

Jill Koford proposes the following substitute bill:

Local Land Use Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Jill Koford

LONG TITLE

General Description:

This bill modifies provisions related to land use.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends requirements for a modified feasibility request related to a proposed municipal incorporation;
- ▶ clarifies standards for county and municipal land use regulations and requirements;
- ▶ modified requirements for an ordinance establishing a planning commission;
- ▶ modifies planning commission powers and duties;
- ▶ modifies the process for reviewing and approving a new or unlisted business use;
- ▶ establishes requirements for regulating structure height;
- ▶ requires a county or municipal legislative body to make a decision on proposed land use regulation if the planning commission fails to make a timely recommendation;
- ▶ addresses exaction for water and a land use authority's review of a land use application;
- ▶ modifies the requirement to place certain infrastructure completion assurances in an interest-bearing account;
- ▶ establishes requirements relating to development agreements;
- ▶ modifies the burden of proving that a land use authority's decision was arbitrary, capricious, or illegal;
- ▶ addresses requirements relating to an appeal or variance hearing;
- ▶ prohibits a legislative body from acting as an appeal authority;
- ▶ modifies the standard of review of a land use authority's decision to deny or approve a land use application;
- ▶ modifies appeal requirements;

- 29 ▸ requires a specified municipality to allow a detached accessory dwelling unit as a
30 permitted use in certain zones;
- 31 ▸ clarifies notice requirements for a proposed county land use ordinance that is ministerial
32 in nature;
- 33 ▸ modifies a county's authority to deny an applicant a building permit or certificate of
34 occupancy if the applicant has not completed an infrastructure improvement; and
- 35 ▸ makes technical and conforming changes.

36 **Money Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 This bill provides a special effective date.

40 **Utah Code Sections Affected:**

41 **AMENDS:**

42 **10-2a-106 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 224 and
43 further amended by Revisor Instructions, Laws of Utah 2023, Chapter 224

44 **10-2a-206 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 518

45 **10-2a-220 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 518

46 **10-3-702 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 354

47 **10-20-102 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
48 First Special Session, Chapter 15

49 **10-20-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
50 First Special Session, Chapter 15

51 **10-20-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
52 First Special Session, Chapter 15

53 **10-20-501 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
54 First Special Session, Chapter 15

55 **10-20-502 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
56 First Special Session, Chapter 15

57 **10-20-507 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
58 First Special Session, Chapter 15

59 **10-20-806 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
60 First Special Session, Chapter 15

61 **10-20-807 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
62 First Special Session, Chapter 15

63 **10-20-902 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
64 First Special Session, Chapter 15

65 **10-20-910 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, First Special Session,
66 Chapter 15

67 **10-20-911 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
68 First Special Session, Chapter 15

69 **10-20-1001 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
70 First Special Session, Chapter 15

71 **10-20-1101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
72 First Special Session, Chapter 15

73 **10-20-1106 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
74 First Special Session, Chapter 15

75 **10-20-1107 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
76 First Special Session, Chapter 15

77 **10-20-1109 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
78 First Special Session, Chapter 15

79 **10-21-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
80 First Special Session, Chapter 15

81 **13-43-205 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
82 Session, Chapter 15

83 **17-79-102 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
84 First Special Session, Chapter 14

85 **17-79-205 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
86 First Special Session, Chapter 14

87 **17-79-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
88 First Special Session, Chapter 14

89 **17-79-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
90 First Special Session, Chapter 14

91 **17-79-501 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
92 First Special Session, Chapter 14

93 **17-79-502 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
94 First Special Session, Chapter 14

95 **17-79-507 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
96 First Special Session, Chapter 14

97 **17-79-706 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
98 First Special Session, Chapter 14
99 **17-79-707 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
100 First Special Session, Chapter 14
101 **17-79-803 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
102 First Special Session, Chapter 14
103 **17-79-811 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, First Special Session,
104 Chapter 14
105 **17-79-812 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
106 First Special Session, Chapter 14
107 **17-79-901 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
108 First Special Session, Chapter 14
109 **17-79-1001 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
110 First Special Session, Chapter 14
111 **17-79-1006 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
112 First Special Session, Chapter 14
113 **17-79-1007 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
114 First Special Session, Chapter 14
115 **17-79-1009 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
116 First Special Session, Chapter 14
117 **63I-2-210 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
118 Session, Chapter 15
119 **63I-2-217 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
120 Session, Chapter 7

121 ENACTS:

122 **10-20-625 (Effective 05/06/26)**, Utah Code Annotated 1953
123 **10-20-626 (Effective 05/06/26)**, Utah Code Annotated 1953
124 **10-20-912 (Effective 05/06/26)**, Utah Code Annotated 1953
125 **10-21-304 (Effective 10/01/26)**, Utah Code Annotated 1953
126 **17-79-621 (Effective 05/06/26)**, Utah Code Annotated 1953
127 **17-79-813 (Effective 05/06/26)**, Utah Code Annotated 1953

128 REPEALS AND REENACTS:

129 **10-20-1105 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
130 First Special Session, Chapter 15

131 **17-79-1005 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
 132 First Special Session, Chapter 14

133

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

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

136 **10-2a-106 (Effective 05/06/26). Feasibility request filed before changes to law**
 137 **take effect.**

138 (1) If an individual files a feasibility request for incorporation of a city or town before May
 139 14, 2019, the process for incorporating the city or town is not subject to Laws of Utah
 140 2019, Chapter 165 or Laws of Utah 2023, Chapter 224, and is instead subject to the
 141 municipal incorporation law in effect on the day on which the individual files the
 142 feasibility request.

143 (2) If an individual files a feasibility request for incorporation of a city or town before May
 144 3, 2023^[5] :

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

149 (b) the process and requirements for filing a modified feasibility request on or after May
 150 6, 2026, shall be in accordance with the law in effect on the day on which the
 151 individual or an incorporation sponsor files a modified feasibility request.

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

153 **10-2a-206 (Effective 05/06/26). Modified feasibility request -- Supplemental**
 154 **feasibility study.**

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

157 ~~(1)~~ (2)(a) The sponsors of a feasibility request may modify the request to alter the
 158 boundaries of the proposed municipality and refile the modified feasibility request
 159 with the county clerk if:

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

161 or

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

163 (B) the annexation petition described in Subsection 10-2a-201.5(4)(b) that
 164 proposed the annexation of an area that is part of the area proposed for

- 165 incorporation has been denied; and
- 166 (C) an incorporation petition based on the feasibility request has not been filed.
- 167 (b)(i) The sponsors of a feasibility request may not file a modified request under
- 168 Subsection ~~[(1)(a)(i)]~~ (2)(a)(i) more than 90 days after the day on which the
- 169 feasibility consultant submits the final results of the feasibility study under
- 170 Subsection 10-2a-205(2)(c)(iii).
- 171 (ii) The sponsors of a feasibility request may not file a modified request under
- 172 Subsection ~~[(1)(a)(ii)]~~ (2)(a)(ii) more than 18 months after filing the original
- 173 feasibility request under Section 10-2a-202.
- 174 (c)(i) Subject to Subsection ~~[(1)(e)(ii)]~~ (2)(c)(ii), each modified feasibility request
- 175 under Subsection ~~[(1)(a)]~~ (2)(a) shall comply with Subsections 10-2a-202(1), (3),
- 176 (4), and (5) and Subsection 10-2a-201.5(4).
- 177 (ii) Notwithstanding Subsection ~~[(1)(e)(i)]~~ (2)(c)(i), a signature on a feasibility request
- 178 filed under Section 10-2a-202 may be used toward fulfilling the signature
- 179 requirement of Subsection 10-2a-202(1)(a) for the feasibility request as modified
- 180 under Subsection ~~[(1)(a)]~~ (2)(a), unless the modified feasibility request proposes
- 181 the incorporation of an area that is more than 20% larger or smaller than the area
- 182 described by the original feasibility request in terms of:
- 183 (A) private land area; or
- 184 (B) assessed fair market value of private real property, as of January 1 of the
- 185 current year.
- 186 (d) Within 20 days after the day on which the county clerk receives the modified
- 187 request, the county clerk and the lieutenant governor shall follow the same procedure
- 188 described in Subsections 10-2a-204(1) through (6) for the modified feasibility request
- 189 as for an original feasibility request.
- 190 (e)(i) If a sponsor files a modified feasibility request that includes an area of land that
- 191 was not included in the original feasibility request, the county clerk shall, within
- 192 seven days after the day on which the sponsor files the modified feasibility request
- 193 with the lieutenant governor, identify any new specified landowners located
- 194 within the added area of land and mail written notice to each of the new specified
- 195 landowners.
- 196 (ii) The notice described in Subsection (2)(e)(i) shall:
- 197 (A) describe the added area of land; and
- 198 (B) state that a specified landowner who owns land within the added area may

199 request exclusion of the land from the proposed incorporation boundaries by
200 filing a request for exclusion with the county clerk within 30 days after the day
201 on which the county clerk mails the notice.

202 (f)(i) A specified landowner who owns land within the added area described in
203 Subsection (2)(e)(i) may request exclusion of the land from the proposed
204 incorporation boundaries by filing a request for exclusion with the county clerk
205 within 30 days after the day on which the county clerk mails the notice described
206 in Subsection (2)(e)(i).

207 (ii) The county clerk shall process a request for exclusion filed under Subsection (
208 2)(f)(i) in accordance with Subsections 10-2a-204.5(3) through (7), except that the
209 deadlines calculated from the first public hearing in Section 10-2a-204.5 shall
210 instead be calculated from the day on which the county clerk mails notice
211 described in Subsection (2)(e)(i).

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

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

219 [(f)] (h) Within 20 days after the lieutenant governor provides the estimated
220 supplemental feasibility study cost, the feasibility request sponsors shall pay the
221 estimated cost to the lieutenant governor for a supplemental feasibility study
222 conducted on or after May 1, 2024.

223 [(2)] (3) The timely filing of a modified feasibility request under Subsection [(1)] (2) gives
224 the modified feasibility request the same processing priority under Subsection
225 10-2a-204(7) as the original feasibility request if the feasibility request sponsors pay the
226 estimated cost of the supplemental feasibility study as required in Subsection [(1)](e)
227 (2)(e).

228 [(3)] (4) [Within] Except as provided in Subsection (5), within 10 days after the day on
229 which the lieutenant governor receives payment of the estimated supplemental
230 feasibility study cost, the lieutenant governor shall commission the feasibility consultant
231 who conducted the feasibility study to conduct a supplemental feasibility study that
232 accounts for the modified feasibility request.

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

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

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

240 [(4)] (6) The lieutenant governor shall require the feasibility consultant to:

241 (a) submit a draft of the supplemental feasibility study to each applicable person with
 242 whom the feasibility consultant is required to consult under Subsection
 243 10-2a-205(3)(c) within 30 days after the day on which the feasibility consultant is
 244 engaged to conduct the supplemental study;

245 (b) allow each person to whom the consultant provided a draft under Subsection [(4)(a)]
 246 (6)(a) to review and provide comment on the draft; and

247 (c) submit a completed supplemental feasibility study, to the following within 45 days
 248 after the day on which the feasibility consultant is engaged to conduct the feasibility
 249 study:

250 (i) the lieutenant governor;

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

252 (iii) the contact sponsor; and

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

255 [(5)] (7) If the results of the supplemental feasibility study do not comply with Subsection
 256 10-2a-205(5)(a):

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

259 (b) a feasibility request under Section 10-2a-202 may not be filed within 18 months after
 260 the date of the supplemental feasibility study if the feasibility request proposes the
 261 incorporation of an area included within the area described in the supplemental
 262 feasibility study.

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

264 **10-2a-220 (Effective 05/06/26). Costs of incorporation -- Fees established by**
 265 **lieutenant governor.**

266 (1)(a) There is created an expendable special revenue fund known as the "Municipal

- 267 Incorporation Expendable Special Revenue Fund."
- 268 (b) The fund shall consist of:
- 269 (i) appropriations from the Legislature;
- 270 (ii) payments that feasibility request sponsors make to the lieutenant governor under
- 271 Subsections 10-2a-205(1)(b) and 10-2a-206(1)(f); and
- 272 (iii) fees the lieutenant governor collects and remits to the fund under this section.
- 273 (c) The lieutenant governor shall deposit all money collected under this section into the
- 274 fund.
- 275 (2)(a) The lieutenant governor shall establish a fee in accordance with Section 63J-1-504
- 276 for a cost incurred by the lieutenant governor or the county for an incorporation
- 277 proceeding, including:
- 278 (i) a request certification;
- 279 (ii) a petition certification;
- 280 (iii) publication of notices;
- 281 (iv) public hearings;
- 282 (v) all other incorporation activities occurring after the elections; and
- 283 (vi) any other cost incurred by the lieutenant governor or county in relation to an
- 284 incorporation proceeding.
- 285 (b) A cost under Subsection (2)(a) does not include a cost incurred by a county for
- 286 holding an election under Section 10-2a-210.
- 287 (3) Subject to Subsections 10-2a-205(1)(b) and [~~10-2a-206(1)(f)~~] 10-2a-206(2)(h), the
- 288 lieutenant governor shall pay for a cost described in Subsection (2)(a) using funds from
- 289 the Municipal Incorporation Expendable Special Revenue Fund.
- 290 (4)(a) A newly incorporated municipality shall:
- 291 (i) pay to the lieutenant governor each fee established under Subsection (2) for each
- 292 cost described in Subsection (2)(a) incurred by the lieutenant governor or the
- 293 county;
- 294 (ii) pay the county for a cost described in Subsection (2)(b); and
- 295 (iii) reimburse feasibility request sponsors the cost the feasibility request sponsors
- 296 paid for:
- 297 (A) a feasibility study under Section 10-2a-205; and
- 298 (B) any supplemental feasibility study under Section 10-2a-206.
- 299 (b) The lieutenant governor shall execute a payback agreement with each new
- 300 municipality for the new municipality to pay the fees described in Subsection (4)(a)

301 over a period that, except as provided in Subsection (4)(c), may not exceed five years.

302 (c) If necessary, the lieutenant governor may extend a fee payment deadline beyond the
303 deadline described in Subsection (4)(b) by amending the payback agreement
304 described in Subsection (4)(b).

305 (d) The lieutenant governor shall deposit each fee the lieutenant governor collects under
306 Subsection (4)(a)(i) into the Municipal Incorporation Expendable Special Revenue
307 Fund.

308 (5) If the lieutenant governor expends funds from the Municipal Incorporation Expendable
309 Special Revenue Fund that are not repaid to the lieutenant governor under Subsection
310 (4)(a)(i) because an area did not incorporate as a municipality, the Legislature shall
311 appropriate money to the fund in an amount equal to the funds that are not repaid.

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

313 **10-3-702 (Effective 05/06/26). Extent of power exercised by ordinance.**

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

317 [~~(2)~~] (1) [(a) Except as provided in Subsection (2)(b), the] The governing body of a
318 municipality may pass any ordinance to regulate, require, prohibit, govern, control or
319 supervise any activity, business, conduct or condition authorized by this title or any
320 other provision of law.

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

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

325 [~~(3)~~] (2)(a) An officer of the municipality may not be convicted of a criminal offense
326 where the officer relied on or enforced an ordinance the officer reasonably believed
327 to be a valid ordinance.

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

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

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

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

333 **10-20-102 (Effective 05/06/26). Definitions.**

334 As used in this chapter:

- 335 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
336 detached from a primary single-family dwelling and contained on one lot.
- 337 (2) "Adversely affected party" means a person other than a land use applicant who:
338 (a) owns real property adjoining the property that is the subject of a land use application
339 or land use decision; or
340 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
341 general community as a result of the land use decision.
- 342 (3) "Affected entity" means a county, municipality, special district, special service district
343 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
344 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
345 specified public utility, property owner, property owners association, or the Department
346 of Transportation, if:
347 (a) the entity's services or facilities are likely to require expansion or significant
348 modification because of an intended use of land;
349 (b) the entity has filed with the municipality a copy of the entity's general or long-range
350 plan; or
351 (c) the entity has filed with the municipality a request for notice during the same
352 calendar year and before the municipality provides notice to an affected entity in
353 compliance with a requirement imposed under this chapter.
- 354 (4) "Affected owner" means the owner of real property that is:
355 (a) a single project; and
356 (b) the subject of a land use approval that:
357 (i) sponsors of a referendum timely challenged in accordance with Section 20A-7-601;
358 and
359 [(e)] (ii) is determined to be legally referable under Section 20A-7-602.8.
- 360 (5) "Appeal authority" means the person, board, commission, agency, or other body
361 designated by ordinance to decide an appeal of a decision of a land use application or a
362 variance.
- 363 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
364 residential property if the sign is designed or intended to direct attention to a business,
365 product, or service that is not sold, offered, or existing on the property where the sign is
366 located.
- 367 (7)(a) "Boundary adjustment" means an agreement between adjoining property owners
368 to relocate a common boundary that results in a conveyance of property between the

- 369 adjoining lots, adjoining parcels, or adjoining lots and parcels.
- 370 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
- 371 (i) creates an additional lot or parcel; or
- 372 (ii) is made by the Department of Transportation.
- 373 (8)(a) "Boundary establishment" means an agreement between adjoining property
- 374 owners to clarify the location of an ambiguous, uncertain, or disputed common
- 375 boundary.
- 376 (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary
- 377 that:
- 378 (i) creates an additional lot or parcel; or
- 379 (ii) is made by the Department of Transportation.
- 380 (9) "Building code adoption cycle" means the period of time beginning the day on which a
- 381 specific edition of a construction code from a nationally recognized code authority is
- 382 adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day
- 383 before a new edition of a construction code is adopted and effective in Title 15A, State
- 384 Construction and Fire Codes Act.
- 385 [(9)] (10)(a) "Charter school" means:
- 386 (i) an operating charter school;
- 387 (ii) a charter school applicant that a charter school authorizer approves in accordance
- 388 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- 389 (iii) an entity that is working on behalf of a charter school or approved charter
- 390 applicant to develop or construct a charter school building.
- 391 (b) "Charter school" does not include a therapeutic school.
- 392 [~~(10) "Building code adoption cycle" means the period of time beginning the day on which~~
- 393 ~~a specific edition of a construction code from a nationally recognized code authority is~~
- 394 ~~adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day~~
- 395 ~~before a new edition of a construction code is adopted and effective in Title 15A, State~~
- 396 ~~Construction and Fire Codes Act.]~~
- 397 (11) "Conditional use" means a land use that, because of the unique characteristics or
- 398 potential detrimental impact of the land use on the municipality, surrounding neighbors,
- 399 or adjacent land uses, may not be compatible in some areas or may be compatible only if
- 400 certain conditions are required that mitigate or eliminate the detrimental impacts.
- 401 (12) "Constitutional taking" means a governmental action that results in a taking of private
- 402 property [~~so that~~] where compensation to the property owner[~~of the property~~] is required

- 403 by the:
- 404 (a) Fifth or Fourteenth Amendment [øf] to the Constitution of the United States; or
- 405 (b) Utah Constitution, Article I, Section 22.
- 406 (13) "Conveyance document" means an instrument that:
- 407 (a) meets the definition of "document" in Section 57-1-1; and
- 408 (b) meets the requirements of Section 57-1-45.5.
- 409 (14) "Conveyance of property" means the transfer of ownership of any portion of real
- 410 property from one person to another person.
- 411 (15) "Culinary water authority" means the department, agency, or public entity with
- 412 responsibility to review and approve the feasibility of the culinary water system and
- 413 sources for the subject property.
- 414 (16) "Department of Transportation" means the entity created in Section 72-1-201.
- 415 (17) "Development activity" means:
- 416 (a) any construction or expansion of a building, structure, or use that creates additional
- 417 demand and need for public facilities;
- 418 (b) any change in use of a building or structure that creates additional demand and need
- 419 for public facilities; or
- 420 (c) any change in the use of land that creates additional demand and need for public
- 421 facilities.
- 422 (18)(a) "Development agreement" means a written agreement or amendment to a written
- 423 agreement between a municipality and one or more parties that regulates or controls
- 424 the use or development of a specific area of land.
- 425 (b) "Development agreement" does not include an improvement completion assurance.
- 426 (19)(a) "Disability" means a physical or mental impairment that substantially limits one
- 427 or more of a person's major life activities, including a person having a record of such
- 428 an impairment or being regarded as having such an impairment.
- 429 (b) "Disability" does not include current illegal use of, or addiction to, any federally
- 430 controlled substance, as defined in the Controlled Substances Act, 21 U.S.C. Sec. 802.
- 431 (20) "Document" means the same as that term is defined in Section 57-1-1.
- 432 (21) "Educational facility":
- 433 (a) means:
- 434 (i) a school district's building at which pupils assemble to receive instruction in a
- 435 program for any combination of grades from preschool through grade 12,
- 436 including kindergarten and a program for children with disabilities;

- 437 (ii) a structure or facility:
- 438 (A) located on the same property as a building described in Subsection (21)(a)(i);
- 439 and
- 440 (B) used in support of the use of that building; and
- 441 (iii) a building to provide office and related space to a school district's administrative
- 442 personnel; and
- 443 (b) does not include:
- 444 (i) land or a structure, including land or a structure for inventory storage, equipment
- 445 storage, food processing or preparing, vehicle storage or maintenance, or similar
- 446 use that is:
- 447 (A) not located on the same property as a building described in Subsection
- 448 (21)(a)(i); and
- 449 (B) used in support of the purposes of a building described in Subsection (21)(a)(i);
- 450 or
- 451 (ii) a therapeutic school.
- 452 (22) "Establishment document" means an instrument that:
- 453 (a) meets the definition of "document" in Section 57-1-1; and
- 454 (b) meets the requirements of Section 57-1-45.
- 455 [~~(23) "Full boundary adjustment" means a boundary adjustment that is not a simple~~
- 456 ~~boundary adjustment.~~]
- 457 [(24)] (23) "Fire authority" means the department, agency, or public entity with
- 458 responsibility to review and approve the feasibility of fire protection and suppression
- 459 services for the subject property.
- 460 [(25)] (24) "Flood plain" means land that:
- 461 (a) is within the 100-year flood plain designated by the Federal Emergency Management
- 462 Agency; or
- 463 (b) has not been studied or designated by the Federal Emergency Management Agency
- 464 but presents a likelihood of experiencing chronic flooding or a catastrophic flood
- 465 event because the land has characteristics that are similar to those of a 100-year flood
- 466 plain designated by the Federal Emergency Management Agency.
- 467 (25) "Full boundary adjustment" means a boundary adjustment that is not a simple
- 468 boundary adjustment.
- 469 (26) "General plan" means a document that a municipality adopts that sets forth general
- 470 guidelines for proposed future development of the land within the municipality.

