days before the day of the public hearing;

(c) if the annexing municipality has a website, by providing notice to the municipal records officer to post on the municipality's website for 14 days before the day of the public hearing; and

(d) by posting notice on the county's website for 14 days before the day of the public hearing.

(4) Each notice described in Subsection [~~(5)~~] (3) shall:

(a) state the date, time, and place of the hearing;

(b) briefly summarize the nature of the protest; and

(c) state that a copy of the protest is on file at:

(i) the boundary commission's office, if the boundary commission has a physical office; or

(ii) the county recorder's office.

[~~(7)~~] (5) The boundary commission may [~~continue~~] postpone a scheduled public hearing[~~under Subsection (4) from time to time~~], but no [~~continued~~] postponed hearing may be held later than 60 days after the original hearing date.

[~~(8)~~] (6) In considering [~~protests~~] a protest, the boundary commission shall consider whether the proposed annexation:

(a) complies with the requirements of[~~Sections 10-2-402 and 10-2-403~~] :

(i) Section 10-2-804;

(ii) Section 10-2-806; and

(iii) the annexation policy plan of the proposed annexing municipality, as described in Section 10-2-803;

(b) conflicts with the annexation policy plan of another municipality; and

(c) if the proposed annexation includes urban development, will have an adverse tax consequence on the remaining unincorporated area of the county.

(7) After the public hearing required by this section, the boundary commission:

(a) shall, within 30 days, issue a written decision on the protest filed under Section 10-2-810;

(b) shall send a copy of the written decision described in Subsection (7)(a) to:

(i) the legislative body of the county in which the area proposed for annexation is located;

(ii) the legislative body of the proposed annexing municipality;

(iii) the sponsor of the annexation petition; and

(iv) the contact person for the protest; and

(c) may:

(i) recommend approval of the proposed annexation, either with or without conditions; or

(ii) recommend denying the proposed annexation.

[~~(9)~~] (8)

(a) The boundary commission shall record each public hearing under this section by electronic means.

(b) [~~A~~] The record of a boundary commission proceeding includes:

(i) the transcription of the recording under Subsection (8)(a)[~~(9)(a),~~] ;

(ii) the feasibility study, if applicable[~~,~~] ;

(iii) information received at the hearing[~~,~~] ; and

(iv) the written decision of the boundary commission[~~shall constitute the record of the hearing~~].

(9) Except as provided in Subsection (12), upon receipt of the boundary commission's written decision under Subsection (7), the legislative body of the annexing municipality shall take action no earlier than 30 days after but no later than 60 days after receipt of the boundary commission's written decision to:

(a) deny the annexation petition; or

(b) subject to Subsection (10), approve the annexation petition, with or without any conditions recommended by the boundary commission.

(10) A municipal legislative body shall exclude from an annexation:

(a) rural real property, unless the owner of the rural real property has signed the annexation petition or otherwise gives written consent to the inclusion of the owner's property to the annexation; and

(b) private real property located within a mining protection area, unless the owner of the private property located in the mining protection area has signed the annexation petition or otherwise gives written consent to the inclusion of the owner's property to the annexation.

(11)

(a) As used in this subsection, "party" means:

(i) an annexing municipality;

(ii) the contact sponsor of an annexation petition; or

(iii) the contact person for a protest.

(b) A party may seek review of a boundary commission's written decision in the state district court with jurisdiction over the county in which the boundary commission is established by filing a petition for review of the written decision within 20 days of receiving the boundary commission's written decision.

(c) A party that files a petition for review under Subsection (11)(b) shall provide notice of the filing to the legislative body of the annexing municipality, unless the annexing municipality is the party that filed a petition for review.

(d) The district court shall consider the record described in Subsection (8)(b) {~~de novo~~ } and affirm the boundary commission's written decision unless the court determines the boundary commission's written decision is arbitrary or capricious.

(12) The legislative body of an annexing municipality is excused from complying with the requirements of Subsection (9) until judicial review is concluded.

Section 13. Section **10-2-812** is renumbered and amended to read:

[~~10-2-418]~~ 10-2-812. Annexation of an island or peninsula without a petition -- Notice -- Hearing.

[~~(1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in accordance with this section of an area located within a county of the first class, "municipal-type services" does not include a service provided by a municipality pursuant to a contract that the municipality has with another political subdivision as "political subdivision" is defined in Section 17B-1-102.~~]

[~~(2)~~] (1) Notwithstanding Subsection [~~10-2-402(2)~~] 10-2-804(4), a municipality may annex an unincorporated area under this section without an annexation petition if:

(a) for an unincorporated area within the expansion area of more than one municipality, each municipality agrees to the annexation; and

(b)

(i)

(A) the area to be annexed consists of one or more unincorporated islands within or unincorporated peninsulas contiguous to the municipality;

(B) the majority of each island or peninsula consists of residential or commercial development;

(C) the area proposed for annexation requires the delivery of municipal-type services; and

(D) the municipality has provided most or all of the municipal-type services to the area for more than one year;

(ii)

(A) the area to be annexed consists of one or more unincorporated islands within or unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800 residents; and

(B) the municipality has provided one or more municipal-type services to the area for at least one year;

(iii) the area consists of:

(A) an unincorporated island within or an unincorporated peninsula contiguous to the municipality; and

(B) [~~for an area outside of the county of the first class proposed for annexation, ~~]no more than 50 acres; or

(iv)

(A) the area to be annexed consists only of one or more unincorporated islands in a county of the second class;

(B) the area to be annexed is located in the expansion area of a municipality; and

(C) the county legislative body in which the municipality is located provides notice to each property owner within the area to be annexed that the county legislative body will hold a public hearing, no less than 15 days after the day on which the county legislative body provides the notice, and may make a recommendation of annexation to the municipality whose expansion area includes the area to be annexed after the public hearing.

[~~(3)~~] (2) Notwithstanding Subsection [~~10-2-402(1)(b)(iii)~~] 10-2-804(2)(c), a municipality may annex a portion of an unincorporated island or unincorporated peninsula under this section, leaving unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

(a) in adopting the resolution under Subsection [~~(5)(a)~~] (3)(a) the municipal legislative body determines that not annexing the entire unincorporated island or unincorporated peninsula is in the municipality's best interest; and

(b) for an annexation of one or more unincorporated islands under Subsection [~~(2)(b)~~] (1)(b), the entire island of unincorporated area, of which a portion is being annexed, complies with the requirement of Subsection [~~(2)(b)(ii)~~] (1)(b)(ii) relating to the number of residents.

[~~(4)~~

~~(a) This Subsection (4) applies only to an annexation within a county of the first class.~~]

[~~(b) A county of the first class shall agree to an annexation if the majority of private property owners within the area to be annexed give written consent to the annexation, in accordance with Subsection (4)(d), to the recorder of the annexing municipality.~~]

[~~(c) For purposes of Subsection (4)(b), the majority of private property owners is property owners who own:~~]

[~~(i) the majority of the total private land area within the area proposed for annexation; and~~]

[~~(ii) private real property equal to at least 1/2 the value of private real property within the area proposed for annexation.~~]

[~~(d) A property owner consenting to annexation shall indicate the property owner's consent on a form which includes language in substantially the following form:~~

~~"Notice: If this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the~~

~~annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of [name of annexing municipality]. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(d).".~~]

[~~(e) A private property owner may withdraw the property owner's signature indicating consent by submitting a signed, written withdrawal with the recorder or clerk no later than the close of the public hearing held in accordance with Subsection (5)(b).~~]

[~~(5)~~] (3) The legislative body of each municipality intending to annex an area under this section shall:

(a) adopt a resolution indicating the municipal legislative body's intent to annex the area, describing the area proposed to be annexed; and

(b) hold a public hearing on the proposed annexation no earlier than 30 days after the adoption of the resolution described in Subsection [~~(5)(a)~~] (3)(a).

[~~(6)~~] (4) A legislative body described in Subsection [~~(5)~~] (3) shall provide notice of a public hearing described in Subsection [~~(5)(b)~~] (3)(b):

(a) for at least three weeks before the day of the public hearing, for the municipality and the area proposed for annexation, as a class B notice under Section 63G-30-102; and

(b) by sending written notice to:

(i) the board of each special district and special service district whose boundaries contain some or all of the area proposed for annexation; and

(ii) the legislative body of the county in which the area proposed for annexation is located.

[~~(7)~~] (5) The legislative body of the annexing municipality shall ensure that:

(a) each notice described in Subsection [~~(6)~~] (4):

(i) states that the municipal legislative body has adopted a resolution indicating the municipality's intent to annex the area proposed for annexation;

(ii) states the date, time, and place of the public hearing described in Subsection [~~(5)(b)~~] (3)(b);

(iii) describes the area proposed for annexation; and

(iv) except for an annexation that meets the requirements of Subsection [~~(8)(b)~~] or (c), states in conspicuous and plain terms that the municipal legislative body will annex the area unless, at or before the public hearing described in Subsection [~~(5)(b)~~] (3)(b), written protests to the annexation are filed by the owners of private real property that:

(A) is located within the area proposed for annexation;

(B) covers a majority of the total private land area within the entire area proposed for annexation; and

(C) is equal in value to at least 1/2 the value of all private real property within the entire area proposed for annexation; and

(b) the first publication of the notice described in Subsection [~~(6)(a)~~] (4)(a) occurs within 14 days after the day on which the municipal legislative body adopts a resolution under Subsection [~~(5)(a)~~] (3)(a).

[~~(8)~~] (6)

(a) Except as provided in Subsections [~~(8)(b)(i)~~] (6)(b)(i) and [~~(8)(c)(i)~~] (6)(c)(i), upon conclusion of the public hearing described in Subsection [~~(5)(b)~~] (3)(b), the municipal legislative body may adopt an ordinance approving the annexation of the area proposed for annexation under this section unless, at or before the hearing, written protests to the annexation have been filed with the recorder or clerk of the municipality by the owners of private real property that:

(i) is located within the area proposed for annexation;

(ii) covers a majority of the total private land area within the entire area proposed for annexation; and

(iii) is equal in value to at least 1/2 the value of all private real property within the entire area proposed for annexation.

(b)

(i) Notwithstanding Subsection [~~(8)(a)~~] (6)(a), upon conclusion of the public hearing described in Subsection [~~(5)(b)~~] (3)(b), a municipality may adopt an ordinance approving the annexation of the area proposed for annexation under this section without allowing or considering protests under Subsection [~~(8)(a)~~] (6)(a) if the owners of at least 75% of the total private land area within the entire area proposed for annexation, representing at least 75% of the value of the private real property within the entire area proposed for annexation, have consented in writing to the annexation.

(ii) Upon the effective date under Section [~~10-2-425~~] 10-2-813 of an annexation approved by an ordinance adopted under Subsection [~~(8)(b)(i)~~] (6)(b)(i), the area annexed is conclusively presumed to be validly annexed.

(c)

(i) Notwithstanding Subsection [~~(8)(a)~~] (6)(a), upon conclusion of the public hearing described in Subsection [~~(5)(b)~~] (3)(b), a municipality may adopt an ordinance approving the annexation of an area that the county legislative body proposes for annexation under this section without allowing

or considering protests under Subsection [~~(8)(a)~~] (6)(a) if the county legislative body has formally recommended annexation to the annexing municipality and has made a formal finding that:

(A) the area to be annexed can be more efficiently served by the municipality than by the county;

(B) the area to be annexed is not likely to be naturally annexed by the municipality in the future as the result of urban development;

(C) annexation of the area is likely to facilitate the consolidation of overlapping functions of local government; and

(D) annexation of the area is likely to result in an equitable distribution of community resources and obligations.

(ii) The county legislative body may base the finding required in Subsection [~~(8)(c)(i)(B)~~] (6)(c)(i)(B) on:

(A) existing development in the area;

(B) natural or other conditions that may limit the future development of the area; or

(C) other factors that the county legislative body considers relevant.

(iii) A county legislative body may make the recommendation for annexation required in Subsection [~~(8)(c)(i)~~] (6)(c)(i) for only a portion of an unincorporated island if, as a result of information provided at the public hearing, the county legislative body makes a formal finding that it would be equitable to leave a portion of the island unincorporated.

(iv) If a county legislative body has made a recommendation of annexation under Subsection [~~(8)(c)(i)~~] (6)(c)(i):

(A) the relevant municipality is not required to proceed with the recommended annexation; and

(B) if the relevant municipality proceeds with annexation, the municipality shall annex the entire area that the county legislative body recommended for annexation.

(v) Upon the effective date under Section [~~10-2-425~~] 10-2-813 of an annexation approved by an ordinance adopted under Subsection [~~(8)(c)(i)~~] (6)(c)(i), the area annexed is conclusively presumed to be validly annexed.

[~~(9)~~] (7)

(a) Except as provided in Subsections [~~(8)(b)(i)~~] (6)(b)(i) and [~~(8)(c)(i)~~] (6)(c)(i), if protests are timely filed under Subsection [~~(8)(a)~~] (6)(a), the municipal legislative body may not adopt an ordinance approving the annexation of the area proposed for annexation, and the annexation proceedings under this section shall be considered terminated.

(b) Subsection [~~(9)(a)~~] (7))(a) does not prohibit the municipal legislative body from excluding from a proposed annexation under Subsection [~~(2)(b)~~] (1)(b) the property within an unincorporated island regarding which protests have been filed and proceeding under Subsection [~~(3)~~] (2) to annex some or all of the remaining portion of the unincorporated island.

(8) Nothing in this section prohibits a municipal legislative body from excluding from a proposed annexation any property that is the subject of a protest, or excluding from a proposed annexation any property for any other reason, and proceeding with the annexation of the non-excluded property if:

(a) the non-excluded property complies with Subsection (1); and

(b) the requirements of Subsection (2) are met.

Section 14. Section **10-2-813** is renumbered and amended to read:

~~[10-2-425]~~ 10-2-813. Filing of notice and plat -- Recording and notice requirements -- Effective date of annexation or boundary adjustment.

[~~(1) As used in this section:~~]

[~~(a) "Annexation action" means:~~]

[~~(i) the enactment of an ordinance annexing an unincorporated area;~~]

[~~(ii) an election approving an annexation under Section 10-2a-404;~~]

[~~(iii) the enactment of an ordinance approving a boundary adjustment by each of the municipalities involved in the boundary adjustment; or~~]

[~~(iv) an automatic annexation that occurs on July 1, 2027 under Subsection 10-2-429(2)(b).~~]

[~~(b) "Applicable legislative body" means:~~]

[~~(i) the legislative body of each municipality that enacts an ordinance under this part approving the annexation of an unincorporated area or the adjustment of a boundary; or~~]

[~~(ii) the legislative body of a municipality to which an unincorporated island is automatically annexed under Section 10-2-429.~~]

[~~(2)~~] (1) An applicable legislative body shall:

(a) within 60 days after an annexation action, file with the lieutenant governor:

(i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3);

(ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

(iii) if applicable, a copy of [~~an agreement~~] a resolution under Subsection [~~10-2-429(2)(a)(ii)~~] 10-2-814(2)(a)(ii);

(b) upon the lieutenant governor's issuance of a certificate of annexation or boundary adjustment, as the case may be, under Section 67-1a-6.5:

(i) if the annexed area or area subject to the boundary adjustment is located within the boundary of a single county, submit to the recorder of that county the original notice of an impending boundary action, the original certificate of annexation or boundary adjustment, the original approved final local entity plat, and a certified copy of the ordinance approving the annexation or boundary adjustment; or

(ii) if the annexed area or area subject to the boundary adjustment is located within the boundaries of more than a single county:

(A) submit to the recorder of one of [~~those~~] the affected counties the original notice of impending boundary action, the original certificate of annexation or boundary adjustment, and the original approved final local entity plat;

(B) submit to the recorder of each other affected county a certified copy of the documents listed in Subsection [~~(2)(b)(ii)(A)~~] (1)(b)(ii)(A); and

(C) submit a certified copy of the ordinance approving the annexation or boundary adjustment to each county described in Subsections [~~(2)(b)(ii)(A)~~] (1)(b)(ii)(A) and (B); and

(c) concurrently with Subsection [~~(2)(b)~~] (1)(b):

(i) send notice of the annexation or boundary adjustment to each affected entity; and

(ii) in accordance with Section 53-2d-514, file with the Bureau of Emergency Medical Services:

(A) a certified copy of the ordinance approving the annexation of an unincorporated area or the adjustment of a boundary, if applicable; and

(B) a copy of the approved final local entity plat.

[~~(3)~~] (2) If an annexation under this part or a boundary adjustment under [~~this part~~] Part 9, Municipal Boundary Adjustments, also causes an automatic annexation to a special district under Section 17B-1-416 or an automatic withdrawal from a special district under Subsection 17B-1-502(2), the municipal legislative body shall, as soon as practicable after the lieutenant governor issues a certificate of annexation or boundary adjustment under Section 67-1a-6.5, send notice of the annexation or boundary adjustment to the special district to which the annexed area is automatically annexed or from which the annexed area is automatically withdrawn.

[~~(4)~~] (3) Each notice required under Subsection (1) relating to an annexation or boundary adjustment shall state the effective date of the annexation or boundary adjustment, as determined under Subsection [~~(5)~~] (4).

[~~(5)~~] (4) An annexation under this part or a boundary adjustment under [~~this part~~] Part 9, Municipal Boundary Adjustments, is completed and takes effect:

(a) for the annexation of or boundary adjustment affecting an area located in a county of the first class, except for an annexation under Section [~~10-2-418~~] 10-2-812:

(i) July 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or boundary adjustment if:

(A) the certificate is issued during the preceding November 1 through April 30; and

(B) the requirements of Subsection [~~(2)~~] (1) are met before that July 1; or

(ii) January 1 following the lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or boundary adjustment if:

(A) the certificate is issued during the preceding May 1 through October 31; and

(B) the requirements of Subsection [~~(2)~~] (1) are met before that January 1; and

(b) subject to Subsection [~~(6)~~] (5), for all other annexations and boundary adjustments, the date of the lieutenant governor's issuance, under Section 67-1a-6.5, of a certificate of annexation or boundary adjustment.

[~~(6)~~

~~(a) As used in this Subsection (6):~~]

[~~(i) "Affected area" means:~~]

[~~(A) in the case of an annexation, the annexed area; and~~]

[~~(B) in the case of a boundary adjustment, any area that, as a result of the boundary adjustment, is moved from within the boundary of one municipality to within the boundary of another municipality.~~]

[~~(ii) "Annexing municipality" means:~~]

[~~(A) in the case of an annexation, the municipality that annexes an unincorporated area or the municipality to which an unincorporated island is automatically annexed under Section 10-2-429; and~~]

[~~(B) in the case of a boundary adjustment, a municipality whose boundary includes an affected area as a result of a boundary adjustment.~~]

[~~(b)~~] (5)

(a) The effective date of an annexation or boundary adjustment for purposes of assessing property within an affected area is governed by Section 59-2-305.5.

[~~(c)~~] (b) Until the documents listed in Subsection [~~(2)(b)(i)~~] (1)(b)(i) are recorded in the office of the recorder of each county in which the property is located, a municipality may not:

(i) levy or collect a property tax on property within an affected area;

(ii) levy or collect an assessment on property within an affected area; or

(iii) charge or collect a fee for service provided to property within an affected area, unless the municipality was charging and collecting the fee within that area immediately before annexation.

Section 15. Section **10-2-814** is renumbered and amended to read:

~~[10-2-429]~~ 10-2-814. Automatic annexations in county of the first class.

(1) As used in this section:

(a) "Most populous bordering municipality" means the municipality with the highest population of any municipality that shares a common border with an unincorporated island.

(b) "Unincorporated island" means an area that is:

(i) within a county of the first class;

(ii) not within a municipality; and

(iii) completely surrounded by land that is within one or more municipalities within the county of the first class.

(2)

(a) Notwithstanding any other provision of this part, on July 1, 2027, an unincorporated island is automatically annexed to:

(i) the most populous bordering municipality, except as provided in Subsection (2)(a)(ii); or

(ii) a municipality other than the most populous bordering municipality if:

(A) the other municipality shares a common border with the unincorporated island; and

(B) the other municipality and the most populous bordering municipality each adopt a resolution agreeing that the unincorporated island should be annexed to the other municipality.

(b) The effective date of an annexation under Subsection (2)(a) is governed by Section [~~10-2-425~~] 10-2-813.

Section 16. Section **10-2-815** is renumbered and amended to read:

~~[10-2-422]~~ 10-2-815. Conclusive presumption of annexation.

An area annexed to a municipality under this part shall be conclusively presumed to have been validly annexed if:

(1) the municipality has levied and the taxpayers within the area have paid property taxes for more than one year after annexation; and

(2) no resident of the area has contested the annexation in a court of proper jurisdiction during the year following annexation.

Section 17. Section **10-2-816** is renumbered and amended to read:

~~[10-2-420]~~ 10-2-816. Bonds not affected by annexations -- Payment of property taxes.

(1) [~~A boundary adjustment or~~] An annexation under this part may not jeopardize or endanger any general obligation or revenue bond.

(2) A bondholder may require the payment of property taxes from any area that:

(a) was included in the taxable value of the municipality or other governmental entity issuing the bond at the time the bond was issued; and

(b) is no longer within the boundaries of the municipality or other governmental entity issuing the bond due to [~~the boundary adjustment or~~] an annexation.

Section 18. Section **10-2-817** is renumbered and amended to read:

~~[10-2-421]~~ 10-2-817. Electric utility service in annexed area -- Reimbursement for value of facilities -- Liability -- Arbitration.

(1) As used in this section:

(a) "Commission" means the Public Service Commission established in Section 54-1-1.

(b) "Current replacement cost" means the cost the transferring party would incur to construct the facility at the time of transfer using the transferring party's:

(i) standard estimating rates and standard construction methodologies for the facility; and

(ii) standard estimating process.

(c) "Depreciation" means an amount calculated:

(i) based on:

(A) the life and depreciation mortality curve most recently set for the type of facility in the depreciation rates set by the commission or other governing regulatory authority for the electrical corporation; or

(B) a straight-line depreciation rate that represents the expended life if agreed to by the transferring and receiving parties; and

(ii) to include the gross salvage value of the type of facility based on the latest depreciation life approved by the commission or other governing regulatory authority for the electrical corporation, with a floor at the gross salvage value of the asset and in no case less than zero.

(d) "Electrical corporation" means:

(i) an entity as defined in Section 54-2-1; or

(ii) an improvement district system described in Subsection 17B-2a-403(1)(a)(iv).

(e) "Facility" means electric equipment or infrastructure used to serve an electric customer, above ground or underground, including:

(i) a power line, transformer, switch gear, pole, wire, guy anchor, conductor, cable, or other related equipment; or

(ii) a right-of-way, easement, or any other real property interest or legal right or interest used to operate and maintain the electric equipment or infrastructure.

(f) "Facility transfer" means the transfer of a facility from a transferring party to a receiving party in accordance with Subsection (3).

(g) "Lost or stranded facility" means a facility that is currently used by a transferring party that will no longer be used, whether in whole or in part, as a result of a facility transfer.

(h) "Receiving party" means a municipality or electrical corporation to whom a facility is transferred.

(i) "Transferring party" means a municipality or electrical corporation that transfers a facility.

(2)

(a) If an electric customer in an area being annexed by a municipality receives electric service from an electrical corporation that is not an improvement district system described in Subsection 17B-2a-403(1)(a)(iv), the municipality may not, without the agreement of the electrical corporation, furnish municipal electric service to any electric customer in the annexed area until the municipality has reimbursed the electrical corporation for the value of each facility used to serve any electric customer within the annexed area, including the value of any facility owned by a wholesale electric cooperative affiliated with the electrical corporation, dedicated to provide service to the annexed area.

(b) If an electric customer in an area being annexed by a municipality receives electric service from an electrical corporation that is an improvement district system described in Subsection 17B-2a-403(1)(a)(iv), the municipality may not, without the agreement of the electrical corporation, furnish

municipal electric service to the 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.

(3) The following procedures [~~shall~~] apply if a municipality transfers a facility to an electrical corporation in accordance with Section 10-8-14 or if an electrical corporation transfers a facility to a municipality in accordance with Subsection (2), Section 54-3-30, or 54-3-31:

(a) [~~The~~] the transferring party shall provide a written estimate of the transferring party's cost of preparing the inventory required in Subsection (3)(c) to the receiving party no later than 60 days after the date of notice from the receiving party[~~.~~] ;

(b)

(i) [~~The~~] the receiving party shall pay the estimated cost of preparing the inventory to the transferring party no later than 60 days after the day that the receiving party receives the written estimate[~~.~~] ; or

(ii) [~~If~~] if the actual cost of preparing the inventory differs from the estimated cost, the transferring party shall include the difference between the actual cost and the estimated cost in the reimbursement described in Subsection (5)[~~.~~] ;

(c) [~~Except~~] except as provided in Subsection (3)(f), the transferring party shall prepare, in accordance with Subsection (4), and deliver the inventory to the receiving party no later than 180 days after the day that the transferring party receives the payment specified in Subsection (3)(b)[~~.~~] ;

(d)

(i) [~~At~~] at any time, the parties may by agreement correct or update the inventory[~~.~~] ; or

(ii) [~~If~~] if the parties are unable to reach an agreement on an updated inventory, they shall:

(A) proceed with the facility transfer and reimbursement based on the inventory as submitted in accordance with Subsection (3)(c); and

(B) resolve their dispute as provided in Subsection (6)[~~.~~] ;

(e) [~~Except~~] except as provided in Subsection (3)(f), the parties shall complete each facility transfer and reimbursement contemplated by this Subsection (3) no later than 180 days after the date that the transferring party delivers the inventory to the receiving party in accordance with Subsection (3)(c)[~~.~~] ; and

(f) [~~The~~] the periods specified in Subsections (3)(c) and (e) may be extended for up to an additional 90 days by agreement of the parties.

(4)

(a) The inventory prepared by a transferring party in accordance with Subsection (3)(c) shall include an identification of each facility to be transferred and the amount of reimbursement as provided in Subsection (5).

(b) The transferring party may not include in the inventory a facility that the transferring party removed from service for at least 36 consecutive months prior to the date of the inventory, unless the facility was taken out of service as a result of an action by the receiving party.

(5)

(a) Unless otherwise agreed by the parties, the reimbursement for the transfer of each facility shall include:

(i) the cost of preparing the inventory as provided in Subsection (3)(b);

(ii) subject to Subsection (5)(b)(i), the value of each transferred facility calculated by the current replacement cost of the facility less depreciation based on facility age;

(iii) the cost incurred by the transferring party for:

(A) the physical separation of each facility from its system, including the cost of any facility constructed or installed that is necessary for the transferring party to continue to provide reliable electric service to its remaining customers;

(B) administrative, engineering, and record keeping expenses incurred by the transferring party for the transfer of each facility to the receiving party, including any difference between the actual cost of preparing the inventory and the estimated cost of preparing the inventory; and

(C) reimbursement for any tax consequences to the transferring party resulting from each facility transfer;

(iv) the value of each lost or stranded facility of the transferring party based on the valuation formula described in Subsection (5)(a)(ii) or as otherwise agreed by the parties;

(v) the diminished value of each transferring party facility that will not be transferred based on the percentage of the facility that will no longer be used as a result of the facility transfer; and

(vi) the transferring party's book value of a right-of-way or easement transferred with each facility.

(b)

(i)

(A) The receiving party may review the estimation of the current replacement costs of each facility, including the wage rates, material costs, overhead assumptions, and other pricing used to establish the estimation of the current replacement costs of the facility.

(B) Prior to reviewing the estimation, the receiving party shall enter into a nondisclosure agreement acceptable to the transferring party.

(C) The nondisclosure agreement shall restrict the use of the information provided by the transferring party solely for the purpose of reviewing the estimation of the current replacement cost and preserve the confidentiality of the information to prevent any effect on a competitive bid received by either party.

(ii)

(A) If the age of a facility may be readily determined by the transferring party, the transferring party shall use that age to determine the facility's depreciation.

(B) If the age of a facility cannot be readily determined, the transferring party shall estimate the age of the facility based on the average remaining life approved for the same type of facility in the most current depreciation rates set by the commission or other governing regulatory authority for the electrical corporation.

(c)

(i)

(A) A transferring party that transfers a facility in accordance with this section shall, upon delivery of a document conveying title to the receiving party, transfer the facility without any express or implied warranties.

(B) A receiving party that receives a facility in accordance with this section shall, upon receipt of a document conveying title, accept the facility in its existing condition and assume any and all liability, fault, risk, or potential loss arising from or related to the facility.

(ii) Notwithstanding Subsection (5)(c)(i), if, within six months after the date that any oil filled equipment is transferred, the receiving party discovers that a transferred oil filled equipment contains polychlorinated biphenyl, the transferring party shall reimburse the receiving party for the cost of testing and disposal of that oil filled equipment.

(6)

(a) If the parties cannot agree on each facility to be transferred or the respective reimbursement amount, the parties shall:

(i) proceed with the facility transfer and the reimbursement based on the inventory as submitted by the transferring party in accordance with Subsection (3)(c) and in accordance with the schedule provided in Subsection (3)(e); and

(ii) submit the dispute for mediation or arbitration.

(b) The parties shall share equally in the costs of mediation or arbitration.

(c) If the parties are unable to resolve the dispute through mediation or arbitration, either party may bring an action in the state court of jurisdiction.

(d) The arbitrator, or state court if the parties cannot agree on arbitration, shall determine each facility to be transferred and the amount to be reimbursed in accordance with Subsection (5).

(e) If the arbitrator or state court determines that:

(i) a transferring party transferred a facility that should not have been transferred, the receiving party shall return the facility;

(ii) a party did not transfer a facility that should have been transferred, the party that should have transferred the facility shall transfer the facility to the party to whom the facility should have been transferred;

(iii) the amount reimbursed by the receiving party is insufficient, the receiving party shall pay the difference to the transferring party; or

(iv) the amount reimbursed by the receiving party is more than the amount that should have been reimbursed, the transferring party shall pay the difference to the receiving party.

(7) Unless otherwise agreed upon in writing by the parties:

(a) a party shall transfer a facility to be transferred in accordance with Subsection (6)(e) no later than 60 days after the day that the arbitrator or court issues a determination unless the parties mutually agree to a longer time to complete the transfer; and

(b) a party shall:

(i) pay an amount required to be paid in accordance with Subsection (6)(e) no later than 30 days after the day that the arbitrator or court issues a determination; and

(ii) include interest in the payment at the overall rate of return on the rate base most recently authorized by the commission or other governing regulatory agency for the electrical corporation from the date the reimbursement was originally paid until the difference is paid.

(8)

(a) Nothing in this section limits the availability of other damages under law arising by virtue of an agreement between the municipality and the electrical corporation.

(b) Notwithstanding Subsection (8)(a), a party described in this section is not entitled to an award for:

(i) damages that are indirect, incidental, punitive, exemplary, or consequential;

(ii) lost profits; or

(iii) other business interruption damages.

(9) Nothing in this section or Section 10-8-14, 54-3-30, or 54-3-31 applies to a transfer of facilities from an electrical corporation to a municipality in accordance with a decision by a municipality that did not previously provide electric service and seeks to commence providing electric service to a customer currently served by an electrical corporation within the municipal boundary.

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

Section 19. Section **19** is enacted to read:

Part 9. Municipal Boundary Adjustments

10-2-901. Definitions.

As used in this part:

(1) "Affected area" means any area that, as a result of the boundary adjustment, is moved from within the boundary of one municipality to within the boundary of another municipality.

(2) "Annexing municipality" means a municipality whose boundary includes an affected area as a result of a boundary adjustment.

(3) "Municipal records officer" means the same as that term is defined in Section 10-2-801.

(4) "Owner of real property" means the same as that term is defined in Section 10-2-801.

Section 20. Section **20** is enacted to read:

10-2-902. Valuation of private real property -- Determining consent to petition or protest by owners of real property.

(1) For purposes of implementing the provisions of this part, the value of private real property shall be determined according to the provisions of Section 10-2-802.

(2) For purposes of implementing the provisions of this part requiring an owner of private real property to sign a petition or protest, determining the appropriate individual to sign the petition or protest shall be determined according to the provisions of Section 10-2-802.

Section 21. Section **10-2-903** is renumbered and amended to read:

~~[10-2-419]~~ 10-2-903. Municipal boundary adjustment -- Notice and hearing -- Protest.

(1) The legislative bodies of two or more municipalities having common boundaries may adjust [~~their~~] the common boundaries as provided in this section.

(2) The legislative body of each municipality intending to adjust a boundary that is common with another municipality shall:

(a) adopt a resolution indicating the intent of the municipal legislative body to adjust a common boundary; and

(b) hold a public hearing on the proposed adjustment no less than 60 days after the adoption of the resolution under Subsection (2)(a).

(3) A legislative body described in Subsection (2) shall provide notice of a public hearing described in Subsection (2)(b):

(a) for the municipality, as a class B notice under Section 63G-30-102, for at least three weeks before the day of the public hearing; and

(b) if the proposed boundary adjustment may cause any part of real property owned by the state to be within the geographic boundary of a different local governmental entity than before the adjustment, by providing written notice, at least 50 days before the day of the public hearing, to:

(i) the title holder of any state-owned real property described in this Subsection (3)(b); and

(ii) the Utah State Developmental Center Board, created under Section 26B-1-429, if any state-owned real property described in this Subsection (3)(b) is associated with the Utah State Developmental Center.

(4) The notice described in Subsection (3) shall:

(a) state that the municipal legislative body has adopted a resolution indicating the municipal legislative body's intent to adjust a boundary that the municipality has in common with another municipality;

(b) describe the area proposed to be adjusted;

(c) state the date, time, and place of the public hearing described in Subsection (2)(b);

(d) state in conspicuous and plain terms that the municipal legislative body will adjust the boundaries unless, at or before the public hearing described in Subsection (2)(b), a written protest to the adjustment is filed by:

(i) an owner of private real property that:

(A) is located within the area proposed for adjustment;

(B) covers at least 25% of the total private land area within the area proposed for adjustment; and

(C) is equal in value to at least 15% of the value of all private real property within the area proposed for adjustment; or

(ii) a title holder of state-owned real property described in Subsection (3)(b);

(e) state that the area that is the subject of the boundary adjustment will, because of the boundary adjustment, be automatically annexed to a special district providing fire protection, paramedic, and

emergency services or a special district providing law enforcement service, as the case may be, as provided in Section 17B-1-416, if:

(i) the municipality to which the area is being added because of the boundary adjustment is entirely within the boundaries of a special district:

(A) that provides fire protection, paramedic, and emergency services or law enforcement service, respectively; and

(B) in the creation of which an election was not required because of Subsection 17B-1-214(3)(c); and

(ii) the municipality from which the area is being taken because of the boundary adjustment is not within the boundaries of the special district; and

(f) state that the area proposed for annexation to the municipality will be automatically withdrawn from a special district providing fire protection, paramedic, and emergency services, as provided in Subsection 17B-1-502(2), if:

(i) the municipality to which the area is being added because of the boundary adjustment is not within the boundaries of a special district:

(A) that provides fire protection, paramedic, and emergency services; and

(B) in the creation of which an election was not required because of Subsection 17B-1-214(3)(c); and

(ii) the municipality from which the area is being taken because of the boundary adjustment is entirely within the boundaries of the special district.

