

# HB0477S01 compared with HB0477

~~{Omitted text}~~ shows text that was in HB0477 but was omitted in HB0477S01

inserted text shows text that was not in HB0477 but was inserted into HB0477S01

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## Land Use Regulation Revisions

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jill Koford**

Senate Sponsor: Kirk A. Cullimore

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### LONG TITLE

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#### General Description:

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This bill modifies provisions related to land use.

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#### Highlighted Provisions:

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This bill:

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▸ amends requirements for a modified feasibility request related to a proposed municipal incorporation;

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▸ modifies requirements for an ordinance establishing a planning commission;

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▸ modifies planning commission powers and duties;

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▸ modifies the process for reviewing and approving a new or unlisted business use;

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▸ modifies the requirement to place certain infrastructure completion assurances in an interest-bearing account;

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▸ requires a specified municipality to allow a detached accessory dwelling unit as a permitted use in certain zones;

16

▸ clarifies notice requirements for a proposed county land use ordinance that is ministerial in nature;

HB0477

## HB0477 compared with HB0477S01

18           ▶ modifies a county's authority to deny an applicant a building permit or certificate of occupancy if  
the applicant has not completed an infrastructure improvement; and

20           ▶ makes technical and conforming changes.

### 22 **Money Appropriated in this Bill:**

23           None

### 24 **Other Special Clauses:**

25           This bill provides a special effective date.

### 26 **Utah Code Sections Affected:**

27 AMENDS:

28           **10-2a-106 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapter 224 and  
further amended by Revisor Instructions, Laws of Utah 2023, Chapter 224**

30           **10-2a-206 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 518

31           **10-2a-220 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 518

32           **10-20-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special  
Session, Chapter 15

34           **10-20-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special  
Session, Chapter 15

36           **10-20-507 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special  
Session, Chapter 15

38           **10-20-807 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special  
Session, Chapter 15

40           **10-21-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special  
Session, Chapter 15

42           **17-79-205 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special  
Session, Chapter 14

44           **17-79-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special  
Session, Chapter 14

46           **17-79-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special  
Session, Chapter 14

48           **17-79-507 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special  
Session, Chapter 14

# HB0477 compared with HB0477S01

50 **17-79-707 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special  
Session, Chapter 14

52 **17-79-901 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special  
Session, Chapter 14

54 ENACTS:

55 **10-21-304 (Effective 10/01/26)**, Utah Code Annotated 1953

56

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

58 Section 1. Section 10-2a-106 is amended to read:

59 **10-2a-106. Feasibility request filed before changes to law take effect.**

61 (1) If an individual files a feasibility request for incorporation of a city or town before May 14, 2019,  
the process for incorporating the city or town is not subject to Laws of Utah 2019, Chapter 165 or  
Laws of Utah 2023, Chapter 224, and is instead subject to the municipal incorporation law in effect  
on the day on which the individual files the feasibility request.

66 (2) If an individual files a feasibility request for incorporation of a city or town before May 3, 2023[;] :

68 (a) except as provided in Subsection (2)(b), the process for incorporating the city or town is not subject  
to Laws of Utah 2023, Chapter 224, and is subject to the municipal incorporation law in effect on  
the day on which the individual files the feasibility request; and

72 (b) the process and requirements for filing a modified feasibility request on or after May 6, 2026, shall  
be in accordance with the law in effect on the day on which the individual or an incorporation  
sponsor files a modified feasibility request.

75 Section 2. Section 10-2a-206 is amended to read:

76 **10-2a-206. Modified feasibility request -- Supplemental feasibility study.**

58 (1) As used in this section, "specified landowner" means the same as that term is defined in Section  
10-2a-204.5.

60 [(+) (2)

(a) The sponsors of a feasibility request may modify the request to alter the boundaries of the proposed  
municipality and refile the modified feasibility request with the county clerk if:

63 (i) the results of the feasibility study do not comply with Subsection 10-2a-205(5)(a); or

65 (ii)

(A) the feasibility request complies with Subsection 10-2a-201.5(4)(b);

## HB0477 compared with HB0477S01

- 66 (B) the annexation petition described in Subsection 10-2a-201.5(4)(b) that proposed the annexation of  
an area that is part of the area proposed for incorporation has been denied; and
- 69 (C) an incorporation petition based on the feasibility request has not been filed.
- 70 (b)
- (i) The sponsors of a feasibility request may not file a modified request under Subsection [~~(1)(a)(i)~~] (2)  
(a)(i) more than 90 days after the day on which the feasibility consultant submits the final results of  
the feasibility study under Subsection 10-2a-205(2)(c)(iii).
- 74 (ii) The sponsors of a feasibility request may not file a modified request under Subsection [~~(1)(a)(ii)~~] (2)  
(a)(ii) more than 18 months after filing the original feasibility request under Section 10-2a-202.
- 77 (c)
- (i) Subject to Subsection [~~(1)(e)(ii)~~] (2)(c)(ii), each modified feasibility request under Subsection  
[~~(1)(a)~~] (2)(a) shall comply with Subsections 10-2a-202(1), (3), (4), and (5) and Subsection  
10-2a-201.5(4).
- 80 (ii) Notwithstanding Subsection [~~(1)(e)(i)~~] (2)(c)(i), a signature on a feasibility request filed under  
Section 10-2a-202 may be used toward fulfilling the signature requirement of Subsection  
10-2a-202(1)(a) for the feasibility request as modified under Subsection [~~(1)(a)~~] (2)(a), unless the  
modified feasibility request proposes the incorporation of an area that is more than 20% larger or  
smaller than the area described by the original feasibility request in terms of:
- 86 (A) private land area; or
- 87 (B) assessed fair market value of private real property, as of January 1 of the current year.
- 89 (d) Within 20 days after the day on which the county clerk receives the modified request, the county  
clerk and the lieutenant governor shall follow the same procedure described in Subsections  
10-2a-204(1) through (6) for the modified feasibility request as for an original feasibility request.
- 93 (e)
- (i) If a sponsor files a modified feasibility request that includes an area of land that was not included  
in the original feasibility request, the county clerk shall, within seven days after the day on which  
the sponsor files the modified feasibility request with the lieutenant governor, identify any new  
specified landowners located within the added area of land and mail written notice to each of the  
new specified landowners.
- 99 (ii) The notice described in Subsection (2)(e)(i) shall:
- 100 (A) describe the added area of land; and

