

Jill Koford proposes the following substitute bill:

**Local Land and Water Modifications**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: Jill Koford

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to local land use and water planning

**Highlighted Provisions:**

This bill:

- defines terms;
- amends requirements for a modified feasibility request related to a proposed municipal incorporation;
- clarifies standards for county and municipal land use regulations and requirements;
- modified requirements for an ordinance establishing a planning commission;
- modifies planning commission powers and duties;
- modifies the process for reviewing and approving a new or unlisted business use;
- establishes requirements for regulating structure height;
- requires a county or municipal legislative body to make a decision on proposed land use regulation if the planning commission fails to make a timely recommendation;
- requires counties, municipalities, and special districts to adopt a written plan, beginning on January 1, 2028, for determining the reasonable future water requirement of the public before imposing a water exaction (written plan);
- requires the state engineer to make rules to establish standards for the written plan;
- addresses exaction for water and a land use authority's review of a land use application;
- modifies the requirement to place certain infrastructure completion assurances in an interest-bearing account;
- establishes requirements relating to development agreements;
- modifies the burden of proving that a land use authority's decision was arbitrary, capricious, or illegal;
- addresses requirements relating to an appeal or variance hearing;

- 29 ‣ prohibits a legislative body from acting as an appeal authority;
- 30 ‣ modifies the standard of review of a land use authority's decision to deny or approve a
- 31 land use application;
- 32 ‣ modifies appeal requirements;
- 33 ‣ requires a specified municipality to allow a detached accessory dwelling unit as a
- 34 permitted use in certain zones;
- 35 ‣ clarifies notice requirements for a proposed county land use ordinance that is ministerial
- 36 in nature;
- 37 ‣ modifies a county's authority to deny an applicant a building permit or certificate of
- 38 occupancy if the applicant has not completed an infrastructure improvement; and
- 39 ‣ makes technical and conforming changes.

40 **Money Appropriated in this Bill:**

41 None

42 **Other Special Clauses:**

43 This bill provides a special effective date.

44 **Utah Code Sections Affected:**

45 AMENDS:

46 **10-2a-106 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 224 and

47 further amended by Revisor Instructions, Laws of Utah 2023, Chapter 224

48 **10-2a-206 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 518

49 **10-2a-220 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 518

50 **10-2a-506 (Effective 05/06/26) (Repealed 01/01/31)**, as last amended by Laws of Utah

51 2025, Chapter 399

52 **10-3-702 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 354

53 **10-20-102 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,

54 First Special Session, Chapter 15

55 **10-20-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,

56 First Special Session, Chapter 15

57 **10-20-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,

58 First Special Session, Chapter 15

59 **10-20-501 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,

60 First Special Session, Chapter 15

61 **10-20-502 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,

62 First Special Session, Chapter 15

63           **10-20-507 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
64           First Special Session, Chapter 15

65           **10-20-806 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
66           First Special Session, Chapter 15

67           **10-20-807 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
68           First Special Session, Chapter 15

69           **10-20-902 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
70           First Special Session, Chapter 15

71           **10-20-910 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, First Special Session,  
72           Chapter 15

73           **10-20-911 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
74           First Special Session, Chapter 15

75           **10-20-1001 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
76           First Special Session, Chapter 15

77           **10-20-1101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
78           First Special Session, Chapter 15

79           **10-20-1106 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
80           First Special Session, Chapter 15

81           **10-20-1107 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
82           First Special Session, Chapter 15

83           **10-20-1109 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
84           First Special Session, Chapter 15

85           **10-21-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
86           First Special Session, Chapter 15

87           **13-43-205 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special  
88           Session, Chapter 15

89           **17-79-102 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
90           First Special Session, Chapter 14

91           **17-79-205 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
92           First Special Session, Chapter 14

93           **17-79-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
94           First Special Session, Chapter 14

95           **17-79-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
96           First Special Session, Chapter 14

97           **17-79-501 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
98           First Special Session, Chapter 14  
99           **17-79-502 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
100           First Special Session, Chapter 14  
101           **17-79-507 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
102           First Special Session, Chapter 14  
103           **17-79-706 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
104           First Special Session, Chapter 14  
105           **17-79-707 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
106           First Special Session, Chapter 14  
107           **17-79-803 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
108           First Special Session, Chapter 14  
109           **17-79-811 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, First Special Session,  
110           Chapter 14  
111           **17-79-812 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
112           First Special Session, Chapter 14  
113           **17-79-901 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
114           First Special Session, Chapter 14  
115           **17-79-1001 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
116           First Special Session, Chapter 14  
117           **17-79-1006 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
118           First Special Session, Chapter 14  
119           **17-79-1007 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
120           First Special Session, Chapter 14  
121           **17-79-1009 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
122           First Special Session, Chapter 14  
123           **17B-1-120 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapters 15, 255  
124           **63I-2-210 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special  
125           Session, Chapter 15  
126           **63I-2-217 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special  
127           Session, Chapter 7  
128           **73-1-4 (Effective 05/06/26) (Partially Repealed 12/31/30)**, as last amended by Laws of  
129           Utah 2024, Chapter 233

130           ENACTS:

131 **10-20-625 (Effective 05/06/26)**, Utah Code Annotated 1953

132 **10-20-626 (Effective 05/06/26)**, Utah Code Annotated 1953

133 **10-20-912 (Effective 05/06/26)**, Utah Code Annotated 1953

134 **10-21-304 (Effective 10/01/26)**, Utah Code Annotated 1953

135 **17-79-621 (Effective 05/06/26)**, Utah Code Annotated 1953

136 **17-79-813 (Effective 05/06/26)**, Utah Code Annotated 1953

137 REPEALS AND REENACTS:

138 **10-20-1105 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
139 First Special Session, Chapter 15

140 **17-79-1005 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
141 First Special Session, Chapter 14

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

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

145 **10-2a-106 (Effective 05/06/26). Feasibility request filed before changes to law**  
146 **take effect.**

147 (1) If an individual files a feasibility request for incorporation of a city or town before May  
148 14, 2019, the process for incorporating the city or town is not subject to Laws of Utah  
149 2019, Chapter 165 or Laws of Utah 2023, Chapter 224, and is instead subject to the  
150 municipal incorporation law in effect on the day on which the individual files the  
151 feasibility request.

152 (2) If an individual files a feasibility request for incorporation of a city or town before May  
153 3, 2023<sup>[5]</sup> :

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

158 (b) the process and requirements for filing a modified feasibility request on or after May  
159 6, 2026, shall be in accordance with the law in effect on the day on which the  
160 individual or an incorporation sponsor files a modified feasibility request.

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

162 **10-2a-206 (Effective 05/06/26). Modified feasibility request -- Supplemental**  
163 **feasibility study.**

164 (1) As used in this section, "specified landowner" means the same as that term is defined in

165 Section 10-2a-204.5.

166 [(1)] (2)(a) The sponsors of a feasibility request may modify the request to alter the  
167 boundaries of the proposed municipality and refile the modified feasibility request  
168 with the county clerk if:

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

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

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

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

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

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

183 (c)(i) Subject to Subsection [(1)(e)(ii)] (2)(c)(ii), each modified feasibility request  
184 under Subsection [(1)(a)] (2)(a) shall comply with Subsections 10-2a-202(1), (3),  
185 (4), and (5) and Subsection 10-2a-201.5(4).

186 (ii) Notwithstanding Subsection [(1)(e)(i)] (2)(c)(i), a signature on a feasibility request  
187 filed under Section 10-2a-202 may be used toward fulfilling the signature  
188 requirement of Subsection 10-2a-202(1)(a) for the feasibility request as modified  
189 under Subsection [(1)(a)] (2)(a), unless the modified feasibility request proposes  
190 the incorporation of an area that is more than 20% larger or smaller than the area  
191 described by the original feasibility request in terms of:

192 (A) private land area; or

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

195 (d) Within 20 days after the day on which the county clerk receives the modified  
196 request, the county clerk and the lieutenant governor shall follow the same procedure  
197 described in Subsections 10-2a-204(1) through (6) for the modified feasibility request  
198 as for an original feasibility request.

- 199        (e)(i) If a sponsor files a modified feasibility request that includes an area of land that  
 200        was not included in the original feasibility request, the county clerk shall, within  
 201        seven days after the day on which the sponsor files the modified feasibility request  
 202        with the lieutenant governor, identify any new specified landowners located  
 203        within the added area of land and mail written notice to each of the new specified  
 204        landowners.
- 205        (ii) The notice described in Subsection (2)(e)(i) shall:
- 206            (A) describe the added area of land; and
- 207            (B) state that a specified landowner who owns land within the added area may  
 208            request exclusion of the land from the proposed incorporation boundaries by  
 209            filing a request for exclusion with the county clerk within 30 days after the day  
 210            on which the county clerk mails the notice.
- 211        (f)(i) A specified landowner who owns land within the added area described in  
 212        Subsection (2)(e)(i) may request exclusion of the land from the proposed  
 213        incorporation boundaries by filing a request for exclusion with the county clerk  
 214        within 30 days after the day on which the county clerk mails the notice described  
 215        in Subsection (2)(e)(i).
- 216        (ii) The county clerk shall process a request for exclusion filed under Subsection (  
 217        2)(f)(i) in accordance with Subsections 10-2a-204.5(3) through (7), except that the  
 218        deadlines calculated from the first public hearing in Section 10-2a-204.5 shall  
 219        instead be calculated from the day on which the county clerk mails notice  
 220        described in Subsection (2)(e)(i).
- 221        [(e)] (g) Within 10 days after [a] the day on which the time period for a specified  
 222        landowner to request exclusion under Subsection (2)(f) expires, or if a sponsor files a  
 223        modified feasibility request that does not include a new area of land, within 10 days  
 224        after the sponsor files the modified feasibility request[is filed], the lieutenant  
 225        governor shall:
- 226            (i) estimate the cost of a supplemental feasibility study under this section; and
- 227            (ii) provide the estimated cost to the feasibility request sponsors.
- 228        [(f)] (h) Within 20 days after the lieutenant governor provides the estimated  
 229        supplemental feasibility study cost, the feasibility request sponsors shall pay the  
 230        estimated cost to the lieutenant governor for a supplemental feasibility study  
 231        conducted on or after May 1, 2024.
- 232        [(2)] (3) The timely filing of a modified feasibility request under Subsection [(1)] (2) gives

233 the modified feasibility request the same processing priority under Subsection  
234 10-2a-204(7) as the original feasibility request if the feasibility request sponsors pay the  
235 estimated cost of the supplemental feasibility study as required in Subsection ~~[(1)(e)]~~  
236 (2)(e).

237 ~~[(3)]~~ (4) ~~[Within]~~ Except as provided in Subsection (5), within 10 days after the day on  
238 which the lieutenant governor receives payment of the estimated supplemental  
239 feasibility study cost, the lieutenant governor shall commission the feasibility consultant  
240 who conducted the feasibility study to conduct a supplemental feasibility study that  
241 accounts for the modified feasibility request.

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

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

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

249 ~~[(4)]~~ (6) The lieutenant governor shall require the feasibility consultant to:

250 (a) submit a draft of the supplemental feasibility study to each applicable person with  
251 whom the feasibility consultant is required to consult under Subsection  
252 10-2a-205(3)(c) within 30 days after the day on which the feasibility consultant is  
253 engaged to conduct the supplemental study;

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

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

259 (i) the lieutenant governor;

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

261 (iii) the contact sponsor; and

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

264 ~~[(5)]~~ (7) If the results of the supplemental feasibility study do not comply with Subsection  
265 10-2a-205(5)(a):

266 (a) the process to incorporate the area that is the subject of the supplemental feasibility

267 study may not proceed; and  
268 (b) a feasibility request under Section 10-2a-202 may not be filed within 18 months after  
269 the date of the supplemental feasibility study if the feasibility request proposes the  
270 incorporation of an area included within the area described in the supplemental  
271 feasibility study.

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

273 **10-2a-220 (Effective 05/06/26). Costs of incorporation -- Fees established by**  
274 **lieutenant governor.**

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

277 (b) The fund shall consist of:

278 (i) appropriations from the Legislature;

279 (ii) payments that feasibility request sponsors make to the lieutenant governor under  
280 Subsections 10-2a-205(1)(b) and 10-2a-206(1)(f); and

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

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

284 (2)(a) The lieutenant governor shall establish a fee in accordance with Section 63J-1-504  
285 for a cost incurred by the lieutenant governor or the county for an incorporation  
286 proceeding, including:

287 (i) a request certification;

288 (ii) a petition certification;

289 (iii) publication of notices;

290 (iv) public hearings;

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

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

294 (b) A cost under Subsection (2)(a) does not include a cost incurred by a county for  
295 holding an election under Section 10-2a-210.

296 (3) Subject to Subsections 10-2a-205(1)(b) and [~~10-2a-206(1)(f)~~] 10-2a-206(2)(h), the  
297 lieutenant governor shall pay for a cost described in Subsection (2)(a) using funds from  
298 the Municipal Incorporation Expendable Special Revenue Fund.

299 (4)(a) A newly incorporated municipality shall:

300 (i) pay to the lieutenant governor each fee established under Subsection (2) for each

- 301 cost described in Subsection (2)(a) incurred by the lieutenant governor or the  
302 county;
- 303 (ii) pay the county for a cost described in Subsection (2)(b); and
- 304 (iii) reimburse feasibility request sponsors the cost the feasibility request sponsors  
305 paid for:
- 306 (A) a feasibility study under Section 10-2a-205; and
- 307 (B) any supplemental feasibility study under Section 10-2a-206.
- 308 (b) The lieutenant governor shall execute a payback agreement with each new  
309 municipality for the new municipality to pay the fees described in Subsection (4)(a)  
310 over a period that, except as provided in Subsection (4)(c), may not exceed five years.
- 311 (c) If necessary, the lieutenant governor may extend a fee payment deadline beyond the  
312 deadline described in Subsection (4)(b) by amending the payback agreement  
313 described in Subsection (4)(b).
- 314 (d) The lieutenant governor shall deposit each fee the lieutenant governor collects under  
315 Subsection (4)(a)(i) into the Municipal Incorporation Expendable Special Revenue  
316 Fund.
- 317 (5) If the lieutenant governor expends funds from the Municipal Incorporation Expendable  
318 Special Revenue Fund that are not repaid to the lieutenant governor under Subsection  
319 (4)(a)(i) because an area did not incorporate as a municipality, the Legislature shall  
320 appropriate money to the fund in an amount equal to the funds that are not repaid.

321 Section 4. Section **10-2a-506** is amended to read:

322 **10-2a-506 (Effective 05/06/26) (Repealed 01/01/31). Public hearings on feasibility**  
323 **study results -- Notice of hearings.**

- 324 (1) If the results of the feasibility study or supplemental feasibility study comply with  
325 Subsection 10-2a-504(4), the lieutenant governor shall, after receipt of the results of the  
326 feasibility study or supplemental feasibility study, conduct public hearings in accordance  
327 with this section.
- 328 (2)(a) If a portion of the proposed preliminary municipality area is approved for  
329 annexation after the feasibility study or supplemental feasibility study is conducted  
330 but before the lieutenant governor conducts a public hearing under Subsection (4),  
331 the lieutenant governor may not conduct the public hearing under Subsection (4)  
332 unless:
- 333 (i) the sponsors of the feasibility study file a modified feasibility request in  
334 accordance with Section 10-2a-505; and

- 335 (ii) the results of the supplemental feasibility study comply with Subsection  
336 10-2a-504(4).
- 337 (b) For purposes of Subsection (2)(a), an area is approved for annexation if a municipal  
338 legislative body:
- 339 (i) approves an annexation petition proposing the annexation of an area that is part of  
340 the proposed preliminary municipality area under Section 10-2-810 or 10-2-811; or  
341 (ii) adopts an ordinance approving the annexation of an area that is part of the  
342 proposed preliminary municipality area under Section 10-2-812.
- 343 (3) The lieutenant governor shall conduct a public hearing:
- 344 (a) within 60 days after the day on which the lieutenant governor receives the results  
345 under Subsection (1) or (2)(a)(ii);
- 346 (b)(i) at a location within or near the proposed preliminary municipality area; or  
347 (ii) virtually; and
- 348 (c) to allow the feasibility consultant to present the results of the feasibility study and  
349 inform the public about the results.
- 350 (4) The lieutenant governor shall:
- 351 (a) conduct an additional public hearing following each occasion when, after the day of  
352 the initial public hearing, the lieutenant governor receives the results of a  
353 supplemental feasibility study that comply with Subsection 10-2a-504(4); and
- 354 (b) hold the public hearing described in Subsection (4)(a):
- 355 (i) within 30 days after the day on which the lieutenant governor receives the results  
356 of the supplemental feasibility study;
- 357 (ii)(A) at a location within or near the proposed preliminary municipality area; or  
358 (B) virtually;
- 359 (iii) to inform the public that the feasibility presented to the public at the preceding  
360 public hearing does not apply; and
- 361 (iv) to allow the feasibility consultant to present the results of the supplemental  
362 feasibility study and inform the public about the results.
- 363 (5) At each public hearing required under this section, the lieutenant governor shall:
- 364 (a) provide a map or plat of the boundary of the proposed preliminary municipality;
- 365 (b) provide a copy of the applicable feasibility study for public review;
- 366 (c) allow members of the public to express views about the proposed preliminary  
367 municipality, including views about the proposed boundaries; and
- 368 (d) allow the public to ask the feasibility consultant questions about the applicable

369 feasibility study.

370 (6) The lieutenant governor shall publish notice of each public hearing required under this  
 371 section for the proposed preliminary municipality area, as a class B notice under Section  
 372 63G-30-102, for at least three weeks before the day of the public hearing.

373 (7)(a) Except as provided in Subsection (7)(b), for a hearing described in this section,  
 374 the notice described in Subsection (6) shall:

375 (i) include the feasibility study summary described in Subsection 10-2a-504

376 (2)(c)(iii); and

377 (ii) indicate that a full copy of the feasibility study is available on the lieutenant  
 378 governor's website and for inspection at the lieutenant governor's office.

379 (b) Instead of publishing the feasibility summary under Subsection (7)(a)(i), the  
 380 lieutenant governor may publish a statement that specifies the following sources  
 381 where a person may view or obtain a copy of the feasibility study:

382 (i) the lieutenant governor's website;

383 (ii) the lieutenant governor's office; and

384 (iii) a mailing address and telephone number.

385 Section 5. Section **10-3-702** is amended to read:

386 **10-3-702 (Effective 05/06/26). Extent of power exercised by ordinance.**

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

390 [~~(2) (1)(a) Except as provided in Subsection (2)(b), the~~] The governing body of a  
 391 municipality may pass any ordinance to regulate, require, prohibit, govern, control or  
 392 supervise any activity, business, conduct or condition authorized by this title or any  
 393 other provision of law.

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

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

398 [~~(3) (2)(a) An officer of the municipality may not be convicted of a criminal offense~~  
 399 ~~where the officer relied on or enforced an ordinance the officer reasonably believed~~  
 400 ~~to be a valid ordinance.~~

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

- 403 (i) acted in good faith in enforcing an ordinance; or  
 404 (ii) enforced an ordinance on advice of legal counsel.

405 Section 6. Section **10-20-102** is amended to read:

406 **10-20-102 (Effective 05/06/26). Definitions.**

407 As used in this chapter:

- 408 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
 409 detached from a primary single-family dwelling and contained on one lot.
- 410 (2) "Adversely affected party" means a person other than a land use applicant who:  
 411 (a) owns real property adjoining the property that is the subject of a land use application  
 412 or land use decision; or  
 413 (b) will suffer a damage different in kind than, or an injury distinct from, that of the  
 414 general community as a result of the land use decision.
- 415 (3) "Affected entity" means a county, municipality, special district, special service district  
 416 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
 417 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,  
 418 specified public utility, property owner, property owners association, or the Department  
 419 of Transportation, if:  
 420 (a) the entity's services or facilities are likely to require expansion or significant  
 421 modification because of an intended use of land;  
 422 (b) the entity has filed with the municipality a copy of the entity's general or long-range  
 423 plan; or  
 424 (c) the entity has filed with the municipality a request for notice during the same  
 425 calendar year and before the municipality provides notice to an affected entity in  
 426 compliance with a requirement imposed under this chapter.
- 427 (4) "Affected owner" means the owner of real property that is:  
 428 (a) a single project; and  
 429 (b) the subject of a land use approval that:  
 430 (i) sponsors of a referendum timely challenged in accordance with Section 20A-7-601;  
 431 and  
 432 [(e)] (ii) is determined to be legally referable under Section 20A-7-602.8.
- 433 (5) "Appeal authority" means the person, board, commission, agency, or other body  
 434 designated by ordinance to decide an appeal of a decision of a land use application or a  
 435 variance.
- 436 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or

437 residential property if the sign is designed or intended to direct attention to a business,  
 438 product, or service that is not sold, offered, or existing on the property where the sign is  
 439 located.

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

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

444 (i) creates an additional lot or parcel; or

445 (ii) is made by the Department of Transportation.

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

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

451 (i) creates an additional lot or parcel; or

452 (ii) is made by the Department of Transportation.

453 (9) "Building code adoption cycle" means the period of time beginning the day on which a  
 454 specific edition of a construction code from a nationally recognized code authority is  
 455 adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day  
 456 before a new edition of a construction code is adopted and effective in Title 15A, State  
 457 Construction and Fire Codes Act.

458 [(9)] (10)(a) "Charter school" means:

459 (i) an operating charter school;

460 (ii) a charter school applicant that a charter school authorizer approves in accordance  
 461 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

462 (iii) an entity that is working on behalf of a charter school or approved charter  
 463 applicant to develop or construct a charter school building.

464 (b) "Charter school" does not include a therapeutic school.

465 [~~(10) "Building code adoption cycle" means the period of time beginning the day on which~~  
 466 ~~a specific edition of a construction code from a nationally recognized code authority is~~  
 467 ~~adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day~~  
 468 ~~before a new edition of a construction code is adopted and effective in Title 15A, State~~  
 469 ~~Construction and Fire Codes Act.]~~

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

471 potential detrimental impact of the land use on the municipality, surrounding neighbors,  
472 or adjacent land uses, may not be compatible in some areas or may be compatible only if  
473 certain conditions are required that mitigate or eliminate the detrimental impacts.

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

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

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

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

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

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

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

484 (15) "Culinary water authority" means the department, agency, or public entity with  
485 responsibility to review and approve the feasibility of the culinary water system and  
486 sources for the subject property.

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

488 (17) "Development activity" means:

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

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

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

495 (18)(a) "Development agreement" means a written agreement or amendment to a written  
496 agreement between a municipality and one or more parties that regulates or controls  
497 the use or development of a specific area of land.

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

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

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

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

- 505 (21) "Educational facility":
- 506 (a) means:
- 507 (i) a school district's building at which pupils assemble to receive instruction in a
- 508 program for any combination of grades from preschool through grade 12,
- 509 including kindergarten and a program for children with disabilities;
- 510 (ii) a structure or facility:
- 511 (A) located on the same property as a building described in Subsection (21)(a)(i);
- 512 and
- 513 (B) used in support of the use of that building; and
- 514 (iii) a building to provide office and related space to a school district's administrative
- 515 personnel; and
- 516 (b) does not include:
- 517 (i) land or a structure, including land or a structure for inventory storage, equipment
- 518 storage, food processing or preparing, vehicle storage or maintenance, or similar
- 519 use that is:
- 520 (A) not located on the same property as a building described in Subsection
- 521 (21)(a)(i); and
- 522 (B) used in support of the purposes of a building described in Subsection (21)(a)(i);
- 523 or
- 524 (ii) a therapeutic school.
- 525 (22) "Establishment document" means an instrument that:
- 526 (a) meets the definition of "document" in Section 57-1-1; and
- 527 (b) meets the requirements of Section 57-1-45.
- 528 [~~(23) "Full boundary adjustment" means a boundary adjustment that is not a simple~~
- 529 ~~boundary adjustment.~~]
- 530 [(~~24~~) (23) "Fire authority" means the department, agency, or public entity with
- 531 responsibility to review and approve the feasibility of fire protection and suppression
- 532 services for the subject property.
- 533 [(~~25~~) (24) "Flood plain" means land that:
- 534 (a) is within the 100-year flood plain designated by the Federal Emergency Management
- 535 Agency; or
- 536 (b) has not been studied or designated by the Federal Emergency Management Agency
- 537 but presents a likelihood of experiencing chronic flooding or a catastrophic flood
- 538 event because the land has characteristics that are similar to those of a 100-year flood

- 539 plain designated by the Federal Emergency Management Agency.
- 540 (25) "Full boundary adjustment" means a boundary adjustment that is not a simple  
541 boundary adjustment.
- 542 (26) "General plan" means a document that a municipality adopts that sets forth general  
543 guidelines for proposed future development of the land within the municipality.
- 544 (27) "Geologic hazard" means:
- 545 (a) a surface fault rupture;
- 546 (b) shallow groundwater;
- 547 (c) liquefaction;
- 548 (d) a landslide;
- 549 (e) a debris flow;
- 550 (f) unstable soil;
- 551 (g) a rock fall; or
- 552 (h) any other geologic condition that presents a risk:
- 553 (i) to life;
- 554 (ii) of substantial loss of real property; or
- 555 (iii) of substantial damage to real property.
- 556 (28) "Historic preservation authority" means a person, board, commission, or other body  
557 designated by a legislative body to:
- 558 (a) recommend land use regulations to preserve local historic districts or areas; and
- 559 (b) administer local historic preservation land use regulations within a local historic  
560 district or area.
- 561 (29) "Home-based microschool" means the same as that term is defined in Section  
562 53G-6-201.
- 563 (30) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter,  
564 or appurtenance that connects to a municipal water, sewer, storm water, power, or other  
565 utility system.
- 566 (31)(a) "Identical plans" means floor plans submitted to a municipality that:
- 567 (i) are submitted within the same building code adoption cycle as floor plans that  
568 were previously approved by the municipality;
- 569 (ii) have no structural differences from floor plans that were previously approved by  
570 the municipality; and
- 571 (iii) describe a building that:
- 572 (A) is located on land zoned the same as the land on which the building described

- 573 in the previously approved plans is located;
- 574 (B) has a substantially identical floor plan to a floor plan previously approved by  
575 the municipality; and
- 576 (C) does not require any engineering or analysis beyond a review to confirm the  
577 submitted floor plans are substantially identical to a floor plan previously  
578 approved by the municipality or a review of the site plan and associated  
579 geotechnical reports for the site.
- 580 (b) "Identical plans" include floor plans that are oriented differently as the floor plan that  
581 was previously approved by the municipality.
- 582 (32) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact  
583 Fees Act.
- 584 (33) "Improvement completion assurance" means a surety bond, letter of credit, financial  
585 institution bond, cash, assignment of rights, lien, or other equivalent security required by  
586 a municipality to guaranty the proper completion of landscaping or an infrastructure  
587 improvement required as a condition precedent to:
- 588 (a) recording a subdivision plat; or  
589 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 590 (34) "Improvement warranty" means an applicant's unconditional warranty that the  
591 applicant's installed and accepted landscaping or infrastructure improvement:
- 592 (a) complies with the municipality's written standards for design, materials, and  
593 workmanship; and  
594 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
595 within the improvement warranty period.
- 596 (35) "Improvement warranty period" means a period:
- 597 (a) no later than one year after a municipality's acceptance of required public  
598 landscaping; or  
599 (b) no later than one year after a municipality's acceptance of required infrastructure,  
600 unless the municipality:
- 601 (i) determines, based on accepted industry standards and for good cause, that a  
602 one-year period would be inadequate to protect the public health, safety, and  
603 welfare; and  
604 (ii) has substantial evidence, on record:
- 605 (A) of prior poor performance by the applicant; or  
606 (B) that the area upon which the infrastructure will be constructed contains

- 607 suspect soil and the municipality has not otherwise required the land use  
608 applicant to mitigate the suspect soil.
- 609 (36) "Infrastructure improvement" means permanent infrastructure that is essential for the  
610 public health and safety or that:
- 611 (a) is required for human occupation; and  
612 (b) an applicant shall install:
- 613 (i) in accordance with published installation and inspection specifications for public  
614 improvements; and  
615 (ii) whether the improvement is public or private, as a condition of:
- 616 (A) recording a subdivision plat;  
617 (B) obtaining a building permit; or  
618 (C) development of a commercial, industrial, mixed use, condominium, or  
619 multifamily project.
- 620 (37) "Internal lot restriction" means a platted note, platted demarcation, or platted  
621 designation that:
- 622 (a) runs with the land; and  
623 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on  
624 the plat; or  
625 (ii) designates a development condition that is enclosed within the perimeter of a lot  
626 described on the plat.
- 627 (38) "Land use applicant" means: a property owner, or the property owner's designee, who  
628 submits a land use application regarding the property owner's land.
- 629 (39) "Land use application":
- 630 (a) means an application that is:  
631 (i) required by a municipality; and  
632 (ii) submitted by a land use applicant to obtain a land use decision; and  
633 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 634 (40) "Land use authority" means:
- 635 (a) a person, board, commission, agency, or body, including the local legislative body,  
636 designated by the local legislative body to act upon a land use application; or  
637 (b) if the local legislative body has not designated a person, board, commission, agency,  
638 or body, the local legislative body.
- 639 (41) "Land use decision" means an administrative decision of a land use authority or appeal  
640 authority regarding:

- 641 (a) a land use permit; or  
642 (b) a land use application.
- 643 (42) "Land use permit" means a permit issued by a land use authority.
- 644 (43) "Land use regulation":
- 645 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
646 engineering or development standard, specification for public improvement, fee, or  
647 rule that governs the use or development of land;
- 648 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;  
649 and
- 650 (c) does not include:
- 651 (i) a land use decision of the legislative body acting as the land use authority, even if  
652 the decision is expressed in a resolution or ordinance; or
- 653 (ii) a temporary revision to an engineering specification that does not materially:
- 654 (A) increase a land use applicant's cost of development compared to the existing  
655 specification; or
- 656 (B) impact a land use applicant's use of land.
- 657 (44) "Legislative body" means the municipal council.
- 658 (45) "Local historic district or area" means a geographically definable area that:
- 659 (a) contains any combination of buildings, structures, sites, objects, landscape features,  
660 archeological sites, or works of art that contribute to the historic preservation goals of  
661 a legislative body; and
- 662 (b) is subject to land use regulations to preserve the historic significance of the local  
663 historic district or area.
- 664 (46) "Lot" means a tract of land, regardless of any label, that is created by and shown on a  
665 subdivision plat that has been recorded in the office of the county recorder.
- 666 (47) "Major transit investment corridor" means public transit service that uses or occupies:
- 667 (a) public transit rail right-of-way;
- 668 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
- 669 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
670 municipality or county and:
- 671 (i) a public transit district as defined in Section 17B-2a-802; or
- 672 (ii) an eligible political subdivision as defined in Section 59-12-2202.
- 673 (48) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- 674 (49) "Moderate income housing" means housing occupied or reserved for occupancy by

675 households with a gross household income equal to or less than 80% of the median gross  
676 income for households of the same size in the county in which the city is located.

