SB0284S06 compared with SB0284S03

~~{Omitted text}~~ shows text that was in SB0284S03 but was omitted in SB0284S06
inserted text shows text that was not in SB0284S03 but was inserted into SB0284S06

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Local Land {~~Use~~ } and Water Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor:Jill Koford

LONG TITLE

General Description:

This bill modifies provisions related to local land useand water planning.

Highlighted Provisions:

This bill:

- defines terms;
- amends requirements for a modified feasibility request related to a proposed municipal incorporation;
- clarifies standards for county and municipal land use regulations and requirements;
- modified requirements for an ordinance establishing a planning commission;
- modifies planning commission powers and duties;
- modifies the process for reviewing and approving a new or unlisted business use;
- establishes requirements for regulating structure height;
- requires a county or municipal legislative body to make a decision on proposed land use regulation if the planning commission fails to make a timely recommendation;
-

SB0284S03

requires counties, municipalities, and special districts to adopt a written plan, beginning on January 1, 2028, for determining the reasonable future water requirement of the public before imposing a water exaction (written plan);

- **requires the state engineer to make rules to establish standards for the written plan;**
- addresses exaction for water and a land use authority's review of a land use application;
- modifies the requirement to place certain infrastructure completion assurances in an interest-bearing account;
- establishes requirements relating to development agreements;
- modifies the burden of proving that a land use authority's decision was arbitrary, capricious, or illegal;
- addresses requirements relating to an appeal or variance hearing;
- prohibits a legislative body from acting as an appeal authority;
- modifies the standard of review of a land use authority's decision to deny or approve a land use application;
- modifies appeal requirements;
- requires a specified municipality to allow a detached accessory dwelling unit as a permitted use in certain zones;
- clarifies notice requirements for a proposed county land use ordinance that is ministerial in nature;
- 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
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

10-3-702 **(Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 354

10-20-102 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

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

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

10-20-501 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-502 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

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

10-20-806 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

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

10-20-902 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-910 **(Effective 05/06/26)**, as enacted by Laws of Utah 2025, First Special Session, Chapter 15

10-20-911 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-1001 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-1101 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-1106 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-1107 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-1109 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

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

13-43-205 **(Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15

17-79-102 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

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

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

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

17-79-501 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-502 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

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

17-79-706 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

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

17-79-803 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-811 **(Effective 05/06/26)**, as enacted by Laws of Utah 2025, First Special Session, Chapter 14

17-79-812 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

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

17-79-1001 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-1006 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-1007 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-79-1009 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17B-1-120 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapters 15, 255

63I-2-210 **(Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15

63I-2-217 **(Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 7

73-1-4 (Effective 05/06/26) (Partially Repealed 12/31/30), as last amended by Laws of Utah 2024, Chapter 233

ENACTS:

10-20-625 **(Effective 05/06/26)**, Utah Code Annotated 1953

10-20-626 **(Effective 05/06/26)**, Utah Code Annotated 1953

10-20-912 **(Effective 05/06/26)**, Utah Code Annotated 1953

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

17-79-621 (Effective 05/06/26), Utah Code Annotated 1953

17-79-813 **(Effective 05/06/26)**, Utah Code Annotated 1953

~~**{17-79-814 , Utah Code Annotated 1953}**~~

REPEALS AND REENACTS:

10-20-1105 **(Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

17-79-1005 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

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

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

10-2a-106. (Effective 05/06/26)Feasibility request filed before changes to law take effect.

(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.

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

(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

(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.

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

10-2a-206. (Effective 05/06/26)Modified feasibility request -- Supplemental feasibility study.

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

[~~(1)~~] (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:

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

(ii)

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

(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

(C) an incorporation petition based on the feasibility request has not been filed.

(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).

(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.

(c)

(i) Subject to Subsection [~~(1)(c)(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).

(ii) Notwithstanding Subsection [~~(1)(c)(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:

(A) private land area; or

(B) assessed fair market value of private real property, as of January 1 of the current year.

(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.

(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.

(ii) The notice described in Subsection (2)(e)(i) shall:

(A) describe the added area of land; and

(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.

(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).

(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).

[~~(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:

(i) estimate the cost of a supplemental feasibility study under this section; and

(ii) provide the estimated cost to the feasibility request sponsors.

[~~(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.

[~~(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).

[~~(3)~~] (4) [~~Within~~] 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.

(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:

(a) the deadline for filing a request for exclusion described in Subsection (2)(f) has passed; and

(b) the county clerk and lieutenant governor have issued a final determination on any request for exclusion filed in accordance with Subsection (2)(f).

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

(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;

(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

(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:

(i) the lieutenant governor;

(ii) the county legislative body of the county in which the incorporation is proposed;

(iii) the contact sponsor; and

(iv) each person to whom the consultant provided a draft under Subsection [~~(4)(a)~~] (6)(a).

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

(a) the process to incorporate the area that is the subject of the supplemental feasibility study may not proceed; and

(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.

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

10-2a-220. (Effective 05/06/26)Costs of incorporation -- Fees established by lieutenant governor.

(1)

(a) There is created an expendable special revenue fund known as the "Municipal Incorporation Expendable Special Revenue Fund."

(b) The fund shall consist of:

(i) appropriations from the Legislature;

(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

(iii) fees the lieutenant governor collects and remits to the fund under this section.

(c) The lieutenant governor shall deposit all money collected under this section into the fund.

(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:

(i) a request certification;

(ii) a petition certification;

(iii) publication of notices;

(iv) public hearings;

(v) all other incorporation activities occurring after the elections; and

(vi) any other cost incurred by the lieutenant governor or county in relation to an incorporation proceeding.

(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.

(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.

(4)

(a) A newly incorporated municipality shall:

(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;

(ii) pay the county for a cost described in Subsection (2)(b); and

(iii) reimburse feasibility request sponsors the cost the feasibility request sponsors paid for:

(A) a feasibility study under Section 10-2a-205; and

(B) any supplemental feasibility study under Section 10-2a-206.

(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.

(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).

(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.

(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.

Section 4. Section **10-3-702** is amended to read:

10-3-702. (Effective 05/06/26)Extent of power exercised by ordinance.

[~~(1) As used in this section, "open house" means an event held by a homeowner, including an event in association with a real estate agent, architect, builder, or developer, to showcase a home, including the outdoor landscaping around the home.~~]

[~~(2)~~] (1)

[~~(a) Except as provided in Subsection (2)(b), the~~] The governing body of a municipality may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this title or any other provision of law.

[~~(b)~~

~~(i) The governing body of a municipality may not regulate an open house differently than a residential use.~~]

[~~(ii) Any ordinance regulating an open house differently than a residential use is void.~~]

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

(a) An officer of the municipality may not be convicted of a criminal offense where the officer relied on or enforced an ordinance the officer reasonably believed to be a valid ordinance.

(b) It shall be a defense in any action for punitive damages over the enforcement of an invalid ordinance if the official:

(i) acted in good faith in enforcing an ordinance; or

(ii) enforced an ordinance on advice of legal counsel.

Section 5. Section **10-20-102** is amended to read:

10-20-102. (Effective 05/06/26)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; and

(b) the subject of a land use approval that:

(i) sponsors of a referendum timely challenged in accordance with Section 20A-7-601; and

[~~(c)~~] (ii) is 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) "Boundary adjustment" means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.

(b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:

(i) creates an additional lot or parcel; or

(ii) is made by the Department of Transportation.

(8)

(a) "Boundary establishment" means an agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary.

(b) "Boundary establishment" does not mean a modification of a lot or parcel boundary that:

(i) creates an additional lot or parcel; or

(ii) is made by the Department of Transportation.

(9) "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 adopted and effective in Title 15A, State Construction and Fire Codes Act.

[~~(9)~~] (10)

(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.

[~~(10) "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 adopted and effective in Title 15A, State Construction and Fire Codes Act.~~]

(11) "Conditional use" means a land use that, because of the unique characteristics or potential detrimental 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.

(12) "Constitutional taking" means a governmental action that results in a taking of private property [~~so that~~] where compensation to the property owner[~~ of the property~~] is required by the:

(a) Fifth or Fourteenth Amendment [~~of~~] to the Constitution of the United States; or

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

(13) "Conveyance document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.5.

(14) "Conveyance of property" means the transfer of ownership of any portion of real property from one person to another person.

(15) "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.

(16) "Department of Transportation" means the entity created in Section 72-1-201.

(17) "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.

(18)

(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.

(19)

(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 the Controlled Substances Act, 21 U.S.C. Sec. 802.

(20) "Document" means the same as that term is defined in Section 57-1-1.

(21) "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 (21)(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 (21)(a)(i); and

(B) used in support of the purposes of a building described in Subsection (21)(a)(i); or

(ii) a therapeutic school.

(22) "Establishment document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.

[~~(23) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.~~]

[~~(24)~~] (23) "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.

[~~(25)~~] (24) "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.

(25) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.

(26) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

(27) "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.

(28) "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.

(29) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.

(30) "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.

(31)

(a) "Identical plans" means floor plans submitted to a municipality that:

(i) are submitted within the same building code adoption cycle as floor plans that were previously approved by the municipality;

(ii) have no structural differences from floor plans that were previously approved by the municipality; and

(iii) describe a building that:

(A) is located on land zoned the same as the land on which the building described in the previously approved plans is located;

(B) has a substantially identical floor plan to a floor plan previously approved by the municipality; and

(C) does not require any engineering or analysis beyond a review to confirm the submitted floor plans are substantially identical to a floor plan previously approved by the municipality or 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.

(32) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.

(33) "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.

(34) "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.

(35) "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 land use applicant to mitigate the suspect soil.

(36) "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 shall 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.

(37) "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.

(38) "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.

(39) "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.

(40) "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.

(41) "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.

(42) "Land use permit" means a permit issued by a land use authority.

(43) "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.

(44) "Legislative body" means the municipal council.

(45) "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.

(46) "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.

(47) "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 59-12-2202.

(48) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.

(49) "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.

(50) "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 10-20-615 and is used by a specified public utility.

(51) "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.

(52) "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.

(53) "Nonconforming use" means a use of land that:

(a) legally existed before [~~its~~] the land's 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.

(54) "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.

(55) "Parcel" means any real property that is not a lot.

(56) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

(57) "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.

(58) "Planning commission" means the commission established under Section 10-20-301.

(59) "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 10-20-803 or 57-8-13.

(60) "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.

(61) "Property owner" means a person that holds legal title in real property.

[~~(61)~~] (62) "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.

[~~(62)~~] (63) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

[~~(63)~~] (64) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

[~~(64)~~] (65) "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.

[~~(65)~~] (66) "Receiving zone" means an area that a municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

[~~(66)~~] (67) "Record of survey map" means a map of a survey of land prepared in accordance with Section 17-73-504.

[~~(67)~~] (68) "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.

[~~(68)~~] (69) "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.

[~~(69)~~] (70) "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.

[~~(70)~~] (71) "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.

[~~(71)~~] (72) "Sending zone" means an area that a municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

[~~(72)~~] (73) "Simple boundary adjustment" means a boundary adjustment that does not:

(a) affect a public right-of-way, municipal utility easement, or other public property;

(b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or

(c) result in a lot or parcel out of conformity with land use regulations.

[~~(73)~~] (74) "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.

(75) "Specific land use law" means a requirement or restriction on the use of a specific parcel in a development agreement that a legislative body approves with the consent of an affected property owner.

[~~(74)~~] (76) "Specified public agency" means:

(a) the state;

(b) a school district; or

(c) a charter school.

