

**Jill Koford** proposes the following substitute bill:

**Land Use Regulation Revisions**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jill Koford**

Senate Sponsor: Kirk A. Cullimore

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to land use.

**Highlighted Provisions:**

This bill:

- amends requirements for a modified feasibility request related to a proposed municipal incorporation;
- modifies 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;
- modifies the requirement to place certain infrastructure completion assurances in an interest-bearing account;
- 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

29 further amended by Revisor Instructions, Laws of Utah 2023, Chapter 224  
30 **10-2a-206 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 518  
31 **10-2a-220 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 518  
32 **10-20-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
33 First Special Session, Chapter 15  
34 **10-20-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
35 First Special Session, Chapter 15  
36 **10-20-507 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
37 First Special Session, Chapter 15  
38 **10-20-807 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
39 First Special Session, Chapter 15  
40 **10-21-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
41 First Special Session, Chapter 15  
42 **17-79-205 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
43 First Special Session, Chapter 14  
44 **17-79-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
45 First Special Session, Chapter 14  
46 **17-79-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
47 First Special Session, Chapter 14  
48 **17-79-507 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
49 First Special Session, Chapter 14  
50 **17-79-707 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
51 First Special Session, Chapter 14  
52 **17-79-901 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
53 First Special Session, Chapter 14

54 ENACTS:

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

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

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

59 **10-2a-106 (Effective 05/06/26). Feasibility request filed before changes to law**  
60 **take effect.**

61 (1) If an individual files a feasibility request for incorporation of a city or town before May  
62 14, 2019, the process for incorporating the city or town is not subject to Laws of Utah

63 2019, Chapter 165 or Laws of Utah 2023, Chapter 224, and is instead subject to the  
 64 municipal incorporation law in effect on the day on which the individual files the  
 65 feasibility request.

66 (2) If an individual files a feasibility request for incorporation of a city or town before May  
 67 3, 2023[;] :

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

72 (b) the process and requirements for filing a modified feasibility request on or after May  
 73 6, 2026, shall be in accordance with the law in effect on the day on which the  
 74 individual or an incorporation sponsor files a modified feasibility request.

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

76 **10-2a-206 (Effective 05/06/26). Modified feasibility request -- Supplemental**  
 77 **feasibility study.**

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

80 [(1)] (2)(a) The sponsors of a feasibility request may modify the request to alter the  
 81 boundaries of the proposed municipality and refile the modified feasibility request  
 82 with the county clerk if:

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

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

86 (B) the annexation petition described in Subsection 10-2a-201.5(4)(b) that  
 87 proposed the annexation of an area that is part of the area proposed for  
 88 incorporation has been denied; and

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

90 (b)(i) The sponsors of a feasibility request may not file a modified request under  
 91 Subsection [(1)(a)(i)] (2)(a)(i) more than 90 days after the day on which the  
 92 feasibility consultant submits the final results of the feasibility study under  
 93 Subsection 10-2a-205(2)(c)(iii).

94 (ii) The sponsors of a feasibility request may not file a modified request under  
 95 Subsection [(1)(a)(ii)] (2)(a)(ii) more than 18 months after filing the original  
 96 feasibility request under Section 10-2a-202.

- 97 (c)(i) Subject to Subsection [~~(1)(e)(ii)~~] (2)(c)(ii), each modified feasibility request  
98 under Subsection [~~(1)(a)~~] (2)(a) shall comply with Subsections 10-2a-202(1), (3),  
99 (4), and (5) and Subsection 10-2a-201.5(4).
- 100 (ii) Notwithstanding Subsection [~~(1)(e)(i)~~] (2)(c)(i), a signature on a feasibility request  
101 filed under Section 10-2a-202 may be used toward fulfilling the signature  
102 requirement of Subsection 10-2a-202(1)(a) for the feasibility request as modified  
103 under Subsection [~~(1)(a)~~] (2)(a), unless the modified feasibility request proposes  
104 the incorporation of an area that is more than 20% larger or smaller than the area  
105 described by the original feasibility request in terms of:
- 106 (A) private land area; or  
107 (B) assessed fair market value of private real property, as of January 1 of the  
108 current year.
- 109 (d) Within 20 days after the day on which the county clerk receives the modified  
110 request, the county clerk and the lieutenant governor shall follow the same procedure  
111 described in Subsections 10-2a-204(1) through (6) for the modified feasibility request  
112 as for an original feasibility request.
- 113 (e)(i) If a sponsor files a modified feasibility request that includes an area of land that  
114 was not included in the original feasibility request, the county clerk shall, within  
115 seven days after the day on which the sponsor files the modified feasibility request  
116 with the lieutenant governor, identify any new specified landowners located  
117 within the added area of land and mail written notice to each of the new specified  
118 landowners.
- 119 (ii) The notice described in Subsection (2)(e)(i) shall:
- 120 (A) describe the added area of land; and  
121 (B) state that a specified landowner who owns land within the added area may  
122 request exclusion of the land from the proposed incorporation boundaries by  
123 filing a request for exclusion with the county clerk within 30 days after the day  
124 on which the county clerk mails the notice.
- 125 (f)(i) A specified landowner who owns land within the added area described in  
126 Subsection (2)(e)(i) may request exclusion of the land from the proposed  
127 incorporation boundaries by filing a request for exclusion with the county clerk  
128 within 30 days after the day on which the county clerk mails the notice described  
129 in Subsection (2)(e)(i).
- 130 (ii) The county clerk shall process a request for exclusion filed under Subsection (

131 2)(f)(i) in accordance with Subsections 10-2a-204.5(3) through (7), except that the  
 132 deadlines calculated from the first public hearing in Section 10-2a-204.5 shall  
 133 instead be calculated from the day on which the county clerk mails notice  
 134 described in Subsection (2)(e)(i).

135 ~~[(e)]~~ (g) Within 10 days after ~~[a]~~ the day on which the time period for a specified  
 136 landowner to request exclusion under Subsection (2)(f) expires, or if a sponsor files a  
 137 modified feasibility request that does not include a new area of land, within 10 days  
 138 after the sponsor files the modified feasibility request~~[is filed]~~, the lieutenant  
 139 governor shall:

- 140 (i) estimate the cost of a supplemental feasibility study under this section; and
- 141 (ii) provide the estimated cost to the feasibility request sponsors.

142 ~~[(f)]~~ (h) Within 20 days after the lieutenant governor provides the estimated  
 143 supplemental feasibility study cost, the feasibility request sponsors shall pay the  
 144 estimated cost to the lieutenant governor for a supplemental feasibility study  
 145 conducted on or after May 1, 2024.

146 ~~[(2)]~~ (3) The timely filing of a modified feasibility request under Subsection ~~[(1)]~~ (2) gives  
 147 the modified feasibility request the same processing priority under Subsection  
 148 10-2a-204(7) as the original feasibility request if the feasibility request sponsors pay the  
 149 estimated cost of the supplemental feasibility study as required in Subsection ~~[(1)]~~ (e)  
 150 (2)(e).

151 ~~[(3)]~~ (4) ~~[Within]~~ Except as provided in Subsection (5), within 10 days after the day on  
 152 which the lieutenant governor receives payment of the estimated supplemental  
 153 feasibility study cost, the lieutenant governor shall commission the feasibility consultant  
 154 who conducted the feasibility study to conduct a supplemental feasibility study that  
 155 accounts for the modified feasibility request.

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

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

163 ~~[(4)]~~ (6) The lieutenant governor shall require the feasibility consultant to:

- 164 (a) submit a draft of the supplemental feasibility study to each applicable person with

- 165 whom the feasibility consultant is required to consult under Subsection  
 166 10-2a-205(3)(c) within 30 days after the day on which the feasibility consultant is  
 167 engaged to conduct the supplemental study;
- 168 (b) allow each person to whom the consultant provided a draft under Subsection [~~(4)~~(a)]  
 169 (6)(a) to review and provide comment on the draft; and
- 170 (c) submit a completed supplemental feasibility study, to the following within 45 days  
 171 after the day on which the feasibility consultant is engaged to conduct the feasibility  
 172 study:
- 173 (i) the lieutenant governor;
- 174 (ii) the county legislative body of the county in which the incorporation is proposed;
- 175 (iii) the contact sponsor; and
- 176 (iv) each person to whom the consultant provided a draft under Subsection [~~(4)~~(a)]  
 177 (6)(a).

