

RIPARIAN CORRIDOR AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill modifies provisions related to general plans and riparian amendments.

Highlighted Provisions:

This bill:

- ▶ revises definition provisions;
- ▶ requires a riparian area element as part of a municipal or county general plan;
- ▶ provides for how a riparian area element is included into a municipal or county general plan;
- ▶ provides for action related to the general plan by the legislative body of a municipality or county; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 10-9a-103**, as last amended by Laws of Utah 2023, Chapters 16, 327 and 478
- 10-9a-401**, as last amended by Laws of Utah 2023, Chapter 88
- 10-9a-403**, as last amended by Laws of Utah 2023, Chapters 88, 219 and 238
- 10-9a-404**, as last amended by Laws of Utah 2022, Chapters 282, 406
- 17-27a-103**, as last amended by Laws of Utah 2023, Chapters 15, 327 and 478
- 17-27a-401**, as last amended by Laws of Utah 2023, Chapters 34, 88
- 17-27a-403**, as last amended by Laws of Utah 2023, Chapters 88, 238
- 17-27a-404**, as last amended by Laws of Utah 2023, Chapter 435

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

33 Section 1. Section **10-9a-103** is amended to read:

34 **10-9a-103. Definitions.**

35 As used in this chapter:

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

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

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

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

43 (3) "Affected entity" means a county, municipality, special district, special service
44 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
45 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
46 public utility, property owner, property owners association, or the Department of
47 Transportation, if:

48 (a) the entity's services or facilities are likely to require expansion or significant
49 modification because of an intended use of land;

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

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

55 (4) "Affected owner" means the owner of real property that is:

56 (a) a single project;

57 (b) the subject of a land use approval that sponsors of a referendum timely challenged
58 in accordance with Subsection 20A-7-601(6); and

59 (c) determined to be legally referable under Section 20A-7-602.8.

60 (5) "Appeal authority" means the person, board, commission, agency, or other body
61 designated by ordinance to decide an appeal of a decision of a land use application or a
62 variance.

63 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or

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

66 (7) (a) "Charter school" means:

67 (i) an operating charter school;

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

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

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

73 (8) "Conditional use" means a land use that, because of the unique characteristics or
74 potential impact of the land use on the municipality, surrounding neighbors, or adjacent land
75 uses, may not be compatible in some areas or may be compatible only if certain conditions are
76 required that mitigate or eliminate the detrimental impacts.

77 (9) "Constitutional taking" means a governmental action that results in a taking of
78 private property so that compensation to the owner of the property is required by the:

79 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

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

81 (10) "Culinary water authority" means the department, agency, or public entity with
82 responsibility to review and approve the feasibility of the culinary water system and sources for
83 the subject property.

84 (11) "Development activity" means:

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

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

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

91 (12) (a) "Development agreement" means a written agreement or amendment to a
92 written agreement between a municipality and one or more parties that regulates or controls the
93 use or development of a specific area of land.

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

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

98 (b) "Disability" does not include current illegal use of, or addiction to, any federally
99 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
100 802.

101 (14) "Educational facility":

102 (a) means:

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

106 (ii) a structure or facility:

107 (A) located on the same property as a building described in Subsection (14)(a)(i); and

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

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

111 (b) does not include:

112 (i) land or a structure, including land or a structure for inventory storage, equipment
113 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

114 (A) not located on the same property as a building described in Subsection (14)(a)(i);

115 and

116 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or

117 (ii) a therapeutic school.

118 (15) "Fire authority" means the department, agency, or public entity with responsibility
119 to review and approve the feasibility of fire protection and suppression services for the subject
120 property.

121 (16) "Flood plain" means land that:

122 (a) is within the 100-year flood plain designated by the Federal Emergency
123 Management Agency; or

124 (b) has not been studied or designated by the Federal Emergency Management Agency
125 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

126 the land has characteristics that are similar to those of a 100-year flood plain designated by the
127 Federal Emergency Management Agency.

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

130 (18) "Geologic hazard" means:

131 (a) a surface fault rupture;

132 (b) shallow groundwater;

133 (c) liquefaction;

134 (d) a landslide;

135 (e) a debris flow;

136 (f) unstable soil;

137 (g) a rock fall; or

138 (h) any other geologic condition that presents a risk:

139 (i) to life;

140 (ii) of substantial loss of real property; or

141 (iii) of substantial damage to real property.

142 (19) "Historic preservation authority" means a person, board, commission, or other
143 body designated by a legislative body to:

144 (a) recommend land use regulations to preserve local historic districts or areas; and

145 (b) administer local historic preservation land use regulations within a local historic
146 district or area.

147 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
148 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
149 utility system.

150 (21) "Identical plans" means building plans submitted to a municipality that:

151 (a) are clearly marked as "identical plans";

152 (b) are substantially identical to building plans that were previously submitted to and
153 reviewed and approved by the municipality; and

154 (c) describe a building that:

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

157 (ii) is subject to the same geological and meteorological conditions and the same law
158 as the building described in the previously approved plans;

159 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
160 and approved by the municipality; and

161 (iv) does not require any additional engineering or analysis.

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

164 (23) "Improvement completion assurance" means a surety bond, letter of credit,
165 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
166 by a municipality to guaranty the proper completion of landscaping or an infrastructure
167 improvement required as a condition precedent to:

168 (a) recording a subdivision plat; or

169 (b) development of a commercial, industrial, mixed use, or multifamily project.

170 (24) "Improvement warranty" means an applicant's unconditional warranty that the
171 applicant's installed and accepted landscaping or infrastructure improvement:

172 (a) complies with the municipality's written standards for design, materials, and
173 workmanship; and

174 (b) will not fail in any material respect, as a result of poor workmanship or materials,
175 within the improvement warranty period.

176 (25) "Improvement warranty period" means a period:

177 (a) no later than one year after a municipality's acceptance of required landscaping; or

178 (b) no later than one year after a municipality's acceptance of required infrastructure,
179 unless the municipality:

180 (i) determines for good cause that a one-year period would be inadequate to protect the
181 public health, safety, and welfare; and

182 (ii) has substantial evidence, on record:

183 (A) of prior poor performance by the applicant; or

184 (B) that the area upon which the infrastructure will be constructed contains suspect soil
185 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

186 (26) "Infrastructure improvement" means permanent infrastructure that is essential for
187 the public health and safety or that:

- 188 (a) is required for human occupation; and
- 189 (b) an applicant must install:
 - 190 (i) in accordance with published installation and inspection specifications for public
 - 191 improvements; and
 - 192 (ii) whether the improvement is public or private, as a condition of:
 - 193 (A) recording a subdivision plat;
 - 194 (B) obtaining a building permit; or
 - 195 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
 - 196 project.
- 197 (27) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 198 designation that:
 - 199 (a) runs with the land; and
 - 200 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
 - 201 the plat; or
 - 202 (ii) designates a development condition that is enclosed within the perimeter of a lot
 - 203 described on the plat.
- 204 (28) "Land use applicant" means a property owner, or the property owner's designee,
- 205 who submits a land use application regarding the property owner's land.
- 206 (29) "Land use application":
 - 207 (a) means an application that is:
 - 208 (i) required by a municipality; and
 - 209 (ii) submitted by a land use applicant to obtain a land use decision; and
 - 210 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 211 (30) "Land use authority" means:
 - 212 (a) a person, board, commission, agency, or body, including the local legislative body,
 - 213 designated by the local legislative body to act upon a land use application; or
 - 214 (b) if the local legislative body has not designated a person, board, commission,
 - 215 agency, or body, the local legislative body.
- 216 (31) "Land use decision" means an administrative decision of a land use authority or
- 217 appeal authority regarding:
 - 218 (a) a land use permit; or

- 219 (b) a land use application.
- 220 (32) "Land use permit" means a permit issued by a land use authority.
- 221 (33) "Land use regulation":
- 222 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
223 specification, fee, or rule that governs the use or development of land;
- 224 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
225 and
- 226 (c) does not include:
- 227 (i) a land use decision of the legislative body acting as the land use authority, even if
228 the decision is expressed in a resolution or ordinance; or
- 229 (ii) a temporary revision to an engineering specification that does not materially:
230 (A) increase a land use applicant's cost of development compared to the existing
231 specification; or
- 232 (B) impact a land use applicant's use of land.
- 233 (34) "Legislative body" means the municipal council.
- 234 (35) "Local historic district or area" means a geographically definable area that:
- 235 (a) contains any combination of buildings, structures, sites, objects, landscape features,
236 archeological sites, or works of art that contribute to the historic preservation goals of a
237 legislative body; and
- 238 (b) is subject to land use regulations to preserve the historic significance of the local
239 historic district or area.
- 240 (36) "Lot" means a tract of land, regardless of any label, that is created by and shown
241 on a subdivision plat that has been recorded in the office of the county recorder.
- 242 (37) (a) "Lot line adjustment" means a relocation of a lot line boundary between
243 adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:
- 244 (i) whether or not the lots are located in the same subdivision; and
245 (ii) with the consent of the owners of record.
- 246 (b) "Lot line adjustment" does not mean a new boundary line that:
- 247 (i) creates an additional lot; or
248 (ii) constitutes a subdivision or a subdivision amendment.
- 249 (c) "Lot line adjustment" does not include a boundary line adjustment made by the

250 Department of Transportation.

251 (38) "Major transit investment corridor" means public transit service that uses or
252 occupies:

253 (a) public transit rail right-of-way;

254 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

255 or

256 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
257 municipality or county and:

258 (i) a public transit district as defined in Section 17B-2a-802; or

259 (ii) an eligible political subdivision as defined in Section 59-12-2219.

260 (39) "Moderate income housing" means housing occupied or reserved for occupancy
261 by households with a gross household income equal to or less than 80% of the median gross
262 income for households of the same size in the county in which the city is located.

263 (40) "Municipal utility easement" means an easement that:

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

266 (b) is not a protected utility easement or a public utility easement as defined in Section
267 54-3-27;

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

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

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

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

276 (f) is described in Section 10-9a-529 and is used by a specified public utility.

277 (41) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
278 spent and expenses incurred in:

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

280 (b) reviewing and approving those minor aspects of identical plans that differ from the

281 previously reviewed and approved building plans.

282 (42) "Noncomplying structure" means a structure that:

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

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

287 (43) "Nonconforming use" means a use of land that:

288 (a) legally existed before its current land use designation;

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

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

293 (44) "Official map" means a map drawn by municipal authorities and recorded in a
294 county recorder's office that:

295 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
296 highways and other transportation facilities;

297 (b) provides a basis for restricting development in designated rights-of-way or between
298 designated setbacks to allow the government authorities time to purchase or otherwise reserve
299 the land; and

300 (c) has been adopted as an element of the municipality's general plan.

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

302 (46) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
303 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
304 agreement in accordance with Section 10-9a-524, if no additional parcel is created and:

305 (i) none of the property identified in the agreement is a lot; or

306 (ii) the adjustment is to the boundaries of a single person's parcels.

307 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
308 line that:

309 (i) creates an additional parcel; or

310 (ii) constitutes a subdivision.

311 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by

312 the Department of Transportation.