(5) Upon conclusion of the public hearing described in Subsection (2)(b), the municipal legislative body may adopt an ordinance approving the adjustment of the common boundary unless, at or before the hearing described in Subsection (2)(b), a written protest to the adjustment is filed with the [~~city recorder or town clerk~~] municipal records officer by a person described in Subsection (3)(b)(i) or (ii).

(6) The municipal legislative body of an annexing municipality shall, in regarding to an affected area, comply with the requirements of Section [~~10-2-425~~] 10-2-813 in regard to the filing of notice and plat and recording a boundary adjustment as if the boundary adjustment were an annexation.

(7)

(a) An ordinance adopted under Subsection (5) becomes effective when each municipality involved in the boundary adjustment has adopted an ordinance under Subsection (5).

(b) The effective date of a boundary adjustment under this section is governed by Section [~~10-2-425~~] 10-2-813.

Section 22. Section **22** is enacted to read:

10-2-904. Bonds not affected by municipal boundary adjustment -- Payment of property taxes.

(1) A boundary adjustment under this part may not jeopardize or endanger any general obligation or revenue bond.

(2) A bondholder may require the payment of property taxes from any area that:

(a) was included in the taxable value of the municipality or other governmental entity issuing the bond at the time the bond was issued; and

(b) is no longer within the boundaries of the municipality or other governmental entity issuing the bond due to a boundary adjustment.

Section 23. Section **23** is enacted to read:

10-2-905. Municipal boundary adjustment effect on local districts and special service districts.

(1) a local district under Title 17B, Limited Purpose Local Government Entities -- Special Districts; or

(2) a special service district under Title 17D, Chapter 1, Special Service District Act.

Section 24. Section **10-2a-103** is amended to read:

10-2a-103. Incorporation of a contiguous area -- Incorporation of a community council area -- Incorporation involving more than one county.

(1)

(a) An unincorporated contiguous area of a county not within a municipality may incorporate as a municipality as provided in this chapter.

(b) Two or more unincorporated islands, as defined in Section [~~10-2-429~~] 10-2-814, that are not contiguous with each other may incorporate as a municipality, as provided in this chapter, if:

(i) those unincorporated islands are part of a community council area; and

(ii) a feasibility request for the proposed incorporation of the community council area is submitted under Section 10-2a-202 no later than May 1, 2025.

(2) If a proposed incorporation relates to an area in more than one county:

(a) the individual who files the feasibility request shall file the request with each county containing a portion of the area proposed for incorporation; and

(b) the counties shall work together, in accordance with direction given by the lieutenant governor, to complete the actions required by this chapter.

Section 25. Section **10-2a-107** is amended to read:

10-2a-107. Effect of incorporation of community council area.

(1) As used in this section:

(a) "Service area" means the area for which a service provider provided municipal services to an unincorporated island immediately before the incorporation of a community council municipality that includes the previously unincorporated island.

(b) "Service provider" means a special district or other provider of municipal services that, before the incorporation of a community council municipality, provided service to the service area.

(c) "Unincorporated island" means the same as that term is defined in Section [~~10-2-429~~] 10-2-814.

(2) An incorporation of a community council municipality does not affect the boundary of any service provider, subject to any future change in the boundary as provided by applicable law.

(3) All roads and other utilities that before incorporation of a community council municipality were under the jurisdiction of the county in which the community council municipality is located become, upon incorporation, under the jurisdiction of the community council municipality.

Section 26. Section **10-2a-201.5** is amended to read:

10-2a-201.5. Qualifications for incorporation.

(1)

(a) An area may incorporate as a town in accordance with this part if the area:

(i)

(A) is contiguous; or

(B) is a community council area;

(ii) has a population of at least 100 people, but fewer than 1,000 people; and

(iii) is not already part of a municipality.

(b) A preliminary municipality may transition to, and incorporate as, a town, in accordance with Section 10-2a-510.

(c) An area may incorporate as a city in accordance with this part if the area:

(i)

(A) is contiguous; or

(B) is a community council area;

(ii) has a population of 1,000 people or more; and

(iii) is not already part of a municipality.

(2)

(a) An area may not incorporate under this part if:

(i) the area has a population of fewer than 100 people; or

(ii) except as provided in Subsection (2)(b), the area has an average population density of fewer than seven people per square mile.

(b) Subsection (2)(a)(ii) does not prohibit incorporation of an area if:

(i) noncompliance with Subsection (2)(a)(ii) is necessary to connect separate areas that share a demonstrable community interest; and

(ii) the area is contiguous.

(3) An area incorporating under this part may not include land owned by the United States federal government unless:

(a) the area, including the land owned by the United States federal government, is contiguous; and

(b)

(i) incorporating the land is necessary to connect separate areas that share a demonstrable community interest; or

(ii) excluding the land from the incorporating area would create an unincorporated island within the proposed municipality.

(4)

(a) Except as provided in Subsection (4)(b), an area incorporating under this part may not include some or all of an area proposed for annexation in an annexation petition under Section [~~10-2-403~~] 10-2-806 that:

(i) was filed before the filing of the request for a feasibility study, described in Section 10-2a-202, relating to the incorporating area; and

(ii) is still pending on the date the request for the feasibility study described in Subsection (4)(a)(i) is filed.

(b) A feasibility request may propose for incorporation an area that includes some or all of an area proposed for annexation in an annexation petition described in Subsection (4)(a) if:

(i) the proposed annexation area that is part of the area proposed for incorporation does not exceed 20% of the area proposed for incorporation;

(ii) the feasibility request complies with Subsections 10-2a-202(1), (3), (4), and (5) with respect to excluding the proposed annexation area from the area proposed for incorporation; and

(iii) excluding the area proposed for annexation from the area proposed for incorporation would not cause the area proposed for incorporation to not be contiguous.

(c) Except as provided in Section 10-2a-206, the lieutenant governor shall consider each feasibility request to which Subsection (4)(b) applies as not proposing the incorporation of an area proposed for annexation.

(5)

(a) An area incorporating under this part may not include part of a parcel of real property and exclude part of that same parcel unless the owner of the parcel gives written consent to exclude part of the parcel.

(b) A piece of real property that has more than one parcel number is considered to be a single parcel for purposes of Subsection (5)(a) if owned by the same owner.

~~{Section 27. Section **10-2a-204.3** is amended to read: }~~

10-2a-204.3. Notice to property owners -- First public hearing.

(1) The lieutenant governor or the lieutenant governor, with the assistance of the relevant county clerk, shall:

(a) hold the first public hearing in relation to the proposed incorporation, at a location [~~approved~~] in the county selected by the lieutenant governor, no later than 30 days after the day on which the lieutenant governor certifies the feasibility request under Subsection 10-2a-204(5);

(b) publish notice of the hearing in accordance with Subsection 10-2a-207(7); and

(c) within seven calendar days after the day on which the lieutenant governor certifies the feasibility request under Subsection 10-2a-204(5), mail written notice of the proposed incorporation and of the first public hearing described in this section to:

(i) each residence within, and each owner of real property located within:

(A) the proposed incorporation boundaries; and

(B) 300 feet of the proposed incorporation boundaries; and

(ii) the contact sponsor[~~; and~~] .

[~~(iii) the lieutenant governor.~~]

(2) The written notice provided by the county clerk under Subsections (1)(b) and (c) shall include:

(a) the following statement:

"NOTICE OF PROPOSED INCORPORATION AND FIRST PUBLIC HEARING

You have received this notice because you reside or own property within an area proposed for incorporation, or an area within 300 feet of an area proposed for incorporation. The first public hearing in relation to the proposed incorporation will be held on [insert date, time, and location]. The purpose of the first public hearing is to provide information regarding the proposed incorporation, the incorporation process, including the process for deciding whether to incorporate, and certain rights you may have in relation to the proposed incorporation. A specified landowner, as defined in Utah Code Section 10-2a-204.5, may, within 30 days after the day of the public hearing, request that the county clerk exclude all or part of the specified landowner's land from the area proposed for incorporation. A specified landowner may not request exclusion after the end of the 30-day period. Any owner of land within a county where the area proposed for incorporation is located may, within 30 days after the day of the public hearing, request that the county clerk include all or part of that land in the area proposed for incorporation. An owner of land may not request inclusion after the end of the 30-day period."; and

(b) a clear description of the area proposed for incorporation.

(3) [~~Notwithstanding that the county conducts the first public hearing, the~~] The lieutenant governor, or a designee of the lieutenant governor, shall:

(a) direct the proceedings at the first public hearing, with the assistance of the county clerk as needed;

(b) provide information regarding the proposed incorporation, the incorporation process, including the process for deciding whether to incorporate, and the rights citizens may have in relation to the proposed incorporation;

(c) describe the process by which a specified landowner may request that the county clerk exclude all or part of the specified landowner's land from the area proposed for incorporation;

(d) describe the process by which an owner of land described in Subsection 10-2a-204.5(2)(b) may request that the county clerk include all or part of that land in the area proposed for incorporation;

(e) describe the criteria for granting a request for exclusion or inclusion of land; and

(f) answer questions from individuals who attend the first public hearing.

(4) The contact sponsor, or an agent of the contact sponsor, and the county clerk, or an employee of the county clerk designated by the county clerk, shall attend the first public hearing.

(5) The county clerk shall:

(a) provide the location and equipment for the public hearing, subject to approval by the lieutenant governor; and

(b) ensure compliance with the requirements of Title 52, Chapter 4, Open and Public Meetings Act, in relation to the public hearing.

Section 27. Section **10-2a-205** is amended to read:

10-2a-205. Feasibility study -- Feasibility study consultant -- Qualifications for proceeding with incorporation.

(1)

(a) The lieutenant governor shall, within 10 days after the day on which the lieutenant governor certifies a feasibility request under Subsection 10-2a-204(5)(a):

(i) estimate the cost of a feasibility study under this section; and

(ii) provide the estimated cost to the feasibility request sponsors.

(b) The feasibility request sponsors shall pay to the lieutenant governor the amount of the estimated cost under Subsection (1)(a) of a feasibility study conducted on or after May 1, 2024.

(c) Within 90 days after the feasibility request sponsors pay the estimated feasibility study cost under Subsection (1)(a), the lieutenant governor shall, in accordance with Subsection (2), engage a feasibility consultant to conduct a feasibility study.

(2) The lieutenant governor shall:

(a) select a feasibility consultant in accordance with Title 63G, Chapter 6a, Utah Procurement Code;

(b) ensure that the feasibility consultant:

(i) has expertise in the processes and economics of local government;

(ii) is independent of and not affiliated with a sponsor of the feasibility request or the county in which the proposed municipality is located; and

(iii) for a feasibility study for the proposed incorporation of a community council area, has expertise in the processes and economics of a municipal services district providing municipal services to an unincorporated island, as defined in Section [~~10-2-429~~] 10-2-814; and

(c) require the feasibility consultant to:

(i) submit a draft of the feasibility study to each applicable person with whom the feasibility consultant is required to consult under Subsection (3)(c) within 90 days after the day on which the lieutenant governor engages the feasibility consultant to conduct the study;

(ii) allow each person to whom the consultant provides a draft under Subsection (2)(c)(i) to review and provide comment on the draft;

(iii) submit a completed feasibility study, including a one-page summary of the results, to the following within 120 days after the day on which the lieutenant governor engages the feasibility consultant to conduct the feasibility study:

(A) the lieutenant governor;

(B) the county legislative body of the county in which the incorporation is proposed;

(C) the contact sponsor; and

(D) each person to whom the consultant provided a draft under Subsection (2)(c)(i); and

(iv) attend the public hearings described in Section 10-2a-207 to present the feasibility study results and respond to questions from the public.

(3)

(a) The feasibility study shall include:

(i) an analysis of the population and population density within the area proposed for incorporation and the surrounding area;

(ii) the current and projected five-year demographics and tax base within the boundaries of the proposed municipality and surrounding area, including household size and income, commercial and industrial development, and public facilities;

(iii) subject to Subsection (3)(b), the current and five-year projected cost of providing municipal services to the proposed municipality, including administrative costs;

(iv) assuming the same tax categories and tax rates as currently imposed by the county and all other current service providers, the present and five-year projected revenue for the proposed municipality;

(v) an analysis of the risks and opportunities that might affect the actual costs described in Subsection (3)(a)(iii) or revenues described in Subsection (3)(a)(iv) of the newly incorporated municipality;

(vi) an analysis of new revenue sources that may be available to the newly incorporated municipality that are not available before the area incorporates, including an analysis of the amount of revenues the municipality might obtain from those revenue sources;

(vii) the projected tax burden per household of any new taxes that may be levied within the proposed municipality within five years after incorporation;

(viii) the fiscal impact of the municipality's incorporation on unincorporated areas, other municipalities, special districts, special service districts, and other governmental entities in the county; and

(ix) if the county clerk excludes property from, or includes property in, the proposed municipality under Section 10-2a-204.5, an update to the map and legal description described in Subsection 10-2a-202(3)(c).

(b)

(i) In calculating the projected costs under Subsection (3)(a)(iii), the feasibility consultant shall assume the proposed municipality will provide a level and quality of municipal services that fairly and reasonably approximate the level and quality of municipal services that are provided to the area of the proposed municipality at the time the feasibility consultant conducts the feasibility study.

(ii) In calculating the current cost of a municipal service under Subsection (3)(a)(iii), the feasibility consultant shall consider:

(A) the amount it would cost the proposed municipality to provide the municipal service for the first five years after the municipality's incorporation; and

(B) the current municipal service provider's present and five-year projected cost of providing the municipal service.

(iii) In calculating costs under Subsection (3)(a)(iii), the feasibility consultant shall account for inflation and anticipated growth.

(c) In conducting the feasibility study, the feasibility consultant shall consult with the following before submitting a draft of the feasibility study under Subsection (2)(c)(i):

(i) if the proposed municipality will include lands owned by the United States federal government, the entity within the United States federal government that has jurisdiction over the land;

(ii) if the proposed municipality will include lands owned by the state, the entity within state government that has jurisdiction over the land;

(iii) each entity that provides a municipal service to a portion of the proposed municipality; and

(iv) each other special service district that provides services to a portion of the proposed municipality.

(4) If the five-year projected revenues calculated under Subsection (3)(a)(iv) exceed the five-year projected costs calculated under Subsection (3)(a)(iii) by more than 5%, the feasibility consultant shall project and report the expected annual revenue surplus to the contact sponsor and the lieutenant governor.

(5)

(a) Except as provided in Subsection (5)(b), if the results of the feasibility study, or a supplemental feasibility study described in Section 10-2a-206, show that the average annual amount of revenue calculated under Subsection (3)(a)(iv) does not exceed the average annual cost calculated under Subsection (3)(a)(iii) by more than 5%, the process to incorporate the area that is the subject of the feasibility study or supplemental feasibility study may not proceed.

(b) The process to incorporate an area described in Subsection (5)(a) may proceed if a subsequent supplemental feasibility study conducted under Section 10-2a-206 for the proposed incorporation demonstrates compliance with Subsection (5)(a).

(6) If the results of the feasibility study or revised feasibility study do not comply with Subsection (5), and if requested by the sponsors of the request, the feasibility consultant shall, as part of the feasibility study or revised feasibility study, make recommendations regarding how the boundaries of the proposed municipality may be altered to comply with Subsection (5).

(7) The lieutenant governor shall post a copy of the feasibility study, and any supplemental feasibility study described in Section 10-2a-206, on the lieutenant governor's website and make a copy available for public review at the lieutenant governor's office.

Section 28. Section **10-2a-205.5** is amended to read:

10-2a-205.5. Additional feasibility consultant considerations for proposed incorporation of community council area -- Additional feasibility study requirements.

(1) As used in this section:

(a) "Applicable community council" means the community council that represents the community council area that is proposed to be incorporated.

(b) "Request sponsors" means the sponsors of a feasibility request relating to the proposed incorporation of a community council area.

(2) Subsections 10-2a-205(3)(a) and (b) do not apply to a feasibility study for a proposed incorporation of a community council area.

(3) A feasibility consultant conducting a feasibility study for a proposed incorporation of a community council area shall consider:

(a) population and population density within the community council area;

(b) current and five-year projections of demographics and economic base in the community council area, including household size and income, commercial and industrial development, and public facilities;

(c) projected population growth in the community council area during the next five years;

(d) subject to Subsection (4)(a), the present and five-year projections of the cost, including overhead, of providing the same or a similar service in the community council area as is provided by the municipal services district, including a comparison of:

(i) the estimated cost if the municipal services district continues to provide service;

(ii) the estimated cost if the community council municipality provides service directly or through a contract with another service provider; and

(iii) the estimated cost if an unincorporated island within the community council area is annexed under Section [~~10-2-429~~] 10-2-814 and the annexing municipality provides service;

(e) subject to Subsection (4)(a), evaluating the present and five-year projections of the cost, including overhead, of a municipal services district providing municipal services to the community council area, comparing those costs assuming that the community council area is included in the service area of the municipal services district with those costs assuming that the community council area is excluded from the service area of the municipal services district;

(f) a projection of any new taxes per household that may be levied within the community council municipality within five years after incorporation;

(g) the fiscal impact that the community council area's incorporation will have on other municipalities and unincorporated areas served by the municipal services district, including any rate increase that may become necessary to maintain required coverage ratios for the municipal services district's debt if, after incorporation:

(i) the municipal services district continues to provide service to the community council area; or

(ii) the community council area provides service directly or through contract with another service provider;

(h) the physical and other assets that will be required by the municipal services district to provide, without interruption or diminution of service, the same or a similar service to the community council municipality upon incorporation;

(i) the physical and other assets that will no longer be required by the municipal services district to continue to provide the current level of service to the remainder of the service area without the

community council area if the community council area incorporates and provides services directly or through contract with another service provider;

(j) the number and classification of municipal services district employees who will no longer be required to serve the remaining portions of the service area if a community council area provides service directly or through contract with another service provider upon incorporation, including the dollar amount of the wages, salaries, and benefits attributable to the employees and the estimated cost associated with termination of the employees if the community council municipality does not employ the employees;

(k) if the community council municipality will provide service directly or through another service provider, the effects of maintaining as a base, for a period of three years, the existing schedule of pay and benefits for municipal services district employees who may be transferred to the employment of the community council municipality or to another service provider with which the community council municipality contracts for service; and

(l) any other factor that the feasibility consultant considers relevant to the cost of providing municipal services as a result of a community council area's incorporation or the annexation of one or more unincorporated islands under Section [~~10-2-429~~] 10-2-814.

(4)

(a) For purposes of Subsections (3)(d) and (e):

(i) the feasibility consultant shall assume a level and quality of service to be provided in the future to the community council municipality that fairly and reasonably approximates the level and quality of service that the municipal services district provides to the community council area at the time of the feasibility study;

(ii) in determining the present-value cost of a service that the municipal services district provides, the feasibility consultant shall consider:

(A) the cost to the community council municipality of providing the service for the first five years after incorporation;

(B) the municipal services district's present and five-year projected cost of providing the same service to the community council area;

(C) the present and five-year projected cost of providing the same or a similar service to the community council area if service is provided by a municipality to which one or more unincorporated islands are annexed under Section [~~10-2-429~~] 10-2-814;

(D) evaluate and detail the expected cost savings and qualitative benefits that result from a service provider other than the proposed municipality providing some municipal services;

(E) incorporate into the overall cost projection for the proposed municipality the potential for municipal services to be provided by a service provider other than the proposed municipality; and

(F) evaluate and detail projected costs for municipal services based on the proposed municipality providing municipal services as compared to service providers other than the proposed municipality providing municipal services funded by those other service providers; and

(iii) the feasibility consultant shall consider inflation and anticipated population growth in calculating the cost of providing service.

(b) A feasibility consultant may not consider an allocation of municipal services district assets or a transfer of municipal services district employees to the extent that the allocation or transfer would impair the municipal services district's ability to continue to provide the current level of service to the remainder of the municipal services district's service area without the community council area, unless the municipal services district consents to the allocation or transfer.

(5)

(a) A feasibility consultant shall prepare a written report of the results of the feasibility study.

(b) A report under Subsection (5)(a) shall:

(i) contain a recommendation as to whether the proposed incorporation of the community council area is functionally and financially feasible for the community council area;

(ii) include any conditions the feasibility consultant determines are required to be satisfied to make the incorporation functionally and financially feasible; and

(iii) compare the costs of incorporation to the costs of the unincorporated islands within the community council area being annexed under Section [~~10-2-429~~] 10-2-814.

(c)

(i) Before finalizing a written report under this Subsection (5), the feasibility consultant shall provide a copy of a draft feasibility study report to the request sponsors and the county for their review and comments.

(ii) Based on comments provided under Subsection (5)(c)(i), a feasibility consultant may adjust the draft feasibility study report before finalizing the report.

(6) Upon completion of the feasibility study and preparation of a written report, the feasibility consultant shall deliver a copy of the report to:

(a) the applicable community council;

(b) the request sponsors;

(c) the municipal services district that provides service to the community council area;

(d) the county in which the community council area is located; and

(e) each municipality that borders any part of the community council area.

(7)

(a)

(i) If the request sponsors or the county in which the community council area is located disagrees with any aspect of a feasibility study report or, if applicable, a feasibility study report modified under Subsection (7)(c), the request sponsors or county may, within 20 business days after receiving a copy of the report under Subsection (6) or a copy of a modified feasibility study report under Subsection (7)(c)(ii), submit to the feasibility consultant a written objection detailing the disagreement.

(ii) Request sponsors who submit a written objection under Subsection (7)(a)(i) shall simultaneously deliver a copy of the objection to the county.

(iii) A county that submits a written objection under Subsection (7)(a)(i) shall simultaneously deliver a copy of the objection to the request sponsors.

(b)

(i) The request sponsors or a county may, within 10 business days after receiving an objection under Subsection (7)(a)(i), submit to the feasibility consultant a written response to the objection.

(ii) The request sponsors who submit a response under Subsection (7)(b)(i) shall simultaneously deliver a copy of the response to the county.

(iii) A county that submits a response under Subsection (7)(b)(i) shall simultaneously deliver a copy of the response to the request sponsors.

(c) If an objection is filed under Subsection (7)(a)(i), the feasibility consultant shall, within 20 business days after the expiration of the deadline under Subsection (7)(b)(i) for submitting a response to an objection:

(i)

(A) modify the feasibility study report; or

(B) explain in writing why the feasibility consultant is not modifying the feasibility study report; and

(ii) deliver the modified feasibility study report or written explanation to:

(A) the request sponsors;

(B) the municipal services district that provides service to the community council area;

(C) the county in which the community council area is located; and

(D) each municipality that borders any part of the community council area.

(d) Within seven days after the expiration of the deadline under Subsection (7)(a)(i) for submitting an objection or, if an objection is submitted, within seven days after receiving a modified feasibility study report or written explanation under Subsection (7)(c), but at least 30 days before a public hearing under Subsection (9), the applicable community council shall:

(i) make a copy of the report available to the public at the primary office of the applicable community council; and

(ii) post a copy of the report on the website of the applicable community council, if the applicable community council has a website.

(8)

(a) A feasibility study report or, if a feasibility study report is modified under Subsection (7), a modified feasibility study report may not be challenged unless the basis of the challenge is that the report results from collusion or fraud.

(b) Subsection (8)(a) does not apply to an objection to a feasibility study report or a modified feasibility study report under Subsection (7).

(9)

(a) Following the expiration of the deadline under Subsection (7)(a)(i) for submitting an objection, or, if an objection is submitted under Subsection (7)(a)(i), following the applicable community council's receipt of the modified feasibility study report or written explanation under Subsection (7)(c), the applicable community council shall, at the applicable community council's next regular meeting, schedule at least one public hearing to be held:

(i) within the following 60 days; and

(ii) for the purpose of allowing:

(A) the feasibility consultant to present the results of the feasibility study; and

(B) the public to become informed about the feasibility study results, to ask the feasibility consultant questions about the feasibility study, and to express the public's views about the proposed incorporation of the community council area.

(b) At a public hearing under Subsection (9)(a), the applicable community council shall:

(i) provide a copy of the feasibility study for public review; and

(ii) allow the public to:

(A) ask the feasibility consultant questions about the feasibility study; and

(B) express the public's views about the advantages and disadvantages of the proposed incorporation as compared to a potential annexation under Section [~~10-2-429~~] 10-2-814.

(c)

(i) The applicable community council shall publish notice of a hearing under Subsection (9)(a), as a class A notice under Section 63G-30-102, for three consecutive weeks immediately before the public hearing.

(ii) A notice under Subsection (9)(c)(i) shall state:

(A) the date, time, and location of the public hearing; and

(B) that a copy of the feasibility study report may be obtained, free of charge, at the office of the applicable community council or, if applicable, on the applicable community council's website.

(10) A community council area may not incorporate if the feasibility study concludes that incorporation of the community council area is not functionally and financially feasible.

(11) Notwithstanding any other provision of this part:

(a) the lieutenant governor shall pay the fees and costs of a feasibility consultant using funds from the Municipal Incorporation Expendable Special Revenue Fund under Section 10-2a-220; and

(b) if the community council area incorporates as a municipality, the newly incorporated municipality shall pay incorporation costs to the lieutenant governor and county as provided in Section 10-2a-220.

(12) Unless the request sponsors and county agree otherwise, conditions that a feasibility study report indicates are necessary to be met for the incorporation of the community council area to be functionally and financially feasible for the proposed community council municipality are binding on the community council municipality and county if the incorporation occurs.

Section 29. Section **10-2a-207** is amended to read:

10-2a-207. Additional public hearings on feasibility study results -- Notice of hearings.

<compare mode="add">(Compare Error)</compare>

(1) As used in this section, "specified landowner" means the same as that term is defined in Section 10-2a-204.5.

(2)

(a) an area proposed for incorporation is approved for annexation after the feasibility study or supplemental feasibility study is conducted but before the county clerk conducts the second public hearing under Subsection (4), the county clerk may not conduct the second public hearing under Subsection (4) unless:[~~county clerk~~] lieutenant governor or the lieutenant governor's designee shall, after receipt of the results of the feasibility study or supplemental feasibility study, conduct additional public hearings in accordance with this section.

{~~(b) The county clerk shall assist the lieutenant governor or lieutenant governor's designee in fulfilling the requirements of Subsection (2)(a).~~}

(3)

(a) If an area proposed for incorporation is approved for annexation after the feasibility study or supplemental feasibility study is conducted but before the county clerk conducts the second public hearing under Subsection (4), the county clerk may not conduct the second public hearing under Subsection (4) unless:

(i) the sponsors of the feasibility study file a modified feasibility request in accordance with Section 10-2a-206; and

(ii) the results of the supplemental feasibility study comply with Subsection 10-2a-205(5)(a).

(b) For purposes of Subsection (3)(a), an area is approved for annexation if a municipal legislative body:

(i) approves an annexation petition proposing the annexation of an area that is part of the area proposed for incorporation under Section [~~10-2-407 or 10-2-408~~] 10-2-810 or 10-2-811; or

(ii) adopts an ordinance approving the annexation of an area that is part of the area proposed for incorporation under Section [~~10-2-418~~] 10-2-812.

(4) The county clerk shall conduct the second public hearing:

(a) within 60 days after the day on which the county clerk receives the results under Subsection (2) or (3)(a)(ii);

(b) at a location approved by the lieutenant governor within or near the proposed municipality; and

(c) to allow the feasibility consultant to present the results of the feasibility study and inform the public about the results.

(5) The county clerk shall:

(a) conduct an additional public hearing following each occasion when, after the day of the second public hearing, the county clerk receives the results of a supplemental feasibility study that comply with Subsection 10-2a-205(5); and

(b) hold the public hearing described in Subsection (5)(a):

(i) within 30 days after the day on which the county clerk receives the results of the supplemental feasibility study;

(ii) at a location approved by the lieutenant governor within or near the proposed municipality;

(iii) to inform the public that the feasibility presented to the public at the preceding public hearing does not apply; and

(iv) to allow the feasibility consultant to present the results of the supplemental feasibility study and inform the public about the results.

(6) At each public hearing required under this section, the county clerk shall:

(a) provide a map or plat of the boundary of the proposed municipality;

(b) provide a copy of the applicable feasibility study for public review;

(c) allow members of the public to express views about the proposed incorporation, including views about the proposed boundaries; and

(d) allow the public to ask the feasibility consultant questions about the applicable feasibility study.

(7) The county clerk shall publish notice of each public hearing required under this section, and Section 10-2a-204.3, for the proposed municipality, as a class B notice under Section 63G-30-102, for at least three weeks before the day of the public hearing.

(8)

(a) Except as provided in Subsection (8)(b), for a hearing described in this section, the notice described in Subsection (7) shall:

(i) include the feasibility study summary described in Subsection 10-2a-205(2)(c)(iii); and

(ii) indicate that a full copy of the feasibility study is available on the county's website and for inspection at the county clerk's office.

(b) Instead of publishing the feasibility summary under Subsection (8)(a)(i), the county clerk may publish a statement that specifies the following sources where a resident within, or the owner of real property located within, the proposed municipality, may view or obtain a copy of the feasibility study:

(i) the lieutenant governor's website;

(ii) the county's website;

(iii) the physical address of the county clerk's office; and

(iv) a mailing address and telephone number.

Section 30. Section **10-2a-210** is amended to read:

10-2a-210. Incorporation election -- Notice of election -- Voter information pamphlet.

<compare mode="add">(Text Out Of Order)</compare>

(1)

(a) If the county clerk certifies a petition for incorporation under Subsection 10-2a-209(1)(b), the lieutenant governor shall schedule an incorporation election for the proposed municipality described in the petition for incorporation to be held on the date of the next regular general election described in Section 20A-1-201, or the next municipal general election described in Section 20A-1-202, that is at least 65 days after the day on which the county clerk certifies the petition for incorporation.

(b)

(i) The lieutenant governor shall direct the county legislative body of the county in which the proposed municipality is located to hold the election on the date that the lieutenant governor schedules under Subsection (1)(a).

(ii) The county legislative body shall hold the election as directed by the lieutenant governor under Subsection (1)(b)(i).

(2) The county clerk shall provide notice of the election for the area proposed to be incorporated, as a class B notice under Section 63G-30-102, for at least three weeks before the day of the election.

(3)

(a) The notice described in Subsection (2) shall include:

(i) a statement of the contents of the petition for incorporation;

(ii) a description of the area proposed to be incorporated as a municipality;

(iii) a statement of the date and time of the election and the location of polling places; and

(iv) except as provided in Subsection (3)(b), the feasibility study summary described in Subsection 10-2a-205(2)(c)(iii) and a statement that a full copy of the study is available on the county's website and for inspection at the county offices.

(b) Instead of including the feasibility summary under Subsection (3)(a)(iv), the notice may include a statement that specifies the following sources where a registered voter in the area proposed to be incorporated may view or obtain a copy of the feasibility study:

(i) the county's website;

(ii) the physical address of the county clerk office; and

(iii) a mailing address and telephone number.

(4)

(a) In addition to the notice described in Subsection (2), the county clerk shall publish and distribute, before the incorporation election is held, a voter information pamphlet:

(i) in accordance with the procedures and requirements of Section 20A-7-402;

(ii) in consultation with the lieutenant governor; and

(iii) in a manner that the county clerk determines is adequate, subject to Subsections (4)(a)(i) and (ii).

(b) The voter information pamphlet described in Subsection (4)(a):

(i) shall inform the public of the proposed incorporation; and

(ii) may include written statements, printed in the same font style and point size, from proponents and opponents of the proposed incorporation.

(5) An individual may not vote in an incorporation election under this section unless the individual is a registered voter who is a resident, as defined in Section 20A-1-102, within the boundaries of the proposed municipality.

(6)

(a) Subject to Subsection (6)(b), if a majority of those who vote in an incorporation election held under this section cast votes in favor of incorporation, the area shall incorporate.

(b)

(i) As used in this Subsection (6)(b):

(A) "Approving separate area" means a separate area in which a majority of those voting in an incorporation election for the incorporation of a community council area vote in favor of incorporation.

(B) "Separate area" means an unincorporated island, as defined in Section [~~10-2-429~~] 10-2-814, that is within a community council area.

(ii) If a majority of those within a separate area voting in an incorporation election for the incorporation of a community council area vote against incorporation, that separate area is excluded from the incorporation.

(iii) Approving separate areas are incorporated as a municipality if the combined total population within all approving separate areas is at least 80% of the population within the community council area.

Section 31. Section **10-2a-501** is amended to read:

10-2a-501. Definitions.

As used in this part:

(1) "Affordable housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the applicable municipal or county statistical area for households of the same size.

(2) "Board," in relation to a preliminary municipality, means the same as a council described in Section 10-3b-402.

(3) "Board chair," in relation to a preliminary municipality, means the same as a mayor described in Section 10-3b-402.

(4) "Contiguous" means the same as that term is defined in Section 10-2a-102.

(5) "Feasibility consultant" means a person or firm:

(a) with expertise in the processes and economics of local government; and

(b) who is independent of, and not affiliated with, a county or a sponsor of a petition to incorporate a preliminary municipality under this part.

(6) "Feasibility request" means a request, described in Section 10-2a-502, for a feasibility study for the proposed incorporation of a preliminary municipality.

(7) "Initial landowners" means the persons who owned the land within the proposed preliminary municipality area when the person filed the feasibility request under Section 20A-1-501.

(8) "Municipal service" means the same as that term is defined in Section 10-2a-102.

(9) "Pending annexation area" means an area proposed for annexation in an annexation petition described in Section [~~10-2-403~~] 10-2-806 that is filed before, and is still pending when, a person files the applicable request for a feasibility study under Section 10-2a-502.

(10) "Primary sponsor contact" means:

(a) in relation to a feasibility request:

(i) the individual designated as the primary sponsor contact for a feasibility request under Subsection 10-2a-502(5)(c); or

(ii) an individual designated, in writing, by the initial landowners if a replacement primary sponsor contact is needed; or

(b) in relation to a petition for incorporation of a preliminary municipality:

(i) the individual designated as the primary sponsor contact for a petition for incorporation of a preliminary municipality under Subsection 10-2a-507(1)(d); or

(ii) an individual designated, in writing, by the initial landowners if a replacement primary sponsor contact is needed.

(11) "Private," in relation to real property, means taxable real property.

(12) "Proposed preliminary municipality area" means the area proposed for incorporation as a preliminary municipality in a feasibility request.

(13) "System infrastructure" means, as shown on the map or plat described in Subsection 10-2a-502(5)(e) for the proposed preliminary municipal area:

(a) the main thoroughfares within the proposed preliminary municipal area, including the roads that connect the proposed preliminary municipality area to an existing road outside the proposed preliminary municipality area; and

(b) the main lines that will connect a utility to the proposed preliminary municipality area, including the stubs that will connect the main lines to the development in the proposed preliminary municipality area.

Section 32. Section **10-2a-506** is amended to read:

10-2a-506. Public hearings on feasibility study results -- Notice of hearings.