677 (50) "Municipal utility easement" means an easement that:

678 (a) is created or depicted on a plat recorded in a county recorder's office and is described  
679 as a municipal utility easement granted for public use;

680 (b) is not a protected utility easement or a public utility easement as defined in Section  
681 54-3-27;

682 (c) the municipality or the municipality's affiliated governmental entity uses and  
683 occupies to provide a utility service, including sanitary sewer, culinary water,  
684 electrical, storm water, or communications or data lines;

685 (d) is used or occupied with the consent of the municipality in accordance with an  
686 authorized franchise or other agreement;

687 (e)(i) is used or occupied by a specified public utility in accordance with an  
688 authorized franchise or other agreement; and

689 (ii) is located in a utility easement granted for public use; or

690 (f) is described in Section 10-20-615 and is used by a specified public utility.

691 (51) "Nominal fee" means a fee that reasonably reimburses a municipality only for time  
692 spent and expenses incurred in:

693 (a) verifying that building plans are identical plans; and

694 (b) reviewing and approving those minor aspects of identical plans that differ from the  
695 previously reviewed and approved building plans.

696 (52) "Noncomplying structure" means a structure that:

697 (a) legally existed before the structure's current land use designation; and

698 (b) because of one or more subsequent land use ordinance changes, does not conform to  
699 the setback, height restrictions, or other regulations, excluding those regulations,  
700 which govern the use of land.

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

702 (a) legally existed before [its] the land's current land use designation;

703 (b) has been maintained continuously since the time the land use ordinance governing  
704 the land changed; and

705 (c) because of one or more subsequent land use ordinance changes, does not conform to  
706 the regulations that now govern the use of the land.

707 (54) "Official map" means a map drawn by municipal authorities and recorded in a county  
708 recorder's office that:

- 709 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
710 highways and other transportation facilities;
- 711 (b) provides a basis for restricting development in designated rights-of-way or between  
712 designated setbacks to allow the government authorities time to purchase or  
713 otherwise reserve the land; and
- 714 (c) has been adopted as an element of the municipality's general plan.
- 715 (55) "Parcel" means any real property that is not a lot.
- 716 (56) "Person" means an individual, corporation, partnership, organization, association, trust,  
717 governmental agency, or any other legal entity.
- 718 (57) "Plan for moderate income housing" means a written document adopted by a  
719 municipality's legislative body that includes:
- 720 (a) an estimate of the existing supply of moderate income housing located within the  
721 municipality;
- 722 (b) an estimate of the need for moderate income housing in the municipality for the next  
723 five years;
- 724 (c) a survey of total residential land use;
- 725 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
726 income housing; and
- 727 (e) a description of the municipality's program to encourage an adequate supply of  
728 moderate income housing.
- 729 (58) "Planning commission" means the commission established under Section 10-20-301.
- 730 (59) "Plat" means an instrument subdividing property into lots as depicted on a map or  
731 other graphical representation of lands that a licensed professional land surveyor makes  
732 and prepares in accordance with Section 10-20-803 or 57-8-13.
- 733 (60) "Potential geologic hazard area" means an area that:
- 734 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
735 relevant map or report as needing further study to determine the area's potential for  
736 geologic hazard; or
- 737 (b) has not been studied by the Utah Geological Survey or a county geologist but  
738 presents the potential of geologic hazard because the area has characteristics similar  
739 to those of a designated geologic hazard area.
- 740 (61) "Property owner" means a person that holds legal title in real property.
- 741 [~~61~~] (62) "Public agency" means:
- 742 (a) the federal government;

- 743 (b) the state;
- 744 (c) a county, municipality, school district, special district, special service district, or  
745 other political subdivision of the state; or
- 746 (d) a charter school.
- 747 ~~[(62)]~~ (63) "Public hearing" means a hearing at which members of the public are provided a  
748 reasonable opportunity to comment on the subject of the hearing.
- 749 ~~[(63)]~~ (64) "Public meeting" means a meeting that is required to be open to the public under  
750 Title 52, Chapter 4, Open and Public Meetings Act.
- 751 ~~[(64)]~~ (65) "Public street" means a public right-of-way, including a public highway, public  
752 avenue, public boulevard, public parkway, public road, public lane, public alley, public  
753 viaduct, public subway, public tunnel, public bridge, public byway, other public  
754 transportation easement, or other public way.
- 755 ~~[(65)]~~ (66) "Receiving zone" means an area that a municipality designates, by ordinance, as  
756 an area in which an owner of land may receive a transferable development right.
- 757 ~~[(66)]~~ (67) "Record of survey map" means a map of a survey of land prepared in accordance  
758 with Section 17-73-504.
- 759 ~~[(67)]~~ (68) "Residential facility for persons with a disability" means a residence:
- 760 (a) in which more than one person with a disability resides; and
- 761 (b) which is licensed or certified by the Department of Health and Human Services  
762 under:
- 763 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
- 764 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 765 ~~[(68)]~~ (69) "Residential roadway" means a public local residential road that:
- 766 (a) will serve primarily to provide access to adjacent primarily residential areas and  
767 property;
- 768 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
- 769 (c) is not identified as a supplementary to a collector or other higher system classified  
770 street in an approved municipal street or transportation master plan;
- 771 (d) has a posted speed limit of 25 miles per hour or less;
- 772 (e) does not have higher traffic volumes resulting from connecting previously separated  
773 areas of the municipal road network;
- 774 (f) cannot have a primary access, but can have a secondary access, and does not abut lots  
775 intended for high volume traffic or community centers, including schools, recreation  
776 centers, sports complexes, or libraries; and

- 777 (g) primarily serves traffic within a neighborhood or limited residential area and is not  
778 necessarily continuous through several residential areas.
- 779 [(69)] (70) "Rules of order and procedure" means a set of rules that govern and prescribe in  
780 a public meeting:
- 781 (a) parliamentary order and procedure;
  - 782 (b) ethical behavior; and
  - 783 (c) civil discourse.
- 784 [(70)] (71) "Sanitary sewer authority" means the department, agency, or public entity with  
785 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
786 wastewater systems.
- 787 [(71)] (72) "Sending zone" means an area that a municipality designates, by ordinance, as an  
788 area from which an owner of land may transfer a transferable development right.
- 789 [(72)] (73) "Simple boundary adjustment" means a boundary adjustment that does not:
- 790 (a) affect a public right-of-way, municipal utility easement, or other public property;
  - 791 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
  - 792 (c) result in a lot or parcel out of conformity with land use regulations.
- 793 [(73)] (74) "Special district" means an entity under Title 17B, Limited Purpose Local  
794 Government Entities - Special Districts, and any other governmental or  
795 quasi-governmental entity that is not a county, municipality, school district, or the state.
- 796 (75) "Specific land use law" means a requirement or restriction on the use of a specific  
797 parcel in a development agreement that a legislative body approves with the consent of  
798 an affected property owner.
- 799 [(74)] (76) "Specified public agency" means:
- 800 (a) the state;
  - 801 (b) a school district; or
  - 802 (c) a charter school.
- 803 [(75)] (77) "Specified public utility" means an electrical corporation, gas corporation, or  
804 telephone corporation, as those terms are defined in Section 54-2-1.
- 805 [(76)] (78) "State" includes any department, division, or agency of the state.
- 806 [(77)] (79)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to  
807 be divided into two or more lots or other division of land for the purpose, whether  
808 immediate or future, for offer, sale, lease, or development either on the installment  
809 plan or upon any and all other plans, terms, and conditions.
- 810 (b) "Subdivision" includes:

- 811 (i) the division or development of land, whether by deed, metes and bounds  
812 description, devise and testacy, map, plat, or other recorded instrument, regardless  
813 of whether the division includes all or a portion of a parcel or lot; and
- 814 (ii) except as provided in Subsection [~~(77)~~(e)] (79)(c), divisions of land for residential  
815 and nonresidential uses, including land used or to be used for commercial,  
816 agricultural, and industrial purposes.
- 817 (c) "Subdivision" does not include:
- 818 (i) a bona fide division or partition of land used for agricultural purposes as provided  
819 in Subsection 10-20-808(2);
- 820 (ii) a recorded conveyance document:
- 821 (A) consolidating multiple lots or parcels into one legal description encompassing  
822 all lots by reference to a recorded plat and all parcels by metes and bounds  
823 description; or
- 824 (B) joining a lot to a parcel;
- 825 (iii) a bona fide division of land by deed or other instrument if the deed or other  
826 instrument states in writing that the division:
- 827 (A) is in anticipation of future land use approvals on the parcel or parcels;  
828 (B) does not confer any land use approvals; and  
829 (C) has not been approved by the land use authority;
- 830 (iv) a boundary adjustment;
- 831 (v) a boundary establishment;
- 832 (vi) a road, street, or highway dedication plat;
- 833 (vii) a deed or easement for a road, street, or highway purpose; or  
834 (viii) any other division of land authorized by law.
- 835 [~~(78)~~] (80)(a) "Subdivision amendment" means an amendment to a recorded subdivision  
836 in accordance with Section 10-20-811 that:
- 837 (i) vacates all or a portion of the subdivision;
- 838 (ii) increases the number of lots within the subdivision;
- 839 (iii) alters a public right-of-way, a public easement, or public infrastructure within the  
840 subdivision; or
- 841 (iv) alters a common area or other common amenity within the subdivision.
- 842 (b) "Subdivision amendment" does not include a simple boundary adjustment.
- 843 [~~(79)~~] (81) "Substantial evidence" means evidence that:
- 844 (a) is beyond a scintilla; and

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

846 [~~(80)~~] (82) "Suspect soil" means soil that has:

847 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
848 3% swell potential;

849 (b) bedrock units with high shrink or swell susceptibility; or

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

852 [~~(81)~~] (83) "Therapeutic school" means a residential group living facility:

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

854 (i) the owner of the facility; or

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

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

857 (i) at home;

858 (ii) in a public school; or

859 (iii) in a nonresidential private school; and

860 (c) that offers:

861 (i) room and board; and

862 (ii) an academic education integrated with:

863 (A) specialized structure and supervision; or

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

866 [~~(82)~~] (84) "Transferable development right" means a right to develop and use land that

867 originates by an ordinance that authorizes a [~~land~~] property owner in a designated

868 sending zone to transfer land use rights from a designated sending zone to a designated  
869 receiving zone.

870 [~~(83)~~] (85) "Unincorporated" means the area outside of the incorporated area of a city or  
871 town.

872 [~~(84)~~] (86) "Water interest" means any right to the beneficial use of water, including:

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

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

875 (i) a contract; or

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

877 [~~(85)~~] (87) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
878 land use zones, overlays, or districts.

879 Section 7. Section **10-20-301** is amended to read:

880 **10-20-301 (Effective 05/06/26). Ordinance establishing planning commission**  
 881 **required -- Ordinance requirements -- Compensation.**

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

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

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

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

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

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

891 (A) in a form of government described in Section 10-3b-301 or 10-3b-401, and  
 892 subject to any delegation of authority under Subsection 10-3b-303(1) or  
 893 10-3b-403(1), the legislative body may remove a ~~planning commission~~  
 894 member; or

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

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

900 (A) using public funds for a political purpose under Title 20A, Chapter 11, Part  
 901 12, Political Activities of Public Entities Act;

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

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

908 (vi) provide that a ~~planning commission~~ member deliberating about a specific  
 909 pending land use application in a ~~planning commission~~ meeting with municipal  
 910 staff, an elected official, or the land use applicant is not cause for removing a  
 911 planning commission member from the ~~planning commission~~;

912 (vii) provide requirements for when a ~~planning commission~~ member shall recuse

913 oneself from deliberating or voting on certain land use applications;  
 914 ~~[(iv)]~~ (viii) define the authority of the planning commission;  
 915 ~~[(v)]~~ (ix) subject to Subsection (1)(c), ~~[the]~~ include rules of order and procedure for  
 916 use by the planning commission in a public meeting; and  
 917 ~~[(vi)]~~ (x) include other details relating to the organization and procedures of the  
 918 planning commission.

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

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

923 Section 8. Section **10-20-302** is amended to read:

924 **10-20-302 (Effective 05/06/26). Planning commission powers and duties --**

925 **Training requirements.**

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

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

929 (b) land use regulations, including:

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

931 (ii) amendments to existing land use regulations;

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

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

936 (e) application processes that:

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

940 (ii) shall protect the right of each:

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

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

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

946 (2) Before making a recommendation to a legislative body on an item described in

947 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in  
 948 accordance with Section 10-20-405.

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

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

953 [~~(5)~~ (4) Nothing in this section limits the right of a municipality to initiate or propose the  
 954 actions described in this section.

955 [~~(6)~~ (5)(a)(i) This Subsection [~~(6)~~ (5) applies to:

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

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

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

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

963 (B) if the Utah Population Committee estimate is not available, the most recent  
 964 official census or census estimate of the United States [~~Bureau of the~~]Census  
 965 Bureau.

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

969 (i) one hour of annual training on general powers and duties, including the role of the  
 970 planning commission in administrative, legislative, and quasi-judicial functions  
 971 under this chapter; and

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

974 (A) appeals and variances;

975 (B) conditional use permits;

976 (C) exactions;

977 (D) impact fees;

978 (E) vested rights;

979 (F) subdivision regulations and improvement guarantees;

980 (G) land use referenda;

- 981 (H) property rights;
- 982 (I) real estate procedures and financing;
- 983 (J) zoning, including use-based and form-based;[~~and~~]
- 984 (K) drafting ordinances and code that complies with statute[-] ;
- 985 (L) ex parte communication; and
- 986 (M) conflict of interest.
- 987 (c) A newly appointed planning commission member may not participate in a public
- 988 meeting as an appointed member until the member completes the training described
- 989 in Subsection [~~(6)(b)(i)~~] (5)(b)(i).
- 990 (d) A planning commission member may qualify for one completed hour of training
- 991 required under Subsection [~~(6)(b)(ii)~~] (5)(b)(ii) if the member attends, as an appointed
- 992 member, 12 public meetings of the planning commission within a calendar year.
- 993 (e) A municipality shall provide the training described in Subsection [~~(6)(b)~~] (5)(b)
- 994 through:
- 995 (i) municipal staff;
- 996 (ii) the Utah League of Cities and Towns; or
- 997 (iii) a list of training courses selected by:
- 998 (A) the Utah League of Cities and Towns; or
- 999 (B) the Division of Real Estate created in Section 61-2-201.
- 1000 (f) A municipality shall, for each planning commission member:
- 1001 (i) monitor compliance with the training requirements in Subsection [~~(6)(b)~~] (5)(b);
- 1002 and
- 1003 (ii) maintain a record of training completion at the end of each calendar year.
- 1004 Section 9. Section **10-20-501** is amended to read:
- 1005 **10-20-501 (Effective 05/06/26). Enactment of land use regulation, land use**
- 1006 **decision, or development agreement.**
- 1007 (1) Only a legislative body, as the body authorized to weigh policy considerations, may
- 1008 enact a land use regulation.
- 1009 (2)(a) Except as provided in Subsection (2)(b), a legislative body may enact a land use
- 1010 regulation only by ordinance.
- 1011 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that
- 1012 imposes a fee.
- 1013 (3) A legislative body shall ensure that a land use regulation is consistent with the purposes [
- 1014 ~~set forth in~~] of this chapter.

- 1015 (4)(a) A legislative body shall adopt a land use regulation to:
- 1016 (i) create or amend a zoning district under Subsection 10-20-503(1)(a); and
- 1017 (ii) designate general uses allowed in each zoning district.
- 1018 (b) A land use authority may establish or modify other restrictions or requirements other
- 1019 than those described in Subsection (4)(a), including the configuration or modification
- 1020 of uses or density, through a land use decision that applies criteria or policy elements
- 1021 that a land use regulation establishes or describes.
- 1022 (5)(a) Except as provided in Subsection (5)(b) or (5)(c), a municipality shall publish on
- 1023 the municipality's website:
- 1024 (i) all of the municipality's land use regulations; and
- 1025 (ii) a fee schedule that lists all of the municipality's fees related to a land use
- 1026 application, land use permit, or land use regulation, including development review
- 1027 fees and impact fees.
- 1028 (b) A municipality that does not have a maintained and active website shall provide for
- 1029 inspection of the information described in Subsection (5)(a) at the municipality's
- 1030 place of business during normal business hours.
- 1031 (c) A municipality may comply with Subsection (5)(a) by:
- 1032 (i) posting a link on the municipality's website to a separate webpage or third-party
- 1033 website where the land use regulations or fee schedule described in Subsection
- 1034 (5)(a) are posted; and
- 1035 (ii) submitting a new or modified land use regulation or fee schedule described in
- 1036 Subsection (5)(a) to the third-party website within six months after the day on
- 1037 which the legislative body adopts the new or modified land use regulation or fee
- 1038 schedule.
- 1039 [~~5~~] (6) A municipality may not adopt a land use regulation[, ] or development agreement, or
- 1040 make a land use decision, that restricts the type of crop that may be grown in an area that
- 1041 is:
- 1042 (a) zoned agricultural; or
- 1043 (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.
- 1044 [~~6~~] (7) A municipal land use regulation [pertaining to an airport or an airport influence area,
- 1045 as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4,
- 1046 Airport Zoning Act.
- 1047 Section 10. Section **10-20-502** is amended to read:
- 1048 **10-20-502 (Effective 05/06/26). Preparation and adoption of land use regulation.**

- 1049 (1) A planning commission shall:
- 1050 (a) provide notice as required by Subsection 10-20-205(1)(a) and, if applicable,
- 1051 Subsection 10-20-205(4);
- 1052 (b) hold a public hearing on a proposed land use regulation;
- 1053 (c) if applicable, consider each written objection filed in accordance with Subsection
- 1054 10-20-205(5) before the public hearing; and
- 1055 (d)(i) review and recommend to the legislative body a proposed land use regulation
- 1056 that represents the planning commission's recommendation for regulating the use
- 1057 and development of land within all or any part of the area of the municipality; and
- 1058 (ii) forward to the legislative body all objections filed in accordance with Subsection
- 1059 10-20-205(5).
- 1060 (2)(a) A legislative body shall consider each proposed land use regulation that the
- 1061 planning commission recommends to the legislative body.
- 1062 (b) After providing notice as required by Subsection 10-20-205(1)(b) and holding a
- 1063 public meeting, the legislative body may adopt or reject the land use regulation
- 1064 described in Subsection (2)(a):
- 1065 (i) as proposed by the planning commission; or
- 1066 (ii) after making any revision the legislative body considers appropriate.
- 1067 ~~[(e) A legislative body may consider a planning commission's failure to make a timely~~
- 1068 ~~recommendation as a negative recommendation if the legislative body has provided~~
- 1069 ~~for that consideration by ordinance.]~~
- 1070 (c) Beginning on September 15, 2026, a legislative body may adopt or reject a proposed
- 1071 land use regulation without waiting for a recommendation from the planning
- 1072 commission if:
- 1073 (i) a land use applicant makes a request described in Subsection 10-20-905(2)(b); or
- 1074 (ii) a legislative body determines that a planning commission has had adequate time
- 1075 to consider the land use regulation.

1076 Section 11. Section **10-20-507** is amended to read:

1077 **10-20-507 (Effective 05/06/26). Classification of new and unlisted business uses.**

- 1078 (1) As used in this section:
- 1079 (a) "Classification request" means a request to determine whether a proposed business
- 1080 use aligns with an existing land use specified in a municipality's land use ordinances.
- 1081 (b) "New or unlisted business use" means a business activity that does not align with an
- 1082 existing land use specified in a municipality's land use ordinances.

- 1083 (2)(a) Each municipality shall incorporate into the municipality's land use ordinances a  
1084 process for reviewing and approving a new or unlisted business use and designating  
1085 an appropriate zone or zones for an approved use.
- 1086 (b) The process described in Subsection (2)(a) shall:
- 1087 (i) detail how an applicant may submit a classification request;
- 1088 (ii) establish a procedure for the municipality to review a classification request,  
1089 including:
- 1090 (A) providing a land use authority with criteria to determine whether a proposed  
1091 use aligns with an existing use; ~~and~~
- 1092 (B) allowing an applicant to proceed under the regulations of an existing use if a  
1093 land use authority determines a proposed use aligns with that existing use; and
- 1094 (C) providing the applicant an opportunity to appeal a land use authority's decision  
1095 to a land use appeal authority;
- 1096 (iii) provide that if a use is determined to be a new or unlisted business use:
- 1097 (A) the applicant shall submit to the legislative body for review an application [~~for~~  
1098 ~~approval of the new or unlisted business use to the legislative body for review~~  
1099 requesting that the legislative body adopt a land use ordinance that permits the  
1100 new or unlisted business as a permitted or conditional use;
- 1101 (B) notwithstanding Subsection 10-20-503(2) or (3), the legislative body shall  
1102 consider and [~~determine whether to~~] approve or deny [~~the new or unlisted~~  
1103 ~~business use~~] the application described in Subsection (2)(b)(iii)(A); and
- 1104 (C) the legislative body shall approve or deny [~~the new or unlisted business use~~  
1105 the application described in Subsection (2)(b)(iii)(A), within a time frame the  
1106 legislative body establishes by ordinance, if the applicant responds to requests  
1107 for additional information within a time frame established by the municipality  
1108 and appears at required hearings;
- 1109 (iv) provide that if the legislative body approves [~~a proposed new or unlisted business~~  
1110 ~~use~~] the application described in Subsection (2)(b)(iii)(A), the legislative body  
1111 shall designate an appropriate zone or zones for the approved use; and
- 1112 (v) provide that if the legislative body denies [~~a proposed new or unlisted business use~~]  
1113 the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees  
1114 with the land use authority's classification of the proposed use, the legislative  
1115 body shall:
- 1116 (A) notify the applicant in writing of each reason for the classification or denial;

1117 and  
 1118 (B) ~~[offer the applicant an opportunity to challenge the classification or denial~~  
 1119 ~~through an administrative appeal process established by the municipality]~~ notify  
 1120 the applicant of the process for appealing the legislative body's decision in  
 1121 accordance with Section 10-20-1109.

1122 (c) A municipality may not require an applicant who submits an application described in  
 1123 Subsection (2)(b)(iii)(A) to submit the application to the planning commission for  
 1124 consideration, review, or approval.

1125 (3) Each municipality shall amend each land use ordinance that contains a list of approved  
 1126 or prohibited business uses to include a reference to the process for petitioning to  
 1127 approve a new or unlisted business use, as described in Subsection (2).

1128 Section 12. Section **10-20-625** is enacted to read:

1129 **10-20-625 (Effective 05/06/26). Model homes and open houses.**

1130 (1) As used in this section:

1131 (a) "Model home" means:

1132 (i) a single-family home that the homebuilder uses to promote the sale or lease of  
 1133 another single-family home; or

1134 (ii) a unit within a multi-family residential structure that the owner uses to promote  
 1135 the sale or lease of another unit within the multi-family residential structure.

1136 (b) "Open house" means an event held by a homeowner, including an event in  
 1137 association with a real estate agent, architect, builder, or developer, to showcase a  
 1138 home, including the outdoor landscaping around the home.

1139 (2) The legislative body of a municipality may not regulate a model home or open house  
 1140 differently than a residential use.

1141 (3) Any ordinance regulating a model home or an open house differently than a residential  
 1142 use is void.

1143 Section 13. Section **10-20-626** is enacted to read:

1144 **10-20-626 (Effective 05/06/26). Structure height.**

1145 (1) A municipality may regulate:

1146 (a) the number of habitable stories that a structure may contain; and

1147 (b) the overall height of a structure.

1148 (2) If a land use authority approved a land use application for a commercial lodging  
 1149 structure on or before September 1, 2025, and the land use application is subject to land  
 1150 use regulations described in Subsection (1) that conflict, the land use authority may not

1151 limit the number of above-ground habitable stories the land use applicant builds within  
1152 the maximum overall height that the land use authority approved for the structure.

1153 Section 14. Section **10-20-806** is amended to read:

1154 **10-20-806 (Effective 05/06/26). Review of subdivision applications and**  
1155 **subdivision improvement plans.**

1156 (1) As used in this section:

1157 (a) "Review cycle" means the occurrence of:

1158 (i) the applicant's submittal of a complete subdivision application;

1159 (ii) the municipality's review of that subdivision application;

1160 (iii) the municipality's response to that subdivision application, in accordance with  
1161 this section; and

1162 (iv) the applicant's reply to the municipality's response that addresses each of the  
1163 municipality's required modifications or requests for additional information.

1164 (b) "Subdivision application" means a land use application for the subdivision of land.

1165 (c) "Subdivision improvement plans" means the civil engineering plans associated with  
1166 required infrastructure improvements and municipally controlled utilities required for  
1167 a subdivision.

1168 (d) "Subdivision ordinance review" means review by a municipality to verify that a  
1169 subdivision application meets the criteria of the municipality's ordinances.

1170 (e) "Subdivision plan review" means a review of the applicant's subdivision  
1171 improvement plans and other aspects of the subdivision application to verify that the  
1172 application complies with municipal ordinances and applicable installation standards  
1173 and inspection specifications for infrastructure improvements.

1174 (2) The review cycle restrictions and requirements of this section do not apply to the review  
1175 of subdivision applications affecting property within identified geological hazard areas.

1176 (3)(a) A municipality may require a subdivision improvement plan to be submitted with  
1177 a subdivision application.

1178 (b) A municipality may not require a subdivision improvement plan to be submitted with  
1179 both a preliminary subdivision application and a final subdivision application.

1180 (4)(a) The review cycle requirements of this section apply:

1181 (i) to the review of a preliminary subdivision application, if the municipality requires  
1182 a subdivision improvement plan to be submitted with a preliminary subdivision  
1183 application; or

1184 (ii) to the review of a final subdivision application, if the municipality requires a

1185 subdivision improvement plan to be submitted with a final subdivision application.

1186 (b) A municipality may not, outside the review cycle, engage in a substantive review of  
1187 required infrastructure improvements or a municipally controlled utility.

1188 (5)(a) A municipality shall complete the initial review of a complete subdivision  
1189 application submitted for ordinance review for a residential subdivision for  
1190 single-family dwellings, two-family dwellings, or town homes:

1191 (i) no later than 15 business days after the complete subdivision application is  
1192 submitted, if the municipality has a population over 5,000; or

1193 (ii) no later than 30 business days after the complete subdivision application is  
1194 submitted, if the municipality has a population of 5,000 or less.

1195 (b) A municipality shall maintain and publish a list of the items comprising the complete  
1196 subdivision application, including:

1197 (i) the application;

1198 (ii) the owner's affidavit;

1199 (iii) an electronic copy of all plans in PDF format;

1200 (iv) the preliminary subdivision plat drawings; and

1201 (v) a breakdown of fees due upon approval of the application.

1202 (6) A municipality shall publish a list of the items that comprise a complete subdivision  
1203 land use application.

1204 (7) A municipality shall complete a subdivision plan review of a subdivision improvement  
1205 plan that is submitted with a complete subdivision application for a residential  
1206 subdivision for single-family dwellings, two-family dwellings, or town homes:

1207 (a) within 20 business days after the complete subdivision application is submitted, if the  
1208 municipality has a population over 5,000; or

1209 (b) within 40 business days after the complete subdivision application is submitted, if  
1210 the municipality has a population of 5,000 or less.

1211 (8)(a) In reviewing a subdivision application, a municipality may require:

1212 (i) additional information relating to an applicant's plans to ensure compliance with  
1213 municipal ordinances and approved standards and specifications for construction  
1214 of public improvements; and

1215 (ii) modifications to plans that do not meet current ordinances, applicable standards  
1216 or specifications, or do not contain complete information.