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

315 (48) "Plan for moderate income housing" means a written document adopted by a
316 municipality's legislative body that includes:

317 (a) an estimate of the existing supply of moderate income housing located within the
318 municipality;

319 (b) an estimate of the need for moderate income housing in the municipality for the
320 next five years;

321 (c) a survey of total residential land use;

322 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
323 income housing; and

324 (e) a description of the municipality's program to encourage an adequate supply of
325 moderate income housing.

326 (49) "Plat" means an instrument subdividing property into lots as depicted on a map or
327 other graphical representation of lands that a licensed professional land surveyor makes and
328 prepares in accordance with Section 10-9a-603 or 57-8-13.

329 (50) "Potential geologic hazard area" means an area that:

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

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

336 (51) "Public agency" means:

337 (a) the federal government;

338 (b) the state;

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

341 (d) a charter school.

342 (52) "Public hearing" means a hearing at which members of the public are provided a

343 reasonable opportunity to comment on the subject of the hearing.

344 (53) "Public meeting" means a meeting that is required to be open to the public under
345 Title 52, Chapter 4, Open and Public Meetings Act.

346 (54) "Public street" means a public right-of-way, including a public highway, public
347 avenue, public boulevard, public parkway, public road, public lane, public alley, public
348 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
349 easement, or other public way.

350 (55) "Receiving zone" means an area of a municipality that the municipality
351 designates, by ordinance, as an area in which an owner of land may receive a transferable
352 development right.

353 (56) "Record of survey map" means a map of a survey of land prepared in accordance
354 with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

355 (57) "Residential facility for persons with a disability" means a residence:

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

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

359 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

360 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

361 (58) "Residential roadway" means a public local residential road that:

362 (a) will serve primarily to provide access to adjacent primarily residential areas and
363 property;

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

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

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

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

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

373 (g) primarily serves traffic within a neighborhood or limited residential area and is not

374 necessarily continuous through several residential areas.

375 (59) (a) "Riparian area" means land representing a transition between aquatic and
376 upland habitats with a plant community that:

377 (i) is contiguous to and affected by surface and subsurface hydrologic features of
378 perennial or intermittent rivers, streams, lakes, or natural drainage ways; and

379 (ii) has one or both of the following characteristics:

380 (A) distinctly different vegetative species than adjacent areas; or

381 (B) species similar to adjacent areas but exhibiting more vigorous or robust growth
382 forms.

383 (b) "Riparian area" may include wetlands that are not adjacent to open surface water
384 bodies.

385 ~~[(59)]~~ (60) "Rules of order and procedure" means a set of rules that govern and
386 prescribe in a public meeting:

387 (a) parliamentary order and procedure;

388 (b) ethical behavior; and

389 (c) civil discourse.

390 ~~[(60)]~~ (61) "Sanitary sewer authority" means the department, agency, or public entity
391 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
392 wastewater systems.

393 ~~[(61)]~~ (62) "Sending zone" means an area of a municipality that the municipality
394 designates, by ordinance, as an area from which an owner of land may transfer a transferable
395 development right.

396 ~~[(62)]~~ (63) "Special district" means an entity under Title 17B, Limited Purpose Local
397 Government Entities - Special Districts, and any other governmental or quasi-governmental
398 entity that is not a county, municipality, school district, or the state.

399 ~~[(63)]~~ (64) "Specified public agency" means:

400 (a) the state;

401 (b) a school district; or

402 (c) a charter school.

403 ~~[(64)]~~ (65) "Specified public utility" means an electrical corporation, gas corporation,
404 or telephone corporation, as those terms are defined in Section 54-2-1.

405 ~~[(65)]~~ (66) "State" includes any department, division, or agency of the state.

406 ~~[(66)]~~ (67) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
407 to be divided into two or more lots or other division of land for the purpose, whether
408 immediate or future, for offer, sale, lease, or development either on the installment plan or
409 upon any and all other plans, terms, and conditions.

410 (b) "Subdivision" includes:

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

414 (ii) except as provided in Subsection (65)(c), divisions of land for residential and
415 nonresidential uses, including land used or to be used for commercial, agricultural, and
416 industrial purposes.

417 (c) "Subdivision" does not include:

418 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
419 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
420 neither the resulting combined parcel nor the parcel remaining from the division or partition
421 violates an applicable land use ordinance;

422 (ii) a boundary line agreement recorded with the county recorder's office between
423 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
424 10-9a-524 if no new parcel is created;

425 (iii) a recorded document, executed by the owner of record:

426 (A) revising the legal descriptions of multiple parcels into one legal description
427 encompassing all such parcels; or

428 (B) joining a lot to a parcel;

429 (iv) a boundary line agreement between owners of adjoining subdivided properties
430 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:

431 (A) no new dwelling lot or housing unit will result from the adjustment; and
432 (B) the adjustment will not violate any applicable land use ordinance;

433 (v) a bona fide division of land by deed or other instrument if the deed or other
434 instrument states in writing that the division:

435 (A) is in anticipation of future land use approvals on the parcel or parcels;

- 436 (B) does not confer any land use approvals; and
437 (C) has not been approved by the land use authority;
438 (vi) a parcel boundary adjustment;
439 (vii) a lot line adjustment;
440 (viii) a road, street, or highway dedication plat;
441 (ix) a deed or easement for a road, street, or highway purpose; or
442 (x) any other division of land authorized by law.
- 443 [~~(67)~~] (68) (a) "Subdivision amendment" means an amendment to a recorded
444 subdivision in accordance with Section 10-9a-608 that:
- 445 (i) vacates all or a portion of the subdivision;
 - 446 (ii) alters the outside boundary of the subdivision;
 - 447 (iii) changes the number of lots within the subdivision;
 - 448 (iv) alters a public right-of-way, a public easement, or public infrastructure within the
449 subdivision; or
 - 450 (v) alters a common area or other common amenity within the subdivision.
- 451 (b) "Subdivision amendment" does not include a lot line adjustment, between a single
452 lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.
- 453 [~~(68)~~] (69) "Substantial evidence" means evidence that:
- 454 (a) is beyond a scintilla; and
 - 455 (b) a reasonable mind would accept as adequate to support a conclusion.
- 456 [~~(69)~~] (70) "Suspect soil" means soil that has:
- 457 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
458 3% swell potential;
 - 459 (b) bedrock units with high shrink or swell susceptibility; or
 - 460 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
461 commonly associated with dissolution and collapse features.
- 462 [~~(70)~~] (71) "Therapeutic school" means a residential group living facility:
- 463 (a) for four or more individuals who are not related to:
 - 464 (i) the owner of the facility; or
 - 465 (ii) the primary service provider of the facility;
 - 466 (b) that serves students who have a history of failing to function:

- 467 (i) at home;
- 468 (ii) in a public school; or
- 469 (iii) in a nonresidential private school; and
- 470 (c) that offers:
- 471 (i) room and board; and
- 472 (ii) an academic education integrated with:
- 473 (A) specialized structure and supervision; or
- 474 (B) services or treatment related to a disability, an emotional development, a
- 475 behavioral development, a familial development, or a social development.
- 476 ~~[(71)]~~ (72) "Transferable development right" means a right to develop and use land that
- 477 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 478 land use rights from a designated sending zone to a designated receiving zone.
- 479 ~~[(72)]~~ (73) "Unincorporated" means the area outside of the incorporated area of a city
- 480 or town.
- 481 ~~[(73)]~~ (74) "Water interest" means any right to the beneficial use of water, including:
- 482 (a) each of the rights listed in Section 73-1-11; and
- 483 (b) an ownership interest in the right to the beneficial use of water represented by:
- 484 (i) a contract; or
- 485 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 486 ~~[(74)]~~ (75) "Zoning map" means a map, adopted as part of a land use ordinance, that
- 487 depicts land use zones, overlays, or districts.
- 488 Section 2. Section **10-9a-401** is amended to read:
- 489 **10-9a-401. General plan required -- Content.**
- 490 (1) To accomplish the purposes of this chapter, a municipality shall prepare and adopt
- 491 a comprehensive, long-range general plan for:
- 492 (a) present and future needs of the municipality; and
- 493 (b) growth and development of all or any part of the land within the municipality.
- 494 (2) The general plan may provide for:
- 495 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
- 496 activities, aesthetics, and recreational, educational, and cultural opportunities;
- 497 (b) the reduction of the waste of physical, financial, or human resources that result

498 from either excessive congestion or excessive scattering of population;

499 (c) the efficient and economical use, conservation, and production of the supply of:

500 (i) food and water; and

501 (ii) drainage, sanitary, and other facilities and resources;

502 (d) the use of energy conservation and solar and renewable energy resources;

503 (e) the protection of urban development;

504 (f) if the municipality is a town, the protection or promotion of moderate income

505 housing;

506 (g) the protection and promotion of air quality;

507 (h) historic preservation;

508 (i) identifying future uses of land that are likely to require an expansion or significant

509 modification of services or facilities provided by an affected entity; and

510 (j) an official map.

511 (3) (a) The general plan of a specified municipality, as defined in Section 10-9a-408,

512 shall include a moderate income housing element that meets the requirements of Subsection

513 10-9a-403(2)(a)(iii).

514 (b) (i) This Subsection (3)(b) applies to a municipality that is not a specified

515 municipality as of January 1, 2023.

516 (ii) As of January 1, if a municipality described in Subsection (3)(b)(i) changes from

517 one class to another or grows in population to qualify as a specified municipality as defined in

518 Section 10-9a-408, the municipality shall amend the municipality's general plan to comply with

519 Subsection (3)(a) on or before August 1 of the first calendar year beginning on January 1 in

520 which the municipality qualifies as a specified municipality.

521 (4) Subject to Subsection 10-9a-403(2), the municipality may determine the

522 comprehensiveness, extent, and format of the general plan.

523 (5) Except for a city of the fifth class or a town, on or before December 31, 2025, a

524 municipality that has a general plan that does not include a water use and preservation element

525 that complies with Section 10-9a-403 shall amend the municipality's general plan to comply

526 with Section 10-9a-403.

527 (6) (a) Beginning on or before December 31, 2029, a municipality's general plan shall

528 include a riparian area element that meets the requirements of Subsection 10-9a-403(2)(a)(v) if

529 a riparian area is located within the municipality.

530 (b) Notwithstanding Subsection (6)(a), a municipality is not required to have a riparian
531 area element in the municipality's general plan if the municipality has as of December 31,
532 2029, zoning or other land use ordinances that adequately address the factors in Subsection
533 10-9a-403(2)(a)(v).

534 Section 3. Section **10-9a-403** is amended to read:

535 **10-9a-403. General plan preparation.**

536 (1) (a) The planning commission shall provide notice, as provided in Section
537 10-9a-203, of the planning commission's intent to make a recommendation to the municipal
538 legislative body for a general plan or a comprehensive general plan amendment when the
539 planning commission initiates the process of preparing the planning commission's
540 recommendation.

541 (b) The planning commission shall make and recommend to the legislative body a
542 proposed general plan for the area within the municipality.

543 (c) The plan may include areas outside the boundaries of the municipality if, in the
544 planning commission's judgment, those areas are related to the planning of the municipality's
545 territory.

546 (d) Except as otherwise provided by law or with respect to a municipality's power of
547 eminent domain, when the plan of a municipality involves territory outside the boundaries of
548 the municipality, the municipality may not take action affecting that territory without the
549 concurrence of the county or other municipalities affected.