(1) If the results of the feasibility study or supplemental feasibility study comply with Subsection 10-2a-504(4), the lieutenant governor shall, after receipt of the results of the feasibility study or supplemental feasibility study, conduct public hearings in accordance with this section.

(2)

(a) If a portion of the proposed preliminary municipality area is approved for annexation after the feasibility study or supplemental feasibility study is conducted but before the lieutenant governor conducts a public hearing under Subsection (4), the lieutenant governor may not conduct the public hearing under Subsection (4) unless:

(i) the sponsors of the feasibility study file a modified feasibility request in accordance with Section 10-2a-505; and

(ii) the results of the supplemental feasibility study comply with Subsection 10-2a-504(4).

(b) For purposes of Subsection (2)(a), an area is approved for annexation if a municipal legislative body:

(i) approves an annexation petition proposing the annexation of an area that is part of the proposed preliminary municipality area under Section [~~10-2-407 or 10-2-408~~] 10-2-810 or 10-2-811; or

(ii) adopts an ordinance approving the annexation of an area that is part of the proposed preliminary municipality area under Section [~~10-2-418~~] 10-2-812.

(3) The lieutenant governor shall conduct a public hearing:

(a) within 60 days after the day on which the lieutenant governor receives the results under Subsection (1) or (2)(a)(ii);

(b) at a location within or near the proposed preliminary municipality; and

(c) to allow the feasibility consultant to present the results of the feasibility study and inform the public about the results.

(4) The lieutenant governor shall:

(a) conduct an additional public hearing following each occasion when, after the day of the initial public hearing, the lieutenant governor receives the results of a supplemental feasibility study that comply with Subsection 10-2a-504(4); and

(b) hold the public hearing described in Subsection (4)(a):

(i) within 30 days after the day on which the lieutenant governor receives the results of the supplemental feasibility study;

(ii) at a location within or near the proposed preliminary municipality;

(iii) to inform the public that the feasibility presented to the public at the preceding public hearing does not apply; and

(iv) to allow the feasibility consultant to present the results of the supplemental feasibility study and inform the public about the results.

(5) At each public hearing required under this section, the lieutenant governor shall:

(a) provide a map or plat of the boundary of the proposed preliminary municipality;

(b) provide a copy of the applicable feasibility study for public review;

(c) allow members of the public to express views about the proposed preliminary municipality, including views about the proposed boundaries; and

(d) allow the public to ask the feasibility consultant questions about the applicable feasibility study.

(6) The lieutenant governor shall publish notice of each public hearing required under this section for the proposed preliminary municipality area, as a class B notice under Section 63G-30-102, for at least three weeks before the day of the public hearing.

(7)

(a) Except as provided in Subsection (7)(b), for a hearing described in this section, the notice described in Subsection [~~(7)~~] (6) shall:

(i) include the feasibility study summary described in Subsection 10-2a-504(2)(c)(iii); and

(ii) indicate that a full copy of the feasibility study is available on the lieutenant governor's website and for inspection at the lieutenant governor's office.

(b) Instead of publishing the feasibility summary under Subsection (7)(a)(i), the lieutenant governor may publish a statement that specifies the following sources where a person may view or obtain a copy of the feasibility study:

(i) the lieutenant governor's website;

(ii) the lieutenant governor's office; and

(iii) a mailing address and telephone number.

Section 33. Section **10-6-103** is amended to read:

10-6-103. Applicability.

This chapter applies to all cities, including charter cities.

Section 34. Section **10-8-14** is amended to read:

10-8-14. Utility and telecommunications services -- Service beyond municipal limits -- Retainage -- Notice of service and agreement.

(1) As used in this section, "public telecommunications service facilities" means the same as that term is defined in Section 10-18-102.

(2) A municipality may:

(a) construct, maintain, and operate waterworks, sewer collection, sewer treatment systems, gas works, electric light works, telecommunications lines, cable television lines, public transportation systems, or public telecommunications service facilities;

(b) authorize the construction, maintenance and operation of the works or systems listed in Subsection (2)(a) by others;

(c) purchase or lease the works or systems listed in Subsection (2)(a) from any person or corporation; and

(d) sell and deliver the surplus product or service capacity of any works or system listed in Subsection (2)(a), not required by the municipality or the municipality's inhabitants, to others beyond the limits of the municipality, except the sale and delivery of:

(i) retail electricity beyond the municipal boundary is governed by Subsections (3) through (8);

(ii) cable television services or public telecommunications services is governed by Subsection (12); and

(iii) water is governed by Sections 10-7-14 and 10-8-22.

(3) If any payment on a contract with a private person, firm, or corporation to construct waterworks, sewer collection, sewer treatment systems, gas works, electric works, telecommunications lines, cable television lines, public transportation systems, or public telecommunications service facilities is retained or withheld, it shall be retained or withheld and released as provided in Section 13-8-5.

(4)

(a) Except as provided in Subsection (4)(b), (6), or (10), a municipality may not sell or deliver the electricity produced or distributed by the municipality's electric works constructed, maintained, or operated in accordance with Subsection (2) to a retail customer located beyond the municipality's municipal boundary.

(b) A municipality that provides retail electric service to a customer beyond the municipality's municipal boundary on or before June 15, 2013, may continue to serve that customer if:

(i) on or before December 15, 2013, the municipality provides the electrical corporation, as defined in Section 54-2-1, that is obligated by the municipality's certificate of public convenience and necessity to serve the customer with an accurate and complete verified written notice described in Subsection (4)(c) that identifies each customer served by the municipality beyond the municipality's municipal boundary;

(ii) no later than June 15, 2014, the municipality enters into a written filing agreement for the provision of electric service with the electrical corporation; and

(iii) the Public Service Commission approves the written filing agreement in accordance with Section 54-4-40.

(c) The municipality shall include in the written notice required in Subsection (4)(b)(i) for each customer:

(i) the customer's meter number;

(ii) the location of the customer's meter by street address, global positioning system coordinates, metes and bounds description, or other similar method of meter location;

(iii) the customer's class of service; and

(iv) a representation that the customer was receiving service from the municipality on or before June 15, 2013.

(5) The written filing agreement entered into in accordance with Subsection (4)(b)(ii) shall require the following:

(a) The municipality shall provide electric service to a customer identified in accordance with Subsection (4)(b)(i) unless the municipality and the electrical corporation subsequently agree in writing that the electrical corporation will provide electric service to the customer.

(b) If a customer who is located outside the municipal boundary and who is not identified in accordance with Subsection (4)(b)(i) requests service from the municipality after June 15, 2013, the municipality may not provide that customer electric service unless the municipality submits a request to and enters into a written agreement with the electric corporation in accordance with Subsection (6).

(6)

(a) A municipality may submit to the electrical corporation a request to provide electric service to an electric customer described in Subsection (5)(b).

(b) If a municipality submits a request, the electrical corporation shall respond to the request within 60 days.

(c) If the electrical corporation agrees to allow the municipality to provide electric service to the customer:

(i) the electrical corporation and the municipality shall enter into a written agreement;

(ii) the municipality shall agree in the written agreement to subsequently transfer service to the customer described in Subsection (5)(b) if the electrical corporation notifies, in writing, the municipality that the electrical corporation has installed a facility capable of providing electric service to the customer; and

(iii) the municipality may provide the service if:

(A) except as provided in Subsection (6)(c)(iii)(B), the Public Service Commission approves the agreement in accordance with Section 54-4-40; or

(B) for an electrical cooperative that meets the requirements of Subsection 54-7-12(7), the governing board of the electrical cooperative approves the agreement.

(d) The municipality or the electrical corporation may terminate the agreement for the provision of electric service if the Public Service Commission imposes a condition authorized in Section 54-4-40 that is a material change to the agreement.

(7) If the municipality and electrical corporation make a transfer described in Subsection (6)(c)(ii):

(a)

(i) the municipality shall transfer the electric service customer to the electrical corporation; and

(ii) the electrical corporation shall provide electric service to the customer; and

(b) the municipality shall transfer a facility in accordance with and for the value as provided in Section [~~10-2-421~~] 10-2-817.

(8)

(a) In accordance with Subsection (8)(b), the municipality shall establish a reasonable mechanism for resolving potential future complaints by an electric customer located outside the municipality's municipal boundary.

(b) The mechanism shall require:

(i) that the rates and conditions of service for a customer outside the municipality's boundary are at least as favorable as the rates and conditions of service for a similarly situated customer within the municipality's boundary; and

(ii) if the municipality provides a general rebate, refund, or other payment to a customer located within the municipality's boundary, that the municipality also provide the same general rebate, refund, or other payment to a similarly situated customer located outside the municipality's boundary.

(9) The municipality is relieved of any obligation to transfer a customer described in Subsection (5)(b) or facility used to serve the customer in accordance with Subsection (6)(c)(ii) if the municipality annexes the property on which the customer is being served.

(10)

(a) A municipality may provide electric service outside of the municipality's municipal boundary to a facility that is solely owned and operated by the municipality for municipal service.

(b) A municipality's provision of electric service to a facility that is solely owned and operated by the municipality does not expand the municipality's electric service area.

(11) Nothing in this section expands or diminishes the ability of a municipality to enter into a wholesale electrical sales contract with another municipality that serves electric customers to sell and deliver wholesale electricity to the other municipality.

(12) A municipality's actions under this section related to works or systems involving public telecommunications services or cable television services are subject to the requirements of Chapter 18, Municipal Cable Television and Public Telecommunications Services Act.

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

10-9a-103. Definitions.

As used in this chapter:

(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.

(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 public utility, property owner, property owners association, 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 municipality a copy of the entity's general or long-range plan; or

(c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality 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;

(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.

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

(7)

(a) "Charter school" means:

(i) an operating charter school;

(ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

(iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(b) "Charter school" does not include a therapeutic school.

(8) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adoptedand effective in Title 15A, State Construction and Fire Codes Act.

(9) "Conditional use" means a land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

[~~(9)~~] (10) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

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

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

[~~(10)~~] (11) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

[~~(11)~~] (12) "Development activity" means:

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

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

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

[~~(12)~~] (13)

(a) "Development agreement" means a written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use or development of a specific area of land.

(b) "Development agreement" does not include an improvement completion assurance.

[~~(13)~~] (14)

(a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

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

[~~(14)~~] (15) "Educational facility":

(a) means:

(i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;

(ii) a structure or facility:

(A) located on the same property as a building described in Subsection [~~(14)(a)(i)~~] (15)(a)(i); and

(B) used in support of the use of that building; and

(iii) a building to provide office and related space to a school district's administrative personnel; and

(b) does not include:

(i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

(A) not located on the same property as a building described in Subsection [~~(14)(a)(i)~~] (15)(a)(i); and

(B) used in support of the purposes of a building described in Subsection [~~(14)(a)(i)~~] (15)(a)(i); or

(ii) a therapeutic school.

[~~(15)~~] (16) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

[~~(16)~~] (17) "Flood plain" means land that:

(a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or

(b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

[~~(17)~~] (18) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

[~~(18)~~] (19) "Geologic hazard" means:

(a) a surface fault rupture;

(b) shallow groundwater;

(c) liquefaction;

(d) a landslide;

(e) a debris flow;

(f) unstable soil;

(g) a rock fall; or

(h) any other geologic condition that presents a risk:

(i) to life;

(ii) of substantial loss of real property; or

(iii) of substantial damage to real property.

[~~(19)~~] (20) "Historic preservation authority" means a person, board, commission, or other body designated by a legislative body to:

(a) recommend land use regulations to preserve local historic districts or areas; and

(b) administer local historic preservation land use regulations within a local historic district or area.

[~~(20)~~] (21) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.

[~~(21)~~] (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.

[~~(22)~~] (23)

(a) "Identical plans" means [~~building~~] floor plans submitted to a municipality that:

[~~(a)~~] (i) are [~~clearly marked as "identical plans"~~] submitted within the same building code adoption cycle as floor plans that were previously approved by the municipality;

[~~(b)~~] (ii) [~~are substantially identical to building~~] have no structural differences from floor plans that were previously [~~submitted to and reviewed and~~]approved by the municipality; and

[~~(c)~~] (iii) describe a building that:

[~~(i)~~] (A) is located on land zoned the same as the land on which the building described in the previously approved plans is located;

[~~(ii) is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;~~]

[~~(iii)~~] (B) has a substantially identical floor plan [~~identical to the building~~] to a floor plan previously [~~submitted to and reviewed and~~]approved by the municipality; and

[~~(iv)~~] (C) does not require any [~~additional~~]engineering or analysis beyond a {~~cursory~~ } review to confirm the submitted floor plans are substantially identical to a floor plan previously approved by the municipalityor a review of the site plan and associated geotechnical reports for the site.

(b) "Identical plans" include floor plans that are oriented differently as the floor plan that was previously approved by the municipality.

[~~(23)~~] (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.

[~~(24)~~] (25) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

(a) recording a subdivision plat; or

(b) development of a commercial, industrial, mixed use, or multifamily project.

[~~(25)~~] (26) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

(a) complies with the municipality's written standards for design, materials, and workmanship; and

(b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

[~~(26)~~] (27) "Improvement warranty period" means a period:

(a) no later than one year after a municipality's acceptance of required public landscaping; or

(b) no later than one year after a municipality's acceptance of required infrastructure, unless the municipality:

(i) determines, based on accepted industry standards and for good cause, that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(ii) has substantial evidence, on record:

(A) of prior poor performance by the applicant; or

(B) that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the applicant to mitigate the suspect soil.

[~~(27)~~] (28) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:

(a) is required for human occupation; and

(b) an applicant must install:

(i) in accordance with published installation and inspection specifications for public improvements; and

(ii) whether the improvement is public or private, as a condition of:

(A) recording a subdivision plat;

(B) obtaining a building permit; or

(C) development of a commercial, industrial, mixed use, condominium, or multifamily project.

[~~(28)~~] (29) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

(a) runs with the land; and

(b)

(i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or

(ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.

[~~(29)~~] (30) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

[~~(30)~~] (31) "Land use application":

(a) means an application that is:

(i) required by a municipality; and

(ii) submitted by a land use applicant to obtain a land use decision; and

(b) does not mean an application to enact, amend, or repeal a land use regulation.

[~~(31)~~] (32) "Land use authority" means:

(a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or

(b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

[~~(32)~~] (33) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:

(a) a land use permit; or

(b) a land use application.

[~~(33)~~] (34) "Land use permit" means a permit issued by a land use authority.

[~~(34)~~] (35) "Land use regulation":

(a) means a legislative decision enacted by ordinance, law, code, map, resolution, engineering or development standard, specification for public improvement, fee, or rule that governs the use or development of land;

(b) includes the adoption or amendment of a zoning map or the text of the zoning code; and

(c) does not include:

(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or

(ii) a temporary revision to an engineering specification that does not materially:

(A) increase a land use applicant's cost of development compared to the existing specification; or

(B) impact a land use applicant's use of land.

[~~(35)~~] (36) "Legislative body" means the municipal council.

[~~(36)~~] (37) "Local historic district or area" means a geographically definable area that:

(a) contains any combination of buildings, structures, sites, objects, landscape features, archeological sites, or works of art that contribute to the historic preservation goals of a legislative body; and

(b) is subject to land use regulations to preserve the historic significance of the local historic district or area.

[~~(37)~~] (38) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

[~~(38)~~] (39)

(a) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:

(i) whether or not the lots are located in the same subdivision; and

(ii) with the consent of the owners of record.

(b) "Lot line adjustment" does not mean a new boundary line that:

(i) creates an additional lot; or

(ii) constitutes a subdivision or a subdivision amendment.

(c) "Lot line adjustment" does not include a boundary line adjustment made by the Department of Transportation.

[~~(39)~~] (40) "Major transit investment corridor" means public transit service that uses or occupies:

(a) public transit rail right-of-way;

(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or

(c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:

(i) a public transit district as defined in Section 17B-2a-802; or

(ii) an eligible political subdivision as defined in Section 59-12-2219.

[~~(40)~~] (41) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.

[~~(41)~~] (42) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

[~~(42)~~] (43) "Municipal utility easement" means an easement that:

(a) is created or depicted on a plat recorded in a county recorder's office and is described as a municipal utility easement granted for public use;

(b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;

(c) the municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines;

(d) is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement;

(e)

(i) is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement; and

(ii) is located in a utility easement granted for public use; or

(f) is described in Section 10-9a-529 and is used by a specified public utility.

[~~(43)~~] (44) "Nominal fee" means a fee that reasonably reimburses a municipality only for time spent and expenses incurred in:

(a) verifying that building plans are identical plans; and

(b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

[~~(44)~~] (45) "Noncomplying structure" means a structure that:

(a) legally existed before the structure's current land use designation; and

(b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

[~~(45)~~] (46) "Nonconforming use" means a use of land that:

(a) legally existed before its current land use designation;

(b) has been maintained continuously since the time the land use ordinance governing the land changed; and

(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

[~~(46)~~] (47) "Official map" means a map drawn by municipal authorities and recorded in a county recorder's office that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

(c) has been adopted as an element of the municipality's general plan.

[~~(47)~~] (48) "Parcel" means any real property that is not a lot.

[~~(48)~~] (49)

(a) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 10-9a-524, if no additional parcel is created and:

(i) none of the property identified in the agreement is a lot; or

(ii) the adjustment is to the boundaries of a single person's parcels.

(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:

(i) creates an additional parcel; or

(ii) constitutes a subdivision.

(c) "Parcel boundary adjustment" does not include a boundary line adjustment made by the Department of Transportation.

[~~(49)~~] (50) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

[~~(50)~~] (51) "Plan for moderate income housing" means a written document adopted by a municipality's legislative body that includes:

(a) an estimate of the existing supply of moderate income housing located within the municipality;

(b) an estimate of the need for moderate income housing in the municipality for the next five years;

(c) a survey of total residential land use;

(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

(e) a description of the municipality's program to encourage an adequate supply of moderate income housing.

[~~(51)~~] (52) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 10-9a-603 or 57-8-13.

[~~(52)~~] (53) "Potential geologic hazard area" means an area that:

(a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or

(b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

[~~(53)~~] (54) "Public agency" means:

(a) the federal government;

(b) the state;

(c) a county, municipality, school district, special district, special service district, or other political subdivision of the state; or

(d) a charter school.

[~~(54)~~] (55) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

[~~(55)~~] (56) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

[~~(56)~~] (57) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

[~~(57)~~] (58) "Receiving zone" means an area [~~of a municipality~~]that [~~the~~] a municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

[~~(58)~~] (59) "Record of survey map" means a map of a survey of land prepared in accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

[~~(59)~~] (60) "Residential facility for persons with a disability" means a residence:

(a) in which more than one person with a disability resides; and

(b) which is licensed or certified by the Department of Health and Human Services under:

(i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

(ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

[~~(60)~~] (61) "Residential roadway" means a public local residential road that:

(a) will serve primarily to provide access to adjacent primarily residential areas and property;

(b) is designed to accommodate minimal traffic volumes or vehicular traffic;

(c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;

(d) has a posted speed limit of 25 miles per hour or less;

(e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;

(f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and

(g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

[~~(61)~~] (62) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

[~~(62)~~] (63) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

[~~(63)~~] (64) "Sending zone" means an area [~~of a municipality~~]that [~~the~~] a municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

[~~(64)~~] (65) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

[~~(65)~~] (66) "Specified public agency" means:

(a) the state;

(b) a school district; or

(c) a charter school.

[~~(66)~~] (67) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

[~~(67)~~] (68) "State" includes any department, division, or agency of the state.

[~~(68)~~] (69)

(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

(i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

(ii) except as provided in Subsection [~~(68)(c)~~] (69)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

(i) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting

combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

(ii) a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 10-9a-524 if no new parcel is created;

(iii) a recorded document, executed by the owner of record:

(A) revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or

(B) joining a lot to a parcel;

(iv) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:

(A) no new dwelling lot or housing unit will result from the adjustment; and

(B) the adjustment will not violate any applicable land use ordinance;

(v) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:

(A) is in anticipation of future land use approvals on the parcel or parcels;

(B) does not confer any land use approvals; and

(C) has not been approved by the land use authority;

(vi) a parcel boundary adjustment;

(vii) a lot line adjustment;

(viii) a road, street, or highway dedication plat;

(ix) a deed or easement for a road, street, or highway purpose; or

(x) any other division of land authorized by law.

[~~(69)~~] (70)

(a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 10-9a-608 that:

(i) vacates all or a portion of the subdivision;

(ii) alters the outside boundary of the subdivision;

(iii) changes the number of lots within the subdivision;

(iv) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or

(v) alters a common area or other common amenity within the subdivision.

(b) "Subdivision amendment" does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

[~~(70)~~] (71) "Substantial evidence" means evidence that:

(a) is beyond a scintilla; and

(b) a reasonable mind would accept as adequate to support a conclusion.

[~~(71)~~] (72) "Suspect soil" means soil that has:

(a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;

(b) bedrock units with high shrink or swell susceptibility; or

(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

[~~(72)~~] (73) "Therapeutic school" means a residential group living facility:

(a) for four or more individuals who are not related to:

(i) the owner of the facility; or

(ii) the primary service provider of the facility;

(b) that serves students who have a history of failing to function:

(i) at home;

(ii) in a public school; or

(iii) in a nonresidential private school; and

(c) that offers:

(i) room and board; and

(ii) an academic education integrated with:

(A) specialized structure and supervision; or

(B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

[~~(73)~~] (74) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

[~~(74)~~] (75) "Unincorporated" means the area outside of the incorporated area of a city or town.

[~~(75)~~] (76) "Water interest" means any right to the beneficial use of water, including:

(a) each of the rights listed in Section 73-1-11; and

(b) an ownership interest in the right to the beneficial use of water represented by:

(i) a contract; or

(ii) a share in a water company, as defined in Section 73-3-3.5.

[~~(76)~~] (77) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 36. Section **10-9a-205** is amended to read:

10-9a-205. Notice of public hearings and public meetings on adoption or modification of land use regulation.

(1) Each municipality shall give:

(a) notice of the date, time, and place of the first public hearing to consider the adoption or any modification of a land use regulation; and

(b) notice of each public meeting on the subject.

(2) Each notice of a public hearing under Subsection (1)(a) shall be:

(a) mailed to each affected entity at least 10 calendar days before the public hearing; and

(b)

(i) provided for the area directly affected by the land use ordinance change, as a class B notice under Section 63G-30-102, for at least 10 calendar days before the day of the public hearing[~~.~~] ; or

(ii) if the proposed land use ordinance {~~change~~ } adoption or modification is ministerial in nature, as described in {~~Subsection (6)~~} Subsections (6)(a) and (b), provided as a class A notice under Section 63G-30-102 for at least 10 calendar days before the day of the public hearing.

(3) In addition to the notice requirements described in Subsections (1) and (2), for any proposed modification to the text of a zoning code, the notice posted in accordance with Subsection (2) shall:

(a) include:

(i) a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; or

(ii) a direct link to the municipality's webpage where a person can find a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; and

(b) be provided to any person upon written request.

(4) Each notice of a public meeting under Subsection (1)(b) shall be provided for the municipality, as a class A notice under Section 63G-30-102, for at least 24 hours before the meeting.

(5)

(a) A municipality shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within a proposed zoning map enactment or amendment at least 10 days before the scheduled day of the public hearing.

(b) The notice shall:

(i) identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;

(ii) state the current zone in which the real property is located;

(iii) state the proposed new zone for the real property;

(iv) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;

(v) state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;

(vi) state the address where the property owner should file the protest;

(vii) notify the property owner that each written objection filed with the municipality will be provided to the municipal legislative body; and

(viii) state the location, date, and time of the public hearing described in Section 10-9a-502.

(c) If a municipality mails notice to a property owner in accordance with Subsection (2)(b)(i) for a public hearing on a zoning map or map amendment, the notice required in this Subsection (5) may be included in or part of the notice described in Subsection (2)(b)(i) rather than sent separately.

(6)

{~~(6)~~} (a) {~~A~~ } For purpose of the notice requirements in Subsection (2)(b) only, a proposed land use ordinance {~~change~~ } is ministerial in nature if the {~~only purpose of the~~ } proposed land use ordinance {~~change~~ } is to:

{~~(a)~~} (i) bring the municipality's land use ordinances into compliance with a state or federal law;

{~~(b)~~} (ii) adopt a municipal land use update that affects:

{~~(i)~~} (A) an entire zoning district; or

{~~(ii)~~} (B) multiple zoning districts;

{~~(c)~~} (iii) adopt a non-substantive, clerical text amendment to an existing land use ordinance;

{~~(d)~~} (iv) recodify the municipality's existing land use ordinances; or

{~~(e)~~} (v) designate or define an affected area for purposes of a boundary adjustment or annexation.

(b) A proposed land use ordinance may include more than one of the purposes described in Subsection (6)(a) and remain ministerial in nature.

(c) If a proposed land use ordinance includes an adoption or modification not described in Subsection (6)(a):

(i) the proposed land use ordinance is not ministerial in nature, even if the proposed land use ordinance also includes a change or modification described in Subsection (6)(a); and

(ii) the notice requirements of Subsection (2)(b)(i) apply.

Section 37. Section **10-9a-508** is amended to read:

10-9a-508. Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.

(1) A municipality may impose an exaction or exactions on development proposed in a land use application, including, subject to Subsection (3), an exaction for a water interest, if:

(a) an essential link exists between a legitimate governmental interest and each exaction; and

(b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

(2) If a land use authority imposes an exaction for another governmental entity:

(a) the governmental entity shall request the exaction; and

(b) the land use authority shall transfer the exaction to the governmental entity for which it was exacted.

(3)

(a)

(i) Subject to the requirements of this Subsection (3), a municipality shall base an exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.

(ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base an exaction for a culinary water interest on:

(A) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water pursuant to Section 19-4-114; and

(B) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the municipality.

(iii) A municipality may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (3)(a)(ii) if the municipality, at the municipality's sole discretion, determines there is good cause to do so.

(iv)

(A) A municipality shall make public the methodology used to comply with Subsection (3)(a)(ii)(B).

(B) A land use applicant may appeal to the municipality's governing body an exaction calculation used by the municipality under Subsection (3)(a)(ii).

(C) A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the municipality's governing body shall respond with due process.

(v) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (3)(a)(i) on which an exaction for a water interest is based.

(b) A municipality may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined under Subsection 73-1-4(2)(f).

(4)

(a) If a municipality plans to dispose of surplus real property that was acquired under this section and has been owned by the municipality for less than 15 years, the municipality shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the municipality.

(b) A person to whom a municipality offers to reconvey property under Subsection (4)(a) has 90 days to accept or reject the municipality's offer.

(c) If a person to whom a municipality offers to reconvey property declines the offer, the municipality may offer the property for sale.

(d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by a community reinvestment agency.

(5)

(a) A municipality may not, as part of an infrastructure improvement, require the installation of pavement on a residential roadway at a width in excess of 32 feet.

(b) Subsection (5)(a) does not apply if a municipality requires the installation of pavement in excess of 32 feet:

(i) in a vehicle turnaround area;

(ii) in a cul-de-sac;

(iii) to address specific traffic flow constraints at an intersection, mid-block crossings, or other areas;

(iv) to address an applicable general or master plan improvement, including transportation, bicycle lanes, trails, or other similar improvements that are not included within an impact fee area;

(v) to address traffic flow constraints for service to or abutting higher density developments or uses that generate higher traffic volumes, including community centers, schools, and other similar uses;

(vi) as needed for the installation or location of a utility which is maintained by the municipality and is considered a transmission line or requires additional roadway width;

(vii) for third-party utility lines that have an easement preventing the installation of utilities maintained by the municipality within the roadway;

(viii) for utilities over 12 feet in depth;

(ix) for roadways with a design speed that exceeds 25 miles per hour;

(x) as needed for flood and stormwater routing;

(xi) as needed to meet fire code requirements for parking and hydrants; or

(xii) as needed to accommodate street parking.

(c) Nothing in this section shall be construed to prevent a municipality from approving a road cross section with a pavement width less than 32 feet.

(d)

(i) A land use applicant may appeal a municipal requirement for pavement in excess of 32 feet on a residential roadway.

(ii) A land use applicant that has appealed a municipal specification for a residential roadway pavement width in excess of 32 feet may request that the municipality assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.

(iii) Unless otherwise agreed by the applicant and the municipality, the panel described in Subsection (5)(d)(ii) shall consist of the following three experts:

(A) one licensed engineer, designated by the municipality;

(B) one licensed engineer, designated by the land use applicant; and

(C) one licensed engineer, agreed upon and designated by the two designated engineers under Subsections (5)(d)(iii)(A) and (B).

(iv) A member of the panel assembled by the municipality under Subsection (5)(d)(ii) may not have an interest in the application that is the subject of the appeal.

(v) The land use applicant shall pay:

(A) 50% of the cost of the panel; and

(B) the municipality's published appeal fee.

(vi) The decision of the panel is a final decision, subject to a petition for review under Subsection (5)(d)(vii).

(vii) Pursuant to Section 10-9a-801, a land use applicant or the municipality may file a petition for review of the decision with the district court within 30 days after the date that the decision is final.

Section 38. Section **38** is enacted to read:

10-9a-508.1. Private maintenance of public {~~features~~} access amenities prohibited.

(1) As used in this section:

(a) "Public access amenity" means a physical feature like a trail or recreation area that a municipality designates for public access and use.

(b) "Retail water line" means the same as that term is defined in Section 11-8-4.

(c) "Sewer lateral" means the same as that term is defined in Section 11-8-4.

(d)

(i) "Water utility" means a main line or other integral part of a sewer or water utility service.

(ii) "Water utility" does not include a retail water line , privately owned water utility, or sewer lateral.

(2) A municipality may not require a private individual or entity, including a community association or homeowners association, to maintain {~~or~~} and be responsible for a public access amenity or water utility in perpetuity unless:

(a) the public access amenity is {~~a sidewalk~~} the property located adjacent to {~~a~~} the private property owned by the private individual or entityto the curb line of the street, including park strips and sidewalks; or

(b) the private individual or entity agreed to maintain or be responsible for the public access amenity or water utility in perpetuity in a covenant, utility service agreement, development agreement, or other agreement between the municipality and the private individual or entity.

Section 39. Section **10-9a-509** is amended to read:

10-9a-509. Applicant's entitlement to land use application approval -- Municipality's requirements and limitations -- Vesting upon submission of development plan and schedule.

(1)

(a)

(i) An applicant who has submitted a complete land use application as described in Subsection {~~[~~(1)(c)~~]~~} ~~(1)(d)~~}, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

(A) in effect on the date that the application is complete; and

(B) applicable to the application or to the information shown on the application.

(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The municipality shall process an application without regard to proceedings the municipality initiated to amend the municipality's ordinances as described in Subsection (1)(a)(ii)(B) if:

(i) 180 days have passed since the municipality initiated the proceedings; and

(ii)

(A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or

(B) during the 12 months prior to the municipality processing the application, or multiple applications of the same type, are impaired or prohibited under the terms of a temporary land use regulation adopted under Section 10-9a-504.

{~~(c)~~}

{~~(i) If a state or local land use regulation is adopted or amended following the date on which an applicant becomes entitled to substantive review of an application, as described in Subsection (1)(a)(i), the applicant may elect in writing to have the application reviewed for compliance with the new state or local land use regulation.~~}

{~~(ii) If an applicant makes the election described in Subsection (1)(c)(i), the municipality shall process the application in accordance with the new state or local land use regulation.~~}

{~~(iii) If an applicant does not make the election described in Subsection (1)(c)(i) within 30 days after the day on which the applicant submitted the complete land use application or the new state or local land use regulation goes into effect, whichever occurs later, the municipality is not required to process the application in accordance with the new state or local land use regulation.~~}

{~~[~~(c)~~]~~} {~~(d)~~} A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

{~~[~~(d)~~]~~} {~~(e)~~} 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.

{~~[~~(e)~~]~~} {~~(f)~~} 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)~~]~~} {~~(g)~~} 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 diligence.

{~~[~~(g)~~]~~} {~~(h)~~} A municipality may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

(i) this chapter;

(ii) a municipal ordinance in effect on the date that the applicant submits a complete application, subject to Subsection 10-9a-509(1)(a)(ii); or

(iii) a municipal specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

{~~[~~(h)~~]~~} {~~(i)~~} A municipality may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

(i) in a land use permit;

(ii) on the subdivision plat;

(iii) in a document on which the land use permit or subdivision plat is based;

(iv) in the written record evidencing approval of the land use permit or subdivision plat;

(v) in this chapter;

(vi) in a municipal ordinance; or

(vii) in a municipal specification for residential roadways in effect at the time a residential subdivision was approved.

{[(i)]} {~~(j)~~} Except as provided in Subsection {[(1)(j) or (k)]} ~~(1)(k) or (l)~~, a municipality may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

(i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or

(ii) in this chapter or the municipality's ordinances.

{[(j)]} {~~(k)~~} A municipality may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

(i) the applicant and the municipality have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable local ordinance[~~ that the legislative body adopts~~ {[} ~~under~~{]} ~~consistent with~~} ~~this chapter~~].

{[(k)]} {~~(l)~~} A municipality may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the municipality that any lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

{~~(m)~~} (l) A municipality:

(i) may require the submission of a private landscaping plan, as defined in Section 10-9a-604.5, before landscaping is installed; and

(ii) may not withhold an applicant's building permit or certificate of occupancy because the applicant has not submitted a private landscaping plan.

(2) A municipality is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3) A municipality may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

(4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the municipality's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

(5)

(a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:

(i) to the local clerk as defined in Section 20A-7-101; and

(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).

(b) Upon delivery of a written notice described in Subsection (5)(a) the following are rescinded and are of no further force or effect:

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

(6)

(a) After issuance of a building permit, a municipality may not:

(i) change or add to the requirements expressed in the building permit, unless the change or addition is:

(A) requested by the building permit holder; or

(B) necessary to comply with an applicable state building code; or

(ii) revoke the building permit or take action that has the effect of revoking the building permit.

(b) Subsection (6)(a) does not prevent a municipality from issuing a building permit that contains an expiration date defined in the building permit.

Section 40. Section **10-9a-509.5** is amended to read:

10-9a-509.5. Review for application completeness -- Substantive application review -- Reasonable diligence required for determination of whether improvements or warranty work meets standards -- Money damages claim prohibited.

(1)

(a) Each municipality shall, in a timely manner, determine whether a land use application is complete for the purposes of subsequent, substantive land use authority review.

(b) After a reasonable period of time to allow the municipality diligently to evaluate whether all objective ordinance-based application criteria have been met, if application fees have been paid, the applicant may in writing request that the municipality provide a written determination either that the application is:

(i) complete for the purposes of allowing subsequent, substantive land use authority review; or

(ii) deficient with respect to a specific, objective, ordinance-based application requirement.

(c) Within 30 days of receipt of an applicant's request under this section, the municipality shall either:

(i) mail a written notice to the applicant advising that the application is deficient with respect to a specified, objective, ordinance-based criterion, and stating that the application shall be supplemented by specific additional information identified in the notice; or

(ii) accept the application as complete for the purposes of further substantive processing by the land use authority.