## HB0477 compared with HB0477S01

- 101 (B) state that a specified landowner who owns land within the added area may request exclusion of the  
land from the proposed incorporation boundaries by filing a request for exclusion with the county  
clerk within 30 days after the day on which the county clerk mails the notice.
- 105 (f)
- (i) A specified landowner who owns land within the added area described in Subsection (2)(e)(i) may  
request exclusion of the land from the proposed incorporation boundaries by filing a request for  
exclusion with the county clerk within 30 days after the day on which the county clerk mails the  
notice described in Subsection (2)(e)(i).
- 110 (ii) The county clerk shall process a request for exclusion filed under Subsection (2)(f)(i) in accordance  
with Subsections 10-2a-204.5(3) through (7), except that the deadlines calculated from the first  
public hearing in Section 10-2a-204.5 shall instead be calculated from the day on which the county  
clerk mails notice described in Subsection (2)(e)(i).
- 115 ~~(e)~~ (g) Within 10 days after [a] the day on which the time period for a specified landowner to request  
exclusion under Subsection (2)(f) expires, or if a sponsor files a modified feasibility request that  
does not include a new area of land, within 10 days after the sponsor files the modified feasibility  
request[is filed], the lieutenant governor shall:
- 120 (i) estimate the cost of a supplemental feasibility study under this section; and
- 121 (ii) provide the estimated cost to the feasibility request sponsors.
- 122 ~~(f)~~ (h) Within 20 days after the lieutenant governor provides the estimated supplemental feasibility  
study cost, the feasibility request sponsors shall pay the estimated cost to the lieutenant governor for  
a supplemental feasibility study conducted on or after May 1, 2024.
- 126 ~~(2)~~ (3) The timely filing of a modified feasibility request under Subsection ~~(1)~~ (2) gives the modified  
feasibility request the same processing priority under Subsection 10-2a-204(7) as the original  
feasibility request if the feasibility request sponsors pay the estimated cost of the supplemental  
feasibility study as required in Subsection ~~(1)(e)~~ (2)(e).
- 131 ~~(3)~~ (4) Except as provided in Subsection (5), within 10 days after the day on which the  
lieutenant governor receives payment of the estimated supplemental feasibility study cost, the  
lieutenant governor shall commission the feasibility consultant who conducted the feasibility study  
to conduct a supplemental feasibility study that accounts for the modified feasibility request.

136

## HB0477 compared with HB0477S01

(5) If a modified feasibility request includes an area of land that was not included in the original feasibility request, the lieutenant governor may not commission a supplemental feasibility study under Subsection (4) unless:

- 139 (a) the deadline for filing a request for exclusion described in Subsection (2)(f) has passed; and  
141 (b) the county clerk and lieutenant governor have issued a final determination on any request for exclusion filed in accordance with Subsection (2)(f).

143 [~~4~~] (6) The lieutenant governor shall require the feasibility consultant to:

- 144 (a) submit a draft of the supplemental feasibility study to each applicable person with whom the  
feasibility consultant is required to consult under Subsection 10-2a-205(3)(c) within 30 days after  
the day on which the feasibility consultant is engaged to conduct the supplemental study;  
148 (b) allow each person to whom the consultant provided a draft under Subsection [~~4~~](a) (6)(a) to  
review and provide comment on the draft; and  
150 (c) submit a completed supplemental feasibility study, to the following within 45 days after the day on  
which the feasibility consultant is engaged to conduct the feasibility study:  
153 (i) the lieutenant governor;  
154 (ii) the county legislative body of the county in which the incorporation is proposed;  
155 (iii) the contact sponsor; and  
156 (iv) each person to whom the consultant provided a draft under Subsection [~~4~~](a) (6)(a).

158 [~~5~~] (7) If the results of the supplemental feasibility study do not comply with Subsection 10-2a-205(5)  
(a):

- 160 (a) the process to incorporate the area that is the subject of the supplemental feasibility study may not  
proceed; and  
162 (b) a feasibility request under Section 10-2a-202 may not be filed within 18 months after the date of  
the supplemental feasibility study if the feasibility request proposes the incorporation of an area  
included within the area described in the supplemental feasibility study.

186 Section 3. Section **10-2a-220** is amended to read:

187 **10-2a-220. Costs of incorporation -- Fees established by lieutenant governor.**

169 (1)

- (a) There is created an expendable special revenue fund known as the "Municipal Incorporation  
Expendable Special Revenue Fund."  
171 (b) The fund shall consist of:

## HB0477 compared with HB0477S01

- 172 (i) appropriations from the Legislature;
- 173 (ii) payments that feasibility request sponsors make to the lieutenant governor under Subsections  
10-2a-205(1)(b) and 10-2a-206(1)(f); and
- 175 (iii) fees the lieutenant governor collects and remits to the fund under this section.
- 176 (c) The lieutenant governor shall deposit all money collected under this section into the fund.
- 178 (2)
- (a) The lieutenant governor shall establish a fee in accordance with Section 63J-1-504 for a cost  
incurred by the lieutenant governor or the county for an incorporation proceeding, including:
- 181 (i) a request certification;
- 182 (ii) a petition certification;
- 183 (iii) publication of notices;
- 184 (iv) public hearings;
- 185 (v) all other incorporation activities occurring after the elections; and
- 186 (vi) any other cost incurred by the lieutenant governor or county in relation to an incorporation  
proceeding.
- 188 (b) A cost under Subsection (2)(a) does not include a cost incurred by a county for holding an election  
under Section 10-2a-210.
- 190 (3) Subject to Subsections 10-2a-205(1)(b) and [~~10-2a-206(1)(f)~~] 10-2a-206(2)(h), the lieutenant  
governor shall pay for a cost described in Subsection (2)(a) using funds from the Municipal  
Incorporation Expendable Special Revenue Fund.
- 193 (4)
- (a) A newly incorporated municipality shall:
- 194 (i) pay to the lieutenant governor each fee established under Subsection (2) for each cost described  
in Subsection (2)(a) incurred by the lieutenant governor or the county;
- 197 (ii) pay the county for a cost described in Subsection (2)(b); and
- 198 (iii) reimburse feasibility request sponsors the cost the feasibility request sponsors paid for:
- 200 (A) a feasibility study under Section 10-2a-205; and
- 201 (B) any supplemental feasibility study under Section 10-2a-206.
- 202 (b) The lieutenant governor shall execute a payback agreement with each new municipality for the new  
municipality to pay the fees described in Subsection (4)(a) over a period that, except as provided in  
Subsection (4)(c), may not exceed five years.

## HB0477 compared with HB0477S01

- 205 (c) If necessary, the lieutenant governor may extend a fee payment deadline beyond the deadline  
described in Subsection (4)(b) by amending the payback agreement described in Subsection (4)(b).
- 208 (d) The lieutenant governor shall deposit each fee the lieutenant governor collects under Subsection (4)  
(a)(i) into the Municipal Incorporation Expendable Special Revenue Fund.
- 211 (5) If the lieutenant governor expends funds from the Municipal Incorporation Expendable Special  
Revenue Fund that are not repaid to the lieutenant governor under Subsection (4)(a)(i) because an  
area did not incorporate as a municipality, the Legislature shall appropriate money to the fund in an  
amount equal to the funds that are not repaid.

235 Section 4. Section **10-20-301** is amended to read:

236 **10-20-301. Ordinance establishing planning commission required -- Ordinance requirements**  
**-- Compensation.**

218 (1)

(a) Each municipality shall enact an ordinance establishing a planning commission.