550 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
551 and descriptive and explanatory matter, shall include the planning commission's
552 recommendations for the following plan elements:

553 (i) a land use element that:

554 (A) designates the long-term goals and the proposed extent, general distribution, and
555 location of land for housing for residents of various income levels, business, industry,
556 agriculture, recreation, education, public buildings and grounds, open space, and other
557 categories of public and private uses of land as appropriate;

558 (B) includes a statement of the projections for and standards of population density and
559 building intensity recommended for the various land use categories covered by the plan;

560 (C) except for a city of the fifth class or a town, is coordinated to integrate the land use
561 element with the water use and preservation element; and

562 (D) except for a city of the fifth class or a town, accounts for the effect of land use
563 categories and land uses on water demand;

564 (ii) a transportation and traffic circulation element that:

565 (A) provides the general location and extent of existing and proposed freeways, arterial
566 and collector streets, public transit, active transportation facilities, and other modes of
567 transportation that the planning commission considers appropriate;

568 (B) for a municipality that has access to a major transit investment corridor, addresses
569 the municipality's plan for residential and commercial development around major transit
570 investment corridors to maintain and improve the connections between housing, employment,
571 education, recreation, and commerce;

572 (C) for a municipality that does not have access to a major transit investment corridor,
573 addresses the municipality's plan for residential and commercial development in areas that will
574 maintain and improve the connections between housing, transportation, employment,
575 education, recreation, and commerce; and

576 (D) correlates with the population projections, the employment projections, and the
577 proposed land use element of the general plan;

578 (iii) a moderate income housing element that:

579 (A) provides a realistic opportunity to meet the need for additional moderate income
580 housing within the municipality during the next five years;

581 (B) for a town, may include a recommendation to implement three or more of the
582 moderate income housing strategies described in Subsection (2)(b)(iii);

583 (C) for a specified municipality, as defined in Section 10-9a-408, that does not have a
584 fixed guideway public transit station, shall include a recommendation to implement three or
585 more of the moderate income housing strategies described in Subsection (2)(b)(iii);

586 (D) for a specified municipality, as defined in Section 10-9a-408, that has a fixed
587 guideway public transit station, shall include a recommendation to implement five or more of
588 the moderate income housing strategies described in Subsection (2)(b)(iii), of which one shall
589 be the moderate income housing strategy described in Subsection (2)(b)(iii)(V), and one shall
590 be a moderate income housing strategy described in Subsection (2)(b)(iii)(G), (H), or (Q); and

591 (E) for a specified municipality, as defined in Section 10-9a-408, shall include an
592 implementation plan as provided in Subsection (2)(c); [~~and~~]

593 (iv) except for a city of the fifth class or a town, a water use and preservation element
594 that addresses:

595 (A) the effect of permitted development or patterns of development on water demand
596 and water infrastructure;

597 (B) methods of reducing water demand and per capita consumption for future
598 development;

599 (C) methods of reducing water demand and per capita consumption for existing
600 development; and

601 (D) opportunities for the municipality to modify the municipality's operations to
602 eliminate practices or conditions that waste water[-] ; and

603 (v) if required by Subsection 10-9a-401(6), a riparian area element that addresses any
604 of the following that are applicable to the municipality's riparian area:

605 (A) preserving and enhancing natural stream functions for hydrologic conveyance and
606 storage, including flood plains and wetlands;

607 (B) managing bank stability, erosion, sedimentation, and flood control;

608 (C) minimizing flood and fire risk to property through development of buffer zones
609 and removal of dead or diseased vegetation considered to represent excessive fuel loads;

610 (D) reducing water pollution, including by filtration;

611 (E) protecting fish and wildlife habitat;

612 (F) preserving or restoring vegetation while managing invasive plants, noxious weeds,
613 and fuel loads; and

614 (G) preserving aesthetic and recreational values.

615 (b) In drafting the moderate income housing element, the planning commission:

616 (i) shall consider the Legislature's determination that municipalities shall facilitate a
617 reasonable opportunity for a variety of housing, including moderate income housing:

618 (A) to meet the needs of people of various income levels living, working, or desiring to
619 live or work in the community; and

620 (B) to allow people with various incomes to benefit from and fully participate in all
621 aspects of neighborhood and community life;

622 (ii) for a town, may include, and for a specified municipality as defined in Section
623 10-9a-408, shall include, an analysis of how the municipality will provide a realistic
624 opportunity for the development of moderate income housing within the next five years;

625 (iii) for a town, may include, and for a specified municipality as defined in Section
626 10-9a-408, shall include a recommendation to implement the required number of any of the
627 following moderate income housing strategies as specified in Subsection (2)(a)(iii):

628 (A) rezone for densities necessary to facilitate the production of moderate income
629 housing;

630 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
631 facilitates the construction of moderate income housing;

632 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
633 stock into moderate income housing;

634 (D) identify and utilize general fund subsidies or other sources of revenue to waive
635 construction related fees that are otherwise generally imposed by the municipality for the
636 construction or rehabilitation of moderate income housing;

637 (E) create or allow for, and reduce regulations related to, internal or detached accessory
638 dwelling units in residential zones;

639 (F) zone or rezone for higher density or moderate income residential development in
640 commercial or mixed-use zones near major transit investment corridors, commercial centers, or
641 employment centers;

642 (G) amend land use regulations to allow for higher density or new moderate income
643 residential development in commercial or mixed-use zones near major transit investment
644 corridors;

645 (H) amend land use regulations to eliminate or reduce parking requirements for
646 residential development where a resident is less likely to rely on the resident's own vehicle,
647 such as residential development near major transit investment corridors or senior living
648 facilities;

649 (I) amend land use regulations to allow for single room occupancy developments;

650 (J) implement zoning incentives for moderate income units in new developments;

651 (K) preserve existing and new moderate income housing and subsidized units by
652 utilizing a landlord incentive program, providing for deed restricted units through a grant

653 program, or, notwithstanding Section 10-9a-535, establishing a housing loss mitigation fund;

654 (L) reduce, waive, or eliminate impact fees related to moderate income housing;

655 (M) demonstrate creation of, or participation in, a community land trust program for
656 moderate income housing;

657 (N) implement a mortgage assistance program for employees of the municipality, an
658 employer that provides contracted services to the municipality, or any other public employer
659 that operates within the municipality;

660 (O) apply for or partner with an entity that applies for state or federal funds or tax
661 incentives to promote the construction of moderate income housing, an entity that applies for
662 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
663 entity that applies for affordable housing programs administered by the Department of
664 Workforce Services, an entity that applies for affordable housing programs administered by an
665 association of governments established by an interlocal agreement under Title 11, Chapter 13,
666 Interlocal Cooperation Act, an entity that applies for services provided by a public housing
667 authority to preserve and create moderate income housing, or any other entity that applies for
668 programs or services that promote the construction or preservation of moderate income
669 housing;

670 (P) demonstrate utilization of a moderate income housing set aside from a community
671 reinvestment agency, redevelopment agency, or community development and renewal agency
672 to create or subsidize moderate income housing;

673 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
674 Part 6, Housing and Transit Reinvestment Zone Act;

675 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
676 accessory dwelling unit as defined in Section 10-9a-530;

677 (S) create a program to transfer development rights for moderate income housing;

678 (T) ratify a joint acquisition agreement with another local political subdivision for the
679 purpose of combining resources to acquire property for moderate income housing;

680 (U) develop a moderate income housing project for residents who are disabled or 55
681 years old or older;

682 (V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;

683 (W) create or allow for, and reduce regulations related to, multifamily residential

684 dwellings compatible in scale and form with detached single-family residential dwellings and
685 located in walkable communities within residential or mixed-use zones; and

686 (X) demonstrate implementation of any other program or strategy to address the
687 housing needs of residents of the municipality who earn less than 80% of the area median
688 income, including the dedication of a local funding source to moderate income housing or the
689 adoption of a land use ordinance that requires 10% or more of new residential development in a
690 residential zone be dedicated to moderate income housing; and

691 (iv) shall identify each moderate income housing strategy recommended to the
692 legislative body for implementation by restating the exact language used to describe the
693 strategy in Subsection (2)(b)(iii).

694 (c) (i) In drafting the implementation plan portion of the moderate income housing
695 element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to
696 the legislative body the establishment of a five-year timeline for implementing each of the
697 moderate income housing strategies selected by the municipality for implementation.

698 (ii) The timeline described in Subsection (2)(c)(i) shall:

699 (A) identify specific measures and benchmarks for implementing each moderate
700 income housing strategy selected by the municipality, whether one-time or ongoing; and

701 (B) provide flexibility for the municipality to make adjustments as needed.

702 (d) In drafting the land use element, the planning commission shall:

703 (i) identify and consider each agriculture protection area within the municipality;

704 (ii) avoid proposing a use of land within an agriculture protection area that is
705 inconsistent with or detrimental to the use of the land for agriculture; and

706 (iii) consider and coordinate with any station area plans adopted by the municipality if
707 required under Section 10-9a-403.1.

708 (e) In drafting the transportation and traffic circulation element, the planning
709 commission shall:

710 (i) (A) consider and coordinate with the regional transportation plan developed by the
711 municipality's region's metropolitan planning organization, if the municipality is within the
712 boundaries of a metropolitan planning organization; or

713 (B) consider and coordinate with the long-range transportation plan developed by the
714 Department of Transportation, if the municipality is not within the boundaries of a

715 metropolitan planning organization; and

716 (ii) consider and coordinate with any station area plans adopted by the municipality if
717 required under Section 10-9a-403.1.

718 (f) In drafting the water use and preservation element, the planning commission:

719 (i) shall consider:

720 (A) applicable regional water conservation goals recommended by the Division of
721 Water Resources; and

722 (B) if Section 73-10-32 requires the municipality to adopt a water conservation plan
723 pursuant to Section 73-10-32, the municipality's water conservation plan;

724 (ii) shall include a recommendation for:

725 (A) water conservation policies to be determined by the municipality; and

726 (B) landscaping options within a public street for current and future development that
727 do not require the use of lawn or turf in a parkstrip;

728 (iii) shall review the municipality's land use ordinances and include a recommendation
729 for changes to an ordinance that promotes the inefficient use of water;

730 (iv) shall consider principles of sustainable landscaping, including the:

731 (A) reduction or limitation of the use of lawn or turf;

732 (B) promotion of site-specific landscape design that decreases stormwater runoff or
733 runoff of water used for irrigation;

734 (C) preservation and use of healthy trees that have a reasonable water requirement or
735 are resistant to dry soil conditions;

736 (D) elimination or regulation of ponds, pools, and other features that promote
737 unnecessary water evaporation;

738 (E) reduction of yard waste; and

739 (F) use of an irrigation system, including drip irrigation, best adapted to provide the
740 optimal amount of water to the plants being irrigated;

741 (v) shall consult with the public water system or systems serving the municipality with
742 drinking water regarding how implementation of the land use element and water use and
743 preservation element may affect:

744 (A) water supply planning, including drinking water source and storage capacity
745 consistent with Section 19-4-114; and

746 (B) water distribution planning, including master plans, infrastructure asset
747 management programs and plans, infrastructure replacement plans, and impact fee facilities
748 plans;

749 (vi) shall consult with the Division of Water Resources for information and technical
750 resources regarding regional water conservation goals, including how implementation of the
751 land use element and the water use and preservation element may affect the Great Salt Lake;

752 (vii) may include recommendations for additional water demand reduction strategies,
753 including:

754 (A) creating a water budget associated with a particular type of development;

755 (B) adopting new or modified lot size, configuration, and landscaping standards that
756 will reduce water demand for new single family development;

757 (C) providing one or more water reduction incentives for existing development such as
758 modification of existing landscapes and irrigation systems and installation of water fixtures or
759 systems that minimize water demand;

760 (D) discouraging incentives for economic development activities that do not adequately
761 account for water use or do not include strategies for reducing water demand; and

762 (E) adopting water concurrency standards requiring that adequate water supplies and
763 facilities are or will be in place for new development; and

764 (viii) for a town, may include, and for another municipality, shall include, a
765 recommendation for low water use landscaping standards for a new:

766 (A) commercial, industrial, or institutional development;

767 (B) common interest community, as defined in Section 57-25-102; or

768 (C) multifamily housing project.