178 [~~(5)~~] (7) If the results of the supplemental feasibility study do not comply with Subsection  
 179 10-2a-205(5)(a):

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

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

187 **10-2a-220 (Effective 05/06/26). Costs of incorporation -- Fees established by**  
 188 **lieutenant governor.**

- 189 (1)(a) There is created an expendable special revenue fund known as the "Municipal  
 190 Incorporation Expendable Special Revenue Fund."
- 191 (b) The fund shall consist of:
- 192 (i) appropriations from the Legislature;
- 193 (ii) payments that feasibility request sponsors make to the lieutenant governor under  
 194 Subsections 10-2a-205(1)(b) and 10-2a-206(1)(f); and
- 195 (iii) fees the lieutenant governor collects and remits to the fund under this section.
- 196 (c) The lieutenant governor shall deposit all money collected under this section into the  
 197 fund.
- 198 (2)(a) The lieutenant governor shall establish a fee in accordance with Section 63J-1-504

- 199 for a cost incurred by the lieutenant governor or the county for an incorporation  
200 proceeding, including:
- 201 (i) a request certification;
  - 202 (ii) a petition certification;
  - 203 (iii) publication of notices;
  - 204 (iv) public hearings;
  - 205 (v) all other incorporation activities occurring after the elections; and
  - 206 (vi) any other cost incurred by the lieutenant governor or county in relation to an  
207 incorporation proceeding.
- 208 (b) A cost under Subsection (2)(a) does not include a cost incurred by a county for  
209 holding an election under Section 10-2a-210.
- 210 (3) Subject to Subsections 10-2a-205(1)(b) and [~~10-2a-206(1)(f)~~] 10-2a-206(2)(h), the  
211 lieutenant governor shall pay for a cost described in Subsection (2)(a) using funds from  
212 the Municipal Incorporation Expendable Special Revenue Fund.
- 213 (4)(a) A newly incorporated municipality shall:
- 214 (i) pay to the lieutenant governor each fee established under Subsection (2) for each  
215 cost described in Subsection (2)(a) incurred by the lieutenant governor or the  
216 county;
  - 217 (ii) pay the county for a cost described in Subsection (2)(b); and
  - 218 (iii) reimburse feasibility request sponsors the cost the feasibility request sponsors  
219 paid for:
    - 220 (A) a feasibility study under Section 10-2a-205; and
    - 221 (B) any supplemental feasibility study under Section 10-2a-206.
- 222 (b) The lieutenant governor shall execute a payback agreement with each new  
223 municipality for the new municipality to pay the fees described in Subsection (4)(a)  
224 over a period that, except as provided in Subsection (4)(c), may not exceed five years.
- 225 (c) If necessary, the lieutenant governor may extend a fee payment deadline beyond the  
226 deadline described in Subsection (4)(b) by amending the payback agreement  
227 described in Subsection (4)(b).
- 228 (d) The lieutenant governor shall deposit each fee the lieutenant governor collects under  
229 Subsection (4)(a)(i) into the Municipal Incorporation Expendable Special Revenue  
230 Fund.
- 231 (5) If the lieutenant governor expends funds from the Municipal Incorporation Expendable  
232 Special Revenue Fund that are not repaid to the lieutenant governor under Subsection

233 (4)(a)(i) because an area did not incorporate as a municipality, the Legislature shall  
 234 appropriate money to the fund in an amount equal to the funds that are not repaid.

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

236 **10-20-301 (Effective 05/06/26). Ordinance establishing planning commission**  
 237 **required -- Ordinance requirements -- Compensation.**

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

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

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

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

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

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

247 (A) in a form of government described in Section 10-3b-301 or 10-3b-401, and  
 248 subject to any delegation of authority under Subsection 10-3b-303(1) or  
 249 10-3b-403(1), the legislative body may remove a planning commission  
 250 member; or

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

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

256 (A) using public funds for a political purpose under Title 20A, Chapter 11, Part  
 257 12, Political Activities of Public Entities Act;

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

260 (C) acting with the intent to influence a land use decision or an appeal of a  
 261 pending land use application in a manner that creates actual impermissible bias  
 262 or an unacceptable risk of impermissible bias in the planning commission  
 263 member's administrative or quasi-judicial duties;

264 (vi) provide that a planning commission member deliberating about a specific  
 265 pending land use application in a planning commission meeting with municipal  
 266 staff, an elected official, or the land use applicant is not cause for removing a

267 planning commission member from the planning commission;  
 268 (vii) provide requirements for when a planning commission member shall recuse  
 269 oneself from deliberating or voting on certain land use applications;  
 270 ~~[(iv)]~~ (viii) define the authority of the planning commission;  
 271 ~~[(v)]~~ (ix) subject to Subsection (1)(c), [the] include rules of order and procedure for  
 272 use by the planning commission in a public meeting; and  
 273 ~~[(vi)]~~ (x) include other details relating to the organization and procedures of the  
 274 planning commission.

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

277 (2) The legislative body may authorize a member to receive per diem and travel expenses  
 278 for meetings actually attended, in accordance with Section 11-55-103.

279 Section 5. Section **10-20-302** is amended to read:

280 **10-20-302 (Effective 05/06/26). Planning commission powers and duties --**

281 **Training requirements.**

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

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

285 (b) land use regulations, including:

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

287 (ii) amendments to existing land use regulations;

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

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

292 (e) application processes that:

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

296 (ii) shall protect the right of each:

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

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

- 301                    [~~(C) participant to be heard in each public hearing on a contested application.~~]
- 302            (2) Before making a recommendation to a legislative body on an item described in  
303            Subsection (1)(a) or (b), the planning commission shall hold a public hearing in  
304            accordance with Section 10-20-405.
- 305            (3) A legislative body may adopt, modify, or reject a planning commission's  
306            recommendation to the legislative body under this section.
- 307            (4) A legislative body may consider a planning commission's failure to make a timely  
308            recommendation as a negative recommendation.
- 309            (5) Nothing in this section limits the right of a municipality to initiate or propose the actions  
310            described in this section.
- 311            (6)(a)(i) This Subsection (6) applies to:
- 312                    (A) a city of the first, second, third, or fourth class; and
- 313                    (B) a city of the fifth class with a population of 5,000 or more, if the city is located  
314                    within a county of the first, second, or third class.
- 315            (ii) The population for each city described in Subsection (6)(a)(i) shall be derived  
316            from:
- 317                    (A) an estimate of the Utah Population Committee created in Section 63C-20-103;  
318                    or
- 319                    (B) if the Utah Population Committee estimate is not available, the most recent  
320                    official census or census estimate of the United States [~~Bureau of the~~]Census  
321                    Bureau.
- 322            (b) A municipality described in Subsection (6)(a)(i) shall ensure that each member of the  
323            municipality's planning commission completes four hours of annual land use training  
324            as follows:
- 325                    (i) one hour of annual training on general powers and duties, including the role of the  
326                    planning commission in administrative, legislative, and quasi-judicial functions  
327                    under this chapter; and
- 328                    (ii) three hours of annual training on a combination of land use and ethics topics,  
329                    which may include:
- 330                            (A) appeals and variances;
- 331                            (B) conditional use permits;
- 332                            (C) exactions;
- 333                            (D) impact fees;
- 334                            (E) vested rights;

- 335 (F) subdivision regulations and improvement guarantees;  
 336 (G) land use referenda;  
 337 (H) property rights;  
 338 (I) real estate procedures and financing;  
 339 (J) zoning, including use-based and form-based;[-and]  
 340 (K) drafting ordinances and code that complies with statute[-];  
 341 (L) ex parte communication; and  
 342 (M) conflict of interest.
- 343 (c) A newly appointed planning commission member may not participate in a public  
 344 meeting as an appointed member until the member completes the training described  
 345 in Subsection (6)(b)(i).
- 346 (d) A planning commission member may qualify for one completed hour of training  
 347 required under Subsection (6)(b)(ii) if the member attends, as an appointed member,  
 348 12 public meetings of the planning commission within a calendar year.
- 349 (e) A municipality shall provide the training described in Subsection (6)(b) through:  
 350 (i) municipal staff;  
 351 (ii) the Utah League of Cities and Towns; or  
 352 (iii) a list of training courses selected by:  
 353 (A) the Utah League of Cities and Towns; or  
 354 (B) the Division of Real Estate created in Section 61-2-201.
- 355 (f) A municipality shall, for each planning commission member:  
 356 (i) monitor compliance with the training requirements in Subsection (6)(b); and  
 357 (ii) maintain a record of training completion at the end of each calendar year.