- 471 (27) "Geologic hazard" means:
- 472 (a) a surface fault rupture;
- 473 (b) shallow groundwater;
- 474 (c) liquefaction;
- 475 (d) a landslide;
- 476 (e) a debris flow;
- 477 (f) unstable soil;
- 478 (g) a rock fall; or
- 479 (h) any other geologic condition that presents a risk:
- 480 (i) to life;
- 481 (ii) of substantial loss of real property; or
- 482 (iii) of substantial damage to real property.
- 483 (28) "Historic preservation authority" means a person, board, commission, or other body
- 484 designated by a legislative body to:
- 485 (a) recommend land use regulations to preserve local historic districts or areas; and
- 486 (b) administer local historic preservation land use regulations within a local historic
- 487 district or area.
- 488 (29) "Home-based microschool" means the same as that term is defined in Section
- 489 53G-6-201.
- 490 (30) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter,
- 491 or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 492 utility system.
- 493 (31)(a) "Identical plans" means floor plans submitted to a municipality that:
- 494 (i) are submitted within the same building code adoption cycle as floor plans that
- 495 were previously approved by the municipality;
- 496 (ii) have no structural differences from floor plans that were previously approved by
- 497 the municipality; and
- 498 (iii) describe a building that:
- 499 (A) is located on land zoned the same as the land on which the building described
- 500 in the previously approved plans is located;
- 501 (B) has a substantially identical floor plan to a floor plan previously approved by
- 502 the municipality; and
- 503 (C) does not require any engineering or analysis beyond a review to confirm the
- 504 submitted floor plans are substantially identical to a floor plan previously

- 505 approved by the municipality or a review of the site plan and associated
506 geotechnical reports for the site.
- 507 (b) "Identical plans" include floor plans that are oriented differently as the floor plan that
508 was previously approved by the municipality.
- 509 (32) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact
510 Fees Act.
- 511 (33) "Improvement completion assurance" means a surety bond, letter of credit, financial
512 institution bond, cash, assignment of rights, lien, or other equivalent security required by
513 a municipality to guaranty the proper completion of landscaping or an infrastructure
514 improvement required as a condition precedent to:
- 515 (a) recording a subdivision plat; or
516 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 517 (34) "Improvement warranty" means an applicant's unconditional warranty that the
518 applicant's installed and accepted landscaping or infrastructure improvement:
- 519 (a) complies with the municipality's written standards for design, materials, and
520 workmanship; and
521 (b) will not fail in any material respect, as a result of poor workmanship or materials,
522 within the improvement warranty period.
- 523 (35) "Improvement warranty period" means a period:
- 524 (a) no later than one year after a municipality's acceptance of required public
525 landscaping; or
526 (b) no later than one year after a municipality's acceptance of required infrastructure,
527 unless the municipality:
- 528 (i) determines, based on accepted industry standards and for good cause, that a
529 one-year period would be inadequate to protect the public health, safety, and
530 welfare; and
531 (ii) has substantial evidence, on record:
- 532 (A) of prior poor performance by the applicant; or
533 (B) that the area upon which the infrastructure will be constructed contains
534 suspect soil and the municipality has not otherwise required the land use
535 applicant to mitigate the suspect soil.
- 536 (36) "Infrastructure improvement" means permanent infrastructure that is essential for the
537 public health and safety or that:
- 538 (a) is required for human occupation; and

- 539 (b) an applicant shall install:
- 540 (i) in accordance with published installation and inspection specifications for public
- 541 improvements; and
- 542 (ii) whether the improvement is public or private, as a condition of:
- 543 (A) recording a subdivision plat;
- 544 (B) obtaining a building permit; or
- 545 (C) development of a commercial, industrial, mixed use, condominium, or
- 546 multifamily project.
- 547 (37) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 548 designation that:
- 549 (a) runs with the land; and
- 550 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
- 551 the plat; or
- 552 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 553 described on the plat.
- 554 (38) "Land use applicant" means: a property owner, or the property owner's designee, who
- 555 submits a land use application regarding the property owner's land.
- 556 (39) "Land use application":
- 557 (a) means an application that is:
- 558 (i) required by a municipality; and
- 559 (ii) submitted by a land use applicant to obtain a land use decision; and
- 560 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 561 (40) "Land use authority" means:
- 562 (a) a person, board, commission, agency, or body, including the local legislative body,
- 563 designated by the local legislative body to act upon a land use application; or
- 564 (b) if the local legislative body has not designated a person, board, commission, agency,
- 565 or body, the local legislative body.
- 566 (41) "Land use decision" means an administrative decision of a land use authority or appeal
- 567 authority regarding:
- 568 (a) a land use permit; or
- 569 (b) a land use application.
- 570 (42) "Land use permit" means a permit issued by a land use authority.
- 571 (43) "Land use regulation":
- 572 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,

- 573 engineering or development standard, specification for public improvement, fee, or
574 rule that governs the use or development of land;
- 575 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
576 and
- 577 (c) does not include:
- 578 (i) a land use decision of the legislative body acting as the land use authority, even if
579 the decision is expressed in a resolution or ordinance; or
- 580 (ii) a temporary revision to an engineering specification that does not materially:
- 581 (A) increase a land use applicant's cost of development compared to the existing
582 specification; or
- 583 (B) impact a land use applicant's use of land.
- 584 (44) "Legislative body" means the municipal council.
- 585 (45) "Local historic district or area" means a geographically definable area that:
- 586 (a) contains any combination of buildings, structures, sites, objects, landscape features,
587 archeological sites, or works of art that contribute to the historic preservation goals of
588 a legislative body; and
- 589 (b) is subject to land use regulations to preserve the historic significance of the local
590 historic district or area.
- 591 (46) "Lot" means a tract of land, regardless of any label, that is created by and shown on a
592 subdivision plat that has been recorded in the office of the county recorder.
- 593 (47) "Major transit investment corridor" means public transit service that uses or occupies:
- 594 (a) public transit rail right-of-way;
- 595 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
- 596 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
597 municipality or county and:
- 598 (i) a public transit district as defined in Section 17B-2a-802; or
- 599 (ii) an eligible political subdivision as defined in Section 59-12-2202.
- 600 (48) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- 601 (49) "Moderate income housing" means housing occupied or reserved for occupancy by
602 households with a gross household income equal to or less than 80% of the median gross
603 income for households of the same size in the county in which the city is located.
- 604 (50) "Municipal utility easement" means an easement that:
- 605 (a) is created or depicted on a plat recorded in a county recorder's office and is described
606 as a municipal utility easement granted for public use;

- 607 (b) is not a protected utility easement or a public utility easement as defined in Section
608 54-3-27;
- 609 (c) the municipality or the municipality's affiliated governmental entity uses and
610 occupies to provide a utility service, including sanitary sewer, culinary water,
611 electrical, storm water, or communications or data lines;
- 612 (d) is used or occupied with the consent of the municipality in accordance with an
613 authorized franchise or other agreement;
- 614 (e)(i) is used or occupied by a specified public utility in accordance with an
615 authorized franchise or other agreement; and
616 (ii) is located in a utility easement granted for public use; or
617 (f) is described in Section 10-20-615 and is used by a specified public utility.
- 618 (51) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
619 spent and expenses incurred in:
- 620 (a) verifying that building plans are identical plans; and
621 (b) reviewing and approving those minor aspects of identical plans that differ from the
622 previously reviewed and approved building plans.
- 623 (52) "Noncomplying structure" means a structure that:
- 624 (a) legally existed before the structure's current land use designation; and
625 (b) because of one or more subsequent land use ordinance changes, does not conform to
626 the setback, height restrictions, or other regulations, excluding those regulations,
627 which govern the use of land.
- 628 (53) "Nonconforming use" means a use of land that:
- 629 (a) legally existed before [its] the land's current land use designation;
630 (b) has been maintained continuously since the time the land use ordinance governing
631 the land changed; and
632 (c) because of one or more subsequent land use ordinance changes, does not conform to
633 the regulations that now govern the use of the land.
- 634 (54) "Official map" means a map drawn by municipal authorities and recorded in a county
635 recorder's office that:
- 636 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
637 highways and other transportation facilities;
638 (b) provides a basis for restricting development in designated rights-of-way or between
639 designated setbacks to allow the government authorities time to purchase or
640 otherwise reserve the land; and

- 641 (c) has been adopted as an element of the municipality's general plan.
- 642 (55) "Parcel" means any real property that is not a lot.
- 643 (56) "Person" means an individual, corporation, partnership, organization, association, trust,
644 governmental agency, or any other legal entity.
- 645 (57) "Plan for moderate income housing" means a written document adopted by a
646 municipality's legislative body that includes:
- 647 (a) an estimate of the existing supply of moderate income housing located within the
648 municipality;
- 649 (b) an estimate of the need for moderate income housing in the municipality for the next
650 five years;
- 651 (c) a survey of total residential land use;
- 652 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
653 income housing; and
- 654 (e) a description of the municipality's program to encourage an adequate supply of
655 moderate income housing.
- 656 (58) "Planning commission" means the commission established under Section 10-20-301.
- 657 (59) "Plat" means an instrument subdividing property into lots as depicted on a map or
658 other graphical representation of lands that a licensed professional land surveyor makes
659 and prepares in accordance with Section 10-20-803 or 57-8-13.
- 660 (60) "Potential geologic hazard area" means an area that:
- 661 (a) is designated by a Utah Geological Survey map, county geologist map, or other
662 relevant map or report as needing further study to determine the area's potential for
663 geologic hazard; or
- 664 (b) has not been studied by the Utah Geological Survey or a county geologist but
665 presents the potential of geologic hazard because the area has characteristics similar
666 to those of a designated geologic hazard area.
- 667 (61) "Property owner" means a person that holds legal title in real property.
- 668 [~~61~~] (62) "Public agency" means:
- 669 (a) the federal government;
- 670 (b) the state;
- 671 (c) a county, municipality, school district, special district, special service district, or
672 other political subdivision of the state; or
- 673 (d) a charter school.
- 674 [~~62~~] (63) "Public hearing" means a hearing at which members of the public are provided a

- 675 reasonable opportunity to comment on the subject of the hearing.
- 676 [(63)] (64) "Public meeting" means a meeting that is required to be open to the public under
677 Title 52, Chapter 4, Open and Public Meetings Act.
- 678 [(64)] (65) "Public street" means a public right-of-way, including a public highway, public
679 avenue, public boulevard, public parkway, public road, public lane, public alley, public
680 viaduct, public subway, public tunnel, public bridge, public byway, other public
681 transportation easement, or other public way.
- 682 [(65)] (66) "Receiving zone" means an area that a municipality designates, by ordinance, as
683 an area in which an owner of land may receive a transferable development right.
- 684 [(66)] (67) "Record of survey map" means a map of a survey of land prepared in accordance
685 with Section 17-73-504.
- 686 [(67)] (68) "Residential facility for persons with a disability" means a residence:
- 687 (a) in which more than one person with a disability resides; and
- 688 (b) which is licensed or certified by the Department of Health and Human Services
689 under:
- 690 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
- 691 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 692 [(68)] (69) "Residential roadway" means a public local residential road that:
- 693 (a) will serve primarily to provide access to adjacent primarily residential areas and
694 property;
- 695 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
- 696 (c) is not identified as a supplementary to a collector or other higher system classified
697 street in an approved municipal street or transportation master plan;
- 698 (d) has a posted speed limit of 25 miles per hour or less;
- 699 (e) does not have higher traffic volumes resulting from connecting previously separated
700 areas of the municipal road network;
- 701 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
702 intended for high volume traffic or community centers, including schools, recreation
703 centers, sports complexes, or libraries; and
- 704 (g) primarily serves traffic within a neighborhood or limited residential area and is not
705 necessarily continuous through several residential areas.
- 706 [(69)] (70) "Rules of order and procedure" means a set of rules that govern and prescribe in
707 a public meeting:
- 708 (a) parliamentary order and procedure;

709 (b) ethical behavior; and

710 (c) civil discourse.

711 [~~(70)~~] (71) "Sanitary sewer authority" means the department, agency, or public entity with
712 responsibility to review and approve the feasibility of sanitary sewer services or onsite
713 wastewater systems.

714 [~~(71)~~] (72) "Sending zone" means an area that a municipality designates, by ordinance, as an
715 area from which an owner of land may transfer a transferable development right.

716 [~~(72)~~] (73) "Simple boundary adjustment" means a boundary adjustment that does not:

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

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

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

720 [~~(73)~~] (74) "Special district" means an entity under Title 17B, Limited Purpose Local
721 Government Entities - Special Districts, and any other governmental or
722 quasi-governmental entity that is not a county, municipality, school district, or the state.

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

726 [~~(74)~~] (76) "Specified public agency" means:

727 (a) the state;

728 (b) a school district; or

729 (c) a charter school.

730 [~~(75)~~] (77) "Specified public utility" means an electrical corporation, gas corporation, or
731 telephone corporation, as those terms are defined in Section 54-2-1.

732 [~~(76)~~] (78) "State" includes any department, division, or agency of the state.

733 [~~(77)~~] (79)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to
734 be divided into two or more lots or other division of land for the purpose, whether
735 immediate or future, for offer, sale, lease, or development either on the installment
736 plan or upon any and all other plans, terms, and conditions.

737 (b) "Subdivision" includes:

738 (i) the division or development of land, whether by deed, metes and bounds
739 description, devise and testacy, map, plat, or other recorded instrument, regardless
740 of whether the division includes all or a portion of a parcel or lot; and

741 (ii) except as provided in Subsection [~~(77)(e)~~] (79)(c), divisions of land for residential
742 and nonresidential uses, including land used or to be used for commercial,

- 743 agricultural, and industrial purposes.
- 744 (c) "Subdivision" does not include:
- 745 (i) a bona fide division or partition of land used for agricultural purposes as provided
- 746 in Subsection 10-20-808(2);
- 747 (ii) a recorded conveyance document:
- 748 (A) consolidating multiple lots or parcels into one legal description encompassing
- 749 all lots by reference to a recorded plat and all parcels by metes and bounds
- 750 description; or
- 751 (B) joining a lot to a parcel;
- 752 (iii) a bona fide division of land by deed or other instrument if the deed or other
- 753 instrument states in writing that the division:
- 754 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 755 (B) does not confer any land use approvals; and
- 756 (C) has not been approved by the land use authority;
- 757 (iv) a boundary adjustment;
- 758 (v) a boundary establishment;
- 759 (vi) a road, street, or highway dedication plat;
- 760 (vii) a deed or easement for a road, street, or highway purpose; or
- 761 (viii) any other division of land authorized by law.
- 762 [(78)] (80)(a) "Subdivision amendment" means an amendment to a recorded subdivision
- 763 in accordance with Section 10-20-811 that:
- 764 (i) vacates all or a portion of the subdivision;
- 765 (ii) increases the number of lots within the subdivision;
- 766 (iii) alters a public right-of-way, a public easement, or public infrastructure within the
- 767 subdivision; or
- 768 (iv) alters a common area or other common amenity within the subdivision.
- 769 (b) "Subdivision amendment" does not include a simple boundary adjustment.
- 770 [(79)] (81) "Substantial evidence" means evidence that:
- 771 (a) is beyond a scintilla; and
- 772 (b) a reasonable mind would accept as adequate to support a conclusion.
- 773 [(80)] (82) "Suspect soil" means soil that has:
- 774 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 775 3% swell potential;
- 776 (b) bedrock units with high shrink or swell susceptibility; or

777 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
778 commonly associated with dissolution and collapse features.

779 [(81)] (83) "Therapeutic school" means a residential group living facility:

780 (a) for four or more individuals who are not related to:

781 (i) the owner of the facility; or

782 (ii) the primary service provider of the facility;

783 (b) that serves students who have a history of failing to function:

784 (i) at home;

785 (ii) in a public school; or

786 (iii) in a nonresidential private school; and

787 (c) that offers:

788 (i) room and board; and

789 (ii) an academic education integrated with:

790 (A) specialized structure and supervision; or

791 (B) services or treatment related to a disability, an emotional development, a
792 behavioral development, a familial development, or a social development.

793 [(82)] (84) "Transferable development right" means a right to develop and use land that
794 originates by an ordinance that authorizes a [land] property owner in a designated
795 sending zone to transfer land use rights from a designated sending zone to a designated
796 receiving zone.

797 [(83)] (85) "Unincorporated" means the area outside of the incorporated area of a city or
798 town.

799 [(84)] (86) "Water interest" means any right to the beneficial use of water, including:

800 (a) each of the rights listed in Section 73-1-11; and

801 (b) an ownership interest in the right to the beneficial use of water represented by:

802 (i) a contract; or

803 (ii) a share in a water company, as defined in Section 73-3-3.5.

804 [(85)] (87) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
805 land use zones, overlays, or districts.

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

807 **10-20-301 (Effective 05/06/26). Ordinance establishing planning commission**
808 **required -- Ordinance requirements -- Compensation.**

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

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

- 811 (i) include the number and terms of the planning commission members and, if the
812 municipality chooses, alternate members;
- 813 (ii) ~~[the mode of appointment]~~ provide procedures for appointing a planning
814 commission member;
- 815 (iii) ~~[the]~~ provide procedures for filling vacancies [and-] on the planning commission;
- 816 (iv) ~~[removal from office;]~~ provide procedures for removing a planning commission
817 member from the planning commission and specify that:
- 818 (A) in a form of government described in Section 10-3b-301 or 10-3b-401, and
819 subject to any delegation of authority under Subsection 10-3b-303(1) or
820 10-3b-403(1), the legislative body may remove a planning commission
821 member; or
- 822 (B) in a form of government described in Section 10-3b-202, the mayor may
823 remove a planning commission member;
- 824 (v) except as provided in Subsection (1)(b)(vi), describe the causes for which a
825 planning commission member may be removed from the planning commission,
826 which shall include:
- 827 (A) using public funds for a political purpose under Title 20A, Chapter 11, Part
828 12, Political Activities of Public Entities Act;
- 829 (B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and
830 Employees' Ethics Act; and
- 831 (C) acting with the intent to influence a land use decision or an appeal of a
832 pending land use application in a manner that creates actual impermissible bias
833 or an unacceptable risk of impermissible bias in the planning commission
834 member's administrative or quasi-judicial duties;
- 835 (vi) provide that a planning commission member deliberating about a specific
836 pending land use application in a planning commission meeting with municipal
837 staff, an elected official, or the land use applicant is not cause for removing a
838 planning commission member from the planning commission;
- 839 (vii) provide requirements for when a planning commission member shall recuse
840 oneself from deliberating or voting on certain land use applications;
- 841 ~~[(iv)]~~ (viii) define the authority of the planning commission;
- 842 ~~[(v)]~~ (ix) subject to Subsection (1)(c), [the] include rules of order and procedure for
843 use by the planning commission in a public meeting; and
- 844 ~~[(vi)]~~ (x) include other details relating to the organization and procedures of the

845 planning commission.

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

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

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

851 **10-20-302 (Effective 05/06/26). Planning commission powers and duties --**
852 **Training requirements.**

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

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

856 (b) land use regulations, including:

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

858 (ii) amendments to existing land use regulations;

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

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

863 (e) application processes that:

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

867 (ii) shall protect the right of each:

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

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

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

873 (2) Before making a recommendation to a legislative body on an item described in
874 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in
875 accordance with Section 10-20-405.

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

878 ~~[(4) A legislative body may consider a planning commission's failure to make a timely~~

- 879 ~~recommendation as a negative recommendation.]~~
- 880 [(5)] (4) Nothing in this section limits the right of a municipality to initiate or propose the
- 881 actions described in this section.
- 882 [(6)] (5)(a)(i) This Subsection [(6)] (5) applies to:
- 883 (A) a city of the first, second, third, or fourth class; and
- 884 (B) a city of the fifth class with a population of 5,000 or more, if the city is located
- 885 within a county of the first, second, or third class.
- 886 (ii) The population for each city described in Subsection [(6)(a)(i)] (5)(a)(i) shall be
- 887 derived from:
- 888 (A) an estimate of the Utah Population Committee created in Section 63C-20-103;
- 889 or
- 890 (B) if the Utah Population Committee estimate is not available, the most recent
- 891 official census or census estimate of the United States [~~Bureau of the~~]Census
- 892 Bureau.
- 893 (b) A municipality described in Subsection [(6)(a)(i)] (5)(a)(i) shall ensure that each
- 894 member of the municipality's planning commission completes four hours of annual
- 895 land use training as follows:
- 896 (i) one hour of annual training on general powers and duties, including the role of the
- 897 planning commission in administrative, legislative, and quasi-judicial functions
- 898 under this chapter; and
- 899 (ii) three hours of annual training on a combination of land use and ethics topics,
- 900 which may include:
- 901 (A) appeals and variances;
- 902 (B) conditional use permits;
- 903 (C) exactions;
- 904 (D) impact fees;
- 905 (E) vested rights;
- 906 (F) subdivision regulations and improvement guarantees;
- 907 (G) land use referenda;
- 908 (H) property rights;
- 909 (I) real estate procedures and financing;
- 910 (J) zoning, including use-based and form-based;[~~and~~]
- 911 (K) drafting ordinances and code that complies with statute[-] ;
- 912 (L) ex parte communication; and

- 913 (M) conflict of interest.
- 914 (c) A newly appointed planning commission member may not participate in a public
915 meeting as an appointed member until the member completes the training described
916 in Subsection [~~(6)(b)(i)~~] (5)(b)(i).
- 917 (d) A planning commission member may qualify for one completed hour of training
918 required under Subsection [~~(6)(b)(ii)~~] (5)(b)(ii) if the member attends, as an appointed
919 member, 12 public meetings of the planning commission within a calendar year.
- 920 (e) A municipality shall provide the training described in Subsection [~~(6)(b)~~] (5)(b)
921 through:
- 922 (i) municipal staff;
- 923 (ii) the Utah League of Cities and Towns; or
- 924 (iii) a list of training courses selected by:
- 925 (A) the Utah League of Cities and Towns; or
- 926 (B) the Division of Real Estate created in Section 61-2-201.
- 927 (f) A municipality shall, for each planning commission member:
- 928 (i) monitor compliance with the training requirements in Subsection [~~(6)(b)~~] (5)(b);
- 929 and
- 930 (ii) maintain a record of training completion at the end of each calendar year.
- 931 Section 8. Section **10-20-501** is amended to read:
- 932 **10-20-501 (Effective 05/06/26). Enactment of land use regulation, land use**
933 **decision, or development agreement.**
- 934 (1) Only a legislative body, as the body authorized to weigh policy considerations, may
935 enact a land use regulation.
- 936 (2)(a) Except as provided in Subsection (2)(b), a legislative body may enact a land use
937 regulation only by ordinance.
- 938 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that
939 imposes a fee.
- 940 (3) A legislative body shall ensure that a land use regulation is consistent with the purposes [
941 ~~set forth in~~] of this chapter.
- 942 (4)(a) A legislative body shall adopt a land use regulation to:
- 943 (i) create or amend a zoning district under Subsection 10-20-503(1)(a); and
- 944 (ii) designate general uses allowed in each zoning district.
- 945 (b) A land use authority may establish or modify other restrictions or requirements other
946 than those described in Subsection (4)(a), including the configuration or modification

947 of uses or density, through a land use decision that applies criteria or policy elements
 948 that a land use regulation establishes or describes.

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

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

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

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

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

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

966 ~~[(5)]~~ (6) A municipality may not adopt a land use regulation~~;~~ or development agreement, or
 967 make a land use decision, that restricts the type of crop that may be grown in an area that
 968 is:

969 (a) zoned agricultural; or

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

971 ~~[(6)]~~ (7) A municipal land use regulation pertaining to an airport or an airport influence area,
 972 as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4,
 973 Airport Zoning Act.

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

975 **10-20-502 (Effective 05/06/26). Preparation and adoption of land use regulation.**

976 (1) A planning commission shall:

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

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

980 (c) if applicable, consider each written objection filed in accordance with Subsection

981 10-20-205(5) before the public hearing; and
 982 (d)(i) review and recommend to the legislative body a proposed land use regulation
 983 that represents the planning commission's recommendation for regulating the use
 984 and development of land within all or any part of the area of the municipality; and
 985 (ii) forward to the legislative body all objections filed in accordance with Subsection
 986 10-20-205(5).

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

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

992 (i) as proposed by the planning commission; or

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

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

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

1000 (i) a land use applicant makes a request described in Subsection 10-20-905(2)(b); or

1001 (ii) a legislative body determines that a planning commission has had adequate time
 1002 to consider the land use regulation.

1003 Section 10. Section **10-20-507** is amended to read:

1004 **10-20-507 (Effective 05/06/26). Classification of new and unlisted business uses.**

1005 (1) As used in this section:

1006 (a) "Classification request" means a request to determine whether a proposed business
 1007 use aligns with an existing land use specified in a municipality's land use ordinances.

1008 (b) "New or unlisted business use" means a business activity that does not align with an
 1009 existing land use specified in a municipality's land use ordinances.

1010 (2)(a) Each municipality shall incorporate into the municipality's land use ordinances a
 1011 process for reviewing and approving a new or unlisted business use and designating
 1012 an appropriate zone or zones for an approved use.

1013 (b) The process described in Subsection (2)(a) shall:

1014 (i) detail how an applicant may submit a classification request;

- 1015 (ii) establish a procedure for the municipality to review a classification request,
1016 including:
- 1017 (A) providing a land use authority with criteria to determine whether a proposed
1018 use aligns with an existing use; ~~and~~
- 1019 (B) allowing an applicant to proceed under the regulations of an existing use if a
1020 land use authority determines a proposed use aligns with that existing use; and
- 1021 (C) providing the applicant an opportunity to appeal a land use authority's decision
1022 to a land use appeal authority;
- 1023 (iii) provide that if a use is determined to be a new or unlisted business use:
- 1024 (A) the applicant shall submit to the legislative body for review an application [~~for~~
1025 ~~approval of the new or unlisted business use to the legislative body for review]~~
1026 requesting that the legislative body adopt a land use ordinance that permits the
1027 new or unlisted business as a permitted or conditional use;
- 1028 (B) notwithstanding Subsection 10-20-503(2) or (3), the legislative body shall
1029 consider and [determine whether to] approve or deny [the new or unlisted
1030 business use] the application described in Subsection (2)(b)(iii)(A); and
- 1031 (C) the legislative body shall approve or deny [~~the new or unlisted business use]~~
1032 the application described in Subsection (2)(b)(iii)(A), within a time frame the
1033 legislative body establishes by ordinance, if the applicant responds to requests
1034 for additional information within a time frame established by the municipality
1035 and appears at required hearings;
- 1036 (iv) provide that if the legislative body approves [~~a proposed new or unlisted business~~
1037 ~~use]~~ the application described in Subsection (2)(b)(iii)(A), the legislative body
1038 shall designate an appropriate zone or zones for the approved use; and
- 1039 (v) provide that if the legislative body denies [~~a proposed new or unlisted business use]~~
1040 the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees
1041 with the land use authority's classification of the proposed use, the legislative
1042 body shall:
- 1043 (A) notify the applicant in writing of each reason for the classification or denial;
1044 and
- 1045 (B) [~~offer the applicant an opportunity to challenge the classification or denial~~
1046 ~~through an administrative appeal process established by the municipality]~~ notify
1047 the applicant of the process for appealing the legislative body's decision in
1048 accordance with Section 10-20-1109.

1049 (c) A municipality may not require an applicant who submits an application described in
1050 Subsection (2)(b)(iii)(A) to submit the application to the planning commission for
1051 consideration, review, or approval.

1052 (3) Each municipality shall amend each land use ordinance that contains a list of approved
1053 or prohibited business uses to include a reference to the process for petitioning to
1054 approve a new or unlisted business use, as described in Subsection (2).

1055 Section 11. Section **10-20-625** is enacted to read:

1056 **10-20-625 (Effective 05/06/26). Model homes and open houses.**

1057 (1) As used in this section:

1058 (a) "Model home" means:

1059 (i) a single-family home that the homebuilder uses to promote the sale or lease of
1060 another single-family home; or

1061 (ii) a unit within a multi-family residential structure that the owner uses to promote
1062 the sale or lease of another unit within the multi-family residential structure.

1063 (b) "Open house" means an event held by a homeowner, including an event in
1064 association with a real estate agent, architect, builder, or developer, to showcase a
1065 home, including the outdoor landscaping around the home.

1066 (2) The legislative body of a municipality may not regulate a model home or open house
1067 differently than a residential use.

1068 (3) Any ordinance regulating a model home or an open house differently than a residential
1069 use is void.

1070 Section 12. Section **10-20-626** is enacted to read:

1071 **10-20-626 (Effective 05/06/26). Structure height.**

1072 (1) A municipality may regulate:

1073 (a) the number of habitable stories that a structure may contain; and

1074 (b) the overall height of a structure.

1075 (2) If a land use authority approved a land use application for a commercial lodging
1076 structure on or before September 1, 2025, and the land use application is subject to land
1077 use regulations described in Subsection (1) that conflict, the land use authority may not
1078 limit the number of above-ground habitable stories the land use applicant builds within
1079 the maximum overall height that the land use authority approved for the structure.