769 (g) In drafting the riparian area element, the planning commission:

770 (i) shall establish a vision for the riparian area within the municipality and identify
771 strategies to implement the municipality's vision for the riparian area that shall include:

772 (A) recommendations to update the municipality's land use ordinances to support the
773 riparian area vision as established in the planning process; and

774 (B) other strategies as the municipality considers appropriate;

775 (ii) may consider:

776 (A) situations identified in Subsection (2)(a)(v) that warrant the implementation of

777 innovative or established zoning and preservation tools to regulate development to achieve
778 riparian area protections;

779 (B) situations that consider the ecological function and integrity of features that cut
780 across a riparian area, including a stream, bank, wetland, flood plain, or upland;

781 (C) situations calling for the protection of native riparian plants, including
782 identification and management of invasive species in accordance with state and federal law;

783 (D) situations calling for the protection of culturally significant landforms, historical
784 flood plains, or other important features close to rivers, streams, and wetlands;

785 (E) what constitutes best practices for the use of herbicides, pesticides, and fertilizer in
786 accordance, where relevant, with applicable state and federal law for management of
787 recognized listed species;

788 (F) situations calling for specific permits, analysis, or requests for minor exceptions or
789 reasonable use exceptions if no feasible alternative exists;

790 (G) what circumstances necessitate an applicant with a proposed project in a riparian
791 area to submit a resource inventory and impact analysis for the riparian area;

792 (H) whether to allow use of heavy equipment for construction of amenities or for
793 removal of debris;

794 (I) situations calling for the maintenance of trees that pose a safety risk from treefall,
795 fire, or flow conveyance during flooding, or calling for removal of dead or diseased trees;

796 (J) situations calling for the maintenance or installation of irrigation and flood control
797 devices;

798 (K) whether to allow activities approved by the United States Army Corps of Engineers
799 or state engineer;

800 (L) best practices in allowing public utilities work;

801 (M) the need to coordinate and cooperate with watershed councils, other governmental
802 agencies, and jurisdictions to facilitate compatible regulation and protection of a riparian areas
803 and recognize the riparian and hydrologic functions that are regional in natural and that cross
804 jurisdictional boundaries;

805 (N) tools available for the management of a riparian area, including tools published by
806 the Office of the Property Rights Ombudsman that may include information from the federal,
807 state, or local government agencies, including interlocal entities; and

808 (O) the need for a process through which a landowner may modify riparian
809 requirements to respond to unforeseen circumstances or to allow innovative development
810 techniques that meet or exceed adopted standards; and

811 (iii) may provide for management of the riparian area as part of the regulation of
812 environmentally sensitive areas under Subsection (3).

813 (3) The proposed general plan may include:

814 (a) an environmental element that addresses:

815 (i) the protection, conservation, development, and use of natural resources, including
816 the quality of:

817 (A) air;

818 (B) forests;

819 (C) soils;

820 (D) rivers;

821 (E) groundwater and other waters;

822 (F) harbors;

823 (G) fisheries;

824 (H) wildlife;

825 (I) minerals; and

826 (J) other natural resources; and

827 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
828 of streams and other waters;

829 (B) the regulation of the use of land on hillsides, stream channels and other
830 environmentally sensitive areas;

831 (C) the prevention, control, and correction of the erosion of soils;

832 (D) the preservation and enhancement of watersheds and wetlands; and

833 (E) the mapping of known geologic hazards;

834 (b) a public services and facilities element showing general plans for sewage, water,
835 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
836 police and fire protection, and other public services;

837 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
838 programs for:

- 839 (i) historic preservation;
- 840 (ii) the diminution or elimination of a development impediment as defined in Section
841 17C-1-102; and
- 842 (iii) redevelopment of land, including housing sites, business and industrial sites, and
843 public building sites;
- 844 (d) an economic element composed of appropriate studies and forecasts, as well as an
845 economic development plan, which may include review of existing and projected municipal
846 revenue and expenditures, revenue sources, identification of basic and secondary industry,
847 primary and secondary market areas, employment, and retail sales activity;
- 848 (e) recommendations for implementing all or any portion of the general plan, including
849 the adoption of land and water use ordinances, capital improvement plans, community
850 development and promotion, and any other appropriate action;
- 851 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);
852 and
- 853 (g) any other element the municipality considers appropriate.

854 Section 4. Section **10-9a-404** is amended to read:

855 **10-9a-404. Public hearing by planning commission on proposed general plan or**
856 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
857 **by legislative body.**

858 (1) (a) After completing the planning commission's recommendation for a proposed
859 general plan, or proposal to amend the general plan, the planning commission shall schedule
860 and hold a public hearing on the proposed plan or amendment.

861 (b) The planning commission shall provide notice of the public hearing, as required by
862 Section 10-9a-204.

863 (c) After the public hearing, the planning commission may modify the proposed
864 general plan or amendment.

865 (2) The planning commission shall forward the proposed general plan or amendment to
866 the legislative body.

867 (3) (a) The legislative body may adopt, reject, or make any revisions to the proposed
868 general plan or amendment that the legislative body considers appropriate.

869 (b) If the municipal legislative body rejects the proposed general plan or amendment,

870 the legislative body may provide suggestions to the planning commission for the planning
871 commission's review and recommendation.

872 (4) The legislative body shall adopt:

873 (a) a land use element as provided in Subsection 10-9a-403(2)(a)(i);

874 (b) a transportation and traffic circulation element as provided in Subsection
875 10-9a-403(2)(a)(ii);

876 (c) for a specified municipality as defined in Section 10-9a-408, a moderate income
877 housing element as provided in Subsection 10-9a-403(2)(a)(iii); ~~[and]~~

878 (d) except for a city of the fifth class or a town, on or before December 31, 2025, a
879 water use and preservation element as provided in Subsection 10-9a-403(2)(a)(iv)~~[-]~~; and

880 (e) on or before December 31, 2029, a riparian area element as provided in Subsection
881 10-9a-403(2)(a)(v) if the riparian area element is required by Subsection 10-9a-401(6).

882 Section 5. Section **17-27a-103** is amended to read:

883 **17-27a-103. Definitions.**

884 As used in this chapter:

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

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

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

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

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

897 (a) the entity's services or facilities are likely to require expansion or significant
898 modification because of an intended use of land;

899 (b) the entity has filed with the county a copy of the entity's general or long-range plan;

900 or

901 (c) the entity has filed with the county a request for notice during the same calendar
902 year and before the county provides notice to an affected entity in compliance with a
903 requirement imposed under this chapter.

904 (4) "Affected owner" means the owner of real property that is:

905 (a) a single project;

906 (b) the subject of a land use approval that sponsors of a referendum timely challenged
907 in accordance with Subsection 20A-7-601(6); and

908 (c) determined to be legally referable under Section 20A-7-602.8.

909 (5) "Appeal authority" means the person, board, commission, agency, or other body
910 designated by ordinance to decide an appeal of a decision of a land use application or a
911 variance.

912 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
913 residential property if the sign is designed or intended to direct attention to a business, product,
914 or service that is not sold, offered, or existing on the property where the sign is located.

915 (7) (a) "Charter school" means:

916 (i) an operating charter school;

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

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

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

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

924 (9) "Conditional use" means a land use that, because of the unique characteristics or
925 potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,
926 may not be compatible in some areas or may be compatible only if certain conditions are
927 required that mitigate or eliminate the detrimental impacts.

928 (10) "Constitutional taking" means a governmental action that results in a taking of
929 private property so that compensation to the owner of the property is required by the:

930 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

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

932 (11) "County utility easement" means an easement that:

933 (a) a plat recorded in a county recorder's office described as a county utility easement
934 or otherwise as a utility easement;

935 (b) is not a protected utility easement or a public utility easement as defined in Section
936 54-3-27;

937 (c) the county or the county's affiliated governmental entity owns or creates; and

938 (d) (i) either:

939 (A) no person uses or occupies; or

940 (B) the county or the county's affiliated governmental entity uses and occupies to
941 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
942 communications or data lines; or

943 (ii) a person uses or occupies with or without an authorized franchise or other
944 agreement with the county.

945 (12) "Culinary water authority" means the department, agency, or public entity with
946 responsibility to review and approve the feasibility of the culinary water system and sources for
947 the subject property.

948 (13) "Development activity" means:

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

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

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

955 (14) (a) "Development agreement" means a written agreement or amendment to a
956 written agreement between a county and one or more parties that regulates or controls the use
957 or development of a specific area of land.

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

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

962 (b) "Disability" does not include current illegal use of, or addiction to, any federally

963 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
964 Sec. 802.

965 (16) "Educational facility":

966 (a) means:

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

970 (ii) a structure or facility:

971 (A) located on the same property as a building described in Subsection (16)(a)(i); and

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

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

975 (b) does not include:

976 (i) land or a structure, including land or a structure for inventory storage, equipment
977 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

978 (A) not located on the same property as a building described in Subsection (16)(a)(i);

979 and

980 (B) used in support of the purposes of a building described in Subsection (16)(a)(i); or

981 (ii) a therapeutic school.

982 (17) "Fire authority" means the department, agency, or public entity with responsibility
983 to review and approve the feasibility of fire protection and suppression services for the subject
984 property.

985 (18) "Flood plain" means land that:

986 (a) is within the 100-year flood plain designated by the Federal Emergency
987 Management Agency; or

988 (b) has not been studied or designated by the Federal Emergency Management Agency
989 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
990 the land has characteristics that are similar to those of a 100-year flood plain designated by the
991 Federal Emergency Management Agency.