358 Section 6. Section **10-20-507** is amended to read:

359 **10-20-507 (Effective 05/06/26). Classification of new and unlisted business uses.**

- 360 (1) As used in this section:
- 361 (a) "Classification request" means a request to determine whether a proposed business  
 362 use aligns with an existing land use specified in a municipality's land use ordinances.
- 363 (b) "New or unlisted business use" means a business activity that does not align with an  
 364 existing land use specified in a municipality's land use ordinances.
- 365 (2)(a) Each municipality shall incorporate into the municipality's land use ordinances a  
 366 process for reviewing and approving a new or unlisted business use and designating  
 367 an appropriate zone or zones for an approved use.
- 368 (b) The process described in Subsection (2)(a) shall:

- 369 (i) detail how an applicant may submit a classification request;
- 370 (ii) establish a procedure for the municipality to review a classification request,
- 371 including:
- 372 (A) providing a land use authority with criteria to determine whether a proposed
- 373 use aligns with an existing use; ~~and~~
- 374 (B) allowing an applicant to proceed under the regulations of an existing use if a
- 375 land use authority determines a proposed use aligns with that existing use; and
- 376 (C) providing the applicant an opportunity to appeal a land use authority's decision
- 377 to a land use appeal authority;
- 378 (iii) provide that if a use is determined to be a new or unlisted business use:
- 379 (A) the applicant shall submit to the legislative body for review an application ~~[for~~
- 380 ~~approval of the new or unlisted business use to the legislative body for review]~~
- 381 requesting that the legislative body adopt a land use ordinance that permits the
- 382 new or unlisted business as a permitted or conditional use;
- 383 (B) notwithstanding Subsection 10-20-503(2) or (3), the legislative body shall
- 384 consider and ~~[determine whether to-]~~ approve or deny ~~[the new or unlisted~~
- 385 ~~business use]~~ the application described in Subsection (2)(b)(iii)(A); and
- 386 (C) the legislative body shall approve or deny ~~[the new or unlisted business use]~~
- 387 the application described in Subsection (2)(b)(iii)(A), within a time frame the
- 388 legislative body establishes by ordinance, if the applicant responds to requests
- 389 for additional information within a time frame established by the municipality
- 390 and appears at required hearings;
- 391 (iv) provide that if the legislative body approves ~~[a proposed new or unlisted business~~
- 392 ~~use]~~ the application described in Subsection (2)(b)(iii)(A), the legislative body
- 393 shall designate an appropriate zone or zones for the approved use; and
- 394 (v) provide that if the legislative body denies ~~[a proposed new or unlisted business use]~~
- 395 the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees
- 396 with the land use authority's classification of the proposed use, the legislative
- 397 body shall:
- 398 (A) notify the applicant in writing of each reason for the classification or denial;
- 399 and
- 400 (B) ~~[offer the applicant an opportunity to challenge the classification or denial~~
- 401 ~~through an administrative appeal process established by the municipality]~~ notify
- 402 the applicant of the process for appealing the legislative body's decision in

403 accordance with Section 10-20-1109.

404 (c) A municipality may not require an applicant who submits an application described in  
 405 Subsection (2)(b)(iii)(A) to submit the application to the planning commission for  
 406 consideration, review, or approval.

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

410 Section 7. Section **10-20-807** is amended to read:

411 **10-20-807 (Effective 05/06/26). Subdivision plat recording or development**  
 412 **activity before required landscaping or infrastructure is completed -- Improvement**  
 413 **completion assurance -- Improvement warranty.**

414 (1) As used in this section:

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

- 416 (i) to install landscaping on a lot owned by a private individual or entity; and
- 417 (ii) submitted to a municipality by the private individual or entity, or on behalf of a  
 418 private individual or entity, that owns the lot.

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

- 422 (i) will be dedicated to and maintained by the municipality; or
- 423 (ii) are associated with and proximate to trail improvements that connect to planned  
 424 or existing public infrastructure.

425 (2) A land use authority shall establish objective inspection standards for acceptance of a  
 426 public landscaping improvement or infrastructure improvement that the land use  
 427 authority requires.

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

- 430 (i) complete any required public landscaping improvements or infrastructure  
 431 improvements; or
- 432 (ii) post an improvement completion assurance for any required public landscaping  
 433 improvements or infrastructure improvements.

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

- 436 (i) completion of 100% of the required public landscaping improvements or

- 437 infrastructure improvements; or
- 438 (ii) if the municipality has inspected and accepted a portion of the public landscaping  
439 improvements or infrastructure improvements, 100% of the incomplete or  
440 unaccepted public landscaping improvements or infrastructure improvements.
- 441 (c) A municipality shall:
- 442 (i) establish a minimum of two acceptable forms of completion assurance;
- 443 (ii)(A) if an applicant elects to post an improvement completion assurance, allow  
444 the applicant to post an assurance that meets the conditions of this chapter and  
445 any local ordinances; and
- 446 (B) beginning on May 7, 2025, if a municipality accepts cash deposits as a form of  
447 completion assurance and the applicant elects to post a new cash deposit as a  
448 form of completion assurance, place the cash deposit in an interest-bearing  
449 account upon receipt and return any earned interest to the applicant with the  
450 return of the completion assurance according to the conditions of this chapter  
451 and any local ordinances;
- 452 (iii) establish a system for the partial release of an improvement completion  
453 assurance as portions of required public landscaping improvements or  
454 infrastructure improvements are completed and accepted in accordance with local  
455 ordinance; and
- 456 (iv) issue or deny a building permit in accordance with Section 10-20-1001 based on  
457 the installation of public landscaping improvements or infrastructure  
458 improvements.
- 459 (d) A municipality may not require an applicant to post an improvement completion  
460 assurance for:
- 461 (i) public landscaping improvements or an infrastructure improvement that the  
462 municipality has previously inspected and accepted;
- 463 (ii) infrastructure improvements that are private and not essential or required to meet  
464 the building code, fire code, flood or storm water management provisions, street  
465 and access requirements, or other essential necessary public safety improvements  
466 adopted in a land use regulation;
- 467 (iii) in a municipality where ordinances require all infrastructure improvements  
468 within the area to be private, infrastructure improvements within a development  
469 that the municipality requires to be private;
- 470 (iv) landscaping improvements that are not public landscaping improvements, unless

- 471 the landscaping improvements and completion assurance are required under the  
472 terms of a development agreement;
- 473 (v) a private landscaping plan;
- 474 (vi) landscaping improvements or infrastructure improvements that an applicant  
475 elects to install at the applicant's own risk:
- 476 (A) before the plat is recorded;
- 477 (B) in accordance with inspections required by the municipality for the  
478 infrastructure improvement; and
- 479 (C) in accordance with final civil engineering plan approval by the municipality; or
- 480 (vii) any individual public landscaping improvement or individual infrastructure  
481 improvement when the individual public landscaping improvement or individual  
482 infrastructure improvement is also included as part of a separate improvement  
483 completion assurance.
- 484 (e)(i) A municipality may not:
- 485 (A) prohibit an applicant from installing a public landscaping improvement or an  
486 infrastructure improvement when the municipality has approved final civil  
487 engineering plans for the development activity or plat for which the public  
488 landscaping improvement or infrastructure improvement is required; or
- 489 (B) require an applicant to sign an agreement, release, or other document  
490 inconsistent with this chapter as a condition of posting an improvement  
491 completion assurance, security for an improvement warranty, or receiving a  
492 building permit.
- 493 (ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and  
494 infrastructure improvements that are installed by an applicant are subject to  
495 inspection by the municipality in accordance with the municipality's adopted  
496 inspection standards.
- 497 (f)(i) Each improvement completion assurance and improvement warranty posted by  
498 an applicant with a municipality shall be independent of any other improvement  
499 completion assurance or improvement warranty posted by the same applicant with  
500 the municipality.
- 501 (ii) Subject to Section 10-20-905, if an applicant has posted a form of security with a  
502 municipality for more than one infrastructure improvement or public landscaping  
503 improvement, the municipality may not withhold acceptance of an applicant's  
504 required subdivision improvements, public landscaping improvement,

505 infrastructure improvements, or the performance of warranty work for the same  
506 applicant's failure to complete a separate subdivision improvement, public  
507 landscaping improvement, infrastructure improvement, or warranty work under a  
508 separate improvement completion assurance or improvement warranty.

509 (4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or  
510 other entitlement benefit not currently available under the existing zone, a  
511 municipality may require a completion assurance bond for landscaped amenities and  
512 common area that are dedicated to and maintained by a homeowners association.

513 (b) Any agreement regarding a completion assurance bond under Subsection (4)(a)  
514 between the applicant and the municipality shall be memorialized in a development  
515 agreement.

516 (c) A municipality may not require a completion assurance bond for or dictate who  
517 installs or is responsible for the cost of the landscaping of residential lots or the  
518 equivalent open space surrounding single-family attached homes, whether platted as  
519 lots or common area.