(d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application shall be considered complete, for purposes of further substantive land use authority review.

(e)

(i) The applicant may raise and resolve in a single appeal any determination made under this Subsection (1) to the appeal authority, including an allegation that a reasonable period of time has elapsed under Subsection [~~(1)(a)~~] (1)(b).

(ii) The appeal authority shall issue a written decision for any appeal requested under this Subsection (1)(e).

(f)

(i) The applicant may appeal to district court the decision of the appeal authority made under Subsection (1)(e).

(ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of the written decision.

(2)

(a) Each land use authority shall substantively review a complete application and an application considered complete under Subsection (1)(d), and shall approve or deny each application with reasonable diligence.

(b) After a reasonable period of time to allow the land use authority to consider an application, the applicant may in writing request that the land use authority take final action within 45 days from date of service of the written request.

(c) Within 45 days from the date of service of the written request described in Subsection (2)(b):

(i) except as provided in Subsection (2)(c)(ii), the land use authority shall take final action, approving or denying the application; and

(ii) if a landowner petitions for a land use regulation, a legislative body shall take final action by approving or denying the petition.

(d) If the land use authority denies an application processed under the mandates of Subsection (2)(b), or if the applicant has requested a written decision in the application, the land use authority shall include its reasons for denial in writing, on the record, which may include the official minutes of the meeting in which the decision was rendered.

(e) If the land use authority fails to comply with Subsection (2)(c), the applicant may appeal this failure to district court within 30 days of the date on which the land use authority is required to take final action under Subsection (2)(c).

(3)

(a) As used in this Subsection (3), an "infrastructure improvement category" includes:

(i) a culinary water system;

(ii) a sanitary sewer system;

(iii) a storm water system;

(iv) a transportation system;

(v) a secondary and irrigation water system;

(vi) a public landscaping; or

(vii) public parks, trails, or open space.

(b) With reasonable diligence, each land use authority shall determine whether the installation of required subdivision improvements or the performance of warranty work meets the municipality's adopted standards.

[~~(b)~~] (c)

(i) An applicant may in writing request the land use authority to accept or reject the applicant's installation of required subdivision improvements or performance of warranty work.

(ii) The land use authority shall accept or reject subdivision improvements within 15 days after receiving an applicant's written request under Subsection [~~(3)(b)(i)~~] (3)(c)(i), or as soon as practicable after that 15-day period if inspection of the subdivision improvements is impeded by winter weather conditions.

(iii) [~~The~~] Except as provided in Subsection {~~(3)(c)(vi)~~} (3)(c)(iv), (3)(d), or (3)(e), the land use authority shall accept or reject the performance of warranty work within[~~ 45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as practicable after that 45-day period if inspection of the warranty work is impeded by winter weather conditions~~] :

(A) for a city of a first, second, third, or fourth class, 15 days after the day on which the land use authority receives an applicant's written request under Subsection (3)(c)(i); and

(B) for a city of the fifth class or a town, 30 days after the day on which the land use authority receives an applicant's written request under Subsection (3)(c)(i).

(iv) If winter weather conditions do not reasonably permit a full and complete inspection of warranty work within the relevant time period described in Subsection (3)(c)(iii) so the land use authority is able to accept or reject the warranty work, the land use authority shall:

(A) notify the applicant in writing before the end of the applicable time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of winter weather conditions, the land use authority will require additional time to accept or reject the performance of warranty work; and

(B) complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection as soon as practicable.

[~~(c)~~] (d) If a land use authority rejects an applicant's performance of warranty work three times, the municipality may take 15 days in addition to the relevant time period described in Subsection (3)(c)(iii) for subsequent inspections of the applicant's warranty work.

(e)

(i) If extraordinary circumstances do not permit a land use authority to complete inspection of warranty work within the relevant time period described in Subsection (3)(c)(iii) so the land use authority is able to accept or reject the warranty work, the land use authority shall:

(A) notify the applicant in writing before the end of the applicable time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of the extraordinary circumstances, the land use authority requires additional time to accept or reject the performance of warranty work; and

(B) complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection within 30 days after the day on which the relevant time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) ends.

(ii) The following situations constitute extraordinary circumstances for purposes of Subsection (3)(e)(i):

(A) the land use authority is processing a request for inspection that substantially exceeds the normal scope of inspection the municipality is customarily required to perform;

(B) the applicant has provided two or more written requests described in Subsection (3)(c)(i) within the same 30-day time period; or

(C) the land use authority is processing an unusually large number of written requests described in Subsection (3)(c)(i) to accept or reject subdivision improvements or performance of warranty work.

(f)

(i) If a land use authority determines that the installation of required subdivision improvements or the performance of warranty work does not meet the municipality's adopted standards, the land use authority shall, within 15 days of the day on which the land use authority makes the determination, comprehensively and with specificity list the reasons for the land use authority's determination.

(ii) If the land use authority fails to provide an applicant with the list described in Subsection (3)(f)(i) within the required time period:

(A) the applicant may send written notice to the land use authority requesting the list within five days; and

(B) if the applicant does not receive the list within five days from the day on which the applicant provides the land use authority with written notice as described in Subsection (3)(f)(ii)(A), the applicant may demand, and the land use authority shall provide, a reimbursement equal to 20% of the applicant's improvement completion assurance or security for the warranty work within each infrastructure improvement category.

(g) Subject to the provisions of Section 10-9a-604.5:

(i) within 15 days of the day on which the land use authority determines that an infrastructure improvement within a certain infrastructure improvement category, as described in Subsection (3)(a), meets the municipality's adopted standards for that category of infrastructure improvement and an applicant submits complete as-built drawings to the land use authority, whichever occurs later, the land use authority shall return to the applicant 90% of the applicant's improvement completion assurance allocated toward that infrastructure improvement category; and

(ii) within 15 days of the day on which the warranty period expires and the land use authority determines that an infrastructure improvement within a certain infrastructure improvement category, as described in Subsection (3)(a), meets the municipality's adopted standards for that category of infrastructure improvement, the land use authority shall return to the applicant the remaining 10% of the applicant's improvement completion assurance allocated toward that infrastructure improvement category, plus any remaining portion of a bond described in Subsection 10-9a-604.5(5)(b).

(h) {~~A municipality's return of an applicant's improvement completion assurance or security for an improvement warranty~~ } The following acts under this Subsection (3) {~~is an~~ } are administrative {~~act.~~} acts:

{~~(4)~~} a municipality's return of an applicant's improvement completion assurance, or any portion of an improvement completion assurance, within a category of infrastructure improvements, to the applicant; and

(ii) a municipality's return of an applicant's security for an improvement warranty, or any portion of security for an improvement warranty, within a category of infrastructure improvements, to the applicant.

(4) Subject to Section 10-9a-509, nothing in this section and no action or inaction of the land use authority relieves an applicant's duty to comply with all applicable substantive ordinances and regulations.

(5) There shall be no money damages remedy arising from a claim under this section.

Section 41. Section **10-9a-509.7** is amended to read:

10-9a-509.7. Transferable development rights.

(1) A municipality may adopt an ordinance:

(a) designating sending zones and receiving zones located wholly within the municipality;

(b) designating a sending zone if the area described in the sending zone is located at least in part within the municipality and the area described in the sending zone is located outside the municipality complies with Subsection (2);

(c) designating a receiving zone if the area described in the receiving zone is located at least in part within the municipality and the area described in the receiving zone that is located outside the municipality complies with Subsection (2); and

[~~(b)~~] (d) allowing the transfer of a transferable development right from a sending zone to a receiving zone.

(2) A municipality may adopt an ordinance designating a sending zone or receiving zone that is located, in part, in another municipality or unincorporated county if{~~:~~} the legislative body of every municipality or county with land inside the sending zone or receiving zone adopts an ordinance designating the sending zone or receiving zone.

[~~(2)~~] (3) {~~the legislative body of every municipality or county with land inside the sending zone or receiving zone adopts an identical ordinance designating the sending zone or receiving zone; and~~}

{~~(b)~~} {~~the area described in the sending zone or receiving zone is contiguous.~~}

{[~~(2)~~] ~~(3)~~} A municipality may not allow the use of a transferable development right unless the municipality adopts an ordinance described in Subsection (1).

Section 42. Section **10-9a-510** is amended to read:

10-9a-510. Limit on fees -- Requirement to itemize fees -- Appeal of fee -- Provider of culinary or secondary water.

(1) A municipality may [~~not~~]impose or collect a fee for reviewing or approving the plans for a commercial or residential building[~~ that exceeds~~] , not to exceed the lesser of:

(a) the actual cost of performing the plan review; and

(b) 65% of the amount the municipality charges for a building permit fee for that building.

(2)

(a) Subject to Subsection [~~(1)~~] (2)(b), a municipality may impose and collect [~~only~~]a [~~nominal~~]fee for reviewing and approving identical [~~floor~~]plans, as described in Section 10-9a-541, not to exceed the lesser of:

(i) the actual cost of performing the plan review; or

(ii) 30% of the fee that would be imposed and collected under Subsection (1).

(b) A municipality may impose and collect a fee for reviewing an original plan, as defined in Section 10-9a-541, that an applicant submits with the intent that the original plan be used as the basis for a future identical plan submission, the same as any other plan review fee under Subsection (1).

(3) A municipality may not impose or collect a hookup fee that exceeds the reasonable cost of installing and inspecting the pipe, line, meter, and appurtenance to connect to the municipal water, sewer, storm water, power, or other utility system.

(4) A municipality may not impose or collect:

(a) a land use application fee that exceeds the reasonable cost of processing the application or issuing the permit; or

(b) an inspection, regulation, or review fee that exceeds the reasonable cost of performing the inspection, regulation, or review.

(5)

(a) If requested by an applicant who is charged a fee or an owner of residential property upon which a fee is imposed, the municipality shall provide an itemized fee statement that shows the calculation method for each fee.

(b) If an applicant who is charged a fee or an owner of residential property upon which a fee is imposed submits a request for an itemized fee statement no later than 30 days after the day on which the applicant or owner pays the fee, the municipality shall no later than 10 days after the day on which the request is received provide or commit to provide within a specific time:

(i) for each fee, any studies, reports, or methods relied upon by the municipality to create the calculation method described in Subsection (5)(a);

(ii) an accounting of each fee paid;

(iii) how each fee will be distributed; and

(iv) information on filing a fee appeal through the process described in Subsection (5)(c).

(c) A municipality shall establish a fee appeal process subject to an appeal authority described in Part 7, Appeal Authority and Variances, and district court review in accordance with Part 8, District Court Review, to determine whether a fee reflects only the reasonable estimated cost of:

(i) regulation;

(ii) processing an application;

(iii) issuing a permit; or

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

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

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

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

(c) an impact fee for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d), (e), or (g), subject to any applicable credit under Subsection 11-36a-402(2).

(7) A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the following as if it were a municipality:

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

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

(c) Section 10-9a-509.5.

Section 43. Section **10-9a-529** is amended to read:

10-9a-529. Specified public utility located in a municipal utility easement.

A specified public utility may exercise each power of a public utility under Section 54-3-27 if the specified public utility uses an easement:

(1) with the consent of a municipality; and

(2) that is located within a municipal utility easement described in Subsections [~~10-9a-103(42)(a)~~] 10-9a-103(43)(a) through (e).

Section 44. Section **10-9a-536** is amended to read:

10-9a-536. Water wise landscaping -- Municipal landscaping regulations.

(1) As used in this section:

(a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.

(b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.

(c) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.

(d) "Private landscaping plan" means the same as that term is defined in Section 10-9a-604.5.

[~~(d)~~] (e)

(i) "Vegetative coverage" means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity.

(ii) "Vegetative coverage" does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.

[~~(e)~~] (f) "Water wise landscaping" means any or all of the following:

(i) installation of plant materials suited to the microclimate and soil conditions that can:

(A) remain healthy with minimal irrigation once established; or

(B) be maintained without the use of overhead spray irrigation;

(ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or

(iii) use of other landscape design features that:

(A) minimize the need of the landscape for supplemental water from irrigation; or

(B) reduce the landscape area dedicated to lawn or turf.

(2) A municipality may not enact or enforce an ordinance, resolution, or policy that prohibits, or has the effect of prohibiting, a property owner from incorporating water wise landscaping on the property owner's property.

(3)

(a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a municipality from requiring a property owner to:

(i) comply with a site plan review, private landscaping plan review, or other review process before installing water wise landscaping;

(ii) maintain plant material in a healthy condition; and

(iii) follow specific water wise landscaping design requirements adopted by the municipality, including a requirement that:

(A) restricts or clarifies the use of mulches considered detrimental to municipal operations;

(B) imposes minimum or maximum vegetative coverage standards; or

(C) restricts or prohibits the use of specific plant materials.

(b) A municipality may not require a property owner to install or keep in place lawn or turf in an area with a width less than eight feet.

(4) A municipality may require a seller of a newly constructed residence to inform the first buyer of the newly constructed residence of a municipal ordinance requiring water wise landscaping.

(5) A municipality shall report to the Division of Water Resources the existence, enactment, or modification of an ordinance, resolution, or policy that implements regional-based water use efficiency standards established by the Division of Water Resources by rule under Section 73-10-37.

(6) A municipality may enforce a municipal landscaping ordinance in compliance with this section.

Section 45. Section **45** is enacted to read:

10-9a-541. Identical plan review -- Process -- Indexing of plans -- Prohibitions.

(1) As used in this section:

(a) "Business day" means Monday, Tuesday, Wednesday, Thursday, or Friday, unless the day falls on a federal, state, or municipal holiday.

(b) "Nonidentical plan" means a plan that does not meet the definition of an identical plan in Section 10-9a-103.

(c) "Original plan" means a floor plan that an applicant intends to:

(i) replicate in the future; and

(ii) use as the basis for the submission of an identical plan.

(2) An applicant may submit, and a municipality shall review, an identical plan as described in this section.

(3) At the time of submitting an identical plan for review to a municipality, an applicant shall:

(a) mark the floor plan as "identical plans";

(b) identify in writing:

(i) the building permit number the municipality issued for the original plan:

(A) that was previously approved by the municipality; and

(B) to which the submitted floor plan qualifies as an identical plan; or

(ii) the identifying index number assigned by the municipality to the original plan, as described in Subsection (5)(b); and

(c) identify the site on which the applicant intends to implement the identical plan.

(4) Beginning May 7, 2025, an applicant that intends to submit an identical plan for review to a municipality shall:

(a) indicate, at the time of submitting an original plan to the municipality for review and approval, that the applicant intends to use the original plan as the basis for submitting a future identical plan if the original plan is approved by the municipality; and

(b) identify:

(i) the name or other identifier of the original plan; and

(ii) the zone the building will be located in, if the municipality approves the original plan.

(5) Upon approving an original plan and receiving the information described in Subsection (5), a municipality shall:

(a) file and index the original plan for future reference against an identical plan later submitted under Subsection (2); and

(b) provide the applicant with an identifying index number for the original plan.

(6) A municipality that receives a submission under Subsection (2) shall review and compare the submitted identical plan to the original plan to ensure the identical plan and original plan are:

(a) substantially identical; and

(b) no structural changes have been made from the original plan.

(7) Nothing in this section prohibits a municipality from conducting a site review and requiring geological analysis of the proposed site identified by the applicant under Subsection (3)(c).

(8) A municipality shall:

(a) review a submitted identical plan for compliance with this section; and

(b) approve or reject the identical plan within {~~two~~ } five business days after the day on which the identical plan was submitted under Subsection (2).

(9) An applicant that submits a nonidentical plan to a municipality as an identical plan, with knowledge that the nonidentical plan does not qualify as an identical plan and with intent to deceive the municipality:

(a) may be fined by the municipality receiving the submission of the nonidentical plan:

(i) in an amount not to exceed three times the building permit fee, if the municipality approved the nonidentical plan as an identical plan before discovering the submission did not qualify as an identical plan; or

(ii) in an amount equal to the building permit fee that would have been issued for the nonidentical plan, if the municipality did not approve the nonidentical plan before discovering the submission did not qualify as an identical plan; and

(b) is prohibited from submitting an identical plan for review and approval under this section for a period of two years from the day on which the municipality discovers the nonidentical plan identified as an identical plan in the applicant's submission did not qualify as an identical plan.

(10) A municipality may impose a criminal penalty, as described in Section 10-3-703, for an applicant that knowingly violates the prohibition described in Subsection (9)(b).

Section 46. Section **10-9a-542** is renumbered and amended to read:

~~[10-6-160]~~ 10-9a-542. Fees collected for construction approval -- Approval of plans.

(1) As used in this section:

(a) "Automated review" means a computerized process used to conduct a plan review, including through the use of software and algorithms to assess compliance with an applicable building code, regulation, or ordinance to ensure that a plan meets all of a municipality's required criteria for approval.

(b) "Business day" means [~~a day other than Saturday, Sunday, or a legal holiday~~] the same as that term is defined in Section 10-9a-541.

[~~(b)~~] (c) "Construction project" means:

(i) the same as that term is defined in Section 38-1a-102[~~.~~] ; or

(ii) any work requiring a permit for construction of or on a one- or two-family dwelling, a townhome, or other residential structure built under the State Construction Code and State Fire Code.

[~~(c)~~] (d) "Lodging establishment" means a place providing temporary sleeping accommodations to the public, including any of the following:

(i) a bed and breakfast establishment;

(ii) a boarding house;

(iii) a dormitory;

(iv) a hotel;

(v) an inn;

(vi) a lodging house;

(vii) a motel;

(viii) a resort; or

(ix) a rooming house.

[~~(d) "Planning review" means a review to verify that a city has approved the following elements of a construction project:~~]

[~~(i) zoning;~~]

[~~(ii) lot sizes;~~]

[~~(iii) setbacks;~~]

[~~(iv) easements;~~]

[~~(v) curb and gutter elevations;~~]

[~~(vi) grades and slopes;~~]

[~~(vii) utilities;~~]

[~~(viii) street names;~~]

[~~(ix) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section 15A-2-103; and~~]

[~~(x) subdivision.~~]

(e)

(i) "Plan review" means all of the reviews and approvals of a plan that a [~~city~~] municipality, including all relevant divisions or departments within a municipality, requires [~~to obtain~~] before issuing a building permit, [~~from the city~~] with a scope that may not exceed a review to verify:

(A) that the construction project complies with the provisions of the State Construction Code under Title 15A, State Construction and Fire Codes Act;

(B) that the construction project complies with the energy code adopted under Section 15A-2-103;

(C) that the construction project [~~received a planning review~~] complies with local ordinances;

(D) that the applicant paid any required fees;

(E) that the applicant obtained final approvals from any other required reviewing agencies;

[~~(F) that the construction project complies with federal, state, and local storm water protection laws;~~]

[~~(G)~~] (F) that the construction project received a structural review;

[~~(H)~~] (G) the total square footage for each building level of finished, garage, and unfinished space; and

[~~(I)~~] (H) that the plans include a printed statement indicating that, before the disturbance of land and during the actual construction, the applicant will comply with applicable federal, state, and local laws and ordinances[~~ and the state construction codes~~] , including any storm water protection laws and ordinances.

(ii) "Plan review" does not mean a review of[~~ a document~~]:

(A) a document required to be re-submitted for a construction project other than a construction project for a one[~~-to~~] -or two[~~-~~] -family dwelling or townhome if additional modifications or substantive changes are identified by the plan review;

(B) a document submitted as part of a deferred submittal when requested by the applicant and approved by the building official; [~~or~~]

(C) a document that, due to the document's technical nature or on the request of the applicant, is reviewed by a third party[~~.~~] ; or

(D) a storm water permit.

(f) "Screening period" means the three business days following the day on which an applicant submits an application.

(g) "State Construction Code" means the same as that term is defined in Section 15A-1-102.

[~~(g)~~] (h) "State Fire Code" means the same as that term is defined in Section 15A-1-102.

(i) "Storm water permit" means the same as that term is defined in Section 19-5-108.5.

[~~(h)~~] (j) "Structural review" means:

(i) a review that verifies that a construction project complies with the following:

(A) footing size and bar placement;

(B) foundation thickness and bar placement;

(C) beam and header sizes;

(D) nailing patterns;

(E) bearing points;

(F) structural member size and span; and

(G) sheathing; or

(ii) if the review exceeds the scope of the review described in Subsection [~~(1)(h)(i)~~] (1)(j)(i), a review that a licensed engineer conducts.

[~~(i)~~] (k) "Technical nature" means a characteristic that places an item outside the training and expertise of an individual who regularly performs plan reviews.

(2)

(a) If a [~~city~~] municipality collects a fee for the inspection of a construction project, the [~~city~~] municipality shall ensure that the construction project receives a prompt inspection as described in Subsection (2)(b).

(b) If a [~~city~~] municipality cannot provide a building inspection within three business days after the day on which the [~~city~~] municipality receives the request for the inspection, the building permit applicant may engage a third-party inspection firm from the third-party inspection firm list described in Section 15A-1-105.

(c) Notwithstanding Subsection (2)(b), if an applicant requests that an inspection take place on a date that is more than three days from the day on which the applicant requests the inspection, the [~~city~~] municipality shall conduct the inspection on the date requested.

(d) If an inspector identifies one or more violations of the State Construction Code or State Fire Code during an inspection, the inspector shall give the permit holder written notification that:

(i) identifies each violation;

(ii) upon request by the permit holder, includes a reference to each applicable provision of the State Construction Code or State Fire Code; and

(iii) is delivered:

(A) in hardcopy or by electronic means; and

(B) the day on which the inspection occurs.

(3)

(a)

(i) A municipality that receives an application for a plan review shall determine if the application is complete, as described in Subsection (12), within the screening period.

(ii) If the municipality determines an application for a plan review is complete as described in Subsection (12) within the screening period, the municipality shall begin the plan review process described in Subsection (4).

(b) If the municipality determines that an application for a plan review is not complete as described in Subsection (12), and if the municipality notifies the applicant of the municipality's determination:

(i) before 5 p.m. on the last day of the screening period, the municipality may:

(A) pause the screening period until the applicant ensures the application meets the requirements of Subsection (12); or

(B) reject the incomplete application; or

(ii) after 5 p.m. on the last day of the screening period, the municipality may not pause the screening period and shall begin the plan review process described in Subsection (4).

(c) If an application is rejected as described in Subsection (3)(b)(i)(B) and an applicant resubmits the application, the resubmission begins a new screening period in which the municipality shall review the resubmitted application to determine if the application is complete as described in Subsection (12).

(d) If the municipality gives notice of an incomplete application after 5 p.m. on the last day of the screening period, the municipality:

(i) shall immediately notify the applicant that the municipality has determined the application is not complete and the basis for the determination;

(ii) may not, except as provided in Subsection (3)(d)(iii), pause the relevant time period described in Subsection (4); and

(iii) may pause the relevant time period described in Subsection (4)(a) or (b) as described in Subsection (4)(c).

[~~(3)~~] (4)

(a) [~~A city~~] Except as provided in Subsection (7), once a municipality determines an application is complete, or proceeds to review an incomplete application for plan review under Subsection (3)(b)(ii), the municipality shall complete a plan review of a construction project for a one- [~~to~~] or two[~~-~~] -family dwelling or townhome by no later than 14 business days after the day on which the [~~applicant submits a complete building permit application to the city~~] screening period for the application ends.

(b) [~~A city~~] Except as provided in Subsection (7), once a municipality determines an application is complete, or proceeds to review an incomplete application for plan review under Subsection (3)(b)(ii), the municipality shall complete a plan review of a construction project for a residential structure built under the [~~International Building~~] State Construction Code[~~, not including~~] that is not a one- or two-family dwelling, townhome, or a lodging establishment, by no later than 21 business days after the day on which the [~~applicant submits a complete building permit application to the city~~] screening period for the application ends.

[~~(c)~~

~~(i) Subject to Subsection (3)(c)(ii), if a city does not complete a plan review before the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the city complete the plan review.~~]

[~~(ii) If an applicant makes a request under Subsection (3)(c)(i), the city shall perform the plan review no later than:~~]

[~~(A) for a plan review described in Subsection (3)(a), 14 days from the day on which the applicant makes the request; or~~]

[~~(B) for a plan review described in Subsection (3)(b), 21 days from the day on which the applicant makes the request.~~]

[~~(d)~~] (c) If a municipality gives notice of an incomplete application as described in Subsection (3)(d), the municipality:

(i) may pause the time period described in Subsection (4)(a) or (b):

(A) within the last five days of the relevant time period; and

(B) until the applicant provides the municipality with the information necessary to consider the application complete under Subsection (12); and

(ii) shall resume the relevant time period upon receipt of the information necessary to consider the application complete; and

(iii) may, if necessary, use five additional days beginning the day on which the municipality receives the information described in Subsection (4)(c)(ii) to consider whether the application meets the requirements for a building permit, even if the five additional days extend beyond the relevant time period described in Subsection 4(a) or (b).

(d) If, at the conclusion of plan review, the municipality determines the application meets the requirements for a building permit, the municipality shall approve the application and, subject to Subsection (10)(b), issue the building permit to the applicant.

(5)

(a) A municipality may utilize another government entity to determine if an application is complete or perform a plan review, in whole or in part.

(b) A municipality that utilizes another government entity to determine if an application is complete or perform a plan review, as described in Subsection (5)(a), shall:

(i) notify any other government entities, including water providers, within 24 hours of receiving any building permit application; and

(ii) provide the government entity all documents necessary to determine if an application is complete or perform a plan review, in whole or in part, as requested by the municipality.

(6) A government entity determining if an application is complete or performing a plan review, in whole or in part, as requested by a municipality, shall:

(a) comply with the requirements of this chapter; and

(b) notify the municipality within the screening period whether the application, or a portion of the application, is complete.

(7) An applicant may:

[~~(i)~~] (a) waive the plan review time requirements described in [~~this Subsection (3)~~] Subsection (4); or

[~~(ii)~~] (b) with the [~~city's~~] municipality's written consent, establish an alternative plan review time requirement.

[~~(4)~~] (8)

(a) A [~~city~~] municipality may not enforce a requirement to have a plan review if:

[~~(a)~~] (i) the [~~city~~] municipality does not complete the plan review within the relevant time period described in Subsection [~~(3)(a) or (b)~~] (4); and

[~~(b)~~] (ii) a licensed architect or structural engineer, or both when required by law, stamps the plan.

(b) If a municipality is prohibited from enforcing a requirement to have a plan review under Subsection (8)(a), the municipality shall return to the applicant the plan review fee.

[~~(5)~~] (9)

(a) A [~~city~~] municipality may attach to a reviewed plan a list that includes:

(i) items with which the [~~city~~] municipality is concerned and may enforce during construction; and

(ii) building code violations found in the plan.

(b) A [~~city~~] municipality may not require an applicant to redraft a plan if the city requests minor changes to the plan that the list described in Subsection [~~(5)(a)~~] (9)(a) identifies.

(c) A [~~city~~] municipality may only require a single resubmittal of plans for a one- or two[-] -family dwelling or townhome if [~~the resubmission is required to address deficiencies identified by a third-party review of a geotechnical report or geological report~~] deficiencies in the plan would affect the site plan interaction or footprint of the design.

[~~(6)~~] (10)

(a) If a [~~city~~] municipality charges a fee for a building permit, the [~~city~~] municipality may not refuse payment of the fee at the time the applicant submits [~~a building permit~~] an application under Subsection (3).

(b) If a municipality charges a fee for a building permit and does not require the fee for a building permit be included in an application for plan review, upon approval of an application for plan review under Subsection (4)(d), the municipality may require the applicant to pay the fee for the building permit before the municipality issues the building permit.

[~~(7)~~] (11) A [~~city~~] municipality may not limit the number of [~~building permit~~] applications submitted under Subsection (3).

[~~(8)~~] (12) For purposes of Subsection (3), [~~a building permit~~] an application for plan review is complete if the application contains:

(a) the name, address, and contact information of:

(i) the applicant; and

(ii) the construction manager/general contractor, as defined in Section 63G-6a-103, for the construction project;

(b) a site plan for the construction project that:

(i) is drawn to scale;

(ii) includes a north arrow and legend; and

(iii) provides specifications for the following:

(A) lot size and dimensions;

(B) setbacks and overhangs for setbacks;

(C) easements;

(D) property lines;

(E) topographical details, if the slope of the lot is greater than 10%;

(F) retaining walls;

(G) hard surface areas;

(H) curb and gutter elevations as indicated in the subdivision documents;

(I) existing and proposed utilities, including water[~~meter and sewer lateral location~~] , sewer, and subsurface drainage facilities;

(J) street names;

(K) driveway locations;

(L) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section 15A-2-103; and

(M) the location of the nearest hydrant;

(c) construction plans and drawings, including:

(i) elevations, only if the construction project is new construction;

(ii) floor plans for each level, including the location and size of doors[~~and~~] , windows, and egress;

(iii) foundation, structural, and framing detail; [~~and~~]

(iv) electrical, mechanical, and plumbing design;

(v) a licensed architect's or structural engineer's stamp, when required by law; and

(vi) fire suppression details, when required by fire code;

(d) documentation of energy code compliance;

(e) structural calculations, except for trusses;

(f) a geotechnical report, including a slope stability evaluation and retaining wall design, if:

(i) the slope of the lot is greater than 15%; and

(ii) required by the city; [~~and~~]

(g) a statement indicating[~~ that actual construction will comply with applicable local ordinances and building codes.~~] :

(i) before land disturbance occurs on the subject property, the applicant will obtain a storm water permit; and

(ii) during actual construction, the applicant shall comply with applicable local ordinances and building codes; and

(h) the fees, if any, established by ordinance for the municipality to perform a plan review.

(13) A municipality may, at the municipality's discretion, utilize automated review to fulfill, in whole or in part, the municipality's obligation to conduct plan review described in this section.

Section 47. Section **10-9a-604.5** is amended to read:

10-9a-604.5. Subdivision plat recording or development activity before required landscaping or infrastructure is completed -- Improvement completion assurance -- Improvement warranty.

(1) As used in this section[~~,~~] :

(a) "Private landscaping plan" means a proposal:

(i) to install landscaping on a lot owned by a private individual or entity; and

(ii) submitted to a municipality by the private individual or entity, or on behalf of a private individual or entity, that owns the lot.

(b) [~~"public~~] "Public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

[~~(a)~~] (i) will be dedicated to and maintained by the municipality; or

[~~(b)~~] (ii) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

(2) A land use authority shall establish objective inspection standards for acceptance of a public landscaping improvement or infrastructure improvement that the land use authority requires.

(3)

(a) [~~Before~~] Except as provided in Subsection (3)(d) or (e), before an applicant conducts any development activity or records a plat, the applicant shall:

(i) complete any required public landscaping improvements or infrastructure improvements; or

(ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.

(b) If an applicant elects to post an improvement completion assurance, the applicant shall in accordance with Subsection (5) provide completion assurance for:

(i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or

(ii) if the municipality has inspected and accepted a portion of the public landscaping improvements or infrastructure improvements, 100% of the incomplete or unaccepted public landscaping improvements or infrastructure improvements.

(c) A municipality shall:

(i) establish a minimum of two acceptable forms of completion assurance;

(ii)

(A) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this [~~title,~~] chapter and any local ordinances; and

(B) if a municipality accepts cash deposits as a form of completion assurance and applicant elects to post a cash deposit as a form of completion assurance, place the cash deposit in an interest-bearing account upon receipt and return any earned interest to the applicant with the return of the completion assurance according to the conditions of this chapter and any local ordinances;

(iii) establish a system for the partial release of an improvement completion assurance as portions of required public landscaping improvements or infrastructure improvements are completed and accepted in accordance with local ordinance; and

(iv) issue or deny a building permit in accordance with Section 10-9a-802 based on the installation of public landscaping improvements or infrastructure improvements.

(d) A municipality may not require an applicant to post an improvement completion assurance for:

(i) public landscaping improvements or an infrastructure improvement that the municipality has previously inspected and accepted;

(ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation;

(iii) in a municipality where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the municipality requires to be private;[~~or~~]

(iv) landscaping improvements that are not public landscaping improvements, unless the landscaping improvements and completion assurance are required under the terms of a development agreement[~~.~~] ;

(v) a private landscaping plan;

(vi) landscaping improvements or infrastructure improvements that an applicant elects to install at the applicant's own risk:

(A) before the plat is recorded;

(B) pursuant to inspections required by the municipality for the infrastructure improvement; and

(C) pursuant to final civil engineering plan approval by the municipality; or

(vii) any individual public landscaping improvement or individual infrastructure improvement when the individual public landscaping improvement or individual infrastructure improvement is also included as part of a separate improvement completion assurance.

(e)

(i) A municipality may not:

(A) prohibit an applicant from installing a public landscaping improvement or an infrastructure improvement when the municipality has approved final civil engineering plans for the development activity or plat for which the public landscaping improvement or infrastructure improvement is required; or

(B) require an applicant to sign an agreement, release, or other document inconsistent with this chapter as a condition of posting an improvement completion assurance {~~or a~~ } , security for an improvement warranty, or receiving a building permit.

(ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and infrastructure improvements that are installed by an applicant are subject to inspection by the municipality in accordance with the municipality's adopted inspection standards.

(f)

(i) Each improvement completion assurance and improvement warranty posted by an applicant with a municipality shall be independent of any other improvement completion assurance or improvement warranty posted by the same applicant with the municipality.

4227 (ii) Subject to Section 10-9a-509.5, if an applicant has posted a form of security with a municipality for more than one infrastructure improvement or public landscaping improvement, the municipality may not withhold acceptance of an applicant's required subdivision improvements, public landscaping improvement, infrastructure improvements, or the performance of warranty work for the same applicant's failure to complete a separate subdivision improvement, public landscaping improvement, infrastructure improvement, or warranty work under a separate improvement completion assurance or improvement warranty.

4235 (4)

(a) Except as provided in Subsection (4)(c), as a condition for increased density or other entitlement benefit not currently available under the existing zone, a municipality may require a completion assurance bond for landscaped amenities and common area that are dedicated to and maintained by a homeowners association.

4239 (b) Any agreement regarding a completion assurance bond under Subsection (4)(a) between the applicant and the municipality shall be memorialized in a development agreement.

4242 (c) A municipality may not require a completion assurance bond for or dictate who installs or is responsible for the cost of the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.

4246 (5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:

4248 (a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and

4251 (b) 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.

4253 (6)

(a) [~~At any time before a municipality accepts a public landscaping improvement or infrastructure improvement, ~~] Upon an applicant's written request that the land use authority accept or reject the applicant's installation of required subdivision improvements or performance of warranty work as

set forth in Section 10-9a-509.5, and for the duration of each improvement warranty period, the municipality may require the applicant to:

[~~(a)~~] (i) execute an improvement warranty for the improvement warranty period; and

[~~(b)~~] (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the municipality, in the amount of up to 10% of the lesser of the:

[~~(i)~~] (A) municipal engineer's original estimated cost of completion; or

[~~(ii)~~] (B) applicant's reasonable proven cost of completion.