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

993 (20) "General plan" means a document that a county adopts that sets forth general

- 994 guidelines for proposed future development of:
- 995 (a) the unincorporated land within the county; or
- 996 (b) for a mountainous planning district, the land within the mountainous planning
- 997 district.
- 998 (21) "Geologic hazard" means:
- 999 (a) a surface fault rupture;
- 1000 (b) shallow groundwater;
- 1001 (c) liquefaction;
- 1002 (d) a landslide;
- 1003 (e) a debris flow;
- 1004 (f) unstable soil;
- 1005 (g) a rock fall; or
- 1006 (h) any other geologic condition that presents a risk:
- 1007 (i) to life;
- 1008 (ii) of substantial loss of real property; or
- 1009 (iii) of substantial damage to real property.
- 1010 (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 1011 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 1012 system.
- 1013 (23) "Identical plans" means building plans submitted to a county that:
- 1014 (a) are clearly marked as "identical plans";
- 1015 (b) are substantially identical building plans that were previously submitted to and
- 1016 reviewed and approved by the county; and
- 1017 (c) describe a building that:
- 1018 (i) is located on land zoned the same as the land on which the building described in the
- 1019 previously approved plans is located;
- 1020 (ii) is subject to the same geological and meteorological conditions and the same law
- 1021 as the building described in the previously approved plans;
- 1022 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 1023 and approved by the county; and
- 1024 (iv) does not require any additional engineering or analysis.

1025 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
1026 Impact Fees Act.

1027 (25) "Improvement completion assurance" means a surety bond, letter of credit,
1028 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
1029 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
1030 required as a condition precedent to:

1031 (a) recording a subdivision plat; or

1032 (b) development of a commercial, industrial, mixed use, or multifamily project.

1033 (26) "Improvement warranty" means an applicant's unconditional warranty that the
1034 applicant's installed and accepted landscaping or infrastructure improvement:

1035 (a) complies with the county's written standards for design, materials, and
1036 workmanship; and

1037 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1038 within the improvement warranty period.

1039 (27) "Improvement warranty period" means a period:

1040 (a) no later than one year after a county's acceptance of required landscaping; or

1041 (b) no later than one year after a county's acceptance of required infrastructure, unless
1042 the county:

1043 (i) determines for good cause that a one-year period would be inadequate to protect the
1044 public health, safety, and welfare; and

1045 (ii) has substantial evidence, on record:

1046 (A) of prior poor performance by the applicant; or

1047 (B) that the area upon which the infrastructure will be constructed contains suspect soil
1048 and the county has not otherwise required the applicant to mitigate the suspect soil.

1049 (28) "Infrastructure improvement" means permanent infrastructure that is essential for
1050 the public health and safety or that:

1051 (a) is required for human consumption; and

1052 (b) an applicant must install:

1053 (i) in accordance with published installation and inspection specifications for public
1054 improvements; and

1055 (ii) as a condition of:

- 1056 (A) recording a subdivision plat;
- 1057 (B) obtaining a building permit; or
- 1058 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
- 1059 project.
- 1060 (29) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 1061 designation that:
- 1062 (a) runs with the land; and
- 1063 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
- 1064 the plat; or
- 1065 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 1066 described on the plat.
- 1067 (30) "Interstate pipeline company" means a person or entity engaged in natural gas
- 1068 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
- 1069 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 1070 (31) "Intrastate pipeline company" means a person or entity engaged in natural gas
- 1071 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
- 1072 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 1073 (32) "Land use applicant" means a property owner, or the property owner's designee,
- 1074 who submits a land use application regarding the property owner's land.
- 1075 (33) "Land use application":
- 1076 (a) means an application that is:
- 1077 (i) required by a county; and
- 1078 (ii) submitted by a land use applicant to obtain a land use decision; and
- 1079 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 1080 (34) "Land use authority" means:
- 1081 (a) a person, board, commission, agency, or body, including the local legislative body,
- 1082 designated by the local legislative body to act upon a land use application; or
- 1083 (b) if the local legislative body has not designated a person, board, commission,
- 1084 agency, or body, the local legislative body.
- 1085 (35) "Land use decision" means an administrative decision of a land use authority or
- 1086 appeal authority regarding:

- 1087 (a) a land use permit;
1088 (b) a land use application; or
1089 (c) the enforcement of a land use regulation, land use permit, or development
1090 agreement.
- 1091 (36) "Land use permit" means a permit issued by a land use authority.
- 1092 (37) "Land use regulation":
1093 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1094 specification, fee, or rule that governs the use or development of land;
1095 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
1096 and
1097 (c) does not include:
1098 (i) a land use decision of the legislative body acting as the land use authority, even if
1099 the decision is expressed in a resolution or ordinance; or
1100 (ii) a temporary revision to an engineering specification that does not materially:
1101 (A) increase a land use applicant's cost of development compared to the existing
1102 specification; or
1103 (B) impact a land use applicant's use of land.
- 1104 (38) "Legislative body" means the county legislative body, or for a county that has
1105 adopted an alternative form of government, the body exercising legislative powers.
- 1106 (39) "Lot" means a tract of land, regardless of any label, that is created by and shown
1107 on a subdivision plat that has been recorded in the office of the county recorder.
- 1108 (40) (a) "Lot line adjustment" means a relocation of a lot line boundary between
1109 adjoining lots or between a lot and adjoining parcels in accordance with Section 17-27a-608:
1110 (i) whether or not the lots are located in the same subdivision; and
1111 (ii) with the consent of the owners of record.
1112 (b) "Lot line adjustment" does not mean a new boundary line that:
1113 (i) creates an additional lot; or
1114 (ii) constitutes a subdivision or a subdivision amendment.
1115 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
1116 Department of Transportation.
- 1117 (41) "Major transit investment corridor" means public transit service that uses or

1118 occupies:

1119 (a) public transit rail right-of-way;

1120 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1121 or

1122 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a

1123 municipality or county and:

1124 (i) a public transit district as defined in Section 17B-2a-802; or

1125 (ii) an eligible political subdivision as defined in Section 59-12-2219.

1126 (42) "Moderate income housing" means housing occupied or reserved for occupancy

1127 by households with a gross household income equal to or less than 80% of the median gross

1128 income for households of the same size in the county in which the housing is located.

1129 (43) "Mountainous planning district" means an area designated by a county legislative

1130 body in accordance with Section 17-27a-901.

1131 (44) "Nominal fee" means a fee that reasonably reimburses a county only for time spent

1132 and expenses incurred in:

1133 (a) verifying that building plans are identical plans; and

1134 (b) reviewing and approving those minor aspects of identical plans that differ from the

1135 previously reviewed and approved building plans.

1136 (45) "Noncomplying structure" means a structure that:

1137 (a) legally existed before the structure's current land use designation; and

1138 (b) because of one or more subsequent land use ordinance changes, does not conform

1139 to the setback, height restrictions, or other regulations, excluding those regulations that govern

1140 the use of land.

1141 (46) "Nonconforming use" means a use of land that:

1142 (a) legally existed before the current land use designation;

1143 (b) has been maintained continuously since the time the land use ordinance regulation

1144 governing the land changed; and

1145 (c) because of one or more subsequent land use ordinance changes, does not conform

1146 to the regulations that now govern the use of the land.

1147 (47) "Official map" means a map drawn by county authorities and recorded in the

1148 county recorder's office that:

- 1149 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1150 highways and other transportation facilities;
- 1151 (b) provides a basis for restricting development in designated rights-of-way or between
1152 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1153 the land; and
- 1154 (c) has been adopted as an element of the county's general plan.
- 1155 (48) "Parcel" means any real property that is not a lot.
- 1156 (49) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
1157 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
1158 agreement in accordance with Section 17-27a-523, if no additional parcel is created and:
- 1159 (i) none of the property identified in the agreement is a lot; or
1160 (ii) the adjustment is to the boundaries of a single person's parcels.
- 1161 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1162 line that:
- 1163 (i) creates an additional parcel; or
1164 (ii) constitutes a subdivision.
- 1165 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
1166 the Department of Transportation.
- 1167 (50) "Person" means an individual, corporation, partnership, organization, association,
1168 trust, governmental agency, or any other legal entity.
- 1169 (51) "Plan for moderate income housing" means a written document adopted by a
1170 county legislative body that includes:
- 1171 (a) an estimate of the existing supply of moderate income housing located within the
1172 county;
- 1173 (b) an estimate of the need for moderate income housing in the county for the next five
1174 years;
- 1175 (c) a survey of total residential land use;
- 1176 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1177 income housing; and
- 1178 (e) a description of the county's program to encourage an adequate supply of moderate
1179 income housing.

1180 (52) "Planning advisory area" means a contiguous, geographically defined portion of
1181 the unincorporated area of a county established under this part with planning and zoning
1182 functions as exercised through the planning advisory area planning commission, as provided in
1183 this chapter, but with no legal or political identity separate from the county and no taxing
1184 authority.

1185 (53) "Plat" means an instrument subdividing property into lots as depicted on a map or
1186 other graphical representation of lands that a licensed professional land surveyor makes and
1187 prepares in accordance with Section 17-27a-603 or 57-8-13.

1188 (54) "Potential geologic hazard area" means an area that:

1189 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1190 relevant map or report as needing further study to determine the area's potential for geologic
1191 hazard; or

1192 (b) has not been studied by the Utah Geological Survey or a county geologist but
1193 presents the potential of geologic hazard because the area has characteristics similar to those of
1194 a designated geologic hazard area.

1195 (55) "Public agency" means:

1196 (a) the federal government;

1197 (b) the state;

1198 (c) a county, municipality, school district, special district, special service district, or
1199 other political subdivision of the state; or

1200 (d) a charter school.

1201 (56) "Public hearing" means a hearing at which members of the public are provided a
1202 reasonable opportunity to comment on the subject of the hearing.

1203 (57) "Public meeting" means a meeting that is required to be open to the public under
1204 Title 52, Chapter 4, Open and Public Meetings Act.

1205 (58) "Public street" means a public right-of-way, including a public highway, public
1206 avenue, public boulevard, public parkway, public road, public lane, public alley, public
1207 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1208 easement, or other public way.

1209 (59) "Receiving zone" means an unincorporated area of a county that the county
1210 designates, by ordinance, as an area in which an owner of land may receive a transferable

1211 development right.

1212 (60) "Record of survey map" means a map of a survey of land prepared in accordance
1213 with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

1214 (61) "Residential facility for persons with a disability" means a residence:

1215 (a) in which more than one person with a disability resides; and

1216 (b) which is licensed or certified by the Department of Health and Human Services
1217 under:

1218 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

1219 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

1220 (62) "Residential roadway" means a public local residential road that:

1221 (a) will serve primarily to provide access to adjacent primarily residential areas and
1222 property;

1223 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

1224 (c) is not identified as a supplementary to a collector or other higher system classified
1225 street in an approved municipal street or transportation master plan;

1226 (d) has a posted speed limit of 25 miles per hour or less;

1227 (e) does not have higher traffic volumes resulting from connecting previously separated
1228 areas of the municipal road network;

1229 (f) cannot have a primary access, but can have a secondary access, and does not abut
1230 lots intended for high volume traffic or community centers, including schools, recreation
1231 centers, sports complexes, or libraries; and

1232 (g) primarily serves traffic within a neighborhood or limited residential area and is not
1233 necessarily continuous through several residential areas.

1234 (63) (a) "Riparian area" means land representing a transition between aquatic and
1235 upland habitats with a plant community that:

1236 (i) is contiguous to and affected by surface and subsurface hydrologic features of
1237 perennial or intermittent rivers, streams, lakes, or natural drainage ways; and

1238 (ii) has one or both of the following characteristics:

1239 (A) distinctly different vegetative species than adjacent areas; or

1240 (B) species similar to adjacent areas but exhibiting more vigorous or robust growth
1241 forms.