520 (5) The sum of the improvement completion assurance required under Subsections (3) and  
521 (4) may not exceed the sum of:

522 (a) 100% of the estimated cost of the public landscaping improvements or infrastructure  
523 improvements, as evidenced by an engineer's estimate or licensed contractor's bid;  
524 and

525 (b) 10% of the amount of the bond to cover administrative costs incurred by the  
526 municipality to complete the improvements, if necessary.

527 (6)(a) Upon an applicant's written request that the land use authority accept or reject the  
528 applicant's installation of required subdivision improvements or performance of  
529 warranty work as set forth in Section 10-20-905, and for the duration of each  
530 improvement warranty period, the municipality may require the applicant to:

- 531 (i) execute an improvement warranty for the improvement warranty period; and  
532 (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as  
533 required by the municipality, in the amount of up to 10% of the lesser of the:  
534 (A) municipal engineer's original estimated cost of completion; or  
535 (B) applicant's reasonable proven cost of completion.

536 (b) A municipality may not require the payment of the deposit of the improvement  
537 warranty assurance described in Subsection (6)(a)(i) for an infrastructure  
538 improvement or public landscaping improvement before the applicant indicates

- 539 through written request that the applicant has completed the infrastructure  
 540 improvement or public landscaping improvement.
- 541 (7) When a municipality accepts an improvement completion assurance for public  
 542 landscaping improvements or infrastructure improvements for a development in  
 543 accordance with Subsection (3)(c)(ii), the municipality may not deny an applicant a  
 544 building permit if the development meets the requirements for the issuance of a building  
 545 permit under the building code and fire code.
- 546 (8) A municipality may not require the submission of a private landscaping plan as part of  
 547 an application for a building permit.
- 548 (9) The provisions of this section do not supersede the terms of a valid development  
 549 agreement, an adopted phasing plan, or the [~~state construction code~~] State Construction  
 550 Code.

551 Section 8. Section **10-21-101** is amended to read:

552 **10-21-101 (Effective 05/06/26). Definitions.**

553 As used in this part:

- 554 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
 555 detached from a single-family dwelling and contained on one lot or parcel.
- 556 (2) "Accessory structure" means a detached structure located on the same lot or parcel as a  
 557 principal structure and is incidental and subordinate to the size and use of the principal  
 558 structure.
- 559 (3) "Affordable housing" means housing offered for sale at 80% or less of the median  
 560 county home price for housing of that type.
- 561 [~~(2)~~] (4) "Agency" means the same as that term is defined in Section 17C-1-102.
- 562 [~~(3)~~] (5) "Applicable metropolitan planning organization" means the metropolitan planning  
 563 organization that has jurisdiction over the area in which a fixed guideway public transit  
 564 station is located.
- 565 [~~(4)~~] (6) "Applicable public transit district" means the public transit district, as defined in  
 566 Section 17B-2a-802, of which a fixed guideway public transit station is included.
- 567 [~~(5)~~] (7) "Base taxable value" means a property's taxable value as shown upon the  
 568 assessment roll last equalized during the base year.
- 569 [~~(6)~~] (8) "Base year" means, for a proposed home ownership promotion zone area, a year  
 570 beginning the first day of the calendar quarter determined by the last equalized tax roll  
 571 before the adoption of the home ownership promotion zone.
- 572 (9) "Detached accessory dwelling unit" means an accessory dwelling unit that is not

573 attached to or within a primary detached single-family dwelling and located on the same  
574 lot or parcel as the primary detached single-family dwelling.

575 [(7)] (10) "Division" means the Housing and Community Development Division within the  
576 Department of Workforce Services.

577 [(8)] (11) "Existing fixed guideway public transit station" means a fixed guideway public  
578 transit station for which construction begins before June 1, 2022.

579 [(9)] (12) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

580 [(10)] (13) "Home ownership promotion zone" means a home ownership promotion zone  
581 created in accordance with this part.

582 [(11)] (14) "Implementation plan" means the implementation plan adopted as part of the  
583 moderate income housing element of a specified municipality's general plan as provided  
584 in Subsection 10-21-201(4).

585 [(12)] (15) "Initial report" or "initial moderate income housing report" means the one-time  
586 report described in Subsection 10-21-202(1).

587 [(13)] (16) "Internal accessory dwelling unit" means an accessory dwelling unit created:

588 (a) within a primary dwelling;

589 (b) within the footprint of the primary dwelling described in [~~Subsection (13)(a)]~~

590 Subsection (16)(a) at the time the internal accessory dwelling unit is created; and

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

592 [(14)] (17) "Moderate income housing strategy" means a strategy described in Subsection  
593 10-21-201(3)(a)(iii).

594 [(15)] (18) "New fixed guideway public transit station" means a fixed guideway public  
595 transit station for which construction begins on or after June 1, 2022.

596 [(16)] (19) "Participant" means the same as that term is defined in Section 17C-1-102.

597 [(17)] (20) "Participation agreement" means the same as that term is defined in Section  
598 17C-1-102.

599 [(18)] (21)(a) "Primary dwelling" means a single-family dwelling that:

600 (i) is detached; and

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

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

603 (i) is a habitable space; and

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

605 [(19)] (22) "Project improvements" means the same as that term is defined in Section  
606 11-36a-102.

- 607 [(20)] (23) "Qualifying land use petition" means a petition:
- 608 (a) that involves land located within a station area for an existing public transit station
- 609 that provides rail services;
- 610 (b) that involves land located within a station area for which the municipality has not yet
- 611 satisfied the requirements of Subsection 10-21-203(1)(a);
- 612 (c) that proposes the development of an area greater than five contiguous acres, with no
- 613 less than 51% of the acreage within the station area;
- 614 (d) that would require the municipality to amend the municipality's general plan or
- 615 change a zoning designation for the land use application to be approved;
- 616 (e) that would require a higher density than the density currently allowed by the
- 617 municipality;
- 618 (f) that proposes the construction of new residential units, at least 10% of which are
- 619 dedicated to moderate income housing; and
- 620 (g) for which the land use applicant requests the municipality to initiate the process of
- 621 satisfying the requirements of Subsection 10-21-203(1)(a) for the station area in
- 622 which the development is proposed, subject to Subsection 10-21-203(2)(d).
- 623 [(21)] (24) "Report" means an initial report or a subsequent progress report.
- 624 [(22)] (25) "Specified municipality" means:
- 625 (a) a city of the first, second, third, or fourth class; or
- 626 (b) a city of the fifth class with a population of 5,000 or more, if the city is located
- 627 within a county of the first, second, or third class.
- 628 [(23)] (26)(a) "Station area" means:
- 629 (i) for a fixed guideway public transit station that provides rail services, the area
- 630 within a one-half mile radius of the center of the fixed guideway public transit
- 631 station platform; or
- 632 (ii) for a fixed guideway public transit station that provides bus services only, the
- 633 area within a one-fourth mile radius of the center of the fixed guideway public
- 634 transit station platform.
- 635 (b) "Station area" includes any parcel bisected by the radius limitation described in [
- 636 ~~Subsection (a)(i)] Subsection (26)(a)(i) or (ii).~~
- 637 [(24)] (27) "Station area plan" means a plan that:
- 638 (a) establishes a vision, and the actions needed to implement that vision, for the
- 639 development of land within a station area; and
- 640 (b) is developed and adopted in accordance with this section.