219 (b) The ordinance shall ~~define~~:

220 (i) include the number and terms of the ~~planning commission~~ members and, if the municipality chooses,  
alternate members;

222 (ii) ~~[the mode of appointment]~~ provide procedures for appointing a planning commission member;

224 (iii) ~~[the]~~ provide procedures for filling vacancies ~~{f}~~ and on the planning commission; ~~{f}~~ ~~on the~~  
~~planning commission;~~

225 (iv) ~~[removal from office;]~~ provide procedures for removing a planning commission member from the  
planning commission and specify that:

227 (A) in a form of government described in Section 10-3b-301 or 10-3b-401, and subject to any  
delegation of authority under Subsection 10-3b-303(1) or 10-3b-403(1), the legislative body may  
remove a planning commission member; or

229 (B) in a form of government described in Section 10-3b-202, the ~~chief executive~~ mayor may remove  
a planning commission member;

231 (v) except as provided in Subsection (1)(b)(vi), describe the causes for which a planning commission  
member may be removed from the planning commission, which shall include:

234 (A) using public funds for a political purpose under Title 20A, Chapter 11, Part 12, Political Activities  
of Public Entities Act;

236

## HB0477 compared with HB0477S01

- (B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and
- 238 (C) acting with the intent to influence a land use decision or an appeal of a pending land use application  
in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in  
the planning commission member's administrative or quasi-judicial duties;
- 242 (vi) provide that a planning commission member deliberating about a specific pending land use  
application in a planning commission meeting with municipal staff, an elected official, or the  
land use applicant is not cause for removing a planning commission member from the planning  
commission;
- 246 ~~{(iv)}{(vii)}~~ define } provide requirements for when a planning commission member shall recuse  
oneself from deliberating or voting on certain land use applications;
- 270 ~~[(iv)] (viii)~~ define the authority of the planning commission;
- 247 ~~[(v)] (viii)~~ ~~{(ix)}~~ subject to Subsection (1)(c), ~~[the] {~~ direct the municipality to adopt } include rules of  
order and procedure for use by the planning commission in a public meeting; and
- 249 ~~[(vi)] (ix)~~ ~~{(x)}~~ include other details relating to the organization and procedures of the planning  
commission.
- 251 (c) Subsection ~~[(1)(b)(v)]~~ ~~{(1)(b)(viii)}~~ (1)(b)(ix) does not affect the planning commission's duty to  
comply with Title 52, Chapter 4, Open and Public Meetings Act.
- 253 (2) The legislative body may authorize a member to receive per diem and travel expenses for meetings  
actually attended, in accordance with Section 11-55-103.
- 279 Section 5. Section **10-20-302** is amended to read:
- 280 **10-20-302. Planning commission powers and duties -- Training requirements.**
- 258 (1) The planning commission shall review and make a recommendation to the legislative body for:
- 260 (a) a general plan and amendments to the general plan;
- 261 (b) land use regulations, including:
- 262 (i) ordinances regarding the subdivision of land within the municipality; and
- 263 (ii) amendments to existing land use regulations;
- 264 (c) an appropriate delegation of power to at least one designated land use authority to hear and act on a  
land use application;
- 266 (d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from  
a decision of the land use authority; and

## HB0477 compared with HB0477S01

- 268 (e) application processes that:
- 269 (i) may include a designation of routine land use matters that, upon application and proper notice, will  
receive informal streamlined review and action if the application is uncontested; and
- 272 (ii) shall protect the right of each:
- 273 (A) land use applicant and adversely affected party to require formal consideration of any application  
by a land use authority; and
- 275 (B) land use applicant or adversely affected party to appeal a land use authority's decision to a separate  
appeal authority[; ~~and~~] .
- 277 [~~(C) participant to be heard in each public hearing on a contested application.~~]
- 278 (2) Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or  
(b), the planning commission shall hold a public hearing in accordance with Section 10-20-405.
- 281 (3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the  
legislative body under this section.
- 283 (4) A legislative body may consider a planning commission's failure to make a timely recommendation  
as a negative recommendation.
- 285 (5) Nothing in this section limits the right of a municipality to initiate or propose the actions described  
in this section.
- 287 (6)
- (a)
- (i) This Subsection (6) applies to:
- 288 (A) a city of the first, second, third, or fourth class; and
- 289 (B) a city of the fifth class with a population of 5,000 or more, if the city is located within a  
county of the first, second, or third class.
- 291 (ii) The population for each city described in Subsection (6)(a)(i) shall be derived from:
- 293 (A) an estimate of the Utah Population Committee created in Section 63C-20-103; or
- 295 (B) if the Utah Population Committee estimate is not available, the most recent official census or census  
estimate of the United States [~~Bureau of the~~] Census Bureau.
- 298 (b) A municipality described in Subsection (6)(a)(i) shall ensure that each member of the municipality's  
planning commission completes four hours of annual land use training as follows:
- 301 (i) one hour of annual training on general powers and duties, including the role of the planning  
commission in administrative, legislative, and quasi-judicial functions under this chapter; and

## HB0477 compared with HB0477S01

- 304 (ii) three hours of annual training on a combination of land use~~{-or-}~~ and ethicstopics, which may  
include:
- 305 (A) appeals and variances;
- 306 (B) conditional use permits;
- 307 (C) exactions;
- 308 (D) impact fees;
- 309 (E) vested rights;
- 310 (F) subdivision regulations and improvement guarantees;
- 311 (G) land use referenda;
- 312 (H) property rights;
- 313 (I) real estate procedures and financing;
- 314 (J) zoning, including use-based and form-based;~~[-and]~~
- 315 (K) drafting ordinances and code that complies with statute[-] ;
- 316 (L) ex parte communication; and
- 317 (M) conflict of interest.
- 318 (c) A newly appointed planning commission member may not participate in a public meeting as an  
appointed member until the member completes the training described in Subsection (6)(b)(i).
- 321 (d) A planning commission member may qualify for one completed hour of training required under  
Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public meetings of the  
planning commission within a calendar year.
- 324 (e) A municipality shall provide the training described in Subsection (6)(b) through:
- 325 (i) municipal staff;
- 326 (ii) the Utah League of Cities and Towns; or
- 327 (iii) a list of training courses selected by:
- 328 (A) the Utah League of Cities and Towns; or
- 329 (B) the Division of Real Estate created in Section 61-2-201.
- 330 (f) A municipality shall, for each planning commission member:
- 331 (i) monitor compliance with the training requirements in Subsection (6)(b); and
- 332 (ii) maintain a record of training completion at the end of each calendar year.
- 358 Section 6. Section **10-20-507** is amended to read:
- 359 **10-20-507. Classification of new and unlisted business uses.**

## HB0477 compared with HB0477S01

- 335 (1) As used in this section:
- 336 (a) "Classification request" means a request to determine whether a proposed business use aligns with  
an existing land use specified in a municipality's land use ordinances.
- 338 (b) "New or unlisted business use" means a business activity that does not align with an existing land  
use specified in a municipality's land use ordinances.
- 340 (2)
- (a) Each municipality shall incorporate into the municipality's land use ordinances a process for  
reviewing and approving a new or unlisted business use and designating an appropriate zone or  
zones for an approved use.
- 343 (b) The process described in Subsection (2)(a) shall:
- 344 (i) detail how an applicant may submit a classification request;
- 345 (ii) establish a procedure for the municipality to review a classification request, including:
- 347 (A) providing a land use authority with criteria to determine whether a proposed use aligns with an  
existing use; ~~and~~
- 349 (B) allowing an applicant to proceed under the regulations of an existing use if a land use authority  
determines a proposed use aligns with that existing use; and
- 351 (C) providing the applicant an opportunity to appeal a land use authority's decision to a land use appeal  
authority;
- 353 (iii) provide that if a use is determined to be a new or unlisted business use:
- 354 (A) the applicant shall submit ~~{ to the legislative body for review }~~ to the legislative body for  
review an application ~~[for approval of the new or unlisted business use to the legislative body  
for review]~~ requesting that the legislative body { modify the municipality's } adopt a land use  
{ ordinances to add } ordinance that permits the new or unlisted business ~~{ use }~~ as a permitted or  
conditional use;
- 359 (B) notwithstanding Subsection 10-20-503(2) or (3), the legislative body shall consider and [determine  
whether to-] approve or deny [the new or unlisted business use] the application described in  
Subsection (2)(b)(iii)(A); and
- 362 (C) the legislative body shall approve or deny ~~[the new or unlisted business use]~~ the application  
described in Subsection (2)(b)(iii)(A), within a time frame the legislative body establishes by  
ordinance, if the applicant responds to requests for additional information within a time frame  
established by the municipality and appears at required hearings;