[~~(7)~~] (b) A municipality may not require the payment of the deposit of the improvement warranty assurance described in Subsection (6)(a)(i) for an infrastructure improvement or public landscaping improvement before the applicant indicates through written request that the applicant has completed the infrastructure improvement or public landscaping improvement.

(7) When a municipality accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection (3)(c)(ii), the municipality may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.

(8) A municipality may not require the submission of a private landscaping plan as part of an application for {~~subdivision approval, plat approval, or subdivision improvement~~} a building permit.

[~~(8)~~] (9) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

Section 48. Section **10-9a-701** is amended to read:

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

(1)

(a) Each municipality adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities.

(b) An appeal authority described in Subsection (1)(a) shall hear and decide:

(i) requests for variances from the terms of land use ordinances;

(ii) appeals from land use decisions applying land use ordinances; and

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

(c) An appeal authority described in Subsection (1)(a) may not hear an appeal from the enactment of a land use regulation.

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

(3) An appeal authority described in Subsection (1)(a):

(a) shall:

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

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

(b) may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.

(4) By ordinance, a municipality may:

(a) designate a separate appeal authority to hear requests for variances than the appeal authority the municipality designates to hear appeals;

(b) designate one or more separate appeal authorities to hear distinct types of appeals of land use authority decisions;

(c) require an adversely affected party to present to an appeal authority every theory of relief that the adversely affected party can raise in district court;

(d) not require a land use applicant or adversely affected party to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies; and

(e) provide that specified types of land use decisions may be appealed directly to the district court.

(5) A municipality may not require a public hearing for a request for a variance or {~~another~~ } land use appeal.

(6) If the municipality establishes or, prior to the effective date of this chapter, has established a multiperson board, body, or panel to act as an appeal authority, at a minimum the board, body, or panel shall:

(a) notify each of the members of the board, body, or panel of any meeting or hearing of the board, body, or panel;

(b) provide each of the members of the board, body, or panel with the same information and access to municipal resources as any other member;

(c) convene only if a quorum of the members of the board, body, or panel is present; and

(d) act only upon the vote of a majority of the convened members of the board, body, or panel.

Section 49. Section **10-9a-802** is amended to read:

10-9a-802. Enforcement -- Limitations on a municipality's ability to enforce an ordinance by withholding a permit or certificate.

(1)

(a) A municipality or an adversely affected party may, in addition to other remedies provided by law, institute:

(i) injunctions, mandamus, abatement, or any other appropriate actions; or

(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) A municipality need only establish the violation to obtain the injunction.

(2)

(a) Except as provided in Subsections (3) [~~and (4)~~] though (6), a municipality may enforce the municipality's ordinance by withholding a building permit or certificate of occupancy.

(b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any building or other structure within a municipality without approval of a building permit.

(c) A municipality may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

{~~(d) {A municipality may require an applicant to install a permanent road, cover a temporary road with asphalt or concrete, or create another method for servicing a structure that is consistent with Appendix D of the International Fire Code, before receiving a certificate of occupancy for that structure.}~~ }

{~~(e)~~} (d) A municipality may require an applicant to maintain and repair a temporary fire apparatus road during the construction of a structure accessed by the temporary fire apparatus road in accordance with the municipality's adopted standards.

{~~(f)~~} (e) A municipality may require temporary signs to be installed at each street intersection once construction of new roadway allows passage by a motor vehicle.

{~~(g)~~} (f) A municipality may adopt and enforce any appendix of the International Fire Code, 2021 Edition.

[~~(d)~~]

(3)

(a) A municipality may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement:

(i) [~~that is not~~] unless the infrastructure improvement is essential to meet the requirements for the issuance of a building permit or certificate of occupancy under[~~ the building code and fire code~~] Title 15A, State Construction and Fire Codes Act; and

(ii) for which the municipality has accepted an improvement completion assurance for a public landscaping improvement, as defined in Section 10-9a-604.5, or an infrastructure improvement for the development.

(b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6, infrastructure improvement that is essential means:

(i) for a building permit:

{~~(i)~~} (A) operable fire hydrants installed in a manner that is consistent with the municipality's adopted engineering standards; and

{~~(ii)~~} (B) for temporary roads used during construction, properly compacted road base installed in a manner consistent with the municipality's adopted engineering standards{~~.~~} ;

(ii) for a certificate of occupancy, at the discretion of the municipality, at least one of the following:

(A) a permanent road;

(B) a temporary road covered with asphalt or concrete; or

(C) another method for accessing a structure consistent with Appendix D of the International Fire Code; and

(iii) public infrastructure necessary for the health, life, and safety of the occupant.

(c) A municipality may not adopt an engineering standard that requires an applicant to install a permanent road or a temporary road with asphalt or concrete before receiving a building permit.

[~~(3)~~] (4) {~~A municipality may not require an applicant to sign an agreement, release, or other document inconsistent with this chapter as a condition of receiving a building permit.~~}

{[~~(3)~~] ~~(5)~~} A municipality may not deny an applicant a building permit or certificate of occupancy [~~based on the lack of completion of a~~] for failure to:

(a) submit a private landscaping plan, as defined in Section 10-9a-604.5; or

(b) complete a landscaping improvement that is not a public landscaping improvement, as defined in Section 10-9a-604.5.

[~~(4)~~] {~~(6)~~} (5) A municipality may not withhold a building permit based on the lack of completion of a portion of a public sidewalk to be constructed within a public right-of-way serving a lot where a single-family or two-family residence or town home is proposed in a building permit application if an improvement completion assurance has been posted for the incomplete portion of the public sidewalk.

[~~(5)~~] {~~(7)~~} (6) A municipality may not prohibit the construction of a single-family or two-family residence or town home, withhold recording a plat, or withhold acceptance of a public landscaping improvement, as defined in Section 10-9a-604.5, or an infrastructure improvement based on the lack of installation of a public sidewalk if an improvement completion assurance has been posted for the public sidewalk.

[~~(6)~~] {~~(8)~~} (7) A municipality may not redeem an improvement completion assurance securing the installation of a public sidewalk sooner than 18 months after the date the improvement completion assurance is posted.

[~~(7)~~] {~~(9)~~} (8) A municipality shall allow an applicant to post an improvement completion assurance for a public sidewalk separate from an improvement completion assurance for:

(a) another infrastructure improvement; or

(b) a public landscaping improvement, as defined in Section 10-9a-604.5.

[~~(8)~~] {~~(10)~~} (9) A municipality may withhold a certificate of occupancy for a single-family or two-family residence or town home until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the single-family or two-family residence or town home is completed and accepted by the municipality.

Section 50. Section **15A-1-105** is amended to read:

15A-1-105. Third-party inspection firms.

(1) As used in this section:

(a) "Building permit applicant" means a person who applies to a local regulator for a building permit.

(b) "Inspection" means a physical examination of all aspects of a structure to ensure compliance with the State Construction Code.

(c) "Local regulator" means the same as that terms is defined in Section 15A-1-102.

(d) "Third-party inspection firm" means an entity that is:

(i) licensed under Title 58, Chapter 56, Building Inspector and Factory Built Housing Licensing Act;

(ii) independent, but may include a building inspector for an adjacent city or county; and

(iii) included on the local regulator's third-party inspection firm list.

(e) "Third-party inspection firm list" means a list of:

(i) for a first, second, third, or fourth class county, or a municipality located within a first, second, third, or fourth class county, three or more third-party inspection firms approved by the local regulator; or

(ii) for a fifth or sixth class county, or a municipality located within a fifth or sixth class county, one or more third-party inspection firms approved by the local regulator.

(2)

(a) Subject to the provisions of this section and Subsections [~~10-6-160(2)~~] 10-9a-542(2) and [~~17-36-55(2)~~] 17-27a-537(2), after submitting a request for inspection, a building permit applicant may engage a third-party inspection firm from the local regulator's third-party inspection firm list to conduct or complete an inspection for the scope of work identified under the original request for inspection.

(b) If a building permit applicant wishes to engage a third-party inspection firm in accordance with Subsection (2)(a), the building permit applicant shall first notify the local regulator of the third-party inspection firm the building permit applicant intends to engage.

(c) Upon completing the inspection, the third-party inspection firm shall submit the inspection report to the local regulator.

(d)

(i) The local regulator shall pay the cost of the inspection to the third-party inspection firm after the local regulator receives the third-party inspection report indicating the third-party inspection firm completed the inspection.

(ii) This section does not require a local regulator to pay for an inspection that exceeds the scope of work identified under the original request for inspection.

(3)

(a) The local regulator shall issue a certificate of occupancy to the building permit applicant if the third-party inspection firm:

(i) completes the inspection; and

(ii) submits the inspection report to the local regulator.

(b) The local regulator shall promptly issue the certificate of occupancy or letter of completion after the third-party inspection firm submits the final inspection report to the local regulator as described in Subsection (3)(a)(ii).

(4) A local regulator is not liable for any inspection performed by a third-party inspection firm.

Section 51. Section **15A-3-203** is amended to read:

15A-3-203. Amendments to Chapters 6 through 15 of IRC.

(1) IRC, Section R609.4.1, is deleted.

(2) In IRC, Section N1101.4 (R102.1.1), a new section N1101.4.1 (R102.1.1) is added as follows: "N1101.4.1 National Green Building Standard. Buildings complying with ICC 700-2020 National Green Building Standard and achieving the Gold rating level for the energy efficiency category shall be deemed to exceed the energy efficiency required by this code. The building shall also meet the requirements identified in table N1105.2 and the building thermal envelope efficiency is greater than or equal to levels of efficiency and solar heat gain coefficients (SHGC) in Tables N1102.2.2 and N1102.1.3 of the 2009 IRC."

(3) In IRC, Section N1101.5 (R103.2), all words after the words "herein governed." are deleted and replaced with the following: "Construction documents include all documentation required for building permits shall include only those items specified in Subsection [~~10-5-132(8)~~] 10-9a-542(8) or 17-27a-537(8) of the Utah [~~Municipal~~] Code."

(4) In IRC, Section N1101.10.3 (R303.1.3) the following changes are made:

(a) The following is added at the end of the first sentence "or EN 14351-1:2006+A1:2010."

(b) The word "accredited" is replaced with "approved" in the third sentence.

(c) The following sentence is added after the third sentence: "A conversion factor of 5.678 shall be used to convert from U values expressed in SI units: ()/53678=."

(d) After "NFRC 200" the following words are added: "or EN 14351-1:2006+A1:2010," and in the sentence the word "accredited" is replaced with the word "approved."

(e) The following new sentence shall be inserted immediately prior to the last sentence: "Total Energy Transmittance values may be substituted for SHGC, and Luminous Transmission values may be substituted for VT."

(5) In IRC, Section N1101.12 (R303.3), all wording after the first sentence is deleted.

(6) In IRC, Section N1101.13 (R401.2), in the first sentence, the words "Section N1101.13.5 and" are deleted.

(7) In IRC, Section N1101.13.5 (R401.2.5) is deleted.

(8) In IRC, Section N1101.14 (R401.3) Number 7, the words "and the compliance path used" are deleted.

(9) In IRC, Table N1102.1.2 (R402.1.2):

(a) in the column titled Fenestration U-Factor the following changes are made:

(i) in the row titled "Climate Zone 3" delete 0.30 and replace it with 0.32;

(ii) in the row titled "Climate Zone 5 and Marine 4" delete 0.30 and replace it with 0.32; and

(iii) in the row titled "Climate Zone 6" delete 0.30 and replace it with 0.32;

(b) in the column titled "Glazed Fenestration SHGC", the following change is made: in the row titled "Climate Zone 3" delete 0.25 and replace it with 0.35;

(c) in the column titled "Ceiling U-Factor" the following changes are made:

(i) in the row titled "Climate Zone 3" delete 0.026 and replace it with 0.030;

(ii) in the row titled "Climate Zone 5 and Marine 4" delete 0.024 and replace it with 0.026; and

(iii) in the row titled "Climate Zone 6" delete 0.024 and replace it with 0.026;

(d) in the column titled "Wood Frame Wall U Factor", the following changes are made:

(i) in the row titled "Climate Zone 3" delete 0.060 and replace it with 0.060;

(ii) in the row titled "Climate Zone 5 and Marine 4" delete 0.045 and replace it with 0.060; and

(iii) in the row titled "Climate Zone 6" delete 0.045 and replace it with 0.060;

(e) in the column titled "Basement Wall U-Factor" the following changes are made:

(i) in the row titled "Climate Zone 5 and Marine 4" delete 0.050 and replace it with 0.075; and

(ii) in the row titled "Climate Zone 6" delete 0.50 and replace it with 0.065; and

(f) in the column titled "Crawl Space Wall U-Factor" the following changes are made:

(i) in the row titled "Climate Zone 5 and Marine 4" delete 0.055 and replace it with 0.078; and

(ii) in the row titled "Climate Zone 6" delete 0.55 and replace it with 0.065.

(10) In IRC, Table N1102.1.3 (R402.1.3), the following changes are made:

(a) in the column titled "Wood Frame Walls R-Value" a new footnote indicator "j" is added and at the bottom of the footnotes the following footnote "j" is added: "j. In climate zone 3B and 5B, an R-15, and in climate zone 6, an R-20 shall be acceptable where air-impermeable insulation is installed in the cavity space, exterior continuous insulation, or some combination thereof; and the tested house air leakage is a maximum of 2.0 ACH50"; and

(b) add a new footnote "k" as follows: "k. Log walls complying with ICC400 and with a minimum average wall thickness of 5 inches or greater shall be permitted in Zones 5 through 8 when overall window glazing has 0.30 U-factor or lower, minimum heating equipment efficiency is for gas 95 AFUE, or for oil, 84 AFUE, and all other components requirements are met."

(11) In IRC, Table N1102.1.3 (R402.1.3) the following changes are made:

(a) in the column titled "Fenestration U-Factor" the following changes are made:

(i) in the row titled "Climate Zone 3" delete 0.30 and replace it with 0.32;

(ii) in the row titled "Climate Zone 5 and Marine 4" delete 0.30 and replace it with 0.32; and

(iii) in the row titled "Climate Zone 6" delete 0.30 and replace it with 0.32;

(b) in the column titled "Glazed Fenestration SHGC" the following change is made: in the row titled "Climate Zone 3" delete 0.25 and replace it with 0.35;

(c) in the Column R-Value the following changes are made:

(i) in the row titled "Climate Zone 3" delete 49 and replace it with 38;

(ii) in the row titled "Climate Zone 5 and Marine 4" delete 60 and replace it with 49; and

(iii) in the row titled "Climate Zone 6" delete 60 and replace it with 49;

(d) in the Column titled "Wood Frame Wall R-Value" the following changes are made:

(i) in the row titled "Climate Zone 3" delete all values and replace with 20+Oci or 13+5ci or 015ci;

(ii) in the row titled "Climate Zone 5 or Marine 4" delete all values and replace with 21+Oci or 15+5ci or 0+15ci; and

(iii) in the row titled "Climate Zone 6" delete all values and replace with 21+Oci or 15+5ci or 0+15ci;

(e) in the column titled "Basement Wall R Value" the following changes are made:

(i) in the row titled "Climate Zone 5 or Marine 4" delete all values and replace with 15+Oci or 0+11ci or 11+5ci; and

(ii) in the row titled "Climate Zone 6" delete all values and replace with 19+Oci or 0+13ci or 11+5ci;

(f) in the column titled "Slab R Value and Depth" the following changes are made:

(i) in the row titled "Climate Zone 3" delete 10ci. 2 ft and replace it with NR; and

(ii) in the row titled "Climate Zone 5 & Marine 4" delete 4 ft and replace it with 2 ft; and

(g) in the column titled "Crawl Space Wall R-Value" the following changes are made:

(i) in the row titled "Climate Zone 5 or Marine 4" delete all values and replace with 15+Oci or 0+11ci or 11+5ci; and

(ii) in the row titled "Climate Zone 6" delete all values and replace with 19+Oci or 0+13ci or 0+11+5ci.

(12) In IRC, a new subsection N1102.1.5.1 (R402.1.5.1) is added as follows: "1102.1.5.1 (R402.1.5.1) RESCheck 2012 Utah Energy Conservation Code. Compliance with section N1102.1.5 (R402.1.5) may be satisfied using the software RESCheck 2012 Utah Energy Conservation Code, which shall

satisfy the R-value and U-factor requirements of N1102.1, N1102.2, and N1102.3, provided the following conditions are met:

(a) in "Climate Zone 5 and 6" the software result shall show 5% better than code; and

(b) in "Climate Zone 3", the software result shall show 5% better than code when software inputs for window U-factor .65 and window SHGC=0.40, notwithstanding actual windows installed shall conform to requirements of Tables N1102.1.2 (R402.1.2) and N1102.1.3 (R402.1.3)."

(13) In IRC, Sections N1102.2.1 (R402.2.1), a new Section N1102.2.1.1 is added as follows:

"N1102.2.1.1. Unvented attic and unvented enclosed rafter assemblies. Unvented attic and unvented enclosed rafter assemblies conforming to Section R806.5 shall be provided with an R-value of R-22 (maximum U-Factor of 0.045) in Climate Zone 3-B or an R-value of R-26 (maximum U-factor of 0.038) in Climate Zones 5-B and 6-B shall be permitted provided all the following conditions are met:

1. The unvented attic assembly complies with the requirements of the International Residential Code, R806.5.

2. The house shall attain a blower door test result 2.5ACH 50.

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.

[~~(a) on or after January 1, 2017, and before January 1, 2019, with the following: "Exception: The duct air leakage test is not required for systems with all air handlers and at least 65% of all ducts (measured by length) located entirely within the building thermal envelope.";~~]

(20) IRC Section N1103.3.3.1 (R403.3.3.1) is deleted.

(21) In IRC, Section N1103.3.5 (R403.3.5), [~~the~~]the following changes are made:

(a) a second Exception is added as follows: "A duct leakage test shall not be required for any system designed such that no air handlers or ducts are located within unconditioned attics."; and

(b) the following is added at the end of the section: "The following parties shall be approved to conduct testing:

(i) Parties certified by BPT or RESNET; and

(ii) Licensed contractors who have completed training provided by Duct Test equipment manufacturers or other comparable training."

(22) In IRC, Section N1103.3.6 (R403.3.6) the following changes are made:

(a) in Subsection 1:

(i) the number 4.0 is changed to 6.0;

(ii) the number 113.3 is changed to 170;

(iii) the number 3.0 is changed to 5.0; and

(iv) the number 85 is changed to 141;

(b) in Subsection 2:

(i) the number 4.0 is changed to 5.0; and

(ii) the number 113.3 is changed to 141; and

(c) Subsection 3 is deleted.

(23) In IRC, Section N1103.3.7 (R403.3.7) the words "or plenums" are deleted.

(24) In IRC, Section N1103.5.1.1 (R403.5.1.1) the words "Where installed" are added at the beginning of the first sentence.

(25) In IRC, Section N1103.5.2 (R403.5.2) the following change is made, Subsections 5 and 6 are deleted and Subsection 7 is renumbered to 5.

(26) IRC, Section N1103.6.2 (R403.6.2), is deleted and replaced with the following: "N1103.6.2 (R403.6.2) Whole-house mechanical ventilation system fan efficacy. Fans used to provide whole-house mechanical ventilation shall meet the efficacy requirements of Table N1103.6.2 (R403.6.2).

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."

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

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

MECHANICAL VENTILATION SYSTEM FAN EFFICACY

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

(28) IRC, Section N1103.6.3 (R403.6.3) is deleted.

(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 (R403.7.1)".

(30) A new IRC, Section N1103.7.1 (R403.7.1) is added as follows: "N1103.7.1 Qualifications. An individual performing load calculations shall be qualified by completing HVAC training from one of the following:

1. HVAC load calculation education from ACCA;

2. A recognized educational institution;

3. HVAC equipment manufacturer's training; or

4. Other recognized industry certification."

(31) In IRC, Section N1104.1 (R404.1), the word "All" is replaced with "Not less than 90 percent of the lamps in".

(32) IRC, Section N1104.1.1 (R404.1.1) is deleted.

(33) IRC, Section N1104.2 (R404.2) is deleted.

(34) IRC, Section N1104.3 (R404.3) is deleted.

(35) In IRC, section N1105.2 (R405.2) the following changes are made:

(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 applicable and readily available".

(36) In IRC, Section N1106.3 (R406.3) "Building thermal envelope" is deleted, and replaced with "Building thermal envelope and on-site renewables. The proposed total building thermal envelope UA, which is the sum of U-factor times assembly area, shall be less than or equal to the building thermal envelope UA using the prescriptive U-factors from Table N1102.1.2 multiplied by 1.15 in accordance with Equation 11-4. The area-weighted maximum fenestration SHGC permitted in Climate Zones 0 through 3 shall be: 0.30.UAProposed design =1.15xUAPrescriptive reference design (Equation 11-4)."

(37) In IRC, Section N1106.3.1 (R406.3.1) is deleted.

(38) In IRC, Section N1106.3.2 (R403.3.2) is deleted.

(39) In IRC, Section N1106.4 (R406.4) the following changes are made:

(a) In the first sentence, the words "in accordance with Equation 11-5" are deleted and replaced with: "permitted to be calculated using the minimum total air exchange rate for the rated home (Qtot) and for the index adjustment factor in accordance with Equation 11.5.";

(b) In equation 11-5, the words "Ventilation rate, CFM" are deleted and replaced with: "Qtot"; and

(c) In the last sentence the number "5" is deleted and replaced with "15".

(40) In IRC N1106.5, in the column titled "ENERGY RATING INDEX" of Table R406.5, the following changes are made:

(a) In the row for "Climate Zone 3", "51" is deleted and replaced with "65";

(b) In the row for "Climate Zone 5", "55" is deleted and replaced with "69"; and

(c) In the row for "Climate Zone 6", "54" is deleted and replaced with "68".

(41) In IRC, Section N1108 (R408) is deleted.

(42) In IRC, Section M1401.3 the word "approved" is deleted in the first sentence and the following is added after the word methodologies ", complying with M1401.3.1".

(43) A new IRC, Section M1401.3.1, is added as follows: "M1401.3.1 Qualifications. An individual performing load calculations shall be qualified by completing HVAC training from one of the following:

1. HVAC load calculation education from ACCA;

2. A recognized educational institution;

3. HVAC equipment manufacturer's training; or

4. Other recognized industry certification."

(44) In IRC, Section M1402.1, the following is added at the end of the second sentence: "or UL/CSA 60335-2-40."

(45) In IRC, Section M1403.1, the characters "/ANCE" are deleted.

(46) IRC, Section M1411.9, is deleted.

(47) In IRC, Section M1412.1, the characters "/ANCE" are deleted.

(48) In IRC, Section M1413.1, the characters "/ANCE" are deleted.

Section 52. Section **15A-5-205.6** is amended to read:

15A-5-205.6. Amendments and additions to Chapter 33 of IFC.

(1) IFC, Chapter 33, Section 3311.1, Required access, is deleted and rewritten as follows:

"3311.1 Required access.

3311.1.1 Approved vehicle access. Approved vehicle access for fire fighting shall be provided as described in Chapter 5 of this code to all construction or demolition sites.

3311.1.2 Fire department connections. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections.

3311.1.3 Type of access. Vehicle access shall be provided by either temporary or permanent roads.

3311.3.1 Temporary road requirements. Temporary roads shall be constructed with a minimum of site specific required structural fill for permanent roads and road base, or other approved material complying with local standards.

3311.3.2 Reports. Compaction reports may be required. An engineer's review and certification of a temporary fire department access road is not required.

3311.3.3 Local jurisdictions. [~~If an improvement completion assurance has been posted in accordance with Section 10-9a-604.5, a~~] A local jurisdiction may not require:

(a) [-]permanent roads, or asphalt or concrete on temporary roads[,] before final approval of the structure served by the road{ ~~if an improvement completion assurance has been posted in accordance with Section 10-9a-604.5~~} ; or

(b) permanent roads, or asphalt and concrete on temporary roads, during construction of the structure served by the road.

3311.1.4 Maintenance. Temporary roads shall be maintained until permanent fire apparatus access roads are available.

3311.1.5 Time line. Temporary or permanent fire department access roads shall be functional before construction above the foundation begins and before an appreciable amount of combustible construction materials are on site."

(2) IFC, Chapter 33, Section 3311.2, Key boxes, is deleted.

(3) Notwithstanding IFC 3311.3.1, a temporary road that meets the requirements of Section 10-9a-802 or 17-27a-802, and any local regulation adopted in accordance with Section {~~10-9a-82~~ } 10-9a-802 or 17-27a-802, may be constructed.

Section 53. Section **17-27a-102** is amended to read:

17-27a-102. Purposes -- General land use authority -- Limitations.

(1)

(a) The purposes of this chapter are to:

(i) provide for the health, safety, and welfare;

(ii) promote the prosperity;

(iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of each county and each county's present and future inhabitants and businesses;

(iv) protect the tax base;

(v) secure economy in governmental expenditures;

(vi) foster the state's agricultural and other industries;

(vii) protect both urban and nonurban development;

(viii) protect and ensure access to sunlight for solar energy devices;

(ix) provide fundamental fairness in land use regulation;

(x) facilitate orderly growth and allow growth in a variety of housing types; and

(xi) protect property values.

(b) Subject to Subsection (4) and Section 11-41-103, to accomplish the purposes of this chapter, a county may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the county considers necessary or appropriate for the use and development of land within the unincorporated area of the county or a designated mountainous planning district, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing:

(i) uses;

(ii) density;

(iii) open spaces;

(iv) structures;

(v) buildings;

(vi) energy-efficiency;

(vii) light and air;

(viii) air quality;

(ix) transportation and public or alternative transportation;

(x) infrastructure;

(xi) street and building orientation and width requirements;

(xii) public facilities;

(xiii) fundamental fairness in land use regulation; and

(xiv) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

(2) Each county shall comply with the mandatory provisions of this part before any agreement or contract to provide goods, services, or municipal-type services to any storage facility or transfer

facility for high-level nuclear waste, or greater than class C radioactive waste, may be executed or implemented.

(3)

(a) Any ordinance, resolution, or rule enacted by a county pursuant to its authority under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.

(b) A county may enact an ordinance, resolution, or rule that regulates surface activity incident to an oil and gas activity if the county demonstrates that the regulation:

(i) is necessary for the purposes of this chapter;

(ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and

(iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.

(4)

(a) This Subsection (4) applies to development agreements entered into on or after May 5, 2021.

(b) A provision in a county development agreement is unenforceable if the provision requires an individual or an entity, as a condition for issuing building permits or otherwise regulating development activities within an unincorporated area of the county, to initiate a process for a municipality to annex the unincorporated area in accordance with [~~Title 10, Chapter 2, Part 4, Annexation~~] Title 10, Chapter 2, Part 8, Annexation.

(c) Subsection (4)(b) does not affect or impair the enforceability of any other provision in the development agreement.

Section 54. Section **17-27a-103** is amended to read:

17-27a-103. Definitions.

As used in this chapter:

(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.

(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;

(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.

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

(7) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adoptedand effective in Title 15A, State Construction and Fire Codes Act.

[~~(7)~~] (8)

(a) "Charter school" means:

(i) an operating charter school;

(ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

(iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(b) "Charter school" does not include a therapeutic school.

[~~(8)~~] (9) "Chief executive officer" means the person or body that exercises the executive powers of the county.

[~~(9)~~] (10) "Conditional use" means a land use that, because of the unique characteristics or potential impact of the land use on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

[~~(10)~~] (11) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

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

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

[~~(11)~~] (12) "County utility easement" means an easement that:

(a) a plat recorded in a county recorder's office described as a county utility easement or otherwise as a utility easement;

(b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;

(c) the county or the county's affiliated governmental entity owns or creates; and

(d)

(i) either:

(A) no person uses or occupies; or

(B) the county or the county's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines; or

(ii) a person uses or occupies with or without an authorized franchise or other agreement with the county.

[~~(12)~~] (13) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

[~~(13)~~] (14) "Development activity" means:

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

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

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

[~~(14)~~] (15)

(a) "Development agreement" means a written agreement or amendment to a written agreement between a county and one or more parties that regulates or controls the use or development of a specific area of land.

(b) "Development agreement" does not include an improvement completion assurance.

[~~(15)~~] (16)

(a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

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

[~~(16)~~] (17) "Educational facility":

(a) means:

(i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;

(ii) a structure or facility:

(A) located on the same property as a building described in Subsection [~~(16)(a)(i)~~] (17)(a)(i); and

(B) used in support of the use of that building; and

(iii) a building to provide office and related space to a school district's administrative personnel; and

(b) does not include:

(i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

(A) not located on the same property as a building described in Subsection [~~(16)(a)(i)~~] (17)(a)(i); and

(B) used in support of the purposes of a building described in Subsection [~~(16)(a)(i)~~] (17)(a)(i); or

(ii) a therapeutic school.

[~~(17)~~] (18) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

[~~(18)~~] (19) "Flood plain" means land that:

(a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or

(b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

[~~(19)~~] (20) "Gas corporation" has the same meaning as defined in Section 54-2-1.

[~~(20)~~] (21) "General plan" means a document that a county adopts that sets forth general guidelines for proposed future development of:

(a) the unincorporated land within the county; or

(b) for a mountainous planning district, the land within the mountainous planning district.

[~~(21)~~] (22) "Geologic hazard" means:

(a) a surface fault rupture;

(b) shallow groundwater;

(c) liquefaction;

(d) a landslide;

(e) a debris flow;

(f) unstable soil;

(g) a rock fall; or

(h) any other geologic condition that presents a risk:

(i) to life;

(ii) of substantial loss of real property; or

(iii) of substantial damage to real property.

[~~(22)~~] (23) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.

[~~(23)~~] (24) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility system.

[~~(24)~~] (25)

(a) "Identical plans" means [~~building~~] floor plans submitted to a county that:

[~~(a)~~] (i) are [~~clearly marked as "identical plans"~~] submitted within the same building code adoption cycle as floor plans that were previously approved by the county;

[~~(b)~~] (ii) [~~are substantially identical building~~] have no structural differences from floor plans that were previously[~~ submitted to and reviewed and~~] approved by the county; and

[~~(c)~~] (iii) describe a building that:

[~~(i)~~] (A) is located on land zoned the same as the land on which the building described in the previously approved plans is located;

[~~(ii) is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;~~]

[~~(iii)~~] (B) has a substantially identical floor plan [~~identical to the building~~] to a floor plan previously [~~submitted to and reviewed and~~]approved by the county; and

[~~(iv)~~] (C) does not require any [~~additional~~]engineering or analysis beyond a {~~cursory~~ } review to confirm the submitted floor plans are substantially identical to a floor plan previously approved by the countyor a review of the site plan and associated geotechnical reports for the site.

(b) "Identical plans" include floor plans that are oriented differently as the floor plan that was previously approved by the county.

[~~(25)~~] (26) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.

[~~(26)~~] (27) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a county to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:

(a) recording a subdivision plat; or

(b) development of a commercial, industrial, mixed use, or multifamily project.

[~~(27)~~] (28) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:

(a) complies with the county's written standards for design, materials, and workmanship; and

(b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

[~~(28)~~] (29) "Improvement warranty period" means a period:

(a) no later than one year after a county's acceptance of required public landscaping; or

(b) no later than one year after a county's acceptance of required infrastructure, unless the county:

(i) determines, based on accepted industry standards and for good cause, that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(ii) has substantial evidence, on record:

(A) of prior poor performance by the applicant; or

(B) that the area upon which the infrastructure will be constructed contains suspect soil and the county has not otherwise required the applicant to mitigate the suspect soil.

[~~(29)~~] (30) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:

(a) is required for human consumption; and

(b) an applicant must install:

(i) in accordance with published installation and inspection specifications for public improvements; and

(ii) as a condition of:

(A) recording a subdivision plat;

(B) obtaining a building permit; or

(C) developing a commercial, industrial, mixed use, condominium, or multifamily project.

[~~(30)~~] (31) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

(a) runs with the land; and

(b)

(i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or

(ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.

[~~(31)~~] (32) "Interstate pipeline company" means a person or entity engaged in natural gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

[~~(32)~~] (33) "Intrastate pipeline company" means a person or entity engaged in natural gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

[~~(33)~~] (34) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

[~~(34)~~] (35) "Land use application":

(a) means an application that is:

(i) required by a county; and

(ii) submitted by a land use applicant to obtain a land use decision; and

(b) does not mean an application to enact, amend, or repeal a land use regulation.

[~~(35)~~] (36) "Land use authority" means:

(a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or

(b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

[~~(36)~~] (37) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:

(a) a land use permit;

(b) a land use application; or

(c) the enforcement of a land use regulation, land use permit, or development agreement.

[~~(37)~~] (38) "Land use permit" means a permit issued by a land use authority.

[~~(38)~~] (39) "Land use regulation":

(a) means a legislative decision enacted by ordinance, law, code, map, resolution, engineering or development standard, specification for public improvement, fee, or rule that governs the use or development of land;

(b) includes the adoption or amendment of a zoning map or the text of the zoning code; and

(c) does not include:

(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or

(ii) a temporary revision to an engineering specification that does not materially:

(A) increase a land use applicant's cost of development compared to the existing specification; or

(B) impact a land use applicant's use of land.

[~~(39)~~] (40) "Legislative body" means the county legislative body, or for a county that has adopted an alternative form of government, the body exercising legislative powers.

[~~(40)~~] (41) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

[~~(41)~~] (42)

(a) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with Section 17-27a-608:

(i) whether or not the lots are located in the same subdivision; and

(ii) with the consent of the owners of record.

(b) "Lot line adjustment" does not mean a new boundary line that:

(i) creates an additional lot; or

(ii) constitutes a subdivision or a subdivision amendment.

(c) "Lot line adjustment" does not include a boundary line adjustment made by the Department of Transportation.

[~~(42)~~] (43) "Major transit investment corridor" means public transit service that uses or occupies:

(a) public transit rail right-of-way;

(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or

(c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:

(i) a public transit district as defined in Section 17B-2a-802; or

(ii) an eligible political subdivision as defined in Section 59-12-2219.

[~~(43)~~] (44) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.

[~~(44)~~] (45) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

[~~(45)~~] (46) "Mountainous planning district" means an area designated by a county legislative body in accordance with Section 17-27a-901.

[~~(46)~~] (47) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and expenses incurred in:

(a) verifying that building plans are identical plans; and

(b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

[~~(47)~~] (48) "Noncomplying structure" means a structure that:

(a) legally existed before the structure's current land use designation; and

(b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

[~~(48)~~] (49) "Nonconforming use" means a use of land that:

(a) legally existed before the current land use designation;

(b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and

(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

[~~(49)~~] (50) "Official map" means a map drawn by county authorities and recorded in the county recorder's office that:

(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;

(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

(c) has been adopted as an element of the county's general plan.

[~~(50)~~] (51) "Parcel" means any real property that is not a lot.

[~~(51)~~] (52)

(a) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 17-27a-523, if no additional parcel is created and:

(i) none of the property identified in the agreement is a lot; or

(ii) the adjustment is to the boundaries of a single person's parcels.

(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:

(i) creates an additional parcel; or

(ii) constitutes a subdivision.