- 641 ~~[(25)]~~ (28) "Subsequent progress report" means the annual report described in Subsection  
 642 10-21-202(2).
- 643 ~~[(26)]~~ (29) "System improvements" means the same as that term is defined in Section  
 644 11-36a-102.
- 645 ~~[(27)]~~ (30) "Tax commission" means the State Tax Commission created in Section 59-1-201.
- 646 ~~[(28)]~~ (31)(a) "Tax increment" means the difference between:
- 647 (i) the amount of property tax revenue generated each tax year by a taxing entity from  
 648 the area within a home ownership promotion zone, using the current assessed  
 649 value and each taxing entity's current certified tax rate as defined in Section  
 650 59-2-924; and
- 651 (ii) the amount of property tax revenue that would be generated from that same area  
 652 using the base taxable value and each taxing entity's current certified tax rate as  
 653 defined in Section 59-2-924.
- 654 (b) "Tax increment" does not include property revenue from:
- 655 (i) a multicounty assessing and collecting levy described in Subsection 59-2-1602(2);  
 656 or
- 657 (ii) a county additional property tax described in Subsection 59-2-1602(4).
- 658 ~~[(29)]~~ (32) "Taxing entity" means the same as that term is defined in Section 17C-1-102.  
 659 Section 9. Section **10-21-304** is enacted to read:
- 660 **10-21-304 (Effective 10/01/26). Detached accessory dwelling units.**
- 661 (1)(a) A specified municipality shall adopt a land use regulation that permits a detached  
 662 accessory dwelling unit on any lot or parcel that is 10,000 square feet or larger and  
 663 contains a single-family dwelling, if the single-family dwelling is a permitted use on  
 664 the lot or parcel.
- 665 (b) This section does not prohibit a municipality from adopting a land use regulation that  
 666 permits a detached accessory dwelling unit on a lot or parcel that is smaller than  
 667 10,000 square feet.
- 668 (2) A land use regulation described in Subsection (1) shall:
- 669 (a) require that a detached accessory dwelling unit comply with all applicable building,  
 670 health, and fire codes; and
- 671 (b) include a process for the owner of a legally constructed accessory structure to  
 672 convert the accessory structure to a detached accessory dwelling unit subject to  
 673 applicable:
- 674 (i) dwelling and accessory structure setback requirements; and

- 675           (ii) building, health, and fire codes.
- 676   (3) A land use regulation described in Subsection (1) may not:
- 677       (a) require a conditional use permit for a detached accessory dwelling unit if the
- 678           proposed detached accessory dwelling unit is located in a primarily residential zone;
- 679       (b) require more than two on-site parking spaces assigned to a detached accessory
- 680           dwelling unit that is 650 square feet or larger;
- 681       (c) require more than one on-site parking space assigned to a detached accessory
- 682           dwelling unit that is smaller than 650 square feet; or
- 683       (d) include design standards for a detached accessory dwelling unit that conflict with
- 684           Section 10-20-618.
- 685   (4) A land use regulation described in Subsection (1) may:
- 686       (a) require a detached accessory dwelling unit to:
- 687           (i) conform to applicable land use regulations that regulate structure size, dimension,
- 688               height, and maximum lot coverage;
- 689           (ii) conform to setback requirements, that may take into account proximity to
- 690               property lines and other structures, easements, window orientation, massing, or
- 691               other elements; and
- 692           (iii) be designed consistent with the design of the single-family dwelling;
- 693       (b) prohibit a detached accessory dwelling unit from being:
- 694           (i) larger in size than the single-family dwelling located on the same lot or parcel;
- 695           (ii) located within a public utility easement or other recorded easement;
- 696           (iii) located in a front-yard area of a lot or parcel; or
- 697           (iv) rented for less than 90 consecutive days;
- 698       (c) require that the owner of a lot or parcel where a detached accessory dwelling unit is
- 699           located reside in the detached single-family dwelling or detached accessory dwelling
- 700           unit located on the lot or parcel;
- 701       (d) require that when a detached garage is converted to a detached accessory dwelling
- 702           unit, any parking spaces required for the single-family dwelling that were located
- 703           with the detached garage are replaced on-site;
- 704       (e) prohibit more than one accessory dwelling unit on a lot or parcel; and
- 705       (f) prohibit a detached accessory dwelling unit if:
- 706           (i) the detached accessory dwelling unit will not have adequate access to a required
- 707               utility service that is a project improvement, including sanitary sewer, culinary
- 708               water, electrical, or storm water; or

709           (ii) a utility service that is a system improvement, including sanitary sewer, culinary  
 710           water, electrical, or storm water, to which the detached accessory dwelling unit is  
 711           required to connect does not have sufficient capacity to support the addition of the  
 712           detached accessory dwelling unit to the utility service system improvements.

713   (5) This section does not supersede:

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

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

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

719               (i) is not prohibited by law; and

720               (ii) relates to a detached accessory dwelling unit.

721   Section 10. Section **17-79-205** is amended to read:

722           **17-79-205 (Effective 05/06/26). Notice of public hearings and public meetings on**  
 723   **adoption or modification of land use regulation.**

724   (1) Each county shall give:

725           (a) notice of the date, time, and place of the first public hearing to consider the adoption  
 726           or modification of a land use regulation; and

727           (b) notice of each public meeting on the subject.

728   (2) Each notice of a public hearing under Subsection (1)(a) shall be:

729           (a) mailed to each affected entity at least 10 calendar days before the public hearing; and

730           (b)(i) provided for the area affected by the land use ordinance changes, as a class B  
 731           notice under Section 63G-30-102, for at least 10 calendar days before the day of  
 732           the public hearing; or

733           (ii) if the proposed land use ordinance adoption or modification is ministerial in  
 734           nature, as described in Subsections (6)(a) and (b), provided as a class A notice  
 735           under Section 63G-30-102 for at least 10 calendar days before the day of the  
 736           public hearing.

737   (3) In addition to the notice requirements described in Subsections (1) and (2), for any  
 738   proposed modification to the text of a zoning code, the notice posted in accordance with  
 739   Subsection (2) shall:

740           (a) include:

741               (i) a summary of the effect of the proposed modifications to the text of the zoning  
 742               code designed to be understood by a lay person; or

- 743 (ii) a direct link to the county's webpage where a person can find a summary of the  
744 effect of the proposed modifications to the text of the zoning code designed to be  
745 understood by a lay person; and
- 746 (b) be provided to any person upon written request.
- 747 (4) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before  
748 the hearing and shall be published for the county, as a class A notice under Section  
749 63G-30-102, for at least 24 hours.
- 750 (5)(a) A county shall send a courtesy notice to each owner of private real property  
751 whose property is located entirely or partially within the proposed zoning map  
752 enactment or amendment at least 10 days before the scheduled day of the public  
753 hearing.
- 754 (b) The notice shall:
- 755 (i) identify with specificity each owner of record of real property that will be affected  
756 by the proposed zoning map or map amendments;
- 757 (ii) state the current zone in which the real property is located;
- 758 (iii) state the proposed new zone for the real property;
- 759 (iv) provide information regarding or a reference to the proposed regulations,  
760 prohibitions, and permitted uses that the property will be subject to if the zoning  
761 map or map amendment is adopted;
- 762 (v) state that the owner of real property may no later than 10 days after the day of the  
763 first public hearing file a written objection to the inclusion of the owner's property  
764 in the proposed zoning map or map amendment;
- 765 (vi) state the address where the property owner should file the protest;
- 766 (vii) notify the property owner that each written objection filed with the county will  
767 be provided to the county legislative body; and
- 768 (viii) state the location, date, and time of the public hearing described in Section  
769 17-79-502.
- 770 (c) If a county mails notice to a property owner under Subsection (2)(b)(i) for a public  
771 hearing on a zoning map or map amendment, the notice required in this Subsection  
772 (5) may be included in or part of the notice described in Subsection (2)(b)(i) rather  
773 than sent separately.
- 774 (6)(a) [A] For purposes of the notice requirements in Subsection (2)(b) only, a proposed  
775 land use ordinance is ministerial in nature if the proposed land use ordinance change  
776 is to:

- 777 (i) bring the county's land use ordinances into compliance with a state or federal law;  
 778 (ii) adopt a county land use update that affects:  
 779 (A) an entire zoning district; or  
 780 (B) multiple zoning districts;  
 781 (iii) adopt a non-substantive, clerical text amendment to an existing land use  
 782 ordinance;  
 783 (iv) recodify the county's existing land use ordinances; or  
 784 (v) designate or define an affected area for purposes of a boundary adjustment or  
 785 annexation.
- 786 (b) A proposed land use ordinance may include more than one of the purposes described  
 787 in Subsection (6)(a) and remain ministerial in nature.
- 788 (c) If a proposed land use ordinance includes an adoption or modification not described  
 789 in Subsection (6)(a):  
 790 (i) the proposed land use ordinance is not ministerial in nature, even if the proposed  
 791 land use ordinance also includes a change or modification described in Subsection  
 792 (6)(a); and  
 793 (ii) the notice requirements of Subsection (2)(b)(i) apply.

794 Section 11. Section **17-79-301** is amended to read:

795 **17-79-301 (Effective 05/06/26). Ordinance establishing planning commission**  
 796 **required -- Exception -- Ordinance requirements -- Planning advisory area planning**  
 797 **commission -- Compensation.**

- 798 (1)(a) Except as provided in Subsection (1)(b), each county shall enact an ordinance  
 799 establishing a countywide planning commission for the unincorporated areas of the  
 800 county not within a planning advisory area.
- 801 (b) Subsection (1)(a) does not apply if all of the county is included within any  
 802 combination of:  
 803 (i) municipalities;  
 804 (ii) planning advisory areas each with a separate planning commission; and  
 805 (iii) mountainous planning districts.
- 806 (c)(i) Notwithstanding Subsection (1)(a), a county that designates a mountainous  
 807 planning district shall enact an ordinance, subject to Subsection (1)(c)(ii),  
 808 establishing a planning commission that has jurisdiction over the entire  
 809 mountainous planning district.
- 810 (ii) A planning commission described in Subsection (1)(c)(i) has jurisdiction subject

811 to a local health department exercising the local health department's authority in  
 812 accordance with Title 26A, Chapter 1, Local Health Departments, and a  
 813 municipality exercising the municipality's authority in accordance with Section  
 814 10-8-15.