1242 (b) "Riparian area" may include wetlands that are not adjacent to open surface water
1243 bodies.

1244 ~~[(63)]~~ (64) "Rules of order and procedure" means a set of rules that govern and
1245 prescribe in a public meeting:

1246 (a) parliamentary order and procedure;

1247 (b) ethical behavior; and

1248 (c) civil discourse.

1249 ~~[(64)]~~ (65) "Sanitary sewer authority" means the department, agency, or public entity
1250 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1251 wastewater systems.

1252 ~~[(65)]~~ (66) "Sending zone" means an unincorporated area of a county that the county
1253 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1254 development right.

1255 ~~[(66)]~~ (67) "Site plan" means a document or map that may be required by a county
1256 during a preliminary review preceding the issuance of a building permit to demonstrate that an
1257 owner's or developer's proposed development activity meets a land use requirement.

1258 ~~[(67)]~~ (68) (a) "Special district" means an entity under Title 17B, Limited Purpose
1259 Local Government Entities - Special Districts.

1260 (b) "Special district" includes a governmental or quasi-governmental entity that is not a
1261 county, municipality, school district, or the state.

1262 ~~[(68)]~~ (69) "Specified public agency" means:

1263 (a) the state;

1264 (b) a school district; or

1265 (c) a charter school.

1266 ~~[(69)]~~ (70) "Specified public utility" means an electrical corporation, gas corporation,
1267 or telephone corporation, as those terms are defined in Section 54-2-1.

1268 ~~[(70)]~~ (71) "State" includes any department, division, or agency of the state.

1269 ~~[(71)]~~ (72) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
1270 to be divided into two or more lots or other division of land for the purpose, whether
1271 immediate or future, for offer, sale, lease, or development either on the installment plan or
1272 upon any and all other plans, terms, and conditions.

- 1273 (b) "Subdivision" includes:
- 1274 (i) the division or development of land, whether by deed, metes and bounds
1275 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
1276 the division includes all or a portion of a parcel or lot; and
- 1277 (ii) except as provided in Subsection (70)(c), divisions of land for residential and
1278 nonresidential uses, including land used or to be used for commercial, agricultural, and
1279 industrial purposes.
- 1280 (c) "Subdivision" does not include:
- 1281 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 1282 (ii) a boundary line agreement recorded with the county recorder's office between
1283 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
1284 17-27a-523 if no new lot is created;
- 1285 (iii) a recorded document, executed by the owner of record:
- 1286 (A) revising the legal descriptions of multiple parcels into one legal description
1287 encompassing all such parcels; or
- 1288 (B) joining a lot to a parcel;
- 1289 (iv) a bona fide division or partition of land in a county other than a first class county
1290 for the purpose of siting, on one or more of the resulting separate parcels:
- 1291 (A) an electrical transmission line or a substation;
- 1292 (B) a natural gas pipeline or a regulation station; or
- 1293 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1294 utility service regeneration, transformation, retransmission, or amplification facility;
- 1295 (v) a boundary line agreement between owners of adjoining subdivided properties
1296 adjusting the mutual lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608
1297 if:
- 1298 (A) no new dwelling lot or housing unit will result from the adjustment; and
1299 (B) the adjustment will not violate any applicable land use ordinance;
- 1300 (vi) a bona fide division of land by deed or other instrument if the deed or other
1301 instrument states in writing that the division:
- 1302 (A) is in anticipation of future land use approvals on the parcel or parcels;
1303 (B) does not confer any land use approvals; and

- 1304 (C) has not been approved by the land use authority;
- 1305 (vii) a parcel boundary adjustment;
- 1306 (viii) a lot line adjustment;
- 1307 (ix) a road, street, or highway dedication plat;
- 1308 (x) a deed or easement for a road, street, or highway purpose; or
- 1309 (xi) any other division of land authorized by law.
- 1310 [~~(72)~~] (73) (a) "Subdivision amendment" means an amendment to a recorded
- 1311 subdivision in accordance with Section 17-27a-608 that:
- 1312 (i) vacates all or a portion of the subdivision;
- 1313 (ii) alters the outside boundary of the subdivision;
- 1314 (iii) changes the number of lots within the subdivision;
- 1315 (iv) alters a public right-of-way, a public easement, or public infrastructure within the
- 1316 subdivision; or
- 1317 (v) alters a common area or other common amenity within the subdivision.
- 1318 (b) "Subdivision amendment" does not include a lot line adjustment, between a single
- 1319 lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.
- 1320 [~~(73)~~] (74) "Substantial evidence" means evidence that:
- 1321 (a) is beyond a scintilla; and
- 1322 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1323 [~~(74)~~] (75) "Suspect soil" means soil that has:
- 1324 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1325 3% swell potential;
- 1326 (b) bedrock units with high shrink or swell susceptibility; or
- 1327 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1328 commonly associated with dissolution and collapse features.
- 1329 [~~(75)~~] (76) "Therapeutic school" means a residential group living facility:
- 1330 (a) for four or more individuals who are not related to:
- 1331 (i) the owner of the facility; or
- 1332 (ii) the primary service provider of the facility;
- 1333 (b) that serves students who have a history of failing to function:
- 1334 (i) at home;

- 1335 (ii) in a public school; or
- 1336 (iii) in a nonresidential private school; and
- 1337 (c) that offers:
- 1338 (i) room and board; and
- 1339 (ii) an academic education integrated with:
- 1340 (A) specialized structure and supervision; or
- 1341 (B) services or treatment related to a disability, an emotional development, a
- 1342 behavioral development, a familial development, or a social development.
- 1343 ~~[(76)]~~ (77) "Transferable development right" means a right to develop and use land that
- 1344 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 1345 land use rights from a designated sending zone to a designated receiving zone.
- 1346 ~~[(77)]~~ (78) "Unincorporated" means the area outside of the incorporated area of a
- 1347 municipality.
- 1348 ~~[(78)]~~ (79) "Water interest" means any right to the beneficial use of water, including:
- 1349 (a) each of the rights listed in Section 73-1-11; and
- 1350 (b) an ownership interest in the right to the beneficial use of water represented by:
- 1351 (i) a contract; or
- 1352 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 1353 ~~[(79)]~~ (80) "Zoning map" means a map, adopted as part of a land use ordinance, that
- 1354 depicts land use zones, overlays, or districts.
- 1355 Section 6. Section **17-27a-401** is amended to read:
- 1356 **17-27a-401. General plan required -- Content -- Resource management plan --**
- 1357 **Provisions related to radioactive waste facility.**
- 1358 (1) To accomplish the purposes of this chapter, a county shall prepare and adopt a
- 1359 comprehensive, long-range general plan:
- 1360 (a) for present and future needs of the county;
- 1361 (b) (i) for growth and development of all or any part of the land within the
- 1362 unincorporated portions of the county; or
- 1363 (ii) if a county has designated a mountainous planning district, for growth and
- 1364 development of all or any part of the land within the mountainous planning district; and
- 1365 (c) as a basis for communicating and coordinating with the federal government on land

1366 and resource management issues.

1367 (2) To promote health, safety, and welfare, the general plan may provide for:

1368 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
1369 activities, aesthetics, and recreational, educational, and cultural opportunities;

1370 (b) the reduction of the waste of physical, financial, or human resources that result
1371 from either excessive congestion or excessive scattering of population;

1372 (c) the efficient and economical use, conservation, and production of the supply of:

1373 (i) food and water; and

1374 (ii) drainage, sanitary, and other facilities and resources;

1375 (d) the use of energy conservation and solar and renewable energy resources;

1376 (e) the protection of urban development;

1377 (f) the protection and promotion of air quality;

1378 (g) historic preservation;

1379 (h) identifying future uses of land that are likely to require an expansion or significant
1380 modification of services or facilities provided by an affected entity; and

1381 (i) an official map.

1382 (3) (a) (i) The general plan of a specified county, as defined in Section 17-27a-408,
1383 shall include a moderate income housing element that meets the requirements of Subsection
1384 17-27a-403(2)(a)(iii).

1385 (ii) (A) This Subsection (3)(a)(ii) applies to a county that does not qualify as a
1386 specified county as of January 1, 2023.

1387 (B) As of January 1, if a county described in Subsection (3)(a)(ii)(A) changes from one
1388 class to another or grows in population to qualify as a specified county as defined in Section
1389 17-27a-408, the county shall amend the county's general plan to comply with Subsection
1390 (3)(a)(i) on or before August 1 of the first calendar year beginning on January 1 in which the
1391 county qualifies as a specified county.

1392 (iii) A county described in Subsection (3)(a)(ii)(B) shall send a copy of the county's
1393 amended general plan to the association of governments, established pursuant to an interlocal
1394 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a
1395 member.

1396 (b) The general plan shall contain a resource management plan for the public lands, as

- 1397 defined in Section 63L-6-102, within the county.
- 1398 (c) The resource management plan described in Subsection (3)(b) shall address:
- 1399 (i) mining;
- 1400 (ii) land use;
- 1401 (iii) livestock and grazing;
- 1402 (iv) irrigation;
- 1403 (v) agriculture;
- 1404 (vi) fire management;
- 1405 (vii) noxious weeds;
- 1406 (viii) forest management;
- 1407 (ix) water rights;
- 1408 (x) ditches and canals;
- 1409 (xi) water quality and hydrology;
- 1410 (xii) flood plains and river terraces;
- 1411 (xiii) wetlands;
- 1412 (xiv) riparian areas;
- 1413 (xv) predator control;
- 1414 (xvi) wildlife;
- 1415 (xvii) fisheries;
- 1416 (xviii) recreation and tourism;
- 1417 (xix) energy resources;
- 1418 (xx) mineral resources;
- 1419 (xxi) cultural, historical, geological, and paleontological resources;
- 1420 (xxii) wilderness;
- 1421 (xxiii) wild and scenic rivers;
- 1422 (xxiv) threatened, endangered, and sensitive species;
- 1423 (xxv) land access;
- 1424 (xxvi) law enforcement;
- 1425 (xxvii) economic considerations; and
- 1426 (xxviii) air.
- 1427 (d) For each item listed under Subsection (3)(c), a county's resource management plan

1428 shall:

1429 (i) establish findings pertaining to the item;

1430 (ii) establish defined objectives; and

1431 (iii) outline general policies and guidelines on how the objectives described in

1432 Subsection (3)(d)(ii) are to be accomplished.

1433 (4) (a) (i) The general plan shall include specific provisions related to an area within, or

1434 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a

1435 county, which are proposed for the siting of a storage facility or transfer facility for the

1436 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as

1437 these wastes are defined in Section 19-3-303.

1438 (ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the

1439 proposed site upon the health and general welfare of citizens of the state, and shall provide:

1440 (A) the information identified in Section 19-3-305;

1441 (B) information supported by credible studies that demonstrates that Subsection

1442 19-3-307(2) has been satisfied; and

1443 (C) specific measures to mitigate the effects of high-level nuclear waste and greater

1444 than class C radioactive waste and guarantee the health and safety of the citizens of the state.

1445 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance

1446 indicating that all proposals for the siting of a storage facility or transfer facility for the

1447 placement of high-level nuclear waste or greater than class C radioactive waste wholly or

1448 partially within the county are rejected.