1217 (b) A municipality's request for additional information or modifications to plans under  
1218 Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances,

- 1219 standards, or specifications that require the modifications to subdivision  
1220 improvement plans, and shall be logged in an index of requested modifications or  
1221 additions.
- 1222 (c) A municipality may not require more than four review cycles for a subdivision  
1223 improvement plan review.
- 1224 (d)(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated  
1225 by the applicant's adjustment to a subdivision improvement plan or an update to a  
1226 phasing plan that adjusts the infrastructure needed for the specific development, a  
1227 change or correction not addressed or referenced in a municipality's subdivision  
1228 improvement plan review is waived.
- 1229 (ii) A modification or correction necessary to protect public health and safety or to  
1230 enforce state or federal law may not be waived.
- 1231 (iii) If an applicant makes a material change to a subdivision improvement plan, the  
1232 municipality has the discretion to restart the review process at the first review of  
1233 the subdivision improvement plan review, but only with respect to the portion of  
1234 the subdivision improvement plan that the material change substantively affects.
- 1235 (e)(i) This Subsection (8)(e) applies if an applicant does not submit a revised  
1236 subdivision improvement plan within :
- 1237 (A) 20 business days after the municipality requires a modification or correction,  
1238 if the municipality has a population over 5,000; or
- 1239 (B) 40 business days after the municipality requires a modification or correction,  
1240 if the municipality has a population of 5,000 or less.
- 1241 (ii) If an applicant does not submit a revised subdivision improvement plan within the  
1242 time specified in Subsection (8)(e)(i), a municipality has an additional 20 business  
1243 days after the time specified in Subsection (7) to respond to a revised subdivision  
1244 improvement plan.
- 1245 (9) After the applicant has responded to the final review cycle, and the applicant has  
1246 complied with each modification requested in the municipality's previous review cycle,  
1247 the municipality may not require additional revisions if the applicant has not materially  
1248 changed the plan, other than changes that were in response to requested modifications or  
1249 corrections.
- 1250 (10)(a) In addition to revised plans, an applicant shall provide a written explanation in  
1251 response to the municipality's review comments, identifying and explaining the  
1252 applicant's revisions and reasons for declining to make revisions, if any.

- 1253 (b) The applicant's written explanation shall be comprehensive and specific, including  
 1254 citations to applicable standards and ordinances for the design and an index of  
 1255 requested revisions or additions for each required correction.
- 1256 (c) If an applicant fails to address a review comment in the response, the review cycle is  
 1257 not complete and the subsequent review cycle may not begin until all comments are  
 1258 addressed.
- 1259 (11)~~(10)~~ If, on the fourth or final review, a municipality fails to respond within 20  
 1260 business days, the municipality shall, upon request of the property owner, and within  
 1261 10 business days after the day on which the request is received:
- 1262 ~~(i)~~ (a) for a dispute arising from the subdivision improvement plans, assemble an  
 1263 appeal panel in accordance with Subsection ~~[10-20-911(5)(d)]~~ 10-20-911(4)(d) to  
 1264 review and approve or deny the final revised set of plans; or
- 1265 ~~(ii)~~ (b) for a dispute arising from the subdivision ordinance review, advise the  
 1266 applicant, in writing, of the deficiency in the application and of the right to appeal the  
 1267 determination to a designated appeal authority.

1268 Section 15. Section **10-20-807** is amended to read:

1269 **10-20-807 (Effective 05/06/26). Subdivision plat recording or development**  
 1270 **activity before required landscaping or infrastructure is completed -- Improvement**  
 1271 **completion assurance -- Improvement warranty.**

1272 (1) As used in this section:

- 1273 (a) "Private landscaping plan" means a proposal:
- 1274 (i) to install landscaping on a lot owned by a private individual or entity; and  
 1275 (ii) submitted to a municipality by the private individual or entity, or on behalf of a  
 1276 private individual or entity, that owns the lot.
- 1277 (b) "Public landscaping improvement" means landscaping that an applicant is required to  
 1278 install to comply with published installation and inspection specifications for public  
 1279 improvements that:
- 1280 (i) will be dedicated to and maintained by the municipality; or  
 1281 (ii) are associated with and proximate to trail improvements that connect to planned  
 1282 or existing public infrastructure.

1283 (2) A land use authority shall establish objective inspection standards for acceptance of a  
 1284 public landscaping improvement or infrastructure improvement that the land use  
 1285 authority requires.

1286 (3)(a) Except as provided in Subsection (3)(d) or (e), before an applicant conducts any

- 1287 development activity or records a plat, the applicant shall:
- 1288 (i) complete any required public landscaping improvements or infrastructure
- 1289 improvements; or
- 1290 (ii) post an improvement completion assurance for any required public landscaping
- 1291 improvements or infrastructure improvements.
- 1292 (b) If an applicant elects to post an improvement completion assurance, the applicant
- 1293 shall, in accordance with Subsection (5), provide completion assurance for:
- 1294 (i) completion of 100% of the required public landscaping improvements or
- 1295 infrastructure improvements; or
- 1296 (ii) if the municipality has inspected and accepted a portion of the public landscaping
- 1297 improvements or infrastructure improvements, 100% of the incomplete or
- 1298 unaccepted public landscaping improvements or infrastructure improvements.
- 1299 (c) A municipality shall:
- 1300 (i) establish a minimum of two acceptable forms of completion assurance;
- 1301 (ii)(A) if an applicant elects to post an improvement completion assurance, allow
- 1302 the applicant to post an assurance that meets the conditions of this chapter and
- 1303 any local ordinances; and
- 1304 (B) beginning on May 7, 2025, if a municipality accepts cash deposits as a form of
- 1305 completion assurance and the applicant elects to post a new cash deposit as a
- 1306 form of completion assurance, place the cash deposit in an interest-bearing
- 1307 account upon receipt and return any earned interest to the applicant with the
- 1308 return of the completion assurance according to the conditions of this chapter
- 1309 and any local ordinances;
- 1310 (iii) establish a system for the partial release of an improvement completion
- 1311 assurance as portions of required public landscaping improvements or
- 1312 infrastructure improvements are completed and accepted in accordance with local
- 1313 ordinance; and
- 1314 (iv) issue or deny a building permit in accordance with Section 10-20-1001 based on
- 1315 the installation of public landscaping improvements or infrastructure
- 1316 improvements.
- 1317 (d) A municipality may not require an applicant to post an improvement completion
- 1318 assurance for:
- 1319 (i) public landscaping improvements or an infrastructure improvement that the
- 1320 municipality has previously inspected and accepted;

- 1321 (ii) infrastructure improvements that are private and not essential or required to meet  
1322 the building code, fire code, flood or storm water management provisions, street  
1323 and access requirements, or other essential necessary public safety improvements  
1324 adopted in a land use regulation;
- 1325 (iii) in a municipality where ordinances require all infrastructure improvements  
1326 within the area to be private, infrastructure improvements within a development  
1327 that the municipality requires to be private;
- 1328 (iv) landscaping improvements that are not public landscaping improvements, unless  
1329 the landscaping improvements and completion assurance are required under the  
1330 terms of a development agreement;
- 1331 (v) a private landscaping plan;
- 1332 (vi) landscaping improvements or infrastructure improvements that an applicant  
1333 elects to install at the applicant's own risk:
- 1334 (A) before the plat is recorded;
- 1335 (B) in accordance with inspections required by the municipality for the  
1336 infrastructure improvement; and
- 1337 (C) in accordance with final civil engineering plan approval by the municipality; or
- 1338 (vii) any individual public landscaping improvement or individual infrastructure  
1339 improvement when the individual public landscaping improvement or individual  
1340 infrastructure improvement is also included as part of a separate improvement  
1341 completion assurance.
- 1342 (e)(i) A municipality may not:
- 1343 (A) prohibit an applicant from installing a public landscaping improvement or an  
1344 infrastructure improvement when the municipality has approved final civil  
1345 engineering plans for the development activity or plat for which the public  
1346 landscaping improvement or infrastructure improvement is required; or
- 1347 (B) require an applicant to sign an agreement, release, or other document  
1348 inconsistent with this chapter as a condition of posting an improvement  
1349 completion assurance, security for an improvement warranty, or receiving a  
1350 building permit.
- 1351 (ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and  
1352 infrastructure improvements that are installed by an applicant are subject to  
1353 inspection by the municipality in accordance with the municipality's adopted  
1354 inspection standards.

- 1355 (f)(i) Each improvement completion assurance and improvement warranty posted by  
1356 an applicant with a municipality shall be independent of any other improvement  
1357 completion assurance or improvement warranty posted by the same applicant with  
1358 the municipality.
- 1359 (ii) Subject to Section 10-20-905, if an applicant has posted a form of security with a  
1360 municipality for more than one infrastructure improvement or public landscaping  
1361 improvement, the municipality may not withhold acceptance of an applicant's  
1362 required subdivision improvements, public landscaping improvement,  
1363 infrastructure improvements, or the performance of warranty work for the same  
1364 applicant's failure to complete a separate subdivision improvement, public  
1365 landscaping improvement, infrastructure improvement, or warranty work under a  
1366 separate improvement completion assurance or improvement warranty.
- 1367 (4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or  
1368 other entitlement benefit not currently available under the existing zone, a  
1369 municipality may require a completion assurance bond for landscaped amenities and  
1370 common area that are dedicated to and maintained by a homeowners association.
- 1371 (b) Any agreement regarding a completion assurance bond under Subsection (4)(a)  
1372 between the applicant and the municipality shall be memorialized in a development  
1373 agreement.
- 1374 (c) A municipality may not require a completion assurance bond for or dictate who  
1375 installs or is responsible for the cost of the landscaping of residential lots or the  
1376 equivalent open space surrounding single-family attached homes, whether platted as  
1377 lots or common area.
- 1378 (5) The sum of the improvement completion assurance required under Subsections (3) and  
1379 (4) may not exceed the sum of:
- 1380 (a) 100% of the estimated cost of the public landscaping improvements or infrastructure  
1381 improvements, as evidenced by an engineer's estimate or licensed contractor's bid;  
1382 and
- 1383 (b) 10% of the amount of the bond to cover administrative costs incurred by the  
1384 municipality to complete the improvements, if necessary.
- 1385 (6)(a) Upon an applicant's written request that the land use authority accept or reject the  
1386 applicant's installation of required subdivision improvements or performance of  
1387 warranty work as set forth in Section 10-20-905, and for the duration of each  
1388 improvement warranty period, the municipality may require the applicant to:

- 1389 (i) execute an improvement warranty for the improvement warranty period; and  
 1390 (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as  
 1391 required by the municipality, in the amount of up to 10% of the lesser of the:  
 1392 (A) municipal engineer's original estimated cost of completion; or  
 1393 (B) applicant's reasonable proven cost of completion.
- 1394 (b) A municipality may not require the payment of the deposit of the improvement  
 1395 warranty assurance described in Subsection (6)(a)(i) for an infrastructure  
 1396 improvement or public landscaping improvement before the applicant indicates  
 1397 through written request that the applicant has completed the infrastructure  
 1398 improvement or public landscaping improvement.
- 1399 (7) When a municipality accepts an improvement completion assurance for public  
 1400 landscaping improvements or infrastructure improvements for a development in  
 1401 accordance with Subsection (3)(c)(ii), the municipality may not deny an applicant a  
 1402 building permit if the development meets the requirements for the issuance of a building  
 1403 permit under the building code and fire code.
- 1404 (8) A municipality may not require the submission of a private landscaping plan as part of  
 1405 an application for a building permit.
- 1406 (9) The provisions of this section do not supersede the terms of a valid development  
 1407 agreement, an adopted phasing plan, or the [~~state construction code~~] State Construction  
 1408 Code.

1409 Section 16. Section **10-20-902** is amended to read:

1410 **10-20-902 (Effective 05/06/26). Applicant's entitlement to land use application**  
 1411 **approval -- Municipality's requirements and limitations -- Vesting upon submission of**  
 1412 **development plan and schedule.**

- 1413 (1)(a)(i) An applicant who has submitted a complete land use application as  
 1414 described in Subsection (1)(c), including the payment of all application fees, is  
 1415 entitled to substantive review of the application under the land use regulations:  
 1416 (A) in effect on the date that the application is complete; and  
 1417 (B) applicable to the application or to the information shown on the application.
- 1418 (ii) An applicant is entitled to approval of a land use application if the application  
 1419 conforms to the requirements of the applicable land use regulations, land use  
 1420 decisions, and development standards in effect when the applicant submits a  
 1421 complete application and pays application fees, unless:  
 1422 (A) the land use authority, on the record, formally finds that a compelling,

- 1423                   countervailing public interest would be jeopardized by approving the  
1424                   application and specifies the compelling, countervailing public interest in  
1425                   writing; or
- 1426                   (B) in the manner provided by local ordinance and before the applicant submits  
1427                   the application, the municipality formally initiates proceedings to amend the  
1428                   municipality's land use regulations in a manner that would prohibit approval of  
1429                   the application as submitted.
- 1430           (b) The municipality shall process an application without regard to proceedings the  
1431           municipality initiated to amend the municipality's ordinances as described in  
1432           Subsection (1)(a)(ii)(B) if:
- 1433                   (i) 180 days have passed since the municipality initiated the proceedings; and  
1434                   (ii)(A) the proceedings have not resulted in an enactment that prohibits approval  
1435                   of the application as submitted; or
- 1436                   (B) during the 12 months before the municipality processing the application, or  
1437                   multiple applications of the same type, are impaired or prohibited under the  
1438                   terms of a temporary land use regulation adopted under Section 10-20-504.
- 1439           (c) A land use application is considered submitted and complete when the applicant  
1440           provides the application in a form that complies with the requirements of applicable  
1441           ordinances and pays all applicable fees.
- 1442           (d) A subsequent incorporation of a municipality or a petition that proposes the  
1443           incorporation of a municipality does not affect a land use application approved by a  
1444           county in accordance with Section 17-79-803.
- 1445           (e) Unless a phasing sequence is required in an executed development agreement, a  
1446           municipality shall, without regard to any other separate and distinct land use  
1447           application, accept and process a complete land use application.
- 1448           (f) The continuing validity of an approval of a land use application is conditioned upon  
1449           the applicant proceeding after approval to implement the approval with reasonable  
1450           diligence.
- 1451           (g) A municipality may not impose on an applicant who has submitted a complete  
1452           application a requirement that is not expressed in:
- 1453                   (i) this chapter;
- 1454                   (ii) a municipal ordinance in effect on the date that the applicant submits a complete  
1455                   application, subject to Subsection 10-20-902(1)(a)(ii); or
- 1456                   (iii) a municipal specification for public improvements applicable to a subdivision or

1457 development that is in effect on the date that the applicant submits an application.

1458 (h) A municipality may not impose on a holder of an issued land use permit or a final,  
1459 unexpired subdivision plat a requirement that is not expressed:

1460 (i) in a land use permit;

1461 (ii) on the subdivision plat;

1462 (iii) in a document on which the land use permit or subdivision plat is based;

1463 (iv) in the written record evidencing approval of the land use permit or subdivision  
1464 plat;

1465 (v) in this chapter;

1466 (vi) in a municipal ordinance; or

1467 (vii) in a municipal specification for residential roadways in effect at the time a  
1468 residential subdivision was approved.

1469 (i) Except as provided in Subsection (1)(j) or (k), a municipality may not withhold  
1470 issuance of a certificate of occupancy or acceptance of subdivision improvements  
1471 because of an applicant's failure to comply with a requirement that is not expressed:

1472 (i) in the building permit or subdivision plat, documents on which the building permit  
1473 or subdivision plat is based, or the written record evidencing approval of the land  
1474 use permit or subdivision plat; or

1475 (ii) in this chapter or the municipality's ordinances.

1476 (j) A municipality may not unreasonably withhold issuance of a certificate of occupancy  
1477 where an applicant has met all requirements essential for the public health, public  
1478 safety, and general welfare of the occupants, in accordance with this chapter, unless:

1479 (i) the applicant and the municipality have agreed in a written document to the  
1480 withholding of a certificate of occupancy; or

1481 (ii) the applicant has not provided a financial assurance for required and uncompleted  
1482 public landscaping improvements or infrastructure improvements in accordance  
1483 with an applicable local ordinance.

1484 (k) A municipality may not conduct a final inspection required before issuing a  
1485 certificate of occupancy for a residential unit that is within the boundary of an  
1486 infrastructure financing district, as defined in Section 17B-1-102, until the applicant  
1487 for the certificate of occupancy provides adequate proof to the municipality that any  
1488 lien on the unit arising from the infrastructure financing district's assessment against  
1489 the unit under Title 11, Chapter 42, Assessment Area Act, has been released after  
1490 payment in full of the infrastructure financing district's assessment against that unit.

- 1491 (l) A municipality:
- 1492 (i) may require the submission of a private landscaping plan, as defined in Section
- 1493 10-20-807, before landscaping is installed; and
- 1494 (ii) may not withhold an applicant's building permit or certificate of occupancy
- 1495 because the applicant has not submitted a private landscaping plan.
- 1496 (2) A municipality is bound by the terms and standards of applicable land use regulations
- 1497 and shall comply with mandatory provisions of those regulations.
- 1498 (3)(a) Beginning on October 1, 2026, and except as provided in Subsection (3)(b), a
- 1499 municipality shall publish on the municipality's website an application checklist for
- 1500 each land use application type that includes a checklist of all required plans and
- 1501 documents that make a complete application.
- 1502 (b) A municipality that does have a maintained and active website shall provide for
- 1503 inspection of the information described in Subsection (3)(a) at the municipality's
- 1504 place of business during normal business hours.
- 1505 [~~3~~] (4) A municipality may not, as a condition of land use application approval, require a
- 1506 person filing a land use application to obtain documentation regarding a school district's
- 1507 willingness, capacity, or ability to serve the development proposed in the land use
- 1508 application.
- 1509 [~~4~~] (5) Upon a specified public agency's submission of a development plan and schedule as
- 1510 required in Subsection 10-20-304(8) that complies with the requirements of that
- 1511 subsection, the specified public agency vests in the municipality's applicable land use
- 1512 maps, zoning map, hookup fees, impact fees, other applicable development fees, and
- 1513 land use regulations in effect on the date of submission.
- 1514 [~~5~~] (6)(a) If sponsors of a referendum timely challenge a project in accordance with
- 1515 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land
- 1516 use approval by delivering a written notice:
- 1517 (i) to the local clerk as defined in Section 20A-7-101; and
- 1518 (ii) no later than seven days after the day on which a petition for a referendum is
- 1519 determined sufficient under Subsection 20A-7-607(5).
- 1520 (b) Upon delivery of a written notice described in Subsection [~~5~~](a) (6)(a) the following
- 1521 are rescinded and are of no further force or effect:
- 1522 (i) the relevant land use approval; and
- 1523 (ii) any land use regulation enacted specifically in relation to the land use approval.
- 1524 [~~6~~] (7)(a) After issuance of a building permit, a municipality may not:

1525 (i) change or add to the requirements expressed in the building permit, unless the  
1526 change or addition is:

1527 (A) requested by the building permit holder; or

1528 (B) necessary to comply with an applicable state building code; or

1529 (ii) revoke the building permit or take action that has the effect of revoking the  
1530 building permit.

1531 (b) Subsection ~~[(6)(a)]~~ (7)(a) does not prevent a municipality from issuing a building  
1532 permit that contains an expiration date defined in the building permit.

1533 Section 17. Section **10-20-910** is amended to read:

1534 **10-20-910 (Effective 05/06/26). Provisions applicable to a provider of culinary or**  
1535 **secondary water.**

1536 A provider of culinary or secondary water that commits to provide a water service  
1536a required

1537 by a land use application process is subject to the following as if it were a municipality:

1538 (1) Subsections 10-20-904(5) and (6);

1539 (2) Section 10-20-905; ~~and~~

1540 (3) Section 10-20-911; and

1541 (4) Section 10-20-912.

1542 Section 18. Section **10-20-911** is amended to read:

1543 **10-20-911 (Effective 05/06/26). Exactions -- Requirement to offer to original**  
1544 **owner property acquired by exaction -- Exaction for right-of-way improvements --**  
1545 **Improvement completion assurance requirements.**

1546 (1) A municipality may impose an exaction or exactions on development proposed in a land  
1547 use application, including, subject to ~~[Subsection (3)]~~ Section 10-20-912, an exaction for  
1548 a water interest, if:

1549 (a) an essential link exists between a legitimate governmental interest and each exaction;  
1550 and

1551 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the  
1552 proposed development.

1553 (2) If a land use authority imposes an exaction for another governmental entity:

1554 (a) the governmental entity shall request the exaction; and

1555 (b) the land use authority shall transfer the exaction to the governmental entity for which  
1556 it was exacted.

1557 ~~[(3)(a)(i) Subject to the requirements of this Subsection (3), a municipality shall base~~

1558 an exaction for a water interest on the culinary water authority's established  
 1559 calculations of projected water interest requirements.]

1560 [(ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall  
 1561 base an exaction for a culinary water interest on:]

1562 [(A) consideration of the system-wide minimum sizing standards established for  
 1563 the culinary water authority by the Division of Drinking Water in accordance  
 1564 with Section 19-4-114; and]

1565 [(B) the number of equivalent residential connections associated with the culinary  
 1566 water demand for each specific development proposed in the development's  
 1567 land use application, applying lower exactions for developments with lower  
 1568 equivalent residential connections as demonstrated by at least five years of  
 1569 usage data for like land uses within the municipality.]

1570 [(iii) A municipality may impose an exaction for a culinary water interest that results  
 1571 in less water being exacted than would otherwise be exacted under Subsection  
 1572 (3)(a)(ii) if the municipality, at the municipality's sole discretion, determines there  
 1573 is good cause to do so.]

1574 [(iv)(A) A municipality shall make public the methodology used to comply with  
 1575 Subsection (3)(a)(ii)(B).]

1576 [(B) A land use applicant may appeal to the municipality's governing body an  
 1577 exaction calculation used by the municipality under Subsection (3)(a)(ii).]

1578 [(C) A land use applicant may present data and other information that illustrates a  
 1579 need for an exaction recalculation and the municipality's governing body shall  
 1580 respond with due process.]

1581 [(v) Upon an applicant's request, the culinary water authority shall provide the  
 1582 applicant with the basis for the culinary water authority's calculations under  
 1583 Subsection (3)(a)(i) on which an exaction for a water interest is based.]

1584 [(b) A municipality may not impose an exaction for a water interest if the culinary water  
 1585 authority's existing available water interests exceed the water interests needed to meet  
 1586 the reasonable future water requirement of the public, as determined under  
 1587 Subsection 73-1-4(2)(f).]

1588 [(4)] (3)(a) If a municipality plans to dispose of surplus real property that was acquired  
 1589 under this section and has been owned by the municipality for less than 15 years, the  
 1590 municipality shall first offer to reconvey the property, without receiving additional  
 1591 consideration, to the person who granted the property to the municipality.

- 1592 (b) A person to whom a municipality offers to reconvey property under Subsection [  
1593 ~~(4)(a)~~ (3)(a) has 90 days to accept or reject the municipality's offer.
- 1594 (c) If a person to whom a municipality offers to reconvey property declines the offer, the  
1595 municipality may offer the property for sale.
- 1596 (d) Subsection [~~(4)(a)~~ (3)(a) does not apply to the disposal of property acquired by  
1597 exaction by a community reinvestment agency.
- 1598 [~~(5)~~ (4)(a) A municipality may not, as part of an infrastructure improvement, require the  
1599 installation of pavement on a residential roadway at a width in excess of 32 feet.
- 1600 (b) Subsection [~~(5)(a)~~ (4)(a) does not apply if a municipality requires the installation of  
1601 pavement in excess of 32 feet:
- 1602 (i) in a vehicle turnaround area;
- 1603 (ii) in a cul-de-sac;
- 1604 (iii) to address specific traffic flow constraints at an intersection, mid-block  
1605 crossings, or other areas;
- 1606 (iv) to address an applicable general or master plan improvement, including  
1607 transportation, bicycle lanes, trails, or other similar improvements that are not  
1608 included within an impact fee area;
- 1609 (v) to address traffic flow constraints for service to or abutting higher density  
1610 developments or uses that generate higher traffic volumes, including community  
1611 centers, schools, and other similar uses;
- 1612 (vi) as needed for the installation or location of a utility which is maintained by the  
1613 municipality and is considered a transmission line or requires additional roadway  
1614 width;
- 1615 (vii) for third-party utility lines that have an easement preventing the installation of  
1616 utilities maintained by the municipality within the roadway;
- 1617 (viii) for utilities over 12 feet in depth;
- 1618 (ix) for roadways with a design speed that exceeds 25 miles per hour;
- 1619 (x) as needed for flood and stormwater routing;
- 1620 (xi) as needed to meet fire code requirements for parking and hydrants; or  
1621 (xii) as needed to accommodate street parking.
- 1622 (c) Nothing in this section shall be construed to prevent a municipality from approving a  
1623 road cross section with a pavement width less than 32 feet.
- 1624 (d)(i) A land use applicant may appeal a municipal requirement for pavement in  
1625 excess of 32 feet on a residential roadway.

- 1626 (ii) A land use applicant that has appealed a municipal specification for a residential  
 1627 roadway pavement width in excess of 32 feet may request that the municipality  
 1628 assemble a panel of qualified experts to serve as the appeal authority for purposes  
 1629 of determining the technical aspects of the appeal.
- 1630 (iii) Unless otherwise agreed by the applicant and the municipality, the panel  
 1631 described in Subsection ~~[(5)(d)(ii)]~~ (4)(d)(ii) shall consist of the following three  
 1632 experts:
- 1633 (A) one licensed engineer, designated by the municipality;  
 1634 (B) one licensed engineer, designated by the land use applicant; and  
 1635 (C) one licensed engineer, agreed upon and designated by the two designated  
 1636 engineers under Subsections ~~[(5)(d)(iii)(A)]~~ (4)(d)(iii)(A) and (B).
- 1637 (iv) A member of the panel assembled by the municipality under Subsection [  
 1638 ~~(5)(d)(ii)]~~ (4)(d)(ii) may not have an interest in the application that is the subject of  
 1639 the appeal.
- 1640 (v) The land use applicant shall pay:
- 1641 (A) 50% of the cost of the panel; and  
 1642 (B) the municipality's published appeal fee.
- 1643 (vi) The decision of the panel is a final decision, subject to a petition for review under  
 1644 Subsection ~~[(5)(d)(vii)]~~ (4)(d)(vii).
- 1645 (vii) In accordance with Section 10-20-1109, a land use applicant or the municipality  
 1646 may file a petition for review of the decision with the district court within 30 days  
 1647 after the date that the decision is final.

1648 ~~[(6) A provider of culinary or secondary water that commits to provide a water service  
 1649 required by a land use application process is subject to the provisions of this section the  
 1650 same as if the provider were a municipality.]~~

1651 Section 19. Section **10-20-912** is enacted to read:

1652 **10-20-912 (Effective 05/06/26). Exactions for water rights.**

- 1653 (1) Subject to the requirements of this section, a municipality shall base an exaction for a  
 1654 water interest on the culinary water authority's established calculations of projected  
 1655 water interest requirements.
- 1656 (2) Except as provided in Subsection (3), a culinary water authority shall base an exaction  
 1657 for a culinary water interest on:
- 1658 (a) consideration of the system-wide minimum sizing standards established for the  
 1659 culinary water authority by the Division of Drinking Water under Section 19-4-114;

- 1660           and
- 1661           **(b)** the number of equivalent residential connections associated with the culinary water
- 1662           demand for each specific development proposed in the development's land use
- 1663           application, applying lower exactions for developments with lower equivalent
- 1664           residential connections as demonstrated by at least five years of usage data for like
- 1665           land uses within the municipality.
- 1666           **(3)** If a municipality determines, in the sole discretion of the municipality, that good cause
- 1667           exists, the municipality may impose an exaction for a culinary water interest that results
- 1668           in less water being exacted than would otherwise be exacted under Subsection (2).
- 1669           **(4)(a)** A municipality shall make public the methodology used to comply with
- 1670           Subsection (2)(b).
- 1671           **(b)** A land use applicant may submit a request to the municipality's legislative body to
- 1672           review an exaction calculation used by the municipality under Subsection (2).
- 1673           **(c)** A land use applicant may present data and other information that illustrates a need
- 1674           for an exaction recalculation and the municipality's legislative body shall respond
- 1675           with due process.
- 1676           **(5)** Upon an applicant's request, the culinary water authority shall provide the applicant
- 1677           with the basis for the culinary water authority's calculations under Subsection (2) on
- 1678           which an exaction for a water interest is based.
- 1679           **(6)(a)** A municipality may not impose an exaction for a water interest if:
- 1680           (i) the culinary water authority's existing available water interests exceed the water
- 1681           interests needed to meet the reasonable future water requirement of the public; or
- 1682           (ii) the municipality or the municipality's culinary water authority does not have a
- 1683           written plan in accordance with Subsection (6)(b).
- 1684           **(b)** Beginning on January 1, 2028, a municipality shall determine the municipality's
- 1685           water interests needed to meet the reasonable future water requirement of the public
- 1686           by completing a written plan described in Subsection 73-1-4(2)(f).
- 1687           **(7)** A provider of culinary or secondary water that commits to provide a water service
- 1688           required by a land use application process is subject to the provisions of this section and
- 1689           Section 10-20-911 the same as if the provider were a municipality.
- 1690           Section 20. Section **10-20-1001** is amended to read:
- 1691           **10-20-1001 (Effective 05/06/26). Enforcement -- Limitations on a municipality's**
- 1692           **ability to enforce an ordinance by withholding a permit or certificate.**
- 1693           **(1)(a)** A municipality or [an adversely affected party] a land use applicant may, in

- 1694 addition to other remedies provided by law, institute:
- 1695 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
- 1696 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
- 1697 (b) A municipality need only establish the violation to obtain the injunction.
- 1698 (2)(a) Except as provided in Subsections (3) [~~though~~] through (6), a municipality may
- 1699 enforce the municipality's ordinance by withholding a building permit or certificate
- 1700 of occupancy.
- 1701 (b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any
- 1702 building or other structure within a municipality without approval of a building
- 1703 permit.
- 1704 (c) A municipality may not issue a building permit unless the plans of and for the
- 1705 proposed erection, construction, reconstruction, alteration, or use fully conform to all
- 1706 regulations then in effect.
- 1707 (d) A municipality may require an applicant to maintain and repair a temporary fire
- 1708 apparatus road during the construction of a structure accessed by the temporary fire
- 1709 apparatus road in accordance with the municipality's adopted standards.
- 1710 (e) A municipality may require temporary signs to be installed at each street intersection
- 1711 once construction of a new roadway allows passage by a motor vehicle.
- 1712 (f) A municipality may adopt and enforce any appendix of the International Fire Code,
- 1713 2021 Edition.
- 1714 (3)(a) A municipality may not deny an applicant a building permit or certificate of
- 1715 occupancy because the applicant has not completed an infrastructure improvement:
- 1716 (i) unless the infrastructure improvement is essential to meet the requirements for the
- 1717 issuance of a building permit or certificate of occupancy under Title 15A, State
- 1718 Construction and Fire Codes Act; and
- 1719 (ii) for which the municipality has accepted an improvement completion assurance
- 1720 for a public landscaping improvement, as defined in Section 10-20-807, or an
- 1721 infrastructure improvement for the development.
- 1722 (b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6,
- 1723 infrastructure improvement that is essential means:
- 1724 (i) for a building permit:
- 1725 (A) operable fire hydrants installed in a manner that is consistent with the
- 1726 municipality's adopted engineering standards; and
- 1727 (B) for temporary roads used during construction, a properly compacted road base

- 1728 installed in a manner consistent with the municipality's adopted engineering  
1729 standards;
- 1730 (ii) for a certificate of occupancy, at the discretion of the municipality, at least one of  
1731 the following:
- 1732 (A) a permanent road;
- 1733 (B) a temporary road covered with asphalt or concrete; or
- 1734 (C) another method for accessing a structure consistent with Appendix D of the  
1735 International Fire Code; and
- 1736 (iii) public infrastructure necessary for the health, life, and safety of the occupant.
- 1737 (c) A municipality may not adopt an engineering standard that requires an applicant to  
1738 install a permanent road or a temporary road with asphalt or concrete before  
1739 receiving a building permit.
- 1740 (4) A municipality may not deny an applicant a building permit or certificate of occupancy  
1741 for failure to:
- 1742 (a) submit a private landscaping plan, as defined in Section 10-20-807; or
- 1743 (b) complete a landscaping improvement that is not a public landscaping improvement,  
1744 as defined in Section 10-20-807.
- 1745 (5) A municipality may not withhold a building permit based on the lack of completion of a  
1746 portion of a public sidewalk to be constructed within a public right-of-way serving a lot  
1747 where a single-family or two-family residence or town home is proposed in a building  
1748 permit application if an improvement completion assurance has been posted for the  
1749 incomplete portion of the public sidewalk.
- 1750 (6) A municipality may not prohibit the construction of a single-family or two-family  
1751 residence or town home, withhold recording a plat, or withhold acceptance of a public  
1752 landscaping improvement, as defined in Section 10-20-807, or an infrastructure  
1753 improvement based on the lack of installation of a public sidewalk if an improvement  
1754 completion assurance has been posted for the public sidewalk.
- 1755 (7) A municipality may not redeem an improvement completion assurance securing the  
1756 installation of a public sidewalk sooner than 18 months after the date the improvement  
1757 completion assurance is posted.
- 1758 (8) A municipality shall allow an applicant to post an improvement completion assurance  
1759 for a public sidewalk separate from an improvement completion assurance for:
- 1760 (a) another infrastructure improvement; or
- 1761 (b) a public landscaping improvement, as defined in Section 10-20-807.