1080 Section 13. Section **10-20-806** is amended to read:

1081 **10-20-806 (Effective 05/06/26). Review of subdivision applications and**
1082 **subdivision improvement plans.**

- 1083 (1) As used in this section:
- 1084 (a) "Review cycle" means the occurrence of:
- 1085 (i) the applicant's submittal of a complete subdivision application;
- 1086 (ii) the municipality's review of that subdivision application;
- 1087 (iii) the municipality's response to that subdivision application, in accordance with
- 1088 this section; and
- 1089 (iv) the applicant's reply to the municipality's response that addresses each of the
- 1090 municipality's required modifications or requests for additional information.
- 1091 (b) "Subdivision application" means a land use application for the subdivision of land.
- 1092 (c) "Subdivision improvement plans" means the civil engineering plans associated with
- 1093 required infrastructure improvements and municipally controlled utilities required for
- 1094 a subdivision.
- 1095 (d) "Subdivision ordinance review" means review by a municipality to verify that a
- 1096 subdivision application meets the criteria of the municipality's ordinances.
- 1097 (e) "Subdivision plan review" means a review of the applicant's subdivision
- 1098 improvement plans and other aspects of the subdivision application to verify that the
- 1099 application complies with municipal ordinances and applicable installation standards
- 1100 and inspection specifications for infrastructure improvements.
- 1101 (2) The review cycle restrictions and requirements of this section do not apply to the review
- 1102 of subdivision applications affecting property within identified geological hazard areas.
- 1103 (3)(a) A municipality may require a subdivision improvement plan to be submitted with
- 1104 a subdivision application.
- 1105 (b) A municipality may not require a subdivision improvement plan to be submitted with
- 1106 both a preliminary subdivision application and a final subdivision application.
- 1107 (4)(a) The review cycle requirements of this section apply:
- 1108 (i) to the review of a preliminary subdivision application, if the municipality requires
- 1109 a subdivision improvement plan to be submitted with a preliminary subdivision
- 1110 application; or
- 1111 (ii) to the review of a final subdivision application, if the municipality requires a
- 1112 subdivision improvement plan to be submitted with a final subdivision application.
- 1113 (b) A municipality may not, outside the review cycle, engage in a substantive review of
- 1114 required infrastructure improvements or a municipally controlled utility.
- 1115 (5)(a) A municipality shall complete the initial review of a complete subdivision
- 1116 application submitted for ordinance review for a residential subdivision for

- 1117 single-family dwellings, two-family dwellings, or town homes:
- 1118 (i) no later than 15 business days after the complete subdivision application is
1119 submitted, if the municipality has a population over 5,000; or
- 1120 (ii) no later than 30 business days after the complete subdivision application is
1121 submitted, if the municipality has a population of 5,000 or less.
- 1122 (b) A municipality shall maintain and publish a list of the items comprising the complete
1123 subdivision application, including:
- 1124 (i) the application;
- 1125 (ii) the owner's affidavit;
- 1126 (iii) an electronic copy of all plans in PDF format;
- 1127 (iv) the preliminary subdivision plat drawings; and
- 1128 (v) a breakdown of fees due upon approval of the application.
- 1129 (6) A municipality shall publish a list of the items that comprise a complete subdivision
1130 land use application.
- 1131 (7) A municipality shall complete a subdivision plan review of a subdivision improvement
1132 plan that is submitted with a complete subdivision application for a residential
1133 subdivision for single-family dwellings, two-family dwellings, or town homes:
- 1134 (a) within 20 business days after the complete subdivision application is submitted, if the
1135 municipality has a population over 5,000; or
- 1136 (b) within 40 business days after the complete subdivision application is submitted, if
1137 the municipality has a population of 5,000 or less.
- 1138 (8)(a) In reviewing a subdivision application, a municipality may require:
- 1139 (i) additional information relating to an applicant's plans to ensure compliance with
1140 municipal ordinances and approved standards and specifications for construction
1141 of public improvements; and
- 1142 (ii) modifications to plans that do not meet current ordinances, applicable standards
1143 or specifications, or do not contain complete information.
- 1144 (b) A municipality's request for additional information or modifications to plans under
1145 Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances,
1146 standards, or specifications that require the modifications to subdivision
1147 improvement plans, and shall be logged in an index of requested modifications or
1148 additions.
- 1149 (c) A municipality may not require more than four review cycles for a subdivision
1150 improvement plan review.

- 1151 (d)(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated
1152 by the applicant's adjustment to a subdivision improvement plan or an update to a
1153 phasing plan that adjusts the infrastructure needed for the specific development, a
1154 change or correction not addressed or referenced in a municipality's subdivision
1155 improvement plan review is waived.
- 1156 (ii) A modification or correction necessary to protect public health and safety or to
1157 enforce state or federal law may not be waived.
- 1158 (iii) If an applicant makes a material change to a subdivision improvement plan, the
1159 municipality has the discretion to restart the review process at the first review of
1160 the subdivision improvement plan review, but only with respect to the portion of
1161 the subdivision improvement plan that the material change substantively affects.
- 1162 (e)(i) This Subsection (8)(e) applies if an applicant does not submit a revised
1163 subdivision improvement plan within :
- 1164 (A) 20 business days after the municipality requires a modification or correction,
1165 if the municipality has a population over 5,000; or
- 1166 (B) 40 business days after the municipality requires a modification or correction,
1167 if the municipality has a population of 5,000 or less.
- 1168 (ii) If an applicant does not submit a revised subdivision improvement plan within the
1169 time specified in Subsection (8)(e)(i), a municipality has an additional 20 business
1170 days after the time specified in Subsection (7) to respond to a revised subdivision
1171 improvement plan.
- 1172 (9) After the applicant has responded to the final review cycle, and the applicant has
1173 complied with each modification requested in the municipality's previous review cycle,
1174 the municipality may not require additional revisions if the applicant has not materially
1175 changed the plan, other than changes that were in response to requested modifications or
1176 corrections.
- 1177 (10)(a) In addition to revised plans, an applicant shall provide a written explanation in
1178 response to the municipality's review comments, identifying and explaining the
1179 applicant's revisions and reasons for declining to make revisions, if any.
- 1180 (b) The applicant's written explanation shall be comprehensive and specific, including
1181 citations to applicable standards and ordinances for the design and an index of
1182 requested revisions or additions for each required correction.
- 1183 (c) If an applicant fails to address a review comment in the response, the review cycle is
1184 not complete and the subsequent review cycle may not begin until all comments are

1185 addressed.

1186 (11)[(a)] If, on the fourth or final review, a municipality fails to respond within 20
 1187 business days, the municipality shall, upon request of the property owner, and within
 1188 10 business days after the day on which the request is received:

1189 [(i)] (a) for a dispute arising from the subdivision improvement plans, assemble an
 1190 appeal panel in accordance with Subsection [~~10-20-911(5)(d)] 10-20-911(4)(d) to
 1191 review and approve or deny the final revised set of plans; or~~

1192 [(ii)] (b) for a dispute arising from the subdivision ordinance review, advise the
 1193 applicant, in writing, of the deficiency in the application and of the right to appeal the
 1194 determination to a designated appeal authority.

1195 Section 14. Section **10-20-807** is amended to read:

1196 **10-20-807 (Effective 05/06/26). Subdivision plat recording or development**
 1197 **activity before required landscaping or infrastructure is completed -- Improvement**
 1198 **completion assurance -- Improvement warranty.**

1199 (1) As used in this section:

1200 (a) "Private landscaping plan" means a proposal:

1201 (i) to install landscaping on a lot owned by a private individual or entity; and
 1202 (ii) submitted to a municipality by the private individual or entity, or on behalf of a
 1203 private individual or entity, that owns the lot.

1204 (b) "Public landscaping improvement" means landscaping that an applicant is required to
 1205 install to comply with published installation and inspection specifications for public
 1206 improvements that:

1207 (i) will be dedicated to and maintained by the municipality; or
 1208 (ii) are associated with and proximate to trail improvements that connect to planned
 1209 or existing public infrastructure.

1210 (2) A land use authority shall establish objective inspection standards for acceptance of a
 1211 public landscaping improvement or infrastructure improvement that the land use
 1212 authority requires.

1213 (3)(a) Except as provided in Subsection (3)(d) or (e), before an applicant conducts any
 1214 development activity or records a plat, the applicant shall:

1215 (i) complete any required public landscaping improvements or infrastructure
 1216 improvements; or

1217 (ii) post an improvement completion assurance for any required public landscaping
 1218 improvements or infrastructure improvements.

- 1219 (b) If an applicant elects to post an improvement completion assurance, the applicant
1220 shall, in accordance with Subsection (5), provide completion assurance for:
- 1221 (i) completion of 100% of the required public landscaping improvements or
1222 infrastructure improvements; or
- 1223 (ii) if the municipality has inspected and accepted a portion of the public landscaping
1224 improvements or infrastructure improvements, 100% of the incomplete or
1225 unaccepted public landscaping improvements or infrastructure improvements.
- 1226 (c) A municipality shall:
- 1227 (i) establish a minimum of two acceptable forms of completion assurance;
- 1228 (ii)(A) if an applicant elects to post an improvement completion assurance, allow
1229 the applicant to post an assurance that meets the conditions of this chapter and
1230 any local ordinances; and
- 1231 (B) beginning on May 7, 2025, if a municipality accepts cash deposits as a form of
1232 completion assurance and the applicant elects to post a new cash deposit as a
1233 form of completion assurance, place the cash deposit in an interest-bearing
1234 account upon receipt and return any earned interest to the applicant with the
1235 return of the completion assurance according to the conditions of this chapter
1236 and any local ordinances;
- 1237 (iii) establish a system for the partial release of an improvement completion
1238 assurance as portions of required public landscaping improvements or
1239 infrastructure improvements are completed and accepted in accordance with local
1240 ordinance; and
- 1241 (iv) issue or deny a building permit in accordance with Section 10-20-1001 based on
1242 the installation of public landscaping improvements or infrastructure
1243 improvements.
- 1244 (d) A municipality may not require an applicant to post an improvement completion
1245 assurance for:
- 1246 (i) public landscaping improvements or an infrastructure improvement that the
1247 municipality has previously inspected and accepted;
- 1248 (ii) infrastructure improvements that are private and not essential or required to meet
1249 the building code, fire code, flood or storm water management provisions, street
1250 and access requirements, or other essential necessary public safety improvements
1251 adopted in a land use regulation;
- 1252 (iii) in a municipality where ordinances require all infrastructure improvements

- 1253 within the area to be private, infrastructure improvements within a development
1254 that the municipality requires to be private;
- 1255 (iv) landscaping improvements that are not public landscaping improvements, unless
1256 the landscaping improvements and completion assurance are required under the
1257 terms of a development agreement;
- 1258 (v) a private landscaping plan;
- 1259 (vi) landscaping improvements or infrastructure improvements that an applicant
1260 elects to install at the applicant's own risk:
- 1261 (A) before the plat is recorded;
- 1262 (B) in accordance with inspections required by the municipality for the
1263 infrastructure improvement; and
- 1264 (C) in accordance with final civil engineering plan approval by the municipality; or
- 1265 (vii) any individual public landscaping improvement or individual infrastructure
1266 improvement when the individual public landscaping improvement or individual
1267 infrastructure improvement is also included as part of a separate improvement
1268 completion assurance.
- 1269 (e)(i) A municipality may not:
- 1270 (A) prohibit an applicant from installing a public landscaping improvement or an
1271 infrastructure improvement when the municipality has approved final civil
1272 engineering plans for the development activity or plat for which the public
1273 landscaping improvement or infrastructure improvement is required; or
- 1274 (B) require an applicant to sign an agreement, release, or other document
1275 inconsistent with this chapter as a condition of posting an improvement
1276 completion assurance, security for an improvement warranty, or receiving a
1277 building permit.
- 1278 (ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and
1279 infrastructure improvements that are installed by an applicant are subject to
1280 inspection by the municipality in accordance with the municipality's adopted
1281 inspection standards.
- 1282 (f)(i) Each improvement completion assurance and improvement warranty posted by
1283 an applicant with a municipality shall be independent of any other improvement
1284 completion assurance or improvement warranty posted by the same applicant with
1285 the municipality.
- 1286 (ii) Subject to Section 10-20-905, if an applicant has posted a form of security with a

1287 municipality for more than one infrastructure improvement or public landscaping
1288 improvement, the municipality may not withhold acceptance of an applicant's
1289 required subdivision improvements, public landscaping improvement,
1290 infrastructure improvements, or the performance of warranty work for the same
1291 applicant's failure to complete a separate subdivision improvement, public
1292 landscaping improvement, infrastructure improvement, or warranty work under a
1293 separate improvement completion assurance or improvement warranty.

1294 (4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or
1295 other entitlement benefit not currently available under the existing zone, a
1296 municipality may require a completion assurance bond for landscaped amenities and
1297 common area that are dedicated to and maintained by a homeowners association.

1298 (b) Any agreement regarding a completion assurance bond under Subsection (4)(a)
1299 between the applicant and the municipality shall be memorialized in a development
1300 agreement.

1301 (c) A municipality may not require a completion assurance bond for or dictate who
1302 installs or is responsible for the cost of the landscaping of residential lots or the
1303 equivalent open space surrounding single-family attached homes, whether platted as
1304 lots or common area.

1305 (5) The sum of the improvement completion assurance required under Subsections (3) and
1306 (4) may not exceed the sum of:

1307 (a) 100% of the estimated cost of the public landscaping improvements or infrastructure
1308 improvements, as evidenced by an engineer's estimate or licensed contractor's bid;
1309 and

1310 (b) 10% of the amount of the bond to cover administrative costs incurred by the
1311 municipality to complete the improvements, if necessary.

1312 (6)(a) Upon an applicant's written request that the land use authority accept or reject the
1313 applicant's installation of required subdivision improvements or performance of
1314 warranty work as set forth in Section 10-20-905, and for the duration of each
1315 improvement warranty period, the municipality may require the applicant to:

1316 (i) execute an improvement warranty for the improvement warranty period; and

1317 (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as
1318 required by the municipality, in the amount of up to 10% of the lesser of the:

1319 (A) municipal engineer's original estimated cost of completion; or

1320 (B) applicant's reasonable proven cost of completion.

- 1321 (b) A municipality may not require the payment of the deposit of the improvement
 1322 warranty assurance described in Subsection (6)(a)(i) for an infrastructure
 1323 improvement or public landscaping improvement before the applicant indicates
 1324 through written request that the applicant has completed the infrastructure
 1325 improvement or public landscaping improvement.
- 1326 (7) When a municipality accepts an improvement completion assurance for public
 1327 landscaping improvements or infrastructure improvements for a development in
 1328 accordance with Subsection (3)(c)(ii), the municipality may not deny an applicant a
 1329 building permit if the development meets the requirements for the issuance of a building
 1330 permit under the building code and fire code.
- 1331 (8) A municipality may not require the submission of a private landscaping plan as part of
 1332 an application for a building permit.
- 1333 (9) The provisions of this section do not supersede the terms of a valid development
 1334 agreement, an adopted phasing plan, or the [~~state construction code~~] State Construction
 1335 Code.

1336 Section 15. Section **10-20-902** is amended to read:

1337 **10-20-902 (Effective 05/06/26). Applicant's entitlement to land use application**
 1338 **approval -- Municipality's requirements and limitations -- Vesting upon submission of**
 1339 **development plan and schedule.**

- 1340 (1)(a)(i) An applicant who has submitted a complete land use application as
 1341 described in Subsection (1)(c), including the payment of all application fees, is
 1342 entitled to substantive review of the application under the land use regulations:
- 1343 (A) in effect on the date that the application is complete; and
 1344 (B) applicable to the application or to the information shown on the application.
- 1345 (ii) An applicant is entitled to approval of a land use application if the application
 1346 conforms to the requirements of the applicable land use regulations, land use
 1347 decisions, and development standards in effect when the applicant submits a
 1348 complete application and pays application fees, unless:
- 1349 (A) the land use authority, on the record, formally finds that a compelling,
 1350 countervailing public interest would be jeopardized by approving the
 1351 application and specifies the compelling, countervailing public interest in
 1352 writing; or
 1353 (B) in the manner provided by local ordinance and before the applicant submits
 1354 the application, the municipality formally initiates proceedings to amend the

1355 municipality's land use regulations in a manner that would prohibit approval of
1356 the application as submitted.

1357 (b) The municipality shall process an application without regard to proceedings the
1358 municipality initiated to amend the municipality's ordinances as described in
1359 Subsection (1)(a)(ii)(B) if:

1360 (i) 180 days have passed since the municipality initiated the proceedings; and

1361 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval
1362 of the application as submitted; or

1363 (B) during the 12 months before the municipality processing the application, or
1364 multiple applications of the same type, are impaired or prohibited under the
1365 terms of a temporary land use regulation adopted under Section 10-20-504.

1366 (c) A land use application is considered submitted and complete when the applicant
1367 provides the application in a form that complies with the requirements of applicable
1368 ordinances and pays all applicable fees.

1369 (d) A subsequent incorporation of a municipality or a petition that proposes the
1370 incorporation of a municipality does not affect a land use application approved by a
1371 county in accordance with Section 17-79-803.

1372 (e) Unless a phasing sequence is required in an executed development agreement, a
1373 municipality shall, without regard to any other separate and distinct land use
1374 application, accept and process a complete land use application.

1375 (f) The continuing validity of an approval of a land use application is conditioned upon
1376 the applicant proceeding after approval to implement the approval with reasonable
1377 diligence.

1378 (g) A municipality may not impose on an applicant who has submitted a complete
1379 application a requirement that is not expressed in:

1380 (i) this chapter;

1381 (ii) a municipal ordinance in effect on the date that the applicant submits a complete
1382 application, subject to Subsection 10-20-902(1)(a)(ii); or

1383 (iii) a municipal specification for public improvements applicable to a subdivision or
1384 development that is in effect on the date that the applicant submits an application.

1385 (h) A municipality may not impose on a holder of an issued land use permit or a final,
1386 unexpired subdivision plat a requirement that is not expressed:

1387 (i) in a land use permit;

1388 (ii) on the subdivision plat;

- 1389 (iii) in a document on which the land use permit or subdivision plat is based;
1390 (iv) in the written record evidencing approval of the land use permit or subdivision
1391 plat;
1392 (v) in this chapter;
1393 (vi) in a municipal ordinance; or
1394 (vii) in a municipal specification for residential roadways in effect at the time a
1395 residential subdivision was approved.
- 1396 (i) Except as provided in Subsection (1)(j) or (k), a municipality may not withhold
1397 issuance of a certificate of occupancy or acceptance of subdivision improvements
1398 because of an applicant's failure to comply with a requirement that is not expressed:
1399 (i) in the building permit or subdivision plat, documents on which the building permit
1400 or subdivision plat is based, or the written record evidencing approval of the land
1401 use permit or subdivision plat; or
1402 (ii) in this chapter or the municipality's ordinances.
- 1403 (j) A municipality may not unreasonably withhold issuance of a certificate of occupancy
1404 where an applicant has met all requirements essential for the public health, public
1405 safety, and general welfare of the occupants, in accordance with this chapter, unless:
1406 (i) the applicant and the municipality have agreed in a written document to the
1407 withholding of a certificate of occupancy; or
1408 (ii) the applicant has not provided a financial assurance for required and uncompleted
1409 public landscaping improvements or infrastructure improvements in accordance
1410 with an applicable local ordinance.
- 1411 (k) A municipality may not conduct a final inspection required before issuing a
1412 certificate of occupancy for a residential unit that is within the boundary of an
1413 infrastructure financing district, as defined in Section 17B-1-102, until the applicant
1414 for the certificate of occupancy provides adequate proof to the municipality that any
1415 lien on the unit arising from the infrastructure financing district's assessment against
1416 the unit under Title 11, Chapter 42, Assessment Area Act, has been released after
1417 payment in full of the infrastructure financing district's assessment against that unit.
- 1418 (l) A municipality:
1419 (i) may require the submission of a private landscaping plan, as defined in Section
1420 10-20-807, before landscaping is installed; and
1421 (ii) may not withhold an applicant's building permit or certificate of occupancy
1422 because the applicant has not submitted a private landscaping plan.

- 1423 (2) A municipality is bound by the terms and standards of applicable land use regulations
1424 and shall comply with mandatory provisions of those regulations.
- 1425 (3)(a) Beginning on October 1, 2026, and except as provided in Subsection (3)(b), a
1426 municipality shall publish on the municipality's website an application checklist for
1427 each land use application type that includes a checklist of all required plans and
1428 documents that make a complete application.
- 1429 (b) A municipality that does have a maintained and active website shall provide for
1430 inspection of the information described in Subsection (3)(a) at the municipality's
1431 place of business during normal business hours.
- 1432 [~~3~~] (4) A municipality may not, as a condition of land use application approval, require a
1433 person filing a land use application to obtain documentation regarding a school district's
1434 willingness, capacity, or ability to serve the development proposed in the land use
1435 application.
- 1436 [~~4~~] (5) Upon a specified public agency's submission of a development plan and schedule as
1437 required in Subsection 10-20-304(8) that complies with the requirements of that
1438 subsection, the specified public agency vests in the municipality's applicable land use
1439 maps, zoning map, hookup fees, impact fees, other applicable development fees, and
1440 land use regulations in effect on the date of submission.
- 1441 [~~5~~] (6)(a) If sponsors of a referendum timely challenge a project in accordance with
1442 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land
1443 use approval by delivering a written notice:
- 1444 (i) to the local clerk as defined in Section 20A-7-101; and
1445 (ii) no later than seven days after the day on which a petition for a referendum is
1446 determined sufficient under Subsection 20A-7-607(5).
- 1447 (b) Upon delivery of a written notice described in Subsection [~~5~~](a) (6)(a) the following
1448 are rescinded and are of no further force or effect:
- 1449 (i) the relevant land use approval; and
1450 (ii) any land use regulation enacted specifically in relation to the land use approval.
- 1451 [~~6~~] (7)(a) After issuance of a building permit, a municipality may not:
- 1452 (i) change or add to the requirements expressed in the building permit, unless the
1453 change or addition is:
1454 (A) requested by the building permit holder; or
1455 (B) necessary to comply with an applicable state building code; or
1456 (ii) revoke the building permit or take action that has the effect of revoking the

1457 building permit.

1458 (b) Subsection ~~[(6)(a)]~~ (7)(a) does not prevent a municipality from issuing a building
1459 permit that contains an expiration date defined in the building permit.

1460 Section 16. Section **10-20-910** is amended to read:

1461 **10-20-910 (Effective 05/06/26). Provisions applicable to a provider of culinary or**
1462 **secondary water.**

1463 A provider of culinary or secondary water that commits to provide a water service
1463a required

1464 by a land use application process is subject to the following as if it were a municipality:

1465 (1) Subsections 10-20-904(5) and (6);

1466 (2) Section 10-20-905;~~[-and]~~

1467 (3) Section 10-20-911; and

1468 (4) Section 10-20-912.

1469 Section 17. Section **10-20-911** is amended to read:

1470 **10-20-911 (Effective 05/06/26). Exactions -- Requirement to offer to original**
1471 **owner property acquired by exaction -- Exaction for right-of-way improvements --**
1472 **Improvement completion assurance requirements.**

1473 (1) A municipality may impose an exaction or exactions on development proposed in a land
1474 use application, including, subject to ~~[Subsection (3)]~~ Section 10-20-912, an exaction for
1475 a water interest, if:

1476 (a) an essential link exists between a legitimate governmental interest and each exaction;
1477 and

1478 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the
1479 proposed development.

1480 (2) If a land use authority imposes an exaction for another governmental entity:

1481 (a) the governmental entity shall request the exaction; and

1482 (b) the land use authority shall transfer the exaction to the governmental entity for which
1483 it was exacted.

1484 ~~[(3)(a)(i) Subject to the requirements of this Subsection (3), a municipality shall base~~
1485 ~~an exaction for a water interest on the culinary water authority's established~~
1486 ~~calculations of projected water interest requirements.]~~

1487 ~~[(ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall~~
1488 ~~base an exaction for a culinary water interest on:]~~

1489 ~~[(A) consideration of the system-wide minimum sizing standards established for~~

- 1490 the culinary water authority by the Division of Drinking Water in accordance
 1491 with Section 19-4-114; and]
- 1492 [~~(B) the number of equivalent residential connections associated with the culinary~~
 1493 ~~water demand for each specific development proposed in the development's~~
 1494 ~~land use application, applying lower exactions for developments with lower~~
 1495 ~~equivalent residential connections as demonstrated by at least five years of~~
 1496 ~~usage data for like land uses within the municipality.]~~
- 1497 [(iii) A municipality may impose an exaction for a culinary water interest that results
 1498 in less water being exacted than would otherwise be exacted under Subsection
 1499 (3)(a)(ii) if the municipality, at the municipality's sole discretion, determines there
 1500 is good cause to do so.]
- 1501 [(iv)(A) A municipality shall make public the methodology used to comply with
 1502 Subsection (3)(a)(ii)(B).]
- 1503 [~~(B) A land use applicant may appeal to the municipality's governing body an~~
 1504 ~~exaction calculation used by the municipality under Subsection (3)(a)(ii).]~~
- 1505 [~~(C) A land use applicant may present data and other information that illustrates a~~
 1506 ~~need for an exaction recalculation and the municipality's governing body shall~~
 1507 ~~respond with due process.]~~
- 1508 [(v) Upon an applicant's request, the culinary water authority shall provide the
 1509 applicant with the basis for the culinary water authority's calculations under
 1510 Subsection (3)(a)(i) on which an exaction for a water interest is based.]
- 1511 [(b) A municipality may not impose an exaction for a water interest if the culinary water
 1512 authority's existing available water interests exceed the water interests needed to meet
 1513 the reasonable future water requirement of the public, as determined under
 1514 Subsection 73-1-4(2)(f).]
- 1515 [(4)] (3)(a) If a municipality plans to dispose of surplus real property that was acquired
 1516 under this section and has been owned by the municipality for less than 15 years, the
 1517 municipality shall first offer to reconvey the property, without receiving additional
 1518 consideration, to the person who granted the property to the municipality.
- 1519 (b) A person to whom a municipality offers to reconvey property under Subsection [
 1520 (4)(a)] (3)(a) has 90 days to accept or reject the municipality's offer.
- 1521 (c) If a person to whom a municipality offers to reconvey property declines the offer, the
 1522 municipality may offer the property for sale.
- 1523 (d) Subsection [(4)(a)] (3)(a) does not apply to the disposal of property acquired by

- 1524 exaction by a community reinvestment agency.
- 1525 ~~[(5)]~~ (4)(a) A municipality may not, as part of an infrastructure improvement, require the
- 1526 installation of pavement on a residential roadway at a width in excess of 32 feet.
- 1527 (b) Subsection ~~[(5)(a)]~~ (4)(a) does not apply if a municipality requires the installation of
- 1528 pavement in excess of 32 feet:
- 1529 (i) in a vehicle turnaround area;
- 1530 (ii) in a cul-de-sac;
- 1531 (iii) to address specific traffic flow constraints at an intersection, mid-block
- 1532 crossings, or other areas;
- 1533 (iv) to address an applicable general or master plan improvement, including
- 1534 transportation, bicycle lanes, trails, or other similar improvements that are not
- 1535 included within an impact fee area;
- 1536 (v) to address traffic flow constraints for service to or abutting higher density
- 1537 developments or uses that generate higher traffic volumes, including community
- 1538 centers, schools, and other similar uses;
- 1539 (vi) as needed for the installation or location of a utility which is maintained by the
- 1540 municipality and is considered a transmission line or requires additional roadway
- 1541 width;
- 1542 (vii) for third-party utility lines that have an easement preventing the installation of
- 1543 utilities maintained by the municipality within the roadway;
- 1544 (viii) for utilities over 12 feet in depth;
- 1545 (ix) for roadways with a design speed that exceeds 25 miles per hour;
- 1546 (x) as needed for flood and stormwater routing;
- 1547 (xi) as needed to meet fire code requirements for parking and hydrants; or
- 1548 (xii) as needed to accommodate street parking.
- 1549 (c) Nothing in this section shall be construed to prevent a municipality from approving a
- 1550 road cross section with a pavement width less than 32 feet.
- 1551 (d)(i) A land use applicant may appeal a municipal requirement for pavement in
- 1552 excess of 32 feet on a residential roadway.
- 1553 (ii) A land use applicant that has appealed a municipal specification for a residential
- 1554 roadway pavement width in excess of 32 feet may request that the municipality
- 1555 assemble a panel of qualified experts to serve as the appeal authority for purposes
- 1556 of determining the technical aspects of the appeal.
- 1557 (iii) Unless otherwise agreed by the applicant and the municipality, the panel

- 1558 described in Subsection [(5)(d)(ii)] (4)(d)(ii) shall consist of the following three
 1559 experts:
- 1560 (A) one licensed engineer, designated by the municipality;
- 1561 (B) one licensed engineer, designated by the land use applicant; and
- 1562 (C) one licensed engineer, agreed upon and designated by the two designated
 1563 engineers under Subsections [(5)(d)(iii)(A)] (4)(d)(iii)(A) and (B).
- 1564 (iv) A member of the panel assembled by the municipality under Subsection [
 1565 (5)(d)(ii)] (4)(d)(ii) may not have an interest in the application that is the subject of
 1566 the appeal.
- 1567 (v) The land use applicant shall pay:
- 1568 (A) 50% of the cost of the panel; and
- 1569 (B) the municipality's published appeal fee.
- 1570 (vi) The decision of the panel is a final decision, subject to a petition for review under
 1571 Subsection [(5)(d)(vii)] (4)(d)(vii).
- 1572 (vii) In accordance with Section 10-20-1109, a land use applicant or the municipality
 1573 may file a petition for review of the decision with the district court within 30 days
 1574 after the date that the decision is final.

