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Local Land Use Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor:

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LONG TITLE

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General Description:

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This bill establishes the Commission on Unincorporated Areas of a County of the First Class.

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Highlighted Provisions:

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This bill:

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- ▶ defines terms;

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- ▶ makes legislative findings;

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- ▶ establishes the Commission on Unincorporated Areas of a County of the First Class (commission);

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- ▶ describes the membership of the commission;

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- ▶ requires a county of the first class to provide staff support to the commission;

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- ▶ describes the duties of the commission;

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- ▶ authorizes the commission to make one or more plans regarding an unincorporated area in a county of the first class;

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- ▶ describes the process to adopt, modify, or repeal a plan; and

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- ▶ describes the effect of an adopted plan.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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ENACTS:

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11-72-101, Utah Code Annotated 1953

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11-72-102, Utah Code Annotated 1953

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11-72-201, Utah Code Annotated 1953

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11-72-202, Utah Code Annotated 1953

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11-72-203, Utah Code Annotated 1953

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H.B. 239

31 **11-72-301**, Utah Code Annotated 1953
32 **11-72-302**, Utah Code Annotated 1953
33 **11-72-303**, Utah Code Annotated 1953
34 **11-72-304**, Utah Code Annotated 1953
35 **11-72-305**, Utah Code Annotated 1953
36 **11-72-306**, Utah Code Annotated 1953
37 **11-72-401**, Utah Code Annotated 1953

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

40 Section 1. Section **11-72-101** is enacted to read:

41 **CHAPTER 72. Commission on Unincorporated Areas of a County of the First Class**

42 **Part 1. General Provisions**

43 **11-72-101 . Definitions.**

44 As used in this chapter:

45 (1) "Affected entity" means a special district, a special service district under Title 17D,
46 Chapter 1, Special Service District Act, a school district, an interlocal cooperation entity
47 established under Chapter 13, Interlocal Cooperation Act, a specified public utility, a
48 property owner, a property owners association, or the Department of Transportation, if:

49 (a) the entity's services or facilities are likely to require expansion or significant
50 modification if a plan were implemented;

51 (b) the entity has filed with the commission a copy of the entity's general or long-range
52 plan; and

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

56 (2) "Commission" means the Commission on Unincorporated Areas of a County of the First
57 Class created in Section 11-72-201.

58 (3) "County" means a county that is classified under Section 17-60-104 as a county of the
59 first class.

60 Section 2. Section **11-72-102** is enacted to read:

61 **11-72-102 . Purpose.**

62 (1) The Legislature finds that:

63 (a) it is in the best interest of county residents and property owners in the county that

state and local public officials coordinate regional planning for unincorporated areas of the county;

- (b) there is a statewide benefit to efficient local planning efforts, both in terms of promoting sustainable growth and economic development;
- (c) some areas of the county, including certain unincorporated areas on the east side of the county, are likely best suited to remain unincorporated in perpetuity while other areas are likely best suited for future annexation into an existing municipality;
- (d) certain unincorporated islands in the county are already set to be automatically annexed into neighboring municipalities in accordance with Section 10-2-814 on July 1, 2027; and
- (e) effective regional planning, including planning for future annexations, will promote efficiency in developing infrastructure and service delivery.

(2) In order to support effective local regional planning, the Legislature establishes the commission in Section 11-72-201.

Section 3. Section **11-72-201** is enacted to read:

Part 2. Commission

11-72-201 . Commission on Unincorporated Areas of a County of the First Class created.

(1) There is created the Commission on Unincorporated Areas of a County of the First Class.

(2)(a) The commission consists of the following members:

- (i) the mayor of Copperton, or the mayor's designee;
- (ii) the mayor of Herriman, or the mayor's designee;
- (iii) the mayor of Magna, or the mayor's designee;
- (iv) the mayor of South Jordan, or the mayor's designee;
- (v) the mayor of West Jordan, or the mayor's designee;
- (vi) the mayor of West Valley City, or the mayor's designee;
- (vii) one elected official who lives in a county of the first class, appointed by the speaker of the House of Representatives;
- (viii) one elected official who lives in a county of the first class, appointed by the president of the Senate; and
- (ix) one individual who lives in a county of the first class, appointed by the governor.