[~~(75)~~] (77) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

[~~(76)~~] (78) "State" includes any department, division, or agency of the state.

[~~(77)~~] (79)

(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 [~~(77)(c)~~] (79)(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 land used for agricultural purposes as provided in Subsection 10-20-808(2);

(ii) a recorded conveyance document:

(A) consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description; or

(B) joining a lot to a parcel;

(iii) 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;

(iv) a boundary adjustment;

(v) a boundary establishment;

(vi) a road, street, or highway dedication plat;

(vii) a deed or easement for a road, street, or highway purpose; or

(viii) any other division of land authorized by law.

[~~(78)~~] (80)

(a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 10-20-811 that:

(i) vacates all or a portion of the subdivision;

(ii) increases the number of lots within the subdivision;

(iii) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or

(iv) alters a common area or other common amenity within the subdivision.

(b) "Subdivision amendment" does not include a simple boundary adjustment.

[~~(79)~~] (81) "Substantial evidence" means evidence that:

(a) is beyond a scintilla; and

(b) a reasonable mind would accept as adequate to support a conclusion.

[~~(80)~~] (82) "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.

[~~(81)~~] (83) "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.

[~~(82)~~] (84) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a [~~land~~] property owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

[~~(83)~~] (85) "Unincorporated" means the area outside of the incorporated area of a city or town.

[~~(84)~~] (86) "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.

[~~(85)~~] (87) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 6. Section **10-20-301** is amended to read:

10-20-301. (Effective 05/06/26)Ordinance establishing planning commission required -- Ordinance requirements -- Compensation.

(1)

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

(b) The ordinance shall[~~define~~]:

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

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

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

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

(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

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

(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:

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

(B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

(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;

(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;

(vii) provide requirements for when a planning commission member shall recuse oneself from deliberating or voting on certain land use applications;

[~~(iv)~~] (viii) define the authority of the planning commission;

[~~(v)~~] (ix) subject to Subsection (1)(c), [~~the~~] include rules of order and procedure for use by the planning commission in a public meeting; and

[~~(vi)~~] (x) include other details relating to the organization and procedures of the planning commission.

(c) Subsection [~~(1)(b)(v)~~] (1)(b)(ix) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(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.

Section 7. Section **10-20-302** is amended to read:

10-20-302. (Effective 05/06/26)Planning commission powers and duties -- Training requirements.

(1) The planning commission shall review and make a recommendation to the legislative body for:

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

(b) land use regulations, including:

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

(ii) amendments to existing land use regulations;

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

(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

(e) application processes that:

(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

(ii) shall protect the right of each:

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

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

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

(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.

(3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.

[~~(4) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation.~~]

[~~(5)~~] (4) Nothing in this section limits the right of a municipality to initiate or propose the actions described in this section.

[~~(6)~~] (5)

(a)

(i) This Subsection [~~(6)~~] (5) applies to:

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

(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.

(ii) The population for each city described in Subsection [~~(6)(a)(i)~~] (5)(a)(i) shall be derived from:

(A) an estimate of the Utah Population Committee created in Section 63C-20-103; or

(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.

(b) A municipality described in Subsection [~~(6)(a)(i)~~] (5)(a)(i) shall ensure that each member of the municipality's planning commission completes four hours of annual land use training as follows:

(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

(ii) three hours of annual training on a combination of land use and ethics topics, which may include:

(A) appeals and variances;

(B) conditional use permits;

(C) exactions;

(D) impact fees;

(E) vested rights;

(F) subdivision regulations and improvement guarantees;

(G) land use referenda;

(H) property rights;

(I) real estate procedures and financing;

(J) zoning, including use-based and form-based;[~~and~~]

(K) drafting ordinances and code that complies with statute[~~.~~] ;

(L) ex parte communication; and

(M) conflict of interest.

(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)~~] (5)(b)(i).

(d) A planning commission member may qualify for one completed hour of training required under Subsection [~~(6)(b)(ii)~~] (5)(b)(ii) if the member attends, as an appointed member, 12 public meetings of the planning commission within a calendar year.

(e) A municipality shall provide the training described in Subsection [~~(6)(b)~~] (5)(b) through:

(i) municipal staff;

(ii) the Utah League of Cities and Towns; or

(iii) a list of training courses selected by:

(A) the Utah League of Cities and Towns; or

(B) the Division of Real Estate created in Section 61-2-201.

(f) A municipality shall, for each planning commission member:

(i) monitor compliance with the training requirements in Subsection [~~(6)(b)~~] (5)(b); and

(ii) maintain a record of training completion at the end of each calendar year.

Section 8. Section **10-20-501** is amended to read:

10-20-501. (Effective 05/06/26)Enactment of land use regulation, land use decision, or development agreement.

(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.

(2)

(a) Except as provided in Subsection (2)(b), a legislative body may enact a land use regulation only by ordinance.

(b) A legislative body may, by ordinance or resolution, enact a land use regulation that imposes a fee.

(3) A legislative body shall ensure that a land use regulation is consistent with the purposes [~~set forth in~~] of this chapter.

(4)

(a) A legislative body shall adopt a land use regulation to:

(i) create or amend a zoning district under Subsection 10-20-503(1)(a); and

(ii) designate general uses allowed in each zoning district.

(b) A land use authority may establish or modify other restrictions or requirements other than those described in Subsection (4)(a), including the configuration or modification of uses or density, through a land use decision that applies criteria or policy elements that a land use regulation establishes or describes.

(5)

(a) Except as provided in Subsection (5)(b) or (5)(c), a municipality shall publish on the municipality's website:

(i) all of the municipality's land use regulations; and

(ii) a fee schedule that lists all of the municipality's fees related to a land use application, land use permit, or land use regulation, including development review fees and impact fees.

(b) A municipality that does not have a maintained and active website shall provide for inspection of the information described in Subsection (5)(a) at the municipality's place of business during normal business hours.

(c) A municipality may comply with Subsection (5)(a) by:

(i) posting a link on the municipality's website to a separate webpage or third-party website where the land use regulations or fee schedule described in Subsection (5)(a) are posted; and

(ii) submitting a new or modified land use regulation or fee schedule described in Subsection (5)(a) to the third-party website within six months after the day on which the legislative body adopts the new or modified land use regulation or fee schedule.

[~~(5)~~] (6) A municipality may not adopt a land use regulation[~~,~~] or development agreement, or make a land use decision, that restricts the type of crop that may be grown in an area that is:

(a) zoned agricultural; or

(b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

[~~(6)~~] (7) A municipal land use regulation pertaining to an airport or an airport influence area, as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport Zoning Act.

Section 9. Section **10-20-502** is amended to read:

10-20-502. (Effective 05/06/26)Preparation and adoption of land use regulation.

(1) A planning commission shall:

(a) provide notice as required by Subsection 10-20-205(1)(a) and, if applicable, Subsection 10-20-205(4);

(b) hold a public hearing on a proposed land use regulation;

(c) if applicable, consider each written objection filed in accordance with Subsection 10-20-205(5) before the public hearing; and

(d)

(i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality; and

(ii) forward to the legislative body all objections filed in accordance with Subsection 10-20-205(5).

(2)

(a) A legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.

(b) After providing notice as required by Subsection 10-20-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the land use regulation described in Subsection (2)(a):

(i) as proposed by the planning commission; or

(ii) after making any revision the legislative body considers appropriate.

[~~(c) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.~~]

(c) Beginning on September 15, 2026, a legislative body may adopt or reject a proposed land use regulation without waiting for a recommendation from the planning commission if:

(i) a land use applicant makes a request described in Subsection 10-20-905(2)(b); or

(ii) a legislative body determines that a planning commission has had adequate time to consider the land use regulation.

Section 10. Section **10-20-507** is amended to read:

10-20-507. (Effective 05/06/26)Classification of new and unlisted business uses.

(1) As used in this section:

(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.

(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.

(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.

(b) The process described in Subsection (2)(a) shall:

(i) detail how an applicant may submit a classification request;

(ii) establish a procedure for the municipality to review a classification request, including:

(A) providing a land use authority with criteria to determine whether a proposed use aligns with an existing use;[~~and~~]

(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

(C) providing the applicant an opportunity to appeal a land use authority's decision to a land use appeal authority;

(iii) provide that if a use is determined to be a new or unlisted business use:

(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;

(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

(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;

(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

(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:

(A) notify the applicant in writing of each reason for the classification or denial; and

(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.

(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.

(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).

Section 11. Section **11** is enacted to read:

10-20-625. (Effective 05/06/26)Model homes and open houses.

(1) As used in this section:

(a) "Model home" means:

(i) a single-family home that the homebuilder uses to promote the sale or lease of another single-family home; or

(ii) a unit within a multi-family residential structure that the owner uses to promote the sale or lease of another unit within the multi-family residential structure.

(b) "Open house" means an event held by a homeowner, including an event in association with a real estate agent, architect, builder, or developer, to showcase a home, including the outdoor landscaping around the home.

(2) The legislative body of a municipality may not regulate a model home or open house differently than a residential use.

(3) Any ordinance regulating a model home or an open house differently than a residential use is void.

Section 12. Section **12** is enacted to read:

10-20-626. (Effective 05/06/26)Structure height.

(1) A municipality may regulate:

(a) the number of habitable stories that a structure may contain; and

(b) the overall height of a structure.

(2) {~~Notwithstanding~~ } If a land use {~~regulation described in Subsection (1), if a land use~~ } authority approved a land use application for a commercial lodging structure on or before September 1, 2025, and the land use {~~authority shall allow~~ } application is subject to land use regulations described in Subsection (1) that conflict, the land use authority may not limit the number of above-ground habitable stories the land use applicant {~~to build as many habitable stories~~ } builds within the maximum overall height that the land use authority approved {~~structure as permitted under~~ } for the {~~State Construction Code~~} structure.

Section 13. Section **10-20-806** is amended to read:

10-20-806. (Effective 05/06/26)Review of subdivision applications and subdivision improvement plans.

(1) As used in this section:

(a) "Review cycle" means the occurrence of:

(i) the applicant's submittal of a complete subdivision application;

(ii) the municipality's review of that subdivision application;

(iii) the municipality's response to that subdivision application, in accordance with this section; and

(iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

(b) "Subdivision application" means a land use application for the subdivision of land.

(c) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a subdivision.

(d) "Subdivision ordinance review" means review by a municipality to verify that a subdivision application meets the criteria of the municipality's ordinances.

(e) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with municipal ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

(2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

(3)

(a) A municipality may require a subdivision improvement plan to be submitted with a subdivision application.

(b) A municipality may not require a subdivision improvement plan to be submitted with both a preliminary subdivision application and a final subdivision application.

(4)

(a) The review cycle requirements of this section apply:

(i) to the review of a preliminary subdivision application, if the municipality requires a subdivision improvement plan to be submitted with a preliminary subdivision application; or

(ii) to the review of a final subdivision application, if the municipality requires a subdivision improvement plan to be submitted with a final subdivision application.

(b) A municipality may not, outside the review cycle, engage in a substantive review of required infrastructure improvements or a municipally controlled utility.

(5)

(a) A municipality shall complete the initial review of a complete subdivision application submitted for ordinance review for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:

(i) no later than 15 business days after the complete subdivision application is submitted, if the municipality has a population over 5,000; or

(ii) no later than 30 business days after the complete subdivision application is submitted, if the municipality has a population of 5,000 or less.