1575 [~~(6) A provider of culinary or secondary water that commits to provide a water service
 1576 required by a land use application process is subject to the provisions of this section the
 1577 same as if the provider were a municipality.~~]

1578 Section 18. Section **10-20-912** is enacted to read:

1579 **10-20-912 (Effective 05/06/26). Exactions for water rights.**

- 1580 (1) Subject to the requirements of this section, a municipality shall base an exaction for a
 1581 water interest on the culinary water authority's established calculations of projected
 1582 water interest requirements.
- 1583 (2) Except as provided in Subsection (3), a culinary water authority shall base an exaction
 1584 for a culinary water interest on:
- 1585 (a) consideration of the system-wide minimum sizing standards established for the
 1586 culinary water authority by the Division of Drinking Water under Section 19-4-114;
 1587 and
- 1588 (b) the number of equivalent residential connections associated with the culinary water
 1589 demand for each specific development proposed in the development's land use
 1590 application, applying lower exactions for developments with lower equivalent
 1591 residential connections as demonstrated by at least five years of usage data for like

1592 land uses within the municipality.

1593 (3) If a municipality determines, in the sole discretion of the municipality, that good cause
1594 exists, the municipality may impose an exaction for a culinary water interest that results
1595 in less water being exacted than would otherwise be exacted under Subsection (2).

1596 (4)(a) A municipality shall make public the methodology used to comply with
1597 Subsection (2)(b).

1598 (b) A land use applicant may submit a request to the municipality's legislative body to
1599 review an exaction calculation used by the municipality under Subsection (2).

1600 (c) A land use applicant may present data and other information that illustrates a need
1601 for an exaction recalculation and the municipality's legislative body shall respond
1602 with due process.

1603 (5) Upon an applicant's request, the culinary water authority shall provide the applicant
1604 with the basis for the culinary water authority's calculations under Subsection (2) on
1605 which an exaction for a water interest is based.

1606 (6) A municipality may not impose an exaction for a water interest if the culinary water
1607 authority's existing available water interests exceed the water interests needed to meet
1608 the reasonable future water requirement of the public, as determined under Subsection
1609 73-1-4(2)(f).

1610 (7) A provider of culinary or secondary water that commits to provide a water service
1611 required by a land use application process is subject to the provisions of this section and
1612 Section 10-20-911 the same as if the provider were a municipality.

1613 Section 19. Section **10-20-1001** is amended to read:

1614 **10-20-1001 (Effective 05/06/26). Enforcement -- Limitations on a municipality's**
1615 **ability to enforce an ordinance by withholding a permit or certificate.**

1616 (1)(a) A municipality or ~~[an adversely affected party]~~ a land use applicant may, in
1617 addition to other remedies provided by law, institute:

1618 (i) injunctions, mandamus, abatement, or any other appropriate actions; or

1619 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

1620 (b) A municipality need only establish the violation to obtain the injunction.

1621 (2)(a) Except as provided in Subsections (3) ~~[though]~~ through (6), a municipality may
1622 enforce the municipality's ordinance by withholding a building permit or certificate
1623 of occupancy.

1624 (b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any
1625 building or other structure within a municipality without approval of a building

- 1626 permit.
- 1627 (c) A municipality may not issue a building permit unless the plans of and for the
1628 proposed erection, construction, reconstruction, alteration, or use fully conform to all
1629 regulations then in effect.
- 1630 (d) A municipality may require an applicant to maintain and repair a temporary fire
1631 apparatus road during the construction of a structure accessed by the temporary fire
1632 apparatus road in accordance with the municipality's adopted standards.
- 1633 (e) A municipality may require temporary signs to be installed at each street intersection
1634 once construction of a new roadway allows passage by a motor vehicle.
- 1635 (f) A municipality may adopt and enforce any appendix of the International Fire Code,
1636 2021 Edition.
- 1637 (3)(a) A municipality may not deny an applicant a building permit or certificate of
1638 occupancy because the applicant has not completed an infrastructure improvement:
- 1639 (i) unless the infrastructure improvement is essential to meet the requirements for the
1640 issuance of a building permit or certificate of occupancy under Title 15A, State
1641 Construction and Fire Codes Act; and
- 1642 (ii) for which the municipality has accepted an improvement completion assurance
1643 for a public landscaping improvement, as defined in Section 10-20-807, or an
1644 infrastructure improvement for the development.
- 1645 (b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6,
1646 infrastructure improvement that is essential means:
- 1647 (i) for a building permit:
- 1648 (A) operable fire hydrants installed in a manner that is consistent with the
1649 municipality's adopted engineering standards; and
- 1650 (B) for temporary roads used during construction, a properly compacted road base
1651 installed in a manner consistent with the municipality's adopted engineering
1652 standards;
- 1653 (ii) for a certificate of occupancy, at the discretion of the municipality, at least one of
1654 the following:
- 1655 (A) a permanent road;
- 1656 (B) a temporary road covered with asphalt or concrete; or
- 1657 (C) another method for accessing a structure consistent with Appendix D of the
1658 International Fire Code; and
- 1659 (iii) public infrastructure necessary for the health, life, and safety of the occupant.

- 1660 (c) A municipality may not adopt an engineering standard that requires an applicant to
1661 install a permanent road or a temporary road with asphalt or concrete before
1662 receiving a building permit.
- 1663 (4) A municipality may not deny an applicant a building permit or certificate of occupancy
1664 for failure to:
- 1665 (a) submit a private landscaping plan, as defined in Section 10-20-807; or
1666 (b) complete a landscaping improvement that is not a public landscaping improvement,
1667 as defined in Section 10-20-807.
- 1668 (5) A municipality may not withhold a building permit based on the lack of completion of a
1669 portion of a public sidewalk to be constructed within a public right-of-way serving a lot
1670 where a single-family or two-family residence or town home is proposed in a building
1671 permit application if an improvement completion assurance has been posted for the
1672 incomplete portion of the public sidewalk.
- 1673 (6) A municipality may not prohibit the construction of a single-family or two-family
1674 residence or town home, withhold recording a plat, or withhold acceptance of a public
1675 landscaping improvement, as defined in Section 10-20-807, or an infrastructure
1676 improvement based on the lack of installation of a public sidewalk if an improvement
1677 completion assurance has been posted for the public sidewalk.
- 1678 (7) A municipality may not redeem an improvement completion assurance securing the
1679 installation of a public sidewalk sooner than 18 months after the date the improvement
1680 completion assurance is posted.
- 1681 (8) A municipality shall allow an applicant to post an improvement completion assurance
1682 for a public sidewalk separate from an improvement completion assurance for:
- 1683 (a) another infrastructure improvement; or
1684 (b) a public landscaping improvement, as defined in Section 10-20-807.
- 1685 (9) A municipality may withhold a certificate of occupancy for a single-family or
1686 two-family residence or town home until the portion of the public sidewalk to be
1687 constructed within a public right-of-way and located immediately adjacent to the
1688 single-family or two-family residence or town home is completed and accepted by the
1689 municipality.

1690 Section 20. Section **10-20-1101** is amended to read:

1691 **10-20-1101 (Effective 05/06/26). Appeal authority required -- Condition**
1692 **precedent to judicial review -- Appeal authority duties.**

1693 (1)(a) [~~Each~~] Subject to Subsection (1)(d), each municipality adopting a land use

- 1694 ordinance shall, by ordinance, establish one or more appeal authorities.
- 1695 (b) An appeal authority described in Subsection (1)(a) shall hear and decide:
- 1696 (i) requests for [~~variances~~] a variance from [~~the terms of~~] a land use [~~ordinances~~
- 1697 ordinance;
- 1698 (ii) appeals from a land use [~~decisions~~] decision applying a land use [~~ordinances~~
- 1699 ordinance; and
- 1700 (iii) appeals from a fee charged in accordance with Section 10-20-904.
- 1701 (c) An appeal authority described in Subsection (1)(a) may not hear an appeal from the
- 1702 enactment of a land use regulation.
- 1703 (d) Beginning on July 1, 2026, a city described in Subsection 10-20-302(6)(a)(i) may not
- 1704 designate the city's legislative body as an appeal authority.
- 1705 (e) Notwithstanding Subsection (1)(d), a legislative body shall continue to be the appeal
- 1706 authority for an appeal if:
- 1707 (i) a land use ordinance designated the legislative body as the appeal authority when
- 1708 the appellant filed the appeal; and
- 1709 (ii) the appellant filed the appeal on or before June 30, 2026.
- 1710 (2) As a condition precedent to judicial review, each adversely affected party or land use
- 1711 applicant shall timely and specifically challenge a land use authority's land use decision,
- 1712 in accordance with local ordinance.
- 1713 (3) An appeal authority described in Subsection (1)(a):
- 1714 (a) shall:
- 1715 (i) act in a quasi-judicial manner; and
- 1716 (ii) serve as the final arbiter of issues involving the interpretation or application of a
- 1717 land use [~~ordinances~~] ordinance; and
- 1718 (b) may not entertain an appeal of a matter in which the appeal authority, or any
- 1719 participating member, had first acted as the land use authority.
- 1720 (4) By ordinance, a municipality may:
- 1721 (a) designate a separate appeal authority to hear requests for variances than the appeal
- 1722 authority the municipality designates to hear appeals;
- 1723 (b) designate one or more separate appeal authorities to hear distinct types of appeals of
- 1724 land use authority decisions;
- 1725 (c) require an adversely affected party to present to an appeal authority every theory of
- 1726 relief that the adversely affected party can raise in district court; and
- 1727 [~~(d) not require a land use applicant or adversely affected party to pursue duplicate or~~

1728 ~~successive appeals before the same or separate appeal authorities as a condition of an~~
 1729 ~~appealing party's duty to exhaust administrative remedies; and]~~
 1730 [(e)] (d) provide that specified types of land use decisions may be appealed directly to the
 1731 district court.

1732 (5) A municipality may not:

1733 (a) require a public hearing for a request for a variance or land use appeal[-] ; or

1734 (b) require a land use applicant or adversely affected party to pursue successive appeals
 1735 before the same or separate appeal authorities as a condition of an appealing party's
 1736 duty to exhaust administrative remedies.

1737 (6) If the municipality establishes or, before the effective date of this chapter, has
 1738 established a multiperson board, body, or panel to act as an appeal authority, at a
 1739 minimum the board, body, or panel shall:

1740 (a) notify each of the members of the board, body, or panel of any meeting or hearing of
 1741 the board, body, or panel;

1742 (b) provide each of the members of the board, body, or panel with the same information
 1743 and access to municipal resources as any other member;

1744 (c) convene only if a quorum of the members of the board, body, or panel is present; and

1745 (d) act only upon the vote of a majority of the convened members of the board, body, or
 1746 panel.

1747 Section 21. Section **10-20-1105** is repealed and reenacted to read:

1748 **10-20-1105 (Effective 05/06/26). Burden of proof.**

1749 In an appeal described in this part:

1750 (1) if the appellant is a land use applicant, the appellant has the burden of proving that the
 1751 land use authority's land use decision is illegal or is not supported by substantial
 1752 evidence; or

1753 (2) if the appellant is an adversely affected party, the appellant has the burden of proving
 1754 that the land use authority's land use decision is illegal, or that the factual findings are
 1755 clearly erroneous.

1756 Section 22. Section **10-20-1106** is amended to read:

1757 **10-20-1106 (Effective 05/06/26). Due process.**

1758 (1) [Each] An appeal authority shall conduct each appeal and variance request as provided
 1759 in local ordinance.

1760 (2) [Each] An appeal authority shall respect the due process rights of [each of the
 1761 participants] an appeal participant.

1762 (3) An appeal authority may only allow the following people to present or speak during an
 1763 appeal hearing:

1764 (a) the appellant or the appellant's representatives;

1765 (b) the land use applicant or the land use applicant's representatives; and

1766 (c) the municipality's representatives.

1767 Section 23. Section **10-20-1107** is amended to read:

1768 **10-20-1107 (Effective 05/06/26). Scope of review of factual matters on appeal --**

1769 **Appeal authority requirements.**

1770 (1) A municipality may, by ordinance, designate the scope of review of factual matters for
 1771 appeals of land use authority decisions.

1772 (2) If the municipality fails to designate a scope of review of factual matters, the appeal
 1773 authority shall review the [matter] factual matters de novo, without deference to the land
 1774 use authority's determination of the factual matters.

1775 (3) If the scope of review of factual matters is on the record, the appeal authority shall
 1776 determine whether the record on appeal includes substantial evidence for each essential
 1777 finding of fact.

1778 (4) The appeal authority shall:

1779 (a) determine the correctness of the land use authority's interpretation and application of
 1780 the plain meaning of the land use regulations; and

1781 (b) interpret and apply a land use regulation to favor a land use application unless the
 1782 land use regulation plainly restricts the land use application.

1783 (5)(a) An appeal authority's land use decision is a quasi-judicial act.

1784 (b) [A] Except as provided in Subsection (5)(c), a legislative body may act as an appeal
 1785 authority unless both the legislative body and the appealing party agree to allow a
 1786 third party to act as the appeal authority.

1787 (c) Beginning on July 1, 2026, the legislative body of a city described in Subsection
 1788 10-20-302(6)(a)(i) may not act as an appeal authority unless:

1789 (i) a land use ordinance designated the legislative body as the appeal authority when
 1790 the appellant filed the appeal; and

1791 (ii) the appellant filed the appeal on or before June 30, 2026.

1792 (6) Only a decision in which a land use authority has applied a land use regulation to a
 1793 particular land use application, person, or parcel may be appealed to an appeal authority.

1794 Section 24. Section **10-20-1109** is amended to read:

1795 **10-20-1109 (Effective 05/06/26). No district court review until administrative**

1796 **remedies exhausted -- Time for filing -- Tolling of time -- Standards governing court**
1797 **review -- Record on review -- Staying of decision.**

1798 (1) ~~[No]~~ A person may challenge in district court a land use decision ~~[until that]~~ if the person
1799 has exhausted the person's administrative remedies as provided in this part, if applicable.

1800 (2)(a) Subject to Subsection (1), a land use applicant or adversely affected party may file
1801 a petition for review of a land use decision with the district court within 30 days after
1802 the decision is final.

1803 (b)(i) The time under Subsection (2)(a) to file a petition is tolled from the date a
1804 property owner files a request for arbitration of a constitutional taking issue with
1805 the property rights ombudsman under Section 13-43-204 until 30 days after:

1806 (A) the arbitrator issues a final award; or

1807 (B) the property rights ombudsman issues a written statement under Subsection
1808 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

1809 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
1810 taking issue that is the subject of the request for arbitration filed with the property
1811 rights ombudsman by a property owner.

1812 (iii) A request for arbitration filed with the property rights ombudsman after the time
1813 under Subsection (2)(a) to file a petition has expired does not affect the time to
1814 file a petition.

1815 (3)(a) A court shall:

1816 (i) presume that a land use regulation properly enacted under the authority of this
1817 chapter is valid; and

1818 (ii) determine only whether:

1819 (A) the land use regulation is expressly preempted by, or was enacted contrary to,
1820 state or federal law; and

1821 (B) it is reasonably debatable that the land use regulation is consistent with this
1822 chapter.

1823 (b) A court shall presume that a final land use decision of a land use authority or an
1824 appeal authority is valid unless the land use decision is:

1825 (i) arbitrary and capricious; or

1826 (ii) illegal.

1827 (c)(i) A land use decision is arbitrary and capricious if the land use decision is not
1828 supported by substantial evidence in the record.

1829 (ii) A land use decision is illegal if the land use decision:

- 1830 (A) is based on an incorrect interpretation of a land use regulation;
1831 (B) conflicts with the authority granted by this title; or
1832 (C) is contrary to law.
- 1833 (d)(i) A court may affirm or reverse a land use decision.
1834 (ii) If the court reverses a land use decision, the court shall remand the matter to the
1835 land use authority with instructions to issue a land use decision consistent with the
1836 court's ruling.
- 1837 (4) The provisions of Subsection (2)(a) apply from the date on which the municipality takes
1838 final action on a land use application, if the municipality conformed with the notice
1839 provisions of Part 2, Notice, or for any person who had actual notice of the pending land
1840 use decision.
- 1841 (5) If the municipality has complied with Section 10-20-205, a challenge to the enactment
1842 of a land use regulation~~[-or]~~ , general plan, or specified land use law may not be filed
1843 with the district court more than 30 days after the enactment.
- 1844 (6) A challenge to a land use decision is barred unless the challenge is filed within 30 days
1845 after the land use decision is final.
- 1846 (7)(a) The land use authority or appeal authority, as the case may be, shall transmit to
1847 the reviewing court the record of the proceedings of the land use authority or appeal
1848 authority, including the minutes, findings, orders, and, if available, a true and correct
1849 transcript of the proceedings.
- 1850 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
1851 transcript for purposes of this Subsection (7).
- 1852 (8)(a)(i) If there is a record, the district court's review is limited to the record
1853 provided by the land use authority or appeal authority, as the case may be.
1854 (ii) The court may not accept or consider any evidence outside the record of the land
1855 use authority or appeal authority, as the case may be, unless that evidence was
1856 offered to the land use authority or appeal authority, respectively, and the court
1857 determines that the evidence was improperly excluded.
- 1858 (b) If there is no record, the court may call witnesses and take evidence.
- 1859 (9)(a) The filing of a petition does not stay the land use decision of the land use
1860 authority or appeal authority, as the case may be.
1861 (b)(i) Before filing a petition under this section or a request for mediation or
1862 arbitration of a constitutional taking issue under Section 13-43-204, a land use
1863 applicant may petition the appeal authority to stay the appeal authority's land use

- 1864 decision.
- 1865 (ii) Upon receipt of a petition to stay, the appeal authority may order the appeal
- 1866 authority's land use decision stayed pending district court review if the appeal
- 1867 authority finds the order to be in the best interest of the municipality.
- 1868 (iii) After a petition is filed under this section or a request for mediation or arbitration
- 1869 of a constitutional taking issue is filed under Section 13-43-204, the petitioner
- 1870 may seek an injunction staying the appeal authority's land use decision.
- 1871 (10) If the court determines that a party initiated or pursued a challenge to a land use
- 1872 decision on a land use application in bad faith, the court may award attorney fees.
- 1873 Section 25. Section **10-21-101** is amended to read:
- 1874 **10-21-101 (Effective 05/06/26). Definitions.**
- 1875 As used in this part:
- 1876 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
- 1877 detached from a single-family dwelling and contained on one lot or parcel.
- 1878 (2) "Accessory structure" means a detached structure located on the same lot or parcel as a
- 1879 principal structure and is incidental and subordinate to the size and use of the principal
- 1880 structure.
- 1881 (3) "Affordable housing" means housing offered for sale at 80% or less of the median
- 1882 county home price for housing of that type.
- 1883 [~~2~~] (4) "Agency" means the same as that term is defined in Section 17C-1-102.
- 1884 [~~3~~] (5) "Applicable metropolitan planning organization" means the metropolitan planning
- 1885 organization that has jurisdiction over the area in which a fixed guideway public transit
- 1886 station is located.
- 1887 [~~4~~] (6) "Applicable public transit district" means the public transit district, as defined in
- 1888 Section 17B-2a-802, of which a fixed guideway public transit station is included.
- 1889 [~~5~~] (7) "Base taxable value" means a property's taxable value as shown upon the
- 1890 assessment roll last equalized during the base year.
- 1891 [~~6~~] (8) "Base year" means, for a proposed home ownership promotion zone area, a year
- 1892 beginning the first day of the calendar quarter determined by the last equalized tax roll
- 1893 before the adoption of the home ownership promotion zone.
- 1894 (9) "Detached accessory dwelling unit" means an accessory dwelling unit that is not
- 1895 attached to or within a primary detached single-family dwelling and located on the same
- 1896 lot or parcel as the primary detached single-family dwelling.
- 1897 [~~7~~] (10) "Division" means the Housing and Community Development Division within the

- 1898 Department of Workforce Services.
- 1899 ~~[(8)]~~ (11) "Existing fixed guideway public transit station" means a fixed guideway public
1900 transit station for which construction begins before June 1, 2022.
- 1901 ~~[(9)]~~ (12) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
- 1902 ~~[(10)]~~ (13) "Home ownership promotion zone" means a home ownership promotion zone
1903 created in accordance with this part.
- 1904 ~~[(11)]~~ (14) "Implementation plan" means the implementation plan adopted as part of the
1905 moderate income housing element of a specified municipality's general plan as provided
1906 in Subsection 10-21-201(4).
- 1907 ~~[(12)]~~ (15) "Initial report" or "initial moderate income housing report" means the one-time
1908 report described in Subsection 10-21-202(1).
- 1909 ~~[(13)]~~ (16) "Internal accessory dwelling unit" means an accessory dwelling unit created:
1910 (a) within a primary dwelling;
1911 (b) within the footprint of the primary dwelling described in ~~[Subsection (13)(a)]~~
1912 Subsection (16)(a) at the time the internal accessory dwelling unit is created; and
1913 (c) for the purpose of offering a long-term rental of 30 consecutive days or longer.
- 1914 ~~[(14)]~~ (17) "Moderate income housing strategy" means a strategy described in Subsection
1915 10-21-201(3)(a)(iii).
- 1916 ~~[(15)]~~ (18) "New fixed guideway public transit station" means a fixed guideway public
1917 transit station for which construction begins on or after June 1, 2022.
- 1918 ~~[(16)]~~ (19) "Participant" means the same as that term is defined in Section 17C-1-102.
- 1919 ~~[(17)]~~ (20) "Participation agreement" means the same as that term is defined in Section
1920 17C-1-102.
- 1921 ~~[(18)]~~ (21)(a) "Primary dwelling" means a single-family dwelling that:
1922 (i) is detached; and
1923 (ii) is occupied as the primary residence of the owner of record.
- 1924 (b) "Primary dwelling" includes a garage if the garage:
1925 (i) is a habitable space; and
1926 (ii) is connected to the primary dwelling by a common wall.
- 1927 ~~[(19)]~~ (22) "Project improvements" means the same as that term is defined in Section
1928 11-36a-102.
- 1929 ~~[(20)]~~ (23) "Qualifying land use petition" means a petition:
1930 (a) that involves land located within a station area for an existing public transit station
1931 that provides rail services;

- 1932 (b) that involves land located within a station area for which the municipality has not yet
 1933 satisfied the requirements of Subsection 10-21-203(1)(a);
- 1934 (c) that proposes the development of an area greater than five contiguous acres, with no
 1935 less than 51% of the acreage within the station area;
- 1936 (d) that would require the municipality to amend the municipality's general plan or
 1937 change a zoning designation for the land use application to be approved;
- 1938 (e) that would require a higher density than the density currently allowed by the
 1939 municipality;
- 1940 (f) that proposes the construction of new residential units, at least 10% of which are
 1941 dedicated to moderate income housing; and
- 1942 (g) for which the land use applicant requests the municipality to initiate the process of
 1943 satisfying the requirements of Subsection 10-21-203(1)(a) for the station area in
 1944 which the development is proposed, subject to Subsection 10-21-203(2)(d).
- 1945 [(21)] (24) "Report" means an initial report or a subsequent progress report.
- 1946 [(22)] (25) "Specified municipality" means:
- 1947 (a) a city of the first, second, third, or fourth class; or
- 1948 (b) a city of the fifth class with a population of 5,000 or more, if the city is located
 1949 within a county of the first, second, or third class.
- 1950 [(23)] (26)(a) "Station area" means:
- 1951 (i) for a fixed guideway public transit station that provides rail services, the area
 1952 within a one-half mile radius of the center of the fixed guideway public transit
 1953 station platform; or
- 1954 (ii) for a fixed guideway public transit station that provides bus services only, the
 1955 area within a one-fourth mile radius of the center of the fixed guideway public
 1956 transit station platform.
- 1957 (b) "Station area" includes any parcel bisected by the radius limitation described in [
 1958 ~~Subsection (a)(i)] Subsection (26)(a)(i) or (ii).~~
- 1959 [(24)] (27) "Station area plan" means a plan that:
- 1960 (a) establishes a vision, and the actions needed to implement that vision, for the
 1961 development of land within a station area; and
- 1962 (b) is developed and adopted in accordance with this section.
- 1963 [(25)] (28) "Subsequent progress report" means the annual report described in Subsection
 1964 10-21-202(2).
- 1965 [(26)] (29) "System improvements" means the same as that term is defined in Section