(b) A member described in Subsections (2)(a)(vii) through (ix) may be removed from the commission, with or without cause, by the official who appointed the member.

98 (3)(a) A majority of the members of the commission constitutes a quorum of the
99 commission.

100 (b)(i) Except as provided in Subsection (3)(b)(ii), action by a majority of a quorum of
101 the commission is an action of the commission.

102 (ii) Modification of an adopted plan requires a 2/3 vote of a quorum of the
103 commission, as described in Subsection 11-72-304(1)(e).

104 (4) The commission shall annually select a chair from among the membership of the
105 commission.

106 (5)(a) A member of the commission who is not a legislator may not receive
107 compensation or benefits for the member's service, but may receive per diem and
108 travel expenses in accordance with:

109 (i) Section 63A-3-106;

110 (ii) Section 63A-3-107; and

111 (iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

112 (b) A member of the commission who is a legislator may receive per diem and travel
113 expenses in accordance with Section 36-2-2 and legislative joint rules.

114 (6) A member of the commission shall comply with the conflict of interest provisions
115 described in Title 63G, Chapter 24, Part 3, Conflicts of Interest.

116 (7) The commission is a public body, as defined in Section 52-4-103.

117 (8)(a) Subject to Subsection (8)(b), the commission may conduct business at any
118 location in the county that is:

119 (i) reasonably accessible to members of the public; and

120 (ii) able to facilitate virtual participation opportunities for members of the public and
121 other relevant stakeholders.

122 (b) The commission shall make reasonable efforts to rotate public meeting and public
123 hearing locations throughout the county.

124 (9)(a) The county of the first class shall provide staff support to the commission.

125 (b) The staff support described in Subsection (9)(a):

126 (i) is administrative and technical in nature; and

127 (ii) does not constitute authority for the county to approve or deny action taken by the
128 commission that is authorized under this chapter.

129 (c) Notwithstanding Subsection (9)(a), a member of the commission may also receive
130 staff support, legal advice, or policy advice from the member's municipal staff or
131 other source.

132 Section 4. Section **11-72-202** is enacted to read:

133 **11-72-202 . Duties -- Local government entities to provide information.**

134 (1) The commission shall:

135 (a) study unincorporated areas of the county, identifying:

136 (i) areas that are best suited to remain unincorporated in perpetuity; and

137 (ii) areas that are best suited for annexation into an existing municipality at some point in the future;

139 (b) consult with relevant stakeholders in the county, including:

140 (i) local municipal government officials;

141 (ii) county government officials;

142 (iii) relevant school district officials;

143 (iv) special districts that provide services to unincorporated areas or that may expand services to unincorporated areas;

145 (v) representatives of a public utility that may be expected to service an unincorporated area after annexation to a municipality; and

146 (vi) private persons who own property in unincorporated areas of the county;

148 (c) consult with regional stakeholders, including interlocal entities created under Chapter 13, Interlocal Cooperation Act, that develop policy recommendations and promote regional and intergovernmental cooperation and coordination;

151 (d) consult with relevant state-level stakeholders, including the Department of Transportation;

153 (e) draft proposed plans for areas described in Subsection (1)(a)(ii) that are located west of Interstate 15, as described in Section 11-72-301;

155 (f) hold public hearings on proposed plans, proposed modifications to adopted plans, and proposed repeals of adopted plans as described in Section 11-72-302; and

157 (g) adopt one or more plans as described in Section 11-72-303.

158 (2) In fulfilling the duties described in Subsection (1), the commission may request

159 information from the county, a special district serving an unincorporated area in the county, a municipality in the county, a state agency, or a private landowner in the county.

161 (3)(a) Except as provided in Subsection (3)(b), a government entity described in

162 Subsection (2) shall provide information requested under Subsection (2) in order to support the commission in the commission's duties.