(b) A municipality shall maintain and publish a list of the items comprising the complete subdivision application, including:

(i) the application;

(ii) the owner's affidavit;

(iii) an electronic copy of all plans in PDF format;

(iv) the preliminary subdivision plat drawings; and

(v) a breakdown of fees due upon approval of the application.

(6) A municipality shall publish a list of the items that comprise a complete subdivision land use application.

(7) A municipality shall complete a subdivision plan review of a subdivision improvement plan that is submitted with a complete subdivision application for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:

(a) within 20 business days after the complete subdivision application is submitted, if the municipality has a population over 5,000; or

(b) within 40 business days after the complete subdivision application is submitted, if the municipality has a population of 5,000 or less.

(8)

(a) In reviewing a subdivision application, a municipality may require:

(i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and

(ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

(b) A municipality's request for additional information or modifications to plans under Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans, and shall be logged in an index of requested modifications or additions.

(c) A municipality may not require more than four review cycles for a subdivision improvement plan review.

(d)

(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's subdivision improvement plan review is waived.

(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a subdivision improvement plan, the municipality has the discretion to restart the review process at the first review of the subdivision improvement plan

review, but only with respect to the portion of the subdivision improvement plan that the material change substantively affects.

(e)

(i) This Subsection (8)(e) applies if an applicant does not submit a revised subdivision improvement plan within :

(A) 20 business days after the municipality requires a modification or correction, if the municipality has a population over 5,000; or

(B) 40 business days after the municipality requires a modification or correction, if the municipality has a population of 5,000 or less.

(ii) If an applicant does not submit a revised subdivision improvement plan within the time specified in Subsection (8)(e)(i), a municipality has an additional 20 business days after the time specified in Subsection (7) to respond to a revised subdivision improvement plan.

(9) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the municipality's previous review cycle, the municipality may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(10)

(a) In addition to revised plans, an applicant shall provide a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

(11)

[~~(a)~~] If, on the fourth or final review, a municipality fails to respond within 20 business days, the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

[~~(i)~~] (a) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection [~~10-20-911(5)(d)~~] 10-20-911(4)(d) to review and approve or deny the final revised set of plans; or

[~~(ii)~~] (b) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Section 14. Section **10-20-807** is amended to read:

10-20-807. (Effective 05/06/26)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 landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

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

(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) 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 chapter and any local ordinances; and

(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;

(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 10-20-1001 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;

(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) in accordance with inspections required by the municipality for the infrastructure improvement; and

(C) in accordance with 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, 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.

(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.

(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.

(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.

(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.

(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 municipality to complete the improvements, if necessary.

(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:

(i) execute an improvement warranty for the improvement warranty period; and

(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:

(A) municipal engineer's original estimated cost of completion; or

(B) applicant's reasonable proven cost of completion.

(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 a building permit.

(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.

Section 15. Section **10-20-902** is amended to read:

10-20-902. (Effective 05/06/26)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), 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 before 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 10-20-504.

(c) 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) 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 17-79-803.

(e) Unless a phasing sequence is required in an executed development agreement, a municipality shall, without regard to any other separate and distinct land use application, accept and process a complete land use application.

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

(g) 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 10-20-902(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) 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) Except as provided in Subsection (1)(j) or (k), 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) 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.

(k) 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.

(l) A municipality:

(i) may require the submission of a private landscaping plan, as defined in Section 10-20-807, 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) Beginning on October 1, 2026, and except as provided in Subsection (3)(b), a municipality shall publish on the municipality's website an application checklist for each land use application type that includes a checklist of all required plans and documents that make a complete application.

(b) A municipality that does have a maintained and active website shall provide for inspection of the information described in Subsection (3)(a) at the municipality's place of business during normal business hours.

[~~(3)~~] (4) 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)~~] (5) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 10-20-304(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)~~] (6)

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

(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)~~] (7)(a) does not prevent a municipality from issuing a building permit that contains an expiration date defined in the building permit.

Section 16. Section **10-20-910** is amended to read:

10-20-910. (Effective 05/06/26)Provisions applicable to a provider of culinary or secondary water.

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:

(1) Subsections 10-20-904(5) and (6);

(2) Section 10-20-905;[~~ and~~]

(3) Section 10-20-911; and

(4) Section 10-20-912.

Section 17. Section **10-20-911** is amended to read:

10-20-911. (Effective 05/06/26)Exactions -- Requirement to offer to original owner property acquired by exaction -- Exaction for right-of-way improvements -- Improvement completion assurance requirements.

(1) A municipality may impose an exaction or exactions on development proposed in a land use application, including, subject to [~~Subsection (3)~~] Section 10-20-912, 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 in accordance with 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)~~] (3)

(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)~~] (3)(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)~~] (3)(a) does not apply to the disposal of property acquired by exaction by a community reinvestment agency.

[~~(5)~~] (4)

(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)~~] (4)(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)~~] (4)(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)~~] (4)(d)(iii)(A) and (B).

(iv) A member of the panel assembled by the municipality under Subsection [~~(5)(d)(ii)~~] (4)(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)~~] (4)(d)(vii).

(vii) In accordance with Section 10-20-1109, 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.

[~~(6) 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 provisions of this section the same as if the provider were a municipality.~~]

Section 18. Section **18** is enacted to read:

10-20-912. (Effective 05/06/26)Exactions for water rights.

(1) Subject to the requirements of this section, a municipality shall base an exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.

(2) Except as provided in Subsection (3), 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 under 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.

(3) If a municipality determines, in the sole discretion of the municipality, that good cause exists, the municipality may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (2).

(4)

(a) A municipality shall make public the methodology used to comply with Subsection (2)(b).

(b) A land use applicant may submit a request to the municipality's legislative body to review an exaction calculation used by the municipality under Subsection (2).

(c) A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the municipality's legislative body shall respond with due process.

(5) 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 (2) on which an exaction for a water interest is based.

(6)

(a) A municipality may not impose an exaction for a water interest if:

(6){(i)} {~~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).~~} ; or

(ii) the municipality or the municipality's culinary water authority does not have a written plan in accordance with Subsection (6)(b).

(b) Beginning on January 1, 2028, a municipality shall determine the municipality's water interests needed to meet the reasonable future water requirement of the public by completing a written plan described in Subsection 73-1-4(2)(f).

(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 provisions of this section and Section 10-20-911 the same as if the provider were a municipality.

Section 19. Section **10-20-1001** is amended to read:

10-20-1001. (Effective 05/06/26)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~~] a land use applicant 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) [~~though~~] through (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 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.

(e) A municipality may require temporary signs to be installed at each street intersection once construction of a new roadway allows passage by a motor vehicle.

(f) A municipality may adopt and enforce any appendix of the International Fire Code, 2021 Edition.

(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) 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

(ii) for which the municipality has accepted an improvement completion assurance for a public landscaping improvement, as defined in Section 10-20-807, 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:

(A) operable fire hydrants installed in a manner that is consistent with the municipality's adopted engineering standards; and

(B) for temporary roads used during construction, a 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.

(4) A municipality may not deny an applicant a building permit or certificate of occupancy for failure to:

(a) submit a private landscaping plan, as defined in Section 10-20-807; or

(b) complete a landscaping improvement that is not a public landscaping improvement, as defined in Section 10-20-807.

(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.

(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 10-20-807, 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.

(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.

(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 10-20-807.

(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 20. Section **10-20-1101** is amended to read:

10-20-1101. (Effective 05/06/26)Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

(1)

(a) [~~Each~~] Subject to Subsection (1)(d), 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~~] a variance from [~~the terms of~~] a land use [~~ordinances~~] ordinance;

(ii) appeals from a land use [~~decisions~~] decision applying a land use [~~ordinances~~] ordinance; and

(iii) appeals from a fee charged in accordance with Section 10-20-904.

(c) An appeal authority described in Subsection (1)(a) may not hear an appeal from the enactment of a land use regulation.

(d) Beginning on July 1, 2026, a city described in Subsection 10-20-302(6)(a)(i) may not designate the city's legislative body as an appeal authority.

(e) Notwithstanding Subsection (1)(d), a legislative body shall continue to be the appeal authority for an appeal if:

(i) a land use ordinance designated the legislative body as the appeal authority when the appellant filed the appeal; and

(ii) the appellant filed the appeal on or before June 30, 2026.

(2) As a condition precedent to judicial review, each adversely affected party or land use applicant 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 a land use [~~ordinances~~] ordinance; 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; and

[~~(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)~~] (d) provide that specified types of land use decisions may be appealed directly to the district court.

(5) A municipality may not:

(a) require a public hearing for a request for a variance or land use appeal[~~.~~] ; or

(b) require a land use applicant or adversely affected party to pursue successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies.

(6) If the municipality establishes or, before 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 21. Section **10-20-1105** is repealed and reenacted to read:

10-20-1105. (Effective 05/06/26)Burden of proof.

In an appeal described in this part:

(1) if the appellant is a land use applicant, the appellant has the burden of proving that the land use authority's land use decision is illegal or is not supported by substantial evidence; or

(2) if the appellant is an adversely affected party, the appellant has the burden of proving that the land use authority's land use decision is illegal, or that the factual findings are clearly erroneous.

Section 22. Section **10-20-1106** is amended to read:

10-20-1106. (Effective 05/06/26)Due process.

(1) [~~Each~~] An appeal authority shall conduct each appeal and variance request as provided in local ordinance.

(2) [~~Each~~] An appeal authority shall respect the due process rights of [~~each of the participants~~] an appeal participant.

(3) An appeal authority may only allow the following people to present or speak during an appeal hearing:

(a) the appellant or the appellant's representatives;

(b) the land use applicant or the land use applicant's representatives; and

(c) the municipality's representatives.

Section 23. Section **10-20-1107** is amended to read:

10-20-1107. (Effective 05/06/26)Scope of review of factual matters on appeal -- Appeal authority requirements.

(1) A municipality may, by ordinance, designate the scope of review of factual matters for appeals of land use authority decisions.

(2) If the municipality fails to designate a scope of review of factual matters, the appeal authority shall review the [~~matter~~] factual matters de novo, without deference to the land use authority's determination of the factual matters.

(3) If the scope of review of factual matters is on the record, the appeal authority shall determine whether the record on appeal includes substantial evidence for each essential finding of fact.

(4) The appeal authority shall:

(a) determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations; and

(b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

(5)

(a) An appeal authority's land use decision is a quasi-judicial act.

(b) [~~A~~] Except as provided in Subsection (5)(c), a legislative body may act as an appeal authority unless both the legislative body and the appealing party agree to allow a third party to act as the appeal authority.

(c) Beginning on July 1, 2026, the legislative body of a city described in Subsection 10-20-302(6)(a)(i) may not act as an appeal authority unless:

(i) a land use ordinance designated the legislative body as the appeal authority when the appellant filed the appeal; and

(ii) the appellant filed the appeal on or before June 30, 2026.

(6) Only a decision in which a land use authority has applied a land use regulation to a particular land use application, person, or parcel may be appealed to an appeal authority.

Section 24. Section **10-20-1109** is amended to read:

10-20-1109. (Effective 05/06/26)No district court review until administrative remedies exhausted -- Time for filing -- Tolling of time -- Standards governing court review -- Record on review -- Staying of decision.

(1) [~~No~~] A person may challenge in district court a land use decision [~~until that~~] if the person has exhausted the person's administrative remedies as provided in this part, if applicable.

(2)

(a) Subject to Subsection (1), a land use applicant or adversely affected party may file a petition for review of a land use decision with the district court within 30 days after the decision is final.