1762 (9) A municipality may withhold a certificate of occupancy for a single-family or  
 1763 two-family residence or town home until the portion of the public sidewalk to be  
 1764 constructed within a public right-of-way and located immediately adjacent to the  
 1765 single-family or two-family residence or town home is completed and accepted by the  
 1766 municipality.

1767 Section 21. Section **10-20-1101** is amended to read:

1768 **10-20-1101 (Effective 05/06/26). Appeal authority required -- Condition**  
 1769 **precedent to judicial review -- Appeal authority duties.**

1770 (1)(a) ~~[Each]~~ Subject to Subsection (1)(d), each municipality adopting a land use  
 1771 ordinance shall, by ordinance, establish one or more appeal authorities.

1772 (b) An appeal authority described in Subsection (1)(a) shall hear and decide:

1773 (i) requests for ~~[variances]~~ a variance from ~~[the terms of]~~ a land use [ordinances]  
 1774 ordinance;

1775 (ii) appeals from a land use [decisions] decision applying a land use [ordinances]  
 1776 ordinance; and

1777 (iii) appeals from a fee charged in accordance with Section 10-20-904.

1778 (c) An appeal authority described in Subsection (1)(a) may not hear an appeal from the  
 1779 enactment of a land use regulation.

1780 (d) Beginning on July 1, 2026, a city described in Subsection 10-20-302(6)(a)(i) may not  
 1781 designate the city's legislative body as an appeal authority.

1782 (e) Notwithstanding Subsection (1)(d), a legislative body shall continue to be the appeal  
 1783 authority for an appeal if:

1784 (i) a land use ordinance designated the legislative body as the appeal authority when  
 1785 the appellant filed the appeal; and

1786 (ii) the appellant filed the appeal on or before June 30, 2026.

1787 (2) As a condition precedent to judicial review, each adversely affected party or land use  
 1788 applicant shall timely and specifically challenge a land use authority's land use decision,  
 1789 in accordance with local ordinance.

1790 (3) An appeal authority described in Subsection (1)(a):

1791 (a) shall:

1792 (i) act in a quasi-judicial manner; and

1793 (ii) serve as the final arbiter of issues involving the interpretation or application of a  
 1794 land use [ordinances] ordinance; and

1795 (b) may not entertain an appeal of a matter in which the appeal authority, or any

1796 participating member, had first acted as the land use authority.

1797 (4) By ordinance, a municipality may:

1798 (a) designate a separate appeal authority to hear requests for variances than the appeal  
1799 authority the municipality designates to hear appeals;

1800 (b) designate one or more separate appeal authorities to hear distinct types of appeals of  
1801 land use authority decisions;

1802 (c) require an adversely affected party to present to an appeal authority every theory of  
1803 relief that the adversely affected party can raise in district court; and

1804 [~~(d) not require a land use applicant or adversely affected party to pursue duplicate or  
1805 successive appeals before the same or separate appeal authorities as a condition of an  
1806 appealing party's duty to exhaust administrative remedies; and]~~

1807 [(e)] (d) provide that specified types of land use decisions may be appealed directly to the  
1808 district court.

1809 (5) A municipality may not:

1810 (a) require a public hearing for a request for a variance or land use appeal[-] ; or

1811 (b) require a land use applicant or adversely affected party to pursue successive appeals  
1812 before the same or separate appeal authorities as a condition of an appealing party's  
1813 duty to exhaust administrative remedies.

1814 (6) If the municipality establishes or, before the effective date of this chapter, has  
1815 established a multiperson board, body, or panel to act as an appeal authority, at a  
1816 minimum the board, body, or panel shall:

1817 (a) notify each of the members of the board, body, or panel of any meeting or hearing of  
1818 the board, body, or panel;

1819 (b) provide each of the members of the board, body, or panel with the same information  
1820 and access to municipal resources as any other member;

1821 (c) convene only if a quorum of the members of the board, body, or panel is present; and

1822 (d) act only upon the vote of a majority of the convened members of the board, body, or  
1823 panel.

1824 Section 22. Section **10-20-1105** is repealed and reenacted to read:

1825 **10-20-1105 (Effective 05/06/26). Burden of proof.**

1826 In an appeal described in this part:

1827 (1) if the appellant is a land use applicant, the appellant has the burden of proving that the  
1828 land use authority's land use decision is illegal or is not supported by substantial  
1829 evidence; or

1830 (2) if the appellant is an adversely affected party, the appellant has the burden of proving  
 1831 that the land use authority's land use decision is illegal, or that the factual findings are  
 1832 clearly erroneous.

1833 Section 23. Section **10-20-1106** is amended to read:

1834 **10-20-1106 (Effective 05/06/26). Due process.**

1835 (1) ~~[Each]~~ An appeal authority shall conduct each appeal and variance request as provided  
 1836 in local ordinance.

1837 (2) ~~[Each]~~ An appeal authority shall respect the due process rights of ~~[each of the~~  
 1838 ~~participants]~~ an appeal participant.

1839 (3) An appeal authority may only allow the following people to present or speak during an  
 1840 appeal hearing:

1841 (a) the appellant or the appellant's representatives;

1842 (b) the land use applicant or the land use applicant's representatives; and

1843 (c) the municipality's representatives.

1844 Section 24. Section **10-20-1107** is amended to read:

1845 **10-20-1107 (Effective 05/06/26). Scope of review of factual matters on appeal --**  
 1846 **Appeal authority requirements.**

1847 (1) A municipality may, by ordinance, designate the scope of review of factual matters for  
 1848 appeals of land use authority decisions.

1849 (2) If the municipality fails to designate a scope of review of factual matters, the appeal  
 1850 authority shall review the ~~[matter]~~ factual matters de novo, without deference to the land  
 1851 use authority's determination of the factual matters.

1852 (3) If the scope of review of factual matters is on the record, the appeal authority shall  
 1853 determine whether the record on appeal includes substantial evidence for each essential  
 1854 finding of fact.

1855 (4) The appeal authority shall:

1856 (a) determine the correctness of the land use authority's interpretation and application of  
 1857 the plain meaning of the land use regulations; and

1858 (b) interpret and apply a land use regulation to favor a land use application unless the  
 1859 land use regulation plainly restricts the land use application.

1860 (5)(a) An appeal authority's land use decision is a quasi-judicial act.

1861 (b) ~~[A]~~ Except as provided in Subsection (5)(c), a legislative body may act as an appeal  
 1862 authority unless both the legislative body and the appealing party agree to allow a  
 1863 third party to act as the appeal authority.

- 1864 (c) Beginning on July 1, 2026, the legislative body of a city described in Subsection  
 1865 10-20-302(6)(a)(i) may not act as an appeal authority unless:  
 1866 (i) a land use ordinance designated the legislative body as the appeal authority when  
 1867 the appellant filed the appeal; and  
 1868 (ii) the appellant filed the appeal on or before June 30, 2026.
- 1869 (6) Only a decision in which a land use authority has applied a land use regulation to a  
 1870 particular land use application, person, or parcel may be appealed to an appeal authority.  
 1871 Section 25. Section **10-20-1109** is amended to read:
- 1872 **10-20-1109 (Effective 05/06/26). No district court review until administrative**  
 1873 **remedies exhausted -- Time for filing -- Tolling of time -- Standards governing court**  
 1874 **review -- Record on review -- Staying of decision.**
- 1875 (1) [NØ] A person may challenge in district court a land use decision [~~until that~~] if the person  
 1876 has exhausted the person's administrative remedies as provided in this part, if applicable.
- 1877 (2)(a) Subject to Subsection (1), a land use applicant or adversely affected party may file  
 1878 a petition for review of a land use decision with the district court within 30 days after  
 1879 the decision is final.
- 1880 (b)(i) The time under Subsection (2)(a) to file a petition is tolled from the date a  
 1881 property owner files a request for arbitration of a constitutional taking issue with  
 1882 the property rights ombudsman under Section 13-43-204 until 30 days after:  
 1883 (A) the arbitrator issues a final award; or  
 1884 (B) the property rights ombudsman issues a written statement under Subsection  
 1885 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.
- 1886 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional  
 1887 taking issue that is the subject of the request for arbitration filed with the property  
 1888 rights ombudsman by a property owner.
- 1889 (iii) A request for arbitration filed with the property rights ombudsman after the time  
 1890 under Subsection (2)(a) to file a petition has expired does not affect the time to  
 1891 file a petition.
- 1892 (3)(a) A court shall:
- 1893 (i) presume that a land use regulation properly enacted under the authority of this  
 1894 chapter is valid; and
- 1895 (ii) determine only whether:
- 1896 (A) the land use regulation is expressly preempted by, or was enacted contrary to,  
 1897 state or federal law; and

- 1898 (B) it is reasonably debatable that the land use regulation is consistent with this  
1899 chapter.
- 1900 (b) A court shall presume that a final land use decision of a land use authority or an  
1901 appeal authority is valid unless the land use decision is:  
1902 (i) arbitrary and capricious; or  
1903 (ii) illegal.
- 1904 (c)(i) A land use decision is arbitrary and capricious if the land use decision is not  
1905 supported by substantial evidence in the record.  
1906 (ii) A land use decision is illegal if the land use decision:  
1907 (A) is based on an incorrect interpretation of a land use regulation;  
1908 (B) conflicts with the authority granted by this title; or  
1909 (C) is contrary to law.
- 1910 (d)(i) A court may affirm or reverse a land use decision.  
1911 (ii) If the court reverses a land use decision, the court shall remand the matter to the  
1912 land use authority with instructions to issue a land use decision consistent with the  
1913 court's ruling.
- 1914 (4) The provisions of Subsection (2)(a) apply from the date on which the municipality takes  
1915 final action on a land use application, if the municipality conformed with the notice  
1916 provisions of Part 2, Notice, or for any person who had actual notice of the pending land  
1917 use decision.
- 1918 (5) If the municipality has complied with Section 10-20-205, a challenge to the enactment  
1919 of a land use regulation~~[-or]~~ , general plan, or specified land use law may not be filed  
1920 with the district court more than 30 days after the enactment.
- 1921 (6) A challenge to a land use decision is barred unless the challenge is filed within 30 days  
1922 after the land use decision is final.
- 1923 (7)(a) The land use authority or appeal authority, as the case may be, shall transmit to  
1924 the reviewing court the record of the proceedings of the land use authority or appeal  
1925 authority, including the minutes, findings, orders, and, if available, a true and correct  
1926 transcript of the proceedings.
- 1927 (b) If the proceeding was recorded, a transcript of that recording is a true and correct  
1928 transcript for purposes of this Subsection (7).
- 1929 (8)(a)(i) If there is a record, the district court's review is limited to the record  
1930 provided by the land use authority or appeal authority, as the case may be.  
1931 (ii) The court may not accept or consider any evidence outside the record of the land

1932 use authority or appeal authority, as the case may be, unless that evidence was  
 1933 offered to the land use authority or appeal authority, respectively, and the court  
 1934 determines that the evidence was improperly excluded.

1935 (b) If there is no record, the court may call witnesses and take evidence.

1936 (9)(a) The filing of a petition does not stay the land use decision of the land use  
 1937 authority or appeal authority, as the case may be.

1938 (b)(i) Before filing a petition under this section or a request for mediation or  
 1939 arbitration of a constitutional taking issue under Section 13-43-204, a land use  
 1940 applicant may petition the appeal authority to stay the appeal authority's land use  
 1941 decision.

1942 (ii) Upon receipt of a petition to stay, the appeal authority may order the appeal  
 1943 authority's land use decision stayed pending district court review if the appeal  
 1944 authority finds the order to be in the best interest of the municipality.

1945 (iii) After a petition is filed under this section or a request for mediation or arbitration  
 1946 of a constitutional taking issue is filed under Section 13-43-204, the petitioner  
 1947 may seek an injunction staying the appeal authority's land use decision.

1948 (10) If the court determines that a party initiated or pursued a challenge to a land use  
 1949 decision on a land use application in bad faith, the court may award attorney fees.

1950 Section 26. Section **10-21-101** is amended to read:

1951 **10-21-101 (Effective 05/06/26). Definitions.**

1952 As used in this part:

1953 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
 1954 detached from a single-family dwelling and contained on one lot or parcel.

1955 (2) "Accessory structure" means a detached structure located on the same lot or parcel as a  
 1956 principal structure and is incidental and subordinate to the size and use of the principal  
 1957 structure.

1958 (3) "Affordable housing" means housing offered for sale at 80% or less of the median  
 1959 county home price for housing of that type.

1960 [~~2~~] (4) "Agency" means the same as that term is defined in Section 17C-1-102.

1961 [~~3~~] (5) "Applicable metropolitan planning organization" means the metropolitan planning  
 1962 organization that has jurisdiction over the area in which a fixed guideway public transit  
 1963 station is located.

1964 [~~4~~] (6) "Applicable public transit district" means the public transit district, as defined in  
 1965 Section 17B-2a-802, of which a fixed guideway public transit station is included.

- 1966 [(5)] (7) "Base taxable value" means a property's taxable value as shown upon the  
 1967 assessment roll last equalized during the base year.
- 1968 [(6)] (8) "Base year" means, for a proposed home ownership promotion zone area, a year  
 1969 beginning the first day of the calendar quarter determined by the last equalized tax roll  
 1970 before the adoption of the home ownership promotion zone.
- 1971 (9) "Detached accessory dwelling unit" means an accessory dwelling unit that is not  
 1972 attached to or within a primary detached single-family dwelling and located on the same  
 1973 lot or parcel as the primary detached single-family dwelling.
- 1974 [(7)] (10) "Division" means the Housing and Community Development Division within the  
 1975 Department of Workforce Services.
- 1976 [(8)] (11) "Existing fixed guideway public transit station" means a fixed guideway public  
 1977 transit station for which construction begins before June 1, 2022.
- 1978 [(9)] (12) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
- 1979 [(10)] (13) "Home ownership promotion zone" means a home ownership promotion zone  
 1980 created in accordance with this part.
- 1981 [(11)] (14) "Implementation plan" means the implementation plan adopted as part of the  
 1982 moderate income housing element of a specified municipality's general plan as provided  
 1983 in Subsection 10-21-201(4).
- 1984 [(12)] (15) "Initial report" or "initial moderate income housing report" means the one-time  
 1985 report described in Subsection 10-21-202(1).
- 1986 [(13)] (16) "Internal accessory dwelling unit" means an accessory dwelling unit created:  
 1987 (a) within a primary dwelling;  
 1988 (b) within the footprint of the primary dwelling described in [~~Subsection (13)(a)]  
 1989 Subsection (16)(a) at the time the internal accessory dwelling unit is created; and  
 1990 (c) for the purpose of offering a long-term rental of 30 consecutive days or longer.~~
- 1991 [(14)] (17) "Moderate income housing strategy" means a strategy described in Subsection  
 1992 10-21-201(3)(a)(iii).
- 1993 [(15)] (18) "New fixed guideway public transit station" means a fixed guideway public  
 1994 transit station for which construction begins on or after June 1, 2022.
- 1995 [(16)] (19) "Participant" means the same as that term is defined in Section 17C-1-102.
- 1996 [(17)] (20) "Participation agreement" means the same as that term is defined in Section  
 1997 17C-1-102.
- 1998 [(18)] (21)(a) "Primary dwelling" means a single-family dwelling that:  
 1999 (i) is detached; and

- 2000 (ii) is occupied as the primary residence of the owner of record.
- 2001 (b) "Primary dwelling" includes a garage if the garage:
- 2002 (i) is a habitable space; and
- 2003 (ii) is connected to the primary dwelling by a common wall.
- 2004 [~~(19)~~] (22) "Project improvements" means the same as that term is defined in Section
- 2005 11-36a-102.
- 2006 [~~(20)~~] (23) "Qualifying land use petition" means a petition:
- 2007 (a) that involves land located within a station area for an existing public transit station
- 2008 that provides rail services;
- 2009 (b) that involves land located within a station area for which the municipality has not yet
- 2010 satisfied the requirements of Subsection 10-21-203(1)(a);
- 2011 (c) that proposes the development of an area greater than five contiguous acres, with no
- 2012 less than 51% of the acreage within the station area;
- 2013 (d) that would require the municipality to amend the municipality's general plan or
- 2014 change a zoning designation for the land use application to be approved;
- 2015 (e) that would require a higher density than the density currently allowed by the
- 2016 municipality;
- 2017 (f) that proposes the construction of new residential units, at least 10% of which are
- 2018 dedicated to moderate income housing; and
- 2019 (g) for which the land use applicant requests the municipality to initiate the process of
- 2020 satisfying the requirements of Subsection 10-21-203(1)(a) for the station area in
- 2021 which the development is proposed, subject to Subsection 10-21-203(2)(d).
- 2022 [~~(21)~~] (24) "Report" means an initial report or a subsequent progress report.
- 2023 [~~(22)~~] (25) "Specified municipality" means:
- 2024 (a) a city of the first, second, third, or fourth class; or
- 2025 (b) a city of the fifth class with a population of 5,000 or more, if the city is located
- 2026 within a county of the first, second, or third class.
- 2027 [~~(23)~~] (26)(a) "Station area" means:
- 2028 (i) for a fixed guideway public transit station that provides rail services, the area
- 2029 within a one-half mile radius of the center of the fixed guideway public transit
- 2030 station platform; or
- 2031 (ii) for a fixed guideway public transit station that provides bus services only, the
- 2032 area within a one-fourth mile radius of the center of the fixed guideway public
- 2033 transit station platform.

- 2034 (b) "Station area" includes any parcel bisected by the radius limitation described in [  
 2035 ~~Subsection (a)(i)] Subsection (26)(a)(i) or (ii).~~
- 2036 [~~(24)] (27) "Station area plan" means a plan that:~~
- 2037 (a) establishes a vision, and the actions needed to implement that vision, for the  
 2038 development of land within a station area; and
- 2039 (b) is developed and adopted in accordance with this section.
- 2040 [~~(25)] (28) "Subsequent progress report" means the annual report described in Subsection  
 2041 10-21-202(2).~~
- 2042 [~~(26)] (29) "System improvements" means the same as that term is defined in Section  
 2043 11-36a-102.~~
- 2044 [~~(27)] (30) "Tax commission" means the State Tax Commission created in Section 59-1-201.~~
- 2045 [~~(28)] (31)(a) "Tax increment" means the difference between:~~
- 2046 (i) the amount of property tax revenue generated each tax year by a taxing entity from  
 2047 the area within a home ownership promotion zone, using the current assessed  
 2048 value and each taxing entity's current certified tax rate as defined in Section  
 2049 59-2-924; and
- 2050 (ii) the amount of property tax revenue that would be generated from that same area  
 2051 using the base taxable value and each taxing entity's current certified tax rate as  
 2052 defined in Section 59-2-924.
- 2053 (b) "Tax increment" does not include property revenue from:
- 2054 (i) a multicounty assessing and collecting levy described in Subsection 59-2-1602(2);  
 2055 or
- 2056 (ii) a county additional property tax described in Subsection 59-2-1602(4).
- 2057 [~~(29)] (32) "Taxing entity" means the same as that term is defined in Section 17C-1-102.  
 2058 Section 27. Section **10-21-304** is enacted to read:~~
- 2059 **10-21-304 (Effective 10/01/26). Detached accessory dwelling units.**
- 2060 (1)(a) A specified municipality shall adopt a land use regulation that permits a detached  
 2061 accessory dwelling unit on any lot or parcel that is 11,000 square feet or larger and  
 2062 contains a single-family dwelling, if the single-family dwelling is a permitted use on  
 2063 the lot or parcel.
- 2064 (b) This section does not prohibit a municipality from adopting a land use regulation that  
 2065 permits a detached accessory dwelling unit on a lot or parcel that is smaller than  
 2066 11,000 square feet.
- 2067 (2) A land use regulation described in Subsection (1) shall:

- 2068 (a) require that a detached accessory dwelling unit comply with all applicable building,  
2069 health, and fire codes; and
- 2070 (b) include a process for the owner of a legally constructed accessory structure to  
2071 convert the accessory structure to a detached accessory dwelling unit subject to  
2072 applicable:
- 2073 (i) dwelling and accessory structure setback requirements; and  
2074 (ii) building, health, and fire codes.
- 2075 (3) A land use regulation described in Subsection (1) may not:
- 2076 (a) require a conditional use permit for a detached accessory dwelling unit if the  
2077 proposed detached accessory dwelling unit is located in a primarily residential zone;
- 2078 (b) require more than two on-site parking spaces assigned to a detached accessory  
2079 dwelling unit that is 650 square feet or larger;
- 2080 (c) require more than one on-site parking space assigned to a detached accessory  
2081 dwelling unit that is smaller than 650 square feet; or
- 2082 (d) include design standards for a detached accessory dwelling unit that conflict with  
2083 Section 10-20-618.
- 2084 (4) A land use regulation described in Subsection (1) may:
- 2085 (a) require a detached accessory dwelling unit to:
- 2086 (i) conform to applicable land use regulations that regulate structure size, dimension,  
2087 height, and maximum lot coverage;
- 2088 (ii) conform to setback requirements, that may take into account proximity to  
2089 property lines and other structures, easements, window orientation, massing, or  
2090 other elements; and
- 2091 (iii) be designed consistent with the design of the single-family dwelling;
- 2092 (b) prohibit a detached accessory dwelling unit from being:
- 2093 (i) larger in size than the single-family dwelling located on the same lot or parcel;  
2094 (ii) located within a public utility easement or other recorded easement;  
2095 (iii) located in a front-yard area of a lot or parcel; or  
2096 (iv) rented for less than 90 consecutive days;
- 2097 (c) require that the owner of a lot or parcel where a detached accessory dwelling unit is  
2098 located reside in the detached single-family dwelling or detached accessory dwelling  
2099 unit located on the lot or parcel;
- 2100 (d) require that when a detached garage is converted to a detached accessory dwelling  
2101 unit, any parking spaces required for the single-family dwelling that were located

- 2102 with the detached garage are replaced on-site;  
 2103 (e) prohibit more than one accessory dwelling unit on a lot or parcel; and  
 2104 (f) prohibit a detached accessory dwelling unit if:  
 2105 (i) the detached accessory dwelling unit will not have adequate access to a required  
 2106 utility service that is a project improvement, including sanitary sewer, culinary  
 2107 water, electrical, or storm water; or  
 2108 (ii) a utility service that is a system improvement, including sanitary sewer, culinary  
 2109 water, electrical, or storm water, to which the detached accessory dwelling unit is  
 2110 required to connect does not have sufficient capacity to support the addition of the  
 2111 detached accessory dwelling unit to the utility service system improvements.

2112 (5) This section does not supersede:

- 2113 (a) a land use regulation that regulates a detached accessory building that is not a  
 2114 detached accessory dwelling unit;  
 2115 (b) prohibitions or restrictions on detached accessory dwelling units in a development  
 2116 agreement signed by a municipality on or before May 6, 2026; or  
 2117 (c) a land use regulation or administrative action that:  
 2118 (i) is not prohibited by law; and  
 2119 (ii) relates to a detached accessory dwelling unit.

2120 Section 28. Section **13-43-205** is amended to read:

2121 **13-43-205 (Effective 05/06/26). Advisory opinion.**

- 2122 (1) A local government, private entity, or a potentially aggrieved person may, in accordance  
 2123 with Section 13-43-206, request a written advisory opinion:  
 2124 (a) from a neutral third party to determine compliance with:  
 2125 (i) Sections 10-20-506, 10-20-507, 10-20-602, 10-20-604, 10-20-605, 10-20-902,  
 2126 10-20-904, 10-20-905, 10-20-910, 10-20-911, 10-20-912, and 10-20-1003;  
 2127 (ii) Sections 17-79-506, 17-79-507, 17-79-601, 17-79-602, 17-79-603, 17-79-803,  
 2128 17-79-804, 17-79-805, 17-79-811, 17-79-812, 17-79-813, and 17-79-903; and  
 2129 (iii) Title 11, Chapter 36a, Impact Fees Act; and  
 2130 (b) at any time before:  
 2131 (i) a final decision on a land use application by a local appeal authority under Title  
 2132 11, Chapter 36a, Impact Fees Act, or Section 10-20-1108 or 17-79-1008;  
 2133 (ii) the deadline for filing an appeal with the district court under Title 11, Chapter  
 2134 36a, Impact Fees Act, or Section 10-20-1109 or 17-79-1009, if no local appeal  
 2135 authority is designated to hear the issue that is the subject of the request for an

2136 advisory opinion; or  
 2137 (iii) the enactment of an impact fee, if the request for an advisory opinion is a request  
 2138 to review and comment on a proposed impact fee facilities plan or a proposed  
 2139 impact fee analysis as defined in Section 11-36a-102.

2140 (2) A private property owner may, in accordance with Section 13-43-206, request a written  
 2141 advisory opinion from a neutral third party to determine if a condemning entity:

2142 (a) is in occupancy of the owner's property;

2143 (b) is occupying the property:

2144 (i) for a public use authorized by law; and

2145 (ii) without colorable legal or equitable authority; and

2146 (c) continues to occupy the property without the owner's consent, the occupancy would  
 2147 constitute a taking of private property for a public use without just compensation.

2148 (3) An advisory opinion issued under Subsection (2) may justify an award of attorney fees  
 2149 against a condemning entity in accordance with Section 13-43-206 only if the court  
 2150 finds that the condemning entity:

2151 (a) does not have a colorable claim or defense for the entity's actions; and

2152 (b) continued occupancy without payment of just compensation and in disregard of the  
 2153 advisory opinion.

2154 Section 29. Section **17-79-102** is amended to read:

2155 **17-79-102 (Effective 05/06/26). Definitions.**

2156 As used in this chapter:

2157 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
 2158 detached from a primary single-family dwelling and contained on one lot.

2159 (2) "Adversely affected party" means a person other than a land use applicant who:

2160 (a) owns real property adjoining the property that is the subject of a land use application  
 2161 or land use decision; or

2162 (b) will suffer a damage different in kind than, or an injury distinct from, that of the  
 2163 general community as a result of the land use decision.

