

Part 4

General Plan

10-9a-401 General plan required -- Content.

- (1) To accomplish the purposes of this chapter, a municipality shall prepare and adopt a comprehensive, long-range general plan for:
 - (a) present and future needs of the municipality; and
 - (b) growth and development of all or any part of the land within the municipality.
- (2) The general plan may provide for:
 - (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
 - (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
 - (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water; and
 - (ii) drainage, sanitary, and other facilities and resources;
 - (d) the use of energy conservation and solar and renewable energy resources;
 - (e) the protection of urban development;
 - (f) if the municipality is a town, the protection or promotion of moderate income housing;
 - (g) the protection and promotion of air quality;
 - (h) historic preservation;
 - (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by an affected entity; and
 - (j) an official map.
- (3)
 - (a) The general plan of a specified municipality, as defined in Section 10-9a-408, shall include a moderate income housing element that meets the requirements of Subsection 10-9a-403(2)(a)(iii).
 - (b)
 - (i) This Subsection (3)(b) applies to a municipality that is not a specified municipality as of January 1, 2023.
 - (ii) As of January 1, if a municipality described in Subsection (3)(b)(i) changes from one class to another or grows in population to qualify as a specified municipality as defined in Section 10-9a-408, the municipality shall amend the municipality's general plan to comply with Subsection (3)(a) on or before August 1 of the first calendar year beginning on January 1 in which the municipality qualifies as a specified municipality.
- (4) Subject to Subsection 10-9a-403(2), the municipality may determine the comprehensiveness, extent, and format of the general plan.
- (5) Except for a city of the fifth class or a town, on or before December 31, 2025, a municipality that has a general plan that does not include a water use and preservation element that complies with Section 10-9a-403 shall amend the municipality's general plan to comply with Section 10-9a-403.

Amended by Chapter 88, 2023 General Session

10-9a-402 Information and technical assistance from the state.

Each state official, department, and agency shall:

- (1) promptly deliver any data and information requested by a municipality unless the disclosure is prohibited by Title 63G, Chapter 2, Government Records Access and Management Act; and
- (2) furnish any other technical assistance and advice that they have available to the municipality without additional cost to the municipality.

Amended by Chapter 382, 2008 General Session

10-9a-403 General plan preparation.

- (1)
 - (a) The planning commission shall provide notice, as provided in Section 10-9a-203, of the planning commission's intent to make a recommendation to the municipal legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing the planning commission's recommendation.
 - (b) The planning commission shall make and recommend to the legislative body a proposed general plan for the area within the municipality.
 - (c) The plan may include areas outside the boundaries of the municipality if, in the planning commission's judgment, those areas are related to the planning of the municipality's territory.
 - (d) Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when the plan of a municipality involves territory outside the boundaries of the municipality, the municipality may not take action affecting that territory without the concurrence of the county or other municipalities affected.
- (2)
 - (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
 - (i) a land use element that:
 - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing for residents of various income levels, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate;
 - (B) includes a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;
 - (C) except for a city of the fifth class or a town, is coordinated to integrate the land use element with the water use and preservation element; and
 - (D) except for a city of the fifth class or a town, accounts for the effect of land use categories and land uses on water demand;
 - (ii) a transportation and traffic circulation element that:
 - (A) provides the general location and extent of existing and proposed freeways, arterial and collector streets, public transit, active transportation facilities, and other modes of transportation that the planning commission considers appropriate;
 - (B) for a municipality that has access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development around major transit investment corridors to maintain and improve the connections between housing, employment, education, recreation, and commerce;
 - (C) for a municipality that does not have access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development in areas that will maintain and improve the connections between housing, transportation, employment, education, recreation, and commerce; and