(b)

(i) The time under Subsection (2)(a) to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the property rights ombudsman under Section 13-43-204 until 30 days after:

(A) the arbitrator issues a final award; or

(B) the property rights ombudsman issues a written statement under Subsection 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

(ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.

(iii) A request for arbitration filed with the property rights ombudsman after the time under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

(3)

(a) A court shall:

(i) presume that a land use regulation properly enacted under the authority of this chapter is valid; and

(ii) determine only whether:

(A) the land use regulation is expressly preempted by, or was enacted contrary to, state or federal law; and

(B) it is reasonably debatable that the land use regulation is consistent with this chapter.

(b) A court shall presume that a final land use decision of a land use authority or an appeal authority is valid unless the land use decision is:

(i) arbitrary and capricious; or

(ii) illegal.

(c)

(i) A land use decision is arbitrary and capricious if the land use decision is not supported by substantial evidence in the record.

(ii) A land use decision is illegal if the land use decision:

(A) is based on an incorrect interpretation of a land use regulation;

(B) conflicts with the authority granted by this title; or

(C) is contrary to law.

(d)

(i) A court may affirm or reverse a land use decision.

(ii) If the court reverses a land use decision, the court shall remand the matter to the land use authority with instructions to issue a land use decision consistent with the court's ruling.

(4) The provisions of Subsection (2)(a) apply from the date on which the municipality takes final action on a land use application, if the municipality conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice of the pending land use decision.

(5) If the municipality has complied with Section 10-20-205, a challenge to the enactment of a land use regulation[~~or~~] , general plan, or specified land use law may not be filed with the district court more than 30 days after the enactment.

(6) A challenge to a land use decision is barred unless the challenge is filed within 30 days after the land use decision is final.

(7)

(a) The land use authority or appeal authority, as the case may be, shall transmit to the reviewing court the record of the proceedings of the land use authority or appeal authority, including the minutes, findings, orders, and, if available, a true and correct transcript of the proceedings.

(b) If the proceeding was recorded, a transcript of that recording is a true and correct transcript for purposes of this Subsection (7).

(8)

(a)

(i) If there is a record, the district court's review is limited to the record provided by the land use authority or appeal authority, as the case may be.

(ii) The court may not accept or consider any evidence outside the record of the land use authority or appeal authority, as the case may be, unless that evidence was offered to the land use authority or appeal authority, respectively, and the court determines that the evidence was improperly excluded.

(b) If there is no record, the court may call witnesses and take evidence.

(9)

(a) The filing of a petition does not stay the land use decision of the land use authority or appeal authority, as the case may be.

(b)

(i) Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may petition the appeal authority to stay the appeal authority's land use decision.

(ii) Upon receipt of a petition to stay, the appeal authority may order the appeal authority's land use decision stayed pending district court review if the appeal authority finds the order to be in the best interest of the municipality.

(iii) After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an injunction staying the appeal authority's land use decision.

(10) If the court determines that a party initiated or pursued a challenge to a land use decision on a land use application in bad faith, the court may award attorney fees.

Section 25. Section **10-21-101** is amended to read:

10-21-101. (Effective 05/06/26)Definitions.

As used in this part:

(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.

(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.

(3) "Affordable housing" means housing offered for sale at 80% or less of the median county home price for housing of that type.

[~~(2)~~] (4) "Agency" means the same as that term is defined in Section 17C-1-102.

[~~(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.

[~~(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.

[~~(5)~~] (7) "Base taxable value" means a property's taxable value as shown upon the assessment roll last equalized during the base year.

[~~(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.

(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.

[~~(7)~~] (10) "Division" means the Housing and Community Development Division within the Department of Workforce Services.

[~~(8)~~] (11) "Existing fixed guideway public transit station" means a fixed guideway public transit station for which construction begins before June 1, 2022.

[~~(9)~~] (12) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

[~~(10)~~] (13) "Home ownership promotion zone" means a home ownership promotion zone created in accordance with this part.

[~~(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).

[~~(12)~~] (15) "Initial report" or "initial moderate income housing report" means the one-time report described in Subsection 10-21-202(1).

[~~(13)~~] (16) "Internal accessory dwelling unit" means an accessory dwelling unit created:

(a) within a primary dwelling;

(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

(c) for the purpose of offering a long-term rental of 30 consecutive days or longer.

[~~(14)~~] (17) "Moderate income housing strategy" means a strategy described in Subsection 10-21-201(3)(a)(iii).

[~~(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.

[~~(16)~~] (19) "Participant" means the same as that term is defined in Section 17C-1-102.

[~~(17)~~] (20) "Participation agreement" means the same as that term is defined in Section 17C-1-102.

[~~(18)~~] (21)

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

(i) is detached; and

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

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

(i) is a habitable space; and

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

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

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

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

(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);

(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;

(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;

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

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

(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).

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

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

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

(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.

[~~(23)~~] (26)

(a) "Station area" means:

(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

(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.

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

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

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

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

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

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

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

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

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

(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

(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.

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

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

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

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

Section 26. Section **26** is enacted to read:

10-21-304. (Effective 10/01/26)Detached accessory dwelling units.

(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~~} 11,000 square feet or larger and contains a single-family dwelling, if the single-family dwelling is a permitted use on the lot or parcel.

(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~~} 11,000 square feet.

(2) A land use regulation described in Subsection (1) shall:

(a) require that a detached accessory dwelling unit comply with all applicable building, health, and fire codes; and

(b) 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:

(i) dwelling and accessory structure setback requirements; and

(ii) building, health, and fire codes.

(3) A land use regulation described in Subsection (1) may not:

(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;

(b) require more than two on-site parking spaces assigned to a detached accessory dwelling unit that is 650 square feet or larger;

(c) require more than one on-site parking space assigned to a detached accessory dwelling unit that is smaller than 650 square feet; or

(d) include design standards for a detached accessory dwelling unit that conflict with Section 10-20-618.

(4) A land use regulation described in Subsection (1) may:

(a) require a detached accessory dwelling unit to:

(i) conform to applicable land use regulations that regulate structure size, dimension, height, and maximum lot coverage;

(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

(iii) be designed consistent with the design of the single-family dwelling;

(b) prohibit a detached accessory dwelling unit from being:

(i) larger in size than the single-family dwelling located on the same lot or parcel;

(ii) located within a public utility easement or other recorded easement;

(iii) located in a front-yard area of a lot or parcel; or

(iv) rented for less than 90 consecutive days;

(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;

(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;

(e) prohibit more than one accessory dwelling unit on a lot or parcel; and

(f) prohibit a detached accessory dwelling unit if:

(i) the detached accessory dwelling unit will not have adequate access to a required utility service that is a project improvement, including sanitary sewer, culinary water, electrical, or storm water; or

(ii) a utility service that 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 service system improvements.

(5) This section does not supersede:

(a) a land use regulation that regulates a detached accessory building that is not a detached accessory dwelling unit;

(b) prohibitions or restrictions on detached accessory dwelling units in a development agreement signed by a municipality on or before May 6, 2026; or

(c) a land use regulation or administrative action that:

(i) is not prohibited by law; and

(ii) relates to a detached accessory dwelling unit.

Section 27. Section **13-43-205** is amended to read:

13-43-205. (Effective 05/06/26)Advisory opinion.

(1) A local government, private entity, or a potentially aggrieved person may, in accordance with Section 13-43-206, request a written advisory opinion:

(a) from a neutral third party to determine compliance with:

(i) Sections 10-20-506, 10-20-507, 10-20-602, 10-20-604, 10-20-605, 10-20-902, 10-20-904, 10-20-905, 10-20-910, 10-20-911, 10-20-912, and 10-20-1003;

(ii) Sections 17-79-506, 17-79-507, 17-79-601, 17-79-602, 17-79-603, 17-79-803, 17-79-804, 17-79-805, 17-79-811, 17-79-812, 17-79-813, and 17-79-903; and

(iii) Title 11, Chapter 36a, Impact Fees Act; and

(b) at any time before:

(i) a final decision on a land use application by a local appeal authority under Title 11, Chapter 36a, Impact Fees Act, or Section 10-20-1108 or 17-79-1008;

(ii) the deadline for filing an appeal with the district court under Title 11, Chapter 36a, Impact Fees Act, or Section 10-20-1109 or 17-79-1009, if no local appeal authority is designated to hear the issue that is the subject of the request for an advisory opinion; or

(iii) the enactment of an impact fee, if the request for an advisory opinion is a request to review and comment on a proposed impact fee facilities plan or a proposed impact fee analysis as defined in Section 11-36a-102.

(2) A private property owner may, in accordance with Section 13-43-206, request a written advisory opinion from a neutral third party to determine if a condemning entity:

(a) is in occupancy of the owner's property;

(b) is occupying the property:

(i) for a public use authorized by law; and

(ii) without colorable legal or equitable authority; and

(c) continues to occupy the property without the owner's consent, the occupancy would constitute a taking of private property for a public use without just compensation.

(3) An advisory opinion issued under Subsection (2) may justify an award of attorney fees against a condemning entity in accordance with Section 13-43-206 only if the court finds that the condemning entity:

(a) does not have a colorable claim or defense for the entity's actions; and

(b) continued occupancy without payment of just compensation and in disregard of the advisory opinion.

Section 28. Section **17-79-102** is amended to read:

17-79-102. (Effective 05/06/26)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; and

(b) the subject of a land use approval that:

(i) sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(6); and

[~~(c)~~] (ii) is 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 adopted and effective in Title 15A, State Construction and Fire Codes Act.~~]

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

(a) "Boundary adjustment" means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.

(b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:

(i) creates an additional lot or parcel; or

(ii) is made by the Department of Transportation.

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

(a) "Boundary establishment" means an agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary.

(b) "Boundary establishment" does not mean a modification of a lot or parcel boundary that:

(i) creates an additional lot or parcel; or

(ii) is made by the Department of Transportation.

(9) "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 adopted and effective in Title 15A, State Construction and Fire Codes Act.

(10)

(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.

(11) "Chief executive officer" means the person or body that exercises the executive powers of the county.

(12) "Conditional use" means a land use that, because of the unique characteristics or potential detrimental 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.

(13) "Constitutional taking" means a governmental action that results in a taking of private property [~~so that~~] where compensation to the property owner[~~of the property~~] is required by the:

(a) Fifth or Fourteenth Amendment [~~of~~] to the Constitution of the United States; or

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

(14) "Conveyance document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.5.

(15) "Conveyance of property" means the transfer of ownership of any portion of real property from one person to another person.

(16) "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.

(17) "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.

(18) "Department of Transportation" means the entity created in Section 72-1-201.

(19) "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.

(20)

(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.

(21)

(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.

(22) "Document" means the same as that term is defined in Section 57-1-1.

(23) "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 (23)(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 (23)(a)(i); and

(B) used in support of the purposes of a building described in Subsection (23)(a)(i); or

(ii) a therapeutic school.

(24) "Establishment document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.

[~~(25) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.~~]

[~~(26)~~] (25) "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.

[~~(27)~~] (26) "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.

(27) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.

(28) "Gas corporation" has the same meaning as defined in Section 54-2-1.

(29) "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.

(30) "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.

(31) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.

(32) "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.