815 (iii) The ordinance shall require that members of the planning commission be  
 816 appointed by the county executive with the advice and consent of the county  
 817 legislative body.

818 (2)(a) Notwithstanding Subsection (1)(b), the county legislative body of a county of the  
 819 first or second class that includes more than one planning advisory area each with a  
 820 separate planning commission may enact an ordinance that:

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

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

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

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

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

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

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

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

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

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

835 (v) except as provided in Subsection (3)(a)(vi), describe the causes for which a  
 836 planning commission member may be removed from the planning commission,  
 837 which shall include:

838 (A) using public funds for a political purpose under Title 20A, Chapter 11, Part  
 839 12, Political Activities of Public Entities Act;

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

842 (C) acting with the intent to influence a land use decision or an appeal of a  
 843 pending land use application in a manner that creates actual impermissible bias  
 844 or an unacceptable risk of impermissible bias in the planning commission

- 845 member's administrative or quasi-judicial duties;
- 846 (vi) provide that a planning commission member deliberating about a specific
- 847 pending land use application in a planning commission meeting with municipal
- 848 staff, an elected official, or the land use applicant is not cause for removing a
- 849 planning commission member from the planning commission;
- 850 (vii) provide requirements for when a planning commission member shall recuse
- 851 oneself from deliberating or voting on certain land use applications;
- 852 [(iv)] (viii) define the authority of the planning commission;
- 853 [(v)] (ix) subject to Subsection (3)(b), [the] include rules of order and procedure for
- 854 use by the planning commission in a public meeting; and
- 855 [(vi)] (x) include other details relating to the organization and procedures of the
- 856 planning commission.
- 857 (b) Subsection [(3)(a)(v)] (3)(a)(ix) does not affect the planning commission's duty to
- 858 comply with Title 52, Chapter 4, Open and Public Meetings Act.
- 859 (4)(a)(i) If the county establishes a planning advisory area planning commission, the
- 860 county legislative body shall enact an ordinance that defines:
- 861 (A) appointment procedures;
- 862 (B) procedures for filling vacancies and removing members from office;
- 863 (C) subject to Subsection (4)(a)(ii), the rules of order and procedure for use by the
- 864 planning advisory area planning commission in a public meeting; and
- 865 (D) details relating to the organization and procedures of each planning advisory
- 866 area planning commission.
- 867 (ii) Subsection (4)(a)(i)(C) does not affect the planning advisory area planning
- 868 commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings
- 869 Act.
- 870 (b) The planning commission for each planning advisory area shall consist of seven
- 871 members who shall be appointed by:
- 872 (i) in a county operating under a form of government in which the executive and
- 873 legislative functions of the governing body are separated, the county executive
- 874 with the advice and consent of the county legislative body; or
- 875 (ii) in a county operating under a form of government in which the executive and
- 876 legislative functions of the governing body are not separated, the county
- 877 legislative body.
- 878 (c)(i) Members shall serve four-year terms and until their successors are appointed

- 879 and qualified.
- 880 (ii) Notwithstanding the provisions of Subsection (4)(c)(i), members of the first  
881 planning commissions shall be appointed so that, for each commission, the terms  
882 of at least one member and no more than two members expire each year.
- 883 (d)(i) Each member of a planning advisory area planning commission shall be a  
884 registered voter residing within the planning advisory area.
- 885 (ii) Subsection (4)(d)(i) does not apply to a member described in Subsection (5)(a) if  
886 that member was, before May 12, 2015, authorized to reside outside of the  
887 planning advisory area.
- 888 (5)(a) A member of a planning commission who was elected to and served on a planning  
889 commission on May 12, 2015, shall serve out the term to which the member was  
890 elected.
- 891 (b) Upon the expiration of an elected term described in Subsection (5)(a), the vacant seat  
892 shall be filled by appointment in accordance with this section.
- 893 (6) Upon the appointment of all members of a planning advisory area planning commission,  
894 each planning advisory area planning commission under this section shall begin to  
895 exercise the powers and perform the duties provided in Section 17-79-302 with respect  
896 to all matters then pending that previously had been under the jurisdiction of the  
897 countywide planning commission or planning advisory area planning and zoning board.
- 898 (7) The legislative body may authorize a member of a planning commission to receive per  
899 diem and travel expenses for meetings actually attended, in accordance with Section  
900 11-55-103.

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

902 **17-79-302 (Effective 05/06/26). Planning commission powers and duties --**

903 **Training requirements.**

- 904 (1) Each countywide, planning advisory area, or mountainous planning district planning  
905 commission shall, with respect to the unincorporated area of the county, the planning  
906 advisory area, or the mountainous planning district, review and make a recommendation  
907 to the county legislative body for:
- 908 (a) a general plan and amendments to the general plan;
- 909 (b) land use regulations, including:
- 910 (i) ordinances regarding the subdivision of land within the county; and
- 911 (ii) amendments to existing land use regulations;
- 912 (c) an appropriate delegation of power to at least one designated land use authority to

- 913 hear and act on a land use application;
- 914 (d) an appropriate delegation of power to at least one appeal authority to hear and act on  
915 an appeal from a decision of the land use authority; and
- 916 (e) application processes that:
- 917 (i) may include a designation of routine land use matters that, upon application and  
918 proper notice, will receive informal streamlined review and action if the  
919 application is uncontested; and
- 920 (ii) shall protect the right of each:
- 921 (A) land use applicant and adversely affected party to require formal consideration  
922 of any application by a land use authority; and
- 923 (B) land use applicant or adversely affected party to appeal a land use authority's  
924 decision to a separate appeal authority[; ~~and~~] .
- 925 [~~(C) participant to be heard in each public hearing on a contested application.~~]
- 926 (2) Before making a recommendation to a legislative body on an item described in  
927 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in  
928 accordance with Section 17-79-404.
- 929 (3) A legislative body may adopt, modify, or reject a planning commission's  
930 recommendation to the legislative body under this section.
- 931 (4) A legislative body may consider a planning commission's failure to make a timely  
932 recommendation as a negative recommendation.
- 933 (5) Nothing in this section limits the right of a county to initiate or propose the actions  
934 described in this section.
- 935 (6)(a)(i) This Subsection (6) applies to a county that:
- 936 (A) is a county of the first, second, or third class; and
- 937 (B) has a population in the county's unincorporated areas of 5,000 or more.
- 938 (ii) The population for each county described in Subsection (6)(a)(i) shall be derived  
939 from:
- 940 (A) an estimate of the Utah Population Committee created in Section 63C-20-103;  
941 or
- 942 (B) if the Utah Population Committee estimate is not available, the most recent  
943 official census or census estimate of the United States [~~Bureau of the~~]Census  
944 Bureau.
- 945 (b) A county described in Subsection (6)(a)(i) shall ensure that each member of the  
946 county's planning commission completes four hours of annual land use training as

- 947 follows:
- 948 (i) one hour of annual training on general powers and duties, including the role of the  
 949 planning commission in administrative, legislative, and quasi-judicial functions  
 950 under [~~Title 17, Chapter 27a, County Land Use, Development, and Management~~  
 951 ~~Act~~] this chapter; and
- 952 (ii) three hours of annual training on a combination of land use and ethics, which may  
 953 include:
- 954 (A) appeals and variances;  
 955 (B) conditional use permits;  
 956 (C) exactions;  
 957 (D) impact fees;  
 958 (E) vested rights;  
 959 (F) subdivision regulations and improvement guarantees;  
 960 (G) land use referenda;  
 961 (H) property rights;  
 962 (I) real estate procedures and financing;  
 963 (J) zoning, including use-based and form-based; [~~and~~]  
 964 (K) drafting ordinances and code that complies with statute[~~;~~];  
 965 (L) ex parte communication; and  
 966 (M) conflicts of interest.
- 967 (c) A newly appointed planning commission member may not participate in a public  
 968 meeting as an appointed member until the member completes the training described  
 969 in Subsection (6)(b)(i).
- 970 (d) A planning commission member may qualify for one completed hour of training  
 971 required under Subsection (6)(b)(ii) if the member attends, as an appointed member,  
 972 12 public meetings of the planning commission within a calendar year.
- 973 (e) A county shall provide the training described in Subsection (6)(b) through:
- 974 (i) county staff;  
 975 (ii) the Utah Association of Counties; or  
 976 (iii) a list of training courses selected by:  
 977 (A) the Utah Association of Counties; or  
 978 (B) the Division of Real Estate created in Section 61-2-201.
- 979 (f) A county shall, for each planning commission member:
- 980 (i) monitor compliance with the training requirements in Subsection (6)(b); and

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

982 Section 13. Section **17-79-507** is amended to read:

983 **17-79-507 (Effective 05/06/26). Classification of new and unlisted business uses.**

984 (1) As used in this section:

985 (a) "Classification request" means a request to determine whether a proposed business  
986 use aligns with an existing land use specified in a county's land use ordinances.