2164 (3) "Affected entity" means a county, municipality, special district, special service district  
 2165 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
 2166 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,  
 2167 specified property owner, property owner's association, public utility, or the Department  
 2168 of Transportation, if:

2169 (a) the entity's services or facilities are likely to require expansion or significant

- 2170 modification because of an intended use of land;
- 2171 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
- 2172 or
- 2173 (c) the entity has filed with the county a request for notice during the same calendar year
- 2174 and before the county provides notice to an affected entity in compliance with a
- 2175 requirement imposed under this chapter.
- 2176 (4) "Affected owner" means the owner of real property that is:
- 2177 (a) a single project; and
- 2178 (b) the subject of a land use approval that:
- 2179 (i) sponsors of a referendum timely challenged in accordance with Subsection
- 2180 20A-7-601(6); and
- 2181 [(e)] (ii) is determined to be legally referable under Section 20A-7-602.8.
- 2182 (5) "Appeal authority" means the person, board, commission, agency, or other body
- 2183 designated by ordinance to decide an appeal of a decision of a land use application or a
- 2184 variance.
- 2185 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
- 2186 residential property if the sign is designed or intended to direct attention to a business,
- 2187 product, or service that is not sold, offered, or existing on the property where the sign is
- 2188 located.
- 2189 [~~(7)~~] "~~Building code adoption cycle~~" means the period of time beginning the day on which a
- 2190 specific edition of a construction code from a nationally recognized code authority is
- 2191 adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day
- 2192 before a new edition of a construction code is adopted and effective in Title 15A, State
- 2193 Construction and Fire Codes Act.]
- 2194 [(~~8~~)] (7)(a) "Boundary adjustment" means an agreement between adjoining property
- 2195 owners to relocate a common boundary that results in a conveyance of property
- 2196 between the adjoining lots, adjoining parcels, or adjoining lots and parcels.
- 2197 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
- 2198 (i) creates an additional lot or parcel; or
- 2199 (ii) is made by the Department of Transportation.
- 2200 [(~~9~~)] (8)(a) "Boundary establishment" means an agreement between adjoining property
- 2201 owners to clarify the location of an ambiguous, uncertain, or disputed common
- 2202 boundary.
- 2203 (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary

- 2204 that:
- 2205 (i) creates an additional lot or parcel; or
- 2206 (ii) is made by the Department of Transportation.
- 2207 (9) "Building code adoption cycle" means the period of time beginning the day on which a
- 2208 specific edition of a construction code from a nationally recognized code authority is
- 2209 adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day
- 2210 before a new edition of a construction code is adopted and effective in Title 15A, State
- 2211 Construction and Fire Codes Act.
- 2212 (10)(a) "Charter school" means:
- 2213 (i) an operating charter school;
- 2214 (ii) a charter school applicant that a charter school authorizer approves in accordance
- 2215 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- 2216 (iii) an entity that is working on behalf of a charter school or approved charter
- 2217 applicant to develop or construct a charter school building.
- 2218 (b) "Charter school" does not include a therapeutic school.
- 2219 (11) "Chief executive officer" means the person or body that exercises the executive powers
- 2220 of the county.
- 2221 (12) "Conditional use" means a land use that, because of the unique characteristics or
- 2222 potential detrimental impact of the land use on the county, surrounding neighbors, or
- 2223 adjacent land uses, may not be compatible in some areas or may be compatible only if
- 2224 certain conditions are required that mitigate or eliminate the detrimental impacts.
- 2225 (13) "Constitutional taking" means a governmental action that results in a taking of private
- 2226 property [~~so that~~] where compensation to the property owner[~~of the property~~] is required
- 2227 by the:
- 2228 (a) Fifth or Fourteenth Amendment [øf] to the Constitution of the United States; or
- 2229 (b) Utah Constitution, Article I, Section 22.
- 2230 (14) "Conveyance document" means an instrument that:
- 2231 (a) meets the definition of "document" in Section 57-1-1; and
- 2232 (b) meets the requirements of Section 57-1-45.5.
- 2233 (15) "Conveyance of property" means the transfer of ownership of any portion of real
- 2234 property from one person to another person.
- 2235 (16) "County utility easement" means an easement that:
- 2236 (a) a plat recorded in a county recorder's office described as a county utility easement or
- 2237 otherwise as a utility easement;

- 2238 (b) is not a protected utility easement or a public utility easement as defined in Section  
2239 54-3-27;
- 2240 (c) the county or the county's affiliated governmental entity owns or creates; and
- 2241 (d)(i) either:
- 2242 (A) no person uses or occupies; or
- 2243 (B) the county or the county's affiliated governmental entity uses and occupies to  
2244 provide a utility service, including sanitary sewer, culinary water, electrical,  
2245 storm water, or communications or data lines; or
- 2246 (ii) a person uses or occupies with or without an authorized franchise or other  
2247 agreement with the county.
- 2248 (17) "Culinary water authority" means the department, agency, or public entity with  
2249 responsibility to review and approve the feasibility of the culinary water system and  
2250 sources for the subject property.
- 2251 (18) "Department of Transportation" means the entity created in Section 72-1-201.
- 2252 (19) "Development activity" means:
- 2253 (a) any construction or expansion of a building, structure, or use that creates additional  
2254 demand and need for public facilities;
- 2255 (b) any change in use of a building or structure that creates additional demand and need  
2256 for public facilities; or
- 2257 (c) any change in the use of land that creates additional demand and need for public  
2258 facilities.
- 2259 (20)(a) "Development agreement" means a written agreement or amendment to a written  
2260 agreement between a county and one or more parties that regulates or controls the use  
2261 or development of a specific area of land.
- 2262 (b) "Development agreement" does not include an improvement completion assurance.
- 2263 (21)(a) "Disability" means a physical or mental impairment that substantially limits one  
2264 or more of a person's major life activities, including a person having a record of such  
2265 an impairment or being regarded as having such an impairment.
- 2266 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
2267 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21  
2268 U.S.C. Sec. 802.
- 2269 (22) "Document" means the same as that term is defined in Section 57-1-1.
- 2270 (23) "Educational facility":
- 2271 (a) means:

- 2272 (i) a school district's building at which pupils assemble to receive instruction in a  
 2273 program for any combination of grades from preschool through grade 12,  
 2274 including kindergarten and a program for children with disabilities;
- 2275 (ii) a structure or facility:  
 2276 (A) located on the same property as a building described in Subsection (23)(a)(i);  
 2277 and  
 2278 (B) used in support of the use of that building; and
- 2279 (iii) a building to provide office and related space to a school district's administrative  
 2280 personnel; and
- 2281 (b) does not include:  
 2282 (i) land or a structure, including land or a structure for inventory storage, equipment  
 2283 storage, food processing or preparing, vehicle storage or maintenance, or similar  
 2284 use that is:  
 2285 (A) not located on the same property as a building described in Subsection  
 2286 (23)(a)(i); and  
 2287 (B) used in support of the purposes of a building described in Subsection (23)(a)(i);  
 2288 or  
 2289 (ii) a therapeutic school.
- 2290 (24) "Establishment document" means an instrument that:  
 2291 (a) meets the definition of "document" in Section 57-1-1; and  
 2292 (b) meets the requirements of Section 57-1-45.
- 2293 [~~(25) "Full boundary adjustment" means a boundary adjustment that is not a simple~~  
 2294 ~~boundary adjustment.~~]
- 2295 [(26)] (25) "Fire authority" means the department, agency, or public entity with  
 2296 responsibility to review and approve the feasibility of fire protection and suppression  
 2297 services for the subject property.
- 2298 [(27)] (26) "Flood plain" means land that:  
 2299 (a) is within the 100-year flood plain designated by the Federal Emergency Management  
 2300 Agency; or  
 2301 (b) has not been studied or designated by the Federal Emergency Management Agency  
 2302 but presents a likelihood of experiencing chronic flooding or a catastrophic flood  
 2303 event because the land has characteristics that are similar to those of a 100-year flood  
 2304 plain designated by the Federal Emergency Management Agency.
- 2305 (27) "Full boundary adjustment" means a boundary adjustment that is not a simple

- 2306 boundary adjustment.
- 2307 (28) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 2308 (29) "General plan" means a document that a county adopts that sets forth general
- 2309 guidelines for proposed future development of:
- 2310 (a) the unincorporated land within the county; or
- 2311 (b) for a mountainous planning district, the land within the mountainous planning
- 2312 district.
- 2313 (30) "Geologic hazard" means:
- 2314 (a) a surface fault rupture;
- 2315 (b) shallow groundwater;
- 2316 (c) liquefaction;
- 2317 (d) a landslide;
- 2318 (e) a debris flow;
- 2319 (f) unstable soil;
- 2320 (g) a rock fall; or
- 2321 (h) any other geologic condition that presents a risk:
- 2322 (i) to life;
- 2323 (ii) of substantial loss of real property; or
- 2324 (iii) of substantial damage to real property.
- 2325 (31) "Home-based microschool" means the same as that term is defined in Section
- 2326 53G-6-201.
- 2327 (32) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter,
- 2328 or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 2329 system.
- 2330 (33)(a) "Identical plans" means floor plans submitted to a county that:
- 2331 (i) are submitted within the same building code adoption cycle as floor plans that
- 2332 were previously approved by the county;
- 2333 (ii) have no structural differences from floor plans that were previously approved by
- 2334 the county; and
- 2335 (iii) describe a building that:
- 2336 (A) is located on land zoned the same as the land on which the building described
- 2337 in the previously approved plans is located;
- 2338 (B) has a substantially identical floor plan to a floor plan previously approved by
- 2339 the county; and

- 2340 (C) does not require any engineering or analysis beyond a review to confirm the  
2341 submitted floor plans are substantially identical to a floor plan previously  
2342 approved by the county or a review of the site plan and associated geotechnical  
2343 reports for the site.
- 2344 (b) "Identical plans" include floor plans that are oriented differently as the floor plan that  
2345 was previously approved by the county.
- 2346 (34) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact  
2347 Fees Act.
- 2348 (35) "Improvement completion assurance" means a surety bond, letter of credit, financial  
2349 institution bond, cash, assignment of rights, lien, or other equivalent security required by  
2350 a county to guaranty the proper completion of landscaping or an infrastructure  
2351 improvement required as a condition precedent to:
- 2352 (a) recording a subdivision plat; or  
2353 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 2354 (36) "Improvement warranty" means an applicant's unconditional warranty that the  
2355 applicant's installed and accepted landscaping or infrastructure improvement:
- 2356 (a) complies with the county's written standards for design, materials, and workmanship;  
2357 and  
2358 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
2359 within the improvement warranty period.
- 2360 (37) "Improvement warranty period" means a period:
- 2361 (a) no later than one year after a county's acceptance of required public landscaping; or  
2362 (b) no later than one year after a county's acceptance of required infrastructure, unless  
2363 the county:
- 2364 (i) determines, based on accepted industry standards and for good cause, that a  
2365 one-year period would be inadequate to protect the public health, safety, and  
2366 welfare; and  
2367 (ii) has substantial evidence, on record:
- 2368 (A) of prior poor performance by the applicant; or  
2369 (B) that the area upon which the infrastructure will be constructed contains  
2370 suspect soil and the county has not otherwise required the applicant to mitigate  
2371 the suspect soil.
- 2372 (38) "Infrastructure improvement" means permanent infrastructure that is essential for the  
2373 public health and safety or that:

- 2374 (a) is required for human consumption; and  
2375 (b) an applicant shall install:  
2376 (i) in accordance with published installation and inspection specifications for public  
2377 improvements; and  
2378 (ii) as a condition of:  
2379 (A) recording a subdivision plat;  
2380 (B) obtaining a building permit; or  
2381 (C) developing a commercial, industrial, mixed use, condominium, or multifamily  
2382 project.
- 2383 (39) "Internal lot restriction" means a platted note, platted demarcation, or platted  
2384 designation that:  
2385 (a) runs with the land; and  
2386 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on  
2387 the plat; or  
2388 (ii) designates a development condition that is enclosed within the perimeter of a lot  
2389 described on the plat.
- 2390 (40) "Interstate pipeline company" means a person or entity engaged in natural gas  
2391 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission  
2392 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 2393 (41) "Intrastate pipeline company" means a person or entity engaged in natural gas  
2394 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
2395 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 2396 (42) "Land use applicant" means a property owner, or the property owner's designee, who  
2397 submits a land use application regarding the property owner's land.
- 2398 (43) "Land use application":  
2399 (a) means an application that is:  
2400 (i) required by a county; and  
2401 (ii) submitted by a land use applicant to obtain a land use decision; and  
2402 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 2403 (44) "Land use authority" means:  
2404 (a) a person, board, commission, agency, or body, including the local legislative body,  
2405 designated by the local legislative body to act upon a land use application; or  
2406 (b) if the local legislative body has not designated a person, board, commission, agency,  
2407 or body, the local legislative body.

- 2408 (45) "Land use decision" means an administrative decision of a land use authority or appeal  
2409 authority regarding:
- 2410 (a) a land use permit;
- 2411 (b) a land use application; or
- 2412 (c) the enforcement of a land use regulation, land use permit, or development agreement.
- 2413 (46) "Land use permit" means a permit issued by a land use authority.
- 2414 (47) "Land use regulation":
- 2415 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
2416 engineering or development standard, specification for public improvement, fee, or  
2417 rule that governs the use or development of land;
- 2418 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;  
2419 and
- 2420 (c) does not include:
- 2421 (i) a land use decision of the legislative body acting as the land use authority, even if  
2422 the decision is expressed in a resolution or ordinance; or
- 2423 (ii) a temporary revision to an engineering specification that does not materially:
- 2424 (A) increase a land use applicant's cost of development compared to the existing  
2425 specification; or
- 2426 (B) impact a land use applicant's use of land.
- 2427 (48) "Legislative body" means the county legislative body, or for a county that has adopted  
2428 an alternative form of government, the body exercising legislative powers.
- 2429 (49) "Lot" means a tract of land, regardless of any label, that is created by and shown on a  
2430 subdivision plat that has been recorded in the office of the county recorder.
- 2431 (50) "Major transit investment corridor" means public transit service that uses or occupies:
- 2432 (a) public transit rail right-of-way;
- 2433 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
- 2434 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
2435 municipality or county and:
- 2436 (i) a public transit district as defined in Section 17B-2a-802; or
- 2437 (ii) an eligible political subdivision as defined in Section 59-12-2202.
- 2438 (51) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- 2439 (52) "Moderate income housing" means housing occupied or reserved for occupancy by  
2440 households with a gross household income equal to or less than 80% of the median gross  
2441 income for households of the same size in the county in which the housing is located.

- 2442 (53) "Mountainous planning district" means an area designated by a county legislative body  
2443 in accordance with Section 17-79-408.
- 2444 (54) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and  
2445 expenses incurred in:
- 2446 (a) verifying that building plans are identical plans; and  
2447 (b) reviewing and approving those minor aspects of identical plans that differ from the  
2448 previously reviewed and approved building plans.
- 2449 (55) "Noncomplying structure" means a structure that:
- 2450 (a) legally existed before the structure's current land use designation; and  
2451 (b) because of one or more subsequent land use ordinance changes, does not conform to  
2452 the setback, height restrictions, or other regulations, excluding those regulations that  
2453 govern the use of land.
- 2454 (56) "Nonconforming use" means a use of land that:
- 2455 (a) legally existed before the land's current land use designation;  
2456 (b) has been maintained continuously since the time the land use ordinance regulation  
2457 governing the land changed; and  
2458 (c) because of one or more subsequent land use ordinance changes, does not conform to  
2459 the regulations that now govern the use of the land.
- 2460 (57) "Official map" means a map drawn by county authorities and recorded in the county  
2461 recorder's office that:
- 2462 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
2463 highways and other transportation facilities;  
2464 (b) provides a basis for restricting development in designated rights-of-way or between  
2465 designated setbacks to allow the government authorities time to purchase or  
2466 otherwise reserve the land; and  
2467 (c) has been adopted as an element of the county's general plan.
- 2468 (58) "Parcel" means any real property that is not a lot.
- 2469 (59) "Person" means an individual, corporation, partnership, organization, association, trust,  
2470 governmental agency, or any other legal entity.
- 2471 (60) "Plan for moderate income housing" means a written document adopted by a county  
2472 legislative body that includes:
- 2473 (a) an estimate of the existing supply of moderate income housing located within the  
2474 county;  
2475 (b) an estimate of the need for moderate income housing in the county for the next five

- 2476 years;
- 2477 (c) a survey of total residential land use;
- 2478 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
- 2479 income housing; and
- 2480 (e) a description of the county's program to encourage an adequate supply of moderate
- 2481 income housing.
- 2482 (61) "Planning advisory area" means a contiguous, geographically defined portion of the
- 2483 unincorporated area of a county established under this part with planning and zoning
- 2484 functions as exercised through the planning advisory area planning commission, as
- 2485 provided in this chapter, but with no legal or political identity separate from the county
- 2486 and no taxing authority.
- 2487 (62) "Plat" means an instrument subdividing property into lots as depicted on a map or
- 2488 other graphical representation of lands that a licensed professional land surveyor makes
- 2489 and prepares in accordance with Section 17-79-703 or 57-8-13.
- 2490 (63) "Potential geologic hazard area" means an area that:
- 2491 (a) is designated by a Utah Geological Survey map, county geologist map, or other
- 2492 relevant map or report as needing further study to determine the area's potential for
- 2493 geologic hazard; or
- 2494 (b) has not been studied by the Utah Geological Survey or a county geologist but
- 2495 presents the potential of geologic hazard because the area has characteristics similar
- 2496 to those of a designated geologic hazard area.
- 2497 (64) "Property owner" means a person that holds legal title in real property.
- 2498 [~~64~~] (65) "Public agency" means:
- 2499 (a) the federal government;
- 2500 (b) the state;
- 2501 (c) a county, municipality, school district, special district, special service district, or
- 2502 other political subdivision of the state; or
- 2503 (d) a charter school.
- 2504 [~~65~~] (66) "Public hearing" means a hearing at which members of the public are provided a
- 2505 reasonable opportunity to comment on the subject of the hearing.
- 2506 [~~66~~] (67) "Public meeting" means a meeting that is required to be open to the public under
- 2507 Title 52, Chapter 4, Open and Public Meetings Act.
- 2508 [~~67~~] (68) "Public street" means a public right-of-way, including a public highway, public
- 2509 avenue, public boulevard, public parkway, public road, public lane, public alley, public

- 2510 viaduct, public subway, public tunnel, public bridge, public byway, other public  
 2511 transportation easement, or other public way.
- 2512 [(68)] (69) "Receiving zone" means an unincorporated area that a county designates, by  
 2513 ordinance, as an area in which an owner of land may receive a transferable development  
 2514 right.
- 2515 [(69)] (70) "Record of survey map" means a map of a survey of land prepared in accordance  
 2516 with Section 17-73-504.
- 2517 [(70)] (71) "Residential facility for persons with a disability" means a residence:  
 2518 (a) in which more than one person with a disability resides; and  
 2519 (b) which is licensed or certified by the Department of Health and Human Services  
 2520 under:  
 2521 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or  
 2522 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 2523 [(71)] (72) "Residential roadway" means a public local residential road that:  
 2524 (a) will serve primarily to provide access to adjacent primarily residential areas and  
 2525 property;  
 2526 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;  
 2527 (c) is not identified as a supplementary to a collector or other higher system classified  
 2528 street in an approved municipal street or transportation master plan;  
 2529 (d) has a posted speed limit of 25 miles per hour or less;  
 2530 (e) does not have higher traffic volumes resulting from connecting previously separated  
 2531 areas of the municipal road network;  
 2532 (f) cannot have a primary access, but can have a secondary access, and does not abut lots  
 2533 intended for high volume traffic or community centers, including schools, recreation  
 2534 centers, sports complexes, or libraries; and  
 2535 (g) primarily serves traffic within a neighborhood or limited residential area and is not  
 2536 necessarily continuous through several residential areas.
- 2537 [(72)] (73) "Rules of order and procedure" means a set of rules that govern and prescribe in  
 2538 a public meeting:  
 2539 (a) parliamentary order and procedure;  
 2540 (b) ethical behavior; and  
 2541 (c) civil discourse.
- 2542 [(73)] (74) "Sanitary sewer authority" means the department, agency, or public entity with  
 2543 responsibility to review and approve the feasibility of sanitary sewer services or onsite

2544 wastewater systems.

2545 [~~(74)~~] (75) "Sending zone" means an unincorporated area that a county designates, by  
 2546 ordinance, as an area from which an owner of land may transfer a transferable  
 2547 development right.

2548 [~~(75)~~] (76) "Simple boundary adjustment" means a boundary adjustment that does not:

- 2549 (a) affect a public right-of-way, county utility easement, or other public property;
- 2550 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
- 2551 (c) result in a lot or parcel out of conformity with land use regulations.

2552 [~~(76)~~] (77) "Site plan" means a document or map that may be required by a county during a  
 2553 preliminary review before the issuance of a building permit to demonstrate that an  
 2554 owner's or developer's proposed development activity meets a land use requirement.

2555 [~~(77)~~] (78)(a) "Special district" means an entity under Title 17B, Limited Purpose Local  
 2556 Government Entities - Special Districts.

2557 (b) "Special district" includes a governmental or quasi-governmental entity that is not a  
 2558 county, municipality, school district, or the state.

2559 (79) "Specific land use law" means a requirement or restriction on the use of a specific  
 2560 parcel in a development agreement that a legislative body approves with the consent of  
 2561 an affected property owner.

2562 [~~(78)~~] (80) "Specified public agency" means:

- 2563 (a) the state;
- 2564 (b) a school district; or
- 2565 (c) a charter school.

2566 [~~(79)~~] (81) "Specified public utility" means an electrical corporation, gas corporation, or  
 2567 telephone corporation, as those terms are defined in Section 54-2-1.

2568 [~~(80)~~] (82) "State" includes any department, division, or agency of the state.

2569 [~~(81)~~] (83)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to  
 2570 be divided into two or more lots or other division of land for the purpose, whether  
 2571 immediate or future, for offer, sale, lease, or development either on the installment  
 2572 plan or upon any and all other plans, terms, and conditions.

2573 (b) "Subdivision" includes:

- 2574 (i) the division or development of land, whether by deed, metes and bounds  
 2575 description, devise and testacy, map, plat, or other recorded instrument, regardless  
 2576 of whether the division includes all or a portion of a parcel or lot; and
- 2577 (ii) except as provided in Subsection [~~(81)~~](e)] (83)(c), divisions of land for residential

- 2578 and nonresidential uses, including land used or to be used for commercial,  
 2579 agricultural, and industrial purposes.
- 2580 (c) "Subdivision" does not include:
- 2581 (i) a bona fide division or partition of agricultural land for agricultural purposes;  
 2582 (ii) a recorded conveyance document:
- 2583 (A) consolidating multiple lots or parcels into one legal description encompassing  
 2584 all lots by reference to a recorded plat and all parcels by metes and bounds  
 2585 description; or
- 2586 (B) joining a lot to a parcel;
- 2587 (iii) a bona fide division or partition of land in a county other than a first class county  
 2588 for the purpose of siting, on one or more of the resulting separate parcels:
- 2589 (A) an electrical transmission line or a substation;  
 2590 (B) a natural gas pipeline or a regulation station; or  
 2591 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
 2592 utility service regeneration, transformation, retransmission, or amplification  
 2593 facility;
- 2594 (iv) a bona fide division of land by deed or other instrument if the deed or other  
 2595 instrument states in writing that the division:
- 2596 (A) is in anticipation of future land use approvals on the parcel or parcels;  
 2597 (B) does not confer any land use approvals; and  
 2598 (C) has not been approved by the land use authority;
- 2599 (v) a boundary adjustment;
- 2600 (vi) a boundary establishment;
- 2601 (vii) a road, street, or highway dedication plat;
- 2602 (viii) a deed or easement for a road, street, or highway purpose; or  
 2603 (ix) any other division of land authorized by law.
- 2604 [~~(82)~~] (84)(a) "Subdivision amendment" means an amendment to a recorded subdivision  
 2605 in accordance with Section 17-79-711 that:
- 2606 (i) vacates all or a portion of the subdivision;  
 2607 (ii) increases the number of lots within the subdivision;  
 2608 (iii) alters a public right-of-way, a public easement, or public infrastructure within the  
 2609 subdivision; or  
 2610 (iv) alters a common area or other common amenity within the subdivision.
- 2611 (b) "Subdivision amendment" does not include a simple boundary adjustment.

- 2612 [~~(83)~~] (85) "Substantial evidence" means evidence that:
- 2613 (a) is beyond a scintilla; and
- 2614 (b) a reasonable mind would accept as adequate to support a conclusion.
- 2615 [~~(84)~~] (86) "Suspect soil" means soil that has:
- 2616 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 2617 3% swell potential;
- 2618 (b) bedrock units with high shrink or swell susceptibility; or
- 2619 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 2620 commonly associated with dissolution and collapse features.
- 2621 [~~(85)~~] (87) "Therapeutic school" means a residential group living facility:
- 2622 (a) for four or more individuals who are not related to:
- 2623 (i) the owner of the facility; or
- 2624 (ii) the primary service provider of the facility;
- 2625 (b) that serves students who have a history of failing to function:
- 2626 (i) at home;
- 2627 (ii) in a public school; or
- 2628 (iii) in a nonresidential private school; and
- 2629 (c) that offers:
- 2630 (i) room and board; and
- 2631 (ii) an academic education integrated with:
- 2632 (A) specialized structure and supervision; or
- 2633 (B) services or treatment related to a disability, an emotional development, a
- 2634 behavioral development, a familial development, or a social development.
- 2635 [~~(86)~~] (88) "Transferable development right" means a right to develop and use land that
- 2636 originates by an ordinance that authorizes a [~~land~~] property owner in a designated
- 2637 sending zone to transfer land use rights from a designated sending zone to a designated
- 2638 receiving zone.
- 2639 [~~(87)~~] (89) "Unincorporated" means the area outside of the incorporated area of a
- 2640 municipality.
- 2641 [~~(88)~~] (90) "Water interest" means any right to the beneficial use of water, including:
- 2642 (a) each of the rights listed in Section 73-1-11; and
- 2643 (b) an ownership interest in the right to the beneficial use of water represented by:
- 2644 (i) a contract; or
- 2645 (ii) a share in a water company, as defined in Section 73-3-3.5.

2646 [(89)] (91) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
2647 land use zones, overlays, or districts.

2648 Section 30. Section **17-79-205** is amended to read:

2649 **17-79-205 (Effective 05/06/26). Notice of public hearings and public meetings on**  
2650 **adoption or modification of land use regulation.**

2651 (1) Each county shall give:

2652 (a) notice of the date, time, and place of the first public hearing to consider the adoption  
2653 or modification of a land use regulation; and

2654 (b) notice of each public meeting on the subject.

2655 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

2656 (a) mailed to each affected entity at least 10 calendar days before the public hearing; and

2657 (b)(i) provided for the area affected by the land use ordinance changes, as a class B  
2658 notice under Section 63G-30-102, for at least 10 calendar days before the day of  
2659 the public hearing; or

2660 (ii) if the proposed land use ordinance adoption or modification is ministerial in  
2661 nature, as described in Subsections (6)(a) and (b), provided as a class A notice  
2662 under Section 63G-30-102 for at least 10 calendar days before the day of the  
2663 public hearing.

2664 (3) In addition to the notice requirements described in Subsections (1) and (2), for any  
2665 proposed modification to the text of a zoning code, the notice posted in accordance with  
2666 Subsection (2) shall:

2667 (a) include:

2668 (i) a summary of the effect of the proposed modifications to the text of the zoning  
2669 code designed to be understood by a lay person; or

2670 (ii) a direct link to the county's webpage where a person can find a summary of the  
2671 effect of the proposed modifications to the text of the zoning code designed to be  
2672 understood by a lay person; and

2673 (b) be provided to any person upon written request.

2674 (4) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before  
2675 the hearing and shall be published for the county, as a class A notice under Section  
2676 63G-30-102, for at least 24 hours.