(33)

(a) "Identical plans" means floor plans submitted to a county that:

(i) are submitted within the same building code adoption cycle as floor plans that were previously approved by the county;

(ii) have no structural differences from floor plans that were previously approved by the county; and

(iii) describe a building that:

(A) is located on land zoned the same as the land on which the building described in the previously approved plans is located;

(B) has a substantially identical floor plan to a floor plan previously approved by the county; and

(C) does not require any engineering or analysis beyond a review to confirm the submitted floor plans are substantially identical to a floor plan previously approved by the county or 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.

(34) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.

(35) "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.

(36) "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.

(37) "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.

(38) "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 shall 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.

(39) "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.

(40) "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.

(41) "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.

(42) "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.

(43) "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.

(44) "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.

(45) "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.

(46) "Land use permit" means a permit issued by a land use authority.

(47) "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.

(48) "Legislative body" means the county legislative body, or for a county that has adopted an alternative form of government, the body exercising legislative powers.

(49) "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.

(50) "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 59-12-2202.

(51) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.

(52) "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.

(53) "Mountainous planning district" means an area designated by a county legislative body in accordance with Section 17-79-408.

(54) "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.

(55) "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.

(56) "Nonconforming use" means a use of land that:

(a) legally existed before the land's 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.

(57) "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.

(58) "Parcel" means any real property that is not a lot.

(59) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

(60) "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.

(61) "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.

(62) "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 17-79-703 or 57-8-13.

(63) "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.

(64) "Property owner" means a person that holds legal title in real property.

[~~(64)~~] (65) "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.

[~~(65)~~] (66) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

[~~(66)~~] (67) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

[~~(67)~~] (68) "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.

[~~(68)~~] (69) "Receiving zone" means an unincorporated area that a county designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

[~~(69)~~] (70) "Record of survey map" means a map of a survey of land prepared in accordance with Section 17-73-504.

[~~(70)~~] (71) "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.

[~~(71)~~] (72) "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.

[~~(72)~~] (73) "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.

[~~(73)~~] (74) "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.

[~~(74)~~] (75) "Sending zone" means an unincorporated area that a county designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

[~~(75)~~] (76) "Simple boundary adjustment" means a boundary adjustment that does not:

(a) affect a public right-of-way, county utility easement, or other public property;

(b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or

(c) result in a lot or parcel out of conformity with land use regulations.

[~~(76)~~] (77) "Site plan" means a document or map that may be required by a county during a preliminary review before the issuance of a building permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.

[~~(77)~~] (78)

(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.

(79) "Specific land use law" means a requirement or restriction on the use of a specific parcel in a development agreement that a legislative body approves with the consent of an affected property owner.

[~~(78)~~] (80) "Specified public agency" means:

(a) the state;

(b) a school district; or

(c) a charter school.

[~~(79)~~] (81) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

[~~(80)~~] (82) "State" includes any department, division, or agency of the state.

[~~(81)~~] (83)

(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 [~~(81)(c)~~] (83)(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 recorded conveyance document:

(A) consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description; or

(B) joining a lot to a parcel;

(iii) 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;

(iv) 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;

(v) a boundary adjustment;

(vi) a boundary establishment;

(vii) a road, street, or highway dedication plat;

(viii) a deed or easement for a road, street, or highway purpose; or

(ix) any other division of land authorized by law.

[~~(82)~~] (84)

(a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 17-79-711 that:

(i) vacates all or a portion of the subdivision;

(ii) increases the number of lots within the subdivision;

(iii) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or

(iv) alters a common area or other common amenity within the subdivision.

(b) "Subdivision amendment" does not include a simple boundary adjustment.

[~~(83)~~] (85) "Substantial evidence" means evidence that:

(a) is beyond a scintilla; and

(b) a reasonable mind would accept as adequate to support a conclusion.

[~~(84)~~] (86) "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.

[~~(85)~~] (87) "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.

[~~(86)~~] (88) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a [~~land~~] property owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

[~~(87)~~] (89) "Unincorporated" means the area outside of the incorporated area of a municipality.

[~~(88)~~] (90) "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.

[~~(89)~~] (91) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 29. Section **17-79-205** is amended to read:

17-79-205. (Effective 05/06/26)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) 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 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.

(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 17-79-502.

(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)

(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:

(i) bring the county's land use ordinances into compliance with a state or federal law;

(ii) adopt a county land use update that affects:

(A) an entire zoning district; or

(B) multiple zoning districts;

(iii) adopt a non-substantive, clerical text amendment to an existing land use ordinance;

(iv) recodify the county's existing land use ordinances; or

(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 30. Section **17-79-301** is amended to read:

17-79-301. (Effective 05/06/26)Ordinance establishing planning commission required -- Exception -- Ordinance requirements -- Planning advisory area planning commission -- Compensation.

(1)

(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.

(b) Subsection (1)(a) does not apply if all of the county is included within any combination of:

(i) municipalities;

(ii) planning advisory areas each with a separate planning commission; and

(iii) mountainous planning districts.

(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.

(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.

(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.

(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:

(i) dissolves each planning commission within the county; and

(ii) establishes a countywide planning commission that has jurisdiction over:

(A) each planning advisory area within the county; and

(B) the unincorporated areas of the county not within a planning advisory area.

(b) A countywide planning commission established under Subsection (2)(a) shall assume the duties of each dissolved planning commission.

(3)

(a) The ordinance described in Subsection (1)(a), (1)(c), or (2)(a) shall[~~define~~]:

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

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

(iii) [~~the~~] provide procedures for filling vacancies on the planning commission;

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

(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:

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

(B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

(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;

(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;

(vii) provide requirements for when a planning commission member shall recuse oneself from deliberating or voting on certain land use applications;

[~~(iv)~~] (viii) define the authority of the planning commission;

[~~(v)~~] (ix) subject to Subsection (3)(b), [~~the~~] include rules of order and procedure for use by the planning commission in a public meeting; and

[~~(vi)~~] (x) include other details relating to the organization and procedures of the planning commission.

(b) Subsection [~~(3)(a)(v)~~] (3)(a)(ix) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(4)

(a)

(i) If the county establishes a planning advisory area planning commission, the county legislative body shall enact an ordinance that defines:

(A) appointment procedures;

(B) procedures for filling vacancies and removing members from office;

(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

(D) details relating to the organization and procedures of each planning advisory area planning commission.

(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.

(b) The planning commission for each planning advisory area shall consist of seven members who shall be appointed by:

(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

(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.

(c)

(i) Members shall serve four-year terms and until their successors are appointed and qualified.

(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.

(d)

(i) Each member of a planning advisory area planning commission shall be a registered voter residing within the planning advisory area.

(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.

(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.

(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.

(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 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.

(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.

Section 31. Section **17-79-302** is amended to read:

17-79-302. (Effective 05/06/26)Planning commission powers and duties -- Training requirements.

(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:

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

(b) land use regulations, including:

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

(ii) amendments to existing land use regulations;

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

(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

(e) application processes that:

(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

(ii) shall protect the right of each:

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

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

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

(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.

(3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.

[~~(4) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation.~~]

[~~(5)~~] (4) Nothing in this section limits the right of a county to initiate or propose the actions described in this section.

[~~(6)~~] (5)

(a)

(i) This Subsection [~~(6)~~] (5) applies to a county that:

(A) is a county of the first, second, or third class; and

(B) has a population in the county's unincorporated areas of 5,000 or more.

(ii) The population for each county described in Subsection [~~(6)(a)(i)~~] (5)(a)(i) shall be derived from:

(A) an estimate of the Utah Population Committee created in Section 63C-20-103; or

(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.

(b) A county described in Subsection [~~(6)(a)(i)~~] (5)(a)(i) shall ensure that each member of the county's planning commission completes four hours of annual land use training as follows:

(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

(ii) three hours of annual training on a combination of land use and ethics, which may include:

(A) appeals and variances;

(B) conditional use permits;

(C) exactions;

(D) impact fees;

(E) vested rights;

(F) subdivision regulations and improvement guarantees;

(G) land use referenda;

(H) property rights;

(I) real estate procedures and financing;

(J) zoning, including use-based and form-based;[~~ and~~]

(K) drafting ordinances and code that complies with statute[~~.~~] ;

(L) ex parte communication; and

(M) conflict of interest.

(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)~~] (5)(b)(i).

(d) A planning commission member may qualify for one completed hour of training required under Subsection [~~(6)(b)(ii)~~] (5)(b)(ii) if the member attends, as an appointed member, 12 public meetings of the planning commission within a calendar year.

(e) A county shall provide the training described in Subsection [~~(6)(b)~~] (5)(b) through:

(i) county staff;

(ii) the Utah Association of Counties; or

(iii) a list of training courses selected by:

(A) the Utah Association of Counties; or

(B) the Division of Real Estate created in Section 61-2-201.

(f) A county shall, for each planning commission member:

(i) monitor compliance with the training requirements in Subsection [~~(6)(b)~~] (5)(b); and

(ii) maintain a record of training completion at the end of each calendar year.

Section 32. Section **17-79-501** is amended to read:

17-79-501. (Effective 05/06/26)Enactment of land use regulation.

(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.

(2)

(a) Except as provided in Subsection (2)(b), a legislative body may enact a land use regulation only by ordinance.

(b) A legislative body may, by ordinance or resolution, enact a land use regulation that imposes a fee.

(3) A land use regulation shall be consistent with the purposes [~~set forth in~~] of this chapter.

(4)

(a) A legislative body shall adopt a land use regulation to:

(i) create or amend a zoning district under Subsection 17-79-503(1)(a); and

(ii) designate general uses allowed in each zoning district.

(b) A land use authority may establish or modify other restrictions or requirements other than those described in Subsection (4)(a), including the configuration or modification of uses or density,

through a land use decision that applies criteria or policy elements that a land use regulation establishes or describes.

(5)

(a) A county shall publish on the county's website:

(i) all of the county's land use regulations; and

(ii) a fee schedule that lists all of the county's fees related to a land use application, land use permit, or land use regulation, including development review fees and impact fees.

(b) A county may comply with Subsection (5)(a) by:

(i) posting a link on the county's website to a separate webpage or third-party website where the land use regulations or fee schedule described in Subsection (5)(a) are posted; and

(ii) submitting a new or modified land use regulation or fee schedule described in Subsection (5)(a) to the third-party website within six months after the day on which the legislative body adopts the new or modified land use regulation or fee schedule.

[~~(5)~~] (6) A county may not adopt a land use regulation[~~,~~] or development agreement, or make a land use decision that restricts the type of crop that may be grown in an area that is:

(a) zoned agricultural; or

(b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

[~~(6)~~] (7) A county land use regulation pertaining to an airport or an airport influence area, as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport Zoning Act.

Section 33. Section **17-79-502** is amended to read:

17-79-502. (Effective 05/06/26)Preparation and adoption of land use regulation.

(1) A planning commission shall:

(a) provide notice as required by Subsection 17-79-205(1)(a) and, if applicable, Subsection 17-79-205(4);

(b) hold a public hearing on a proposed land use regulation;

(c) if applicable, consider each written objection filed in accordance with Subsection 17-79-205(4) before the public hearing; and

(d)

(i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within:

(A) all or any part of the unincorporated area of the county; or

(B) for a mountainous planning district, all or any part of the area in the mountainous planning district; and

(ii) forward to the legislative body all objections filed in accordance with Subsection 17-79-205(4).

(2)

(a) The legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.

(b) After providing notice as required by Subsection 17-79-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the proposed land use regulation described in Subsection (2)(a):

(i) as proposed by the planning commission; or

(ii) after making any revision the legislative body considers appropriate.