- 1966 11-36a-102.
- 1967 [~~(27)~~] (30) "Tax commission" means the State Tax Commission created in Section 59-1-201.
- 1968 [~~(28)~~] (31)(a) "Tax increment" means the difference between:
- 1969 (i) the amount of property tax revenue generated each tax year by a taxing entity from
- 1970 the area within a home ownership promotion zone, using the current assessed
- 1971 value and each taxing entity's current certified tax rate as defined in Section
- 1972 59-2-924; and
- 1973 (ii) the amount of property tax revenue that would be generated from that same area
- 1974 using the base taxable value and each taxing entity's current certified tax rate as
- 1975 defined in Section 59-2-924.
- 1976 (b) "Tax increment" does not include property revenue from:
- 1977 (i) a multicounty assessing and collecting levy described in Subsection 59-2-1602(2);
- 1978 or
- 1979 (ii) a county additional property tax described in Subsection 59-2-1602(4).
- 1980 [~~(29)~~] (32) "Taxing entity" means the same as that term is defined in Section 17C-1-102.
- 1981 Section 26. Section **10-21-304** is enacted to read:
- 1982 **10-21-304 (Effective 10/01/26). Detached accessory dwelling units.**
- 1983 (1)(a) A specified municipality shall adopt a land use regulation that permits a detached
- 1984 accessory dwelling unit on any lot or parcel that is 11,000 square feet or larger and
- 1985 contains a single-family dwelling, if the single-family dwelling is a permitted use on
- 1986 the lot or parcel.
- 1987 (b) This section does not prohibit a municipality from adopting a land use regulation that
- 1988 permits a detached accessory dwelling unit on a lot or parcel that is smaller than
- 1989 11,000 square feet.
- 1990 (2) A land use regulation described in Subsection (1) shall:
- 1991 (a) require that a detached accessory dwelling unit comply with all applicable building,
- 1992 health, and fire codes; and
- 1993 (b) include a process for the owner of a legally constructed accessory structure to
- 1994 convert the accessory structure to a detached accessory dwelling unit subject to
- 1995 applicable:
- 1996 (i) dwelling and accessory structure setback requirements; and
- 1997 (ii) building, health, and fire codes.
- 1998 (3) A land use regulation described in Subsection (1) may not:
- 1999 (a) require a conditional use permit for a detached accessory dwelling unit if the

- 2000 proposed detached accessory dwelling unit is located in a primarily residential zone;
- 2001 (b) require more than two on-site parking spaces assigned to a detached accessory
- 2002 dwelling unit that is 650 square feet or larger;
- 2003 (c) require more than one on-site parking space assigned to a detached accessory
- 2004 dwelling unit that is smaller than 650 square feet; or
- 2005 (d) include design standards for a detached accessory dwelling unit that conflict with
- 2006 Section 10-20-618.
- 2007 (4) A land use regulation described in Subsection (1) may:
- 2008 (a) require a detached accessory dwelling unit to:
- 2009 (i) conform to applicable land use regulations that regulate structure size, dimension,
- 2010 height, and maximum lot coverage;
- 2011 (ii) conform to setback requirements, that may take into account proximity to
- 2012 property lines and other structures, easements, window orientation, massing, or
- 2013 other elements; and
- 2014 (iii) be designed consistent with the design of the single-family dwelling;
- 2015 (b) prohibit a detached accessory dwelling unit from being:
- 2016 (i) larger in size than the single-family dwelling located on the same lot or parcel;
- 2017 (ii) located within a public utility easement or other recorded easement;
- 2018 (iii) located in a front-yard area of a lot or parcel; or
- 2019 (iv) rented for less than 90 consecutive days;
- 2020 (c) require that the owner of a lot or parcel where a detached accessory dwelling unit is
- 2021 located reside in the detached single-family dwelling or detached accessory dwelling
- 2022 unit located on the lot or parcel;
- 2023 (d) require that when a detached garage is converted to a detached accessory dwelling
- 2024 unit, any parking spaces required for the single-family dwelling that were located
- 2025 with the detached garage are replaced on-site;
- 2026 (e) prohibit more than one accessory dwelling unit on a lot or parcel; and
- 2027 (f) prohibit a detached accessory dwelling unit if:
- 2028 (i) the detached accessory dwelling unit will not have adequate access to a required
- 2029 utility service that is a project improvement, including sanitary sewer, culinary
- 2030 water, electrical, or storm water; or
- 2031 (ii) a utility service that is a system improvement, including sanitary sewer, culinary
- 2032 water, electrical, or storm water, to which the detached accessory dwelling unit is
- 2033 required to connect does not have sufficient capacity to support the addition of the

2034 detached accessory dwelling unit to the utility service system improvements.

2035 (5) This section does not supersede:

2036 (a) a land use regulation that regulates a detached accessory building that is not a
2037 detached accessory dwelling unit;

2038 (b) prohibitions or restrictions on detached accessory dwelling units in a development
2039 agreement signed by a municipality on or before May 6, 2026; or

2040 (c) a land use regulation or administrative action that:

2041 (i) is not prohibited by law; and

2042 (ii) relates to a detached accessory dwelling unit.

2043 Section 27. Section **13-43-205** is amended to read:

2044 **13-43-205 (Effective 05/06/26). Advisory opinion.**

2045 (1) A local government, private entity, or a potentially aggrieved person may, in accordance
2046 with Section 13-43-206, request a written advisory opinion:

2047 (a) from a neutral third party to determine compliance with:

2048 (i) Sections 10-20-506, 10-20-507, 10-20-602, 10-20-604, 10-20-605, 10-20-902,
2049 10-20-904, 10-20-905, 10-20-910, 10-20-911, 10-20-912, and 10-20-1003;

2050 (ii) Sections 17-79-506, 17-79-507, 17-79-601, 17-79-602, 17-79-603, 17-79-803,
2051 17-79-804, 17-79-805, 17-79-811, 17-79-812, 17-79-813, and 17-79-903; and

2052 (iii) Title 11, Chapter 36a, Impact Fees Act; and

2053 (b) at any time before:

2054 (i) a final decision on a land use application by a local appeal authority under Title
2055 11, Chapter 36a, Impact Fees Act, or Section 10-20-1108 or 17-79-1008;

2056 (ii) the deadline for filing an appeal with the district court under Title 11, Chapter
2057 36a, Impact Fees Act, or Section 10-20-1109 or 17-79-1009, if no local appeal
2058 authority is designated to hear the issue that is the subject of the request for an
2059 advisory opinion; or

2060 (iii) the enactment of an impact fee, if the request for an advisory opinion is a request
2061 to review and comment on a proposed impact fee facilities plan or a proposed
2062 impact fee analysis as defined in Section 11-36a-102.

2063 (2) A private property owner may, in accordance with Section 13-43-206, request a written
2064 advisory opinion from a neutral third party to determine if a condemning entity:

2065 (a) is in occupancy of the owner's property;

2066 (b) is occupying the property:

2067 (i) for a public use authorized by law; and

- 2068 (ii) without colorable legal or equitable authority; and
- 2069 (c) continues to occupy the property without the owner's consent, the occupancy would
- 2070 constitute a taking of private property for a public use without just compensation.
- 2071 (3) An advisory opinion issued under Subsection (2) may justify an award of attorney fees
- 2072 against a condemning entity in accordance with Section 13-43-206 only if the court
- 2073 finds that the condemning entity:
- 2074 (a) does not have a colorable claim or defense for the entity's actions; and
- 2075 (b) continued occupancy without payment of just compensation and in disregard of the
- 2076 advisory opinion.

2077 Section 28. Section **17-79-102** is amended to read:

2078 **17-79-102 (Effective 05/06/26). Definitions.**

2079 As used in this chapter:

- 2080 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
- 2081 detached from a primary single-family dwelling and contained on one lot.
- 2082 (2) "Adversely affected party" means a person other than a land use applicant who:
- 2083 (a) owns real property adjoining the property that is the subject of a land use application
- 2084 or land use decision; or
- 2085 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
- 2086 general community as a result of the land use decision.
- 2087 (3) "Affected entity" means a county, municipality, special district, special service district
- 2088 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
- 2089 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
- 2090 specified property owner, property owner's association, public utility, or the Department
- 2091 of Transportation, if:
- 2092 (a) the entity's services or facilities are likely to require expansion or significant
- 2093 modification because of an intended use of land;
- 2094 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
- 2095 or
- 2096 (c) the entity has filed with the county a request for notice during the same calendar year
- 2097 and before the county provides notice to an affected entity in compliance with a
- 2098 requirement imposed under this chapter.
- 2099 (4) "Affected owner" means the owner of real property that is:
- 2100 (a) a single project; and
- 2101 (b) the subject of a land use approval that;

- 2102 (i) sponsors of a referendum timely challenged in accordance with Subsection
 2103 20A-7-601(6); and
- 2104 [(e)] (ii) is determined to be legally referable under Section 20A-7-602.8.
- 2105 (5) "Appeal authority" means the person, board, commission, agency, or other body
 2106 designated by ordinance to decide an appeal of a decision of a land use application or a
 2107 variance.
- 2108 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
 2109 residential property if the sign is designed or intended to direct attention to a business,
 2110 product, or service that is not sold, offered, or existing on the property where the sign is
 2111 located.
- 2112 [~~(7) "Building code adoption cycle" means the period of time beginning the day on which a~~
 2113 ~~specific edition of a construction code from a nationally recognized code authority is~~
 2114 ~~adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day~~
 2115 ~~before a new edition of a construction code is adopted and effective in Title 15A, State~~
 2116 ~~Construction and Fire Codes Act.]~~
- 2117 [(8)] (7)(a) "Boundary adjustment" means an agreement between adjoining property
 2118 owners to relocate a common boundary that results in a conveyance of property
 2119 between the adjoining lots, adjoining parcels, or adjoining lots and parcels.
- 2120 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
 2121 (i) creates an additional lot or parcel; or
 2122 (ii) is made by the Department of Transportation.
- 2123 [(9)] (8)(a) "Boundary establishment" means an agreement between adjoining property
 2124 owners to clarify the location of an ambiguous, uncertain, or disputed common
 2125 boundary.
- 2126 (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary
 2127 that:
 2128 (i) creates an additional lot or parcel; or
 2129 (ii) is made by the Department of Transportation.
- 2130 (9) "Building code adoption cycle" means the period of time beginning the day on which a
 2131 specific edition of a construction code from a nationally recognized code authority is
 2132 adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day
 2133 before a new edition of a construction code is adopted and effective in Title 15A, State
 2134 Construction and Fire Codes Act.
- 2135 (10)(a) "Charter school" means:

- 2136 (i) an operating charter school;
- 2137 (ii) a charter school applicant that a charter school authorizer approves in accordance
- 2138 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- 2139 (iii) an entity that is working on behalf of a charter school or approved charter
- 2140 applicant to develop or construct a charter school building.
- 2141 (b) "Charter school" does not include a therapeutic school.
- 2142 (11) "Chief executive officer" means the person or body that exercises the executive powers
- 2143 of the county.
- 2144 (12) "Conditional use" means a land use that, because of the unique characteristics or
- 2145 potential detrimental impact of the land use on the county, surrounding neighbors, or
- 2146 adjacent land uses, may not be compatible in some areas or may be compatible only if
- 2147 certain conditions are required that mitigate or eliminate the detrimental impacts.
- 2148 (13) "Constitutional taking" means a governmental action that results in a taking of private
- 2149 property [~~so that~~] where compensation to the property owner[~~of the property~~] is required
- 2150 by the:
- 2151 (a) Fifth or Fourteenth Amendment [~~of~~] to the Constitution of the United States; or
- 2152 (b) Utah Constitution, Article I, Section 22.
- 2153 (14) "Conveyance document" means an instrument that:
- 2154 (a) meets the definition of "document" in Section 57-1-1; and
- 2155 (b) meets the requirements of Section 57-1-45.5.
- 2156 (15) "Conveyance of property" means the transfer of ownership of any portion of real
- 2157 property from one person to another person.
- 2158 (16) "County utility easement" means an easement that:
- 2159 (a) a plat recorded in a county recorder's office described as a county utility easement or
- 2160 otherwise as a utility easement;
- 2161 (b) is not a protected utility easement or a public utility easement as defined in Section
- 2162 54-3-27;
- 2163 (c) the county or the county's affiliated governmental entity owns or creates; and
- 2164 (d)(i) either:
- 2165 (A) no person uses or occupies; or
- 2166 (B) the county or the county's affiliated governmental entity uses and occupies to
- 2167 provide a utility service, including sanitary sewer, culinary water, electrical,
- 2168 storm water, or communications or data lines; or
- 2169 (ii) a person uses or occupies with or without an authorized franchise or other

2170 agreement with the county.

2171 (17) "Culinary water authority" means the department, agency, or public entity with
2172 responsibility to review and approve the feasibility of the culinary water system and
2173 sources for the subject property.

2174 (18) "Department of Transportation" means the entity created in Section 72-1-201.

2175 (19) "Development activity" means:

2176 (a) any construction or expansion of a building, structure, or use that creates additional
2177 demand and need for public facilities;

2178 (b) any change in use of a building or structure that creates additional demand and need
2179 for public facilities; or

2180 (c) any change in the use of land that creates additional demand and need for public
2181 facilities.

2182 (20)(a) "Development agreement" means a written agreement or amendment to a written
2183 agreement between a county and one or more parties that regulates or controls the use
2184 or development of a specific area of land.

2185 (b) "Development agreement" does not include an improvement completion assurance.

2186 (21)(a) "Disability" means a physical or mental impairment that substantially limits one
2187 or more of a person's major life activities, including a person having a record of such
2188 an impairment or being regarded as having such an impairment.

2189 (b) "Disability" does not include current illegal use of, or addiction to, any federally
2190 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21
2191 U.S.C. Sec. 802.

2192 (22) "Document" means the same as that term is defined in Section 57-1-1.

2193 (23) "Educational facility":

2194 (a) means:

2195 (i) a school district's building at which pupils assemble to receive instruction in a
2196 program for any combination of grades from preschool through grade 12,
2197 including kindergarten and a program for children with disabilities;

2198 (ii) a structure or facility:

2199 (A) located on the same property as a building described in Subsection (23)(a)(i);
2200 and

2201 (B) used in support of the use of that building; and

2202 (iii) a building to provide office and related space to a school district's administrative
2203 personnel; and

- 2204 (b) does not include:
- 2205 (i) land or a structure, including land or a structure for inventory storage, equipment
- 2206 storage, food processing or preparing, vehicle storage or maintenance, or similar
- 2207 use that is:
- 2208 (A) not located on the same property as a building described in Subsection
- 2209 (23)(a)(i); and
- 2210 (B) used in support of the purposes of a building described in Subsection (23)(a)(i);
- 2211 or
- 2212 (ii) a therapeutic school.
- 2213 (24) "Establishment document" means an instrument that:
- 2214 (a) meets the definition of "document" in Section 57-1-1; and
- 2215 (b) meets the requirements of Section 57-1-45.
- 2216 [~~(25) "Full boundary adjustment" means a boundary adjustment that is not a simple~~
- 2217 ~~boundary adjustment.~~]
- 2218 [~~(26)~~ (25) "Fire authority" means the department, agency, or public entity with
- 2219 responsibility to review and approve the feasibility of fire protection and suppression
- 2220 services for the subject property.
- 2221 [~~(27)~~ (26) "Flood plain" means land that:
- 2222 (a) is within the 100-year flood plain designated by the Federal Emergency Management
- 2223 Agency; or
- 2224 (b) has not been studied or designated by the Federal Emergency Management Agency
- 2225 but presents a likelihood of experiencing chronic flooding or a catastrophic flood
- 2226 event because the land has characteristics that are similar to those of a 100-year flood
- 2227 plain designated by the Federal Emergency Management Agency.
- 2228 (27) "Full boundary adjustment" means a boundary adjustment that is not a simple
- 2229 boundary adjustment.
- 2230 (28) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 2231 (29) "General plan" means a document that a county adopts that sets forth general
- 2232 guidelines for proposed future development of:
- 2233 (a) the unincorporated land within the county; or
- 2234 (b) for a mountainous planning district, the land within the mountainous planning
- 2235 district.
- 2236 (30) "Geologic hazard" means:
- 2237 (a) a surface fault rupture;

- 2238 (b) shallow groundwater;
- 2239 (c) liquefaction;
- 2240 (d) a landslide;
- 2241 (e) a debris flow;
- 2242 (f) unstable soil;
- 2243 (g) a rock fall; or
- 2244 (h) any other geologic condition that presents a risk:
- 2245 (i) to life;
- 2246 (ii) of substantial loss of real property; or
- 2247 (iii) of substantial damage to real property.
- 2248 (31) "Home-based microschool" means the same as that term is defined in Section
- 2249 53G-6-201.
- 2250 (32) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter,
- 2251 or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 2252 system.
- 2253 (33)(a) "Identical plans" means floor plans submitted to a county that:
- 2254 (i) are submitted within the same building code adoption cycle as floor plans that
- 2255 were previously approved by the county;
- 2256 (ii) have no structural differences from floor plans that were previously approved by
- 2257 the county; and
- 2258 (iii) describe a building that:
- 2259 (A) is located on land zoned the same as the land on which the building described
- 2260 in the previously approved plans is located;
- 2261 (B) has a substantially identical floor plan to a floor plan previously approved by
- 2262 the county; and
- 2263 (C) does not require any engineering or analysis beyond a review to confirm the
- 2264 submitted floor plans are substantially identical to a floor plan previously
- 2265 approved by the county or a review of the site plan and associated geotechnical
- 2266 reports for the site.
- 2267 (b) "Identical plans" include floor plans that are oriented differently as the floor plan that
- 2268 was previously approved by the county.
- 2269 (34) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact
- 2270 Fees Act.
- 2271 (35) "Improvement completion assurance" means a surety bond, letter of credit, financial

- 2272 institution bond, cash, assignment of rights, lien, or other equivalent security required by
2273 a county to guaranty the proper completion of landscaping or an infrastructure
2274 improvement required as a condition precedent to:
- 2275 (a) recording a subdivision plat; or
2276 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 2277 (36) "Improvement warranty" means an applicant's unconditional warranty that the
2278 applicant's installed and accepted landscaping or infrastructure improvement:
- 2279 (a) complies with the county's written standards for design, materials, and workmanship;
2280 and
2281 (b) will not fail in any material respect, as a result of poor workmanship or materials,
2282 within the improvement warranty period.
- 2283 (37) "Improvement warranty period" means a period:
- 2284 (a) no later than one year after a county's acceptance of required public landscaping; or
2285 (b) no later than one year after a county's acceptance of required infrastructure, unless
2286 the county:
- 2287 (i) determines, based on accepted industry standards and for good cause, that a
2288 one-year period would be inadequate to protect the public health, safety, and
2289 welfare; and
2290 (ii) has substantial evidence, on record:
- 2291 (A) of prior poor performance by the applicant; or
2292 (B) that the area upon which the infrastructure will be constructed contains
2293 suspect soil and the county has not otherwise required the applicant to mitigate
2294 the suspect soil.
- 2295 (38) "Infrastructure improvement" means permanent infrastructure that is essential for the
2296 public health and safety or that:
- 2297 (a) is required for human consumption; and
2298 (b) an applicant shall install:
- 2299 (i) in accordance with published installation and inspection specifications for public
2300 improvements; and
2301 (ii) as a condition of:
- 2302 (A) recording a subdivision plat;
2303 (B) obtaining a building permit; or
2304 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
2305 project.

- 2306 (39) "Internal lot restriction" means a platted note, platted demarcation, or platted
2307 designation that:
- 2308 (a) runs with the land; and
- 2309 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
2310 the plat; or
- 2311 (ii) designates a development condition that is enclosed within the perimeter of a lot
2312 described on the plat.
- 2313 (40) "Interstate pipeline company" means a person or entity engaged in natural gas
2314 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
2315 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 2316 (41) "Intrastate pipeline company" means a person or entity engaged in natural gas
2317 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
2318 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 2319 (42) "Land use applicant" means a property owner, or the property owner's designee, who
2320 submits a land use application regarding the property owner's land.
- 2321 (43) "Land use application":
- 2322 (a) means an application that is:
- 2323 (i) required by a county; and
- 2324 (ii) submitted by a land use applicant to obtain a land use decision; and
- 2325 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 2326 (44) "Land use authority" means:
- 2327 (a) a person, board, commission, agency, or body, including the local legislative body,
2328 designated by the local legislative body to act upon a land use application; or
- 2329 (b) if the local legislative body has not designated a person, board, commission, agency,
2330 or body, the local legislative body.
- 2331 (45) "Land use decision" means an administrative decision of a land use authority or appeal
2332 authority regarding:
- 2333 (a) a land use permit;
- 2334 (b) a land use application; or
- 2335 (c) the enforcement of a land use regulation, land use permit, or development agreement.
- 2336 (46) "Land use permit" means a permit issued by a land use authority.
- 2337 (47) "Land use regulation":
- 2338 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
2339 engineering or development standard, specification for public improvement, fee, or

- 2340 rule that governs the use or development of land;
- 2341 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
- 2342 and
- 2343 (c) does not include:
- 2344 (i) a land use decision of the legislative body acting as the land use authority, even if
- 2345 the decision is expressed in a resolution or ordinance; or
- 2346 (ii) a temporary revision to an engineering specification that does not materially:
- 2347 (A) increase a land use applicant's cost of development compared to the existing
- 2348 specification; or
- 2349 (B) impact a land use applicant's use of land.
- 2350 (48) "Legislative body" means the county legislative body, or for a county that has adopted
- 2351 an alternative form of government, the body exercising legislative powers.
- 2352 (49) "Lot" means a tract of land, regardless of any label, that is created by and shown on a
- 2353 subdivision plat that has been recorded in the office of the county recorder.
- 2354 (50) "Major transit investment corridor" means public transit service that uses or occupies:
- 2355 (a) public transit rail right-of-way;
- 2356 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
- 2357 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
- 2358 municipality or county and:
- 2359 (i) a public transit district as defined in Section 17B-2a-802; or
- 2360 (ii) an eligible political subdivision as defined in Section 59-12-2202.
- 2361 (51) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- 2362 (52) "Moderate income housing" means housing occupied or reserved for occupancy by
- 2363 households with a gross household income equal to or less than 80% of the median gross
- 2364 income for households of the same size in the county in which the housing is located.
- 2365 (53) "Mountainous planning district" means an area designated by a county legislative body
- 2366 in accordance with Section 17-79-408.
- 2367 (54) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and
- 2368 expenses incurred in:
- 2369 (a) verifying that building plans are identical plans; and
- 2370 (b) reviewing and approving those minor aspects of identical plans that differ from the
- 2371 previously reviewed and approved building plans.
- 2372 (55) "Noncomplying structure" means a structure that:
- 2373 (a) legally existed before the structure's current land use designation; and

- 2374 (b) because of one or more subsequent land use ordinance changes, does not conform to
2375 the setback, height restrictions, or other regulations, excluding those regulations that
2376 govern the use of land.
- 2377 (56) "Nonconforming use" means a use of land that:
- 2378 (a) legally existed before the land's current land use designation;
- 2379 (b) has been maintained continuously since the time the land use ordinance regulation
2380 governing the land changed; and
- 2381 (c) because of one or more subsequent land use ordinance changes, does not conform to
2382 the regulations that now govern the use of the land.
- 2383 (57) "Official map" means a map drawn by county authorities and recorded in the county
2384 recorder's office that:
- 2385 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
2386 highways and other transportation facilities;
- 2387 (b) provides a basis for restricting development in designated rights-of-way or between
2388 designated setbacks to allow the government authorities time to purchase or
2389 otherwise reserve the land; and
- 2390 (c) has been adopted as an element of the county's general plan.
- 2391 (58) "Parcel" means any real property that is not a lot.
- 2392 (59) "Person" means an individual, corporation, partnership, organization, association, trust,
2393 governmental agency, or any other legal entity.
- 2394 (60) "Plan for moderate income housing" means a written document adopted by a county
2395 legislative body that includes:
- 2396 (a) an estimate of the existing supply of moderate income housing located within the
2397 county;
- 2398 (b) an estimate of the need for moderate income housing in the county for the next five
2399 years;
- 2400 (c) a survey of total residential land use;
- 2401 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
2402 income housing; and
- 2403 (e) a description of the county's program to encourage an adequate supply of moderate
2404 income housing.
- 2405 (61) "Planning advisory area" means a contiguous, geographically defined portion of the
2406 unincorporated area of a county established under this part with planning and zoning
2407 functions as exercised through the planning advisory area planning commission, as

2408 provided in this chapter, but with no legal or political identity separate from the county
2409 and no taxing authority.

2410 (62) "Plat" means an instrument subdividing property into lots as depicted on a map or
2411 other graphical representation of lands that a licensed professional land surveyor makes
2412 and prepares in accordance with Section 17-79-703 or 57-8-13.

2413 (63) "Potential geologic hazard area" means an area that:

2414 (a) is designated by a Utah Geological Survey map, county geologist map, or other
2415 relevant map or report as needing further study to determine the area's potential for
2416 geologic hazard; or

2417 (b) has not been studied by the Utah Geological Survey or a county geologist but
2418 presents the potential of geologic hazard because the area has characteristics similar
2419 to those of a designated geologic hazard area.

2420 (64) "Property owner" means a person that holds legal title in real property.

2421 [~~(64)~~] (65) "Public agency" means:

2422 (a) the federal government;

2423 (b) the state;

2424 (c) a county, municipality, school district, special district, special service district, or
2425 other political subdivision of the state; or

2426 (d) a charter school.

2427 [~~(65)~~] (66) "Public hearing" means a hearing at which members of the public are provided a
2428 reasonable opportunity to comment on the subject of the hearing.

2429 [~~(66)~~] (67) "Public meeting" means a meeting that is required to be open to the public under
2430 Title 52, Chapter 4, Open and Public Meetings Act.

2431 [~~(67)~~] (68) "Public street" means a public right-of-way, including a public highway, public
2432 avenue, public boulevard, public parkway, public road, public lane, public alley, public
2433 viaduct, public subway, public tunnel, public bridge, public byway, other public
2434 transportation easement, or other public way.