## HB0477 compared with HB0477S01

- 367 (iv) provide that if the legislative body approves [~~a proposed new or unlisted business use~~] the  
application described in Subsection (2)(b)(iii)(A), the legislative body shall designate an appropriate  
zone or zones for the approved use; and
- 370 (v) provide that if the legislative body denies [~~a proposed new or unlisted business use~~] the application  
described in Subsection (2)(b)(iii)(A), or if an applicant disagrees with the land use authority's  
classification of the proposed use, the legislative body shall:
- 374 (A) notify the applicant in writing of each reason for the classification or denial; and
- 376 (B) [~~offer the applicant an opportunity to challenge the classification or denial through an~~  
administrative appeal process established by the municipality] notify the applicant of the process for  
appealing the legislative body's decision in accordance with Section 10-20-1109.
- 404 (c) A municipality may not require an applicant who submits an application described in Subsection  
(2)(b)(iii)(A) to submit the application to the planning commission for consideration, review, or  
approval.
- 380 (3) Each municipality shall amend each land use ordinance that contains a list of approved or prohibited  
business uses to include a reference to the process for petitioning to approve a new or unlisted  
business use, as described in Subsection (2).
- 410 Section 7. Section **10-20-807** is amended to read:
- 411 **10-20-807. Subdivision plat recording or development activity before required landscaping**  
**or infrastructure is completed -- Improvement completion assurance -- Improvement warranty.**
- 387 (1) As used in this section:
- 388 (a) "Private landscaping plan" means a proposal:
- 389 (i) to install landscaping on a lot owned by a private individual or entity; and
- 390 (ii) submitted to a municipality by the private individual or entity, or on behalf of a private individual or  
entity, that owns the lot.
- 392 (b) "Public landscaping improvement" means landscaping that an applicant is required to install to  
comply with published installation and inspection specifications for public improvements that:
- 395 (i) will be dedicated to and maintained by the municipality; or
- 396 (ii) are associated with and proximate to trail improvements that connect to planned or existing public  
infrastructure.
- 398 (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.

## HB0477 compared with HB0477S01

- 401 (3)
- (a) Except as provided in Subsection (3)(d) or (e), before an applicant conducts any development activity or records a plat, the applicant shall:
- 403 (i) complete any required public landscaping improvements or infrastructure improvements; or
- 405 (ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.
- 407 (b) If an applicant elects to post an improvement completion assurance, the applicant shall, in accordance with Subsection (5), provide completion assurance for:
- 409 (i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or
- 411 (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.
- 414 (c) A municipality shall:
- 415 (i) establish a minimum of two acceptable forms of completion assurance;
- 416 (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 chapter and any local ordinances; and
- 419 (B) beginning on May 7, 2025, if a municipality accepts cash deposits as a form of completion assurance and the applicant elects to post a new 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;
- 425 (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
- 429 (iv) issue or deny a building permit in accordance with Section 10-20-1001 based on the installation of public landscaping improvements or infrastructure improvements.
- 432 (d) A municipality may not require an applicant to post an improvement completion assurance for:
- 434 (i) public landscaping improvements or an infrastructure improvement that the municipality has previously inspected and accepted;

## HB0477 compared with HB0477S01

- 436 (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;
- 440 (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;
- 443 (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;
- 446 (v) a private landscaping plan;
- 447 (vi) landscaping improvements or infrastructure improvements that an applicant elects to install at the  
applicant's own risk:
- 449 (A) before the plat is recorded;
- 450 (B) in accordance with inspections required by the municipality for the infrastructure improvement; and
- 452 (C) in accordance with final civil engineering plan approval by the municipality; or
- 453 (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.
- 457 (e)
- (i) A municipality may not:
- 458 (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
- 462 (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, security for an  
improvement warranty, or receiving a building permit.
- 466 (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.
- 470 (f)

## HB0477 compared with HB0477S01

- (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.
- 474 (ii) Subject to Section 10-20-905, 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.
- 482 (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.
- 486 (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.
- 489 (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.
- 493 (5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:
- 495 (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
- 498 (b) 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.
- 500 (6)
- (a) 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 10-20-905, and for the duration of each improvement warranty period, the municipality may require the applicant to:

## HB0477 compared with HB0477S01

- 504 (i) execute an improvement warranty for the improvement warranty period; and  
505 (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:
- 507 (A) municipal engineer's original estimated cost of completion; or  
508 (B) applicant's reasonable proven cost of completion.
- 509 (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.
- 514 (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.
- 519 (8) A municipality may not require the submission of a private landscaping plan as part of an  
application for a building permit.
- 521 (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]~~ State Construction Code.
- 551 Section 8. Section **10-21-101** is amended to read:  
552 **10-21-101. Definitions.**  
As used in this part:
- 527 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a  
single-family dwelling and contained on one lot or parcel.
- 529 (2) "Accessory structure" means a detached structure located on the same lot or parcel as a principal  
structure and is incidental and subordinate to the size and use of the principal structure.
- 532 (3) "Affordable housing" means housing offered for sale at 80% or less of the median county home  
price for housing of that type.
- 534 ~~[(2)]~~ (4) "Agency" means the same as that term is defined in Section 17C-1-102.
- 535 ~~[(3)]~~ (5) "Applicable metropolitan planning organization" means the metropolitan planning organization  
that has jurisdiction over the area in which a fixed guideway public transit station is located.
- 538 ~~[(4)]~~ (6) "Applicable public transit district" means the public transit district, as defined in Section  
17B-2a-802, of which a fixed guideway public transit station is included.

## HB0477 compared with HB0477S01

- 540 [(5)] (7) "Base taxable value" means a property's taxable value as shown upon the assessment roll last  
equalized during the base year.
- 542 [(6)] (8) "Base year" means, for a proposed home ownership promotion zone area, a year beginning the  
first day of the calendar quarter determined by the last equalized tax roll before the adoption of the  
home ownership promotion zone.
- 545 (9) "Detached accessory dwelling unit" means an accessory dwelling unit that is not attached to or  
within a primary detached single-family dwelling and located on the same lot or parcel as the  
primary detached single-family dwelling.
- 548 [(7)] (10) "Division" means the Housing and Community Development Division within the Department  
of Workforce Services.
- 550 [(8)] (11) "Existing fixed guideway public transit station" means a fixed guideway public transit station  
for which construction begins before June 1, 2022.
- 552 [(9)] (12) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
- 553 [(10)] (13) "Home ownership promotion zone" means a home ownership promotion zone created in  
accordance with this part.
- 555 [(11)] (14) "Implementation plan" means the implementation plan adopted as part of the moderate  
income housing element of a specified municipality's general plan as provided in Subsection  
10-21-201(4).
- 558 [(12)] (15) "Initial report" or "initial moderate income housing report" means the one-time report  
described in Subsection 10-21-202(1).
- 560 [(13)] (16) "Internal accessory dwelling unit" means an accessory dwelling unit created:
- 561 (a) within a primary dwelling;
- 562 (b) within the footprint of the primary dwelling described in [~~Subsection (13)(a)~~] Subsection (16)(a) at  
the time the internal accessory dwelling unit is created; and
- 564 (c) for the purpose of offering a long-term rental of 30 consecutive days or longer.
- 565 [(14)] (17) "Moderate income housing strategy" means a strategy described in Subsection 10-21-201(3)  
(a)(iii).
- 567 [(15)] (18) "New fixed guideway public transit station" means a fixed guideway public transit station  
for which construction begins on or after June 1, 2022.
- 569 [(16)] (19) "Participant" means the same as that term is defined in Section 17C-1-102.
- 570 [(17)] (20) "Participation agreement" means the same as that term is defined in Section 17C-1-102.