[~~(c) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.~~]

(c) Beginning on September 15, 2026, a legislative body may adopt or reject a proposed land use regulation without waiting for a recommendation from the planning commission if:

(i) a land use applicant makes a request described in Subsection 17-79-805(2)(b); or

(ii) a legislative body determines that a planning commission has had adequate time to consider the land use regulation.

Section 34. Section **17-79-507** is amended to read:

17-79-507. (Effective 05/06/26)Classification of new and unlisted business uses.

(1) As used in this section:

(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.

(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.

(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.

(b) The process described in Subsection (2)(a) shall:

(i) detail how an applicant may submit a classification request;

(ii) establish a procedure for the county to review a classification request, including:

(A) providing a land use authority with criteria to determine whether a proposed use aligns with an existing use;[~~and~~]

(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

(C) providing the applicant an opportunity to appeal a land use authority's decision to the land use appeal authority;

(iii) provide that if a use is determined to be a new or unlisted business use:

(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;

(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

(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;

(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

(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:

(A) notify the applicant in writing of each reason for the classification or denial; and

(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.

(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.

(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).

Section 35. Section **35** is enacted to read:

17-79-621. Structure height.

(1) A county may regulate:

(a) the number of habitable stories that a structure may contain; and

(b) the overall height of a structure.

(2) If a land use authority approved a land use application for a commercial lodging structure on or before September 1, 2025, and the land use application is subject to land use regulations described in Subsection (1) that conflict, the land use authority may not limit the number of above-ground habitable stories the land use applicant builds within the maximum overall height that the land use authority approved for the structure.

Section 36. Section **17-79-706** is amended to read:

17-79-706. (Effective 05/06/26)Review of subdivision applications and subdivision improvement plans.

(1) As used in this section:

(a) "Review cycle" means the occurrence of:

(i) the applicant's submittal of a complete subdivision application;

(ii) the county's review of that subdivision application;

(iii) the county's response to that subdivision application, in accordance with this section; and

(iv) the applicant's reply to the county's response that addresses each of the county's required modifications or requests for additional information.

(b) "Subdivision application" means a land use application for the subdivision of land located within the unincorporated area of a county.

(c) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure improvements and county-controlled utilities required for a subdivision.

(d) "Subdivision ordinance review" means review by a county to verify that a subdivision application meets the criteria of the county's ordinances.

(e) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with county

ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

(2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

(3)

(a) A county may require a subdivision improvement plan to be submitted with a subdivision application.

(b) A county may not require a subdivision improvement plan to be submitted with both a preliminary subdivision application and a final subdivision application.

(4)

(a) The review cycle requirements of this section apply:

(i) to the review of a preliminary subdivision application, if the county requires a subdivision improvement plan to be submitted with a preliminary subdivision application; or

(ii) to the review of a final subdivision application, if the county requires a subdivision improvement plan to be submitted with a final subdivision application.

(b) A county may not, outside the review cycle, engage in a substantive review of required infrastructure improvements or a county controlled utility.

(5)

(a) A county shall complete the initial review of a complete subdivision application submitted for ordinance review for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:

(i) no later than 15 business days after the complete subdivision application is submitted, if the county has a population over 5,000; or

(ii) no later than 30 business days after the complete subdivision application is submitted, if the county has a population of 5,000 or less.

(b) A county shall maintain and publish a list of the items comprising the complete subdivision application, including:

(i) the application;

(ii) the owner's affidavit;

(iii) an electronic copy of all plans in PDF format;

(iv) the preliminary subdivision plat drawings; and

(v) a breakdown of fees due upon approval of the application.

(6) A county shall publish a list of the items that comprise a complete subdivision land use application.

(7) A county shall complete a subdivision plan review of a subdivision improvement plan that is submitted with a complete subdivision application for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:

(a) within 20 business days after the complete subdivision application is submitted, if the county has a population over 5,000; or

(b) within 40 business days after the complete subdivision application is submitted, if the county has a population of 5,000 or less.

(8)

(a) In reviewing a subdivision application, a county may require:

(i) additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specifications for construction of public improvements; and

(ii) modifications to plans that do not meet current ordinances, applicable standards, or specifications or do not contain complete information.

(b) A county's request for additional information or modifications to plans under Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans, and shall be logged in an index of requested modifications or additions.

(c) A county may not require more than four review cycles for a subdivision improvement plan review.

(d)

(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a county's subdivision improvement plan review is waived.

(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a subdivision improvement plan, the county has the discretion to restart the review process at the first review of the subdivision improvement plan

review, but only with respect to the portion of the subdivision improvement plan that the material change substantively affects.

(e)

(i) This Subsection (8) applies if an applicant does not submit a revised subdivision improvement plan within:

(A) 20 business days after the county requires a modification or correction, if the county has a population over 5,000; or

(B) 40 business days after the county requires a modification or correction, if the county has a population of 5,000 or less.

(ii) If an applicant does not submit a revised subdivision improvement plan within the time specified in Subsection (8)(e)(i), a county has an additional 20 business days after the time specified in Subsection (7) to respond to a revised subdivision improvement plan.

(9) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the county's previous review cycle, the county may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(10)

(a) In addition to revised plans, an applicant shall provide a written explanation in response to the county's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

(11)

[~~(a)~~] If, on the fourth or final review, a county fails to respond within 20 business days, the county shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

[~~(i)~~] (a) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection [~~17-79-812(5)(d)~~] 17-79-812(4)(d) to review and approve or deny the final revised set of plans; or

[~~(ii)~~] (b) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Section 37. Section **17-79-707** is amended to read:

17-79-707. (Effective 05/06/26)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 landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

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

(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) 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 chapter and any local ordinances; and

(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;

(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 17-79-901 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;

(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~~] 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

(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.

(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 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.

(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) 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:

(i) execute an improvement warranty for the improvement warranty period; and

(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:

(A) county engineer's original estimated cost of completion; or

(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 a building permit.

(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.

Section 38. Section **17-79-803** is amended to read:

17-79-803. (Effective 05/06/26)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) Subject to Subsection [~~(7)~~] (8), 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 before 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 17-79-504.

(c) 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) 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 in accordance with this chapter.

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

(f) Subject to Subsection [~~(7)~~] (8), 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) 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) Except as provided in Subsection (1)(i) or (j), 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) 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.

(j) 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.

(k) A county:

(i) may require the submission of a private landscaping plan, as defined in Section 17-79-707, 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) Beginning on October 1, 2026, a county shall publish on the county's website an application checklist for each land use application type that includes a checklist of all required plans and documents that make a complete application.

[~~(3)~~] (4) 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)~~] (5) Subject to Subsection [~~(7)~~] (8), a specified public agency's submission of a development plan and schedule as required in Subsection 17-79-305(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)~~] (6)

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

(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)~~] (7)(a) does not prevent a county from issuing a building permit that contains an expiration date defined in the building permit.

[~~(7)~~] (8) A county shall comply with the provisions of this chapter regarding all pending land use applications and new land use applications submitted under this chapter.

Section 39. Section **17-79-811** is amended to read:

17-79-811. (Effective 05/06/26)Provisions applicable to a provider of culinary or secondary water.

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 provisions the same as if the provider were a county:

(1) Subsections 17-79-804(5) and (6);

(2) Section 17-79-805;[~~and~~]

(3) Section 17-79-812; and

(4) Section 17-79-813.

Section 40. Section **17-79-812** is amended to read:

17-79-812. (Effective 05/06/26)Exactions -- Requirement to offer to original owner property acquired by exaction -- Exaction for right-of-way improvements -- Improvement completion assurance requirements.

(1) A county may impose an exaction or exactions on development proposed in a land use application, including, subject to [~~Subsection (3)~~] Section 17-79-813, 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 county or, if applicable, the county's culinary water authority shall base any 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 in accordance with 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 county.~~]

[~~(iii) A county or culinary water authority 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 county or culinary water authority, at the county's or culinary water authority's sole discretion, determines there is good cause to do so.~~]

[~~(iv) A county shall make public the methodology used to comply with Subsection (3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an exaction calculation used by the county or the county's culinary water authority under Subsection (3)(a)(ii). A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the county'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 county or the county's culinary water authority 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)~~] (3)

(a) If a county plans to dispose of surplus real property under Section 17-78-103 that was acquired under this section and has been owned by the county for less than 15 years, the county shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the county.

(b) A person to whom a county offers to reconvey property under Subsection [~~(4)(a)~~] (3)(a) has 90 days to accept or reject the county's offer.

(c) If a person to whom a county offers to reconvey property declines the offer, the county may offer the property for sale.

(d) Subsection [~~(4)(a)~~] (3)(a) does not apply to the disposal of property acquired by exaction by a community development or urban renewal agency.

[~~(5)~~] (4)

(a) A county 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)~~] (4)(a) does not apply if a county 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 county 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 county 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 county 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 county 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 county, the panel described in Subsection [~~(5)(d)(ii)~~] (4)(d)(ii) shall consist of the following three experts:

(A) one licensed engineer, designated by the county;

(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)~~] (4)(d)(iii)(A) and (B).

(iv) A member of the panel assembled by the county under Subsection [~~(5)(d)(ii)~~] (4)(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 county'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)~~] (4)(d)(vii).

(vii) In accordance with Section 17-79-1009, a land use applicant or the county 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 41. Section **41** is enacted to read:

17-79-813. (Effective 05/06/26)Exactions for water rights.

(1) Subject to the requirements of this section, a county or, if applicable, the county's culinary water authority shall base any exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.

(2) Except as described in Subsection (3), 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 in accordance with 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 county.

(3) If a county or culinary water authority determines, in the sole discretion of the county or culinary water authority, that good cause exists, the county or culinary water authority may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (2).

(4)

(a) A county shall make public the methodology used to comply with Subsection (2)(b).

(b) A land use applicant may submit a request to the county's governing body an exaction calculation used by the county or the county's culinary water authority under Subsection (2).

(c) A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the county's governing body shall respond with due process.

(5) 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 (2) on which an exaction for a water interest is based.

(6)

(a) A county or the county's culinary water authority may not impose an exaction for a water interest if:

(6){(i)} {~~A county or the county's~~ } the culinary water {~~authority 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).~~} ; or

(ii) the county or the county's culinary water authority does not have a written plan in accordance with Subsection (6)(b).

(b) Beginning on January 1, 2028, a county shall determine the county's water interests needed to meet the reasonable future water requirement of the public by completing a written plan described in Subsection 73-1-4(2)(f).

Section 41. Section **41** is enacted to read:

17-79-814. Structure height.

(1) A county may regulate:

(a) the number of habitable stories that a structure may contain; and

(b) the overall height of a structure.

(2) Notwithstanding a land use regulation described in Subsection (1), if a land use authority approved a land use application for a commercial lodging structure on or before September 1, 2025, the land use

authority shall allow the land use applicant to build as many habitable stories within the approved structure as permitted under the State Construction Code.

Section 42. Section **17-79-901** is amended to read:

17-79-901. (Effective 05/06/26)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~~] a land use applicant 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) 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) 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

(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.

(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:

(A) operable fire hydrants installed in a manner that is consistent with the county's adopted engineering standards; and

[~~(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[~~.~~] ;

(ii) for a certificate of occupancy, at the discretion of the county, 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 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.

(4) A county may not deny an applicant a building permit or certificate of occupancy for failure to:

(a) submit a private landscaping plan, as defined in Section 17-79-707; or

(b) complete a landscaping improvement that is not a public landscaping improvement, as defined in Section 17-79-707.

(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.

(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 17-79-707, 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.

(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.