2435 [~~(68)~~] (69) "Receiving zone" means an unincorporated area that a county designates, by
2436 ordinance, as an area in which an owner of land may receive a transferable development
2437 right.

2438 [~~(69)~~] (70) "Record of survey map" means a map of a survey of land prepared in accordance
2439 with Section 17-73-504.

2440 [~~(70)~~] (71) "Residential facility for persons with a disability" means a residence:

2441 (a) in which more than one person with a disability resides; and

2442 (b) which is licensed or certified by the Department of Health and Human Services
2443 under:

2444 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
2445 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

2446 [(71)] (72) "Residential roadway" means a public local residential road that:

2447 (a) will serve primarily to provide access to adjacent primarily residential areas and
2448 property;

2449 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

2450 (c) is not identified as a supplementary to a collector or other higher system classified
2451 street in an approved municipal street or transportation master plan;

2452 (d) has a posted speed limit of 25 miles per hour or less;

2453 (e) does not have higher traffic volumes resulting from connecting previously separated
2454 areas of the municipal road network;

2455 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
2456 intended for high volume traffic or community centers, including schools, recreation
2457 centers, sports complexes, or libraries; and

2458 (g) primarily serves traffic within a neighborhood or limited residential area and is not
2459 necessarily continuous through several residential areas.

2460 [(72)] (73) "Rules of order and procedure" means a set of rules that govern and prescribe in
2461 a public meeting:

2462 (a) parliamentary order and procedure;

2463 (b) ethical behavior; and

2464 (c) civil discourse.

2465 [(73)] (74) "Sanitary sewer authority" means the department, agency, or public entity with
2466 responsibility to review and approve the feasibility of sanitary sewer services or onsite
2467 wastewater systems.

2468 [(74)] (75) "Sending zone" means an unincorporated area that a county designates, by
2469 ordinance, as an area from which an owner of land may transfer a transferable
2470 development right.

2471 [(75)] (76) "Simple boundary adjustment" means a boundary adjustment that does not:

2472 (a) affect a public right-of-way, county utility easement, or other public property;

2473 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or

2474 (c) result in a lot or parcel out of conformity with land use regulations.

2475 [(76)] (77) "Site plan" means a document or map that may be required by a county during a

- 2476 preliminary review before the issuance of a building permit to demonstrate that an
2477 owner's or developer's proposed development activity meets a land use requirement.
- 2478 ~~[(77)]~~ (78)(a) "Special district" means an entity under Title 17B, Limited Purpose Local
2479 Government Entities - Special Districts.
- 2480 (b) "Special district" includes a governmental or quasi-governmental entity that is not a
2481 county, municipality, school district, or the state.
- 2482 (79) "Specific land use law" means a requirement or restriction on the use of a specific
2483 parcel in a development agreement that a legislative body approves with the consent of
2484 an affected property owner.
- 2485 ~~[(78)]~~ (80) "Specified public agency" means:
- 2486 (a) the state;
- 2487 (b) a school district; or
- 2488 (c) a charter school.
- 2489 ~~[(79)]~~ (81) "Specified public utility" means an electrical corporation, gas corporation, or
2490 telephone corporation, as those terms are defined in Section 54-2-1.
- 2491 ~~[(80)]~~ (82) "State" includes any department, division, or agency of the state.
- 2492 ~~[(81)]~~ (83)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to
2493 be divided into two or more lots or other division of land for the purpose, whether
2494 immediate or future, for offer, sale, lease, or development either on the installment
2495 plan or upon any and all other plans, terms, and conditions.
- 2496 (b) "Subdivision" includes:
- 2497 (i) the division or development of land, whether by deed, metes and bounds
2498 description, devise and testacy, map, plat, or other recorded instrument, regardless
2499 of whether the division includes all or a portion of a parcel or lot; and
- 2500 (ii) except as provided in Subsection ~~[(81)](e)~~ (83)(c), divisions of land for residential
2501 and nonresidential uses, including land used or to be used for commercial,
2502 agricultural, and industrial purposes.
- 2503 (c) "Subdivision" does not include:
- 2504 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 2505 (ii) a recorded conveyance document:
- 2506 (A) consolidating multiple lots or parcels into one legal description encompassing
2507 all lots by reference to a recorded plat and all parcels by metes and bounds
2508 description; or
- 2509 (B) joining a lot to a parcel;

- 2510 (iii) a bona fide division or partition of land in a county other than a first class county
 2511 for the purpose of siting, on one or more of the resulting separate parcels:
 2512 (A) an electrical transmission line or a substation;
 2513 (B) a natural gas pipeline or a regulation station; or
 2514 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
 2515 utility service regeneration, transformation, retransmission, or amplification
 2516 facility;
- 2517 (iv) a bona fide division of land by deed or other instrument if the deed or other
 2518 instrument states in writing that the division:
 2519 (A) is in anticipation of future land use approvals on the parcel or parcels;
 2520 (B) does not confer any land use approvals; and
 2521 (C) has not been approved by the land use authority;
- 2522 (v) a boundary adjustment;
 2523 (vi) a boundary establishment;
 2524 (vii) a road, street, or highway dedication plat;
 2525 (viii) a deed or easement for a road, street, or highway purpose; or
 2526 (ix) any other division of land authorized by law.
- 2527 ~~[(82)]~~ (84)(a) "Subdivision amendment" means an amendment to a recorded subdivision
 2528 in accordance with Section 17-79-711 that:
 2529 (i) vacates all or a portion of the subdivision;
 2530 (ii) increases the number of lots within the subdivision;
 2531 (iii) alters a public right-of-way, a public easement, or public infrastructure within the
 2532 subdivision; or
 2533 (iv) alters a common area or other common amenity within the subdivision.
- 2534 (b) "Subdivision amendment" does not include a simple boundary adjustment.
- 2535 ~~[(83)]~~ (85) "Substantial evidence" means evidence that:
 2536 (a) is beyond a scintilla; and
 2537 (b) a reasonable mind would accept as adequate to support a conclusion.
- 2538 ~~[(84)]~~ (86) "Suspect soil" means soil that has:
 2539 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
 2540 3% swell potential;
 2541 (b) bedrock units with high shrink or swell susceptibility; or
 2542 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
 2543 commonly associated with dissolution and collapse features.

- 2544 [(85)] (87) "Therapeutic school" means a residential group living facility:
- 2545 (a) for four or more individuals who are not related to:
- 2546 (i) the owner of the facility; or
- 2547 (ii) the primary service provider of the facility;
- 2548 (b) that serves students who have a history of failing to function:
- 2549 (i) at home;
- 2550 (ii) in a public school; or
- 2551 (iii) in a nonresidential private school; and
- 2552 (c) that offers:
- 2553 (i) room and board; and
- 2554 (ii) an academic education integrated with:
- 2555 (A) specialized structure and supervision; or
- 2556 (B) services or treatment related to a disability, an emotional development, a
- 2557 behavioral development, a familial development, or a social development.
- 2558 [(86)] (88) "Transferable development right" means a right to develop and use land that
- 2559 originates by an ordinance that authorizes a [~~land~~] property owner in a designated
- 2560 sending zone to transfer land use rights from a designated sending zone to a designated
- 2561 receiving zone.
- 2562 [(87)] (89) "Unincorporated" means the area outside of the incorporated area of a
- 2563 municipality.
- 2564 [(88)] (90) "Water interest" means any right to the beneficial use of water, including:
- 2565 (a) each of the rights listed in Section 73-1-11; and
- 2566 (b) an ownership interest in the right to the beneficial use of water represented by:
- 2567 (i) a contract; or
- 2568 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 2569 [(89)] (91) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
- 2570 land use zones, overlays, or districts.
- 2571 Section 29. Section **17-79-205** is amended to read:
- 2572 **17-79-205 (Effective 05/06/26). Notice of public hearings and public meetings on**
- 2573 **adoption or modification of land use regulation.**
- 2574 (1) Each county shall give:
- 2575 (a) notice of the date, time, and place of the first public hearing to consider the adoption
- 2576 or modification of a land use regulation; and
- 2577 (b) notice of each public meeting on the subject.

- 2578 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
- 2579 (a) mailed to each affected entity at least 10 calendar days before the public hearing; and
- 2580 (b)(i) provided for the area affected by the land use ordinance changes, as a class B
- 2581 notice under Section 63G-30-102, for at least 10 calendar days before the day of
- 2582 the public hearing; or
- 2583 (ii) if the proposed land use ordinance adoption or modification is ministerial in
- 2584 nature, as described in Subsections (6)(a) and (b), provided as a class A notice
- 2585 under Section 63G-30-102 for at least 10 calendar days before the day of the
- 2586 public hearing.
- 2587 (3) In addition to the notice requirements described in Subsections (1) and (2), for any
- 2588 proposed modification to the text of a zoning code, the notice posted in accordance with
- 2589 Subsection (2) shall:
- 2590 (a) include:
- 2591 (i) a summary of the effect of the proposed modifications to the text of the zoning
- 2592 code designed to be understood by a lay person; or
- 2593 (ii) a direct link to the county's webpage where a person can find a summary of the
- 2594 effect of the proposed modifications to the text of the zoning code designed to be
- 2595 understood by a lay person; and
- 2596 (b) be provided to any person upon written request.
- 2597 (4) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before
- 2598 the hearing and shall be published for the county, as a class A notice under Section
- 2599 63G-30-102, for at least 24 hours.
- 2600 (5)(a) A county shall send a courtesy notice to each owner of private real property
- 2601 whose property is located entirely or partially within the proposed zoning map
- 2602 enactment or amendment at least 10 days before the scheduled day of the public
- 2603 hearing.
- 2604 (b) The notice shall:
- 2605 (i) identify with specificity each owner of record of real property that will be affected
- 2606 by the proposed zoning map or map amendments;
- 2607 (ii) state the current zone in which the real property is located;
- 2608 (iii) state the proposed new zone for the real property;
- 2609 (iv) provide information regarding or a reference to the proposed regulations,
- 2610 prohibitions, and permitted uses that the property will be subject to if the zoning
- 2611 map or map amendment is adopted;

- 2612 (v) state that the owner of real property may no later than 10 days after the day of the
 2613 first public hearing file a written objection to the inclusion of the owner's property
 2614 in the proposed zoning map or map amendment;
- 2615 (vi) state the address where the property owner should file the protest;
- 2616 (vii) notify the property owner that each written objection filed with the county will
 2617 be provided to the county legislative body; and
- 2618 (viii) state the location, date, and time of the public hearing described in Section
 2619 17-79-502.

2620 (c) If a county mails notice to a property owner under Subsection (2)(b)(i) for a public
 2621 hearing on a zoning map or map amendment, the notice required in this Subsection
 2622 (5) may be included in or part of the notice described in Subsection (2)(b)(i) rather
 2623 than sent separately.

2624 (6)(a) [A] For purposes of the notice requirements in Subsection (2)(b) only, a proposed
 2625 land use ordinance is ministerial in nature if the proposed land use ordinance change
 2626 is to:

- 2627 (i) bring the county's land use ordinances into compliance with a state or federal law;
- 2628 (ii) adopt a county land use update that affects:
- 2629 (A) an entire zoning district; or
- 2630 (B) multiple zoning districts;
- 2631 (iii) adopt a non-substantive, clerical text amendment to an existing land use
 2632 ordinance;
- 2633 (iv) recodify the county's existing land use ordinances; or
- 2634 (v) designate or define an affected area for purposes of a boundary adjustment or
 2635 annexation.

2636 (b) A proposed land use ordinance may include more than one of the purposes described
 2637 in Subsection (6)(a) and remain ministerial in nature.

2638 (c) If a proposed land use ordinance includes an adoption or modification not described
 2639 in Subsection (6)(a):

- 2640 (i) the proposed land use ordinance is not ministerial in nature, even if the proposed
 2641 land use ordinance also includes a change or modification described in Subsection
 2642 (6)(a); and
- 2643 (ii) the notice requirements of Subsection (2)(b)(i) apply.

2644 Section 30. Section **17-79-301** is amended to read:

2645 **17-79-301 (Effective 05/06/26). Ordinance establishing planning commission**

2646 **required -- Exception -- Ordinance requirements -- Planning advisory area planning**
2647 **commission -- Compensation.**

2648 (1)(a) Except as provided in Subsection (1)(b), each county shall enact an ordinance
2649 establishing a countywide planning commission for the unincorporated areas of the
2650 county not within a planning advisory area.

2651 (b) Subsection (1)(a) does not apply if all of the county is included within any
2652 combination of:

2653 (i) municipalities;

2654 (ii) planning advisory areas each with a separate planning commission; and

2655 (iii) mountainous planning districts.

2656 (c)(i) Notwithstanding Subsection (1)(a), a county that designates a mountainous
2657 planning district shall enact an ordinance, subject to Subsection (1)(c)(ii),
2658 establishing a planning commission that has jurisdiction over the entire
2659 mountainous planning district.

2660 (ii) A planning commission described in Subsection (1)(c)(i) has jurisdiction subject
2661 to a local health department exercising the local health department's authority in
2662 accordance with Title 26A, Chapter 1, Local Health Departments, and a
2663 municipality exercising the municipality's authority in accordance with Section
2664 10-8-15.

2665 (iii) The ordinance shall require that members of the planning commission be
2666 appointed by the county executive with the advice and consent of the county
2667 legislative body.

2668 (2)(a) Notwithstanding Subsection (1)(b), the county legislative body of a county of the
2669 first or second class that includes more than one planning advisory area each with a
2670 separate planning commission may enact an ordinance that:

2671 (i) dissolves each planning commission within the county; and

2672 (ii) establishes a countywide planning commission that has jurisdiction over:

2673 (A) each planning advisory area within the county; and

2674 (B) the unincorporated areas of the county not within a planning advisory area.

2675 (b) A countywide planning commission established under Subsection (2)(a) shall assume
2676 the duties of each dissolved planning commission.

2677 (3)(a) The ordinance described in Subsection (1)(a), (1)(c), or (2)(a) shall[~~define~~]:

2678 (i) include the number and terms of the planning commission members and, if the
2679 county chooses, alternate members;

- 2680 (ii) ~~[the mode of appointment]~~ provide procedures for appointing a planning
2681 commission member;
- 2682 (iii) ~~[the]~~ provide procedures for filling vacancies on the planning commission;
- 2683 (iv) ~~[-and removal from office]~~ provide procedures for removing a planning
2684 commission member from the planning commission;
- 2685 (v) except as provided in Subsection (3)(a)(vi), describe the causes for which a
2686 planning commission member may be removed from the planning commission,
2687 which shall include:
- 2688 (A) using public funds for a political purpose under Title 20A, Chapter 11, Part
2689 12, Political Activities of Public Entities Act;
- 2690 (B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and
2691 Employees' Ethics Act; and
- 2692 (C) acting with the intent to influence a land use decision or an appeal of a
2693 pending land use application in a manner that creates actual impermissible bias
2694 or an unacceptable risk of impermissible bias in the planning commission
2695 member's administrative or quasi-judicial duties;
- 2696 (vi) provide that a planning commission member deliberating about a specific
2697 pending land use application in a planning commission meeting with municipal
2698 staff, an elected official, or the land use applicant is not cause for removing a
2699 planning commission member from the planning commission;
- 2700 (vii) provide requirements for when a planning commission member shall recuse
2701 oneself from deliberating or voting on certain land use applications;
- 2702 ~~[(iv)]~~ (viii) define the authority of the planning commission;
- 2703 ~~[(v)]~~ (ix) subject to Subsection (3)(b), [the] include rules of order and procedure for
2704 use by the planning commission in a public meeting; and
- 2705 ~~[(vi)]~~ (x) include other details relating to the organization and procedures of the
2706 planning commission.
- 2707 (b) Subsection ~~[(3)(a)(v)]~~ (3)(a)(ix) does not affect the planning commission's duty to
2708 comply with Title 52, Chapter 4, Open and Public Meetings Act.
- 2709 (4)(a)(i) If the county establishes a planning advisory area planning commission, the
2710 county legislative body shall enact an ordinance that defines:
- 2711 (A) appointment procedures;
- 2712 (B) procedures for filling vacancies and removing members from office;
- 2713 (C) subject to Subsection (4)(a)(ii), the rules of order and procedure for use by the

- 2714 planning advisory area planning commission in a public meeting; and
2715 (D) details relating to the organization and procedures of each planning advisory
2716 area planning commission.
- 2717 (ii) Subsection (4)(a)(i)(C) does not affect the planning advisory area planning
2718 commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings
2719 Act.
- 2720 (b) The planning commission for each planning advisory area shall consist of seven
2721 members who shall be appointed by:
- 2722 (i) in a county operating under a form of government in which the executive and
2723 legislative functions of the governing body are separated, the county executive
2724 with the advice and consent of the county legislative body; or
- 2725 (ii) in a county operating under a form of government in which the executive and
2726 legislative functions of the governing body are not separated, the county
2727 legislative body.
- 2728 (c)(i) Members shall serve four-year terms and until their successors are appointed
2729 and qualified.
- 2730 (ii) Notwithstanding the provisions of Subsection (4)(c)(i), members of the first
2731 planning commissions shall be appointed so that, for each commission, the terms
2732 of at least one member and no more than two members expire each year.
- 2733 (d)(i) Each member of a planning advisory area planning commission shall be a
2734 registered voter residing within the planning advisory area.
- 2735 (ii) Subsection (4)(d)(i) does not apply to a member described in Subsection (5)(a) if
2736 that member was, before May 12, 2015, authorized to reside outside of the
2737 planning advisory area.
- 2738 (5)(a) A member of a planning commission who was elected to and served on a planning
2739 commission on May 12, 2015, shall serve out the term to which the member was
2740 elected.
- 2741 (b) Upon the expiration of an elected term described in Subsection (5)(a), the vacant seat
2742 shall be filled by appointment in accordance with this section.
- 2743 (6) Upon the appointment of all members of a planning advisory area planning commission,
2744 each planning advisory area planning commission under this section shall begin to
2745 exercise the powers and perform the duties provided in Section 17-79-302 with respect
2746 to all matters then pending that previously had been under the jurisdiction of the
2747 countywide planning commission or planning advisory area planning and zoning board.

2748 (7) The legislative body may authorize a member of a planning commission to receive per
 2749 diem and travel expenses for meetings actually attended, in accordance with Section
 2750 11-55-103.

2751 Section 31. Section **17-79-302** is amended to read:

2752 **17-79-302 (Effective 05/06/26). Planning commission powers and duties --**
 2753 **Training requirements.**

2754 (1) Each countywide, planning advisory area, or mountainous planning district planning
 2755 commission shall, with respect to the unincorporated area of the county, the planning
 2756 advisory area, or the mountainous planning district, review and make a recommendation
 2757 to the county legislative body for:

2758 (a) a general plan and amendments to the general plan;

2759 (b) land use regulations, including:

2760 (i) ordinances regarding the subdivision of land within the county; and

2761 (ii) amendments to existing land use regulations;

2762 (c) an appropriate delegation of power to at least one designated land use authority to
 2763 hear and act on a land use application;

2764 (d) an appropriate delegation of power to at least one appeal authority to hear and act on
 2765 an appeal from a decision of the land use authority; and

2766 (e) application processes that:

2767 (i) may include a designation of routine land use matters that, upon application and
 2768 proper notice, will receive informal streamlined review and action if the
 2769 application is uncontested; and

2770 (ii) shall protect the right of each:

2771 (A) land use applicant and adversely affected party to require formal consideration
 2772 of any application by a land use authority; and

2773 (B) land use applicant or adversely affected party to appeal a land use authority's
 2774 decision to a separate appeal authority[; ~~and~~] .

2775 [~~(C) participant to be heard in each public hearing on a contested application.~~]

2776 (2) Before making a recommendation to a legislative body on an item described in
 2777 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in
 2778 accordance with Section 17-79-404.

2779 (3) A legislative body may adopt, modify, or reject a planning commission's
 2780 recommendation to the legislative body under this section.

2781 [~~(4) A legislative body may consider a planning commission's failure to make a timely~~

- 2782 ~~recommendation as a negative recommendation.]~~
- 2783 [(5)] (4) Nothing in this section limits the right of a county to initiate or propose the actions
- 2784 described in this section.
- 2785 [(6)] (5)(a)(i) This Subsection [(6)] (5) applies to a county that:
- 2786 (A) is a county of the first, second, or third class; and
- 2787 (B) has a population in the county's unincorporated areas of 5,000 or more.
- 2788 (ii) The population for each county described in Subsection [(6)(a)(i)] (5)(a)(i) shall
- 2789 be derived from:
- 2790 (A) an estimate of the Utah Population Committee created in Section 63C-20-103;
- 2791 or
- 2792 (B) if the Utah Population Committee estimate is not available, the most recent
- 2793 official census or census estimate of the United States [~~Bureau of the~~]Census
- 2794 Bureau.
- 2795 (b) A county described in Subsection [(6)(a)(i)] (5)(a)(i) shall ensure that each member
- 2796 of the county's planning commission completes four hours of annual land use training
- 2797 as follows:
- 2798 (i) one hour of annual training on general powers and duties, including the role of the
- 2799 planning commission in administrative, legislative, and quasi-judicial functions
- 2800 under [Title 17, Chapter 27a, County Land Use, Development, and Management
- 2801 Act] this chapter; and
- 2802 (ii) three hours of annual training on a combination of land use and ethics, which may
- 2803 include:
- 2804 (A) appeals and variances;
- 2805 (B) conditional use permits;
- 2806 (C) exactions;
- 2807 (D) impact fees;
- 2808 (E) vested rights;
- 2809 (F) subdivision regulations and improvement guarantees;
- 2810 (G) land use referenda;
- 2811 (H) property rights;
- 2812 (I) real estate procedures and financing;
- 2813 (J) zoning, including use-based and form-based; [~~and~~]
- 2814 (K) drafting ordinances and code that complies with statute[-] ;
- 2815 (L) ex parte communication; and

- 2816 (M) conflict of interest.
- 2817 (c) A newly appointed planning commission member may not participate in a public
2818 meeting as an appointed member until the member completes the training described
2819 in Subsection [~~(6)(b)(i)~~] (5)(b)(i).
- 2820 (d) A planning commission member may qualify for one completed hour of training
2821 required under Subsection [~~(6)(b)(ii)~~] (5)(b)(ii) if the member attends, as an appointed
2822 member, 12 public meetings of the planning commission within a calendar year.
- 2823 (e) A county shall provide the training described in Subsection [~~(6)(b)~~] (5)(b) through:
2824 (i) county staff;
2825 (ii) the Utah Association of Counties; or
2826 (iii) a list of training courses selected by:
2827 (A) the Utah Association of Counties; or
2828 (B) the Division of Real Estate created in Section 61-2-201.
- 2829 (f) A county shall, for each planning commission member:
2830 (i) monitor compliance with the training requirements in Subsection [~~(6)(b)~~] (5)(b);
2831 and
2832 (ii) maintain a record of training completion at the end of each calendar year.
- 2833 Section 32. Section **17-79-501** is amended to read:
2834 **17-79-501 (Effective 05/06/26). Enactment of land use regulation.**
- 2835 (1) Only a legislative body, as the body authorized to weigh policy considerations, may
2836 enact a land use regulation.
- 2837 (2)(a) Except as provided in Subsection (2)(b), a legislative body may enact a land use
2838 regulation only by ordinance.
- 2839 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that
2840 imposes a fee.
- 2841 (3) A land use regulation shall be consistent with the purposes [~~set forth in~~] of this chapter.
- 2842 (4)(a) A legislative body shall adopt a land use regulation to:
2843 (i) create or amend a zoning district under Subsection 17-79-503(1)(a); and
2844 (ii) designate general uses allowed in each zoning district.
- 2845 (b) A land use authority may establish or modify other restrictions or requirements other
2846 than those described in Subsection (4)(a), including the configuration or modification
2847 of uses or density, through a land use decision that applies criteria or policy elements
2848 that a land use regulation establishes or describes.
- 2849 (5)(a) A county shall publish on the county's website:

- 2850 (i) all of the county's land use regulations; and
- 2851 (ii) a fee schedule that lists all of the county's fees related to a land use application,
- 2852 land use permit, or land use regulation, including development review fees and
- 2853 impact fees.
- 2854 (b) A county may comply with Subsection (5)(a) by:
- 2855 (i) posting a link on the county's website to a separate webpage or third-party website
- 2856 where the land use regulations or fee schedule described in Subsection (5)(a) are
- 2857 posted; and
- 2858 (ii) submitting a new or modified land use regulation or fee schedule described in
- 2859 Subsection (5)(a) to the third-party website within six months after the day on
- 2860 which the legislative body adopts the new or modified land use regulation or fee
- 2861 schedule.
- 2862 ~~[(5)]~~ (6) A county may not adopt a land use regulation[;] or development agreement, or
- 2863 make a land use decision that restricts the type of crop that may be grown in an area that
- 2864 is:
- 2865 (a) zoned agricultural; or
- 2866 (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.
- 2867 ~~[(6)]~~ (7) A county land use regulation pertaining to an airport or an airport influence area, as
- 2868 that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4,
- 2869 Airport Zoning Act.
- 2870 Section 33. Section **17-79-502** is amended to read:
- 2871 **17-79-502 (Effective 05/06/26). Preparation and adoption of land use regulation.**
- 2872 (1) A planning commission shall:
- 2873 (a) provide notice as required by Subsection 17-79-205(1)(a) and, if applicable,
- 2874 Subsection 17-79-205(4);
- 2875 (b) hold a public hearing on a proposed land use regulation;
- 2876 (c) if applicable, consider each written objection filed in accordance with Subsection
- 2877 17-79-205(4) before the public hearing; and
- 2878 (d)(i) review and recommend to the legislative body a proposed land use regulation
- 2879 that represents the planning commission's recommendation for regulating the use
- 2880 and development of land within:
- 2881 (A) all or any part of the unincorporated area of the county; or
- 2882 (B) for a mountainous planning district, all or any part of the area in the
- 2883 mountainous planning district; and

2884 (ii) forward to the legislative body all objections filed in accordance with Subsection
2885 17-79-205(4).

2886 (2)(a) The legislative body shall consider each proposed land use regulation that the
2887 planning commission recommends to the legislative body.

2888 (b) After providing notice as required by Subsection 17-79-205(1)(b) and holding a
2889 public meeting, the legislative body may adopt or reject the proposed land use
2890 regulation described in Subsection (2)(a):

2891 (i) as proposed by the planning commission; or

2892 (ii) after making any revision the legislative body considers appropriate.