1449 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

1450 (d) The county shall send a certified copy of the ordinance described in Subsection

1451 (4)(b) to the executive director of the Department of Environmental Quality by certified mail

1452 within 30 days of enactment.

1453 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

1454 (i) comply with Subsection (4)(a) as soon as reasonably possible; and

1455 (ii) send a certified copy of the repeal to the executive director of the Department of

1456 Environmental Quality by certified mail within 30 days after the repeal.

1457 (5) The general plan may define the county's local customs, local culture, and the

1458 components necessary for the county's economic stability.

1459 (6) Subject to Subsection 17-27a-403(2), the county may determine the
1460 comprehensiveness, extent, and format of the general plan.

1461 (7) If a county has designated a mountainous planning district, the general plan for the
1462 mountainous planning district is the controlling plan.

1463 (8) Nothing in this part may be construed to limit the authority of the state to manage
1464 and protect wildlife under Title 23A, Wildlife Resources Act.

1465 (9) On or before December 31, 2025, a county that has a general plan that does not
1466 include a water use and preservation element that complies with Section 17-27a-403 shall
1467 amend the county's general plan to comply with Section 17-27a-403.

1468 (10) (a) Beginning on or before December 31, 2029, a county's general plan shall
1469 include a riparian area element that meets the requirements of Subsection 17-27a-403(2)(a)(vi)
1470 if a riparian area is located within the county.

1471 (b) Notwithstanding Subsection (10)(a), a county is not required to have a riparian area
1472 element in the county's general plan if the county has as of December 31, 2029, zoning or other
1473 land use ordinances that adequately address the factors in Subsection 17-27a-403(2)(a)(vi).

1474 Section 7. Section **17-27a-403** is amended to read:

1475 **17-27a-403. Plan preparation.**

1476 (1) (a) The planning commission shall provide notice, as provided in Section
1477 17-27a-203, of the planning commission's intent to make a recommendation to the county
1478 legislative body for a general plan or a comprehensive general plan amendment when the
1479 planning commission initiates the process of preparing the planning commission's
1480 recommendation.

1481 (b) The planning commission shall make and recommend to the legislative body a
1482 proposed general plan for:

1483 (i) the unincorporated area within the county; or

1484 (ii) if the planning commission is a planning commission for a mountainous planning
1485 district, the mountainous planning district.

1486 (c) (i) The plan may include planning for incorporated areas if, in the planning
1487 commission's judgment, they are related to the planning of the unincorporated territory or of
1488 the county as a whole.

1489 (ii) Elements of the county plan that address incorporated areas are not an official plan

1490 or part of a municipal plan for any municipality, unless the county plan is recommended by the
1491 municipal planning commission and adopted by the governing body of the municipality.

1492 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
1493 and descriptive and explanatory matter, shall include the planning commission's
1494 recommendations for the following plan elements:

1495 (i) a land use element that:

1496 (A) designates the long-term goals and the proposed extent, general distribution, and
1497 location of land for housing for residents of various income levels, business, industry,
1498 agriculture, recreation, education, public buildings and grounds, open space, and other
1499 categories of public and private uses of land as appropriate;

1500 (B) includes a statement of the projections for and standards of population density and
1501 building intensity recommended for the various land use categories covered by the plan;

1502 (C) is coordinated to integrate the land use element with the water use and preservation
1503 element; and

1504 (D) accounts for the effect of land use categories and land uses on water demand;

1505 (ii) a transportation and traffic circulation element that:

1506 (A) provides the general location and extent of existing and proposed freeways, arterial
1507 and collector streets, public transit, active transportation facilities, and other modes of
1508 transportation that the planning commission considers appropriate;

1509 (B) addresses the county's plan for residential and commercial development around
1510 major transit investment corridors to maintain and improve the connections between housing,
1511 employment, education, recreation, and commerce; and

1512 (C) correlates with the population projections, the employment projections, and the
1513 proposed land use element of the general plan;

1514 (iii) for a specified county as defined in Section 17-27a-408, a moderate income
1515 housing element that:

1516 (A) provides a realistic opportunity to meet the need for additional moderate income
1517 housing within the next five years;

1518 (B) selects three or more moderate income housing strategies described in Subsection
1519 (2)(b)(ii) for implementation; and

1520 (C) includes an implementation plan as provided in Subsection (2)(e);

- 1521 (iv) a resource management plan detailing the findings, objectives, and policies
1522 required by Subsection 17-27a-401(3); [~~and~~]
- 1523 (v) a water use and preservation element that addresses:
- 1524 (A) the effect of permitted development or patterns of development on water demand
1525 and water infrastructure;
- 1526 (B) methods of reducing water demand and per capita consumption for future
1527 development;
- 1528 (C) methods of reducing water demand and per capita consumption for existing
1529 development; and
- 1530 (D) opportunities for the county to modify the county's operations to eliminate
1531 practices or conditions that waste water[-] ; and
- 1532 (vi) if required by Subsection 17-27a-401(10), a riparian area element that addresses
1533 any of the following that are applicable to the county's riparian area:
- 1534 (A) preserving and enhancing natural stream functions for hydrologic conveyance and
1535 storage, including flood plains and wetlands;
- 1536 (B) managing bank stability, erosion, sedimentation, and flood control;
- 1537 (C) minimizing flood and fire risk to property through development of buffer zones
1538 and removal of dead or diseased vegetation considered to represent excessive fuel loads;
- 1539 (D) reducing water pollution, including by filtration;
- 1540 (E) protecting fish and wildlife habitat;
- 1541 (F) preserving or restoring vegetation while managing invasive plants, noxious weeds,
1542 and fuel loads; and
- 1543 (G) preserving aesthetic and recreational values.
- 1544 (b) In drafting the moderate income housing element, the planning commission:
- 1545 (i) shall consider the Legislature's determination that counties should facilitate a
1546 reasonable opportunity for a variety of housing, including moderate income housing:
- 1547 (A) to meet the needs of people of various income levels living, working, or desiring to
1548 live or work in the community; and
- 1549 (B) to allow people with various incomes to benefit from and fully participate in all
1550 aspects of neighborhood and community life; and
- 1551 (ii) shall include an analysis of how the county will provide a realistic opportunity for

1552 the development of moderate income housing within the planning horizon, including a
1553 recommendation to implement three or more of the following moderate income housing
1554 strategies:

- 1555 (A) rezone for densities necessary to facilitate the production of moderate income
1556 housing;
- 1557 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
1558 facilitates the construction of moderate income housing;
- 1559 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
1560 stock into moderate income housing;
- 1561 (D) identify and utilize county general fund subsidies or other sources of revenue to
1562 waive construction related fees that are otherwise generally imposed by the county for the
1563 construction or rehabilitation of moderate income housing;
- 1564 (E) create or allow for, and reduce regulations related to, internal or detached accessory
1565 dwelling units in residential zones;
- 1566 (F) zone or rezone for higher density or moderate income residential development in
1567 commercial or mixed-use zones, commercial centers, or employment centers;
- 1568 (G) amend land use regulations to allow for higher density or new moderate income
1569 residential development in commercial or mixed-use zones near major transit investment
1570 corridors;
- 1571 (H) amend land use regulations to eliminate or reduce parking requirements for
1572 residential development where a resident is less likely to rely on the resident's own vehicle,
1573 such as residential development near major transit investment corridors or senior living
1574 facilities;
- 1575 (I) amend land use regulations to allow for single room occupancy developments;
- 1576 (J) implement zoning incentives for moderate income units in new developments;
- 1577 (K) preserve existing and new moderate income housing and subsidized units by
1578 utilizing a landlord incentive program, providing for deed restricted units through a grant
1579 program, or establishing a housing loss mitigation fund;
- 1580 (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- 1581 (M) demonstrate creation of, or participation in, a community land trust program for
1582 moderate income housing;

1583 (N) implement a mortgage assistance program for employees of the county, an
1584 employer that provides contracted services for the county, or any other public employer that
1585 operates within the county;

1586 (O) apply for or partner with an entity that applies for state or federal funds or tax
1587 incentives to promote the construction of moderate income housing, an entity that applies for
1588 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
1589 entity that applies for affordable housing programs administered by the Department of
1590 Workforce Services, an entity that applies for services provided by a public housing authority
1591 to preserve and create moderate income housing, or any other entity that applies for programs
1592 or services that promote the construction or preservation of moderate income housing;

1593 (P) demonstrate utilization of a moderate income housing set aside from a community
1594 reinvestment agency, redevelopment agency, or community development and renewal agency
1595 to create or subsidize moderate income housing;

1596 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
1597 Part 6, Housing and Transit Reinvestment Zone Act;

1598 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
1599 accessory dwelling unit as defined in Section 10-9a-530;

1600 (S) create a program to transfer development rights for moderate income housing;

1601 (T) ratify a joint acquisition agreement with another local political subdivision for the
1602 purpose of combining resources to acquire property for moderate income housing;

1603 (U) develop a moderate income housing project for residents who are disabled or 55
1604 years old or older;

1605 (V) create or allow for, and reduce regulations related to, multifamily residential
1606 dwellings compatible in scale and form with detached single-family residential dwellings and
1607 located in walkable communities within residential or mixed-use zones; and

1608 (W) demonstrate implementation of any other program or strategy to address the
1609 housing needs of residents of the county who earn less than 80% of the area median income,
1610 including the dedication of a local funding source to moderate income housing or the adoption
1611 of a land use ordinance that requires 10% or more of new residential development in a
1612 residential zone be dedicated to moderate income housing.

1613 (iii) If a specified county, as defined in Section 17-27a-408, has created a small public

1614 transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the specified
1615 county shall include as part of the specified county's recommended strategies under Subsection
1616 (2)(b)(ii) a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q).

1617 (iv) The planning commission shall identify each moderate income housing strategy
1618 recommended to the legislative body for implementation by restating the exact language used
1619 to describe the strategy in Subsection (2)(b)(ii).

1620 (c) In drafting the land use element, the planning commission shall:

1621 (i) identify and consider each agriculture protection area within the unincorporated area
1622 of the county or mountainous planning district;

1623 (ii) avoid proposing a use of land within an agriculture protection area that is
1624 inconsistent with or detrimental to the use of the land for agriculture; and

1625 (iii) consider and coordinate with any station area plans adopted by municipalities
1626 located within the county under Section 10-9a-403.1.

1627 (d) In drafting the transportation and traffic circulation element, the planning
1628 commission shall:

1629 (i) (A) consider and coordinate with the regional transportation plan developed by the
1630 county's region's metropolitan planning organization, if the relevant areas of the county are
1631 within the boundaries of a metropolitan planning organization; or

1632 (B) consider and coordinate with the long-range transportation plan developed by the
1633 Department of Transportation, if the relevant areas of the county are not within the boundaries
1634 of a metropolitan planning organization; and

1635 (ii) consider and coordinate with any station area plans adopted by municipalities
1636 located within the county under Section 10-9a-403.1.

1637 (e) (i) In drafting the implementation plan portion of the moderate income housing
1638 element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to
1639 the legislative body the establishment of a five-year timeline for implementing each of the
1640 moderate income housing strategies selected by the county for implementation.