(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 17-79-707.

(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 43. Section **17-79-1001** is amended to read:

17-79-1001. (Effective 05/06/26)Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

(1)

(a) [~~Each~~] Subject to Subsection (1)(d), 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~~] a variance from [~~the terms of~~] a land use [~~ordinances~~] ordinance;

(ii) appeals from a land use [~~decisions~~] decision applying a land use [~~ordinances~~] ordinance; and

(iii) appeals from a fee charged in accordance with Section 17-79-802.

(c) An appeal authority may not hear an appeal from the enactment of a land use regulation.

(d) Beginning on July 1, 2026, a county described in Subsection 17-79-302(6)(a)(i) may not designate the county's legislative body as an appeal authority.

(e) Notwithstanding Subsection (1)(d), a legislative body shall continue to be the appeal authority for an appeal if:

(i) a land use ordinance designated the legislative body as the appeal authority when the appellant filed the appeal: and

(ii) the appellant filed the appeal on or before June 30, 2026.

(2) As a condition precedent to judicial review, each adversely affected party or land use applicant 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 a land use [~~ordinances~~] ordinance; 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; and

[~~(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)~~] (d) provide that specified types of land use decisions may be appealed directly to the district court.

(5) A county may not:

(a) require a public hearing for a request for a variance or land use appeal[~~.~~] ; or

(b) require a land use applicant or adversely affected party to pursue successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies.

(6) If the county establishes or, before May 2, 2005, 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 44. Section **17-79-1005** is repealed and reenacted to read:

17-79-1005. (Effective 05/06/26)Burden of proof.

In an appeal described in this part:

(1) if the appellant is a land use applicant, the appellant has the burden of proving that the land use authority's land use decision is illegal or is not supported by substantial evidence; or

(2) if the appellant is an adversely affected party, the appellant has the burden of proving that the land use authority's land use decision is illegal, or that the factual findings are clearly erroneous.

Section 45. Section **17-79-1006** is amended to read:

17-79-1006. (Effective 05/06/26)Due process.

(1) [~~Each~~] An appeal authority shall conduct each appeal and variance request as described by local ordinance.

(2) [~~Each~~] An appeal authority shall respect the due process rights of [~~each of the participants~~] an appeal participant.

(3) An appeal authority may only allow the following people to participate or speak during an appeal hearing:

(a) the appellant or the appellant's representatives;

(b) the land use applicant or the land use applicant's representatives; and

(c) the county's representatives.

Section 46. Section **17-79-1007** is amended to read:

17-79-1007. (Effective 05/06/26)Scope of review of factual matters on appeal -- Appeal authority requirements.

(1) A county may, by ordinance, designate the scope of review of factual matters for appeals of land use authority decisions.

(2) If the county fails to designate a scope of review of factual matters, the appeal authority shall review the [~~matter~~] factual matters de novo, without deference to the land use authority's determination of the factual matters.

(3) If the scope of review of factual matters is on the record, the appeal authority shall determine whether the record on appeal includes substantial evidence for each essential finding of fact.

(4) The appeal authority shall:

(a) determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations; and

(b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

(5)

(a) An appeal authority's land use decision is a quasi-judicial act.

(b) [~~A~~] Except as provided in Subsection (5)(c), a legislative body may not act as an appeal authority unless both the legislative body and the appealing party agree to allow a third party to act as the appeal authority.

(c) Beginning on July 1, 2026, the legislative body of a county described in Subsection 17-79-302(6)(a)(i) may not act as an appeal authority unless:

(i) a land use ordinance designated the legislative body as the appeal authority when the appellant filed the appeal; and

(ii) the appellant filed the appeal on or before June 30, 2026.

(6) Only a decision in which a land use authority has applied a land use regulation to a particular land use application, person, or parcel may be appealed to an appeal authority.

Section 47. Section **17-79-1009** is amended to read:

17-79-1009. (Effective 05/06/26)No district court review until administrative remedies exhausted -- Time for filing -- Tolling of time -- Standards governing court review -- Record on review -- Staying of decision.

(1) [~~No~~] A person may challenge in district court a land use decision [~~until that~~] if the person has exhausted the person's administrative remedies as provided in [~~Part 7, Appeal Authority and Variances~~] this part, if applicable.

(2)

(a) Subject to Subsection (1), a land use applicant or adversely affected party may file a petition for review of a land use decision with the district court within 30 days after the decision is final.

(b)

(i) The time under Subsection (2)(a) to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the property rights ombudsman under Section 13-43-204 until 30 days after:

(A) the arbitrator issues a final award; or

(B) the property rights ombudsman issues a written statement under Subsection 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

(ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.

(iii) A request for arbitration filed with the property rights ombudsman after the time under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

(3)

(a) A court shall:

(i) presume that a land use regulation properly enacted under the authority of this chapter is valid; and

(ii) determine only whether:

(A) the land use regulation is expressly preempted by, or was enacted contrary to, state or federal law; and

(B) it is reasonably debatable that the land use regulation is consistent with this chapter.

(b) A court shall presume that a final land use decision of a land use authority or an appeal authority is valid unless the land use decision is:

(i) arbitrary and capricious; or

(ii) illegal.

(c)

(i) A land use decision is arbitrary and capricious if the land use decision is not supported by substantial evidence in the record.

(ii) A land use decision is illegal if the land use decision:

(A) is based on an incorrect interpretation of a land use regulation;

(B) conflicts with the authority granted by this title; or

(C) is contrary to law.

(d)

(i) A court may affirm or reverse a land use decision.

(ii) If the court reverses a land use decision, the court shall remand the matter to the land use authority with instructions to issue a land use decision consistent with the court's decision.

(4) The provisions of Subsection (2)(a) apply from the date on which the county takes final action on a land use application, if the county conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice of the pending land use decision.

(5) If the county has complied with Section 17-79-205, a challenge to the enactment of a land use regulation[~~or~~] , general plan, or specified land use law may not be filed with the district court more than 30 days after the enactment.

(6) A challenge to a land use decision is barred unless the challenge is filed within 30 days after the land use decision is final.

(7)

(a) The land use authority or appeal authority, as the case may be, shall transmit to the reviewing court the record of the proceedings of the land use authority or appeal authority, including the minutes, findings, orders and, if available, a true and correct transcript of the proceedings.

(b) If the proceeding was recorded, a transcript of that recording is a true and correct transcript for purposes of this Subsection (7).

(8)

(a)

(i) If there is a record, the district court's review is limited to the record provided by the land use authority or appeal authority, as the case may be.

(ii) The court may not accept or consider any evidence outside the record of the land use authority or appeal authority, as the case may be, unless that evidence was offered to the land use authority or appeal authority, respectively, and the court determines that the evidence was improperly excluded.

(b) If there is no record, the court may call witnesses and take evidence.

(9)

(a) The filing of a petition does not stay the land use decision of the land use authority or appeal authority, as the case may be.

(b)

(i) Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may petition the appeal authority to stay the appeal authority's decision.

(ii) Upon receipt of a petition to stay, the appeal authority may order the appeal authority's decision stayed pending district court review if the appeal authority finds the order to be in the best interest of the county.

(iii) After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an injunction staying the appeal authority's land use decision.

(10) If the court determines that a party initiated or pursued a challenge to a land use decision on a land use application in bad faith, the court may award attorney fees.

Section 48. Section **17B-1-120** is amended to read:

17B-1-120. Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.

(1) A special district may impose an exaction on a service received by an applicant, including, subject to Subsection (2), an exaction for a water interest if:

(a) the special district establishes that a legitimate special district interest makes the exaction essential; and

(b) the exaction is roughly proportionate, both in nature and extent, to the impact of the proposed service on the special district.

(2)

(a)

(i) Subject to the requirements of this Subsection (2), a special district 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 (2)(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~~] in accordance with 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 special district.

(iii) A special district may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (2)(a)(ii) if the special district, at the special district's sole discretion, determines there is good cause to do so.

(iv) A special district shall make public the methodology used to comply with Subsection (2)(a)(ii)(B). A service applicant may appeal to the special district's governing body an exaction calculation used by the special district under Subsection (2)(a)(ii). A service applicant may present data and other information that illustrates a need for an exaction recalculation and the special district's governing body shall respond with due process.

(v) If requested by a service applicant, the culinary authority shall provide the basis for the culinary water authority's calculations described in Subsection (2)(a)(i).

(b)

(i) A special district may not impose an exaction for a water interest if:

(A) 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 in accordance with Section 73-1-4.~~] ; or

(B) the special district or the special district's culinary water authority does not have a written plan in accordance with Subsection (2)(b)(ii).

(ii) Beginning on January 1, 2028, a special district shall determine the special district's water interests needed to meet the reasonable future water requirement of the public by completing a written plan described in Subsection 73-1-4(2)(f).

(3)

(a) If a special district plans to dispose of surplus real property that was acquired under this section and has been owned by the special district for less than 15 years, the special district shall offer to reconvey the surplus real property, without receiving additional consideration, first to a person who granted the real property to the special district.

(b) The person described in Subsection (3)(a) shall, within 90 days after the day on which a special district makes an offer under Subsection (3)(a), accept or reject the offer.

(c) If a person rejects an offer under Subsection (3)(b), the special district may sell the real property.

Section 49. Section **63I-2-210** is amended to read:

63I-2-210. (Effective 05/06/26)Repeal dates: Title 10.

(1) Subsection 10-2a-205(2)(b)(iii), regarding a feasibility study for the proposed incorporation of a community council area, is repealed July 1, 2028.

(2) Section 10-2a-205.5, Additional feasibility consultant considerations for proposed incorporation of community council area -- Additional feasibility study requirements, is repealed July 1, 2028.

(3) Subsection 10-20-904(4)(c), regarding an inspection fee on a qualified water conservancy district, is repealed July 1, 2026.

(4) Section 10-20-626, {~~regarding regulation of structure~~ } Structure height, is repealed July 1, 2027.

Section 50. Section **63I-2-217** is amended to read:

63I-2-217. (Effective 05/06/26)Repeal dates: Titles 17 through 17D.

(1) Subsection 17-79-804(4)(c), regarding an inspection fee on a qualified water conservancy district, is repealed July 1, 2026.

(2) Subsection 17-62-102(3), regarding the process for changing a form of county government, is repealed January 1, 2028.

(3) Subsections 17-62-203(10) through (12), regarding the process to create a districting commission and implementing a district map, are repealed July 1, 2029.

(4) Section {~~17-79-814~~} 17-79-621, {~~regarding regulation of structure~~ } Structure height, is repealed July 1, 2027.

Section 51. Section **73-1-4** is amended to read:

73-1-4. Reversion to the public by abandonment or forfeiture for nonuse within seven years -- Saved water -- Nonuse application -- Written plan standards for future water.

(1) As used in this section:

(a) "Public entity" means:

(i) the United States;

(ii) an agency of the United States;

(iii) the state;

(iv) a state agency;

(v) a political subdivision of the state; or

(vi) an agency of a political subdivision of the state.

(b) "Public water supplier" means an entity that:

(i) supplies water, directly or indirectly, to the public for municipal, domestic, or industrial use; and

(ii) is:

(A) a public entity;

(B) a water corporation, as defined in Section 54-2-1, that is regulated by the Public Service Commission;

(C) a community water system:

(I) that:

(Aa) supplies water to at least 100 service connections used by year-round residents; or

(Bb) regularly serves at least 200 year-round residents; and

(II) whose voting members:

(Aa) own a share in the community water system;

(Bb) receive water from the community water system in proportion to the member's share in the community water system; and

(Cc) pay the rate set by the community water system based on the water the member receives; or

(D) a water users association:

(I) in which one or more public entities own at least 70% of the outstanding shares; and

(II) that is a local sponsor of a water project constructed by the United States Bureau of Reclamation.