- (D) correlates with the population projections, the employment projections, and the proposed land use element of the general plan;
- (iii) a moderate income housing element that:
 - (A) provides a realistic opportunity to meet the need for additional moderate income housing within the municipality during the next five years;
 - (B) for a town, may include a recommendation to implement three or more of the moderate income housing strategies described in Subsection (2)(b)(iii);
 - (C) for a specified municipality, as defined in Section 10-9a-408, that does not have a fixed guideway public transit station, shall include a recommendation to implement three or more of the moderate income housing strategies described in Subsection (2)(b)(iii);
 - (D) for a specified municipality, as defined in Section 10-9a-408, that has a fixed guideway public transit station, shall include a recommendation to implement five or more of the moderate income housing strategies described in Subsection (2)(b)(iii), of which one shall be the moderate income housing strategy described in Subsection (2)(b)(iii)(V), and one shall be a moderate income housing strategy described in Subsection (2)(b)(iii)(G), (H), or (Q); and
 - (E) for a specified municipality, as defined in Section 10-9a-408, shall include an implementation plan as provided in Subsection (2)(c); and
- (iv) except for a city of the fifth class or a town, a water use and preservation element that addresses:
 - (A) the effect of permitted development or patterns of development on water demand and water infrastructure;
 - (B) methods of reducing water demand and per capita consumption for future development;
 - (C) methods of reducing water demand and per capita consumption for existing development; and
 - (D) opportunities for the municipality to modify the municipality's operations to eliminate practices or conditions that waste water.
- (b) In drafting the moderate income housing element, the planning commission:
 - (i) shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
 - (A) to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and
 - (B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life;
 - (ii) for a town, may include, and for a specified municipality as defined in Section 10-9a-408, shall include, an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing within the next five years;
 - (iii) for a town, may include, and for a specified municipality as defined in Section 10-9a-408, shall include a recommendation to implement the required number of any of the following moderate income housing strategies as specified in Subsection (2)(a)(iii):
 - (A) rezone for densities necessary to facilitate the production of moderate income housing;
 - (B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
 - (C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - (D) identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;

- (E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;
- (F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;
- (G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;
- (H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;
- (I) amend land use regulations to allow for single room occupancy developments;
- (J) implement zoning incentives for moderate income units in new developments;
- (K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section 10-9a-535, establishing a housing loss mitigation fund;
- (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- (M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;
- (N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;
- (O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;
- (P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;
- (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
- (R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;
- (S) create a program to transfer development rights for moderate income housing;
- (T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
- (U) develop a moderate income housing project for residents who are disabled or 55 years old or older;
- (V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;
- (W) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones; and

- (X) demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing; and
 - (iv) shall identify each moderate income housing strategy recommended to the legislative body for implementation by restating the exact language used to describe the strategy in Subsection (2)(b)(iii).
- (c)
- (i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to the legislative body the establishment of a five-year timeline for implementing each of the moderate income housing strategies selected by the municipality for implementation.
 - (ii) The timeline described in Subsection (2)(c)(i) shall:
 - (A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the municipality, whether one-time or ongoing; and
 - (B) provide flexibility for the municipality to make adjustments as needed.
- (d) In drafting the land use element, the planning commission shall:
- (i) identify and consider each agriculture protection area within the municipality;
 - (ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture; and
 - (iii) consider and coordinate with any station area plans adopted by the municipality if required under Section 10-9a-403.1.
- (e) In drafting the transportation and traffic circulation element, the planning commission shall:
- (i)
 - (A) consider and coordinate with the regional transportation plan developed by the municipality's region's metropolitan planning organization, if the municipality is within the boundaries of a metropolitan planning organization; or
 - (B) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the municipality is not within the boundaries of a metropolitan planning organization; and
 - (ii) consider and coordinate with any station area plans adopted by the municipality if required under Section 10-9a-403.1.
- (f) In drafting the water use and preservation element, the planning commission:
- (i) shall consider:
 - (A) applicable regional water conservation goals recommended by the Division of Water Resources; and
 - (B) if Section 73-10-32 requires the municipality to adopt a water conservation plan pursuant to Section 73-10-32, the municipality's water conservation plan;
 - (ii) shall include a recommendation for:
 - (A) water conservation policies to be determined by the municipality; and
 - (B) landscaping options within a public street for current and future development that do not require the use of lawn or turf in a parkstrip;
 - (iii) shall review the municipality's land use ordinances and include a recommendation for changes to an ordinance that promotes the inefficient use of water;
 - (iv) shall consider principles of sustainable landscaping, including the:
 - (A) reduction or limitation of the use of lawn or turf;