2677 (5)(a) A county shall send a courtesy notice to each owner of private real property  
2678 whose property is located entirely or partially within the proposed zoning map  
2679 enactment or amendment at least 10 days before the scheduled day of the public

- 2680 hearing.
- 2681 (b) The notice shall:
- 2682 (i) identify with specificity each owner of record of real property that will be affected
- 2683 by the proposed zoning map or map amendments;
- 2684 (ii) state the current zone in which the real property is located;
- 2685 (iii) state the proposed new zone for the real property;
- 2686 (iv) provide information regarding or a reference to the proposed regulations,
- 2687 prohibitions, and permitted uses that the property will be subject to if the zoning
- 2688 map or map amendment is adopted;
- 2689 (v) state that the owner of real property may no later than 10 days after the day of the
- 2690 first public hearing file a written objection to the inclusion of the owner's property
- 2691 in the proposed zoning map or map amendment;
- 2692 (vi) state the address where the property owner should file the protest;
- 2693 (vii) notify the property owner that each written objection filed with the county will
- 2694 be provided to the county legislative body; and
- 2695 (viii) state the location, date, and time of the public hearing described in Section
- 2696 17-79-502.
- 2697 (c) If a county mails notice to a property owner under Subsection (2)(b)(i) for a public
- 2698 hearing on a zoning map or map amendment, the notice required in this Subsection
- 2699 (5) may be included in or part of the notice described in Subsection (2)(b)(i) rather
- 2700 than sent separately.
- 2701 (6)(a) [A] For purposes of the notice requirements in Subsection (2)(b) only, a proposed
- 2702 land use ordinance is ministerial in nature if the proposed land use ordinance change
- 2703 is to:
- 2704 (i) bring the county's land use ordinances into compliance with a state or federal law;
- 2705 (ii) adopt a county land use update that affects:
- 2706 (A) an entire zoning district; or
- 2707 (B) multiple zoning districts;
- 2708 (iii) adopt a non-substantive, clerical text amendment to an existing land use
- 2709 ordinance;
- 2710 (iv) recodify the county's existing land use ordinances; or
- 2711 (v) designate or define an affected area for purposes of a boundary adjustment or
- 2712 annexation.
- 2713 (b) A proposed land use ordinance may include more than one of the purposes described

- 2714 in Subsection (6)(a) and remain ministerial in nature.
- 2715 (c) If a proposed land use ordinance includes an adoption or modification not described
- 2716 in Subsection (6)(a):
- 2717 (i) the proposed land use ordinance is not ministerial in nature, even if the proposed
- 2718 land use ordinance also includes a change or modification described in Subsection
- 2719 (6)(a); and
- 2720 (ii) the notice requirements of Subsection (2)(b)(i) apply.
- 2721 Section 31. Section **17-79-301** is amended to read:
- 2722 **17-79-301 (Effective 05/06/26). Ordinance establishing planning commission**
- 2723 **required -- Exception -- Ordinance requirements -- Planning advisory area planning**
- 2724 **commission -- Compensation.**
- 2725 (1)(a) Except as provided in Subsection (1)(b), each county shall enact an ordinance
- 2726 establishing a countywide planning commission for the unincorporated areas of the
- 2727 county not within a planning advisory area.
- 2728 (b) Subsection (1)(a) does not apply if all of the county is included within any
- 2729 combination of:
- 2730 (i) municipalities;
- 2731 (ii) planning advisory areas each with a separate planning commission; and
- 2732 (iii) mountainous planning districts.
- 2733 (c)(i) Notwithstanding Subsection (1)(a), a county that designates a mountainous
- 2734 planning district shall enact an ordinance, subject to Subsection (1)(c)(ii),
- 2735 establishing a planning commission that has jurisdiction over the entire
- 2736 mountainous planning district.
- 2737 (ii) A planning commission described in Subsection (1)(c)(i) has jurisdiction subject
- 2738 to a local health department exercising the local health department's authority in
- 2739 accordance with Title 26A, Chapter 1, Local Health Departments, and a
- 2740 municipality exercising the municipality's authority in accordance with Section
- 2741 10-8-15.
- 2742 (iii) The ordinance shall require that members of the planning commission be
- 2743 appointed by the county executive with the advice and consent of the county
- 2744 legislative body.
- 2745 (2)(a) Notwithstanding Subsection (1)(b), the county legislative body of a county of the
- 2746 first or second class that includes more than one planning advisory area each with a
- 2747 separate planning commission may enact an ordinance that:

- 2748 (i) dissolves each planning commission within the county; and  
 2749 (ii) establishes a countywide planning commission that has jurisdiction over:  
 2750 (A) each planning advisory area within the county; and  
 2751 (B) the unincorporated areas of the county not within a planning advisory area.
- 2752 (b) A countywide planning commission established under Subsection (2)(a) shall assume  
 2753 the duties of each dissolved planning commission.
- 2754 (3)(a) The ordinance described in Subsection (1)(a), (1)(c), or (2)(a) shall~~[-define]:~~  
 2755 (i) include the number and terms of the planning commission members and, if the  
 2756 county chooses, alternate members;  
 2757 (ii) ~~[the mode of appointment]~~ provide procedures for appointing a planning  
 2758 commission member;  
 2759 (iii) ~~[the]~~ provide procedures for filling vacancies on the planning commission;  
 2760 (iv) ~~[-and removal from office]~~ provide procedures for removing a planning  
 2761 commission member from the planning commission;  
 2762 (v) except as provided in Subsection (3)(a)(vi), describe the causes for which a  
 2763 planning commission member may be removed from the planning commission,  
 2764 which shall include:  
 2765 (A) using public funds for a political purpose under Title 20A, Chapter 11, Part  
 2766 12, Political Activities of Public Entities Act;  
 2767 (B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and  
 2768 Employees' Ethics Act; and  
 2769 (C) acting with the intent to influence a land use decision or an appeal of a  
 2770 pending land use application in a manner that creates actual impermissible bias  
 2771 or an unacceptable risk of impermissible bias in the planning commission  
 2772 member's administrative or quasi-judicial duties;  
 2773 (vi) provide that a planning commission member deliberating about a specific  
 2774 pending land use application in a planning commission meeting with municipal  
 2775 staff, an elected official, or the land use applicant is not cause for removing a  
 2776 planning commission member from the planning commission;  
 2777 (vii) provide requirements for when a planning commission member shall recuse  
 2778 oneself from deliberating or voting on certain land use applications;  
 2779 ~~[(iv)]~~ (viii) define the authority of the planning commission;  
 2780 ~~[(v)]~~ (ix) subject to Subsection (3)(b), [the] include rules of order and procedure for  
 2781 use by the planning commission in a public meeting; and

- 2782            [~~(vi)~~] (x) include other details relating to the organization and procedures of the  
2783            planning commission.
- 2784            (b) Subsection [~~(3)(a)(v)~~] (3)(a)(ix) does not affect the planning commission's duty to  
2785            comply with Title 52, Chapter 4, Open and Public Meetings Act.
- 2786            (4)(a)(i) If the county establishes a planning advisory area planning commission, the  
2787            county legislative body shall enact an ordinance that defines:
- 2788                    (A) appointment procedures;
- 2789                    (B) procedures for filling vacancies and removing members from office;
- 2790                    (C) subject to Subsection (4)(a)(ii), the rules of order and procedure for use by the  
2791                    planning advisory area planning commission in a public meeting; and
- 2792                    (D) details relating to the organization and procedures of each planning advisory  
2793                    area planning commission.
- 2794            (ii) Subsection (4)(a)(i)(C) does not affect the planning advisory area planning  
2795            commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings  
2796            Act.
- 2797            (b) The planning commission for each planning advisory area shall consist of seven  
2798            members who shall be appointed by:
- 2799                    (i) in a county operating under a form of government in which the executive and  
2800                    legislative functions of the governing body are separated, the county executive  
2801                    with the advice and consent of the county legislative body; or
- 2802                    (ii) in a county operating under a form of government in which the executive and  
2803                    legislative functions of the governing body are not separated, the county  
2804                    legislative body.
- 2805            (c)(i) Members shall serve four-year terms and until their successors are appointed  
2806            and qualified.
- 2807                    (ii) Notwithstanding the provisions of Subsection (4)(c)(i), members of the first  
2808                    planning commissions shall be appointed so that, for each commission, the terms  
2809                    of at least one member and no more than two members expire each year.
- 2810            (d)(i) Each member of a planning advisory area planning commission shall be a  
2811            registered voter residing within the planning advisory area.
- 2812                    (ii) Subsection (4)(d)(i) does not apply to a member described in Subsection (5)(a) if  
2813                    that member was, before May 12, 2015, authorized to reside outside of the  
2814                    planning advisory area.
- 2815            (5)(a) A member of a planning commission who was elected to and served on a planning

2816 commission on May 12, 2015, shall serve out the term to which the member was  
2817 elected.

2818 (b) Upon the expiration of an elected term described in Subsection (5)(a), the vacant seat  
2819 shall be filled by appointment in accordance with this section.

2820 (6) Upon the appointment of all members of a planning advisory area planning commission,  
2821 each planning advisory area planning commission under this section shall begin to  
2822 exercise the powers and perform the duties provided in Section 17-79-302 with respect  
2823 to all matters then pending that previously had been under the jurisdiction of the  
2824 countywide planning commission or planning advisory area planning and zoning board.

2825 (7) The legislative body may authorize a member of a planning commission to receive per  
2826 diem and travel expenses for meetings actually attended, in accordance with Section  
2827 11-55-103.

2828 Section 32. Section **17-79-302** is amended to read:

2829 **17-79-302 (Effective 05/06/26). Planning commission powers and duties --**

2830 **Training requirements.**

2831 (1) Each countywide, planning advisory area, or mountainous planning district planning  
2832 commission shall, with respect to the unincorporated area of the county, the planning  
2833 advisory area, or the mountainous planning district, review and make a recommendation  
2834 to the county legislative body for:

2835 (a) a general plan and amendments to the general plan;

2836 (b) land use regulations, including:

2837 (i) ordinances regarding the subdivision of land within the county; and

2838 (ii) amendments to existing land use regulations;

2839 (c) an appropriate delegation of power to at least one designated land use authority to  
2840 hear and act on a land use application;

2841 (d) an appropriate delegation of power to at least one appeal authority to hear and act on  
2842 an appeal from a decision of the land use authority; and

2843 (e) application processes that:

2844 (i) may include a designation of routine land use matters that, upon application and  
2845 proper notice, will receive informal streamlined review and action if the  
2846 application is uncontested; and

2847 (ii) shall protect the right of each:

2848 (A) land use applicant and adversely affected party to require formal consideration  
2849 of any application by a land use authority; and

2850 (B) land use applicant or adversely affected party to appeal a land use authority's  
 2851 decision to a separate appeal authority[;and] .

2852 [~~(C) participant to be heard in each public hearing on a contested application.~~]

2853 (2) Before making a recommendation to a legislative body on an item described in  
 2854 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in  
 2855 accordance with Section 17-79-404.

2856 (3) A legislative body may adopt, modify, or reject a planning commission's  
 2857 recommendation to the legislative body under this section.

2858 [~~(4) A legislative body may consider a planning commission's failure to make a timely  
 2859 recommendation as a negative recommendation.~~]

2860 [~~(5)~~ (4) Nothing in this section limits the right of a county to initiate or propose the actions  
 2861 described in this section.

2862 [~~(6)~~ (5)(a)(i) This Subsection [~~(6)~~ (5) applies to a county that:

2863 (A) is a county of the first, second, or third class; and

2864 (B) has a population in the county's unincorporated areas of 5,000 or more.

2865 (ii) The population for each county described in Subsection [~~(6)(a)(i)~~ (5)(a)(i) shall  
 2866 be derived from:

2867 (A) an estimate of the Utah Population Committee created in Section 63C-20-103;

2868 or

2869 (B) if the Utah Population Committee estimate is not available, the most recent  
 2870 official census or census estimate of the United States [~~Bureau of the~~]Census  
 2871 Bureau.

2872 (b) A county described in Subsection [~~(6)(a)(i)~~ (5)(a)(i) shall ensure that each member  
 2873 of the county's planning commission completes four hours of annual land use training  
 2874 as follows:

2875 (i) one hour of annual training on general powers and duties, including the role of the  
 2876 planning commission in administrative, legislative, and quasi-judicial functions  
 2877 under [Title 17, Chapter 27a, County Land Use, Development, and Management  
 2878 Act] this chapter; and

2879 (ii) three hours of annual training on a combination of land use and ethics, which may  
 2880 include:

2881 (A) appeals and variances;

2882 (B) conditional use permits;

2883 (C) exactions;

- 2884 (D) impact fees;
- 2885 (E) vested rights;
- 2886 (F) subdivision regulations and improvement guarantees;
- 2887 (G) land use referenda;
- 2888 (H) property rights;
- 2889 (I) real estate procedures and financing;
- 2890 (J) zoning, including use-based and form-based;[-and]
- 2891 (K) drafting ordinances and code that complies with statute[-];
- 2892 (L) ex parte communication; and
- 2893 (M) conflict of interest.

- 2894 (c) A newly appointed planning commission member may not participate in a public
- 2895 meeting as an appointed member until the member completes the training described
- 2896 in Subsection [~~(6)(b)(i)~~] (5)(b)(i).
- 2897 (d) A planning commission member may qualify for one completed hour of training
- 2898 required under Subsection [~~(6)(b)(ii)~~] (5)(b)(ii) if the member attends, as an appointed
- 2899 member, 12 public meetings of the planning commission within a calendar year.
- 2900 (e) A county shall provide the training described in Subsection [~~(6)(b)~~] (5)(b) through:
- 2901 (i) county staff;
- 2902 (ii) the Utah Association of Counties; or
- 2903 (iii) a list of training courses selected by:
- 2904 (A) the Utah Association of Counties; or
- 2905 (B) the Division of Real Estate created in Section 61-2-201.
- 2906 (f) A county shall, for each planning commission member:
- 2907 (i) monitor compliance with the training requirements in Subsection [~~(6)(b)~~] (5)(b);
- 2908 and
- 2909 (ii) maintain a record of training completion at the end of each calendar year.

2910 Section 33. Section **17-79-501** is amended to read:

2911 **17-79-501 (Effective 05/06/26). Enactment of land use regulation.**

- 2912 (1) Only a legislative body, as the body authorized to weigh policy considerations, may
- 2913 enact a land use regulation.
- 2914 (2)(a) Except as provided in Subsection (2)(b), a legislative body may enact a land use
- 2915 regulation only by ordinance.
- 2916 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that
- 2917 imposes a fee.

- 2918 (3) A land use regulation shall be consistent with the purposes ~~[set forth in]~~ of this chapter.
- 2919 (4)(a) A legislative body shall adopt a land use regulation to:
- 2920 (i) create or amend a zoning district under Subsection 17-79-503(1)(a); and
- 2921 (ii) designate general uses allowed in each zoning district.
- 2922 (b) A land use authority may establish or modify other restrictions or requirements other
- 2923 than those described in Subsection (4)(a), including the configuration or modification
- 2924 of uses or density, through a land use decision that applies criteria or policy elements
- 2925 that a land use regulation establishes or describes.
- 2926 (5)(a) A county shall publish on the county's website:
- 2927 (i) all of the county's land use regulations; and
- 2928 (ii) a fee schedule that lists all of the county's fees related to a land use application,
- 2929 land use permit, or land use regulation, including development review fees and
- 2930 impact fees.
- 2931 (b) A county may comply with Subsection (5)(a) by:
- 2932 (i) posting a link on the county's website to a separate webpage or third-party website
- 2933 where the land use regulations or fee schedule described in Subsection (5)(a) are
- 2934 posted; and
- 2935 (ii) submitting a new or modified land use regulation or fee schedule described in
- 2936 Subsection (5)(a) to the third-party website within six months after the day on
- 2937 which the legislative body adopts the new or modified land use regulation or fee
- 2938 schedule.
- 2939 ~~[(5)]~~ (6) A county may not adopt a land use regulation~~[-]~~ or development agreement, or
- 2940 make a land use decision that restricts the type of crop that may be grown in an area that
- 2941 is:
- 2942 (a) zoned agricultural; or
- 2943 (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.
- 2944 ~~[(6)]~~ (7) A county land use regulation pertaining to an airport or an airport influence area, as
- 2945 that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4,
- 2946 Airport Zoning Act.
- 2947 Section 34. Section **17-79-502** is amended to read:
- 2948 **17-79-502 (Effective 05/06/26). Preparation and adoption of land use regulation.**
- 2949 (1) A planning commission shall:
- 2950 (a) provide notice as required by Subsection 17-79-205(1)(a) and, if applicable,
- 2951 Subsection 17-79-205(4);

- 2952 (b) hold a public hearing on a proposed land use regulation;
- 2953 (c) if applicable, consider each written objection filed in accordance with Subsection
- 2954 17-79-205(4) before the public hearing; and
- 2955 (d)(i) review and recommend to the legislative body a proposed land use regulation
- 2956 that represents the planning commission's recommendation for regulating the use
- 2957 and development of land within:
- 2958 (A) all or any part of the unincorporated area of the county; or
- 2959 (B) for a mountainous planning district, all or any part of the area in the
- 2960 mountainous planning district; and
- 2961 (ii) forward to the legislative body all objections filed in accordance with Subsection
- 2962 17-79-205(4).
- 2963 (2)(a) The legislative body shall consider each proposed land use regulation that the
- 2964 planning commission recommends to the legislative body.
- 2965 (b) After providing notice as required by Subsection 17-79-205(1)(b) and holding a
- 2966 public meeting, the legislative body may adopt or reject the proposed land use
- 2967 regulation described in Subsection (2)(a):
- 2968 (i) as proposed by the planning commission; or
- 2969 (ii) after making any revision the legislative body considers appropriate.
- 2970 ~~[(e) A legislative body may consider a planning commission's failure to make a timely~~
- 2971 ~~recommendation as a negative recommendation if the legislative body has provided~~
- 2972 ~~for that consideration by ordinance.]~~
- 2973 (c) Beginning on September 15, 2026, a legislative body may adopt or reject a proposed
- 2974 land use regulation without waiting for a recommendation from the planning
- 2975 commission if:
- 2976 (i) a land use applicant makes a request described in Subsection 17-79-805(2)(b); or
- 2977 (ii) a legislative body determines that a planning commission has had adequate time
- 2978 to consider the land use regulation.

2979 Section 35. Section **17-79-507** is amended to read:

2980 **17-79-507 (Effective 05/06/26). Classification of new and unlisted business uses.**

- 2981 (1) As used in this section:
- 2982 (a) "Classification request" means a request to determine whether a proposed business
- 2983 use aligns with an existing land use specified in a county's land use ordinances.
- 2984 (b) "New or unlisted business use" means a business activity that does not align with an
- 2985 existing land use specified in a county's land use ordinances.

- 2986 (2)(a) Each county shall incorporate into the county's land use ordinances a process for  
2987 reviewing and approving a new or unlisted business use and designating an  
2988 appropriate zone or zones for an approved use.
- 2989 (b) The process described in Subsection (2)(a) shall:
- 2990 (i) detail how an applicant may submit a classification request;
- 2991 (ii) establish a procedure for the county to review a classification request, including:
- 2992 (A) providing a land use authority with criteria to determine whether a proposed  
2993 use aligns with an existing use;~~and~~
- 2994 (B) allowing an applicant to proceed under the regulations of an existing use if a  
2995 land use authority determines a proposed use aligns with that existing use; and
- 2996 (C) providing the applicant an opportunity to appeal a land use authority's decision  
2997 to the land use appeal authority;
- 2998 (iii) provide that if a use is determined to be a new or unlisted business use:
- 2999 (A) the applicant shall submit to the legislative body for review an application [for  
3000 approval of the new or unlisted business use to the legislative body for review]  
3001 requesting that the legislative body adopt a land use ordinance that permits the  
3002 new or unlisted business as a permitted or conditional use;
- 3003 (B) notwithstanding Subsection 17-79-503(2) or (3), the legislative body shall  
3004 consider and [determine whether to-]approve or deny [the new or unlisted  
3005 business use] the application described in Subsection (2)(b)(iii)(A); and
- 3006 (C) the legislative body shall approve or deny [the new or unlisted business use]  
3007 the application described in Subsection (2)(b)(iii)(A), within a time frame the  
3008 legislative body establishes by ordinance, if the applicant responds to requests  
3009 for additional information within a time frame established by the county and  
3010 appears at required hearings;
- 3011 (iv) provide that if the legislative body approves [a proposed new or unlisted business  
3012 use] the application described in Subsection (2)(b)(iii)(A), the legislative body  
3013 shall designate an appropriate zone or zones for the approved use; and
- 3014 (v) provide that if the legislative body denies [a proposed new or unlisted business use]  
3015 the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees  
3016 with a land use authority's classification of the proposed use, the legislative body  
3017 shall:
- 3018 (A) notify the applicant in writing of each reason for the classification or denial;  
3019 and

3020 (B) ~~[offer the applicant an opportunity to challenge the classification or denial~~  
 3021 ~~through an administrative appeal process established by the county]~~ notify the  
 3022 applicant of the process for appealing the legislative body's decision in  
 3023 accordance with Section 17-79-1009.

3024 (c) A county may not require an applicant who submits an application described in  
 3025 Subsection (2)(b)(iii)(A) to submit the application to the planning commission for  
 3026 consideration, review, or approval.

3027 (3) Each county shall amend each land use ordinance that contains a list of approved or  
 3028 prohibited business uses to include a reference to the process for petitioning to approve a  
 3029 new or unlisted business use, as described in Subsection (2).

3030 Section 36. Section **17-79-621** is enacted to read:

3031 **17-79-621 (Effective 05/06/26). Structure height.**

3032 (1) A county may regulate:

3033 (a) the number of habitable stories that a structure may contain; and

3034 (b) the overall height of a structure.

3035 (2) If a land use authority approved a land use application for a commercial lodging  
 3036 structure on or before September 1, 2025, and the land use application is subject to land  
 3037 use regulations described in Subsection (1) that conflict, the land use authority may not  
 3038 limit the number of above-ground habitable stories the land use applicant builds within  
 3039 the maximum overall height that the land use authority approved for the structure.

3040 Section 37. Section **17-79-706** is amended to read:

3041 **17-79-706 (Effective 05/06/26). Review of subdivision applications and**  
 3042 **subdivision improvement plans.**

3043 (1) As used in this section:

3044 (a) "Review cycle" means the occurrence of:

3045 (i) the applicant's submittal of a complete subdivision application;

3046 (ii) the county's review of that subdivision application;

3047 (iii) the county's response to that subdivision application, in accordance with this  
 3048 section; and

3049 (iv) the applicant's reply to the county's response that addresses each of the county's  
 3050 required modifications or requests for additional information.

3051 (b) "Subdivision application" means a land use application for the subdivision of land  
 3052 located within the unincorporated area of a county.

3053 (c) "Subdivision improvement plans" means the civil engineering plans associated with

- 3054 required infrastructure improvements and county-controlled utilities required for a  
3055 subdivision.
- 3056 (d) "Subdivision ordinance review" means review by a county to verify that a  
3057 subdivision application meets the criteria of the county's ordinances.
- 3058 (e) "Subdivision plan review" means a review of the applicant's subdivision  
3059 improvement plans and other aspects of the subdivision application to verify that the  
3060 application complies with county ordinances and applicable installation standards and  
3061 inspection specifications for infrastructure improvements.
- 3062 (2) The review cycle restrictions and requirements of this section do not apply to the review  
3063 of subdivision applications affecting property within identified geological hazard areas.
- 3064 (3)(a) A county may require a subdivision improvement plan to be submitted with a  
3065 subdivision application.
- 3066 (b) A county may not require a subdivision improvement plan to be submitted with both  
3067 a preliminary subdivision application and a final subdivision application.
- 3068 (4)(a) The review cycle requirements of this section apply:
- 3069 (i) to the review of a preliminary subdivision application, if the county requires a  
3070 subdivision improvement plan to be submitted with a preliminary subdivision  
3071 application; or
- 3072 (ii) to the review of a final subdivision application, if the county requires a  
3073 subdivision improvement plan to be submitted with a final subdivision application.
- 3074 (b) A county may not, outside the review cycle, engage in a substantive review of  
3075 required infrastructure improvements or a county controlled utility.
- 3076 (5)(a) A county shall complete the initial review of a complete subdivision application  
3077 submitted for ordinance review for a residential subdivision for single-family  
3078 dwellings, two-family dwellings, or town homes:
- 3079 (i) no later than 15 business days after the complete subdivision application is  
3080 submitted, if the county has a population over 5,000; or
- 3081 (ii) no later than 30 business days after the complete subdivision application is  
3082 submitted, if the county has a population of 5,000 or less.
- 3083 (b) A county shall maintain and publish a list of the items comprising the complete  
3084 subdivision application, including:
- 3085 (i) the application;
- 3086 (ii) the owner's affidavit;
- 3087 (iii) an electronic copy of all plans in PDF format;

- 3088 (iv) the preliminary subdivision plat drawings; and
- 3089 (v) a breakdown of fees due upon approval of the application.
- 3090 (6) A county shall publish a list of the items that comprise a complete subdivision land use
- 3091 application.
- 3092 (7) A county shall complete a subdivision plan review of a subdivision improvement plan
- 3093 that is submitted with a complete subdivision application for a residential subdivision for
- 3094 single-family dwellings, two-family dwellings, or town homes:
- 3095 (a) within 20 business days after the complete subdivision application is submitted, if the
- 3096 county has a population over 5,000; or
- 3097 (b) within 40 business days after the complete subdivision application is submitted, if
- 3098 the county has a population of 5,000 or less.
- 3099 (8)(a) In reviewing a subdivision application, a county may require:
- 3100 (i) additional information relating to an applicant's plans to ensure compliance with
- 3101 county ordinances and approved standards and specifications for construction of
- 3102 public improvements; and
- 3103 (ii) modifications to plans that do not meet current ordinances, applicable standards,
- 3104 or specifications or do not contain complete information.
- 3105 (b) A county's request for additional information or modifications to plans under
- 3106 Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances,
- 3107 standards, or specifications that require the modifications to subdivision
- 3108 improvement plans, and shall be logged in an index of requested modifications or
- 3109 additions.
- 3110 (c) A county may not require more than four review cycles for a subdivision
- 3111 improvement plan review.
- 3112 (d)(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated
- 3113 by the applicant's adjustment to a subdivision improvement plan or an update to a
- 3114 phasing plan that adjusts the infrastructure needed for the specific development, a
- 3115 change or correction not addressed or referenced in a county's subdivision
- 3116 improvement plan review is waived.
- 3117 (ii) A modification or correction necessary to protect public health and safety or to
- 3118 enforce state or federal law may not be waived.
- 3119 (iii) If an applicant makes a material change to a subdivision improvement plan, the
- 3120 county has the discretion to restart the review process at the first review of the
- 3121 subdivision improvement plan review, but only with respect to the portion of the

3122 subdivision improvement plan that the material change substantively affects.

3123 (e)(i) This Subsection (8) applies if an applicant does not submit a revised

3124 subdivision improvement plan within:

3125 (A) 20 business days after the county requires a modification or correction, if the  
3126 county has a population over 5,000; or

3127 (B) 40 business days after the county requires a modification or correction, if the  
3128 county has a population of 5,000 or less.

3129 (ii) If an applicant does not submit a revised subdivision improvement plan within the  
3130 time specified in Subsection (8)(e)(i), a county has an additional 20 business days  
3131 after the time specified in Subsection (7) to respond to a revised subdivision  
3132 improvement plan.

3133 (9) After the applicant has responded to the final review cycle, and the applicant has  
3134 complied with each modification requested in the county's previous review cycle, the  
3135 county may not require additional revisions if the applicant has not materially changed  
3136 the plan, other than changes that were in response to requested modifications or  
3137 corrections.

3138 (10)(a) In addition to revised plans, an applicant shall provide a written explanation in  
3139 response to the county's review comments, identifying and explaining the applicant's  
3140 revisions and reasons for declining to make revisions, if any.

3141 (b) The applicant's written explanation shall be comprehensive and specific, including  
3142 citations to applicable standards and ordinances for the design and an index of  
3143 requested revisions or additions for each required correction.

3144 (c) If an applicant fails to address a review comment in the response, the review cycle is  
3145 not complete and the subsequent review cycle may not begin until all comments are  
3146 addressed.

3147 (11)[(a)] If, on the fourth or final review, a county fails to respond within 20 business  
3148 days, the county shall, upon request of the property owner, and within 10 business  
3149 days after the day on which the request is received:

3150 [(+)] (a) for a dispute arising from the subdivision improvement plans, assemble an  
3151 appeal panel in accordance with Subsection [17-79-812(5)(d)] 17-79-812(4)(d) to  
3152 review and approve or deny the final revised set of plans; or

3153 [(+)] (b) for a dispute arising from the subdivision ordinance review, advise the  
3154 applicant, in writing, of the deficiency in the application and of the right to appeal the  
3155 determination to a designated appeal authority.

3156 Section 38. Section 17-79-707 is amended to read:

3157 **17-79-707 (Effective 05/06/26). Subdivision plat recording or development**  
3158 **activity before required infrastructure is completed -- Improvement completion**  
3159 **assurance -- Improvement warranty.**

3160 (1) As used in this section:

3161 (a) "Private landscaping plan" means a proposal:

- 3162 (i) to install landscaping on a lot owned by a private individual or entity; and  
3163 (ii) submitted to a county by the private individual or entity, or on behalf of a private  
3164 individual or entity, that owns the lot.

3165 (b) "Public landscaping improvement" means landscaping that an applicant is required to  
3166 install to comply with published installation and inspection specifications for public  
3167 improvements that:

- 3168 (i) will be dedicated to and maintained by the county; or  
3169 (ii) are associated with and proximate to trail improvements that connect to planned  
3170 or existing public infrastructure.

3171 (2) A land use authority shall establish objective inspection standards for acceptance of a  
3172 required public landscaping improvement or infrastructure improvement.

3173 (3)(a) Except as provided in Subsection (3)(d) or (3)(e), before an applicant conducts  
3174 any development activity or records a plat, the applicant shall:

- 3175 (i) complete any required public landscaping improvements or infrastructure  
3176 improvements; or  
3177 (ii) post an improvement completion assurance for any required public landscaping  
3178 improvements or infrastructure improvements.

3179 (b) If an applicant elects to post an improvement completion assurance, the applicant  
3180 shall, in accordance with Subsection (5), provide completion assurance for:

- 3181 (i) completion of 100% of the required public landscaping improvements or  
3182 infrastructure improvements; or  
3183 (ii) if the county has inspected and accepted a portion of the public landscaping  
3184 improvements or infrastructure improvements, 100% of the incomplete or  
3185 unaccepted public landscaping improvements or infrastructure improvements.