987 (b) "New or unlisted business use" means a business activity that does not align with an  
988 existing land use specified in a county's land use ordinances.

989 (2)(a) Each county shall incorporate into the county's land use ordinances a process for  
990 reviewing and approving a new or unlisted business use and designating an  
991 appropriate zone or zones for an approved use.

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

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

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

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

997 (B) allowing an applicant to proceed under the regulations of an existing use if a  
998 land use authority determines a proposed use aligns with that existing use; and

999 (C) providing the applicant an opportunity to appeal a land use authority's decision  
1000 to the land use appeal authority;

1001 (iii) provide that if a use is determined to be a new or unlisted business use:

1002 (A) the applicant shall submit to the legislative body for review an application [~~for~~  
1003 ~~approval of the new or unlisted business use to the legislative body for review~~]

1004 requesting that the legislative body adopt a land use ordinance that permits the  
1005 new or unlisted business as a permitted or conditional use;

1006 (B) notwithstanding Subsection 17-79-503(2) or (3), the legislative body shall  
1007 consider and [~~determine whether to~~] approve or deny [~~the new or unlisted~~  
1008 ~~business use~~] the application described in Subsection (2)(b)(iii)(A); and

1009 (C) the legislative body shall approve or deny [~~the new or unlisted business use~~]  
1010 the application described in Subsection (2)(b)(iii)(A), within a time frame the  
1011 legislative body establishes by ordinance, if the applicant responds to requests  
1012 for additional information within a time frame established by the county and  
1013 appears at required hearings;

1014 (iv) provide that if the legislative body approves [~~a proposed new or unlisted business~~

1015 use] the application described in Subsection (2)(b)(iii)(A), the legislative body  
 1016 shall designate an appropriate zone or zones for the approved use; and  
 1017 (v) provide that if the legislative body denies [~~a proposed new or unlisted business use~~]  
 1018 the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees  
 1019 with a land use authority's classification of the proposed use, the legislative body  
 1020 shall:

1021 (A) notify the applicant in writing of each reason for the classification or denial;  
 1022 and

1023 (B) [~~offer the applicant an opportunity to challenge the classification or denial~~  
 1024 ~~through an administrative appeal process established by the county~~] notify the  
 1025 applicant of the process for appealing the legislative body's decision in  
 1026 accordance with Section 17-79-1009.

1027 (c) A county may not require an applicant who submits an application described in  
 1028 Subsection (2)(b)(iii)(A) to submit the application to the planning commission for  
 1029 consideration, review, or approval.

1030 (3) Each county shall amend each land use ordinance that contains a list of approved or  
 1031 prohibited business uses to include a reference to the process for petitioning to approve a  
 1032 new or unlisted business use, as described in Subsection (2).

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

1034 **17-79-707 (Effective 05/06/26). Subdivision plat recording or development**  
 1035 **activity before required infrastructure is completed -- Improvement completion**  
 1036 **assurance -- Improvement warranty.**

1037 (1) As used in this section:

1038 (a) "Private landscaping plan" means a proposal:

- 1039 (i) to install landscaping on a lot owned by a private individual or entity; and
- 1040 (ii) submitted to a county by the private individual or entity, or on behalf of a private  
 1041 individual or entity, that owns the lot.

1042 (b) "Public landscaping improvement" means landscaping that an applicant is required to  
 1043 install to comply with published installation and inspection specifications for public  
 1044 improvements that:

- 1045 (i) will be dedicated to and maintained by the county; or
- 1046 (ii) are associated with and proximate to trail improvements that connect to planned  
 1047 or existing public infrastructure.

1048 (2) A land use authority shall establish objective inspection standards for acceptance of a

- 1049 required public landscaping improvement or infrastructure improvement.
- 1050 (3)(a) Except as provided in Subsection (3)(d) or (3)(e), before an applicant conducts
- 1051 any development activity or records a plat, the applicant shall:
- 1052 (i) complete any required public landscaping improvements or infrastructure
- 1053 improvements; or
- 1054 (ii) post an improvement completion assurance for any required public landscaping
- 1055 improvements or infrastructure improvements.
- 1056 (b) If an applicant elects to post an improvement completion assurance, the applicant
- 1057 shall, in accordance with Subsection (5), provide completion assurance for:
- 1058 (i) completion of 100% of the required public landscaping improvements or
- 1059 infrastructure improvements; or
- 1060 (ii) if the county has inspected and accepted a portion of the public landscaping
- 1061 improvements or infrastructure improvements, 100% of the incomplete or
- 1062 unaccepted public landscaping improvements or infrastructure improvements.
- 1063 (c) A county shall:
- 1064 (i) establish a minimum of two acceptable forms of completion assurance;
- 1065 (ii)(A) if an applicant elects to post an improvement completion assurance, allow
- 1066 the applicant to post an assurance that meets the conditions of this chapter and
- 1067 any local ordinances; and
- 1068 (B) beginning on May 7, 2025, if a county accepts cash deposits as a form of
- 1069 completion assurance and an applicant elects to post a new cash deposit as a
- 1070 form of completion assurance, place the cash deposit in an interest-bearing
- 1071 account upon receipt and return any earned interest to the applicant with the
- 1072 return of the completion assurance according to the conditions of this chapter
- 1073 and any local ordinances;
- 1074 (iii) establish a system for the partial release of an improvement completion
- 1075 assurance as portions of required public landscaping improvements or
- 1076 infrastructure improvements are completed and accepted in accordance with local
- 1077 ordinance; and
- 1078 (iv) issue or deny a building permit in accordance with Section 17-79-901 based on
- 1079 the installation of public landscaping improvements or infrastructure
- 1080 improvements.
- 1081 (d) A county may not require an applicant to post an improvement completion assurance
- 1082 for:

- 1083 (i) public landscaping improvements or infrastructure improvements that the county  
 1084 has previously inspected and accepted;
- 1085 (ii) infrastructure improvements that are private and not essential or required to meet  
 1086 the building code, fire code, flood or storm water management provisions, street  
 1087 and access requirements, or other essential necessary public safety improvements  
 1088 adopted in a land use regulation;
- 1089 (iii) in a county where ordinances require all infrastructure improvements within the  
 1090 area to be private, infrastructure improvements within a development that the  
 1091 county requires to be private;
- 1092 (iv) landscaping improvements that are not public landscaping improvements, unless  
 1093 the landscaping improvements and completion assurance are required under the  
 1094 terms of a development agreement;
- 1095 (v) a private landscaping plan;
- 1096 (vi) landscaping improvements or infrastructure improvements that an applicant  
 1097 elects to install at the applicant's own risk:
- 1098 (A) before the plat is recorded;
- 1099 (B) pursuant to inspections required by the county for the infrastructure  
 1100 improvement; and
- 1101 (C) pursuant to final civil engineering plan approval by the county; or
- 1102 (vii) any individual public landscaping improvement or individual infrastructure  
 1103 improvement when the individual public landscaping improvement or individual  
 1104 infrastructure improvement is also included as part of a separate improvement  
 1105 completion assurance.
- 1106 (e)(i) A county may not:
- 1107 (A) prohibit an applicant from installing a public landscaping improvement or an  
 1108 infrastructure improvement when the ~~[municipality]~~ county has approved final  
 1109 civil engineering plans for the development activity or plat for which the public  
 1110 landscaping improvement or infrastructure improvement is required; or
- 1111 (B) require an applicant to sign an agreement, release, or other document  
 1112 inconsistent with this chapter as a condition of posting an improvement  
 1113 completion assurance, security for an improvement warranty, or receiving a  
 1114 building permit.
- 1115 (ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and  
 1116 infrastructure improvements that are installed by an applicant are subject to

1117 inspection by the county in accordance with the county's adopted inspection  
1118 standards.