2893 ~~[(c) A legislative body may consider a planning commission's failure to make a timely
2894 recommendation as a negative recommendation if the legislative body has provided
2895 for that consideration by ordinance.]~~

2896 (c) Beginning on September 15, 2026, a legislative body may adopt or reject a proposed
2897 land use regulation without waiting for a recommendation from the planning
2898 commission if:

2899 (i) a land use applicant makes a request described in Subsection 17-79-805(2)(b); or

2900 (ii) a legislative body determines that a planning commission has had adequate time
2901 to consider the land use regulation.

2902 Section 34. Section **17-79-507** is amended to read:

2903 **17-79-507 (Effective 05/06/26). Classification of new and unlisted business uses.**

2904 (1) As used in this section:

2905 (a) "Classification request" means a request to determine whether a proposed business
2906 use aligns with an existing land use specified in a county's land use ordinances.

2907 (b) "New or unlisted business use" means a business activity that does not align with an
2908 existing land use specified in a county's land use ordinances.

2909 (2)(a) Each county shall incorporate into the county's land use ordinances a process for
2910 reviewing and approving a new or unlisted business use and designating an
2911 appropriate zone or zones for an approved use.

2912 (b) The process described in Subsection (2)(a) shall:

2913 (i) detail how an applicant may submit a classification request;

2914 (ii) establish a procedure for the county to review a classification request, including:
2915 (A) providing a land use authority with criteria to determine whether a proposed
2916 use aligns with an existing use; ~~and~~

2917 (B) allowing an applicant to proceed under the regulations of an existing use if a

2918 land use authority determines a proposed use aligns with that existing use; and
 2919 (C) providing the applicant an opportunity to appeal a land use authority's decision
 2920 to the land use appeal authority;

2921 (iii) provide that if a use is determined to be a new or unlisted business use:

2922 (A) the applicant shall submit to the legislative body for review an application [~~for~~
 2923 ~~approval of the new or unlisted business use to the legislative body for review]~~
 2924 requesting that the legislative body adopt a land use ordinance that permits the
 2925 new or unlisted business as a permitted or conditional use;

2926 (B) notwithstanding Subsection 17-79-503(2) or (3), the legislative body shall
 2927 consider and [~~determine whether to-~~]approve or deny [~~the new or unlisted~~
 2928 ~~business use]~~ the application described in Subsection (2)(b)(iii)(A); and

2929 (C) the legislative body shall approve or deny [~~the new or unlisted business use]~~
 2930 the application described in Subsection (2)(b)(iii)(A), within a time frame the
 2931 legislative body establishes by ordinance, if the applicant responds to requests
 2932 for additional information within a time frame established by the county and
 2933 appears at required hearings;

2934 (iv) provide that if the legislative body approves [~~a proposed new or unlisted business~~
 2935 ~~use]~~ the application described in Subsection (2)(b)(iii)(A), the legislative body
 2936 shall designate an appropriate zone or zones for the approved use; and

2937 (v) provide that if the legislative body denies [~~a proposed new or unlisted business use]~~
 2938 the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees
 2939 with a land use authority's classification of the proposed use, the legislative body
 2940 shall:

2941 (A) notify the applicant in writing of each reason for the classification or denial;
 2942 and

2943 (B) [~~offer the applicant an opportunity to challenge the classification or denial~~
 2944 ~~through an administrative appeal process established by the county]~~ notify the
 2945 applicant of the process for appealing the legislative body's decision in
 2946 accordance with Section 17-79-1009.

2947 (c) A county may not require an applicant who submits an application described in
 2948 Subsection (2)(b)(iii)(A) to submit the application to the planning commission for
 2949 consideration, review, or approval.

2950 (3) Each county shall amend each land use ordinance that contains a list of approved or
 2951 prohibited business uses to include a reference to the process for petitioning to approve a

2952 new or unlisted business use, as described in Subsection (2).

2953 Section 35. Section **17-79-621** is enacted to read:

2954 **17-79-621 (Effective 05/06/26). Structure height.**

2955 (1) A county may regulate:

2956 (a) the number of habitable stories that a structure may contain; and

2957 (b) the overall height of a structure.

2958 (2) If a land use authority approved a land use application for a commercial lodging
 2959 structure on or before September 1, 2025, and the land use application is subject to land
 2960 use regulations described in Subsection (1) that conflict, the land use authority may not
 2961 limit the number of above-ground habitable stories the land use applicant builds within
 2962 the maximum overall height that the land use authority approved for the structure.

2963 Section 36. Section **17-79-706** is amended to read:

2964 **17-79-706 (Effective 05/06/26). Review of subdivision applications and**
 2965 **subdivision improvement plans.**

2966 (1) As used in this section:

2967 (a) "Review cycle" means the occurrence of:

2968 (i) the applicant's submittal of a complete subdivision application;

2969 (ii) the county's review of that subdivision application;

2970 (iii) the county's response to that subdivision application, in accordance with this
 2971 section; and

2972 (iv) the applicant's reply to the county's response that addresses each of the county's
 2973 required modifications or requests for additional information.

2974 (b) "Subdivision application" means a land use application for the subdivision of land
 2975 located within the unincorporated area of a county.

2976 (c) "Subdivision improvement plans" means the civil engineering plans associated with
 2977 required infrastructure improvements and county-controlled utilities required for a
 2978 subdivision.

2979 (d) "Subdivision ordinance review" means review by a county to verify that a
 2980 subdivision application meets the criteria of the county's ordinances.

2981 (e) "Subdivision plan review" means a review of the applicant's subdivision
 2982 improvement plans and other aspects of the subdivision application to verify that the
 2983 application complies with county ordinances and applicable installation standards and
 2984 inspection specifications for infrastructure improvements.

2985 (2) The review cycle restrictions and requirements of this section do not apply to the review

- 2986 of subdivision applications affecting property within identified geological hazard areas.
- 2987 (3)(a) A county may require a subdivision improvement plan to be submitted with a
- 2988 subdivision application.
- 2989 (b) A county may not require a subdivision improvement plan to be submitted with both
- 2990 a preliminary subdivision application and a final subdivision application.
- 2991 (4)(a) The review cycle requirements of this section apply:
- 2992 (i) to the review of a preliminary subdivision application, if the county requires a
- 2993 subdivision improvement plan to be submitted with a preliminary subdivision
- 2994 application; or
- 2995 (ii) to the review of a final subdivision application, if the county requires a
- 2996 subdivision improvement plan to be submitted with a final subdivision application.
- 2997 (b) A county may not, outside the review cycle, engage in a substantive review of
- 2998 required infrastructure improvements or a county controlled utility.
- 2999 (5)(a) A county shall complete the initial review of a complete subdivision application
- 3000 submitted for ordinance review for a residential subdivision for single-family
- 3001 dwellings, two-family dwellings, or town homes:
- 3002 (i) no later than 15 business days after the complete subdivision application is
- 3003 submitted, if the county has a population over 5,000; or
- 3004 (ii) no later than 30 business days after the complete subdivision application is
- 3005 submitted, if the county has a population of 5,000 or less.
- 3006 (b) A county shall maintain and publish a list of the items comprising the complete
- 3007 subdivision application, including:
- 3008 (i) the application;
- 3009 (ii) the owner's affidavit;
- 3010 (iii) an electronic copy of all plans in PDF format;
- 3011 (iv) the preliminary subdivision plat drawings; and
- 3012 (v) a breakdown of fees due upon approval of the application.
- 3013 (6) A county shall publish a list of the items that comprise a complete subdivision land use
- 3014 application.
- 3015 (7) A county shall complete a subdivision plan review of a subdivision improvement plan
- 3016 that is submitted with a complete subdivision application for a residential subdivision for
- 3017 single-family dwellings, two-family dwellings, or town homes:
- 3018 (a) within 20 business days after the complete subdivision application is submitted, if the
- 3019 county has a population over 5,000; or

- 3020 (b) within 40 business days after the complete subdivision application is submitted, if
3021 the county has a population of 5,000 or less.
- 3022 (8)(a) In reviewing a subdivision application, a county may require:
- 3023 (i) additional information relating to an applicant's plans to ensure compliance with
3024 county ordinances and approved standards and specifications for construction of
3025 public improvements; and
- 3026 (ii) modifications to plans that do not meet current ordinances, applicable standards,
3027 or specifications or do not contain complete information.
- 3028 (b) A county's request for additional information or modifications to plans under
3029 Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances,
3030 standards, or specifications that require the modifications to subdivision
3031 improvement plans, and shall be logged in an index of requested modifications or
3032 additions.
- 3033 (c) A county may not require more than four review cycles for a subdivision
3034 improvement plan review.
- 3035 (d)(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated
3036 by the applicant's adjustment to a subdivision improvement plan or an update to a
3037 phasing plan that adjusts the infrastructure needed for the specific development, a
3038 change or correction not addressed or referenced in a county's subdivision
3039 improvement plan review is waived.
- 3040 (ii) A modification or correction necessary to protect public health and safety or to
3041 enforce state or federal law may not be waived.
- 3042 (iii) If an applicant makes a material change to a subdivision improvement plan, the
3043 county has the discretion to restart the review process at the first review of the
3044 subdivision improvement plan review, but only with respect to the portion of the
3045 subdivision improvement plan that the material change substantively affects.
- 3046 (e)(i) This Subsection (8) applies if an applicant does not submit a revised
3047 subdivision improvement plan within:
- 3048 (A) 20 business days after the county requires a modification or correction, if the
3049 county has a population over 5,000; or
- 3050 (B) 40 business days after the county requires a modification or correction, if the
3051 county has a population of 5,000 or less.
- 3052 (ii) If an applicant does not submit a revised subdivision improvement plan within the
3053 time specified in Subsection (8)(e)(i), a county has an additional 20 business days

3054 after the time specified in Subsection (7) to respond to a revised subdivision
3055 improvement plan.

3056 (9) After the applicant has responded to the final review cycle, and the applicant has
3057 complied with each modification requested in the county's previous review cycle, the
3058 county may not require additional revisions if the applicant has not materially changed
3059 the plan, other than changes that were in response to requested modifications or
3060 corrections.

3061 (10)(a) In addition to revised plans, an applicant shall provide a written explanation in
3062 response to the county's review comments, identifying and explaining the applicant's
3063 revisions and reasons for declining to make revisions, if any.

3064 (b) The applicant's written explanation shall be comprehensive and specific, including
3065 citations to applicable standards and ordinances for the design and an index of
3066 requested revisions or additions for each required correction.

3067 (c) If an applicant fails to address a review comment in the response, the review cycle is
3068 not complete and the subsequent review cycle may not begin until all comments are
3069 addressed.

3070 (11)[(a)] If, on the fourth or final review, a county fails to respond within 20 business
3071 days, the county shall, upon request of the property owner, and within 10 business
3072 days after the day on which the request is received:

3073 [(i)] (a) for a dispute arising from the subdivision improvement plans, assemble an
3074 appeal panel in accordance with Subsection [~~17-79-812(5)(d)~~] 17-79-812(4)(d) to
3075 review and approve or deny the final revised set of plans; or

3076 [(ii)] (b) for a dispute arising from the subdivision ordinance review, advise the
3077 applicant, in writing, of the deficiency in the application and of the right to appeal the
3078 determination to a designated appeal authority.

3079 Section 37. Section **17-79-707** is amended to read:

3080 **17-79-707 (Effective 05/06/26). Subdivision plat recording or development**
3081 **activity before required infrastructure is completed -- Improvement completion**
3082 **assurance -- Improvement warranty.**

3083 (1) As used in this section:

3084 (a) "Private landscaping plan" means a proposal:

3085 (i) to install landscaping on a lot owned by a private individual or entity; and

3086 (ii) submitted to a county by the private individual or entity, or on behalf of a private
3087 individual or entity, that owns the lot.

- 3088 (b) "Public landscaping improvement" means landscaping that an applicant is required to
3089 install to comply with published installation and inspection specifications for public
3090 improvements that:
- 3091 (i) will be dedicated to and maintained by the county; or
 - 3092 (ii) are associated with and proximate to trail improvements that connect to planned
3093 or existing public infrastructure.
- 3094 (2) A land use authority shall establish objective inspection standards for acceptance of a
3095 required public landscaping improvement or infrastructure improvement.
- 3096 (3)(a) Except as provided in Subsection (3)(d) or (3)(e), before an applicant conducts
3097 any development activity or records a plat, the applicant shall:
- 3098 (i) complete any required public landscaping improvements or infrastructure
3099 improvements; or
 - 3100 (ii) post an improvement completion assurance for any required public landscaping
3101 improvements or infrastructure improvements.
- 3102 (b) If an applicant elects to post an improvement completion assurance, the applicant
3103 shall, in accordance with Subsection (5), provide completion assurance for:
- 3104 (i) completion of 100% of the required public landscaping improvements or
3105 infrastructure improvements; or
 - 3106 (ii) if the county has inspected and accepted a portion of the public landscaping
3107 improvements or infrastructure improvements, 100% of the incomplete or
3108 unaccepted public landscaping improvements or infrastructure improvements.
- 3109 (c) A county shall:
- 3110 (i) establish a minimum of two acceptable forms of completion assurance;
 - 3111 (ii)(A) if an applicant elects to post an improvement completion assurance, allow
3112 the applicant to post an assurance that meets the conditions of this chapter and
3113 any local ordinances; and
 - 3114 (B) beginning on May 7, 2025, if a county accepts cash deposits as a form of
3115 completion assurance and an applicant elects to post a new cash deposit as a
3116 form of completion assurance, place the cash deposit in an interest-bearing
3117 account upon receipt and return any earned interest to the applicant with the
3118 return of the completion assurance according to the conditions of this chapter
3119 and any local ordinances;
 - 3120 (iii) establish a system for the partial release of an improvement completion
3121 assurance as portions of required public landscaping improvements or

3122 infrastructure improvements are completed and accepted in accordance with local
3123 ordinance; and

3124 (iv) issue or deny a building permit in accordance with Section 17-79-901 based on
3125 the installation of public landscaping improvements or infrastructure
3126 improvements.

3127 (d) A county may not require an applicant to post an improvement completion assurance
3128 for:

3129 (i) public landscaping improvements or infrastructure improvements that the county
3130 has previously inspected and accepted;

3131 (ii) infrastructure improvements that are private and not essential or required to meet
3132 the building code, fire code, flood or storm water management provisions, street
3133 and access requirements, or other essential necessary public safety improvements
3134 adopted in a land use regulation;

3135 (iii) in a county where ordinances require all infrastructure improvements within the
3136 area to be private, infrastructure improvements within a development that the
3137 county requires to be private;

3138 (iv) landscaping improvements that are not public landscaping improvements, unless
3139 the landscaping improvements and completion assurance are required under the
3140 terms of a development agreement;

3141 (v) a private landscaping plan;

3142 (vi) landscaping improvements or infrastructure improvements that an applicant
3143 elects to install at the applicant's own risk:

3144 (A) before the plat is recorded;

3145 (B) pursuant to inspections required by the county for the infrastructure
3146 improvement; and

3147 (C) pursuant to final civil engineering plan approval by the county; or

3148 (vii) any individual public landscaping improvement or individual infrastructure
3149 improvement when the individual public landscaping improvement or individual
3150 infrastructure improvement is also included as part of a separate improvement
3151 completion assurance.

3152 (e)(i) A county may not:

3153 (A) prohibit an applicant from installing a public landscaping improvement or an
3154 infrastructure improvement when the [municipality] county has approved final

3155 civil engineering plans for the development activity or plat for which the public

3156 landscaping improvement or infrastructure improvement is required; or
3157 (B) require an applicant to sign an agreement, release, or other document
3158 inconsistent with this chapter as a condition of posting an improvement
3159 completion assurance, security for an improvement warranty, or receiving a
3160 building permit.

3161 (ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and
3162 infrastructure improvements that are installed by an applicant are subject to
3163 inspection by the county in accordance with the county's adopted inspection
3164 standards.

3165 (f)(i) Each improvement completion assurance and improvement warranty posted by
3166 an applicant with a county shall be independent of any other improvement
3167 completion assurance or improvement warranty posted by the same applicant with
3168 the county.

3169 (ii) Subject to Section 17-79-805, if an applicant has posted a form of security with a
3170 county for more than one infrastructure improvement or public landscaping
3171 improvement, the county may not withhold acceptance of an applicant's required
3172 subdivision improvements, public landscaping improvement, infrastructure
3173 improvements, or the performance of warranty work for the same applicant's
3174 failure to complete a separate subdivision improvement, public landscaping
3175 improvement, infrastructure improvement, or warranty work under a separate
3176 improvement completion assurance or improvement warranty.

3177 (4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or
3178 other entitlement benefit not currently available under the existing zone, a county
3179 may require a completion assurance bond for landscaped amenities and common area
3180 that are dedicated to and maintained by a homeowners association.

3181 (b) Any agreement regarding a completion assurance bond under Subsection (4)(a)
3182 between the applicant and the county shall be memorialized in a development
3183 agreement.

3184 (c) A county may not require a completion assurance bond for or dictate who installs or
3185 is responsible for the cost of the landscaping of residential lots or the equivalent open
3186 space surrounding single-family attached homes, whether platted as lots or common
3187 area.

3188 (5) The sum of the improvement completion assurance required under Subsections (3) and
3189 (4) may not exceed the sum of:

- 3190 (a) 100% of the estimated cost of the public landscaping improvements or infrastructure
 3191 improvements, as evidenced by an engineer's estimate or licensed contractor's bid;
 3192 and
 3193 (b) 10% of the amount of the bond to cover administrative costs incurred by the county
 3194 to complete the improvements, if necessary.
- 3195 (6)(a) Upon an applicant's written request that the land use authority accept or reject the
 3196 applicant's installation of required subdivision improvements or performance of
 3197 warranty work as set forth in Section 17-79-805, and for the duration of each
 3198 improvement warranty period, the land use authority may require the applicant to:
- 3199 (i) execute an improvement warranty for the improvement warranty period; and
 3200 (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as
 3201 required by the county, in the amount of up to 10% of the lesser of the:
 3202 (A) county engineer's original estimated cost of completion; or
 3203 (B) applicant's reasonable proven cost of completion.
- 3204 (b) A county may not require the payment of the deposit of the improvement warranty
 3205 assurance described in Subsection (6)(a) for an infrastructure improvement or public
 3206 landscaping improvement before the applicant indicates through written request that
 3207 the applicant has completed the infrastructure improvement or public landscaping
 3208 improvement.
- 3209 (7) When a county accepts an improvement completion assurance for public landscaping
 3210 improvements or infrastructure improvements for a development in accordance with
 3211 Subsection (3)(c)(ii)(A), the county may not deny an applicant a building permit if the
 3212 development meets the requirements for the issuance of a building permit under the
 3213 building code and fire code.
- 3214 (8) A county may not require the submission of a private landscaping plan as part of an
 3215 application for a building permit.
- 3216 (9) The provisions of this section do not supersede the terms of a valid development
 3217 agreement, an adopted phasing plan, or the [~~state construction code~~] State Construction
 3218 Code.

3219 Section 38. Section **17-79-803** is amended to read:

3220 **17-79-803 (Effective 05/06/26). Applicant's entitlement to land use application**
 3221 **approval -- Application relating to land in a high priority transportation corridor --**
 3222 **County's requirements and limitations -- Vesting upon submission of development plan**
 3223 **and schedule.**

- 3224 (1)(a)(i) Subject to Subsection [(7)] (8), an applicant who has submitted a complete
3225 land use application, including the payment of all application fees, is entitled to
3226 substantive review of the application under the land use regulations:
- 3227 (A) in effect on the date that the application is complete; and
 - 3228 (B) applicable to the application or to the information shown on the submitted
3229 application.
- 3230 (ii) An applicant is entitled to approval of a land use application if the application
3231 conforms to the requirements of the applicable land use regulations, land use
3232 decisions, and development standards in effect when the applicant submits a
3233 complete application and pays all application fees, unless:
- 3234 (A) the land use authority, on the record, formally finds that a compelling,
3235 countervailing public interest would be jeopardized by approving the
3236 application and specifies the compelling, countervailing public interest in
3237 writing; or
 - 3238 (B) in the manner provided by local ordinance and before the applicant submits
3239 the application, the county formally initiates proceedings to amend the county's
3240 land use regulations in a manner that would prohibit approval of the
3241 application as submitted.
- 3242 (b) The county shall process an application without regard to proceedings the county
3243 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:
- 3244 (i) 180 days have passed since the county initiated the proceedings; and
 - 3245 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval
3246 of the application as submitted; or
 - 3247 (B) during the 12 months before the county processing the application or multiple
3248 applications of the same type, the application is impaired or prohibited under
3249 the terms of a temporary land use regulation adopted under Section 17-79-504.
- 3250 (c) A land use application is considered submitted and complete when the applicant
3251 provides the application in a form that complies with the requirements of applicable
3252 ordinances and pays all applicable fees.
- 3253 (d) Unless a phasing sequence is required in an executed development agreement, a
3254 county shall, without regard to any other separate and distinct land use application,
3255 accept and process a complete land use application in accordance with this chapter.
- 3256 (e) The continuing validity of an approval of a land use application is conditioned upon
3257 the applicant proceeding after approval to implement the approval with reasonable

- 3258 diligence.
- 3259 (f) Subject to Subsection [~~(7)~~] (8), a county may not impose on an applicant who has
3260 submitted a complete application a requirement that is not expressed in:
- 3261 (i) this chapter;
- 3262 (ii) a county ordinance in effect on the date that the applicant submits a complete
3263 application, subject to Subsection (1)(a)(ii); or
- 3264 (iii) a county specification for public improvements applicable to a subdivision or
3265 development that is in effect on the date that the applicant submits an application.
- 3266 (g) A county may not impose on a holder of an issued land use permit or a final,
3267 unexpired subdivision plat a requirement that is not expressed:
- 3268 (i) in a land use permit;
- 3269 (ii) on the subdivision plat;
- 3270 (iii) in a document on which the land use permit or subdivision plat is based;
- 3271 (iv) in the written record evidencing approval of the land use permit or subdivision
3272 plat;
- 3273 (v) in this chapter;
- 3274 (vi) in a county ordinance; or
- 3275 (vii) in a county specification for residential roadways in effect at the time a
3276 residential subdivision was approved.
- 3277 (h) Except as provided in Subsection (1)(i) or (j), a county may not withhold issuance of
3278 a certificate of occupancy or acceptance of subdivision improvements because of an
3279 applicant's failure to comply with a requirement that is not expressed:
- 3280 (i) in the building permit or subdivision plat, documents on which the building permit
3281 or subdivision plat is based, or the written record evidencing approval of the
3282 building permit or subdivision plat; or
- 3283 (ii) in this chapter or the county's ordinances.
- 3284 (i) A county may not unreasonably withhold issuance of a certificate of occupancy
3285 where an applicant has met all requirements essential for the public health, public
3286 safety, and general welfare of the occupants, in accordance with this chapter, unless:
- 3287 (i) the applicant and the county have agreed in a written document to the withholding
3288 of a certificate of occupancy; or
- 3289 (ii) the applicant has not provided a financial assurance for required and uncompleted
3290 public landscaping improvements or infrastructure improvements in accordance
3291 with an applicable local ordinance.

3292 (j) A county may not conduct a final inspection required before issuing a certificate of
3293 occupancy for a residential unit that is within the boundary of an infrastructure
3294 financing district, as defined in Section 17B-1-102, until the applicant for the
3295 certificate of occupancy provides adequate proof to the county that any lien on the
3296 unit arising from the infrastructure financing district's assessment against the unit
3297 under Title 11, Chapter 42, Assessment Area Act, has been released after payment in
3298 full of the infrastructure financing district's assessment against that unit.

3299 (k) A county:

3300 (i) may require the submission of a private landscaping plan, as defined in Section
3301 17-79-707, before landscaping is installed; and

3302 (ii) may not withhold an applicant's building permit or certificate of occupancy
3303 because the applicant has not submitted a private landscaping plan.

3304 (2) A county is bound by the terms and standards of applicable land use regulations and
3305 shall comply with mandatory provisions of those regulations.

3306 (3) Beginning on October 1, 2026, a county shall publish on the county's website an
3307 application checklist for each land use application type that includes a checklist of all
3308 required plans and documents that make a complete application.

3309 [~~(3)~~] (4) A county may not, as a condition of land use application approval, require a person
3310 filing a land use application to obtain documentation regarding a school district's
3311 willingness, capacity, or ability to serve the development proposed in the land use
3312 application.

3313 [~~(4)~~] (5) Subject to Subsection [~~(7)~~] (8), a specified public agency's submission of a
3314 development plan and schedule as required in Subsection 17-79-305(8) that complies
3315 with the requirements of that subsection, the specified public agency vests in the
3316 county's applicable land use maps, zoning map, hookup fees, impact fees, other
3317 applicable development fees, and land use regulations in effect on the date of submission.

3318 [~~(5)~~] (6)(a) If sponsors of a referendum timely challenge a project in accordance with
3319 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land
3320 use approval by delivering a written notice:

3321 (i) to the local clerk as defined in Section 20A-7-101; and

3322 (ii) no later than seven days after the day on which a petition for a referendum is
3323 determined sufficient under Subsection 20A-7-607(4).

3324 (b) Upon delivery of a written notice described in Subsection [~~(5)~~](a) (6)(a) the following
3325 are rescinded and are of no further force or effect:

- 3326 (i) the relevant land use approval; and
 3327 (ii) any land use regulation enacted specifically in relation to the land use approval.

3328 ~~[(6)]~~ (7)(a) After issuance of a building permit, a county may not:

3329 (i) change or add to the requirements expressed in the building permit, unless the
 3330 change or addition is:

3331 (A) requested by the building permit holder; or

3332 (B) necessary to comply with an applicable state building code; or

3333 (ii) revoke the building permit or take action that has the effect of revoking the
 3334 building permit.

3335 (b) Subsection ~~[(6)(a)]~~ (7)(a) does not prevent a county from issuing a building permit
 3336 that contains an expiration date defined in the building permit.

3337 ~~[(7)]~~ (8) A county shall comply with the provisions of this chapter regarding all pending
 3338 land use applications and new land use applications submitted under this chapter.