164 (b) A government entity described in Subsection (2) is not required to provide the commission with private or protected information, but shall, as much as is possible

166 and practical to do so, provide the commission with general information to address a
167 request from the commission.

168 Section 5. Section **11-72-203** is enacted to read:

169 **11-72-203 . Commission a policy board -- Commission action.**

170 (1) The commission is a policy board, as that term is defined in Section 68-3-12.5, and not
171 a land use authority.

172 (2)(a) The commission's adoption, modification, or repeal of a plan, as described in Part
173 3, Developing, Approving, Modifying, and Repealing Plans, is a legislative act.

174 (b) All actions taken by the commission that are not described in Subsection (2)(a) are
175 either administrative or ministerial.

176 Section 6. Section **11-72-301** is enacted to read:

177 **Part 3. Developing, Approving, Modifying, and Repealing Plans**

178 **11-72-301 . Developing a proposed plan.**

179 (1) The commission shall develop a proposed plan regarding a designated unincorporated
180 area in the county as described in this section.

181 (2) A proposed plan regarding a designated unincorporated area in the county:

182 (a) shall describe the relevant designated unincorporated area by legal description, parcel
183 numbers, boundary lines, or another reasonable method;

184 (b)(i) shall designate one or more municipalities as eligible to annex the designated
185 unincorporated area in the future; or

186 (ii) shall designate the designated unincorporated area as best suited to remain
187 unincorporated in perpetuity;

188 (c) may provide for a comprehensive, long-range general plan for the designated
189 unincorporated area, similar to the provisions of Title 17, Chapter 79, Part 4, General
190 Plan, if the provisions of the proposed plan do not conflict with a general plan
191 adopted by the county governing body for the designated unincorporated area;

192 (d) may recommend future land use regulations for the designated unincorporated area;
193 and

194 (e) may include any other provision the commission considers advisable.

195 Section 7. Section **11-72-302** is enacted to read:

196 **11-72-302 . Notice -- Public hearing.**

197 (1) Before the commission may adopt a proposed plan as described in Section 11-72-303,
198 or modify or repeal an adopted plan under Section 11-72-304, the commission shall:
199 (a) schedule and hold a public hearing; and

200 (b) provide notice for the public hearing as described in Subsection (2).

201 (2)(a) The commission shall provide notice of the date, time, and place of the public
202 hearing at least 10 calendar days before the public hearing.

203 (b) Each notice of a public hearing under Subsection (2)(a) shall:

204 (i) be published as a class A notice under Section 63G-30-102;

205 (ii) be mailed to each affected entity; and

206 (iii)(A) include a copy of the draft plan or draft modification to an adopted plan,
207 or an electronic link to where the draft plan or draft modification may be found
208 on the internet; or

209 (B) indicate that the commission shall consider repealing an adopted plan at the
210 public hearing and include a copy of the adopted plan considered for repeal or
211 an electronic link to where the adopted plan considered for repeal may be
212 found on the internet.

213 (3) After the public hearing, the commission may modify a proposed plan or a proposed
214 modification to an adopted plan.

215 Section 8. Section **11-72-303** is enacted to read:

216 **11-72-303 . Adopting a plan.**

217 The commission may adopt a proposed plan:

218 (1) in a public meeting;

219 (2) with or without modifications; and

220 (3) no earlier than 10 calendar days after holding a public hearing as described in Section
221 11-72-302.

222 Section 9. Section **11-72-304** is enacted to read:

223 **11-72-304 . Modifying or repealing an adopted plan.**

224 (1) The commission may approve a modification to an adopted plan or repeal an adopted
225 plan:

226 (a) after taking a vote in a public meeting to consider modification or repeal of the
227 adopted plan;

228 (b) after providing notice of a draft modification or planned repeal as described in
229 Section 11-72-302;

230 (c) after holding a public hearing on the draft modification or planned repeal as
231 described in Section 11-72-302;

232 (d) in a public meeting held no earlier than 10 calendar days after the public hearing
233 described in Subsection (1)(c); and

234 (e) by a minimum of a 2/3 majority vote of a quorum of the commission, approving the
235 modification or repeal.