3186 (c) A county shall:

- 3187 (i) establish a minimum of two acceptable forms of completion assurance;  
3188 (ii)(A) if an applicant elects to post an improvement completion assurance, allow  
3189 the applicant to post an assurance that meets the conditions of this chapter and

- 3190 any local ordinances; and
- 3191 (B) beginning on May 7, 2025, if a county accepts cash deposits as a form of
- 3192 completion assurance and an applicant elects to post a new cash deposit as a
- 3193 form of completion assurance, place the cash deposit in an interest-bearing
- 3194 account upon receipt and return any earned interest to the applicant with the
- 3195 return of the completion assurance according to the conditions of this chapter
- 3196 and any local ordinances;
- 3197 (iii) establish a system for the partial release of an improvement completion
- 3198 assurance as portions of required public landscaping improvements or
- 3199 infrastructure improvements are completed and accepted in accordance with local
- 3200 ordinance; and
- 3201 (iv) issue or deny a building permit in accordance with Section 17-79-901 based on
- 3202 the installation of public landscaping improvements or infrastructure
- 3203 improvements.
- 3204 (d) A county may not require an applicant to post an improvement completion assurance
- 3205 for:
- 3206 (i) public landscaping improvements or infrastructure improvements that the county
- 3207 has previously inspected and accepted;
- 3208 (ii) infrastructure improvements that are private and not essential or required to meet
- 3209 the building code, fire code, flood or storm water management provisions, street
- 3210 and access requirements, or other essential necessary public safety improvements
- 3211 adopted in a land use regulation;
- 3212 (iii) in a county where ordinances require all infrastructure improvements within the
- 3213 area to be private, infrastructure improvements within a development that the
- 3214 county requires to be private;
- 3215 (iv) landscaping improvements that are not public landscaping improvements, unless
- 3216 the landscaping improvements and completion assurance are required under the
- 3217 terms of a development agreement;
- 3218 (v) a private landscaping plan;
- 3219 (vi) landscaping improvements or infrastructure improvements that an applicant
- 3220 elects to install at the applicant's own risk:
- 3221 (A) before the plat is recorded;
- 3222 (B) pursuant to inspections required by the county for the infrastructure
- 3223 improvement; and

- 3224 (C) pursuant to final civil engineering plan approval by the county; or  
3225 (vii) any individual public landscaping improvement or individual infrastructure  
3226 improvement when the individual public landscaping improvement or individual  
3227 infrastructure improvement is also included as part of a separate improvement  
3228 completion assurance.
- 3229 (e)(i) A county may not:
- 3230 (A) prohibit an applicant from installing a public landscaping improvement or an  
3231 infrastructure improvement when the [municipality] county has approved final  
3232 civil engineering plans for the development activity or plat for which the public  
3233 landscaping improvement or infrastructure improvement is required; or
- 3234 (B) require an applicant to sign an agreement, release, or other document  
3235 inconsistent with this chapter as a condition of posting an improvement  
3236 completion assurance, security for an improvement warranty, or receiving a  
3237 building permit.
- 3238 (ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and  
3239 infrastructure improvements that are installed by an applicant are subject to  
3240 inspection by the county in accordance with the county's adopted inspection  
3241 standards.
- 3242 (f)(i) Each improvement completion assurance and improvement warranty posted by  
3243 an applicant with a county shall be independent of any other improvement  
3244 completion assurance or improvement warranty posted by the same applicant with  
3245 the county.
- 3246 (ii) Subject to Section 17-79-805, if an applicant has posted a form of security with a  
3247 county for more than one infrastructure improvement or public landscaping  
3248 improvement, the county may not withhold acceptance of an applicant's required  
3249 subdivision improvements, public landscaping improvement, infrastructure  
3250 improvements, or the performance of warranty work for the same applicant's  
3251 failure to complete a separate subdivision improvement, public landscaping  
3252 improvement, infrastructure improvement, or warranty work under a separate  
3253 improvement completion assurance or improvement warranty.
- 3254 (4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or  
3255 other entitlement benefit not currently available under the existing zone, a county  
3256 may require a completion assurance bond for landscaped amenities and common area  
3257 that are dedicated to and maintained by a homeowners association.

- 3258 (b) Any agreement regarding a completion assurance bond under Subsection (4)(a)  
3259 between the applicant and the county shall be memorialized in a development  
3260 agreement.
- 3261 (c) A county may not require a completion assurance bond for or dictate who installs or  
3262 is responsible for the cost of the landscaping of residential lots or the equivalent open  
3263 space surrounding single-family attached homes, whether platted as lots or common  
3264 area.
- 3265 (5) The sum of the improvement completion assurance required under Subsections (3) and  
3266 (4) may not exceed the sum of:
- 3267 (a) 100% of the estimated cost of the public landscaping improvements or infrastructure  
3268 improvements, as evidenced by an engineer's estimate or licensed contractor's bid;  
3269 and
- 3270 (b) 10% of the amount of the bond to cover administrative costs incurred by the county  
3271 to complete the improvements, if necessary.
- 3272 (6)(a) Upon an applicant's written request that the land use authority accept or reject the  
3273 applicant's installation of required subdivision improvements or performance of  
3274 warranty work as set forth in Section 17-79-805, and for the duration of each  
3275 improvement warranty period, the land use authority may require the applicant to:
- 3276 (i) execute an improvement warranty for the improvement warranty period; and  
3277 (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as  
3278 required by the county, in the amount of up to 10% of the lesser of the:
- 3279 (A) county engineer's original estimated cost of completion; or  
3280 (B) applicant's reasonable proven cost of completion.
- 3281 (b) A county may not require the payment of the deposit of the improvement warranty  
3282 assurance described in Subsection (6)(a) for an infrastructure improvement or public  
3283 landscaping improvement before the applicant indicates through written request that  
3284 the applicant has completed the infrastructure improvement or public landscaping  
3285 improvement.
- 3286 (7) When a county accepts an improvement completion assurance for public landscaping  
3287 improvements or infrastructure improvements for a development in accordance with  
3288 Subsection (3)(c)(ii)(A), the county may not deny an applicant a building permit if the  
3289 development meets the requirements for the issuance of a building permit under the  
3290 building code and fire code.
- 3291 (8) A county may not require the submission of a private landscaping plan as part of an

3292 application for a building permit.

3293 (9) The provisions of this section do not supersede the terms of a valid development  
3294 agreement, an adopted phasing plan, or the [~~state construction code~~] State Construction  
3295 Code.

3296 Section 39. Section **17-79-803** is amended to read:

3297 **17-79-803 (Effective 05/06/26). Applicant's entitlement to land use application**  
3298 **approval -- Application relating to land in a high priority transportation corridor --**  
3299 **County's requirements and limitations -- Vesting upon submission of development plan**  
3300 **and schedule.**

3301 (1)(a)(i) Subject to Subsection [~~(7)~~] (8), an applicant who has submitted a complete  
3302 land use application, including the payment of all application fees, is entitled to  
3303 substantive review of the application under the land use regulations:

3304 (A) in effect on the date that the application is complete; and

3305 (B) applicable to the application or to the information shown on the submitted  
3306 application.

3307 (ii) An applicant is entitled to approval of a land use application if the application  
3308 conforms to the requirements of the applicable land use regulations, land use  
3309 decisions, and development standards in effect when the applicant submits a  
3310 complete application and pays all application fees, unless:

3311 (A) the land use authority, on the record, formally finds that a compelling,  
3312 countervailing public interest would be jeopardized by approving the  
3313 application and specifies the compelling, countervailing public interest in  
3314 writing; or

3315 (B) in the manner provided by local ordinance and before the applicant submits  
3316 the application, the county formally initiates proceedings to amend the county's  
3317 land use regulations in a manner that would prohibit approval of the  
3318 application as submitted.

3319 (b) The county shall process an application without regard to proceedings the county  
3320 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

3321 (i) 180 days have passed since the county initiated the proceedings; and

3322 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval  
3323 of the application as submitted; or

3324 (B) during the 12 months before the county processing the application or multiple  
3325 applications of the same type, the application is impaired or prohibited under

3326 the terms of a temporary land use regulation adopted under Section 17-79-504.

- 3327 (c) A land use application is considered submitted and complete when the applicant  
3328 provides the application in a form that complies with the requirements of applicable  
3329 ordinances and pays all applicable fees.
- 3330 (d) Unless a phasing sequence is required in an executed development agreement, a  
3331 county shall, without regard to any other separate and distinct land use application,  
3332 accept and process a complete land use application in accordance with this chapter.
- 3333 (e) The continuing validity of an approval of a land use application is conditioned upon  
3334 the applicant proceeding after approval to implement the approval with reasonable  
3335 diligence.
- 3336 (f) Subject to Subsection [~~(7)~~] (8), a county may not impose on an applicant who has  
3337 submitted a complete application a requirement that is not expressed in:  
3338 (i) this chapter;  
3339 (ii) a county ordinance in effect on the date that the applicant submits a complete  
3340 application, subject to Subsection (1)(a)(ii); or  
3341 (iii) a county specification for public improvements applicable to a subdivision or  
3342 development that is in effect on the date that the applicant submits an application.
- 3343 (g) A county may not impose on a holder of an issued land use permit or a final,  
3344 unexpired subdivision plat a requirement that is not expressed:  
3345 (i) in a land use permit;  
3346 (ii) on the subdivision plat;  
3347 (iii) in a document on which the land use permit or subdivision plat is based;  
3348 (iv) in the written record evidencing approval of the land use permit or subdivision  
3349 plat;  
3350 (v) in this chapter;  
3351 (vi) in a county ordinance; or  
3352 (vii) in a county specification for residential roadways in effect at the time a  
3353 residential subdivision was approved.
- 3354 (h) Except as provided in Subsection (1)(i) or (j), a county may not withhold issuance of  
3355 a certificate of occupancy or acceptance of subdivision improvements because of an  
3356 applicant's failure to comply with a requirement that is not expressed:  
3357 (i) in the building permit or subdivision plat, documents on which the building permit  
3358 or subdivision plat is based, or the written record evidencing approval of the  
3359 building permit or subdivision plat; or

- 3360 (ii) in this chapter or the county's ordinances.
- 3361 (i) A county may not unreasonably withhold issuance of a certificate of occupancy  
3362 where an applicant has met all requirements essential for the public health, public  
3363 safety, and general welfare of the occupants, in accordance with this chapter, unless:  
3364 (i) the applicant and the county have agreed in a written document to the withholding  
3365 of a certificate of occupancy; or  
3366 (ii) the applicant has not provided a financial assurance for required and uncompleted  
3367 public landscaping improvements or infrastructure improvements in accordance  
3368 with an applicable local ordinance.
- 3369 (j) A county may not conduct a final inspection required before issuing a certificate of  
3370 occupancy for a residential unit that is within the boundary of an infrastructure  
3371 financing district, as defined in Section 17B-1-102, until the applicant for the  
3372 certificate of occupancy provides adequate proof to the county that any lien on the  
3373 unit arising from the infrastructure financing district's assessment against the unit  
3374 under Title 11, Chapter 42, Assessment Area Act, has been released after payment in  
3375 full of the infrastructure financing district's assessment against that unit.
- 3376 (k) A county:
- 3377 (i) may require the submission of a private landscaping plan, as defined in Section  
3378 17-79-707, before landscaping is installed; and  
3379 (ii) may not withhold an applicant's building permit or certificate of occupancy  
3380 because the applicant has not submitted a private landscaping plan.
- 3381 (2) A county is bound by the terms and standards of applicable land use regulations and  
3382 shall comply with mandatory provisions of those regulations.
- 3383 (3) Beginning on October 1, 2026, a county shall publish on the county's website an  
3384 application checklist for each land use application type that includes a checklist of all  
3385 required plans and documents that make a complete application.
- 3386 [~~(3)~~] (4) A county may not, as a condition of land use application approval, require a person  
3387 filing a land use application to obtain documentation regarding a school district's  
3388 willingness, capacity, or ability to serve the development proposed in the land use  
3389 application.
- 3390 [~~(4)~~] (5) Subject to Subsection [~~(7)~~] (8), a specified public agency's submission of a  
3391 development plan and schedule as required in Subsection 17-79-305(8) that complies  
3392 with the requirements of that subsection, the specified public agency vests in the  
3393 county's applicable land use maps, zoning map, hookup fees, impact fees, other

3394 applicable development fees, and land use regulations in effect on the date of submission.

3395 [~~(5)~~] (6)(a) If sponsors of a referendum timely challenge a project in accordance with  
 3396 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land  
 3397 use approval by delivering a written notice:

3398 (i) to the local clerk as defined in Section 20A-7-101; and  
 3399 (ii) no later than seven days after the day on which a petition for a referendum is  
 3400 determined sufficient under Subsection 20A-7-607(4).

3401 (b) Upon delivery of a written notice described in Subsection [~~(5)~~(a)] (6)(a) the following  
 3402 are rescinded and are of no further force or effect:

3403 (i) the relevant land use approval; and  
 3404 (ii) any land use regulation enacted specifically in relation to the land use approval.

3405 [~~(6)~~] (7)(a) After issuance of a building permit, a county may not:

3406 (i) change or add to the requirements expressed in the building permit, unless the  
 3407 change or addition is:

3408 (A) requested by the building permit holder; or  
 3409 (B) necessary to comply with an applicable state building code; or

3410 (ii) revoke the building permit or take action that has the effect of revoking the  
 3411 building permit.

3412 (b) Subsection [~~(6)~~(a)] (7)(a) does not prevent a county from issuing a building permit  
 3413 that contains an expiration date defined in the building permit.

3414 [~~(7)~~] (8) A county shall comply with the provisions of this chapter regarding all pending  
 3415 land use applications and new land use applications submitted under this chapter.

3416 Section 40. Section **17-79-811** is amended to read:

3417 **17-79-811 (Effective 05/06/26). Provisions applicable to a provider of culinary or**  
 3418 **secondary water.**

3419 A provider of culinary or secondary water that commits to provide a water service  
 3419a required

3420 by a land use application process is subject to the following provisions the same as if the  
 3421 provider were a county:

3422 (1) Subsections 17-79-804(5) and (6);

3423 (2) Section 17-79-805; [~~and~~]

3424 (3) Section 17-79-812; and

3425 (4) Section 17-79-813.

3426 Section 41. Section **17-79-812** is amended to read:

3427 **17-79-812 (Effective 05/06/26). Exactions -- Requirement to offer to original**  
 3428 **owner property acquired by exaction -- Exaction for right-of-way improvements --**  
 3429 **Improvement completion assurance requirements.**

3430 (1) A county may impose an exaction or exactions on development proposed in a land use  
 3431 application, including, subject to ~~[Subsection (3)]~~ Section 17-79-813, an exaction for a  
 3432 water interest, if:

3433 (a) an essential link exists between a legitimate governmental interest and each exaction;  
 3434 and

3435 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the  
 3436 proposed development.

3437 (2) If a land use authority imposes an exaction for another governmental entity:

3438 (a) the governmental entity shall request the exaction; and

3439 (b) the land use authority shall transfer the exaction to the governmental entity for which  
 3440 it was exacted.

3441 ~~[(3)(a)(i) Subject to the requirements of this Subsection (3), a county or, if~~  
 3442 ~~applicable, the county's culinary water authority shall base any exaction for a~~  
 3443 ~~water interest on the culinary water authority's established calculations of~~  
 3444 ~~projected water interest requirements.]~~

3445 ~~[(ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall~~  
 3446 ~~base an exaction for a culinary water interest on:]~~

3447 ~~[(A) consideration of the system-wide minimum sizing standards established for~~  
 3448 ~~the culinary water authority by the Division of Drinking Water in accordance~~  
 3449 ~~with Section 19-4-114; and]~~

3450 ~~[(B) the number of equivalent residential connections associated with the culinary~~  
 3451 ~~water demand for each specific development proposed in the development's~~  
 3452 ~~land use application, applying lower exactions for developments with lower~~  
 3453 ~~equivalent residential connections as demonstrated by at least five years of~~  
 3454 ~~usage data for like land uses within the county.]~~

3455 ~~[(iii) A county or culinary water authority may impose an exaction for a culinary~~  
 3456 ~~water interest that results in less water being exacted than would otherwise be~~  
 3457 ~~exacted under Subsection (3)(a)(ii) if the county or culinary water authority, at the~~  
 3458 ~~county's or culinary water authority's sole discretion, determines there is good~~  
 3459 ~~cause to do so.]~~

3460 ~~[(iv) A county shall make public the methodology used to comply with Subsection~~

3461 ~~(3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an~~  
 3462 ~~exaction calculation used by the county or the county's culinary water authority~~  
 3463 ~~under Subsection (3)(a)(ii). A land use applicant may present data and other~~  
 3464 ~~information that illustrates a need for an exaction recalculation and the county's~~  
 3465 ~~governing body shall respond with due process.]~~

3466 ~~[(v) Upon an applicant's request, the culinary water authority shall provide the~~  
 3467 ~~applicant with the basis for the culinary water authority's calculations under~~  
 3468 ~~Subsection (3)(a)(i) on which an exaction for a water interest is based.]~~

3469 ~~[(b) A county or the county's culinary water authority may not impose an exaction for a~~  
 3470 ~~water interest if the culinary water authority's existing available water interests~~  
 3471 ~~exceed the water interests needed to meet the reasonable future water requirement of~~  
 3472 ~~the public, as determined under Subsection 73-1-4(2)(f).]~~

3473 ~~[(4)]~~ (3)(a) If a county plans to dispose of surplus real property under Section 17-78-103  
 3474 that was acquired under this section and has been owned by the county for less than  
 3475 15 years, the county shall first offer to reconvey the property, without receiving  
 3476 additional consideration, to the person who granted the property to the county.

3477 (b) A person to whom a county offers to reconvey property under Subsection ~~[(4)(a)]~~  
 3478 (3)(a) has 90 days to accept or reject the county's offer.

3479 (c) If a person to whom a county offers to reconvey property declines the offer, the  
 3480 county may offer the property for sale.

3481 (d) Subsection ~~[(4)(a)]~~ (3)(a) does not apply to the disposal of property acquired by  
 3482 exaction by a community development or urban renewal agency.

3483 ~~[(5)]~~ (4)(a) A county may not, as part of an infrastructure improvement, require the  
 3484 installation of pavement on a residential roadway at a width in excess of 32 feet.

3485 (b) Subsection ~~[(5)(a)]~~ (4)(a) does not apply if a county requires the installation of  
 3486 pavement in excess of 32 feet:

3487 (i) in a vehicle turnaround area;

3488 (ii) in a cul-de-sac;

3489 (iii) to address specific traffic flow constraints at an intersection, mid-block  
 3490 crossings, or other areas;

3491 (iv) to address an applicable general or master plan improvement, including  
 3492 transportation, bicycle lanes, trails, or other similar improvements that are not  
 3493 included within an impact fee area;

3494 (v) to address traffic flow constraints for service to or abutting higher density

- 3495 developments or uses that generate higher traffic volumes, including community  
3496 centers, schools, and other similar uses;
- 3497 (vi) as needed for the installation or location of a utility which is maintained by the  
3498 county and is considered a transmission line or requires additional roadway width;
- 3499 (vii) for third-party utility lines that have an easement preventing the installation of  
3500 utilities maintained by the county within the roadway;
- 3501 (viii) for utilities over 12 feet in depth;
- 3502 (ix) for roadways with a design speed that exceeds 25 miles per hour;
- 3503 (x) as needed for flood and stormwater routing;
- 3504 (xi) as needed to meet fire code requirements for parking and hydrants; or  
3505 (xii) as needed to accommodate street parking.
- 3506 (c) Nothing in this section shall be construed to prevent a county from approving a road  
3507 cross section with a pavement width less than 32 feet.
- 3508 (d)(i) A land use applicant may appeal a municipal requirement for pavement in  
3509 excess of 32 feet on a residential roadway.
- 3510 (ii) A land use applicant that has appealed a municipal specification for a residential  
3511 roadway pavement width in excess of 32 feet may request that the county  
3512 assemble a panel of qualified experts to serve as the appeal authority for purposes  
3513 of determining the technical aspects of the appeal.
- 3514 (iii) Unless otherwise agreed by the applicant and the county, the panel described in  
3515 Subsection [~~(5)(d)(ii)~~] (4)(d)(ii) shall consist of the following three experts:  
3516 (A) one licensed engineer, designated by the county;  
3517 (B) one licensed engineer, designated by the land use applicant; and  
3518 (C) one licensed engineer, agreed upon and designated by the two designated  
3519 engineers under Subsections [~~(5)(d)(iii)(A)~~] (4)(d)(iii)(A) and (B).
- 3520 (iv) A member of the panel assembled by the county under Subsection [~~(5)(d)(ii)~~]  
3521 (4)(d)(ii) may not have an interest in the application that is the subject of the  
3522 appeal.
- 3523 (v) The land use applicant shall pay:  
3524 (A) 50% of the cost of the panel; and  
3525 (B) the county's published appeal fee.
- 3526 (vi) The decision of the panel is a final decision, subject to a petition for review under  
3527 Subsection [~~(5)(d)(vii)~~] (4)(d)(vii).
- 3528 (vii) In accordance with Section 17-79-1009, a land use applicant or the county may

3529 file a petition for review of the decision with the district court within 30 days after  
3530 the date that the decision is final.

3531 Section 42. Section **17-79-813** is enacted to read:

3532 **17-79-813 (Effective 05/06/26). Exactions for water rights.**

3533 (1) Subject to the requirements of this section, a county or, if applicable, the county's  
3534 culinary water authority shall base any exaction for a water interest on the culinary water  
3535 authority's established calculations of projected water interest requirements.

3536 (2) Except as described in Subsection (3), a culinary water authority shall base an exaction  
3537 for a culinary water interest on:

3538 (a) consideration of the system-wide minimum sizing standards established for the  
3539 culinary water authority by the Division of Drinking Water in accordance with  
3540 Section 19-4-114; and

3541 (b) the number of equivalent residential connections associated with the culinary water  
3542 demand for each specific development proposed in the development's land use  
3543 application, applying lower exactions for developments with lower equivalent  
3544 residential connections as demonstrated by at least five years of usage data for like  
3545 land uses within the county.

3546 (3) If a county or culinary water authority determines, in the sole discretion of the county or  
3547 culinary water authority, that good cause exists, the county or culinary water authority  
3548 may impose an exaction for a culinary water interest that results in less water being  
3549 exacted than would otherwise be exacted under Subsection (2).

3550 (4)(a) A county shall make public the methodology used to comply with Subsection  
3551 (2)(b).

3552 (b) A land use applicant may submit a request to the county's governing body an  
3553 exaction calculation used by the county or the county's culinary water authority under  
3554 Subsection (2).

3555 (c) A land use applicant may present data and other information that illustrates a need  
3556 for an exaction recalculation and the county's governing body shall respond with due  
3557 process.

3558 (5) Upon an applicant's request, the culinary water authority shall provide the applicant  
3559 with the basis for the culinary water authority's calculations under Subsection (2) on  
3560 which an exaction for a water interest is based.

3561 (6)(a) A county or the county's culinary water authority may not impose an exaction for  
3562 a water interest if:

3563            (i) the culinary water authority's existing available water interests exceed the water  
 3564            interests needed to meet the reasonable future water requirement of the public; or  
 3565            (ii) the county or the county's culinary water authority does not have a written plan in  
 3566            accordance with Subsection (6)(b).

3567            (b) Beginning on January 1, 2028, a county shall determine the county's water interests  
 3568            needed to meet the reasonable future water requirement of the public by completing a  
 3569            written plan described in Subsection 73-1-4(2)(f).

3570            Section 43. Section **17-79-901** is amended to read:

3571            **17-79-901 (Effective 05/06/26). Enforcement -- Limitations on a county's ability**  
 3572            **to enforce an ordinance by withholding a permit or certificate.**

3573            (1)(a) A county or [~~an adversely affected party~~] a land use applicant may, in addition to  
 3574            other remedies provided by law, institute:

3575            (i) injunctions, mandamus, abatement, or any other appropriate actions; or  
 3576            (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

3577            (b) A county need only establish the violation to obtain the injunction.

3578            (2)(a) Except as provided in Subsections (3) through (6), a county may enforce the  
 3579            county's ordinance by withholding a building permit or certificate of occupancy.

3580            (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building  
 3581            or other structure within a county without approval of a building permit.

3582            (c) The county may not issue a building permit unless the plans of and for the proposed  
 3583            erection, construction, reconstruction, alteration, or use fully conform to all  
 3584            regulations then in effect.

3585            (d) A county may require an applicant to install a permanent road, cover a temporary  
 3586            road with asphalt or concrete, or create another method for servicing a structure that  
 3587            is consistent with Appendix D of the International Fire Code, before receiving a  
 3588            certificate of occupancy for that structure.

3589            (e) A county may require an applicant to maintain and repair a temporary fire apparatus  
 3590            road during the construction of a structure accessed by the temporary fire apparatus  
 3591            road in accordance with the county's adopted standards.

3592            (f) A county may require temporary signs to be installed at each street intersection once  
 3593            construction of new roadway allows passage by a motor vehicle.

3594            (g) A county may adopt and enforce any appendix of the International Fire Code, 2021  
 3595            Edition.

3596            (3)(a) A county may not deny an applicant a building permit or certificate of occupancy

- 3597 because the applicant has not completed an infrastructure improvement:
- 3598 (i) unless the infrastructure improvement is essential to meet the requirements for the  
3599 issuance of a building permit or certificate of occupancy under Title 15A, State  
3600 Construction and Fire Codes Act; and
- 3601 (ii) for which the county has accepted an improvement completion assurance for a  
3602 public landscaping improvement, as defined in Section 17-79-707, or an  
3603 infrastructure improvement for the development.
- 3604 (b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6,  
3605 infrastructure improvement that is essential means:
- 3606 (i) for a building permit:
- 3607 (A) operable fire hydrants installed in a manner that is consistent with the county's  
3608 adopted engineering standards; and
- 3609 [(†)] (B) for temporary roads used during construction, a properly compacted road  
3610 base installed in a manner consistent with the county's adopted engineering  
3611 standards[-] ;
- 3612 (ii) for a certificate of occupancy, at the discretion of the county, at least one of the  
3613 following:
- 3614 (A) a permanent road;
- 3615 (B) a temporary road covered with asphalt or concrete; or
- 3616 (C) another method for accessing a structure consistent with Appendix D of the  
3617 International Fire Code; and
- 3618 (iii) public infrastructure necessary for the health, life, and safety of the occupant.
- 3619 (c) A county may not adopt an engineering standard that requires an applicant to install a  
3620 permanent road or a temporary road with asphalt or concrete before receiving a  
3621 building permit.
- 3622 (4) A county may not deny an applicant a building permit or certificate of occupancy for  
3623 failure to:
- 3624 (a) submit a private landscaping plan, as defined in Section 17-79-707; or
- 3625 (b) complete a landscaping improvement that is not a public landscaping improvement,  
3626 as defined in Section 17-79-707.
- 3627 (5) A county may not withhold a building permit based on the lack of completion of a  
3628 portion of a public sidewalk to be constructed within a public right-of-way serving a lot  
3629 where a single-family or two-family residence or town home is proposed in a building  
3630 permit application if an improvement completion assurance has been posted for the

- 3631 incomplete portion of the public sidewalk.
- 3632 (6) A county may not prohibit the construction of a single-family or two-family residence  
3633 or town home, withhold recording a plat, or withhold acceptance of a public landscaping  
3634 improvement, as defined in Section 17-79-707, or an infrastructure improvement based  
3635 on the lack of installation of a public sidewalk if an improvement completion assurance  
3636 has been posted for the public sidewalk.
- 3637 (7) A county may not redeem an improvement completion assurance securing the  
3638 installation of a public sidewalk sooner than 18 months after the date the improvement  
3639 completion assurance is posted.
- 3640 (8) A county shall allow an applicant to post an improvement completion assurance for a  
3641 public sidewalk separate from an improvement completion assurance for:  
3642 (a) another infrastructure improvement; or  
3643 (b) a public landscaping improvement, as defined in Section 17-79-707.
- 3644 (9) A county may withhold a certificate of occupancy for a single-family or two-family  
3645 residence or town home until the portion of the public sidewalk to be constructed within  
3646 a public right-of-way and located immediately adjacent to the single-family or  
3647 two-family residence or town home is completed and accepted by the county.
- 3648 Section 44. Section **17-79-1001** is amended to read:
- 3649 **17-79-1001 (Effective 05/06/26). Appeal authority required -- Condition**  
3650 **precedent to judicial review -- Appeal authority duties.**
- 3651 (1)(a) [Each] Subject to Subsection (1)(d), each county adopting a land use ordinance  
3652 shall, by ordinance, establish one or more appeal authorities.
- 3653 (b) An appeal authority shall hear and decide:  
3654 (i) requests for [variances] a variance from [the terms of] a land use [ordinances]  
3655 ordinance;  
3656 (ii) appeals from a land use [decisions] decision applying a land use [ordinances]  
3657 ordinance; and  
3658 (iii) appeals from a fee charged in accordance with Section 17-79-802.
- 3659 (c) An appeal authority may not hear an appeal from the enactment of a land use  
3660 regulation.
- 3661 (d) Beginning on July 1, 2026, a county described in Subsection 17-79-302(6)(a)(i) may  
3662 not designate the county's legislative body as an appeal authority.
- 3663 (e) Notwithstanding Subsection (1)(d), a legislative body shall continue to be the appeal  
3664 authority for an appeal if:

- 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        (2) As a condition precedent to judicial review, each adversely affected party or land use  
 3669            applicant shall timely and specifically challenge a land use authority's land use decision,  
 3670            in accordance with local ordinance.
- 3671        (3) An appeal authority described in Subsection (1)(a):  
 3672            (a) shall:  
 3673                (i) act in a quasi-judicial manner; and  
 3674                (ii) serve as the final arbiter of issues involving the interpretation or application of a  
 3675                    land use [ordinances] ordinance; and  
 3676            (b) may not entertain an appeal of a matter in which the appeal authority, or any  
 3677            participating member, had first acted as the land use authority.
- 3678        (4) By ordinance, a county may:  
 3679            (a) designate a separate appeal authority to hear requests for variances than the appeal  
 3680            authority the county designates to hear appeals;  
 3681            (b) designate one or more separate appeal authorities to hear distinct types of appeals of  
 3682            land use authority decisions;  
 3683            (c) require an adversely affected party to present to an appeal authority every theory of  
 3684            relief that the adversely affected party can raise in district court; and  
 3685            ~~[(d) not require a land use applicant or adversely affected party to pursue duplicate or~~  
 3686            ~~successive appeals before the same or separate appeal authorities as a condition of an~~  
 3687            ~~appealing party's duty to exhaust administrative remedies; and]~~  
 3688            ~~[(e)] (d) provide that specified types of land use decisions may be appealed directly to the~~  
 3689            ~~district court.~~
- 3690        (5) A county may not:  
 3691            (a) require a public hearing for a request for a variance or land use appeal[-] ; or  
 3692            (b) require a land use applicant or adversely affected party to pursue successive appeals  
 3693            before the same or separate appeal authorities as a condition of an appealing party's  
 3694            duty to exhaust administrative remedies.
- 3695        (6) If the county establishes or, before May 2, 2005, has established a multiperson board,  
 3696            body, or panel to act as an appeal authority, at a minimum the board, body, or panel  
 3697            shall:  
 3698            (a) notify each of the members of the board, body, or panel of any meeting or hearing of

- 3699 the board, body, or panel;
- 3700 (b) provide each of the members of the board, body, or panel with the same information
- 3701 and access to municipal resources as any other member;
- 3702 (c) convene only if a quorum of the members of the board, body, or panel is present; and
- 3703 (d) act only upon the vote of a majority of the convened members of the board, body, or
- 3704 panel.