(c) "Parcel boundary adjustment" does not include a boundary line adjustment made by the Department of Transportation.

[~~(52)~~] (53) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

[~~(53)~~] (54) "Plan for moderate income housing" means a written document adopted by a county legislative body that includes:

(a) an estimate of the existing supply of moderate income housing located within the county;

(b) an estimate of the need for moderate income housing in the county for the next five years;

(c) a survey of total residential land use;

(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

(e) a description of the county's program to encourage an adequate supply of moderate income housing.

[~~(54)~~] (55) "Planning advisory area" means a contiguous, geographically defined portion of the unincorporated area of a county established under this part with planning and zoning functions as exercised through the planning advisory area planning commission, as provided in this chapter, but with no legal or political identity separate from the county and no taxing authority.

[~~(55)~~] (56) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 17-27a-603 or 57-8-13.

[~~(56)~~] (57) "Potential geologic hazard area" means an area that:

(a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or

(b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

[~~(57)~~] (58) "Public agency" means:

(a) the federal government;

(b) the state;

(c) a county, municipality, school district, special district, special service district, or other political subdivision of the state; or

(d) a charter school.

[~~(58)~~] (59) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

[~~(59)~~] (60) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

[~~(60)~~] (61) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

[~~(61)~~] (62) "Receiving zone" means an unincorporated area [~~of a county~~]that [~~the~~] a county designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

[~~(62)~~] (63) "Record of survey map" means a map of a survey of land prepared in accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

[~~(63)~~] (64) "Residential facility for persons with a disability" means a residence:

(a) in which more than one person with a disability resides; and

(b) which is licensed or certified by the Department of Health and Human Services under:

(i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

(ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

[~~(64)~~] (65) "Residential roadway" means a public local residential road that:

(a) will serve primarily to provide access to adjacent primarily residential areas and property;

(b) is designed to accommodate minimal traffic volumes or vehicular traffic;

(c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;

(d) has a posted speed limit of 25 miles per hour or less;

(e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;

(f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and

(g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

[~~(65)~~] (66) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

[~~(66)~~] (67) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

[~~(67)~~] (68) "Sending zone" means an unincorporated area [~~of a county~~]that [~~the~~] a county designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

[~~(68)~~] (69) "Site plan" means a document or map that may be required by a county during a preliminary review preceding the issuance of a building permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.

[~~(69)~~] (70)

(a) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts.

(b) "Special district" includes a governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.

[~~(70)~~] (71) "Specified public agency" means:

(a) the state;

(b) a school district; or

(c) a charter school.

[~~(71)~~] (72) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

[~~(72)~~] (73) "State" includes any department, division, or agency of the state.

[~~(73)~~] (74)

(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

(i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

(ii) except as provided in Subsection [~~(73)(c)~~] (74)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

(i) a bona fide division or partition of agricultural land for agricultural purposes;

(ii) a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 17-27a-523 if no new lot is created;

(iii) a recorded document, executed by the owner of record:

(A) revising the legal descriptions of multiple parcels into one legal description encompassing all such parcels; or

(B) joining a lot to a parcel;

(iv) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:

(A) an electrical transmission line or a substation;

(B) a natural gas pipeline or a regulation station; or

(C) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;

(v) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608 if:

(A) no new dwelling lot or housing unit will result from the adjustment; and

(B) the adjustment will not violate any applicable land use ordinance;

(vi) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:

(A) is in anticipation of future land use approvals on the parcel or parcels;

(B) does not confer any land use approvals; and

(C) has not been approved by the land use authority;

(vii) a parcel boundary adjustment;

(viii) a lot line adjustment;

(ix) a road, street, or highway dedication plat;

(x) a deed or easement for a road, street, or highway purpose; or

(xi) any other division of land authorized by law.

[~~(74)~~] (75)

(a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 17-27a-608 that:

(i) vacates all or a portion of the subdivision;

(ii) alters the outside boundary of the subdivision;

(iii) changes the number of lots within the subdivision;

(iv) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or

(v) alters a common area or other common amenity within the subdivision.

(b) "Subdivision amendment" does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

[~~(75)~~] (76) "Substantial evidence" means evidence that:

(a) is beyond a scintilla; and

(b) a reasonable mind would accept as adequate to support a conclusion.

[~~(76)~~] (77) "Suspect soil" means soil that has:

(a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;

(b) bedrock units with high shrink or swell susceptibility; or

(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

[~~(77)~~] (78) "Therapeutic school" means a residential group living facility:

(a) for four or more individuals who are not related to:

(i) the owner of the facility; or

(ii) the primary service provider of the facility;

(b) that serves students who have a history of failing to function:

(i) at home;

(ii) in a public school; or

(iii) in a nonresidential private school; and

(c) that offers:

(i) room and board; and

(ii) an academic education integrated with:

(A) specialized structure and supervision; or

(B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

[~~(78)~~] (79) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

[~~(79)~~] (80) "Unincorporated" means the area outside of the incorporated area of a municipality.

[~~(80)~~] (81) "Water interest" means any right to the beneficial use of water, including:

(a) each of the rights listed in Section 73-1-11; and

(b) an ownership interest in the right to the beneficial use of water represented by:

(i) a contract; or

(ii) a share in a water company, as defined in Section 73-3-3.5.

[~~(81)~~] (82) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 55. Section **17-27a-205** is amended to read:

17-27a-205. Notice of public hearings and public meetings on adoption or modification of land use regulation.

(1) Each county shall give:

(a) notice of the date, time, and place of the first public hearing to consider the adoption or modification of a land use regulation; and

(b) notice of each public meeting on the subject.

(2) Each notice of a public hearing under Subsection (1)(a) shall be:

(a) mailed to each affected entity at least 10 calendar days before the public hearing; and

(b)

(i) [~~published~~] provided for the area affected by the land use ordinance changes, as a class B notice under Section 63G-30-102, for at least 10 calendar days before the day of the public hearing; or

(ii) if the proposed land use ordinance {~~change~~ } adoption or modification is ministerial in nature, as described in {~~Subsection (6)~~} Subsections (6)(a) and (b), provided as a class A notice under Section 63G-30-102 for at least 10 calendar days before the day of the public hearing.

(3) In addition to the notice requirements described in Subsections (1) and (2), for any proposed modification to the text of a zoning code, the notice posted in accordance with Subsection (2) shall:

(a) include:

(i) a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; or

(ii) a direct link to the county's webpage where a person can find a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; and

(b) be provided to any person upon written request.

(4) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the hearing and shall be published for the county, as a class A notice under Section 63G-30-102, for at least 24 hours.

(5)

(a) A county shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed zoning map enactment or amendment at least 10 days before the scheduled day of the public hearing.

(b) The notice shall:

(i) identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;

(ii) state the current zone in which the real property is located;

(iii) state the proposed new zone for the real property;

(iv) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;

(v) state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;

(vi) state the address where the property owner should file the protest;

(vii) notify the property owner that each written objection filed with the county will be provided to the county legislative body; and

(viii) state the location, date, and time of the public hearing described in Section 17-27a-502.

(c) If a county mails notice to a property owner under Subsection (2)(b)(i) for a public hearing on a zoning map or map amendment, the notice required in this Subsection (5) may be included in or part of the notice described in Subsection (2)(b)(i) rather than sent separately.

(6)

{~~(6)~~} (a) A proposed land use ordinance {~~change~~ } is ministerial in nature if {~~the only purpose of~~ } the proposed land use ordinance change is to:

{~~(a)~~} (i) bring the county's land use ordinances into compliance with a state or federal law;

{~~(b)~~} (ii) adopt a county land use update that affects:

{~~(i)~~} (A) an entire zoning district; or

{~~(ii)~~} (B) multiple zoning districts;

{~~(c)~~} (iii) adopt a non-substantive, clerical text amendment to an existing land use ordinance;

{~~(d)~~} (iv) recodify the county's existing land use ordinances; or

{~~(e)~~} (v) designate or define an affected area for purposes of a boundary adjustment or annexation.

(b) A proposed land use ordinance may include more than one of the purposes described in Subsection (6)(a) and remain ministerial in nature.

(c) If a proposed land use ordinance includes an adoption or modification not described in Subsection (6)(a):

(i) the proposed land use ordinance is not ministerial in nature, even if the proposed land use ordinance also includes a change or modification described in Subsection (6)(a); and

(ii) the notice requirements of Subsection (2)(b)(i) apply.

Section 56. Section **56** is enacted to read:

17-27a-309. Urban development in municipal expansion area -- Requirements.

(1) For purposes of this section, "urban development" means the same as the term is defined in Section 10-2-801.

(2) A county legislative body may approve urban development within an adopted expansion area of a municipality if the county notifies the municipality of the proposed urban development, and:

(a) the municipality consents in writing to the proposed urban development; or

(b) the municipality fails to respond to the county's notification of the proposed urban development within 90 days after the day on which the county provides the notice.

(3) If a municipality responds to the county's notice under Subsection (2) within 90 days after the county's notification of the proposed urban development to object to the proposed urban development, the county may approve the urban development if the county responds to the municipality's objection in writing.

Section 57. Section **17-27a-508** is amended to read:

17-27a-508. Applicant's entitlement to land use application approval -- Application relating to land in a high priority transportation corridor -- County's requirements and limitations -- Vesting upon submission of development plan and schedule.

(1)

(a)

(i) An applicant who has submitted a complete land use application, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

(A) in effect on the date that the application is complete; and

(B) applicable to the application or to the information shown on the submitted application.

(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The county shall process an application without regard to proceedings the county initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

(i) 180 days have passed since the county initiated the proceedings; and

(ii)

(A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or

(B) during the 12 months prior to the county processing the application or multiple applications of the same type, the application is impaired or prohibited under the terms of a temporary land use regulation adopted under Section 17-27a-504.

{~~(c)~~}

{~~(i) If a state or local land use regulation is adopted or amended following the date on which an applicant becomes entitled to substantive review of an application, as described in Subsection (1)(a)(i), the applicant may elect in writing to have the application reviewed for compliance with the new state or local land use regulation.~~}

{~~(ii) If an applicant makes the election described in Subsection (1)(c)(i), the municipality shall process the application in accordance with the new state or local land use regulation.~~}

{~~(iii) If an applicant does not make the election described in Subsection (1)(c)(i) within 30 days after the day on which the applicant submitted the complete land use application or the new state or local land use regulation goes into effect, whichever occurs later, the municipality is not required to process the application in accordance with the new state or local land use regulation.~~}

{~~[~~(c)~~]~~} {~~(d)~~} A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.

{~~[~~(d)~~]~~} {~~(e)~~} Unless a phasing sequence is required in an executed development agreement, a county shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.

{~~[~~(e)~~]~~} {~~(f)~~} 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 diligence.

{~~[~~(f)~~]~~} {~~(g)~~} A county may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

(i) this chapter;

(ii) a county ordinance in effect on the date that the applicant submits a complete application, subject to Subsection (1)(a)(ii); or

(iii) a county specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

{~~[~~(g)~~]~~} {~~(h)~~} A county may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

(i) in a land use permit;

(ii) on the subdivision plat;

(iii) in a document on which the land use permit or subdivision plat is based;

(iv) in the written record evidencing approval of the land use permit or subdivision plat;

(v) in this chapter;

(vi) in a county ordinance; or

(vii) in a county specification for residential roadways in effect at the time a residential subdivision was approved.

{[](h){]} {~~(i)~~} Except as provided in Subsection {[](1)(i) or (j){]} ~~(1)(j) or (k)~~}, a county may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

(i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the building permit or subdivision plat; or

(ii) in this chapter or the county's ordinances.

{[](i){]} {~~(j)~~} A county may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

(i) the applicant and the county have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable local ordinance[~~that the legislative body adopts~~ {[} ~~under~~{]} ~~consistent with~~} ~~this chapter~~].

{[](j){]} {~~(k)~~} A county may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the county that any lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

{~~(l)~~} (k) A county:

(i) may require the submission of a private landscaping plan, as defined in Section 17-27a-604.5, before landscaping is installed; and

(ii) may not withhold an applicant's building permit or certificate of occupancy because the applicant has not submitted a private landscaping plan.

(2) A county is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3) A county may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.

(4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the county's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

(5)

(a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:

(i) to the local clerk as defined in Section 20A-7-101; and

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(4).

(b) Upon delivery of a written notice described in Subsection (5)(a) the following are rescinded and are of no further force or effect:

(i) the relevant land use approval; and

(ii) any land use regulation enacted specifically in relation to the land use approval.

(6)

(a) After issuance of a building permit, a county may not:

(i) change or add to the requirements expressed in the building permit, unless the change or addition is:

(A) requested by the building permit holder; or

(B) necessary to comply with an applicable state building code; or

(ii) revoke the building permit or take action that has the effect of revoking the building permit.

(b) Subsection (6)(a) does not prevent a county from issuing a building permit that contains an expiration date defined in the building permit.

Section 58. Section **58** is enacted to read:

17-27a-508.1. Private maintenance of public {~~features~~ } access amenities prohibited.

(1) As used in this section:

(a) "Public access amenity" means a physical feature like a trail or recreation area that a municipality designates for public access and use.

(b) "Retail water line" means the same as that term is defined in Section 11-8-4.

(c) "Sewer lateral" means the same as that term is defined in Section 11-8-4.

(d)

(i) "Water utility" means a main line or other integral part of a sewer or water utility service.

(ii) "Water utility" does not include a retail water line or sewer lateral.

(2) A county may not require a private individual or entity, including a community association or homeowners association, to maintain {~~or~~} and be responsible for a public access amenity or water utility in perpetuity unless:

(a) the public access amenity is {~~a sidewalk~~} the property located adjacent to {~~a~~} the private property owned by the private individual or entityto the curb line of the street, including park strips and sidewalks; or

(b) the private individual or entity agreed to maintain or be responsible for the public access amenity or water utility in perpetuity in a covenant, utility service agreement, development agreement, or other agreement between the county and the private individual or entity.

Section 59. Section **17-27a-509** is amended to read:

17-27a-509. Limit on fees -- Requirement to itemize fees -- Appeal of fee -- Provider of culinary or secondary water.

(1) A county may [~~not~~]impose or collect a fee for reviewing or approving the plans for a commercial or residential building[~~that exceeds~~] , not to exceed the lesser of:

(a) the actual cost of performing the plan review; and

(b) 65% of the amount the county charges for a building permit fee for that building.

(2)

(a) Subject to Subsection [~~(1)~~] (2)(b), a county may impose and collect [~~only~~]a [~~nominal~~]fee for reviewing and approving identical [~~floor~~]plans, as described in Section 17-27a-536, not to exceed the lesser of:

(i) the actual cost of performing the plan review; or

(ii) 30% of the fee that would be imposed and collected under Subsection (1).

(b) A county may impose and collect a fee for reviewing an original plan, as defined in Section 17-27a-536, that an applicant submits with the intent that the original plan be used as the basis for a future identical plan submission, the same as any other plan review fee under Subsection (1).

(3) A county may not impose or collect a hookup fee that exceeds the reasonable cost of installing and inspecting the pipe, line, meter, or appurtenance to connect to the county water, sewer, storm water, power, or other utility system.

(4) A county may not impose or collect:

(a) a land use application fee that exceeds the reasonable cost of processing the application or issuing the permit; or

(b) an inspection, regulation, or review fee that exceeds the reasonable cost of performing the inspection, regulation, or review.

(5)

(a) If requested by an applicant who is charged a fee or an owner of residential property upon which a fee is imposed, the county shall provide an itemized fee statement that shows the calculation method for each fee.

(b) If an applicant who is charged a fee or an owner of residential property upon which a fee is imposed submits a request for an itemized fee statement no later than 30 days after the day on which the applicant or owner pays the fee, the county shall no later than 10 days after the day on which the request is received provide or commit to provide within a specific time:

(i) for each fee, any studies, reports, or methods relied upon by the county to create the calculation method described in Subsection (5)(a);

(ii) an accounting of each fee paid;

(iii) how each fee will be distributed; and

(iv) information on filing a fee appeal through the process described in Subsection (5)(c).

(c) A county shall establish a fee appeal process subject to an appeal authority described in Part 7, Appeal Authority and Variances, and district court review in accordance with Part 8, District Court Review, to determine whether a fee reflects only the reasonable estimated cost of:

(i) regulation;

(ii) processing an application;

(iii) issuing a permit; or

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

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

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

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

(c) an impact fee for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d), (e), or (g), subject to any applicable credit under Subsection 11-36a-402(2).

(7) A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the following as if it were a county:

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

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

(c) Section 17-27a-509.5.

Section 60. Section **17-27a-509.5** is amended to read:

17-27a-509.5. Review for application completeness -- Substantive application review -- Reasonable diligence required for determination of whether improvements or warranty work meets standards -- Money damages claim prohibited.

(1)

(a) Each county shall, in a timely manner, determine whether a land use application is complete for the purposes of subsequent, substantive land use authority review.

(b) After a reasonable period of time to allow the county diligently to evaluate whether all objective ordinance-based application criteria have been met, if application fees have been paid, the applicant may in writing request that the county provide a written determination either that the application is:

(i) complete for the purposes of allowing subsequent, substantive land use authority review; or

(ii) deficient with respect to a specific, objective, ordinance-based application requirement.

(c) Within 30 days of receipt of an applicant's request under this section, the county shall either:

(i) mail a written notice to the applicant advising that the application is deficient with respect to a specified, objective, ordinance-based criterion, and stating that the application must be supplemented by specific additional information identified in the notice; or

(ii) accept the application as complete for the purposes of further substantive processing by the land use authority.

(d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application shall be considered complete, for purposes of further substantive land use authority review.

(e)

(i) The applicant may raise and resolve in a single appeal any determination made under this Subsection (1) to the appeal authority, including an allegation that a reasonable period of time has elapsed under Subsection (1)(a).

(ii) The appeal authority shall issue a written decision for any appeal requested under this Subsection (1)(e).

(f)

(i) The applicant may appeal to district court the decision of the appeal authority made under Subsection (1)(e).

(ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of the written decision.

(2)

(a) Each land use authority shall substantively review a complete application and an application considered complete under Subsection (1)(d), and shall approve or deny each application with reasonable diligence.

(b) After a reasonable period of time to allow the land use authority to consider an application, the applicant may in writing request that the land use authority take final action within 45 days from date of service of the written request.

(c) Within 45 days from the date of service of the written request described in Subsection (2)(b):

(i) except as provided in Subsection (2)(c)(ii), the land use authority shall take final action, approving or denying the application; and

(ii) if a landowner petitions for a land use regulation, a legislative body shall take final action by approving or denying the petition.

(d) If the land use authority denies an application processed under the mandates of Subsection (2)(b), or if the applicant has requested a written decision in the application, the land use authority shall include its reasons for denial in writing, on the record, which may include the official minutes of the meeting in which the decision was rendered.

(e) If the land use authority fails to comply with Subsection (2)(c), the applicant may appeal this failure to district court within 30 days of the date on which the land use authority should have taken final action under Subsection (2)(c).

(3)

(a) As used in this Subsection (3), an "infrastructure improvement category" includes a:

(i) culinary water system;

(ii) sanitary sewer system;

(iii) storm water system;

(iv) transportation system;

(v) secondary and irrigation water system;

(vi) public landscaping; or

(vii) public parks, trails, or open space.

(b) With reasonable diligence, each land use authority shall determine whether the installation of required subdivision improvements or the performance of warranty work meets the county's adopted standards.

[~~(b)~~] (c)

(i) An applicant may in writing request the land use authority to accept or reject the applicant's installation of required subdivision improvements or performance of warranty work.

(ii) The land use authority shall accept or reject subdivision improvements within 15 days after receiving an applicant's written request under Subsection [~~(3)(b)(i)~~] (3)(c)(i), or as soon as practicable after that 15-day period if inspection of the subdivision improvements is impeded by winter weather conditions.

(iii) [~~The~~] Except as provided in Subsection {~~(3)(c)(vi)~~} (3)(c)(iv), (3)(d), or (3)(e), the land use authority shall accept or reject the performance of warranty work within[~~45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as practicable after that 45-day period if inspection of the warranty work is impeded by winter weather conditions.~~] :

(A) for a county of a first, second, or third class, 15 days after the day on which the land use authority receives an applicant's written request under Subsection (3)(c)(i); and

(B) for a county of the fourth, fifth, or sixth class, 30 days after the day on which the land use authority receives an applicant's written request under Subsection (3)(c)(i).

(iv) If winter weather conditions do not reasonably permit a full and complete inspection of warranty work within the time periods described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) so the land use authority is able to accept or reject the warranty work, the land use authority shall:

(A) notify the applicant in writing before the end of the applicable time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of winter weather conditions, the land use authority will require additional time to accept or reject the performance of warranty work; and

(B) complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection as soon as practicable.

(d) If a land use authority rejects an applicant's performance of warranty work three times, the county may take 15 days in addition to the relevant time period described in Subsection (3)(c)(iii) for subsequent inspections of the applicant's warranty work.

(e)

(i) If extraordinary circumstances do not permit a land use authority to complete inspection of warranty work within the relevant time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) so the land use authority is able to accept or reject the warranty work, the land use authority shall:

(A) notify the applicant in writing before the end of the applicable time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of the extraordinary circumstances, the land use authority will require additional time to accept or reject the performance of warranty work; and

(B) complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection within 30 days after the day on which the relevant time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) ends.

(ii) The following situations constitute extraordinary circumstances for purposes of Subsection (3)(e)(i):

(A) the land use authority is processing a request for inspection that substantially exceeds the normal scope of inspection the county is customarily required to perform;

(B) the applicant has provided two or more written requests described in Subsection (3)(c)(i) within the same 30-day time period; or

(C) the land use authority is processing an unusually large number of written requests described in Subsection (3)(c)(i) to accept or reject subdivision improvements or performance of warranty work.

[~~(e)~~] (f)

(i) If a land use authority determines that the installation of required subdivision improvements or the performance of warranty work does not meet the county's adopted standards, the land use authority shall, within 15 days of the day on which the land use authority makes the determination, comprehensively and with specificity list the reasons for the land use authority's determination.

(ii) If the land use authority fails to provide an applicant with the list described in Subsection (3)(f)(i) within the required time period:

(A) the applicant may send written notice to the land use authority requesting the list within five days; and

(B) if the applicant does not receive the list within five days from the day on which the applicant provides the land use authority with written notice as described in Subsection (3)(f)(ii)(A), the applicant may demand, and the land use authority shall provide, a reimbursement equal to 20% of the applicant's improvement completion assurance or security for the warranty work within each infrastructure improvement category.

(g) Subject to the provisions of Section 10-9a-604.5:

(i) within 15 days of the day on which the land use authority determines that an infrastructure improvement within a certain infrastructure improvement category, as described in Subsection (3)(a), meets the county's adopted standards for that category of infrastructure improvement and an applicant submits complete as-built drawings to the land use authority, whichever occurs later, the land use authority shall return to the applicant 90% of the applicant's improvement completion assurance allocated toward that infrastructure improvement category; and

(ii) within 15 days of the day on which the warranty period expires and the land use authority determines that an infrastructure improvement within a certain infrastructure improvement category, as described in Subsection (3)(a), meets the county's adopted standards for that category of infrastructure improvement, the land use authority shall return to the applicant the remaining 10% of the applicant's improvement completion assurance allocated toward that infrastructure improvement category, plus any remaining portion of a bond described in {~~Subection~~ } Subsection 10-9a-604.5(5)(b).

(h) {~~A county's return of an applicant's improvement completion assurance or security for an improvement warranty~~ } The following acts under this Subsection (3) {~~is an~~ } are administrative {~~act.~~} acts:

{~~(4)~~} a county's return of an applicant's improvement completion assurance, or any portion of an improvement completion assurance, within a category of infrastructure improvements, to the applicant; and

(ii) a county's return of an applicant's security for an improvement warranty, or any portion of security for an improvement warranty, within a category of infrastructure improvements, to the applicant.

(4) Subject to Section 17-27a-508, nothing in this section and no action or inaction of the land use authority relieves an applicant's duty to comply with all applicable substantive ordinances and regulations.

(5) There shall be no money damages remedy arising from a claim under this section.

Section 61. Section **17-27a-509.7** is amended to read:

17-27a-509.7. Transferable development rights.

(1) A county may adopt an ordinance:

(a) designating sending zones and receiving zones located wholly within the unincorporated area of the county;

(b) designating a sending zone if the area described in the sending zone is located at least in part within the unincorporated county and the area described in the sending zone that is located outside the county complies with Subsection (2);

(c) designating a receiving zone if the area described in the receiving zone is located at least in part within the unincorporated county and the area described in the receiving zone that is located outside the county complies with Subsection (2); and

[~~(b)~~] (d) allowing the transfer of a transferable development right from a sending zone to a receiving zone.

(2) A county may adopt an ordinance designating a sending zone or receiving zone that is located, in part, in a municipality or unincorporated area of another county if{~~:~~} the legislative body of every municipality or county with land inside the sending zone or receiving zone adopts an ordinance designating the sending zone or receiving zone.

[~~(2)~~] (3) {~~the legislative body of every municipality or county with land inside the sending zone or receiving zone adopts an identical ordinance designating the sending zone or receiving zone; and~~}

{~~(b)~~} {~~the area described in the sending zone or receiving zone is contiguous.~~}

{~~[(2)] (3)~~} A county may not allow the use of a transferable development right unless the county adopts an ordinance described in Subsection (1).

Section 62. Section **17-27a-532** is amended to read:

17-27a-532. Water wise landscaping -- County landscaping regulations.

(1) As used in this section:

(a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.

(b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.

(c) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.

(d) "Private landscaping plan" means the same as that term is defined in Section 17-27a-604.5.

[~~(d)~~] (e)

(i) "Vegetative coverage" means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity.

(ii) "Vegetative coverage" does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.

[~~(e)~~] (f) "Water wise landscaping" means any or all of the following:

(i) installation of plant materials suited to the microclimate and soil conditions that can:

(A) remain healthy with minimal irrigation once established; or

(B) be maintained without the use of overhead spray irrigation;

(ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or

(iii) the use of other landscape design features that:

(A) minimize the need of the landscape for supplemental water from irrigation; or

(B) reduce the landscape area dedicated to lawn or turf.

(2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits, or has the effect of prohibiting, a property owner from incorporating water wise landscaping on the property owner's property.

(3)

(a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a county from requiring a property owner to:

(i) comply with a site plan review, private landscaping plan review, or other review process before installing water wise landscaping;

(ii) maintain plant material in a healthy condition; and

(iii) follow specific water wise landscaping design requirements adopted by the county, including a requirement that:

(A) restricts or clarifies the use of mulches considered detrimental to county operations;

(B) imposes minimum or maximum vegetative coverage standards; or

(C) restricts or prohibits the use of specific plant materials.

(b) A county may not require a property owner to install or keep in place lawn or turf in an area with a width less than eight feet.

(4) A county may require a seller of a newly constructed residence within the unincorporated area of the county to inform the first buyer of the newly constructed residence of a county ordinance requiring water wise landscaping.

(5) A county shall report to the Division of Water Resources the existence, enactment, or modification of an ordinance, resolution, or policy that implements regional-based water use efficiency standards established by the Division of Water Resources by rule under Section 73-10-37.

(6) A county may enforce a county landscaping ordinance in compliance with this section.

Section 63. Section **63** is enacted to read:

17-27a-536. Identical plan review -- Process -- Indexing of plans -- Prohibitions.

(1) As used in this section:

(a) "Business day" means Monday, Tuesday, Wednesday, Thursday, or Friday, unless the day falls on a federal, state, or county holiday.

(b) "Nonidentical plan" means a plan that does not meet the definition of an identical plan in Section 17-27a-103.

(c) "Original plan" means the same as that term is defined in Section 10-9a-541.

(2) An applicant may submit, and a county shall review, an identical plan as described in this section.

(3) At the time of submitting an identical plan for review to a county, an applicant shall:

(a) mark the floor plan as "identical plans";

(b) identify in writing:

(i) the building permit number the county issued for the original plan:

(A) that was previously approved by the county; and

(B) to which the submitted floor plan qualifies as an identical plan; or

(ii) the identifying index number assigned by the county to the original plan, as described in Subsection (5)(b); and

(c) identify the site on which the applicant intends to implement the identical plan.

(4) Beginning May 7, 2025, an applicant that intends to submit an identical plan for review to a county shall:

(a) indicate, at the time of submitting an original plan to the county for review and approval, that the applicant intends to use the original plan as the basis for submitting a future identical plan if the original plan is approved by the county; and

(b) identify:

(i) the name or other identifier of the original plan; and

(ii) the zone the building will be located in, if the county approves the original plan.

(5) Upon approving an original plan and receiving the information described in Subsection (4), a county shall:

(a) file and index the original plan for future reference against an identical plan later submitted under Subsection (2); and

(b) provide the applicant with an identifying index number for the original plan.

(6) A county that receives a submission under Subsection (2) shall review and compare the submitted identical plan to the original plan to ensure the identical plan and original plan are:

(a) substantially identical; and

(b) no structural changes have been made from the original plan.

(7) Nothing in this section prohibits a county from conducting a site review and requiring geological analysis of the proposed site identified by the applicant under Subsection (3)(c).

(8) A county shall:

(a) review a submitted identical plan for compliance with this section; and

(b) approve or reject the identical plan within {~~two~~ } five business days after the day on which the identical plan was submitted under Subsection (2).

(9) An applicant that submits a nonidentical plan to a county as an identical plan, with knowledge that the nonidentical plan does not qualify as an identical plan and with intent to deceive the county:

(a) may be fined by the county receiving the submission of the nonidentical plan:

(i) in an amount not to exceed three times the building permit fee, if the county approved the nonidentical plan as an identical plan before discovering the submission did not qualify as an identical plan; or

(ii) in an amount equal to the building permit fee that would have been issued for the nonidentical plan, if the county did not approve the nonidentical plan before discovering the submission did not qualify as an identical plan; and

(b) is prohibited from submitting an identical plan for review and approval under this section for a period of two years from the day on which the county discovers the nonidentical plan identified as an identical plan in the applicant's submission did not qualify as an identical plan.

(10) A county may impose a criminal penalty, as described in Section 17-53-223, for an applicant that knowingly violates the prohibition described in Subsection (9)(b).

Section 64. Section **17-27a-537** is renumbered and amended to read:

~~[17-36-55]~~ 17-27a-537. Fees collected for construction approval -- Approval of plans.

<compare mode="add">(Compare Error)</compare>

(1) As used in this section:

(a) .

(b).

(c)"Lodging establishment" means a place providing temporary sleeping accommodations to the public, including any of the following:

(i) a bed and breakfast establishment;

(ii) a boarding house;

(iii) a dormitory;

(iv) a hotel;

(v) an inn;

(vi) a lodging house;

(vii) a motel;

(viii) a resort; or

(ix) a rooming house.

(d)"Planning review" means a review to verify that a county has approved the following elements of a construction project:

(i)zoning;

(ii)lot sizes;

(iii)setbacks;

(iv)easements;

(v)curb and gutter elevations;

(vi)grades and slopes;

(vii)utilities;

(viii)street names;

(ix)defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section 15A-2-103; and

(x)subdivision.

(e)

(i) with a scope that may not exceed a review to verify:

(A) that the construction project complies with the provisions of the State Construction Code under Title 15A, State Construction and Fire Codes Act;

(B) that the construction project complies with the energy code adopted under Section 15A-2-103;

(C) ;

(D) that the applicant paid any required fees;

(E) that the applicant obtained final approvals from any other required reviewing agencies;

(F)that the construction project complies with federal, state, and local storm water protection laws;

(G)that the construction project received a structural review;

(H)the total square footage for each building level of finished, garage, and unfinished space; and

(I) and the state construction codes.

(ii) :

(A) family dwelling or townhome if additional modifications or substantive changes are identified by the plan review;

(B) or

(C) .

(f) "State Construction Code" means the same as that term is defined in Section 15A-1-102.

(g)"State Fire Code" means the same as that term is defined in Section 15A-1-102.

(h)"Structural review" means:

(i) a review that verifies that a construction project complies with the following:

(A) footing size and bar placement;

(B) foundation thickness and bar placement;

(C) beam and header sizes;

(D) nailing patterns;

(E) bearing points;

(F) structural member size and span; and

(G) sheathing; or

(ii) , a review that a licensed engineer conducts.

(i)"Technical nature" means a characteristic that places an item outside the training and expertise of an individual who regularly performs plan reviews.

(2)

(a) If a county collects a fee for the inspection of a construction project, the county shall ensure that the construction project receives a prompt inspection.

(b) If a county cannot provide a building inspection within three business days after the day on which the county receives the request for the inspection, the applicant may engage an inspection with a third-party inspection firm from the third-party inspection firm list, as described in Section 15A-1-105.

(c) If an inspector identifies one or more violations of the State Construction Code or State Fire Code during an inspection, the inspector shall give the permit holder written notification that:

(i) identifies each violation;

(ii) upon request by the permit holder, includes a reference to each applicable provision of the State Construction Code or State Fire Code; and

(iii) is delivered:

(A) in hardcopy or by electronic means; and

(B) the day on which the inspection occurs.

(3)

(a) .

(b) .

(c)

(i)Subject to Subsection (3)(c)(ii), if a county does not complete a plan review before the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the county complete the plan review.

(ii)If an applicant makes a request under Subsection (3)(c)(i), the county shall perform the plan review no later than:

(A)for a plan review described in Subsection (3)(a), 14 days from the day on which the applicant makes the request; or

(B)for a plan review described in Subsection (3)(b), 21 days from the day on which the applicant makes the request.

(d)An applicant may:

(i); or

(ii)consent, establish an alternative plan review time requirement.

(4)A county may not enforce a requirement to have a plan review if:

(a) ; and

(b)a licensed architect or structural engineer, or both when required by law, stamps the plan.

(5)

(a) A county may attach to a reviewed plan a list that includes:

(i) items with which the county is concerned and may enforce during construction; and

(ii) building code violations found in the plan.

(b) identifies.

(c) .

(6)If a county charges a fee for a building permit, the county may not refuse payment of the fee at the time the applicant submits a building permit application under Subsection (3).

(7) applications submitted under Subsection (3).

(8) is complete if the application contains:

(a) the name, address, and contact information of:

(i) the applicant; and

(ii) the construction manager/general contractor, as defined in Section 63G-6a-103, for the construction project;

(b) a site plan for the construction project that:

(i) is drawn to scale;

(ii) includes a north arrow and legend; and

(iii) provides specifications for the following:

(A) lot size and dimensions;

(B) setbacks and overhangs for setbacks;

(C) easements;

(D) property lines;

(E) topographical details, if the slope of the lot is greater than 10%;

(F) retaining walls;

(G) hard surface areas;

(H) curb and gutter elevations as indicated in the subdivision documents;

(I) ;

(J) street names;

(K) driveway locations;

(L) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section 15A-2-103; and

(M) the location of the nearest hydrant;

(c) construction plans and drawings, including:

(i) elevations, only if the construction project is new construction;

(ii) ;

(iii) and

(iv) electrical, mechanical, and plumbing design;

(d) documentation of energy code compliance;

(e) structural calculations, except for trusses;

(f) a geotechnical report, including a slope stability evaluation and retaining wall design, if:

(i) the slope of the lot is greater than 15%; and

(ii) and

(g) actual construction will comply with applicable local ordinances and building codes.