3339 Section 39. Section **17-79-811** is amended to read:

3340 **17-79-811 (Effective 05/06/26). Provisions applicable to a provider of culinary or**
 3341 **secondary water.**

3342 A provider of culinary or secondary water that commits to provide a water service
 3342a required

3343 by a land use application process is subject to the following provisions the same as if the
 3344 provider were a county:

3345 (1) Subsections 17-79-804(5) and (6);

3346 (2) Section 17-79-805; ~~[and]~~

3347 (3) Section 17-79-812; and

3348 (4) Section 17-79-813.

3349 Section 40. Section **17-79-812** is amended to read:

3350 **17-79-812 (Effective 05/06/26). Exactions -- Requirement to offer to original**
 3351 **owner property acquired by exaction -- Exaction for right-of-way improvements --**
 3352 **Improvement completion assurance requirements.**

3353 (1) A county may impose an exaction or exactions on development proposed in a land use
 3354 application, including, subject to ~~[Subsection (3)]~~ Section 17-79-813, an exaction for a
 3355 water interest, if:

3356 (a) an essential link exists between a legitimate governmental interest and each exaction;
 3357 and

3358 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the

3359 proposed development.

3360 (2) If a land use authority imposes an exaction for another governmental entity:

3361 (a) the governmental entity shall request the exaction; and

3362 (b) the land use authority shall transfer the exaction to the governmental entity for which
3363 it was exacted.

3364 [~~(3)(a)(i) Subject to the requirements of this Subsection (3), a county or, if
3365 applicable, the county's culinary water authority shall base any exaction for a
3366 water interest on the culinary water authority's established calculations of
3367 projected water interest requirements.]~~

3368 [(ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall
3369 base an exaction for a culinary water interest on:]

3370 [(A) consideration of the system-wide minimum sizing standards established for
3371 the culinary water authority by the Division of Drinking Water in accordance
3372 with Section 19-4-114; and]

3373 [(B) the number of equivalent residential connections associated with the culinary
3374 water demand for each specific development proposed in the development's
3375 land use application, applying lower exactions for developments with lower
3376 equivalent residential connections as demonstrated by at least five years of
3377 usage data for like land uses within the county.]

3378 [(iii) A county or culinary water authority may impose an exaction for a culinary
3379 water interest that results in less water being exacted than would otherwise be
3380 exacted under Subsection (3)(a)(ii) if the county or culinary water authority, at the
3381 county's or culinary water authority's sole discretion, determines there is good
3382 cause to do so.]

3383 [(iv) A county shall make public the methodology used to comply with Subsection
3384 (3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an
3385 exaction calculation used by the county or the county's culinary water authority
3386 under Subsection (3)(a)(ii). A land use applicant may present data and other
3387 information that illustrates a need for an exaction recalculation and the county's
3388 governing body shall respond with due process.]

3389 [(v) Upon an applicant's request, the culinary water authority shall provide the
3390 applicant with the basis for the culinary water authority's calculations under
3391 Subsection (3)(a)(i) on which an exaction for a water interest is based.]

3392 [(b) A county or the county's culinary water authority may not impose an exaction for a

3393 ~~water interest if the culinary water authority's existing available water interests~~
 3394 ~~exceed the water interests needed to meet the reasonable future water requirement of~~
 3395 ~~the public, as determined under Subsection 73-1-4(2)(f).]~~

3396 [(4)] (3)(a) If a county plans to dispose of surplus real property under Section 17-78-103
 3397 that was acquired under this section and has been owned by the county for less than
 3398 15 years, the county shall first offer to reconvey the property, without receiving
 3399 additional consideration, to the person who granted the property to the county.

3400 (b) A person to whom a county offers to reconvey property under Subsection [(4)(a)]
 3401 (3)(a) has 90 days to accept or reject the county's offer.

3402 (c) If a person to whom a county offers to reconvey property declines the offer, the
 3403 county may offer the property for sale.

3404 (d) Subsection [(4)(a)] (3)(a) does not apply to the disposal of property acquired by
 3405 exaction by a community development or urban renewal agency.

3406 [(5)] (4)(a) A county may not, as part of an infrastructure improvement, require the
 3407 installation of pavement on a residential roadway at a width in excess of 32 feet.

3408 (b) Subsection [(5)(a)] (4)(a) does not apply if a county requires the installation of
 3409 pavement in excess of 32 feet:

3410 (i) in a vehicle turnaround area;

3411 (ii) in a cul-de-sac;

3412 (iii) to address specific traffic flow constraints at an intersection, mid-block
 3413 crossings, or other areas;

3414 (iv) to address an applicable general or master plan improvement, including
 3415 transportation, bicycle lanes, trails, or other similar improvements that are not
 3416 included within an impact fee area;

3417 (v) to address traffic flow constraints for service to or abutting higher density
 3418 developments or uses that generate higher traffic volumes, including community
 3419 centers, schools, and other similar uses;

3420 (vi) as needed for the installation or location of a utility which is maintained by the
 3421 county and is considered a transmission line or requires additional roadway width;

3422 (vii) for third-party utility lines that have an easement preventing the installation of
 3423 utilities maintained by the county within the roadway;

3424 (viii) for utilities over 12 feet in depth;

3425 (ix) for roadways with a design speed that exceeds 25 miles per hour;

3426 (x) as needed for flood and stormwater routing;

- 3427 (xi) as needed to meet fire code requirements for parking and hydrants; or
3428 (xii) as needed to accommodate street parking.
- 3429 (c) Nothing in this section shall be construed to prevent a county from approving a road
3430 cross section with a pavement width less than 32 feet.
- 3431 (d)(i) A land use applicant may appeal a municipal requirement for pavement in
3432 excess of 32 feet on a residential roadway.
- 3433 (ii) A land use applicant that has appealed a municipal specification for a residential
3434 roadway pavement width in excess of 32 feet may request that the county
3435 assemble a panel of qualified experts to serve as the appeal authority for purposes
3436 of determining the technical aspects of the appeal.
- 3437 (iii) Unless otherwise agreed by the applicant and the county, the panel described in
3438 Subsection [~~(5)(d)(ii)~~] (4)(d)(ii) shall consist of the following three experts:
- 3439 (A) one licensed engineer, designated by the county;
3440 (B) one licensed engineer, designated by the land use applicant; and
3441 (C) one licensed engineer, agreed upon and designated by the two designated
3442 engineers under Subsections [~~(5)(d)(iii)(A)~~] (4)(d)(iii)(A) and (B).
- 3443 (iv) A member of the panel assembled by the county under Subsection [~~(5)(d)(ii)~~]
3444 (4)(d)(ii) may not have an interest in the application that is the subject of the
3445 appeal.
- 3446 (v) The land use applicant shall pay:
- 3447 (A) 50% of the cost of the panel; and
3448 (B) the county's published appeal fee.
- 3449 (vi) The decision of the panel is a final decision, subject to a petition for review under
3450 Subsection [~~(5)(d)(vii)~~] (4)(d)(vii).
- 3451 (vii) In accordance with Section 17-79-1009, a land use applicant or the county may
3452 file a petition for review of the decision with the district court within 30 days after
3453 the date that the decision is final.

3454 Section 41. Section **17-79-813** is enacted to read:

3455 **17-79-813** (Effective 05/06/26). **Exactions for water rights.**

- 3456 (1) Subject to the requirements of this section, a county or, if applicable, the county's
3457 culinary water authority shall base any exaction for a water interest on the culinary water
3458 authority's established calculations of projected water interest requirements.
- 3459 (2) Except as described in Subsection (3), a culinary water authority shall base an exaction
3460 for a culinary water interest on:

- 3461 (a) consideration of the system-wide minimum sizing standards established for the
 3462 culinary water authority by the Division of Drinking Water in accordance with
 3463 Section 19-4-114; and
- 3464 (b) the number of equivalent residential connections associated with the culinary water
 3465 demand for each specific development proposed in the development's land use
 3466 application, applying lower exactions for developments with lower equivalent
 3467 residential connections as demonstrated by at least five years of usage data for like
 3468 land uses within the county.
- 3469 (3) If a county or culinary water authority determines, in the sole discretion of the county or
 3470 culinary water authority, that good cause exists, the county or culinary water authority
 3471 may impose an exaction for a culinary water interest that results in less water being
 3472 exacted than would otherwise be exacted under Subsection (2).
- 3473 (4)(a) A county shall make public the methodology used to comply with Subsection
 3474 (2)(b).
- 3475 (b) A land use applicant may submit a request to the county's governing body an
 3476 exaction calculation used by the county or the county's culinary water authority under
 3477 Subsection (2).
- 3478 (c) A land use applicant may present data and other information that illustrates a need
 3479 for an exaction recalculation and the county's governing body shall respond with due
 3480 process.
- 3481 (5) Upon an applicant's request, the culinary water authority shall provide the applicant
 3482 with the basis for the culinary water authority's calculations under Subsection (2) on
 3483 which an exaction for a water interest is based.
- 3484 (6) A county or the county's culinary water authority may not impose an exaction for a
 3485 water interest if the culinary water authority's existing available water interests exceed
 3486 the water interests needed to meet the reasonable future water requirement of the public,
 3487 as determined under Subsection 73-1-4(2)(f).
- 3488 Section 42. Section **17-79-901** is amended to read:
- 3489 **17-79-901 (Effective 05/06/26). Enforcement -- Limitations on a county's ability**
 3490 **to enforce an ordinance by withholding a permit or certificate.**
- 3491 (1)(a) A county or [~~an adversely affected party~~] a land use applicant may, in addition to
 3492 other remedies provided by law, institute:
- 3493 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
 3494 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

- 3495 (b) A county need only establish the violation to obtain the injunction.
- 3496 (2)(a) Except as provided in Subsections (3) through (6), a county may enforce the
3497 county's ordinance by withholding a building permit or certificate of occupancy.
- 3498 (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building
3499 or other structure within a county without approval of a building permit.
- 3500 (c) The county may not issue a building permit unless the plans of and for the proposed
3501 erection, construction, reconstruction, alteration, or use fully conform to all
3502 regulations then in effect.
- 3503 (d) A county may require an applicant to install a permanent road, cover a temporary
3504 road with asphalt or concrete, or create another method for servicing a structure that
3505 is consistent with Appendix D of the International Fire Code, before receiving a
3506 certificate of occupancy for that structure.
- 3507 (e) A county may require an applicant to maintain and repair a temporary fire apparatus
3508 road during the construction of a structure accessed by the temporary fire apparatus
3509 road in accordance with the county's adopted standards.
- 3510 (f) A county may require temporary signs to be installed at each street intersection once
3511 construction of new roadway allows passage by a motor vehicle.
- 3512 (g) A county may adopt and enforce any appendix of the International Fire Code, 2021
3513 Edition.
- 3514 (3)(a) A county may not deny an applicant a building permit or certificate of occupancy
3515 because the applicant has not completed an infrastructure improvement:
- 3516 (i) unless the infrastructure improvement is essential to meet the requirements for the
3517 issuance of a building permit or certificate of occupancy under Title 15A, State
3518 Construction and Fire Codes Act; and
- 3519 (ii) for which the county has accepted an improvement completion assurance for a
3520 public landscaping improvement, as defined in Section 17-79-707, or an
3521 infrastructure improvement for the development.
- 3522 (b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6,
3523 infrastructure improvement that is essential means:
- 3524 (i) for a building permit:
- 3525 (A) operable fire hydrants installed in a manner that is consistent with the county's
3526 adopted engineering standards; and
- 3527 [(ii)] (B) for temporary roads used during construction, a properly compacted road
3528 base installed in a manner consistent with the county's adopted engineering

- 3529 standards[-] ;
- 3530 (ii) for a certificate of occupancy, at the discretion of the county, at least one of the
- 3531 following:
- 3532 (A) a permanent road;
- 3533 (B) a temporary road covered with asphalt or concrete; or
- 3534 (C) another method for accessing a structure consistent with Appendix D of the
- 3535 International Fire Code; and
- 3536 (iii) public infrastructure necessary for the health, life, and safety of the occupant.
- 3537 (c) A county may not adopt an engineering standard that requires an applicant to install a
- 3538 permanent road or a temporary road with asphalt or concrete before receiving a
- 3539 building permit.
- 3540 (4) A county may not deny an applicant a building permit or certificate of occupancy for
- 3541 failure to:
- 3542 (a) submit a private landscaping plan, as defined in Section 17-79-707; or
- 3543 (b) complete a landscaping improvement that is not a public landscaping improvement,
- 3544 as defined in Section 17-79-707.
- 3545 (5) A county may not withhold a building permit based on the lack of completion of a
- 3546 portion of a public sidewalk to be constructed within a public right-of-way serving a lot
- 3547 where a single-family or two-family residence or town home is proposed in a building
- 3548 permit application if an improvement completion assurance has been posted for the
- 3549 incomplete portion of the public sidewalk.
- 3550 (6) A county may not prohibit the construction of a single-family or two-family residence
- 3551 or town home, withhold recording a plat, or withhold acceptance of a public landscaping
- 3552 improvement, as defined in Section 17-79-707, or an infrastructure improvement based
- 3553 on the lack of installation of a public sidewalk if an improvement completion assurance
- 3554 has been posted for the public sidewalk.
- 3555 (7) A county may not redeem an improvement completion assurance securing the
- 3556 installation of a public sidewalk sooner than 18 months after the date the improvement
- 3557 completion assurance is posted.
- 3558 (8) A county shall allow an applicant to post an improvement completion assurance for a
- 3559 public sidewalk separate from an improvement completion assurance for:
- 3560 (a) another infrastructure improvement; or
- 3561 (b) a public landscaping improvement, as defined in Section 17-79-707.
- 3562 (9) A county may withhold a certificate of occupancy for a single-family or two-family

3563 residence or town home until the portion of the public sidewalk to be constructed within
 3564 a public right-of-way and located immediately adjacent to the single-family or
 3565 two-family residence or town home is completed and accepted by the county.

3566 Section 43. Section **17-79-1001** is amended to read:

3567 **17-79-1001 (Effective 05/06/26). Appeal authority required -- Condition**
 3568 **precedent to judicial review -- Appeal authority duties.**

3569 (1)(a) ~~[Each]~~ Subject to Subsection (1)(d), each county adopting a land use ordinance
 3570 shall, by ordinance, establish one or more appeal authorities.

3571 (b) An appeal authority shall hear and decide:

3572 (i) requests for ~~[variances]~~ a variance from ~~[the terms of]~~ a land use ~~[ordinances]~~
 3573 ordinance;

3574 (ii) appeals from a land use ~~[decisions]~~ decision applying a land use ~~[ordinances]~~
 3575 ordinance; and

3576 (iii) appeals from a fee charged in accordance with Section 17-79-802.

3577 (c) An appeal authority may not hear an appeal from the enactment of a land use
 3578 regulation.

3579 (d) Beginning on July 1, 2026, a county described in Subsection 17-79-302(6)(a)(i) may
 3580 not designate the county's legislative body as an appeal authority.

3581 (e) Notwithstanding Subsection (1)(d), a legislative body shall continue to be the appeal
 3582 authority for an appeal if:

3583 (i) a land use ordinance designated the legislative body as the appeal authority when
 3584 the appellant filed the appeal: and

3585 (ii) the appellant filed the appeal on or before June 30, 2026.

3586 (2) As a condition precedent to judicial review, each adversely affected party or land use
 3587 applicant shall timely and specifically challenge a land use authority's land use decision,
 3588 in accordance with local ordinance.

3589 (3) An appeal authority described in Subsection (1)(a):

3590 (a) shall:

3591 (i) act in a quasi-judicial manner; and

3592 (ii) serve as the final arbiter of issues involving the interpretation or application of a
 3593 land use ~~[ordinances]~~ ordinance; and

3594 (b) may not entertain an appeal of a matter in which the appeal authority, or any
 3595 participating member, had first acted as the land use authority.

3596 (4) By ordinance, a county may:

- 3597 (a) designate a separate appeal authority to hear requests for variances than the appeal
 3598 authority the county designates to hear appeals;
- 3599 (b) designate one or more separate appeal authorities to hear distinct types of appeals of
 3600 land use authority decisions;
- 3601 (c) require an adversely affected party to present to an appeal authority every theory of
 3602 relief that the adversely affected party can raise in district court; and
- 3603 ~~[(d) not require a land use applicant or adversely affected party to pursue duplicate or~~
 3604 ~~successive appeals before the same or separate appeal authorities as a condition of an~~
 3605 ~~appealing party's duty to exhaust administrative remedies; and]~~
- 3606 [(e)] (d) provide that specified types of land use decisions may be appealed directly to the
 3607 district court.
- 3608 (5) A county may not:
- 3609 (a) require a public hearing for a request for a variance or land use appeal[-] ; or
- 3610 (b) require a land use applicant or adversely affected party to pursue successive appeals
 3611 before the same or separate appeal authorities as a condition of an appealing party's
 3612 duty to exhaust administrative remedies.
- 3613 (6) If the county establishes or, before May 2, 2005, has established a multiperson board,
 3614 body, or panel to act as an appeal authority, at a minimum the board, body, or panel
 3615 shall:
- 3616 (a) notify each of the members of the board, body, or panel of any meeting or hearing of
 3617 the board, body, or panel;
- 3618 (b) provide each of the members of the board, body, or panel with the same information
 3619 and access to municipal resources as any other member;
- 3620 (c) convene only if a quorum of the members of the board, body, or panel is present; and
- 3621 (d) act only upon the vote of a majority of the convened members of the board, body, or
 3622 panel.

3623 Section 44. Section **17-79-1005** is repealed and reenacted to read:

3624 **17-79-1005 (Effective 05/06/26). Burden of proof.**

3625 In an appeal described in this part:

- 3626 (1) if the appellant is a land use applicant, the appellant has the burden of proving that the
 3627 land use authority's land use decision is illegal or is not supported by substantial
 3628 evidence; or
- 3629 (2) if the appellant is an adversely affected party, the appellant has the burden of proving
 3630 that the land use authority's land use decision is illegal, or that the factual findings are

3631 clearly erroneous.

3632 Section 45. Section **17-79-1006** is amended to read:

3633 **17-79-1006 (Effective 05/06/26). Due process.**

3634 (1) ~~[Each]~~ An appeal authority shall conduct each appeal and variance request as described
3635 by local ordinance.

3636 (2) ~~[Each]~~ An appeal authority shall respect the due process rights of ~~[each of the~~
3637 participants] an appeal participant.

3638 (3) An appeal authority may only allow the following people to participate or speak during
3639 an appeal hearing:

3640 (a) the appellant or the appellant's representatives;

3641 (b) the land use applicant or the land use applicant's representatives; and

3642 (c) the county's representatives.

3643 Section 46. Section **17-79-1007** is amended to read:

3644 **17-79-1007 (Effective 05/06/26). Scope of review of factual matters on appeal --**

3645 **Appeal authority requirements.**

3646 (1) A county may, by ordinance, designate the scope of review of factual matters for
3647 appeals of land use authority decisions.

3648 (2) If the county fails to designate a scope of review of factual matters, the appeal authority
3649 shall review the ~~[matter]~~ factual matters de novo, without deference to the land use
3650 authority's determination of the factual matters.

3651 (3) If the scope of review of factual matters is on the record, the appeal authority shall
3652 determine whether the record on appeal includes substantial evidence for each essential
3653 finding of fact.

3654 (4) The appeal authority shall:

3655 (a) determine the correctness of the land use authority's interpretation and application of
3656 the plain meaning of the land use regulations; and

3657 (b) interpret and apply a land use regulation to favor a land use application unless the
3658 land use regulation plainly restricts the land use application.

3659 (5)(a) An appeal authority's land use decision is a quasi-judicial act.

3660 (b) ~~[A]~~ Except as provided in Subsection (5)(c), a legislative body may not act as an
3661 appeal authority unless both the legislative body and the appealing party agree to
3662 allow a third party to act as the appeal authority.

3663 (c) Beginning on July 1, 2026, the legislative body of a county described in Subsection
3664 17-79-302(6)(a)(i) may not act as an appeal authority unless:

3665 (i) a land use ordinance designated the legislative body as the appeal authority when
 3666 the appellant filed the appeal; and

3667 (ii) the appellant filed the appeal on or before June 30, 2026.

3668 (6) Only a decision in which a land use authority has applied a land use regulation to a
 3669 particular land use application, person, or parcel may be appealed to an appeal authority.

3670 Section 47. Section **17-79-1009** is amended to read:

3671 **17-79-1009 (Effective 05/06/26). No district court review until administrative**
 3672 **remedies exhausted -- Time for filing -- Tolling of time -- Standards governing court**
 3673 **review -- Record on review -- Staying of decision.**

3674 (1) ~~[No]~~ A person may challenge in district court a land use decision ~~[until that]~~ if the person
 3675 has exhausted the person's administrative remedies as provided in [Part 7, Appeal
 3676 Authority and Variances] this part, if applicable.

3677 (2)(a) Subject to Subsection (1), a land use applicant or adversely affected party may file
 3678 a petition for review of a land use decision with the district court within 30 days after
 3679 the decision is final.

3680 (b)(i) The time under Subsection (2)(a) to file a petition is tolled from the date a
 3681 property owner files a request for arbitration of a constitutional taking issue with
 3682 the property rights ombudsman under Section 13-43-204 until 30 days after:

3683 (A) the arbitrator issues a final award; or

3684 (B) the property rights ombudsman issues a written statement under Subsection
 3685 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

3686 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
 3687 taking issue that is the subject of the request for arbitration filed with the property
 3688 rights ombudsman by a property owner.

3689 (iii) A request for arbitration filed with the property rights ombudsman after the time
 3690 under Subsection (2)(a) to file a petition has expired does not affect the time to
 3691 file a petition.

3692 (3)(a) A court shall:

3693 (i) presume that a land use regulation properly enacted under the authority of this
 3694 chapter is valid; and

3695 (ii) determine only whether:

3696 (A) the land use regulation is expressly preempted by, or was enacted contrary to,
 3697 state or federal law; and

3698 (B) it is reasonably debatable that the land use regulation is consistent with this

- 3699 chapter.
- 3700 (b) A court shall presume that a final land use decision of a land use authority or an
3701 appeal authority is valid unless the land use decision is:
3702 (i) arbitrary and capricious; or
3703 (ii) illegal.
- 3704 (c)(i) A land use decision is arbitrary and capricious if the land use decision is not
3705 supported by substantial evidence in the record.
3706 (ii) A land use decision is illegal if the land use decision:
3707 (A) is based on an incorrect interpretation of a land use regulation;
3708 (B) conflicts with the authority granted by this title; or
3709 (C) is contrary to law.
- 3710 (d)(i) A court may affirm or reverse a land use decision.
3711 (ii) If the court reverses a land use decision, the court shall remand the matter to the
3712 land use authority with instructions to issue a land use decision consistent with the
3713 court's decision.
- 3714 (4) The provisions of Subsection (2)(a) apply from the date on which the county takes final
3715 action on a land use application, if the county conformed with the notice provisions of
3716 Part 2, Notice, or for any person who had actual notice of the pending land use decision.
- 3717 (5) If the county has complied with Section 17-79-205, a challenge to the enactment of a
3718 land use regulation~~[-or]~~, general plan, or specified land use law may not be filed with the
3719 district court more than 30 days after the enactment.
- 3720 (6) A challenge to a land use decision is barred unless the challenge is filed within 30 days
3721 after the land use decision is final.
- 3722 (7)(a) The land use authority or appeal authority, as the case may be, shall transmit to
3723 the reviewing court the record of the proceedings of the land use authority or appeal
3724 authority, including the minutes, findings, orders and, if available, a true and correct
3725 transcript of the proceedings.
- 3726 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
3727 transcript for purposes of this Subsection (7).
- 3728 (8)(a)(i) If there is a record, the district court's review is limited to the record
3729 provided by the land use authority or appeal authority, as the case may be.
3730 (ii) The court may not accept or consider any evidence outside the record of the land
3731 use authority or appeal authority, as the case may be, unless that evidence was
3732 offered to the land use authority or appeal authority, respectively, and the court

3733 determines that the evidence was improperly excluded.

3734 (b) If there is no record, the court may call witnesses and take evidence.

3735 (9)(a) The filing of a petition does not stay the land use decision of the land use
3736 authority or appeal authority, as the case may be.

3737 (b)(i) Before filing a petition under this section or a request for mediation or
3738 arbitration of a constitutional taking issue under Section 13-43-204, a land use
3739 applicant may petition the appeal authority to stay the appeal authority's decision.

3740 (ii) Upon receipt of a petition to stay, the appeal authority may order the appeal
3741 authority's decision stayed pending district court review if the appeal authority
3742 finds the order to be in the best interest of the county.

3743 (iii) After a petition is filed under this section or a request for mediation or arbitration
3744 of a constitutional taking issue is filed under Section 13-43-204, the petitioner
3745 may seek an injunction staying the appeal authority's land use decision.

3746 (10) If the court determines that a party initiated or pursued a challenge to a land use
3747 decision on a land use application in bad faith, the court may award attorney fees.

3748 Section 48. Section **63I-2-210** is amended to read:

3749 **63I-2-210 (Effective 05/06/26). Repeal dates: Title 10.**

3750 (1) Subsection 10-2a-205(2)(b)(iii), regarding a feasibility study for the proposed
3751 incorporation of a community council area, is repealed July 1, 2028.

3752 (2) Section 10-2a-205.5, Additional feasibility consultant considerations for proposed
3753 incorporation of community council area -- Additional feasibility study requirements, is
3754 repealed July 1, 2028.

3755 (3) Subsection 10-20-904(4)(c), regarding an inspection fee on a qualified water
3756 conservancy district, is repealed July 1, 2026.

3757 (4) Section 10-20-626, Structure height, is repealed July 1, 2027.

3758 Section 49. Section **63I-2-217** is amended to read:

3759 **63I-2-217 (Effective 05/06/26). Repeal dates: Titles 17 through 17D.**

3760 (1) Subsection 17-79-804(4)(c), regarding an inspection fee on a qualified water
3761 conservancy district, is repealed July 1, 2026.

3762 (2) Subsection 17-62-102(3), regarding the process for changing a form of county
3763 government, is repealed January 1, 2028.

3764 (3) Subsections 17-62-203(10) through (12), regarding the process to create a districting
3765 commission and implementing a district map, are repealed July 1, 2029.

3766 (4) Section 17-79-621, Structure height, is repealed July 1, 2027.

3767 Section 50. **Effective Date.**

3768 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

3769 (2) The actions affecting Section 10-21-304 (**Effective 10/01/26**) take effect on October 1,
3770 2026.