3705 Section 45. Section **17-79-1005** is repealed and reenacted to read:

3706 **17-79-1005 (Effective 05/06/26). Burden of proof.**

3707 In an appeal described in this part:

- 3708 (1) if the appellant is a land use applicant, the appellant has the burden of proving that the
- 3709 land use authority's land use decision is illegal or is not supported by substantial
- 3710 evidence; or
- 3711 (2) if the appellant is an adversely affected party, the appellant has the burden of proving
- 3712 that the land use authority's land use decision is illegal, or that the factual findings are
- 3713 clearly erroneous.

3714 Section 46. Section **17-79-1006** is amended to read:

3715 **17-79-1006 (Effective 05/06/26). Due process.**

- 3716 (1) ~~[Each]~~ An appeal authority shall conduct each appeal and variance request as described
- 3717 by local ordinance.
- 3718 (2) ~~[Each]~~ An appeal authority shall respect the due process rights of ~~[each of the~~
- 3719 ~~participants]~~ an appeal participant.
- 3720 (3) An appeal authority may only allow the following people to participate or speak during
- 3721 an appeal hearing:
- 3722 (a) the appellant or the appellant's representatives;
- 3723 (b) the land use applicant or the land use applicant's representatives; and
- 3724 (c) the county's representatives.

3725 Section 47. Section **17-79-1007** is amended to read:

3726 **17-79-1007 (Effective 05/06/26). Scope of review of factual matters on appeal --**

3727 **Appeal authority requirements.**

- 3728 (1) A county may, by ordinance, designate the scope of review of factual matters for
- 3729 appeals of land use authority decisions.
- 3730 (2) If the county fails to designate a scope of review of factual matters, the appeal authority
- 3731 shall review the ~~[matter]~~ factual matters de novo, without deference to the land use
- 3732 authority's determination of the factual matters.

- 3733 (3) If the scope of review of factual matters is on the record, the appeal authority shall  
 3734 determine whether the record on appeal includes substantial evidence for each essential  
 3735 finding of fact.
- 3736 (4) The appeal authority shall:
- 3737 (a) determine the correctness of the land use authority's interpretation and application of  
 3738 the plain meaning of the land use regulations; and
- 3739 (b) interpret and apply a land use regulation to favor a land use application unless the  
 3740 land use regulation plainly restricts the land use application.
- 3741 (5)(a) An appeal authority's land use decision is a quasi-judicial act.
- 3742 (b) ~~[A]~~ Except as provided in Subsection (5)(c), a legislative body may not act as an  
 3743 appeal authority unless both the legislative body and the appealing party agree to  
 3744 allow a third party to act as the appeal authority.
- 3745 (c) Beginning on July 1, 2026, the legislative body of a county described in Subsection  
 3746 17-79-302(6)(a)(i) may not act as an appeal authority unless:
- 3747 (i) a land use ordinance designated the legislative body as the appeal authority when  
 3748 the appellant filed the appeal; and
- 3749 (ii) the appellant filed the appeal on or before June 30, 2026.
- 3750 (6) Only a decision in which a land use authority has applied a land use regulation to a  
 3751 particular land use application, person, or parcel may be appealed to an appeal authority.
- 3752 Section 48. Section **17-79-1009** is amended to read:
- 3753 **17-79-1009 (Effective 05/06/26). No district court review until administrative**  
 3754 **remedies exhausted -- Time for filing -- Tolling of time -- Standards governing court**  
 3755 **review -- Record on review -- Staying of decision.**
- 3756 (1) ~~[No]~~ A person may challenge in district court a land use decision [until that] if the person  
 3757 has exhausted the person's administrative remedies as provided in [Part 7, Appeal  
 3758 Authority and Variances] this part, if applicable.
- 3759 (2)(a) Subject to Subsection (1), a land use applicant or adversely affected party may file  
 3760 a petition for review of a land use decision with the district court within 30 days after  
 3761 the decision is final.
- 3762 (b)(i) The time under Subsection (2)(a) to file a petition is tolled from the date a  
 3763 property owner files a request for arbitration of a constitutional taking issue with  
 3764 the property rights ombudsman under Section 13-43-204 until 30 days after:
- 3765 (A) the arbitrator issues a final award; or
- 3766 (B) the property rights ombudsman issues a written statement under Subsection

- 3767 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.
- 3768 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
- 3769 taking issue that is the subject of the request for arbitration filed with the property
- 3770 rights ombudsman by a property owner.
- 3771 (iii) A request for arbitration filed with the property rights ombudsman after the time
- 3772 under Subsection (2)(a) to file a petition has expired does not affect the time to
- 3773 file a petition.
- 3774 (3)(a) A court shall:
- 3775 (i) presume that a land use regulation properly enacted under the authority of this
- 3776 chapter is valid; and
- 3777 (ii) determine only whether:
- 3778 (A) the land use regulation is expressly preempted by, or was enacted contrary to,
- 3779 state or federal law; and
- 3780 (B) it is reasonably debatable that the land use regulation is consistent with this
- 3781 chapter.
- 3782 (b) A court shall presume that a final land use decision of a land use authority or an
- 3783 appeal authority is valid unless the land use decision is:
- 3784 (i) arbitrary and capricious; or
- 3785 (ii) illegal.
- 3786 (c)(i) A land use decision is arbitrary and capricious if the land use decision is not
- 3787 supported by substantial evidence in the record.
- 3788 (ii) A land use decision is illegal if the land use decision:
- 3789 (A) is based on an incorrect interpretation of a land use regulation;
- 3790 (B) conflicts with the authority granted by this title; or
- 3791 (C) is contrary to law.
- 3792 (d)(i) A court may affirm or reverse a land use decision.
- 3793 (ii) If the court reverses a land use decision, the court shall remand the matter to the
- 3794 land use authority with instructions to issue a land use decision consistent with the
- 3795 court's decision.
- 3796 (4) The provisions of Subsection (2)(a) apply from the date on which the county takes final
- 3797 action on a land use application, if the county conformed with the notice provisions of
- 3798 Part 2, Notice, or for any person who had actual notice of the pending land use decision.
- 3799 (5) If the county has complied with Section 17-79-205, a challenge to the enactment of a
- 3800 land use regulation[-or] , general plan, or specified land use law may not be filed with the

- 3801 district court more than 30 days after the enactment.
- 3802 (6) A challenge to a land use decision is barred unless the challenge is filed within 30 days  
3803 after the land use decision is final.
- 3804 (7)(a) The land use authority or appeal authority, as the case may be, shall transmit to  
3805 the reviewing court the record of the proceedings of the land use authority or appeal  
3806 authority, including the minutes, findings, orders and, if available, a true and correct  
3807 transcript of the proceedings.
- 3808 (b) If the proceeding was recorded, a transcript of that recording is a true and correct  
3809 transcript for purposes of this Subsection (7).
- 3810 (8)(a)(i) If there is a record, the district court's review is limited to the record  
3811 provided by the land use authority or appeal authority, as the case may be.
- 3812 (ii) The court may not accept or consider any evidence outside the record of the land  
3813 use authority or appeal authority, as the case may be, unless that evidence was  
3814 offered to the land use authority or appeal authority, respectively, and the court  
3815 determines that the evidence was improperly excluded.
- 3816 (b) If there is no record, the court may call witnesses and take evidence.
- 3817 (9)(a) The filing of a petition does not stay the land use decision of the land use  
3818 authority or appeal authority, as the case may be.
- 3819 (b)(i) Before filing a petition under this section or a request for mediation or  
3820 arbitration of a constitutional taking issue under Section 13-43-204, a land use  
3821 applicant may petition the appeal authority to stay the appeal authority's decision.
- 3822 (ii) Upon receipt of a petition to stay, the appeal authority may order the appeal  
3823 authority's decision stayed pending district court review if the appeal authority  
3824 finds the order to be in the best interest of the county.
- 3825 (iii) After a petition is filed under this section or a request for mediation or arbitration  
3826 of a constitutional taking issue is filed under Section 13-43-204, the petitioner  
3827 may seek an injunction staying the appeal authority's land use decision.
- 3828 (10) If the court determines that a party initiated or pursued a challenge to a land use  
3829 decision on a land use application in bad faith, the court may award attorney fees.
- 3830 Section 49. Section **17B-1-120** is amended to read:
- 3831 **17B-1-120 (Effective 05/06/26). Exactions -- Exaction for water interest --**  
3832 **Requirement to offer to original owner property acquired by exaction.**
- 3833 (1) A special district may impose an exaction on a service received by an applicant,  
3834 including, subject to Subsection (2), an exaction for a water interest if:

- 3835 (a) the special district establishes that a legitimate special district interest makes the  
3836 exaction essential; and
- 3837 (b) the exaction is roughly proportionate, both in nature and extent, to the impact of the  
3838 proposed service on the special district.
- 3839 (2)(a)(i) Subject to the requirements of this Subsection (2), a special district shall  
3840 base an exaction for a water interest on the culinary water authority's established  
3841 calculations of projected water interest requirements.
- 3842 (ii) Except as described in Subsection (2)(a)(iii), a culinary water authority shall base  
3843 an exaction for a culinary water interest on:
- 3844 (A) consideration of the system-wide minimum sizing standards established for  
3845 the culinary water authority by the Division of Drinking Water [~~pursuant to~~] in  
3846 accordance with Section 19-4-114; and
- 3847 (B) the number of equivalent residential connections associated with the culinary  
3848 water demand for each specific development proposed in the development's  
3849 land use application, applying lower exactions for developments with lower  
3850 equivalent residential connections as demonstrated by at least five years of  
3851 usage data for like land uses within the special district.
- 3852 (iii) A special district may impose an exaction for a culinary water interest that  
3853 results in less water being exacted than would otherwise be exacted under  
3854 Subsection (2)(a)(ii) if the special district, at the special district's sole discretion,  
3855 determines there is good cause to do so.
- 3856 (iv) A special district shall make public the methodology used to comply with  
3857 Subsection (2)(a)(ii)(B). A service applicant may appeal to the special district's  
3858 governing body an exaction calculation used by the special district under  
3859 Subsection (2)(a)(ii). A service applicant may present data and other information  
3860 that illustrates a need for an exaction recalculation and the special district's  
3861 governing body shall respond with due process.
- 3862 (v) If requested by a service applicant, the culinary authority shall provide the basis  
3863 for the culinary water authority's calculations described in Subsection (2)(a)(i).
- 3864 (b)(i) A special district may not impose an exaction for a water interest if:
- 3865 (A) the culinary water authority's existing available water interests exceed the  
3866 water interests needed to meet the reasonable future water requirement of the  
3867 public [~~, as determined in accordance with Section 73-1-4.~~] ; or
- 3868 (B) the special district or the special district's culinary water authority does not

3869 have a written plan in accordance with Subsection (2)(b)(ii).

3870 (ii) Beginning on January 1, 2028, a special district shall determine the special  
 3871 district's water interests needed to meet the reasonable future water requirement of  
 3872 the public by completing a written plan described in Subsection 73-1-4(2)(f).

3873 (3)(a) If a special district plans to dispose of surplus real property that was acquired  
 3874 under this section and has been owned by the special district for less than 15 years,  
 3875 the special district shall offer to reconvey the surplus real property, without receiving  
 3876 additional consideration, first to a person who granted the real property to the special  
 3877 district.

3878 (b) The person described in Subsection (3)(a) shall, within 90 days after the day on  
 3879 which a special district makes an offer under Subsection (3)(a), accept or reject the  
 3880 offer.

3881 (c) If a person rejects an offer under Subsection (3)(b), the special district may sell the  
 3882 real property.

3883 Section 50. Section **63I-2-210** is amended to read:

3884 **63I-2-210 (Effective 05/06/26). Repeal dates: Title 10.**

- 3885 (1) Subsection 10-2a-205(2)(b)(iii), regarding a feasibility study for the proposed  
 3886 incorporation of a community council area, is repealed July 1, 2028.
- 3887 (2) Section 10-2a-205.5, Additional feasibility consultant considerations for proposed  
 3888 incorporation of community council area -- Additional feasibility study requirements, is  
 3889 repealed July 1, 2028.
- 3890 (3) Subsection 10-20-904(4)(c), regarding an inspection fee on a qualified water  
 3891 conservancy district, is repealed July 1, 2026.
- 3892 (4) Section 10-20-626, Structure height, is repealed July 1, 2027.

3893 Section 51. Section **63I-2-217** is amended to read:

3894 **63I-2-217 (Effective 05/06/26). Repeal dates: Titles 17 through 17D.**

- 3895 (1) Subsection 17-79-804(4)(c), regarding an inspection fee on a qualified water  
 3896 conservancy district, is repealed July 1, 2026.
- 3897 (2) Subsection 17-62-102(3), regarding the process for changing a form of county  
 3898 government, is repealed January 1, 2028.
- 3899 (3) Subsections 17-62-203(10) through (12), regarding the process to create a districting  
 3900 commission and implementing a district map, are repealed July 1, 2029.
- 3901 (4) Section 17-79-621, Structure height, is repealed July 1, 2027.

3902 Section 52. Section **73-1-4** is amended to read:

3903           **73-1-4 (Effective 05/06/26) (Partially Repealed 12/31/30). Reversion to the public**  
3904 **by abandonment or forfeiture for nonuse within seven years -- Saved water -- Nonuse**  
3905 **application -- Written plan standards for future water.**

3906 (1) As used in this section:

3907       (a) "Public entity" means:

3908           (i) the United States;

3909           (ii) an agency of the United States;

3910           (iii) the state;

3911           (iv) a state agency;

3912           (v) a political subdivision of the state; or

3913           (vi) an agency of a political subdivision of the state.

3914       (b) "Public water supplier" means an entity that:

3915           (i) supplies water, directly or indirectly, to the public for municipal, domestic, or  
3916                industrial use; and

3917           (ii) is:

3918               (A) a public entity;

3919               (B) a water corporation, as defined in Section 54-2-1, that is regulated by the  
3920                Public Service Commission;

3921               (C) a community water system:

3922                   (I) that:

3923                        (Aa) supplies water to at least 100 service connections used by year-round  
3924                        residents; or

3925                        (Bb) regularly serves at least 200 year-round residents; and

3926                   (II) whose voting members:

3927                        (Aa) own a share in the community water system;

3928                        (Bb) receive water from the community water system in proportion to the  
3929                        member's share in the community water system; and

3930                        (Cc) pay the rate set by the community water system based on the water the  
3931                        member receives; or

3932                   (D) a water users association:

3933                        (I) in which one or more public entities own at least 70% of the outstanding  
3934                        shares; and

3935                        (II) that is a local sponsor of a water project constructed by the United States  
3936                        Bureau of Reclamation.

- 3937 (c) "Saved water" means the same as that term is defined in Section 73-3-3.
- 3938 (d) "Shareholder" means the same as that term is defined in Section 73-3-3.5.
- 3939 (e) "Water company" means the same as that term is defined in Section 73-3-3.5.
- 3940 (f) "Water supply entity" means an entity that supplies water as a utility service or for
- 3941 irrigation purposes and is also:
- 3942 (i) a municipality, water conservancy district, metropolitan water district, irrigation
- 3943 district, or other public agency;
- 3944 (ii) a water company regulated by the Public Service Commission; or
- 3945 (iii) any other owner of a community water system.
- 3946 (2)(a) Except as provided in Subsection (2)(b) or (e), when an appropriator or the
- 3947 appropriator's successor in interest abandons or ceases to beneficially use all or a
- 3948 portion of a water right for a period of at least seven years, the water right or the
- 3949 unused portion of that water right is subject to forfeiture in accordance with
- 3950 Subsection (2)(c).
- 3951 (b)(i) An appropriator or the appropriator's successor in interest may file an
- 3952 application for nonuse with the state engineer.
- 3953 (ii) A nonuse application may be filed on all or a portion of the water right, including
- 3954 water rights held by a water company.
- 3955 (iii) After giving written notice to the water company, a shareholder may file a
- 3956 nonuse application with the state engineer on the water represented by the stock.
- 3957 (iv)(A) The approval of a nonuse application excuses the requirement of
- 3958 beneficial use of water from the date of filing.
- 3959 (B) The time during which an approved nonuse application is in effect does not
- 3960 count toward the seven-year period described in Subsection (2)(a).
- 3961 (v) The filing or approval of a nonuse application or a series of nonuse applications
- 3962 under Subsection (3) does not:
- 3963 (A) constitute beneficial use of a water right;
- 3964 (B) protect a water right that is already subject to forfeiture under this section; or
- 3965 (C) bar a water right owner from:
- 3966 (I) using the water under the water right as permitted under the water right; or
- 3967 (II) claiming the benefit of Subsection (2)(e) or any other forfeiture defense
- 3968 provided by law.
- 3969 (c)(i) Except as provided in Subsection (2)(c)(ii), a water right or a portion of the
- 3970 water right may not be forfeited unless a judicial action to declare the right

- 3971 forfeited is commenced:
- 3972 (A) within 15 years from the end of the latest period of nonuse of at least seven  
3973 years; or
- 3974 (B) within the combined time of 15 years from the end of the most recent period  
3975 of nonuse of at least seven years and the time the water right was subject to one  
3976 or more nonuse applications.
- 3977 (ii)(A) The state engineer, in a proposed determination of rights filed with the  
3978 court and prepared in accordance with Section 73-4-11, may not assert that a  
3979 water right was forfeited unless the most recent period of nonuse of seven  
3980 years ends or occurs:
- 3981 (I) during the 15 years immediately preceding the day on which the state  
3982 engineer files the proposed determination of rights with the court; or
- 3983 (II) during the combined time immediately preceding the day on which the  
3984 state engineer files the proposed determination of rights consisting of 15  
3985 years and the time the water right was subject to one or more approved  
3986 nonuse applications.
- 3987 (B) After the day on which a proposed determination of rights is filed with the  
3988 court a person may not assert that a water right subject to that determination  
3989 was forfeited before the issuance of the proposed determination, unless the  
3990 state engineer asserts forfeiture in the proposed determination, or a person, in  
3991 accordance with Section 73-4-11, makes an objection to the proposed  
3992 determination that asserts forfeiture.
- 3993 (iii) A water right, found to be valid in a decree entered in an action for general  
3994 determination of rights under Chapter 4, Determination of Water Rights, is subject  
3995 to a claim of forfeiture based on a seven-year period of nonuse that begins after  
3996 the day on which the state engineer filed the related proposed determination of  
3997 rights with the court, unless the decree provides otherwise.
- 3998 (iv) If in a judicial action a court declares a water right forfeited, on the date on which  
3999 the water right is forfeited:
- 4000 (A) the right to beneficially use the water reverts to the public; and
- 4001 (B) the water made available by the forfeiture:
- 4002 (I) first, satisfies other water rights in the hydrologic system in order of priority  
4003 date; and
- 4004 (II) second, may be appropriated as provided in this title.

- 4005 (d) Except as provided in Subsection (2)(e), this section applies whether the unused or  
4006 abandoned water or a portion of the water is:
- 4007 (i) permitted to run to waste; or
  - 4008 (ii) beneficially used by others without right with the knowledge of the water right  
4009 holder.
- 4010 (e) This section does not apply to:
- 4011 (i) the beneficial use of water according to a written, terminable lease or other  
4012 agreement with the appropriator or the appropriator's successor in interest;
  - 4013 (ii) a water right if its place of use is contracted under an approved state agreement or  
4014 federal conservation fallowing program;
  - 4015 (iii) those periods of time when a surface water or groundwater source fails to yield  
4016 sufficient water to satisfy the water right;
  - 4017 (iv) a water right when water is unavailable because of the water right's priority date;
  - 4018 (v) a water right to store water in a surface reservoir, or an aquifer in accordance with  
4019 Chapter 3b, Groundwater Recharge and Recovery Act, if the water is stored for  
4020 present or future beneficial use;
  - 4021 (vi) a water right if a water user has beneficially used substantially all of the water  
4022 right within a seven-year period, provided that this exemption does not apply to  
4023 the adjudication of a water right in a general determination of water rights under  
4024 Chapter 4, Determination of Water Rights;
  - 4025 (vii) except as provided by Subsection (2)(g), a water right:
    - 4026 (A)(I) owned by a public water supplier;
    - 4027 (II) represented by a public water supplier's ownership interest in a water  
4028 company; or
    - 4029 (III) to which a public water supplier owns the right of beneficial use; and
    - 4030 (B) conserved or held for the reasonable future water requirement of the public,  
4031 which is determined according to Subsection (2)(f);
  - 4032 (viii) a supplemental water right during a period of time when another water right  
4033 available to the appropriator or the appropriator's successor in interest provides  
4034 sufficient water so as to not require beneficial use of the supplemental water right;
  - 4035 (ix) a period of nonuse of a water right during the time the water right is subject to an  
4036 approved change application where the applicant is diligently pursuing  
4037 certification;
  - 4038 (x) a water right to store water in a surface reservoir if:

- 4039 (A) storage is limited by a safety, regulatory, or engineering restraint that the  
 4040 appropriator or the appropriator's successor in interest cannot reasonably  
 4041 correct; and
- 4042 (B) not longer than seven years have elapsed since the limitation described in  
 4043 Subsection (2)(e)(x)(A) is imposed;
- 4044 (xi) a water right subject to an approved change application for use within a water  
 4045 bank that has been authorized but not dissolved under Chapter 31, Water Banking  
 4046 Act, during the period of time the state engineer authorizes the water right to be  
 4047 used within the water bank; or
- 4048 (xii) subject to Subsection (2)(h), that portion of a water right that is quantified as  
 4049 saved water in a final order from the state engineer approving a change  
 4050 application, but not to exceed the amount subsequently verified by the state  
 4051 engineer in a certificate issued under Section 73-3-17.
- 4052 (f)(i) The reasonable future water requirement of the public is the amount of water  
 4053 needed in the next 40 years by:
- 4054 (A) the persons within the public water supplier's reasonably anticipated service  
 4055 area based on reasonably anticipated population growth; or
- 4056 (B) other water use demand.
- 4057 (ii) For purposes of Subsection (2)(f)(i), a community water system's reasonably  
 4058 anticipated service area:
- 4059 (A) is the area served by the community water system's distribution facilities; and  
 4060 (B) expands as the community water system expands the distribution facilities in  
 4061 accordance with Title 19, Chapter 4, Safe Drinking Water Act.
- 4062 [~~(iii) The state engineer shall by rule made in accordance with Subsection 73-2-1(4)~~  
 4063 ~~establish standards for a written plan that may be presented as evidence in~~  
 4064 ~~conformance with this Subsection (2)(f), except that before a rule establishing~~  
 4065 ~~standards for a written plan under this Subsection (2)(f) takes effect, in addition to~~  
 4066 ~~complying with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~  
 4067 ~~state engineer shall present the rule to:]~~
- 4068 [~~(A) if the Legislature is not in session, the Natural Resources, Agriculture, and~~  
 4069 ~~Environment Interim Committee; or]~~
- 4070 [~~(B) if the Legislature is in session, the House of Representatives and Senate~~  
 4071 ~~Natural Resources, Agriculture, and Environment standing committees.]~~
- 4072 (iii) In accordance with Subsection 73-2-1(4) and Title 63G, Chapter 3, Utah

- 4073 Administrative Rulemaking Act, the state engineer shall make rules to establish  
 4074 standards for a written plan under this Subsection (2)(f) that:
- 4075 (A) determines the reasonable future water requirement of the public for a public  
 4076 water supplier; and
- 4077 (B) a public water supplier shall complete to demonstrate compliance with this  
 4078 Subsection (2)(f).
- 4079 (iv) The state engineer shall present rules developed under Subsection (2)(f)(iii),  
 4080 before the rules take effect, to:
- 4081 (A) if the Legislature is not in session, the Natural Resources, Agriculture, and  
 4082 Environment Interim Committee; or
- 4083 (B) if the Legislature is in session, the House and Senate Natural Resources,  
 4084 Agriculture, and Environment standing committees.
- 4085 (v) The rules that the state engineer makes to establish standards for a written plan in  
 4086 accordance with Subsection (2)(f)(iii) shall include a standard for determining:
- 4087 (A) a population estimate, including anticipated population growth, consistent  
 4088 with an estimate or methodology under Title 63C, Chapter 20, Utah Population  
 4089 Committee;
- 4090 (B) an impact of current and future drought conditions;
- 4091 (C) an anticipated loss of a water source due to a natural disaster, including an  
 4092 earthquake or a change in climate;
- 4093 (D) an impact of a water conservation activity described in a public water  
 4094 supplier's water conservation plan described in Section 73-10-32;
- 4095 (E) the amount of water a public water supplier needs per capita; and
- 4096 (F) any other factor relevant to establishing the reasonable future water  
 4097 requirement of the public for a public water supplier.
- 4098 (g) For a water right acquired by a public water supplier on or after May 5, 2008,  
 4099 Subsection (2)(e)(vii) applies if:
- 4100 (i) the public water supplier submits a change application under Section 73-3-3; and  
 4101 (ii) the state engineer approves the change application.
- 4102 (h) Saved water does not retain the protection of Subsection (2)(e)(xii) and any period of  
 4103 nonuse for saved water begins to run the day on which:
- 4104 (i) the underlying water right that serves as the basis for the saved water is declared  
 4105 by court decree to have been lost due to forfeiture under this section; or  
 4106 (ii) the title of a right to saved water segregated under Section 73-3-27 is conveyed

- 4107 independent of the underlying water right.
- 4108 (3)(a) The state engineer shall furnish a nonuse application form requiring the following
- 4109 information:
- 4110 (i) the name and address of the applicant;
- 4111 (ii) a description of the water right or a portion of the water right, including the point
- 4112 of diversion, place of use, and priority;
- 4113 (iii) the quantity of water;
- 4114 (iv) the period of use;
- 4115 (v) the extension of time applied for;
- 4116 (vi) a statement of the reason for the nonuse of the water; and
- 4117 (vii) any other information that the state engineer requires.
- 4118 (b)(i) Upon receipt of the application, the state engineer shall publish a notice of the
- 4119 application once a week for two successive weeks:
- 4120 (A) in a newspaper of general circulation in the county in which the source of the
- 4121 water supply is located and where the water is to be beneficially used; and
- 4122 (B) as required in Section 45-1-101.
- 4123 (ii) The notice shall:
- 4124 (A) state that an application has been made; and
- 4125 (B) specify where the interested party may obtain additional information relating
- 4126 to the application.
- 4127 (c) An interested person may file a written protest with the state engineer against the
- 4128 granting of the application:
- 4129 (i) within 20 days after the notice is published, if the adjudicative proceeding is
- 4130 informal; and
- 4131 (ii) within 30 days after the notice is published, if the adjudicative proceeding is
- 4132 formal.
- 4133 (d) In a proceeding to determine whether the nonuse application should be approved or
- 4134 rejected, the state engineer shall follow Title 63G, Chapter 4, Administrative
- 4135 Procedures Act.
- 4136 (e) After further investigation, the state engineer may approve or reject the application.
- 4137 (4)(a) The state engineer shall grant a nonuse application on all or a portion of a water
- 4138 right for a period of time not exceeding seven years if the applicant shows a
- 4139 reasonable cause for nonuse.
- 4140 (b) A reasonable cause for nonuse includes:

- 4141 (i) a demonstrable financial hardship or economic depression;
- 4142 (ii) a physical cause or change that renders use beyond the reasonable control of the
- 4143 water right owner so long as the water right owner acts with reasonable diligence
- 4144 to resume or restore the use;
- 4145 (iii) the initiation of water conservation or an efficiency practice, or the operation of a
- 4146 groundwater recharge recovery program approved by the state engineer;
- 4147 (iv) operation of a legal proceeding;
- 4148 (v) the holding of a water right or stock in a mutual water company without use by a
- 4149 water supply entity to meet the reasonable future requirements of the public;
- 4150 (vi) situations where, in the opinion of the state engineer, the nonuse would assist in
- 4151 implementing an existing, approved water management plan; or
- 4152 (vii) the loss of capacity caused by deterioration of the water supply or delivery
- 4153 equipment if the applicant submits, with the application, a specific plan to resume
- 4154 full use of the water right by replacing, restoring, or improving the equipment.
- 4155 (5)(a) Sixty days before the expiration of a nonuse application, the state engineer shall
- 4156 notify the applicant by mail or by a form of electronic communication through which
- 4157 receipt is verifiable, of the date when the nonuse application will expire.
- 4158 (b) An applicant may file a subsequent nonuse application in accordance with this
- 4159 section.

4160 Section 53. **Effective Date.**

- 4161 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.
- 4162 (2) The actions affecting Section 10-21-304 (Effective 10/01/26) take effect on October 1,
- 4163 2026.