236 (2) Notwithstanding Subsection (1), the commission may make, or authorize staff to make,
237 nonsubstantive changes to an adopted plan at any time.

238 (3)(a) A landowner or resident of an unincorporated area that is the subject of an
239 adopted plan may formally request the commission modify an adopted plan.

240 (b) The commission may make rules, in accordance with Chapter 63G, Chapter 3, Utah
241 Administrative Rulemaking Act, governing the form of and manner of making a
242 request described in Subsection (3)(a).

243 (c) The commission shall respond in writing to a request made under Subsection (3)(a)
244 by:

245 (i) denying the request, explaining the reasons for the denial; or
246 (ii) taking the request under consideration.

247 (4) A modified adopted plan that is approved as described in this section has the same
248 effect as an adopted plan for purposes of Sections 11-72-305 and 11-72-306.

249 Section 10. Section **11-72-305** is enacted to read:

250 **11-72-305 . Notice of adopted plan -- Time for challenging an adopted plan.**

251 (1) Upon adopting a plan, the commission shall provide notice of the plan:

252 (a) as a class A notice under Section 63G-30-102 for at least 30 days; and
253 (b) as provided in Subsection (2).

254 (2)(a) Each notice under Subsection (1) shall include:

255 (i) the date the notice is first published;
256 (ii) the resolution adopting the plan or a summary of the resolution; and
257 (iii) a statement that the adopted plan is available for public inspection.

258 (b)(i) If the adopted plan is available for public inspection online, the notice shall
259 include a link to where the adopted plan may be found on the internet.

260 (ii) If the adopted plan is available for public inspection in-person, the notice shall
261 include the address and hours for inspection.

262 (c) The statement required under Subsection (2)(a)(iii) may be included within the
263 commission resolution adopting the plan or within the summary of the resolution.

264 (3) A legal action or other challenge to an adopted plan is barred unless brought within 30
265 days after the day on which the commission first provides the notice described in
266 Subsection (1).

267 Section 11. Section **11-72-306** is enacted to read:

268 **11-72-306 . Effect of adopted plan.**

269 (1) Following the adoption of a plan, an unincorporated area described in the adopted plan
270 may be annexed by a municipality:
271 (a) as described in the adopted plan;
272 (b) according to the provisions of Title 10, Chapter 2, Part 8, Annexation; and
273 (c) in accordance with any relevant local ordinance.

274 (2) An unincorporated area of the county described in an adopted plan may not:
275 (a) be annexed by a municipality that is not identified in the adopted plan as an approved
276 annexing municipality for that unincorporated area; or
277 (b) incorporate as a municipality.

278 (3)(a) Provisions of an adopted plan that provide for general planning in unincorporated
279 areas or recommend future land use regulations for unincorporated areas are advisory
280 in nature.

281 (b) The county and any municipality in the county that borders an unincorporated area
282 shall, as much as possible, consider and coordinate with provisions described in
283 Subsection (3)(a).

284 (4)(a) A plan adopted under this part supplements but does not replace or alter:
285 (i) annexation procedures under Title 10, Chapter 2, Part 8, Annexation; or
286 (ii) the process to modify municipal boundaries under Title 10, Chapter 2, Part 9,
287 Municipal Boundary Adjustments.

288 (b) If any conflict exists between this part and the following provisions, the provisions
289 of this part prevail:
290 (i) Title 10, Chapter 2, Part 8, Annexation; or
291 (ii) Title 10, Chapter 2, Part 9, Municipal Boundary Adjustments.

292 Section 12. Section **11-72-401** is enacted to read:

293 **Part 4. Report**

294 **11-72-401 . Report.**

295 Beginning in 2027, the chair of the commission shall, no later than August 31, provide

296 an annual written report to the Political Subdivisions Interim Committee regarding:

297 (1) the commission's activities under this chapter; and
298 (2) the commission's recommendations, if any, for future legislation.

299 Section 13. **Effective Date.**

300 This bill takes effect on May 6, 2026.