Section 65. Section **17-27a-604.5** is amended to read:

17-27a-604.5. Subdivision plat recording or development activity before required infrastructure is completed -- Improvement completion assurance -- Improvement warranty.

(1) As used in this section[~~,~~] :

(a) "Private landscaping plan" means a proposal:

(i) to install landscaping on a lot owned by a private individual or entity; and

(ii) submitted to a county by the private individual or entity, or on behalf of a private individual or entity, that owns the lot.

(b) "[~~public~~] Public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

[~~(a)~~] (i) will be dedicated to and maintained by the county; or

[~~(b)~~] (ii) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

(2) A land use authority shall establish objective inspection standards for acceptance of a required public landscaping improvement or infrastructure improvement.

(3)

(a) [~~Before~~] Except as provided in Subsection (3)(d) or (3)(e), before an applicant conducts any development activity or records a plat, the applicant shall:

(i) complete any required public landscaping improvements or infrastructure improvements; or

(ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.

(b) If an applicant elects to post an improvement completion assurance, the applicant shall in accordance with Subsection (5) provide completion assurance for:

(i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or

(ii) if the county has inspected and accepted a portion of the public landscaping improvements or infrastructure improvements, 100% of the incomplete or unaccepted public landscaping improvements or infrastructure improvements.

(c) A county shall:

(i) establish a minimum of two acceptable forms of completion assurance;

(ii)

(A) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this [~~title,~~] chapter and any local ordinances; and

(B) if a county accepts cash deposits as a form of completion assurance and an applicant elects to post a cash deposit as a form of completion assurance, place the cash deposit in an interest-bearing account upon receipt and return any earned interest to the applicant with the return of the completion assurance according to the conditions of this chapter and any local ordinances;

(iii) establish a system for the partial release of an improvement completion assurance as portions of required public landscaping improvements or infrastructure improvements are completed and accepted in accordance with local ordinance; and

(iv) issue or deny a building permit in accordance with Section 17-27a-802 based on the installation of public landscaping improvements or infrastructure improvements.

(d) A county may not require an applicant to post an improvement completion assurance for:

(i) public landscaping improvements or infrastructure improvements that the county has previously inspected and accepted;

(ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation;

(iii) in a county where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the county requires to be private;[~~or~~]

(iv) landscaping improvements that are not public landscaping improvements, unless the landscaping improvements and completion assurance are required under the terms of a development agreement[.] ;

(v) a private landscaping plan;

(vi) landscaping improvements or infrastructure improvements that an applicant elects to install at the applicant's own risk:

(A) before the plat is recorded;

(B) pursuant to inspections required by the county for the infrastructure improvement; and

(C) pursuant to final civil engineering plan approval by the county; or

(vii) any individual public landscaping improvement or individual infrastructure improvement when the individual public landscaping improvement or individual infrastructure improvement is also included as part of a separate improvement completion assurance.

(e)

(i) A county may not:

(A) prohibit an applicant from installing a public landscaping improvement or an infrastructure improvement when the municipality has approved final civil engineering plans for the development activity or plat for which the public landscaping improvement or infrastructure improvement is required; or

(B) require an applicant to sign an agreement, release, or other document inconsistent with this chapter as a condition of posting an improvement completion assurance {~~or a~~ } , security for an improvement warranty, or receiving a building permit.

(ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and infrastructure improvements that are installed by an applicant are subject to inspection by the county in accordance with the county's adopted inspection standards.

(f)

(i) Each improvement completion assurance and improvement warranty posted by an applicant with a county shall be independent of any other improvement completion assurance or improvement warranty posted by the same applicant with the county.

(ii) Subject to Section 10-9a-509.5, if an applicant has posted a form of security with a county for more than one infrastructure improvement or public landscaping improvement, the county may not withhold acceptance of an applicant's required subdivision improvements, public landscaping improvement, infrastructure improvements, or the performance of warranty work for the same applicant's failure to complete a separate subdivision improvement, public landscaping improvement, infrastructure improvement, or warranty work under a separate improvement completion assurance or improvement warranty.

(4)

(a) Except as provided in Subsection (4)(c), as a condition for increased density or other entitlement benefit not currently available under the existing zone, a county may require a completion assurance bond for landscaped amenities and common area that are dedicated to and maintained by a homeowners association.

(b) Any agreement regarding a completion assurance bond under Subsection (4)(a) between the applicant and the county shall be memorialized in a development agreement.

(c) A county may not require a completion assurance bond for or dictate who installs or is responsible for the cost of the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.

(5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:

(a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and

(b) 10% of the amount of the bond to cover administrative costs incurred by the county to complete the improvements, if necessary.

(6)

(a) [~~At any time before a county accepts a public landscaping improvement or infrastructure improvement~~] Upon an applicant's written request that the land use authority accept or reject the applicant's installation of required subdivision improvements or performance of warranty work as

set forth in Section 17-27a-509.5, and for the duration of each improvement warranty period, the land use authority may require the applicant to:

[~~(a)~~] (i) execute an improvement warranty for the improvement warranty period; and

[~~(b)~~] (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the county, in the amount of up to 10% of the lesser of the:

[~~(i)~~] (A) county engineer's original estimated cost of completion; or

[~~(ii)~~] (B) applicant's reasonable proven cost of completion.

(b) A county may not require the payment of the deposit of the improvement warranty assurance described in Subsection (6)(a) for an infrastructure improvement or public landscaping improvement before the applicant indicates through written request that the applicant has completed the infrastructure improvement or public landscaping improvement.

(7) When a county accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection (3)(c)(ii)(A), the county may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.

(8) A county may not require the submission of a private landscaping plan as part of an application for {~~subdivision approval, plat approval, or subdivision improvement~~} a building permit.

[~~(8)~~] (9) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

Section 66. Section **17-27a-701** is amended to read:

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

(1)

(a) Each county adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities.

(b) An appeal authority shall hear and decide:

(i) requests for variances from the terms of land use ordinances;

(ii) appeals from land use decisions applying land use ordinances; and

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

(c) An appeal authority may not hear an appeal from the enactment of a land use regulation.

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

(3) An appeal authority described in Subsection (1)(a):

(a) shall:

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

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

(b) may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.

(4) By ordinance, a county may:

(a) designate a separate appeal authority to hear requests for variances than the appeal authority the county designates to hear appeals;

(b) designate one or more separate appeal authorities to hear distinct types of appeals of land use authority decisions;

(c) require an adversely affected party to present to an appeal authority every theory of relief that the adversely affected party can raise in district court;

(d) not require a land use applicant or adversely affected party to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies; and

(e) provide that specified types of land use decisions may be appealed directly to the district court.

(5) A county may not require a public hearing for a request for a variance or {~~another~~ } land use appeal.

(6) If the county establishes or, prior to the effective date of this chapter, has established a multiperson board, body, or panel to act as an appeal authority, at a minimum the board, body, or panel shall:

(a) notify each of the members of the board, body, or panel of any meeting or hearing of the board, body, or panel;

(b) provide each of the members of the board, body, or panel with the same information and access to municipal resources as any other member;

(c) convene only if a quorum of the members of the board, body, or panel is present; and

(d) act only upon the vote of a majority of the convened members of the board, body, or panel.

Section 67. Section **17-27a-802** is amended to read:

17-27a-802. Enforcement -- Limitations on a county's ability to enforce an ordinance by withholding a permit or certificate.

(1)

(a) A county or an adversely affected party may, in addition to other remedies provided by law, institute:

(i) injunctions, mandamus, abatement, or any other appropriate actions; or

(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

(b) A county need only establish the violation to obtain the injunction.

(2)

(a) Except as provided in Subsections (3) [~~and (4)~~] through (6), a county may enforce the county's ordinance by withholding a building permit or certificate of occupancy.

(b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within a county without approval of a building permit.

(c) The county may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

(d) A county may require an applicant to install a permanent road, cover a temporary road with asphalt or concrete, or create another method for servicing a structure that is consistent with Appendix D of the International Fire Code, before receiving a certificate of occupancy for that structure.

(e) A county may require an applicant to maintain and repair a temporary fire apparatus road during the construction of a structure accessed by the temporary fire apparatus road in accordance with the county's adopted standards.

(f) A county may require temporary signs to be installed at each street intersection once construction of new roadway allows passage by a motor vehicle.

(g) A county may adopt and enforce any appendix of the International Fire Code, 2021 Edition.

(3)

(a) A county may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement:

(i) [~~that is not~~] unless the infrastructure improvement {~~structure~~} is essential to meet the requirements for the issuance of a building permit or certificate of occupancy under [~~the building code and fire code~~] Title 15A, State Construction and Fire Codes Act; and

(ii) for which the county has accepted an improvement completion assurance for a public landscaping improvement, as defined in Section 17-27a-604.5, or an infrastructure improvement for the development.

(b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6, infrastructure improvement that is essential means:

(i) operable fire hydrants installed in a manner that is consistent with the county's adopted engineering standards; and

(ii) for temporary roads used during construction, properly compacted road base installed in a manner consistent with the county's adopted engineering standards.

(c) A county may not adopt an engineering standard that requires an applicant to install a permanent road or a temporary road with asphalt or concrete before receiving a building permit.

[~~(3)~~] (4) {~~A county may not require an applicant to sign an agreement, release, or other document inconsistent with this chapter as a condition of receiving a building permit.~~}

{[~~(3)~~] (5)} A county may not deny an applicant a building permit or certificate of occupancy [~~based on the lack of completion of a~~] for failure to:

(a) submit a private landscaping plan, as defined in Section 17-27a-604.5; or

(b) complete a landscaping improvement that is not a public landscaping improvement, as defined in Section 17-27a-604.5.

[~~(4)~~] {~~(6)~~} (5) A county may not withhold a building permit based on the lack of completion of a portion of a public sidewalk to be constructed within a public right-of-way serving a lot where a single-family or two-family residence or town home is proposed in a building permit application if an improvement completion assurance has been posted for the incomplete portion of the public sidewalk.

[~~(5)~~] {~~(7)~~} (6) A county may not prohibit the construction of a single-family or two-family residence or town home, withhold recording a plat, or withhold acceptance of a public landscaping improvement, as defined in Section 17-27a-604.5, or an infrastructure improvement based on the lack of installation of a public sidewalk if an improvement completion assurance has been posted for the public sidewalk.

[~~(6)~~] {~~(8)~~} (7) A county may not redeem an improvement completion assurance securing the installation of a public sidewalk sooner than 18 months after the date the improvement completion assurance is posted.

[~~(7)~~] {~~(9)~~} (8) A county shall allow an applicant to post an improvement completion assurance for a public sidewalk separate from an improvement completion assurance for:

(a) another infrastructure improvement; or

(b) a public landscaping improvement, as defined in Section 17-27a-604.5.

[~~(8)~~] {~~(10)~~} (9) A county may withhold a certificate of occupancy for a single-family or two-family residence or town home until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the single-family or two-family residence or town home is completed and accepted by the county.

Section 68. Section **17B-1-119** is amended to read:

17B-1-119. Duty to comply with local land use provisions -- Requirements before providing a service.

[~~A special district shall comply with Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act, and Title 17, Chapter 27a, County Land Use, Development, and Management Act, as applicable, if~~]

(1)

(a) If a land use authority consults with or allows [~~the~~] a special district to participate in any way in a land use authority's land use development review or approval process[~~.~~] , the special district shall comply with Title 10, Chapter 9a, Municipal Land Use and Development Act, or Title 17, Chapter 27a, County Land Use and Development Act, as applicable to the land use authority.

(b) The compliance required under Subsection (1)(a) is not limited to the special district's participation in the land use authority's review or approval process.

(2)

(a) Before a special district begins providing service to a service applicant, the service applicant shall provide the special district with an improvement assurance and an improvement assurance warranty.

(b) A special district that has not received improvement assurance and an improvement assurance warranty from a service applicant may not begin providing service to the service applicant.

Section 69. Section **17B-1-503** is amended to read:

17B-1-503. Withdrawal or boundary adjustment with municipal approval.

(1) A municipality and a special district whose boundaries adjoin or overlap may adjust the boundary of the special district to include more or less of the municipality, including the expansion area identified in the annexation policy plan adopted by the municipality under Section

[~~10-2-401.5~~] 10-2-803, in the special district by following the same procedural requirements as set forth in Section 17B-1-417 for boundary adjustments between adjoining special [-]districts.

(2)

(a) Notwithstanding any other provision of this title, a municipality annexing all or part of an unincorporated island or peninsula under Title 10, Chapter 2, Classification, Boundaries, Consolidation, and Dissolution of Municipalities, that overlaps a municipal services district organized under Chapter 2a, Part 11, Municipal Services District Act, may petition to withdraw the area from the municipal services district in accordance with this Subsection (2).

(b) For a valid withdrawal described in Subsection (2)(a):

(i) the annexation petition under Section [~~10-2-403~~] 10-2-806 or a separate consent, signed by owners of at least 60% of the total private land area, shall state that the signers request the area to be withdrawn from the municipal services district; and

(ii) the legislative body of the municipality shall adopt a resolution, which may be the resolution adopted in accordance with Subsection [~~10-2-418(5)(a)~~] 10-2-812(3)(a), stating the municipal legislative body's intent to withdraw the area from the municipal services district.

(c) The board of trustees of the municipal services district shall consider the municipality's petition to withdraw the area from the municipal services district within 90 days after the day on which the municipal services district receives the petition.

(d) The board of trustees of the municipal services district:

(i) may hold a public hearing in accordance with the notice and public hearing provisions of Section 17B-1-508;

(ii) shall consider information that includes any factual data presented by the municipality and any owner of private real property who signed a petition or other form of consent described in Subsection (2)(b)(i); and

(iii) identify in writing the information upon which the board of trustees relies in approving or rejecting the withdrawal.

(e) The board of trustees of the municipal services district shall approve the withdrawal, effective upon the annexation of the area into the municipality or, if the municipality has already annexed the area, as soon as possible in the reasonable course of events, if the board of trustees makes a finding that:

(i)

(A) the loss of revenue to the municipal services district due to a withdrawal of the area will be offset by savings associated with no longer providing municipal-type services to the area; or

(B) if the loss of revenue will not be offset by savings resulting from no longer providing municipal-type services to the area, the municipality agreeing to terms and conditions, which may include terms and conditions described in Subsection 17B-1-510(5), can mitigate or eliminate the loss of revenue;

(ii) the annexation petition under Section [~~10-2-403~~] 10-2-806, or a separate petition meeting the same signature requirements, states that the signers request the area to be withdrawn from the municipal services district; or

(iii) the following have consented in writing to the withdrawal:

(A) owners of more than 60% of the total private land area; or

(B) owners of private land equal in assessed value to more than 60% of the assessed value of all private real property within the area proposed for withdrawal have consented in writing to the withdrawal.

(f) If the board of trustees of the municipal services district does not make any of the findings described in Subsection (2)(e), the board of trustees may approve or reject the withdrawal based upon information upon which the board of trustees relies and that the board of trustees identifies in writing.

(g)

(i) If a municipality annexes an island or a part of an island before May 14, 2019, the legislative body of the municipality may initiate the withdrawal of the area from the municipal services district by adopting a resolution that:

(A) requests that the area be withdrawn from the municipal services district; and

(B) a final local entity plat accompanies, identifying the area proposed to be withdrawn from the municipal services district.

(ii)

(A) Upon receipt of the resolution and except as provided in Subsection (2)(g)(ii)(B), the board of trustees of the municipal services district shall approve the withdrawal.

(B) The board of trustees of the municipal services district may reject the withdrawal if the rejection is based upon a good faith finding that lost revenues due to the withdrawal will exceed expected cost savings resulting from no longer serving the area.

(h)

(i) Based upon a finding described in Subsection (e) or (f):

(A) the board of trustees of the municipal services district shall adopt a resolution approving the withdrawal; and

(B) the chair of the board shall sign a notice of impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3).

(ii) The annexing municipality shall deliver the following to the lieutenant governor:

(A) the resolution and notice of impending boundary action described in Subsection (2)(g)(i);

(B) a copy of an approved final local entity plat as defined in Section 67-1a-6.5; and

(C) any other documentation required by law.

(i)

(i) Once the lieutenant governor has issued an applicable certificate as defined in Section 67-1a-6.5, the municipality shall deliver the certificate, the resolution and notice of impending boundary action described in Subsection (2)(h)(i), the final local entity plat as defined in Section 67-1a-6.5, and any other document required by law, to the recorder of the county in which the area is located.

(ii) After the municipality makes the delivery described in Subsection (2)(i)(i), the area, for all purposes, is no longer part of the municipal services district.

(j) The annexing municipality and the municipal services district may enter into an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, stating:

(i) the municipality's and the district's duties and responsibilities in conducting a withdrawal under this Subsection (2); and

(ii) any other matter respecting an unincorporated island that the municipality surrounds on all sides.

(3) After a boundary adjustment under Subsection (1) or a withdrawal under Subsection (2) is complete:

(a) the special district shall, without interruption, provide the same service to any area added to the special district as provided to other areas within the special district; and

(b) the municipality shall, without interruption, provide the same service that the special district previously provided to any area withdrawn from the special district.

(4) No area within a municipality may be added to the area of a special district under this section if the area is part of a special district that provides the same wholesale or retail service as the first special district.

Section 70. Section **17B-1-512** is amended to read:

17B-1-512. Filing of notice and plat -- Recording requirements -- Contest period -- Judicial review.

(1)

(a) Within the time specified in Subsection (1)(b), the board of trustees shall file with the lieutenant governor:

(i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

(ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

(b) The board of trustees shall file the documents listed in Subsection (1)(a):

(i) within 10 days after adopting a resolution approving a withdrawal under Section 17B-1-510;

(ii) on or before January 31 of the year following the board of trustees' receipt of a notice or copy described in Subsection (1)(c), if the board of trustees receives the notice or copy between July 1 and December 31; or

(iii) on or before the July 31 following the board of trustees' receipt of a notice or copy described in Subsection (1)(c), if the board of trustees receives the notice or copy between January 1 and June 30.

(c) The board of trustees shall comply with the requirements described in Subsection (1)(b)(ii) or (iii) after:

(i) receiving:

(A) a notice under Subsection [~~10-2-425(3)~~] 10-2-813(2) of an automatic withdrawal under Subsection 17B-1-502(2);

(B) a copy of the municipal legislative body's resolution approving an automatic withdrawal under Subsection 17B-1-502(3)(a); or

(C) notice of a withdrawal of a municipality from a special district under Section 17B-1-502; or

(ii) entering into an agreement with a municipality under Subsection 17B-1-505(5)(a)(ii)(A) or (5)(b).

(d) Upon the lieutenant governor's issuance of a certificate of withdrawal under Section 67-1a-6.5, the board shall:

(i) if the withdrawn area is located within the boundary of a single county, submit to the recorder of that county:

(A) the original:

(I) notice of an impending boundary action;

(II) certificate of withdrawal; and

(III) approved final local entity plat; and

(B) if applicable, a certified copy of the resolution or notice referred to in Subsection (1)(b); or

(ii) if the withdrawn area is located within the boundaries of more than a single county, submit:

(A) the original of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and (III) and, if applicable, a certified copy of the resolution or notice referred to in Subsection (1)(b) to one of those counties; and

(B) a certified copy of the documents listed in Subsections (1)(d)(i)(A)(I), (II), and (III) and a certified copy of the resolution or notice referred to in Subsection (1)(b) to each other county.

(2)

(a) Upon the lieutenant governor's issuance of the certificate of withdrawal under Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic withdrawal under Subsection 17B-1-502(3), or for the withdrawal of a municipality from a special district under Section 17B-1-505, the withdrawal shall be effective, subject to the conditions of the withdrawal resolution, if applicable.

(b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon the lieutenant governor's issuance of a certificate of withdrawal under Section 67-1a-6.5.

(3)

(a) The special district may provide for the publication of any resolution approving or denying the withdrawal of an area:

(i) in a newspaper of general circulation in the area proposed for withdrawal; and

(ii) as required in Section 45-1-101.

(b) In lieu of publishing the entire resolution, the special district may publish a notice of withdrawal or denial of withdrawal, containing:

(i) the name of the special district;

(ii) a description of the area proposed for withdrawal;

(iii) a brief explanation of the grounds on which the board of trustees determined to approve or deny the withdrawal; and

(iv) the times and place where a copy of the resolution may be examined, which shall be at the place of business of the special district, identified in the notice, during regular business hours of the special

district as described in the notice and for a period of at least 30 days after the publication of the notice.

(4) Any sponsor of the petition or receiving entity may contest the board's decision to deny a withdrawal of an area from the special district by submitting a request, within 60 days after the resolution is adopted under Section 17B-1-510, to the board of trustees, suggesting terms or conditions to mitigate or eliminate the conditions upon which the 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 trustees, the board may consider the suggestions for mitigation and adopt a resolution approving or denying the request in the same manner as provided in Section 17B-1-510 with respect to the original resolution denying the withdrawal and file a notice of the action as provided in Subsection (1).

(6)

(a) Any person in interest may seek judicial review of:

(i) the board of trustees' decision to withdraw an area from the special district;

(ii) the terms and conditions of a withdrawal; or

(iii) the board's decision to deny a withdrawal.

(b) Judicial review under this Subsection (6) shall be initiated by filing an action in the district court in the county in which a majority of the area proposed to be withdrawn is located:

(i) if the resolution approving or denying the withdrawal is published under Subsection (3), within 60 days after the publication or after the board of trustees' denial of the request under Subsection (5);

(ii) if the resolution is not published pursuant to Subsection (3), within 60 days after the resolution approving or denying the withdrawal is adopted; or

(iii) if a request is submitted to the board of trustees of a special district under Subsection (4), and the board adopts a resolution under Subsection (5), within 60 days after the board adopts a resolution under Subsection (5) unless the resolution is published under Subsection (3), in which event the action shall be filed within 60 days after the publication.

(c) A court in which an action is filed under this Subsection (6) may not overturn, in whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

(i) the court finds the board of trustees' decision to be arbitrary or capricious; or

(ii) the court finds that the board materially failed to follow the procedures set forth in this part.

(d) A court may award costs and expenses of an action under this section, including reasonable attorney fees, to the prevailing party.

(7) After the applicable contest period under Subsection (4) or (6), no person may contest the board of trustees' approval or denial of withdrawal for any cause.

Section 71. Section **17B-2a-1106** is amended to read:

17B-2a-1106. Municipal services district board of trustees -- Governance.

(1) Notwithstanding any other provision of law regarding the membership of a special district board of trustees, the initial board of trustees of a municipal services district shall consist of the county legislative body.

(2)

(a) If, after the initial creation of a municipal services district, an area within the district is incorporated as a municipality as defined in Section 10-1-104 and the area is not withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area within the municipality is annexed into the municipal services district in accordance with Section 17B-2a-1103, the district's board of trustees shall be as follows:

(i) subject to Subsection (2)(b), a member of that municipality's governing body;

(ii) one member of the county council of the county in which the municipal services district is located; and

(iii) the total number of board members is not required to be an odd number.

(b) A member described in Subsection (2)(a)(i) shall be designated by the municipal legislative body.

(3)

(a) As used in this Subsection (3):

(i) "District participant" means:

(A) the county that created a municipal services district under Section 17B-2a-1105; or

(B) a municipality that is part of the municipal services district.

(ii) "Proportionate amount" means, for each district participant, the amount that is attributable to the district participant in proportion to the total amount attributable to all district participants.

(iii) "Trigger date" means the earliest of:

(A) the effective date of an annexation of an unincorporated island, as defined in Section [~~10-2-429~~] 10-2-814, that occurs under Title 10, Chapter 2, [~~Part 4~~] Part 8, Annexation, excluding an automatic annexation under Section [~~10-2-429~~] 10-2-814;

(B) the effective date of an incorporation of a community council area, as defined in Section 10-2a-102; and

(C) the effective date of an automatic annexation under Section [~~10-2-429~~] 10-2-814.

(b) For a board of trustees described in Subsection (2), each board member's vote is weighted:

(i) until the trigger date, using the proportion of the municipal services district population that resides:

(A) for each member described in Subsection (2)(a)(i), within that member's municipality; and

(B) for the member described in Subsection (2)(a)(ii), within the unincorporated county; and

(ii) beginning the trigger date:

(A) 60% according to the proportionate amount of the combined total of sales tax revenue and revenue for B and C roads under Section 72-2-108;

(B) 30% according to the proportionate amount of weighted mileage, as defined in Section 72-2-108; and

(C) 10% according to the proportionate amount of population.

(4) The board may adopt a resolution providing for future board members to be appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

(5) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees may adopt a resolution to determine the internal governance of the board.

(6) The municipal services district and the county may enter into an agreement for the provision of legal services to the municipal services district.

Section 72. Section **23A-13-304** is amended to read:

23A-13-304. Annexation restrictions.

A municipality may annex real property within a migratory bird production area as provided by [~~Title 10, Chapter 2, Part 4, Annexation~~] Title 10, Chapter 2, Part 8, Annexation.

Section 73. Section **26B-1-429** is amended to read:

26B-1-429. Utah State Developmental Center Board -- Creation -- Membership -- Duties -- Powers.

(1) There is created the Utah State Developmental Center Board within the department.

(2) The board is composed of nine members as follows:

(a) the director of the Division of Services for People with Disabilities or the director's designee;

(b) the superintendent of the developmental center or the superintendent's designee;

(c) the executive director or the executive director's designee;

(d) a resident of the Utah State Developmental Center selected by the superintendent; and

(e) five members appointed or reappointed by the governor with the advice and consent of the Senate as follows:

(i) three members of the general public; and

(ii) two members who are parents or guardians of individuals who receive services at the Utah State Developmental Center.

(3) In making appointments to the board, the governor shall ensure that:

(a) no more than three members have immediate family residing at the Utah State Developmental Center; and

(b) members represent a variety of geographic areas and economic interests of the state.

(4)

(a) The governor shall appoint each member described in Subsection (2)(e) for a term of four years.

(b) An appointed member may not serve more than two full consecutive terms unless the governor determines that an additional term is in the best interest of the state.

(c) Notwithstanding the requirements of Subsections (4)(a) and (b), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of appointed members are staggered so that approximately half of the appointed members are appointed every two years.

(d) Appointed members shall continue in office until the expiration of their terms and until their successors are appointed, which may not exceed 120 days after the formal expiration of a term.

(e) When a vacancy occurs in the membership for any reason, the governor shall, with the advice and consent of the Senate, appoint a replacement for the unexpired term.

(5)

(a) The director shall serve as the chair.

(b) The board shall appoint a member to serve as vice chair.

(c) The board shall hold meetings quarterly or as needed.

(d) Five members are necessary to constitute a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the board.

(e) The chair shall be a non-voting member except that the chair may vote to break a tie vote between the voting members.

(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 expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(7)

(a) The board shall adopt bylaws governing the board's activities.

(b) Bylaws shall include procedures for removal of a member who is unable or unwilling to fulfill the requirements of the member's appointment.

(8) The board shall:

(a) act for the benefit of the Utah State Developmental Center and the Division of Services for People with Disabilities;

(b) advise and assist the Division of Services for People with Disabilities with the division's functions, operations, and duties related to the Utah State Developmental Center, described in Sections 26B-6-402, 26B-6-403, 26B-6-502, 26B-6-504, and 26B-6-506;

(c) administer the Utah State Developmental Center Miscellaneous Donation Fund, as described in Section 26B-1-330;

(d) administer the Utah State Developmental Center Long-Term Sustainability Fund, as described in Section 26B-1-331;

(e) approve the sale, lease, or other disposition of real property or water rights associated with the Utah State Developmental Center, as described in Subsection 26B-6-507(2); and

(f) within 21 days after the day on which the board receives the notice required under Subsection [~~10-2-419(3) (b)~~] 10-2-903(3)(b), provide a written opinion regarding the proposed boundary adjustment to:

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

(ii) the Legislative Management Committee.

Section 74. Section **53-2d-514** is amended to read:

53-2d-514. Annexations.

(1) A municipality shall comply with the provisions of this section if the municipality is licensed under this chapter and desires to provide service to an area that is:

(a) included in a petition for annexation under [~~Title 10, Chapter 2, Part 4, Annexation~~] Title 10, Chapter 2, Part 8, Annexation; and

(b) currently serviced by another provider licensed under this chapter.

(2)

(a)

(i) At least 45 days prior to approving a petition for annexation, the municipality shall certify to the bureau that by the time of the approval of the annexation the municipality can meet or exceed the current level of service provided by the existing licensee for the annexed area by meeting the requirements of Subsections (2)(b)(ii)(A) through (D); and

(ii) no later than three business days after the municipality files a petition for annexation in accordance with Section [~~10-2-403~~] 10-2-806, provide written notice of the petition for annexation to:

(A) the existing licensee providing service to the area included in the petition of annexation; and

(B) the bureau.

(b)

(i) After receiving a certification under Subsection (2)(a), but prior to the municipality approving a petition for annexation, the bureau may audit the municipality only to verify the requirements of Subsections (2)(b)(ii)(A) through (D).

(ii) If the bureau elects to conduct an audit, the bureau shall make a finding that the municipality can meet or exceed the current level of service provided by the existing licensee for the annexed area if the bureau finds that the municipality has or will have by the time of the approval of the annexation:

(A) adequate trained personnel to deliver basic and advanced life support services;

(B) adequate apparatus and equipment to deliver emergency medical services;

(C) adequate funding for personnel and equipment; and

(D) appropriate medical controls, such as a medical director and base hospital.

(iii) The bureau shall submit the results of the audit in writing to the municipal legislative body.

(3)

(a) If the bureau audit finds that the municipality meets the requirements of Subsection (2)(b)(ii), the bureau shall issue an amended license to the municipality and all other affected licensees to reflect the municipality's new boundaries after the bureau receives notice of the approval of the petition for annexation from the municipality in accordance with Section [~~10-2-425~~] 10-2-813.

(b)

(i) Notwithstanding the provisions of Subsection 63G-4-102(2)(k), if the bureau audit finds that the municipality fails to meet the requirements of Subsection (2)(b)(ii), the municipality may request an adjudicative proceeding under the provisions of Title 63G, Chapter 4, Administrative Procedures Act. The municipality may approve the petition for annexation while an adjudicative proceeding requested under this Subsection (3)(b)(i) is pending.

(ii) The bureau shall conduct an adjudicative proceeding when requested under Subsection (3)(b)(i).

(iii) Notwithstanding the provisions of Sections 53-2d-504 through 53-2d-509, in any adjudicative proceeding held under the provisions of Subsection (3)(b)(i), the bureau bears the burden of establishing that the municipality cannot, by the time of the approval of the annexation, meet the requirements of Subsection (2)(b)(ii).

(c) If, at the time of the approval of the annexation, an adjudicative proceeding is pending under the provisions of Subsection (3)(b)(i), the bureau shall issue amended licenses if the municipality prevails in the adjudicative proceeding.

Section 75. Section **54-3-30** is amended to read:

54-3-30. Electric utility service within a provider municipality -- Electrical corporation prohibited as provider -- Exceptions -- Notice and agreement -- Transfer of customer.

(1) This section applies to an electrical corporation that intends to provide electric service to a customer:

(a) who is located within the municipal boundary of a municipality that provides electric service; and

(b) who is not described in Subsection 54-3-31(2).

(2)

(a) If an electrical corporation is authorized by the commission to provide electric service to a customer in an area adjacent to a municipality, and the municipality provides electric service to a customer located within its municipal boundary, the electrical corporation may not provide electric service to a customer within the municipal boundary unless:

(i) the electrical corporation has entered into a written agreement with the municipality authorizing the electrical corporation to provide electric service:

(A) to a specified customer or to customers located within a specified area within the municipal boundary; and

(B) in accordance with the terms and conditions of the electrical corporation's tariffs and regulations approved by the commission, or approved by the governing board for an electrical cooperative that meets the requirements of Subsection 54-7-12(7); and

(ii)

(A) except as provided in Subsection (2)(a)(ii)(B), the commission approves the agreement in accordance with Section 54-4-40; or

(B) for an electrical cooperative that meets the requirements of Subsection 54-7-12(7), the governing board of the electrical cooperative approves the agreement.

(b) The municipality or the electrical corporation may terminate the agreement for the provision of electric service if the commission imposes a condition authorized in Section 54-4-40 that is a material change to the agreement.

(3) An electrical corporation that enters into an agreement described in Subsection (2)(a) shall transfer service to a customer described in Subsection (2):

(a) at the conclusion of a term specified in the agreement; or

(b) upon termination of the agreement by the electrical corporation in accordance with Subsection (4).

(4) Unless otherwise agreed in writing by the electrical corporation and the municipality, the electrical corporation may terminate an agreement entered into in accordance with Subsection (2)(a) by giving written notice of termination to the municipality:

(a) no earlier than two years before the day of termination; or

(b) within a period of time shorter than two years if otherwise agreed to with the municipality.

(5) Upon termination of an agreement in accordance with Subsection (3)(a), (3)(b), or (4):

(a)

(i) the electrical corporation shall transfer the electric service customer to the municipality; and

(ii) the municipality shall provide electric service to the customer; and

(b) the electrical corporation shall transfer a facility in accordance with and for the value as provided in Section [~~10-2-421~~] 10-2-817.

(6) This section may not be construed to modify or terminate any written franchise agreement or other agreement that expressly provides for electric service by an electrical corporation to a customer within a municipality that was entered into between an electrical corporation and a municipality on or before June 15, 2013.

Section 76. Section **54-3-31** is amended to read:

54-3-31. Electric utility service within a provider municipality -- Electrical corporation authorized as continuing provider for service provided on or before June 15, 2013 -- Notice of service and agreement -- Transfer of customer.

(1) This section applies to an electrical corporation that:

(a)

(i) provides electric service to a customer on or before June 15, 2013, within the municipal boundary of a municipality that provides electric service; or

(ii) provides electric service to a customer within an area:

(A) established by an agreement dated on or before June 15, 2013, with a municipality; and

(B) within the municipal boundary of a municipality that provides electric service; and

(b) intends to continue providing service to that customer.

(2) Notwithstanding Section 54-3-30, if an electrical corporation provides electric service to a customer as described in Subsection (1), and the municipality provides electric service to another customer within its municipal boundary, the electrical corporation may continue to provide electric service to the customer within the municipality's boundary after the termination of, or in the absence of, a written agreement, if:

(a) the electrical corporation provides, on or before December 15, 2013, the municipality with an accurate and complete verified written notice, in accordance with Subsection (3), identifying each customer within the municipality served by the electrical corporation on or before June 15, 2013;

(b) the electrical corporation enters into a written agreement with the municipality:

(i)

(A) prior to the termination of any prior written agreement; or

(B) in the absence of a written agreement; and

(ii) no later than June 15, 2014; and

(c)

(i) except as provided in Subsection (2)(c)(ii), the commission approves the agreement in accordance with Section 54-4-40; or

(ii) for an electrical cooperative that meets the requirements of Subsection 54-7-12(7), the governing board of the electrical cooperative approves the agreement.