(c) "Saved water" means the same as that term is defined in Section 73-3-3.

(d) "Shareholder" means the same as that term is defined in Section 73-3-3.5.

(e) "Water company" means the same as that term is defined in Section 73-3-3.5.

(f) "Water supply entity" means an entity that supplies water as a utility service or for irrigation purposes and is also:

(i) a municipality, water conservancy district, metropolitan water district, irrigation district, or other public agency;

(ii) a water company regulated by the Public Service Commission; or

(iii) any other owner of a community water system.

(2)

(a) Except as provided in Subsection (2)(b) or (e), when an appropriator or the appropriator's successor in interest abandons or ceases to beneficially use all or a portion of a water right for a period of at least seven years, the water right or the unused portion of that water right is subject to forfeiture in accordance with Subsection (2)(c).

(b)

(i) An appropriator or the appropriator's successor in interest may file an application for nonuse with the state engineer.

(ii) A nonuse application may be filed on all or a portion of the water right, including water rights held by a water company.

(iii) After giving written notice to the water company, a shareholder may file a nonuse application with the state engineer on the water represented by the stock.

(iv)

(A) The approval of a nonuse application excuses the requirement of beneficial use of water from the date of filing.

(B) The time during which an approved nonuse application is in effect does not count toward the seven-year period described in Subsection (2)(a).

(v) The filing or approval of a nonuse application or a series of nonuse applications under Subsection (3) does not:

(A) constitute beneficial use of a water right;

(B) protect a water right that is already subject to forfeiture under this section; or

(C) bar a water right owner from:

(I) using the water under the water right as permitted under the water right; or

(II) claiming the benefit of Subsection (2)(e) or any other forfeiture defense provided by law.

(c)

(i) Except as provided in Subsection (2)(c)(ii), a water right or a portion of the water right may not be forfeited unless a judicial action to declare the right forfeited is commenced:

(A) within 15 years from the end of the latest period of nonuse of at least seven years; or

(B) within the combined time of 15 years from the end of the most recent period of nonuse of at least seven years and the time the water right was subject to one or more nonuse applications.

(ii)

(A) The state engineer, in a proposed determination of rights filed with the court and prepared in accordance with Section 73-4-11, may not assert that a water right was forfeited unless the most recent period of nonuse of seven years ends or occurs:

(I) during the 15 years immediately preceding the day on which the state engineer files the proposed determination of rights with the court; or

(II) during the combined time immediately preceding the day on which the state engineer files the proposed determination of rights consisting of 15 years and the time the water right was subject to one or more approved nonuse applications.

(B) After the day on which a proposed determination of rights is filed with the court a person may not assert that a water right subject to that determination was forfeited before the issuance of the proposed determination, unless the state engineer asserts forfeiture in the proposed determination, or a person, in accordance with Section 73-4-11, makes an objection to the proposed determination that asserts forfeiture.

(iii) A water right, found to be valid in a decree entered in an action for general determination of rights under Chapter 4, Determination of Water Rights, is subject to a claim of forfeiture based on a seven-year period of nonuse that begins after the day on which the state engineer filed the related proposed determination of rights with the court, unless the decree provides otherwise.

(iv) If in a judicial action a court declares a water right forfeited, on the date on which the water right is forfeited:

(A) the right to beneficially use the water reverts to the public; and

(B) the water made available by the forfeiture:

(I) first, satisfies other water rights in the hydrologic system in order of priority date; and

(II) second, may be appropriated as provided in this title.

(d) Except as provided in Subsection (2)(e), this section applies whether the unused or abandoned water or a portion of the water is:

(i) permitted to run to waste; or

(ii) beneficially used by others without right with the knowledge of the water right holder.

(e) This section does not apply to:

(i) the beneficial use of water according to a written, terminable lease or other agreement with the appropriator or the appropriator's successor in interest;

(ii) a water right if its place of use is contracted under an approved state agreement or federal conservation fallowing program;

(iii) those periods of time when a surface water or groundwater source fails to yield sufficient water to satisfy the water right;

(iv) a water right when water is unavailable because of the water right's priority date;

(v) a water right to store water in a surface reservoir, or an aquifer in accordance with Chapter 3b, Groundwater Recharge and Recovery Act, if the water is stored for present or future beneficial use;

(vi) a water right if a water user has beneficially used substantially all of the water right within a seven-year period, provided that this exemption does not apply to the adjudication of a water right in a general determination of water rights under Chapter 4, Determination of Water Rights;

(vii) except as provided by Subsection (2)(g), a water right:

(A)

(I) owned by a public water supplier;

(II) represented by a public water supplier's ownership interest in a water company; or

(III) to which a public water supplier owns the right of beneficial use; and

(B) conserved or held for the reasonable future water requirement of the public, which is determined according to Subsection (2)(f);

(viii) a supplemental water right during a period of time when another water right available to the appropriator or the appropriator's successor in interest provides sufficient water so as to not require beneficial use of the supplemental water right;

(ix) a period of nonuse of a water right during the time the water right is subject to an approved change application where the applicant is diligently pursuing certification;

(x) a water right to store water in a surface reservoir if:

(A) storage is limited by a safety, regulatory, or engineering restraint that the appropriator or the appropriator's successor in interest cannot reasonably correct; and

(B) not longer than seven years have elapsed since the limitation described in Subsection (2)(e)(x)(A) is imposed;

(xi) a water right subject to an approved change application for use within a water bank that has been authorized but not dissolved under Chapter 31, Water Banking Act, during the period of time the state engineer authorizes the water right to be used within the water bank; or

(xii) subject to Subsection (2)(h), that portion of a water right that is quantified as saved water in a final order from the state engineer approving a change application, but not to exceed the amount subsequently verified by the state engineer in a certificate issued under Section 73-3-17.

(f)

(i) The reasonable future water requirement of the public is the amount of water needed in the next 40 years by:

(A) the persons within the public water supplier's reasonably anticipated service area based on reasonably anticipated population growth; or

(B) other water use demand.

(ii) For purposes of Subsection (2)(f)(i), a community water system's reasonably anticipated service area:

(A) is the area served by the community water system's distribution facilities; and

(B) expands as the community water system expands the distribution facilities in accordance with Title 19, Chapter 4, Safe Drinking Water Act.

[~~(iii) The state engineer shall by rule made in accordance with Subsection 73-2-1(4) establish standards for a written plan that may be presented as evidence in conformance with this Subsection (2)(f), except that before a rule establishing standards for a written plan under this Subsection (2)(f) takes effect, in addition to complying with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state engineer shall present the rule to:~~]

[~~(A) if the Legislature is not in session, the Natural Resources, Agriculture, and Environment Interim Committee; or~~]

[~~(B) if the Legislature is in session, the House of Representatives and Senate Natural Resources, Agriculture, and Environment standing committees.~~]

(iii) In accordance with Subsection 73-2-1(4) and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state engineer shall make rules to establish standards for a written plan under this Subsection (2)(f) that:

(A) determines the reasonable future water requirement of the public for a public water supplier; and

(B) a public water supplier shall complete to demonstrate compliance with this Subsection (2)(f).

(iv) The state engineer shall present rules developed under Subsection (2)(f)(iii), before the rules take effect, to:

(A) if the Legislature is not in session, the Natural Resources, Agriculture, and Environment Interim Committee; or

(B) if the Legislature is in session, the House and Senate Natural Resources, Agriculture, and Environment standing committees.

(v) The rules that the state engineer makes to establish standards for a written plan in accordance with Subsection (2)(f)(iii) shall include a standard for determining:

(A) a population estimate, including anticipated population growth, consistent with an estimate or methodology under Title 63C, Chapter 20, Utah Population Committee;

(B) an impact of current and future drought conditions;

(C) an anticipated loss of a water source due to a natural disaster, including an earthquake or a change in climate;

(D) an impact of a water conservation activity described in a public water supplier's water conservation plan described in Section 73-10-32;

(E) the amount of water a public water supplier needs per capita; and

(F) any other factor relevant to establishing the reasonable future water requirement of the public for a public water supplier.

(g) For a water right acquired by a public water supplier on or after May 5, 2008, Subsection (2)(e)(vii) applies if:

(i) the public water supplier submits a change application under Section 73-3-3; and

(ii) the state engineer approves the change application.

(h) Saved water does not retain the protection of Subsection (2)(e)(xii) and any period of nonuse for saved water begins to run the day on which:

(i) the underlying water right that serves as the basis for the saved water is declared by court decree to have been lost due to forfeiture under this section; or

(ii) the title of a right to saved water segregated under Section 73-3-27 is conveyed independent of the underlying water right.

(3)

(a) The state engineer shall furnish a nonuse application form requiring the following information:

(i) the name and address of the applicant;

(ii) a description of the water right or a portion of the water right, including the point of diversion, place of use, and priority;

(iii) the quantity of water;

(iv) the period of use;

(v) the extension of time applied for;

(vi) a statement of the reason for the nonuse of the water; and

(vii) any other information that the state engineer requires.

(b)

(i) Upon receipt of the application, the state engineer shall publish a notice of the application once a week for two successive weeks:

(A) in a newspaper of general circulation in the county in which the source of the water supply is located and where the water is to be beneficially used; and

(B) as required in Section 45-1-101.

(ii) The notice shall:

(A) state that an application has been made; and

(B) specify where the interested party may obtain additional information relating to the application.

(c) An interested person may file a written protest with the state engineer against the granting of the application:

(i) within 20 days after the notice is published, if the adjudicative proceeding is informal; and

(ii) within 30 days after the notice is published, if the adjudicative proceeding is formal.

(d) In a proceeding to determine whether the nonuse application should be approved or rejected, the state engineer shall follow Title 63G, Chapter 4, Administrative Procedures Act.

(e) After further investigation, the state engineer may approve or reject the application.

(4)

(a) The state engineer shall grant a nonuse application on all or a portion of a water right for a period of time not exceeding seven years if the applicant shows a reasonable cause for nonuse.

(b) A reasonable cause for nonuse includes:

(i) a demonstrable financial hardship or economic depression;

(ii) a physical cause or change that renders use beyond the reasonable control of the water right owner so long as the water right owner acts with reasonable diligence to resume or restore the use;

(iii) the initiation of water conservation or an efficiency practice, or the operation of a groundwater recharge recovery program approved by the state engineer;

(iv) operation of a legal proceeding;

(v) the holding of a water right or stock in a mutual water company without use by a water supply entity to meet the reasonable future requirements of the public;

(vi) situations where, in the opinion of the state engineer, the nonuse would assist in implementing an existing, approved water management plan; or

(vii) the loss of capacity caused by deterioration of the water supply or delivery equipment if the applicant submits, with the application, a specific plan to resume full use of the water right by replacing, restoring, or improving the equipment.

(5)

(a) Sixty days before the expiration of a nonuse application, the state engineer shall notify the applicant by mail or by a form of electronic communication through which receipt is verifiable, of the date when the nonuse application will expire.

(b) An applicant may file a subsequent nonuse application in accordance with this section.

Section 52. **Effective date.**

Effective Date.

{~~This~~ } Except as provided in Subsection (2), this bill takes effect {~~on~~ } May 6, 2026.

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

3-6-26 2:25 PM