## HB0477 compared with HB0477S01

572 [~~18~~] (21)

(a) "Primary dwelling" means a single-family dwelling that:

573 (i) is detached; and

574 (ii) is occupied as the primary residence of the owner of record.

575 (b) "Primary dwelling" includes a garage if the garage:

576 (i) is a habitable space; and

577 (ii) is connected to the primary dwelling by a common wall.

578 [~~19~~] (22) "Project improvements" means the same as that term is defined in Section 11-36a-102.

580 [~~20~~] (23) "Qualifying land use petition" means a petition:

581 (a) that involves land located within a station area for an existing public transit station that provides rail services;

583 (b) that involves land located within a station area for which the municipality has not yet satisfied the requirements of Subsection 10-21-203(1)(a);

585 (c) that proposes the development of an area greater than five contiguous acres, with no less than 51% of the acreage within the station area;

587 (d) that would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;

589 (e) that would require a higher density than the density currently allowed by the municipality;

591 (f) that proposes the construction of new residential units, at least 10% of which are dedicated to moderate income housing; and

593 (g) for which the land use applicant requests the municipality to initiate the process of satisfying the requirements of Subsection 10-21-203(1)(a) for the station area in which the development is proposed, subject to Subsection 10-21-203(2)(d).

596 [~~21~~] (24) "Report" means an initial report or a subsequent progress report.

597 [~~22~~] (25) "Specified municipality" means:

598 (a) a city of the first, second, third, or fourth class; or

599 (b) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class.

601 [~~23~~] (26)

(a) "Station area" means:

602

## HB0477 compared with HB0477S01

(i) for a fixed guideway public transit station that provides rail services, the area within a one-half mile radius of the center of the fixed guideway public transit station platform; or

605 (ii) for a fixed guideway public transit station that provides bus services only, the area within a one-fourth mile radius of the center of the fixed guideway public transit station platform.

608 (b) "Station area" includes any parcel bisected by the radius limitation described in [~~Subsection (a)~~ ~~(†)~~] Subsection (26)(a)(i) or (ii).

610 [~~(24)~~] (27) "Station area plan" means a plan that:

611 (a) establishes a vision, and the actions needed to implement that vision, for the development of land within a station area; and

613 (b) is developed and adopted in accordance with this section.

614 [~~(25)~~] (28) "Subsequent progress report" means the annual report described in Subsection 10-21-202(2).

616 [~~(26)~~] (29) "System improvements" means the same as that term is defined in Section 11-36a-102.

618 [~~(27)~~] (30) "Tax commission" means the State Tax Commission created in Section 59-1-201.

619 [~~(28)~~] (31)

(a) "Tax increment" means the difference between:

620 (i) the amount of property tax revenue generated each tax year by a taxing entity from the area within a home ownership promotion zone, using the current assessed value and each taxing entity's current certified tax rate as defined in Section 59-2-924; and

624 (ii) the amount of property tax revenue that would be generated from that same area using the base taxable value and each taxing entity's current certified tax rate as defined in Section 59-2-924.

627 (b) "Tax increment" does not include property revenue from:

628 (i) a multicounty assessing and collecting levy described in Subsection 59-2-1602(2); or

630 (ii) a county additional property tax described in Subsection 59-2-1602(4).

631 [~~(29)~~] (32) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

659 Section 9. Section **9** is enacted to read:

660 **10-21-304. Detached accessory dwelling units.**

661 (1)

634 (1){(a)} A specified municipality shall adopt a land use regulation that permits a detached accessory dwelling unit on any lot or parcel that is 10,000 square feet or larger and contains a single-family dwelling, if the single-family dwelling is a permitted use on the lot or parcel.

665

## HB0477 compared with HB0477S01

- (b) This section does not prohibit a municipality from adopting a land use regulation that permits a detached accessory dwelling unit on a lot or parcel that is smaller than 10,000 square feet.
- 637 (2) A land use regulation described in Subsection (1) shall:
- 638 (a) require that a detached accessory dwelling unit comply with all applicable building, health, and fire codes; and
- 640 (b) { permit } include a process for the owner of a legally constructed accessory structure to convert the accessory structure to a detached accessory dwelling unit subject to applicable:
- 642 (i) { building } dwelling and accessory structure setback requirements; and
- 643 (ii) building, health, and fire codes.
- 644 (3) A land use regulation described in Subsection (1) may not:
- 645 (a) require a conditional use permit for a detached accessory dwelling unit if the proposed detached accessory dwelling unit is located in a primarily residential zone;
- 647 ~~{(b) { require building setbacks from a property line or a detached single-family dwelling that unreasonably limits a property owner's ability to construct a detached accessory dwelling unit; } }~~
- 650 (c) {(b) } require more than two on-site parking spaces assigned to a detached accessory dwelling unit that is 650 square feet or larger;
- 652 (d) {(c) } require more than one on-site parking space assigned to a detached accessory dwelling unit that is smaller than 650 square feet; or
- 654 (e) {(d) } include design standards for a detached accessory dwelling unit that conflict with Section 10-20-618.
- 656 (4) A land use regulation described in Subsection (1) may:
- 657 (a) require a detached accessory dwelling unit to:
- 658 (i) conform to applicable land use regulations that regulate structure size, dimension, height, and maximum lot coverage; { and }
- 689 {(ii) conform to setback requirements, that may take into account proximity to property lines and other structures, easements, window orientation, massing, or other elements; and }
- 660 (ii) {(iii) } be designed consistent with the design of the single-family dwelling;
- 661 (b) prohibit a detached accessory dwelling unit from being:
- 662 (i) larger in size than the single-family dwelling located on the same lot or parcel;
- 663 (ii) located within a public utility easement or other recorded easement;
- 664 (iii) located in a front-yard area of a lot or parcel; or

## HB0477 compared with HB0477S01

- 665 (iv) rented for less than 90 consecutive days;
- 666 (c) require that the owner of a lot or parcel where a detached accessory dwelling unit is located reside in  
the detached single-family dwelling or detached accessory dwelling unit located on the lot or parcel;
- 669 (d) require that when a detached garage is converted to a detached accessory dwelling unit, any parking  
spaces required for the single-family dwelling that were located with the detached garage are  
replaced on-site;
- 672 (e) prohibit more than one accessory dwelling unit on a lot or parcel; and
- 673 (f) prohibit a detached accessory dwelling unit if:
- 674 (i) the detached accessory dwelling unit will not have adequate access to a required utility servicethat is  
a project improvement, including sanitary sewer, culinary water, electrical, or storm water; or
- 677 (ii) a utility servicethat is a system improvement, including sanitary sewer, culinary water, electrical,  
or storm water, to which the detached accessory dwelling unit is required to connect does not have  
sufficient capacity to support the addition of the detached accessory dwelling unit to the utility  
servicessystem improvements.
- 681 (5) This section does not supersede:
- 682 (a) a land use regulation that regulates a detached accessory building that is not a detached accessory  
dwelling unit; {or}
- 684 (b) prohibitions or restrictions on detached accessory dwelling units in a development agreement signed  
by a municipality on or before May 6, 2026{-}; or
- 718 (c) a land use regulation or administrative action that:
- 719 (i) is not prohibited by law; and
- 720 (ii) relates to a detached accessory dwelling unit.
- 721 Section 10. Section **17-79-205** is amended to read:
- 722 **17-79-205. Notice of public hearings and public meetings on adoption or modification of**  
**land use regulation.**
- 689 (1) Each county shall give:
- 690 (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
- 692 (b) notice of each public meeting on the subject.
- 693 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
- 694 (a) mailed to each affected entity at least 10 calendar days before the public hearing; and