1641 (ii) The timeline described in Subsection (2)(e)(i) shall:

1642 (A) identify specific measures and benchmarks for implementing each moderate
1643 income housing strategy selected by the county; and

1644 (B) provide flexibility for the county to make adjustments as needed.

- 1645 (f) In drafting the water use and preservation element, the planning commission:
1646 (i) shall consider applicable regional water conservation goals recommended by the
1647 Division of Water Resources;
1648 (ii) shall consult with the Division of Water Resources for information and technical
1649 resources regarding regional water conservation goals, including how implementation of the
1650 land use element and water use and preservation element may affect the Great Salt Lake;
1651 (iii) shall notify the community water systems serving drinking water within the
1652 unincorporated portion of the county and request feedback from the community water systems
1653 about how implementation of the land use element and water use and preservation element may
1654 affect:
1655 (A) water supply planning, including drinking water source and storage capacity
1656 consistent with Section 19-4-114; and
1657 (B) water distribution planning, including master plans, infrastructure asset
1658 management programs and plans, infrastructure replacement plans, and impact fee facilities
1659 plans;
1660 (iv) shall consider the potential opportunities and benefits of planning for
1661 regionalization of public water systems;
1662 (v) shall consult with the Department of Agriculture and Food for information and
1663 technical resources regarding the potential benefits of agriculture conservation easements and
1664 potential implementation of agriculture water optimization projects that would support regional
1665 water conservation goals;
1666 (vi) shall notify an irrigation or canal company located in the county so that the
1667 irrigation or canal company can be involved in the protection and integrity of the irrigation or
1668 canal company's delivery systems;
1669 (vii) shall include a recommendation for:
1670 (A) water conservation policies to be determined by the county; and
1671 (B) landscaping options within a public street for current and future development that
1672 do not require the use of lawn or turf in a parkstrip;
1673 (viii) shall review the county's land use ordinances and include a recommendation for
1674 changes to an ordinance that promotes the inefficient use of water;
1675 (ix) shall consider principles of sustainable landscaping, including the:

- 1676 (A) reduction or limitation of the use of lawn or turf;
- 1677 (B) promotion of site-specific landscape design that decreases stormwater runoff or
1678 runoff of water used for irrigation;
- 1679 (C) preservation and use of healthy trees that have a reasonable water requirement or
1680 are resistant to dry soil conditions;
- 1681 (D) elimination or regulation of ponds, pools, and other features that promote
1682 unnecessary water evaporation;
- 1683 (E) reduction of yard waste; and
- 1684 (F) use of an irrigation system, including drip irrigation, best adapted to provide the
1685 optimal amount of water to the plants being irrigated;
- 1686 (x) may include recommendations for additional water demand reduction strategies,
1687 including:
- 1688 (A) creating a water budget associated with a particular type of development;
- 1689 (B) adopting new or modified lot size, configuration, and landscaping standards that
1690 will reduce water demand for new single family development;
- 1691 (C) providing one or more water reduction incentives for existing landscapes and
1692 irrigation systems and installation of water fixtures or systems that minimize water demand;
- 1693 (D) discouraging incentives for economic development activities that do not adequately
1694 account for water use or do not include strategies for reducing water demand; and
- 1695 (E) adopting water concurrency standards requiring that adequate water supplies and
1696 facilities are or will be in place for new development; and
- 1697 (xi) shall include a recommendation for low water use landscaping standards for a new:
- 1698 (A) commercial, industrial, or institutional development;
- 1699 (B) common interest community, as defined in Section 57-25-102; or
- 1700 (C) multifamily housing project.
- 1701 (g) In drafting the riparian area element, the planning commission:
- 1702 (i) shall establish a vision for the riparian areas within the county and identify
1703 strategies to implement the county's vision for the riparian areas that shall include:
- 1704 (A) recommendations to update the county's land use ordinances to support the riparian
1705 area vision as established in the planning process; and
- 1706 (B) other strategies as the county considers appropriate;

- 1707 (ii) may consider:
- 1708 (A) situations identified in Subsection (2)(a)(vi) that warrant the implementation of
- 1709 innovative or established zoning and preservation tools to regulate development to achieve
- 1710 riparian area protections;
- 1711 (B) situations that consider the ecological function and integrity of features that cut
- 1712 across a riparian area, including a stream, bank, wetland, flood plain, or upland;
- 1713 (C) situations calling for the protection of native riparian plants, including
- 1714 identification and management of invasive species in accordance with state and federal law;
- 1715 (D) situations calling for the protection of culturally significant landforms, historical
- 1716 flood plains, or other important features close to rivers, streams, and wetlands;
- 1717 (E) what constitutes best practices for the use of herbicides, pesticides, and fertilizer in
- 1718 accordance, where relevant, with applicable state and federal law for management of
- 1719 recognized listed species;
- 1720 (F) situations calling for specific permits, analysis, or requests for minor exceptions or
- 1721 reasonable use exceptions if no feasible alternative exists;
- 1722 (G) what circumstances necessitate an applicant with a proposed project in a riparian
- 1723 area to submit a resource inventory and impact analysis for the riparian area;
- 1724 (H) whether to allow use of heavy equipment for construction of amenities or for
- 1725 removal of debris;
- 1726 (I) situations calling for the maintenance of trees that pose a safety risk from treefall,
- 1727 fire, or flow conveyance during flooding, or calling for removal of dead or diseased trees;
- 1728 (J) situations calling for the maintenance or installation of irrigation and flood control
- 1729 devices;
- 1730 (K) whether to allow activities approved by the United States Army Corps of Engineers
- 1731 or state engineer;
- 1732 (L) best practices in allowing public utilities work;
- 1733 (M) the need to coordinate and cooperate with watershed councils, other governmental
- 1734 agencies, and jurisdictions to facilitate compatible regulation and protection of a riparian areas
- 1735 and recognize the riparian and hydrologic functions that are regional in natural and that cross
- 1736 jurisdictional boundaries;
- 1737 (N) tools available for the management of a riparian area, including tools published by

1738 the Office of the Property Rights Ombudsman that may include information from the federal,
1739 state, or local government agencies, including interlocal entities; and
1740 (O) the need for a process through which a landowner may modify riparian
1741 requirements to respond to unforeseen circumstances or to allow innovative development
1742 techniques that meet or exceed adopted standards; and
1743 (iii) may provide for management of the riparian area as part of the regulation of
1744 environmentally sensitive areas under Subsection (3).

1745 (3) The proposed general plan may include:

1746 (a) an environmental element that addresses:

1747 (i) to the extent not covered by the county's resource management plan, the protection,
1748 conservation, development, and use of natural resources, including the quality of:

1749 (A) air;

1750 (B) forests;

1751 (C) soils;

1752 (D) rivers;

1753 (E) groundwater and other waters;

1754 (F) harbors;

1755 (G) fisheries;

1756 (H) wildlife;

1757 (I) minerals; and

1758 (J) other natural resources; and

1759 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
1760 of streams and other waters;

1761 (B) the regulation of the use of land on hillsides, stream channels and other
1762 environmentally sensitive areas;

1763 (C) the prevention, control, and correction of the erosion of soils;

1764 (D) the preservation and enhancement of watersheds and wetlands; and

1765 (E) the mapping of known geologic hazards;

1766 (b) a public services and facilities element showing general plans for sewage, water,
1767 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
1768 police and fire protection, and other public services;

1769 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
1770 programs for:

1771 (i) historic preservation;

1772 (ii) the diminution or elimination of a development impediment as defined in Section
1773 17C-1-102; and

1774 (iii) redevelopment of land, including housing sites, business and industrial sites, and
1775 public building sites;

1776 (d) an economic element composed of appropriate studies and forecasts, as well as an
1777 economic development plan, which may include review of existing and projected county
1778 revenue and expenditures, revenue sources, identification of basic and secondary industry,
1779 primary and secondary market areas, employment, and retail sales activity;

1780 (e) recommendations for implementing all or any portion of the general plan, including
1781 the adoption of land and water use ordinances, capital improvement plans, community
1782 development and promotion, and any other appropriate action;

1783 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
1784 (3)(a)(i); and

1785 (g) any other element the county considers appropriate.

1786 Section 8. Section **17-27a-404** is amended to read:

1787 **17-27a-404. Public hearing by planning commission on proposed general plan or**
1788 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
1789 **by legislative body.**

1790 (1) (a) After completing the planning commission's recommendation for a proposed
1791 general plan, or proposal to amend the general plan, the planning commission shall schedule
1792 and hold a public hearing on the proposed plan or amendment.

1793 (b) The planning commission shall provide notice of the public hearing for the county,
1794 as a class A notice under Section 63G-30-102, for at least 10 calendar days before the day of
1795 the public hearing.

1796 (c) After the public hearing, the planning commission may modify the proposed
1797 general plan or amendment.

1798 (2) The planning commission shall forward the proposed general plan or amendment to
1799 the legislative body.

1800 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body
1801 shall provide notice of the legislative body's intent to consider the general plan proposal.

1802 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
1803 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
1804 regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection
1805 (3)(b).

1806 (ii) The hearing format shall allow adequate time for public comment at the actual
1807 public hearing, and shall also allow for public comment in writing to be submitted to the
1808 legislative body for not fewer than 90 days after the date of the public hearing.

1809 (c) (i) The legislative body shall give notice of the hearing in accordance with this
1810 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are
1811 complete.

1812 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
1813 the state Legislature, executive director of the Department of Environmental Quality, the state
1814 planning coordinator, the Resource Development Coordinating Committee, and any other
1815 citizens or entities who specifically request notice in writing.

1816 (iii) Public notice shall be given for the county, as a class A notice under Section
1817 63G-30-102, for at least 180 days.

1818 (iv) The notice shall be published to allow reasonable time for interested parties and
1819 the state to evaluate the information regarding Subsection 17-27a-401(4), including publication
1820 described in Subsection (3)(c)(iii) for 180 days before the date of the hearing to be held under
1821 this Subsection (3).

1822 (4) (a) After the public hearing required under this section, the legislative body may
1823 adopt, reject, or make any revisions to the proposed general plan that the legislative body
1824 considers appropriate.

1825 (b) The legislative body shall respond in writing and in a substantive manner to all
1826 those providing comments as a result of the hearing required by Subsection (3).

1827 (c) If the county legislative body rejects the proposed general plan or amendment, the
1828 legislative body may provide suggestions to the planning commission for the planning
1829 commission's review and recommendation.

1830 (5) The legislative body shall adopt:

- 1831 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);
- 1832 (b) a transportation and traffic circulation element as provided in Subsection
- 1833 17-27a-403(2)(a)(ii);
- 1834 (c) for a specified county as defined in Section 17-27a-408, a moderate income housing
- 1835 element as provided in Subsection 17-27a-403(2)(a)(iii);
- 1836 (d) a resource management plan as provided by Subsection 17-27a-403(2)(a)(iv); [~~and~~]
- 1837 (e) on or before December 31, 2025, a water use and preservation element as provided
- 1838 in Subsection 17-27a-403(2)(a)(v)[~~;~~] ; and
- 1839 (f) on or before December 31, 2029, a riparian area element as provided in Subsection
- 1840 17-27a-403(2)(a)(vi) if the riparian area element is required by Subsection 17-27a-401(10).
- 1841 **Section 9. Effective date.**
- 1842 This bill takes effect on May 1, 2024.