(3) The written notice provided in accordance with Subsection (2)(a) shall include for each customer:

(a) the customer's meter number;

(b) the location of the customer's meter by street address, global positioning system coordinates, metes and bounds description, or other similar method of meter location;

(c) the customer's class of service; and

(d) a representation that the customer was receiving service from the electrical corporation on or before June 15, 2013.

(4) The agreement entered into in accordance with Subsection (2) shall require the following:

(a) The electrical corporation is the exclusive electric service provider to a customer identified in the notice described in Subsection (2)(a) unless the municipality and electrical corporation subsequently agree, in writing, that the municipality may provide electric service to the identified customer.

(b) If a customer who is located within the municipal boundary and who is not identified in Subsection (2)(a) requests service after June 15, 2013, from the electrical corporation, the electrical corporation may not provide that customer electric service unless the electrical corporation subsequently submits a request to and enters into a written agreement with the municipality in accordance with Section 54-3-30.

(5)

(a) Unless otherwise agreed in writing by the electrical corporation and the municipality, the electrical corporation may terminate an agreement entered into in accordance with Subsection (2)(b) by giving written notice of termination to the municipality:

(i) no earlier than two years before the day of termination; or

(ii) within a period of time shorter than two years if otherwise agreed to with the municipality.

(b) Upon termination of an agreement in accordance with Subsection (5)(a):

(i)

(A) the electrical corporation shall transfer an electric service customer located within the municipality to the municipality; and

(B) the municipality shall provide electric service to the customer; and

(ii) the electrical corporation shall transfer a facility in accordance with and for the value as provided in Section [~~10-2-421~~] 10-2-817.

(6) This section may not be construed to modify or terminate any written franchise agreement or other agreement that expressly provides for electric service by an electrical corporation to a customer within a municipality that was entered into between an electrical corporation and a municipality on or before June 15, 2013.

Section 77. Section **57-1-1** is amended to read:

57-1-1. Definitions.

As used in this title:

(1) "Certified copy" means a [~~copy~~] duplicate of a document:

(a) certified by its custodian to be a true and correct copy of the document[~~ or the copy of the document maintained by the custodian, where the document or copy is~~] ; or

(b) maintained under the authority of the United States, the state[~~ of Utah or any of its political subdivisions~~] , a political subdivision of the state, another state, a court of record, a foreign government, or an Indian tribe.

(2) "Document" means every instrument in writing, including every conveyance, affecting, purporting to affect, describing, or otherwise concerning any right, title, or interest in real property, except wills and leases for a term not exceeding one year.

(3) "Indian tribe" means the same as that term is defined in Section 9-9-101.

(4) "Person" means an individual, corporation, business trust, estate, trust, public entity, or any other legal or commercial entity.

(5) "Public entity" means:

(a) the United States, including an agency of the United States;

(b) the state, including an agency or department of the state;

(c) a political subdivision, including a county, municipality, school district, special district, special service district, community reinvestment agency, or interlocal cooperation entity; or

(d) an Indian tribe.

(6) "Public entity affidavit" means a notarized affidavit:

(a) signed by an authorized employee or officer of a public entity; and

(b) evidencing consent to a conveyance of real property by deed to the public entity.

[~~(3)~~] (7) "Real property" or "real estate" means any right, title, estate, or interest in land, including:

(a) all nonextracted minerals located in, on, or under the land[~~,~~] ;

(b) all buildings, fixtures and improvements on the land[~~,~~] ; and

(c) all water rights, rights-of-way, easements, rents, issues, profits, income, tenements, hereditaments, possessory rights, claims[~~,~~] including mining claims, privileges, and appurtenances belonging to, used, or enjoyed with the land or any part of the land.

[~~(4)~~] (8) "Stigmatized" means:

(a) the site or suspected site of a homicide, other felony, or suicide;

(b) the dwelling place of a person infected, or suspected of being infected, with the Human Immunodeficiency Virus, or any other infectious disease that the [~~Utah~~] Department of Health and Human Services, created in Section 26B-1-201, determines cannot be transferred by occupancy of a dwelling place; or

(c) property that has been found to be contaminated, and that the local health department has subsequently found to have been decontaminated in accordance with Title 19, Chapter 6, Part 9, Illegal Drug Operations Site Reporting and Decontamination Act.

Section 78. Section **78** is enacted to read:

57-1-48. Conveyance by deed to a public entity.

(1) A grantor may convey real property by deed to a public entity, and a public entity may accept real property conveyed by deed from a grantor, as described in this section.

(2) Real property conveyed to a public entity shall be conveyed by:

(a) if the conveyance is between two public entities, recording a deed conveying real property;

(b) if there is no purchaser for a property offered at a tax sale, complying with the procedure described in Section 59-2-1351.3; and

(c) if the grantor is not a public entity:

(i) recording a deed conveying real property along with a public entity affidavit that complies with Subsection (4); or

(ii) recording a deed that has been notarized and signed by:

(A) the grantor of the property; and

(B) an authorized representative of the public entity.

(3) A conveyance of real property by deed that is recorded in a county recorder's office after July 1, 2025, is voidable by the public entity intended to receive the real property until the earlier of the day on which:

(a) a public entity affidavit approving the transfer is recorded; or

(b) the deed conveying the real property is signed by an authorized employee or officer of the public entity.

(4) A public entity affidavit shall be in substantially the following form:"PUBLIC ENTITY AFFIDAVITI, _____(insert name), being of legal age and authorized by _____ (name of public entity), hereafter "public entity," being first duly sworn, depose and state as

follows:The public entity consents to the conveyance of real property by deed from _____ (name of grantor(s)). By signing this Public Entity Affidavit, the public entity accepts the ownership of the real property described in the attached legal description.The public entity does not guarantee or provide an opinion as to the proper form or validity of any conveyance document related to the real property described in the attached legal description.This Public Entity Affidavit is intended to evidence that the public entity consents to _____ (name of grantor(s)) conveying the real property described in the attached legal description to the public entity."

Section 79. Section **59-12-208.1** is amended to read:

59-12-208.1. Enactment or repeal of tax -- Effective date -- Notice requirements.

(1) For purposes of this section:

(a) "Annexation" means an annexation to:

(i) a county under Title 17, Chapter 2, County Consolidations and Annexations; or

(ii) a city or town under [~~Title 10, Chapter 2, Part 4, Annexation~~] Title 10, Chapter 2, Part 8, Annexation.

(b) "Annexing area" means an area that is annexed into a county, city, or town.

(2)

(a) Except as provided in Subsection (2)(c) or (d), if, on or after July 1, 2004, a county, city, or town enacts or repeals a tax under this part, the enactment or repeal shall take effect:

(i) on the first day of a calendar quarter; and

(ii) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (2)(b) from the county, city, or town.

(b) The notice described in Subsection (2)(a)(ii) shall state:

(i) that the county, city, or town will enact or repeal a tax under this part;

(ii) the statutory authority for the tax described in Subsection (2)(b)(i);

(iii) the effective date of the tax described in Subsection (2)(b)(i); and

(iv) if the county, city, or town enacts the tax described in Subsection (2)(b)(i), the rate of the tax.

(c)

(i) The enactment of a tax takes effect on the first day of the first billing period:

(A) that begins on or after the effective date of the enactment of the tax; and

(B) if the billing period for the transaction begins before the effective date of the enactment of the tax under Section 59-12-204.

(ii) The repeal of a tax applies to a billing period if the billing statement for the billing period is rendered on or after the effective date of the repeal of the tax imposed under Section 59-12-204.

(d)

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in Subsection (2)(a) takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the enactment or repeal under Subsection (2)(a).

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(3)

(a) Except as provided in Subsection (3)(c) or (d), if, for an annexation that occurs on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this part for an annexing area, the enactment or repeal shall take effect:

(i) on the first day of a calendar quarter; and

(ii) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (3)(b) from the county, city, or town that annexes the annexing area.

(b) The notice described in Subsection (3)(a)(ii) shall state:

(i) that the annexation described in Subsection (3)(a) will result in an enactment or repeal of a tax under this part for the annexing area;

(ii) the statutory authority for the tax described in Subsection (3)(b)(i);

(iii) the effective date of the tax described in Subsection (3)(b)(i); and

(iv) the rate of the tax described in Subsection (3)(b)(i).

(c)

(i) The enactment of a tax takes effect on the first day of the first billing period:

(A) that begins on or after the effective date of the enactment of the tax; and

(B) if the billing period for the transaction begins before the effective date of the enactment of the tax under Section 59-12-204.

(ii) The repeal of a tax applies to a billing period if the billing statement for the billing period is rendered on or after the effective date of the repeal of the tax imposed under Section 59-12-204.

(d)

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in Subsection (3)(a) takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the enactment or repeal under Subsection (3)(a).

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

Section 80. Section **59-12-355** is amended to read:

59-12-355. Enactment or repeal of tax -- Tax rate change -- Effective date -- Notice requirements.

(1) For purposes of this section:

(a) "Annexation" means an annexation to a city or town under [~~Title 10, Chapter 2, Part 4, Annexation~~] Title 10, Chapter 2, Part 8, Annexation.

(b) "Annexing area" means an area that is annexed into a city or town.

(2)

(a) Except as provided in Subsection (2)(c), if, on or after July 1, 2004, a city or town enacts or repeals a tax or changes the rate of a tax under this part, or if the Point of the Mountain State Land Authority imposes or repeals a tax under Subsection 59-12-352(6) or changes the rate of the tax, the enactment, repeal, or change shall take effect:

(i) on the first day of a calendar quarter; and

(ii) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (2)(b) from the city or town.

(b) The notice described in Subsection (2)(a)(ii) shall state:

(i) that the city or town will enact or repeal a tax or change the rate of a tax under this part;

(ii) the statutory authority for the tax described in Subsection (2)(b)(i);

(iii) the effective date of the tax described in Subsection (2)(b)(i); and

(iv) if the city or town enacts the tax or changes the rate of the tax described in Subsection (2)(b)(i), the rate of the tax.

(c)

(i) Notwithstanding Subsection (2)(a), for a transaction described in Subsection (2)(c)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the first billing period:

(A) that begins after the effective date of the enactment of the tax or the tax rate increase; and

(B) if the billing period for the transaction begins before the effective date of the enactment of the tax or the tax rate increase imposed under:

(I) Section 59-12-352; or

(II) Section 59-12-353.

(ii) Notwithstanding Subsection (2)(a), for a transaction described in Subsection (2)(c)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last billing period:

(A) that began before the effective date of the repeal of the tax or the tax rate decrease; and

(B) if the billing period for the transaction begins before the effective date of the repeal of the tax or the tax rate decrease imposed under:

(I) Section 59-12-352; or

(II) Section 59-12-353.

(iii) Subsections (2)(c)(i) and (ii) apply to transactions subject to a tax under Subsection 59-12-103(1)(i).

(3)

(a) Except as provided in Subsection (3)(c), if, for an annexation that occurs on or after July 1, 2004, the annexation will result in the enactment, repeal, or change in the rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take effect:

(i) on the first day of a calendar quarter; and

(ii) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (3)(b) from the city or town that annexes the annexing area.

(b) The notice described in Subsection (3)(a)(ii) shall state:

(i) that the annexation described in Subsection (3)(a) will result in an enactment, repeal, or change in the rate of a tax under this part for the annexing area;

(ii) the statutory authority for the tax described in Subsection (3)(b)(i);

(iii) the effective date of the tax described in Subsection (3)(b)(i); and

(iv) if the city or town enacts the tax or changes the rate of the tax described in Subsection (3)(b)(i), the rate of the tax.

(c)

(i) Notwithstanding Subsection (3)(a), for a transaction described in Subsection (3)(c)(iii), the enactment of a tax or a tax rate increase shall take effect on the first day of the first billing period:

(A) that begins after the effective date of the enactment of the tax or the tax rate increase; and

(B) if the billing period for the transaction begins before the effective date of the enactment of the tax or the tax rate increase imposed under:

(I) Section 59-12-352; or

(II) Section 59-12-353.

(ii) Notwithstanding Subsection (3)(a), for a transaction described in Subsection (3)(c)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last billing period:

(A) that began before the effective date of the repeal of the tax or the tax rate decrease; and

(B) if the billing period for the transaction begins before the effective date of the repeal of the tax or the tax rate decrease imposed under:

(I) Section 59-12-352; or

(II) Section 59-12-353.

(iii) Subsections (3)(c)(i) and (ii) apply to transactions subject to a tax under Subsection 59-12-103(1)(i).

Section 81. Section **59-12-403** is amended to read:

59-12-403. Enactment or repeal of tax -- Tax rate change -- Effective date -- Notice requirements -- Administration, collection, and enforcement of tax -- Administrative charge.

(1) For purposes of this section:

(a) "Annexation" means an annexation to a city or town under [~~Title 10, Chapter 2, Part 4, Annexation~~] Title 10, Chapter 2, Part 8, Annexation.

(b) "Annexing area" means an area that is annexed into a city or town.

(2)

(a) Except as provided in Subsection (2)(c) or (d), if, on or after April 1, 2008, a city or town enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or change shall take effect:

(i) on the first day of a calendar quarter; and

(ii) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (2)(b) from the city or town.

(b) The notice described in Subsection (2)(a)(ii) shall state:

(i) that the city or town will enact or repeal a tax or change the rate of a tax under this part;

(ii) the statutory authority for the tax described in Subsection (2)(b)(i);

(iii) the effective date of the tax described in Subsection (2)(b)(i); and

(iv) if the city or town enacts the tax or changes the rate of the tax described in Subsection (2)(b)(i), the rate of the tax.

(c)

(i) If the billing period for a transaction begins before the effective date of the enactment of the tax or the tax rate increase imposed under Section 59-12-401, 59-12-402, or 59-12-402.1, the enactment of the tax or the tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax or the tax rate increase.

(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is produced on or after the effective date of the repeal of the tax or the tax rate decrease imposed under Section 59-12-401, 59-12-402, or 59-12-402.1.

(d)

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in Subsection (2)(a) takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the enactment, repeal, or change in the rate of the tax under Subsection (2)(a).

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(3)

(a) Except as provided in Subsection (3)(c) or (d), if, for an annexation that occurs on or after July 1, 2004, the annexation will result in the enactment, repeal, or change in the rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take effect:

(i) on the first day of a calendar quarter; and

(ii) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (3)(b) from the city or town that annexes the annexing area.

(b) The notice described in Subsection (3)(a)(ii) shall state:

(i) that the annexation described in Subsection (3)(a) will result in an enactment, repeal, or change in the rate of a tax under this part for the annexing area;

(ii) the statutory authority for the tax described in Subsection (3)(b)(i);

(iii) the effective date of the tax described in Subsection (3)(b)(i); and

(iv) if the city or town enacts the tax or changes the rate of the tax described in Subsection (3)(b)(i), the rate of the tax.

(c)

(i) If the billing period for a transaction begins before the effective date of the enactment of the tax or the tax rate increase imposed under Section 59-12-401, 59-12-402, or 59-12-402.1, the enactment of the tax or the tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax or the tax rate increase.

(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is produced on or after the effective date of the repeal of the tax or the tax rate decrease imposed under Section 59-12-401, 59-12-402, or 59-12-402.1.

(d)

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in Subsection (3)(a) takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the enactment, repeal, or change in the rate of the tax under Subsection (3)(a).

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(4)

(a) Except as provided in Subsection (4)(b), a tax authorized under this part shall be administered, collected, and enforced in accordance with:

(i) the same procedures used to administer, collect, and enforce the tax under:

(A) Part 1, Tax Collection; or

(B) Part 2, Local Sales and Use Tax Act; and

(ii) Chapter 1, General Taxation Policies.

(b) A tax under this part is not subject to Subsections 59-12-205(2) through (5).

(5) The commission shall retain and deposit an administrative charge in accordance with Section 59-1-306 from the revenue the commission collects from a tax under this part.

Section 82. Section **59-12-806** is amended to read:

59-12-806. Enactment or repeal of tax -- Tax rate change -- Effective date -- Notice requirements.

(1) For purposes of this section:

(a) "Annexation" means an annexation to:

(i) a county under Title 17, Chapter 2, County Consolidations and Annexations; or

(ii) a city under [~~Title 10, Chapter 2, Part 4, Annexation~~] Title 10, Chapter 2, Part 8, Annexation.

(b) "Annexing area" means an area that is annexed into a county or city.

(2)

(a) Except as provided in Subsection (2)(c) or (d), if, on or after July 1, 2004, a county or city enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or change shall take effect:

(i) on the first day of a calendar quarter; and

(ii) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (2)(b) from the county or city.

(b) The notice described in Subsection (2)(a)(ii) shall state:

(i) that the county or city will enact or repeal a tax or change the rate of a tax under this part;

(ii) the statutory authority for the tax described in Subsection (2)(b)(i);

(iii) the effective date of the tax described in Subsection (2)(b)(i); and

(iv) if the county or city enacts the tax or changes the rate of the tax described in Subsection (2)(b)(i), the rate of the tax.

(c)

(i) The enactment of a tax or a tax rate increase takes effect on the first day of the first billing period:

(A) that begins on or after the effective date of the enactment of the tax or the tax rate increase; and

(B) if the billing period for the transaction begins before the effective date of the enactment of the tax or the tax rate increase imposed under:

(I) Section 59-12-802; or

(II) Section 59-12-804.

(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is rendered on or after the effective date of the repeal of the tax or the tax rate decrease imposed under:

(A) Section 59-12-802; or

(B) Section 59-12-804.

(d)

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in Subsection (2)(a) takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the enactment, repeal, or change in the rate of the tax under Subsection (2)(a).

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(3)

(a) Except as provided in Subsection (3)(c) or (d), if, for an annexation that occurs on or after July 1, 2004, the annexation will result in the enactment, repeal, or change in the rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take effect:

(i) on the first day of a calendar quarter; and

(ii) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (3)(b) from the county or city that annexes the annexing area.

(b) The notice described in Subsection (3)(a)(ii) shall state:

(i) that the annexation described in Subsection (3)(a) will result in an enactment, repeal, or change in the rate of a tax under this part for the annexing area;

(ii) the statutory authority for the tax described in Subsection (3)(b)(i);

(iii) the effective date of the tax described in Subsection (3)(b)(i); and

(iv) if the county or city enacts the tax or changes the rate of the tax described in Subsection (3)(b)(i), the rate of the tax.

(c)

(i) The enactment of a tax or a tax rate increase takes effect on the first day of the first billing period:

(A) that begins on or after the effective date of the enactment of the tax or the tax rate increase; and

(B) if the billing period for the transaction begins before the effective date of the enactment of the tax or the tax rate increase imposed under:

(I) Section 59-12-802; or

(II) Section 59-12-804.

(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is rendered on or after the effective date of the repeal of the tax or the tax rate decrease imposed under:

(A) Section 59-12-802; or

(B) Section 59-12-804.

(d)

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in Subsection (3)(a) takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the enactment, repeal, or change in the rate of a tax under Subsection (3)(a).

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

Section 83. Section **59-12-1302** is amended to read:

59-12-1302. Imposition of tax -- Base -- Rate -- Enactment or repeal of tax -- Tax rate change -- Effective date -- Notice requirements -- Administration, collection, and enforcement of tax -- Administrative charge.

(1) Beginning on or after January 1, 1998, the governing body of a town may impose a tax as provided in this part in an amount that does not exceed 1%.

(2) A town may impose a tax as provided in this part if the town imposed a license fee or tax on businesses based on gross receipts under Section 10-1-203 on or before January 1, 1996.

(3) A town imposing a tax under this section shall:

(a) except as provided in Subsection (4), impose the tax on the transactions described in Subsection 59-12-103(1) located within the town; and

(b) provide an effective date for the tax as provided in Subsection (5).

(4)

(a) A town may not impose a tax under this section on:

(i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt from taxation under Section 59-12-104; and

(ii) except as provided in Subsection (4)(c), amounts paid or charged for food and food ingredients.

(b) For purposes of this Subsection (4), the location of a transaction shall be determined in accordance with Sections 59-12-211 through 59-12-215.

(c) A town imposing a tax under this section shall impose the tax on the purchase price or sales price for amounts paid or charged for food and food ingredients if the food and food ingredients are sold as part of a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients.

(5)

(a) For purposes of this Subsection (5):

(i) "Annexation" means an annexation to a town under [~~Title 10, Chapter 2, Part 4, Annexation~~] Title 10, Chapter 2, Part 8, Annexation.

(ii) "Annexing area" means an area that is annexed into a town.

(b)

(i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a town enacts or repeals a tax or changes the rate of a tax under this part, the enactment, repeal, or change shall take effect:

(A) on the first day of a calendar quarter; and

(B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (5)(b)(ii) from the town.

(ii) The notice described in Subsection (5)(b)(i)(B) shall state:

(A) that the town will enact or repeal a tax or change the rate of a tax under this part;

(B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);

(C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and

(D) if the town enacts the tax or changes the rate of the tax described in Subsection (5)(b)(ii)(A), the rate of the tax.

(c)

(i) If the billing period for the transaction begins before the effective date of the enactment of the tax or the tax rate increase imposed under Subsection (1), the enactment of the tax or the tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax or the tax rate increase.

(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is produced on or after the effective date of the repeal of the tax or the tax rate decrease imposed under Subsection (1).

(d)

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in Subsection (5)(b)(i) takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the enactment, repeal, or change in the rate of the tax under Subsection (5)(b)(i).

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(e)

(i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs on or after July 1, 2004, the annexation will result in the enactment, repeal, or change in the rate of a tax under this part for an annexing area, the enactment, repeal, or change shall take effect:

(A) on the first day of a calendar quarter; and

(B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (5)(e)(ii) from the town that annexes the annexing area.

(ii) The notice described in Subsection (5)(e)(i)(B) shall state:

(A) that the annexation described in Subsection (5)(e)(i) will result in an enactment, repeal, or change in the rate of a tax under this part for the annexing area;

(B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);

(C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and

(D) if the town enacts the tax or changes the rate of the tax described in Subsection (5)(e)(ii)(A), the rate of the tax.

(f)

(i) If the billing period for a transaction begins before the effective date of the enactment of the tax or the tax rate increase imposed under Subsection (1), the enactment of the tax or the tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax or the tax rate increase.

(ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is produced on or after the effective date of the repeal of the tax or the tax rate decrease imposed under Subsection (1).

(g)

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment, repeal, or change in the rate of a tax described in Subsection (5)(e)(i) takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the enactment, repeal, or change in the rate of the tax under Subsection (5)(e)(i).

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(6) The commission shall:

(a) distribute the revenue generated by the tax under this section to the town imposing the tax; and

(b) except as provided in Subsection (8), administer, collect, and enforce the tax authorized under this section in accordance with:

(i) the same procedures used to administer, collect, and enforce the tax under:

(A) Part 1, Tax Collection; or

(B) Part 2, Local Sales and Use Tax Act; and

(ii) Chapter 1, General Taxation Policies.

(7) The commission shall retain and deposit an administrative charge in accordance with Section 59-1-306 from the revenue the commission collects from a tax under this part.

(8) A tax under this section is not subject to Subsections 59-12-205(2) through (5).

Section 84. Section **59-12-1402** is amended to read:

59-12-1402. Opinion question election -- Base -- Rate -- Imposition of tax -- Expenditure of revenue -- Enactment or repeal of tax -- Effective date -- Notice requirements.

(1)

(a) Subject to the other provisions of this section, a city or town legislative body subject to this part may submit an opinion question to the residents of that city or town, by majority vote of all members of the legislative body, so that each resident of the city or town has an opportunity to express the resident's opinion on the imposition of a local sales and use tax of .1% on the transactions described in Subsection 59-12-103(1) located within the city or town, to:

(i) fund cultural facilities, recreational facilities, and zoological facilities and botanical organizations, cultural organizations, and zoological organizations in that city or town; or

(ii) provide funding for a botanical organization, cultural organization, or zoological organization to pay for use of a bus or facility rental if that use of the bus or facility rental is in furtherance of the botanical organization's, cultural organization's, or zoological organization's primary purpose.

(b) The opinion question required by this section shall state:

"Shall (insert the name of the city or town), Utah, be authorized to impose a .1% sales and use tax for (list the purposes for which the revenue collected from the sales and use tax shall be expended)?"

(c) A city or town legislative body may not impose a tax under this section:

(i) if the county in which the city or town is located imposes a tax under Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities;

(ii) on the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt from taxation under Section 59-12-104; and

(iii) except as provided in Subsection (1)(e), on amounts paid or charged for food and food ingredients.

(d) For purposes of this Subsection (1), the location of a transaction shall be determined in accordance with Sections 59-12-211 through 59-12-215.

(e) A city or town legislative body imposing a tax under this section shall impose the tax on the purchase price or sales price for amounts paid or charged for food and food ingredients if the food and food ingredients are sold as part of a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients.

(f) Except as provided in Subsection (6), the election shall be held at a regular general election or a municipal general election, as those terms are defined in Section 20A-1-102, and shall follow the procedures outlined in Title 11, Chapter 14, Local Government Bonding Act.

(2) If the city or town legislative body determines that a majority of the city's or town's registered voters voting on the imposition of the tax have voted in favor of the imposition of the tax as prescribed in Subsection (1), the city or town legislative body may impose the tax by a majority vote of all members of the legislative body.

(3) Subject to Section 59-12-1403, revenue collected from a tax imposed under Subsection (2) shall be expended:

(a) to finance cultural facilities, recreational facilities, and zoological facilities within the city or town or within the geographic area of entities that are parties to an interlocal agreement, to which the city or town is a party, providing for cultural facilities, recreational facilities, or zoological facilities;

(b) to finance ongoing operating expenses of:

(i) recreational facilities described in Subsection (3)(a) within the city or town or within the geographic area of entities that are parties to an interlocal agreement, to which the city or town is a party, providing for recreational facilities; or

(ii) botanical organizations, cultural organizations, and zoological organizations within the city or town or within the geographic area of entities that are parties to an interlocal agreement, to which the city or town is a party, providing for the support of botanical organizations, cultural organizations, or zoological organizations; and

(c) as stated in the opinion question described in Subsection (1).

(4)

(a) Except as provided in Subsection (4)(b), a tax authorized under this part shall be:

(i) administered, collected, and enforced in accordance with:

(A) the same procedures used to administer, collect, and enforce the tax under:

(I) Part 1, Tax Collection; or

(II) Part 2, Local Sales and Use Tax Act; and

(B) Chapter 1, General Taxation Policies; and

(ii)

(A) levied for a period of eight years; and

(B) may be reauthorized at the end of the eight-year period in accordance with this section.

(b)

(i) If a tax under this part is imposed for the first time on or after July 1, 2011, the tax shall be levied for a period of 10 years.

(ii) If a tax under this part is reauthorized in accordance with Subsection (4)(a) on or after July 1, 2011, the tax shall be reauthorized for a ten-year period.

(c) A tax under this section is not subject to Subsections 59-12-205(2) through (5).

(5)

(a) For purposes of this Subsection (5):

(i) "Annexation" means an annexation to a city or town under [~~Title 10, Chapter 2, Part 4, Annexation~~] Title 10, Chapter 2, Part 8, Annexation.

(ii) "Annexing area" means an area that is annexed into a city or town.

(b)

(i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a city or town enacts or repeals a tax under this part, the enactment or repeal shall take effect:

(A) on the first day of a calendar quarter; and

(B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (5)(b)(ii) from the city or town.

(ii) The notice described in Subsection (5)(b)(i)(B) shall state:

(A) that the city or town will enact or repeal a tax under this part;

(B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);

(C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and

(D) if the city or town enacts the tax described in Subsection (5)(b)(ii)(A), the rate of the tax.

(c)

(i) If the billing period for a transaction begins before the effective date of the enactment of the tax under this section, the enactment of the tax takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax.

(ii) The repeal of a tax applies to a billing period if the billing statement for the billing period is produced on or after the effective date of the repeal of the tax imposed under this section.

(d)

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in Subsection (5)(b)(i) takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the enactment or repeal under Subsection (5)(b)(i).

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(e)

(i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this part for an annexing area, the enactment or repeal shall take effect:

(A) on the first day of a calendar quarter; and

(B) after a 90-day period beginning on the date the commission receives notice meeting the requirements of Subsection (5)(e)(ii) from the city or town that annexes the annexing area.

(ii) The notice described in Subsection (5)(e)(i)(B) shall state:

(A) that the annexation described in Subsection (5)(e)(i) will result in an enactment or repeal a tax under this part for the annexing area;

(B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);

(C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and

(D) the rate of the tax described in Subsection (5)(e)(ii)(A).

(f)

(i) If the billing period for a transaction begins before the effective date of the enactment of the tax under this section, the enactment of the tax takes effect on the first day of the first billing period that begins on or after the effective date of the enactment of the tax.

(ii) The repeal of a tax applies to a billing period if the billing statement for the billing period is produced on or after the effective date of the repeal of the tax imposed under this section.

(g)

(i) If a tax due under this chapter on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in Subsection (5)(e)(i) takes effect:

(A) on the first day of a calendar quarter; and

(B) beginning 60 days after the effective date of the enactment or repeal under Subsection (5)(e)(i).

(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."

(6)

(a) Before a city or town legislative body submits an opinion question to the residents of the city or town under Subsection (1), the city or town legislative body shall:

(i) submit to the county legislative body in which the city or town is located a written notice of the intent to submit the opinion question to the residents of the city or town; and

(ii) receive from the county legislative body:

(A) a written resolution passed by the county legislative body stating that the county legislative body is not seeking to impose a tax under Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities; or

(B) a written statement that in accordance with Subsection (6)(b) the results of a county opinion question submitted to the residents of the county under Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, permit the city or town legislative body to submit the opinion question to the residents of the city or town in accordance with this part.

(b)

(i) Within 60 days after the day the county legislative body receives from a city or town legislative body described in Subsection (6)(a) the notice of the intent to submit an opinion question to the residents of the city or town, the county legislative body shall provide the city or town legislative body:

(A) the written resolution described in Subsection (6)(a)(ii)(A); or

(B) written notice that the county legislative body will submit an opinion question to the residents of the county under Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, for the county to impose a tax under that part.

(ii) If the county legislative body provides the city or town legislative body the written notice that the county legislative body will submit an opinion question as provided in Subsection (6)(b)(i)(B), the county legislative body shall submit the opinion question by no later than, from the date the county legislative body sends the written notice, the later of:

(A) a 12-month period;

(B) the next regular primary election; or

(C) the next regular general election.

(iii) Within 30 days of the date of the canvass of the election at which the opinion question under Subsection (6)(b)(ii) is voted on, the county legislative body shall provide the city or town legislative body described in Subsection (6)(a) written results of the opinion question submitted by the county legislative body under Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, indicating that:

(A)

(I) the city or town legislative body may not impose a tax under this part because a majority of the county's registered voters voted in favor of the county imposing the tax and the county legislative body by a majority vote approved the imposition of the tax; or

(II) for at least 12 months from the date the written results are submitted to the city or town legislative body, the city or town legislative body may not submit to the county legislative body a written notice of the intent to submit an opinion question under this part because a majority of the county's registered voters voted against the county imposing the tax and the majority of the registered voters who are residents of the city or town described in Subsection (6)(a) voted against the imposition of the county tax; or

(B) the city or town legislative body may submit the opinion question to the residents of the city or town in accordance with this part because although a majority of the county's registered voters voted against the county imposing the tax, the majority of the registered voters who are residents of the city or town voted for the imposition of the county tax.

(c) Notwithstanding Subsection (6)(b), at any time a county legislative body may provide a city or town legislative body described in Subsection (6)(a) a written resolution passed by the county legislative body stating that the county legislative body is not seeking to impose a tax under Part 7, County Option Funding for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, which permits the city or town legislative body to submit under Subsection (1) an opinion question to the city's or town's residents.

Section 85. Section **59-12-2102** is amended to read:

59-12-2102. Definitions.

As used in this part:

(1) "Annexation" means an annexation to a city or town under [~~Title 10, Chapter 2, Part 4, Annexation~~] Title 10, Chapter 2, Part 8, Annexation.

(2) "Annexing area" means an area that is annexed into a city or town.

Section 86. Section **63A-5b-305** is amended to read:

63A-5b-305. Duties and authority of director.

(1) The director shall:

(a) administer the division's duties and responsibilities;

(b) report all property acquired by the state, except property acquired by an institution of higher education or the trust lands administration, to the director of the Division of Finance for inclusion in the state's financial records;

(c) after receiving the notice required under Subsection [~~10-2-419(3)(b)~~] 10-2-903(3)(b), file a written protest at or before the public hearing under Subsection [~~10-2-419(2)(b)~~] 10-2-903(2)(b), if:

(i) it is in the best interest of the state to protest the boundary adjustment; or

(ii) the Legislature instructs the director to protest the boundary adjustment; and

(d) take all other action that the director is required to take under this chapter or other applicable statute.

(2) The director may:

(a) create forms and make policies necessary for the division or director to perform the division or director's duties;

(b)

(i) hire or otherwise procure assistance and service, professional, skilled, or otherwise, necessary to carry out the director's duties under this chapter; and

(ii) expend funds provided for the purpose described in Subsection (2)(b)(i) through annual operation budget appropriations or from other nonlapsing project funds;

(c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules necessary for the division or director to perform the division or director's duties; and

(d) take all other action necessary for carrying out the purposes of this chapter.

Section 87. **Repealer.**

This Bill Repeals:

This bill repeals:

Section **10-2-408, Denying or approving the annexation petition -- Notice of approval.**

Section **10-2-409.5, Municipal selection committee.**

Section **10-2-410, Boundary commission member terms -- Staggered terms -- Chair --**

Section **10-2-411, Disqualification of commission member -- Alternate member.**

Section **10-2-412, Boundary commission authority -- Expenses -- Records.**

Section **10-2-413, Feasibility consultant -- Feasibility study -- Modifications to**

Section **10-2-414, Modified annexation petition -- Supplemental feasibility study.**

Section **10-2-416, Commission decision -- Time limit -- Limitation on approval of**

Section **10-2-417, District court review -- Notice.**

Section **10-2-426, Division of municipal-type services revenues.**

Section **10-2-428, Neither annexation nor boundary adjustment has an effect on the**

Section **10-5-132, Fees collected for construction approval -- Approval of plans.**

~~{Section 85. Section **63I-1-210** is amended to read: }~~

63I-1-210. Repeal dates: Title 10.

(1) Subsection 10-1-104(5)(c), regarding a preliminary municipality, is repealed January 1, 2031.

(2) Subsection 10-2a-201.5(1)(b), regarding a preliminary municipality, is repealed January 1, 2031.

(3) Subsection 10-2a-202(5), regarding a feasibility request, is repealed January 1, 2031.

(4) Title 10, Chapter 2a, Part 5, Incorporation of a Preliminary Municipality, is repealed January 1, 2031.

Section 88. **Effective date.**

This bill takes effect on May 7, 2025.

2-27-25 11:00 AM