## HB0477 compared with HB0477S01

- 695 (b)
- (i) 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
- 698 (ii) if the proposed land use ordinance adoption or modification is ministerial in nature, as described in 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.
- 702 (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:
- 705 (a) include:
- 706 (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
- 708 (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
- 711 (b) be provided to any person upon written request.
- 712 (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.
- 715 (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.
- 719 (b) The notice shall:
- 720 (i) identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;
- 722 (ii) state the current zone in which the real property is located;
- 723 (iii) state the proposed new zone for the real property;
- 724 (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;
- 727

## HB0477 compared with HB0477S01

- (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;
- 730 (vi) state the address where the property owner should file the protest;
- 731 (vii) notify the property owner that each written objection filed with the county will be provided to the county legislative body; and
- 733 (viii) state the location, date, and time of the public hearing described in Section 17-79-502.
- 735 (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.
- 739 (6)
- (a) [A] For purposes of the notice requirements in Subsection (2)(b) only, a proposed land use ordinance is ministerial in nature if the proposed land use ordinance change is to:
- 742 (i) bring the county's land use ordinances into compliance with a state or federal law;
- 743 (ii) adopt a county land use update that affects:
- 744 (A) an entire zoning district; or
- 745 (B) multiple zoning districts;
- 746 (iii) adopt a non-substantive, clerical text amendment to an existing land use ordinance;
- 748 (iv) recodify the county's existing land use ordinances; or
- 749 (v) designate or define an affected area for purposes of a boundary adjustment or annexation.
- 751 (b) A proposed land use ordinance may include more than one of the purposes described in Subsection (6)(a) and remain ministerial in nature.
- 753 (c) If a proposed land use ordinance includes an adoption or modification not described in Subsection (6)(a):
- 755 (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
- 758 (ii) the notice requirements of Subsection (2)(b)(i) apply.
- 794 Section 11. Section **17-79-301** is amended to read:
- 795 **17-79-301. Ordinance establishing planning commission required -- Exception -- Ordinance requirements -- Planning advisory area planning commission -- Compensation.**
- 763 (1)

## HB0477 compared with HB0477S01

- (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance establishing a countywide planning commission for the unincorporated areas of the county not within a planning advisory area.
- 766 (b) Subsection (1)(a) does not apply if all of the county is included within any combination of:  
768 (i) municipalities;  
769 (ii) planning advisory areas each with a separate planning commission; and  
770 (iii) mountainous planning districts.  
771 (c)
- (i) Notwithstanding Subsection (1)(a), a county that designates a mountainous planning district shall enact an ordinance, subject to Subsection (1)(c)(ii), establishing a planning commission that has jurisdiction over the entire mountainous planning district.
- 775 (ii) A planning commission described in Subsection (1)(c)(i) has jurisdiction subject to a local health department exercising the local health department's authority in accordance with Title 26A, Chapter 1, Local Health Departments, and a municipality exercising the municipality's authority in accordance with Section 10-8-15.
- 780 (iii) The ordinance shall require that members of the planning commission be appointed by the county executive with the advice and consent of the county legislative body.
- 783 (2)
- (a) Notwithstanding Subsection (1)(b), the county legislative body of a county of the first or second class that includes more than one planning advisory area each with a separate planning commission may enact an ordinance that:
- 786 (i) dissolves each planning commission within the county; and  
787 (ii) establishes a countywide planning commission that has jurisdiction over:  
788 (A) each planning advisory area within the county; and  
789 (B) the unincorporated areas of the county not within a planning advisory area.
- 790 (b) A countywide planning commission established under Subsection (2)(a) shall assume the duties of each dissolved planning commission.
- 792 (3)
- (a) The ordinance described in Subsection (1)(a), (1)(c), or (2)(a) shall~~[-define]~~:
- 793 (i) include the number and terms of the planning commission members and, if the county chooses, alternate members;

## HB0477 compared with HB0477S01

- 795 (ii) ~~[the mode of appointment]~~ provide procedures for appointing a planning commission member;  
797 (iii) ~~[the]~~ provide procedures for filling vacancies on the planning commission;  
798 (iv) ~~[-and removal from office]~~ provide procedures for removing a planning commission member  
from the planning commission;  
800 (v) except as provided in Subsection (3)(a)(vi), describe the causes for which a planning  
commission member may be removed from the planning commission, which shall include:  
803 (A) using public funds for a political purpose under Title 20A, Chapter 11, Part 12, Political Activities  
of Public Entities Act;  
805 (B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;  
and  
807 (C) acting with the intent to influence a land use decision or an appeal of a pending land use application  
in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in  
the planning commission member's administrative or quasi-judicial duties;  
811 (vi) provide that a planning commission member deliberating about a specific pending land use  
application in a planning commission meeting with municipal staff, an elected official, or the  
land use applicant is not cause for removing a planning commission member from the planning  
commission;  
815 [~~(iv)~~] (vii) ~~define~~ } provide requirements for when a planning commission member shall recuse  
oneself from deliberating or voting on certain land use applications;  
852 [~~(iv)~~] (viii) define the authority of the planning commission;  
816 [~~(v)~~] (viii) { (ix) } subject to Subsection (3)(b), [the] { ~~direct the municipality to adopt~~ } include rules  
of order and procedure for use by the planning commission in a public meeting; and  
818 [~~(vi)~~] (ix) { (x) } include other details relating to the organization and procedures of the planning  
commission.  
820 (b) Subsection [~~(3)(a)(v)~~] { ~~(3)(a)(viii)~~ } (3)(a)(ix) does not affect the planning commission's duty to  
comply with Title 52, Chapter 4, Open and Public Meetings Act.  
822 (4)  
(a)  
(i) If the county establishes a planning advisory area planning commission, the county legislative  
body shall enact an ordinance that defines:  
824 (A) appointment procedures;