1119 (f)(i) Each improvement completion assurance and improvement warranty posted by  
1120 an applicant with a county shall be independent of any other improvement  
1121 completion assurance or improvement warranty posted by the same applicant with  
1122 the county.

1123 (ii) Subject to Section 17-79-805, if an applicant has posted a form of security with a  
1124 county for more than one infrastructure improvement or public landscaping  
1125 improvement, the county may not withhold acceptance of an applicant's required  
1126 subdivision improvements, public landscaping improvement, infrastructure  
1127 improvements, or the performance of warranty work for the same applicant's  
1128 failure to complete a separate subdivision improvement, public landscaping  
1129 improvement, infrastructure improvement, or warranty work under a separate  
1130 improvement completion assurance or improvement warranty.

1131 (4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or  
1132 other entitlement benefit not currently available under the existing zone, a county  
1133 may require a completion assurance bond for landscaped amenities and common area  
1134 that are dedicated to and maintained by a homeowners association.

1135 (b) Any agreement regarding a completion assurance bond under Subsection (4)(a)  
1136 between the applicant and the county shall be memorialized in a development  
1137 agreement.

1138 (c) A county may not require a completion assurance bond for or dictate who installs or  
1139 is responsible for the cost of the landscaping of residential lots or the equivalent open  
1140 space surrounding single-family attached homes, whether platted as lots or common  
1141 area.

1142 (5) The sum of the improvement completion assurance required under Subsections (3) and  
1143 (4) may not exceed the sum of:

1144 (a) 100% of the estimated cost of the public landscaping improvements or infrastructure  
1145 improvements, as evidenced by an engineer's estimate or licensed contractor's bid;  
1146 and

1147 (b) 10% of the amount of the bond to cover administrative costs incurred by the county  
1148 to complete the improvements, if necessary.

1149 (6)(a) Upon an applicant's written request that the land use authority accept or reject the  
1150 applicant's installation of required subdivision improvements or performance of

- 1151 warranty work as set forth in Section 17-79-805, and for the duration of each  
 1152 improvement warranty period, the land use authority may require the applicant to:
- 1153 (i) execute an improvement warranty for the improvement warranty period; and
  - 1154 (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as  
 1155 required by the county, in the amount of up to 10% of the lesser of the:  
 1156 (A) county engineer's original estimated cost of completion; or  
 1157 (B) applicant's reasonable proven cost of completion.
- 1158 (b) A county may not require the payment of the deposit of the improvement warranty  
 1159 assurance described in Subsection (6)(a) for an infrastructure improvement or public  
 1160 landscaping improvement before the applicant indicates through written request that  
 1161 the applicant has completed the infrastructure improvement or public landscaping  
 1162 improvement.
- 1163 (7) When a county accepts an improvement completion assurance for public landscaping  
 1164 improvements or infrastructure improvements for a development in accordance with  
 1165 Subsection (3)(c)(ii)(A), the county may not deny an applicant a building permit if the  
 1166 development meets the requirements for the issuance of a building permit under the  
 1167 building code and fire code.
- 1168 (8) A county may not require the submission of a private landscaping plan as part of an  
 1169 application for a building permit.
- 1170 (9) The provisions of this section do not supersede the terms of a valid development  
 1171 agreement, an adopted phasing plan, or the [~~state construction code~~] State Construction  
 1172 Code.
- 1173 Section 15. Section **17-79-901** is amended to read:
- 1174 **17-79-901 (Effective 05/06/26). Enforcement -- Limitations on a county's ability**  
 1175 **to enforce an ordinance by withholding a permit or certificate.**
- 1176 (1)(a) A county or an adversely affected party may, in addition to other remedies  
 1177 provided by law, institute:
- 1178 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
  - 1179 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
- 1180 (b) A county need only establish the violation to obtain the injunction.
- 1181 (2)(a) Except as provided in Subsections (3) through (6), a county may enforce the  
 1182 county's ordinance by withholding a building permit or certificate of occupancy.
- 1183 (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building  
 1184 or other structure within a county without approval of a building permit.

- 1185 (c) The county may not issue a building permit unless the plans of and for the proposed  
 1186 erection, construction, reconstruction, alteration, or use fully conform to all  
 1187 regulations then in effect.
- 1188 (d) A county may require an applicant to install a permanent road, cover a temporary  
 1189 road with asphalt or concrete, or create another method for servicing a structure that  
 1190 is consistent with Appendix D of the International Fire Code, before receiving a  
 1191 certificate of occupancy for that structure.
- 1192 (e) A county may require an applicant to maintain and repair a temporary fire apparatus  
 1193 road during the construction of a structure accessed by the temporary fire apparatus  
 1194 road in accordance with the county's adopted standards.
- 1195 (f) A county may require temporary signs to be installed at each street intersection once  
 1196 construction of new roadway allows passage by a motor vehicle.
- 1197 (g) A county may adopt and enforce any appendix of the International Fire Code, 2021  
 1198 Edition.
- 1199 (3)(a) A county may not deny an applicant a building permit or certificate of occupancy  
 1200 because the applicant has not completed an infrastructure improvement:
- 1201 (i) unless the infrastructure improvement is essential to meet the requirements for the  
 1202 issuance of a building permit or certificate of occupancy under Title 15A, State  
 1203 Construction and Fire Codes Act; and
- 1204 (ii) for which the county has accepted an improvement completion assurance for a  
 1205 public landscaping improvement, as defined in Section 17-79-707, or an  
 1206 infrastructure improvement for the development.
- 1207 (b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6,  
 1208 infrastructure improvement that is essential means:
- 1209 (i) for a building permit:
- 1210 (A) operable fire hydrants installed in a manner that is consistent with the county's  
 1211 adopted engineering standards; and
- 1212 [(ii)] (B) for temporary roads used during construction, a properly compacted road  
 1213 base installed in a manner consistent with the county's adopted engineering  
 1214 standards[-] ;
- 1215 (ii) for a certificate of occupancy, at the discretion of the county, at least one of the  
 1216 following:
- 1217 (A) a permanent road;
- 1218 (B) a temporary road covered with asphalt or concrete; or

- 1219                    (C) another method for accessing a structure consistent with Appendix D of the  
 1220                    International Fire Code; and  
 1221                    (iii) public infrastructure necessary for the health, life, and safety of the occupant.  
 1222                    (c) A county may not adopt an engineering standard that requires an applicant to install a  
 1223                    permanent road or a temporary road with asphalt or concrete before receiving a  
 1224                    building permit.
- 1225                    (4) A county may not deny an applicant a building permit or certificate of occupancy for  
 1226                    failure to:  
 1227                    (a) submit a private landscaping plan, as defined in Section 17-79-707; or  
 1228                    (b) complete a landscaping improvement that is not a public landscaping improvement,  
 1229                    as defined in Section 17-79-707.
- 1230                    (5) A county may not withhold a building permit based on the lack of completion of a  
 1231                    portion of a public sidewalk to be constructed within a public right-of-way serving a lot  
 1232                    where a single-family or two-family residence or town home is proposed in a building  
 1233                    permit application if an improvement completion assurance has been posted for the  
 1234                    incomplete portion of the public sidewalk.
- 1235                    (6) A county may not prohibit the construction of a single-family or two-family residence  
 1236                    or town home, withhold recording a plat, or withhold acceptance of a public landscaping  
 1237                    improvement, as defined in Section 17-79-707, or an infrastructure improvement based  
 1238                    on the lack of installation of a public sidewalk if an improvement completion assurance  
 1239                    has been posted for the public sidewalk.
- 1240                    (7) A county may not redeem an improvement completion assurance securing the  
 1241                    installation of a public sidewalk sooner than 18 months after the date the improvement  
 1242                    completion assurance is posted.
- 1243                    (8) A county shall allow an applicant to post an improvement completion assurance for a  
 1244                    public sidewalk separate from an improvement completion assurance for:  
 1245                    (a) another infrastructure improvement; or  
 1246                    (b) a public landscaping improvement, as defined in Section 17-79-707.
- 1247                    (9) A county may withhold a certificate of occupancy for a single-family or two-family  
 1248                    residence or town home until the portion of the public sidewalk to be constructed within  
 1249                    a public right-of-way and located immediately adjacent to the single-family or  
 1250                    two-family residence or town home is completed and accepted by the county.

1251                    Section 16. **Effective Date.**

- 1252                    (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

1253 (2) The actions affecting Section 10-21-304 (Effective 10/01/26) take effect on October 1,  
1254 2026.