## HB0477 compared with HB0477S01

- 825 (B) procedures for filling vacancies and removing members from office;
- 826 (C) subject to Subsection (4)(a)(ii), the rules of order and procedure for use by the planning  
advisory area planning commission in a public meeting; and
- 828 (D) details relating to the organization and procedures of each planning advisory area planning  
commission.
- 830 (ii) Subsection (4)(a)(i)(C) does not affect the planning advisory area planning commission's duty  
to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- 833 (b) The planning commission for each planning advisory area shall consist of seven members who shall  
be appointed by:
- 835 (i) in a county operating under a form of government in which the executive and legislative functions  
of the governing body are separated, the county executive with the advice and consent of the county  
legislative body; or
- 838 (ii) in a county operating under a form of government in which the executive and legislative functions  
of the governing body are not separated, the county legislative body.
- 841 (c)
- (i) Members shall serve four-year terms and until their successors are appointed and qualified.
- 843 (ii) Notwithstanding the provisions of Subsection (4)(c)(i), members of the first planning commissions  
shall be appointed so that, for each commission, the terms of at least one member and no more than  
two members expire each year.
- 846 (d)
- (i) Each member of a planning advisory area planning commission shall be a registered voter residing  
within the planning advisory area.
- 848 (ii) Subsection (4)(d)(i) does not apply to a member described in Subsection (5)(a) if that member was,  
before May 12, 2015, authorized to reside outside of the planning advisory area.
- 851 (5)
- (a) A member of a planning commission who was elected to and served on a planning commission on  
May 12, 2015, shall serve out the term to which the member was elected.
- 854 (b) Upon the expiration of an elected term described in Subsection (5)(a), the vacant seat shall be filled  
by appointment in accordance with this section.
- 856 (6) Upon the appointment of all members of a planning advisory area planning commission, each  
planning advisory area planning commission under this section shall begin to exercise the powers

## HB0477 compared with HB0477S01

and perform the duties provided in Section 17-79-302 with respect to all matters then pending that previously had been under the jurisdiction of the countywide planning commission or planning advisory area planning and zoning board.

861 (7) The legislative body may authorize a member of a planning commission to receive per diem and  
travel expenses for meetings actually attended, in accordance with Section 11-55-103.

901 Section 12. Section **17-79-302** is amended to read:

902 **17-79-302. Planning commission powers and duties -- Training requirements.**

867 (1) Each countywide, planning advisory area, or mountainous planning district planning commission  
shall, with respect to the unincorporated area of the county, the planning advisory area, or the  
mountainous planning district, review and make a recommendation to the county legislative body  
for:

871 (a) a general plan and amendments to the general plan;

872 (b) land use regulations, including:

873 (i) ordinances regarding the subdivision of land within the county; and

874 (ii) amendments to existing land use regulations;

875 (c) an appropriate delegation of power to at least one designated land use authority to hear and act on a  
land use application;

877 (d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from  
a decision of the land use authority; and

879 (e) application processes that:

880 (i) may include a designation of routine land use matters that, upon application and proper notice, will  
receive informal streamlined review and action if the application is uncontested; and

883 (ii) shall protect the right of each:

884 (A) land use applicant and adversely affected party to require formal consideration of any application  
by a land use authority; and

886 (B) land use applicant or adversely affected party to appeal a land use authority's decision to a separate  
appeal authority[; ~~and~~] .

888 [~~(C) participant to be heard in each public hearing on a contested application.~~]

889 (2) Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or  
(b), the planning commission shall hold a public hearing in accordance with Section 17-79-404.

892

## HB0477 compared with HB0477S01

- (3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.
- 894 (4) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation.
- 896 (5) Nothing in this section limits the right of a county to initiate or propose the actions described in this section.
- 898 (6)
- (a)
- (i) This Subsection (6) applies to a county that:
- 899 (A) is a county of the first, second, or third class; and
- 900 (B) has a population in the county's unincorporated areas of 5,000 or more.
- 901 (ii) The population for each county described in Subsection (6)(a)(i) shall be derived from:
- 903 (A) an estimate of the Utah Population Committee created in Section 63C-20-103; or
- 905 (B) if the Utah Population Committee estimate is not available, the most recent official census or census estimate of the United States [~~Bureau of the~~]Census Bureau.
- 908 (b) A county described in Subsection (6)(a)(i) shall ensure that each member of the county's planning commission completes four hours of annual land use training as follows:
- 911 (i) one hour of annual training on general powers and duties, including the role of the planning commission in administrative, legislative, and quasi-judicial functions under [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] this chapter; and
- 915 (ii) three hours of annual training on a combination of land use~~{-or-}~~ and ethics, which may include:
- 916 (A) appeals and variances;
- 917 (B) conditional use permits;
- 918 (C) exactions;
- 919 (D) impact fees;
- 920 (E) vested rights;
- 921 (F) subdivision regulations and improvement guarantees;
- 922 (G) land use referenda;
- 923 (H) property rights;
- 924 (I) real estate procedures and financing;
- 925 (J) zoning, including use-based and form-based;~~[-and]~~

## HB0477 compared with HB0477S01

- 926 (K) drafting ordinances and code that complies with statute[-] ;  
927 (L) ex parte communication; and  
928 (M) conflicts of interest.
- 929 (c) A newly appointed planning commission member may not participate in a public meeting as an  
appointed member until the member completes the training described in Subsection (6)(b)(i).  
932 (d) A planning commission member may qualify for one completed hour of training required under  
Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public meetings of the  
planning commission within a calendar year.
- 935 (e) A county shall provide the training described in Subsection (6)(b) through:  
936 (i) county staff;  
937 (ii) the Utah Association of Counties; or  
938 (iii) a list of training courses selected by:  
939 (A) the Utah Association of Counties; or  
940 (B) the Division of Real Estate created in Section 61-2-201.
- 941 (f) A county shall, for each planning commission member:  
942 (i) monitor compliance with the training requirements in Subsection (6)(b); and  
943 (ii) maintain a record of training completion at the end of each calendar year.
- 982 Section 13. Section **17-79-507** is amended to read:  
983 **17-79-507. Classification of new and unlisted business uses.**
- 946 (1) As used in this section:  
947 (a) "Classification request" means a request to determine whether a proposed business use aligns with  
an existing land use specified in a county's land use ordinances.  
949 (b) "New or unlisted business use" means a business activity that does not align with an existing land  
use specified in a county's land use ordinances.
- 951 (2)  
(a) Each county shall incorporate into the county's land use ordinances a process for reviewing and  
approving a new or unlisted business use and designating an appropriate zone or zones for an  
approved use.  
954 (b) The process described in Subsection (2)(a) shall:  
955 (i) detail how an applicant may submit a classification request;  
956 (ii) establish a procedure for the county to review a classification request, including:

## HB0477 compared with HB0477S01

- 957 (A) providing a land use authority with criteria to determine whether a proposed use aligns with an  
existing use; ~~and~~
- 959 (B) allowing an applicant to proceed under the regulations of an existing use if a land use authority  
determines a proposed use aligns with that existing use; and
- 961 (C) providing the applicant an opportunity to appeal a land use authority's decision to the land use  
appeal authority;
- 963 (iii) provide that if a use is determined to be a new or unlisted business use:
- 964 (A) the applicant shall submit to the legislative body for review an application ~~[for approval of the new  
or unlisted business use to the legislative body for review]~~ requesting that the legislative body adopt  
a land use ordinance that permits the new or unlisted business as a permitted or conditional use;
- 968 (B) notwithstanding Subsection 17-79-503(2) or (3), the legislative body shall consider and ~~[determine  
whether to]~~ approve or deny ~~[the new or unlisted business use]~~ the application described in  
Subsection (2)(b)(iii)(A); and
- 971 (C) the legislative body shall approve or deny ~~[the new or unlisted business use]~~ the application  
described in Subsection (2)(b)(iii)(A), within a time frame the legislative body establishes by  
ordinance, if the applicant responds to requests for additional information within a time frame  
established by the county and appears at required hearings;
- 976 (iv) provide that if the legislative body approves ~~[a proposed new or unlisted business use]~~ the  
application described in Subsection (2)(b)(iii)(A), the legislative body shall designate an appropriate  
zone or zones for the approved use; and
- 979 (v) provide that if the legislative body denies ~~[a proposed new or unlisted business use]~~ the application  
described in Subsection (2)(b)(iii)(A), or if an applicant disagrees with a land use authority's  
classification of the proposed use, the legislative body shall:
- 983 (A) notify the applicant in writing of each reason for the classification or denial; and
- 985 (B) ~~[offer the applicant an opportunity to challenge the classification or denial through an  
administrative appeal process established by the county]~~ notify the applicant of the process for  
appealing the legislative body's decision in accordance with Section 17-79-1009.
- 1027 (c) A county may not require an applicant who submits an application described in Subsection (2)(b)  
(iii)(A) to submit the application to the planning commission for consideration, review, or approval.
- 989

## HB0477 compared with HB0477S01

- (3) Each county shall amend each land use ordinance that contains a list of approved or prohibited business uses to include a reference to the process for petitioning to approve a new or unlisted business use, as described in Subsection (2).

1033 Section 14. Section ~~17-79-707~~ is amended to read:

1034 **17-79-707. Subdivision plat recording or development activity before required**

**infrastructure is completed -- Improvement completion assurance -- Improvement warranty.**

996 (1) As used in this section:

997 (a) "Private landscaping plan" means a proposal:

998 (i) to install landscaping on a lot owned by a private individual or entity; and

999 (ii) submitted to a county by the private individual or entity, or on behalf of a private individual or entity, that owns the lot.

1001 (b) "Public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

1004 (i) will be dedicated to and maintained by the county; or

1005 (ii) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

1007 (2) A land use authority shall establish objective inspection standards for acceptance of a required public landscaping improvement or infrastructure improvement.

1009 (3)

(a) Except as provided in Subsection (3)(d) or (3)(e), before an applicant conducts any development activity or records a plat, the applicant shall:

1011 (i) complete any required public landscaping improvements or infrastructure improvements; or

1013 (ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.

1015 (b) If an applicant elects to post an improvement completion assurance, the applicant shall, in accordance with Subsection (5), provide completion assurance for:

1017 (i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or

1019 (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.

## HB0477 compared with HB0477S01

- 1022 (c) A county shall:
- 1023 (i) establish a minimum of two acceptable forms of completion assurance;
- 1024 (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 chapter and any local ordinances; and
- 1027 (B) beginning on May 7, 2025, if a county accepts cash deposits as a form of completion assurance and an applicant elects to post a new 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;
- 1033 (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
- 1037 (iv) issue or deny a building permit in accordance with Section 17-79-901 based on the installation of public landscaping improvements or infrastructure improvements.
- 1040 (d) A county may not require an applicant to post an improvement completion assurance for:
- 1042 (i) public landscaping improvements or infrastructure improvements that the county has previously inspected and accepted;
- 1044 (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;
- 1048 (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;
- 1051 (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;
- 1054 (v) a private landscaping plan;
- 1055 (vi) landscaping improvements or infrastructure improvements that an applicant elects to install at the applicant's own risk:
- 1057 (A) before the plat is recorded;
- 1058 (B) pursuant to inspections required by the county for the infrastructure improvement; and
- 1060 (C) pursuant to final civil engineering plan approval by the county; or

## HB0477 compared with HB0477S01

- 1061 (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.
- 1065 (e)
- 1066 (i) A county may not:
- (A) prohibit an applicant from installing a public landscaping improvement or an infrastructure  
improvement when the municipality county has approved final civil engineering plans for the  
development activity or plat for which the public landscaping improvement or infrastructure  
improvement is required; or
- 1070 (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, security for an  
improvement warranty, or receiving a building permit.
- 1074 (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.
- 1078 (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.
- 1082 (ii) Subject to Section 17-79-805, 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.
- 1090 (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.

## HB0477 compared with HB0477S01

- 1094 (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.
- 1097 (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.
- 1101 (5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not  
exceed the sum of:
- 1103 (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
- 1106 (b) 10% of the amount of the bond to cover administrative costs incurred by the county to complete the  
improvements, if necessary.
- 1108 (6)
- (a) 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 17-79-805, and for the duration of each improvement warranty period, the land use authority  
may require the applicant to:
- 1112 (i) execute an improvement warranty for the improvement warranty period; and
- 1113 (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:
- 1115 (A) county engineer's original estimated cost of completion; or
- 1116 (B) applicant's reasonable proven cost of completion.
- 1117 (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.
- 1122 (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.
- 1127 (8) A county may not require the submission of a private landscaping plan as part of an application for a  
building permit.

## HB0477 compared with HB0477S01

- 1129 (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~~] State Construction Code.
- 1173 Section 15. Section **17-79-901** is amended to read:
- 1174 **17-79-901. Enforcement -- Limitations on a county's ability to enforce an ordinance by  
withholding a permit or certificate.**
- 1135 (1)
- (a) A county or an adversely affected party may, in addition to other remedies provided by law,  
institute:
- 1137 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
- 1138 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
- 1139 (b) A county need only establish the violation to obtain the injunction.
- 1140 (2)
- (a) Except as provided in Subsections (3) through (6), a county may enforce the county's ordinance by  
withholding a building permit or certificate of occupancy.
- 1142 (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.
- 1144 (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.
- 1147 (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.
- 1151 (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.
- 1154 (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.
- 1156 (g) A county may adopt and enforce any appendix of the International Fire Code, 2021 Edition.
- 1158 (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:

1160

## HB0477 compared with HB0477S01

- (i) unless the infrastructure improvement is essential to meet the requirements for the issuance of a building permit or certificate of occupancy under Title 15A, State Construction and Fire Codes Act; and
- 1163 (ii) for which the county has accepted an improvement completion assurance for a public landscaping improvement, as defined in Section 17-79-707, or an infrastructure improvement for the development.
- 1166 (b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6, infrastructure improvement that is essential means:
- 1168 (i) for a building permit:
- 1169 (A) operable fire hydrants installed in a manner that is consistent with the county's adopted engineering standards; and
- 1171 [(ii)] (B) for temporary roads used during construction, a properly compacted road base installed in a manner consistent with the county's adopted engineering standards[-] ;
- 1174 (ii) for a certificate of occupancy, at the discretion of the county, at least one of the following:
- 1176 (A) a permanent road;
- 1177 (B) a temporary road covered with asphalt or concrete; or
- 1178 (C) another method for accessing a structure consistent with Appendix D of the International Fire Code;  
and
- 1180 (iii) public infrastructure necessary for the health, life, and safety of the occupant.
- 1181 (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.
- 1184 (4) A county may not deny an applicant a building permit or certificate of occupancy for failure to:
- 1186 (a) submit a private landscaping plan, as defined in Section 17-79-707; or
- 1187 (b) complete a landscaping improvement that is not a public landscaping improvement, as defined in Section 17-79-707.
- 1189 (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.
- 1194 (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

## HB0477 compared with HB0477S01

defined in Section 17-79-707, 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.

- 1199 (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.
- 1202 (8) A county shall allow an applicant to post an improvement completion assurance for a public  
sidewalk separate from an improvement completion assurance for:
- 1204 (a) another infrastructure improvement; or
- 1205 (b) a public landscaping improvement, as defined in Section 17-79-707.
- 1206 (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.

1251 Section 16. **Effective date.**

Effective Date.

1211 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

1212 (2) The actions affecting Section 10-21-304 (Effective 10/01/26) take effect on October 1, 2026.

2-23-26 6:39 AM