- (B) promotion of site-specific landscape design that decreases stormwater runoff or runoff of water used for irrigation;
- (C) preservation and use of healthy trees that have a reasonable water requirement or are resistant to dry soil conditions;
- (D) elimination or regulation of ponds, pools, and other features that promote unnecessary water evaporation;
- (E) reduction of yard waste; and
- (F) use of an irrigation system, including drip irrigation, best adapted to provide the optimal amount of water to the plants being irrigated;
- (v) shall consult with the public water system or systems serving the municipality with drinking water regarding how implementation of the land use element and water use and preservation element may affect:
 - (A) water supply planning, including drinking water source and storage capacity consistent with Section 19-4-114; and
 - (B) water distribution planning, including master plans, infrastructure asset management programs and plans, infrastructure replacement plans, and impact fee facilities plans;
- (vi) shall consult with the Division of Water Resources for information and technical resources regarding regional water conservation goals, including how implementation of the land use element and the water use and preservation element may affect the Great Salt Lake;
- (vii) may include recommendations for additional water demand reduction strategies, including:
 - (A) creating a water budget associated with a particular type of development;
 - (B) adopting new or modified lot size, configuration, and landscaping standards that will reduce water demand for new single family development;
 - (C) providing one or more water reduction incentives for existing development such as modification of existing landscapes and irrigation systems and installation of water fixtures or systems that minimize water demand;
 - (D) discouraging incentives for economic development activities that do not adequately account for water use or do not include strategies for reducing water demand; and
 - (E) adopting water concurrency standards requiring that adequate water supplies and facilities are or will be in place for new development; and
- (viii) for a town, may include, and for another municipality, shall include, a recommendation for low water use landscaping standards for a new:
 - (A) commercial, industrial, or institutional development;
 - (B) common interest community, as defined in Section 57-25-102; or
 - (C) multifamily housing project.
- (3) The proposed general plan may include:
 - (a) an environmental element that addresses:
 - (i) the protection, conservation, development, and use of natural resources, including the quality of:
 - (A) air;
 - (B) forests;
 - (C) soils;
 - (D) rivers;
 - (E) groundwater and other waters;
 - (F) harbors;
 - (G) fisheries;
 - (H) wildlife;
 - (I) minerals; and

- (J) other natural resources; and
- (ii)
 - (A) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters;
 - (B) the regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas;
 - (C) the prevention, control, and correction of the erosion of soils;
 - (D) the preservation and enhancement of watersheds and wetlands; and
 - (E) the mapping of known geologic hazards;
- (b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
- (c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
 - (i) historic preservation;
 - (ii) the diminution or elimination of a development impediment as defined in Section 17C-1-102; and
 - (iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
- (d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;
- (e) recommendations for implementing all or any portion of the general plan, including the adoption of land and water use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;
- (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3); and
- (g) any other element the municipality considers appropriate.

Amended by Chapter 88, 2023 General Session

Amended by Chapter 219, 2023 General Session

Amended by Chapter 238, 2023 General Session

10-9a-403.1 Station area plan requirements -- Contents -- Review and certification by applicable metropolitan planning organization.

(1) As used in this section:

- (a) "Applicable metropolitan planning organization" means the metropolitan planning organization that has jurisdiction over the area in which a fixed guideway public transit station is located.
- (b) "Applicable public transit district" means the public transit district, as defined in Section 17B-2a-802, of which a fixed guideway public transit station is included.
- (c) "Existing fixed guideway public transit station" means a fixed guideway public transit station for which construction begins before June 1, 2022.
- (d) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
- (e) "Metropolitan planning organization" means an organization established under 23 U.S.C. Sec. 134.
- (f) "New fixed guideway public transit station" means a fixed guideway public transit station for which construction begins on or after June 1, 2022.
- (g) "Qualifying land use petition" means a petition:

- (i) that involves land located within a station area for an existing public transit station that provides rail services;
 - (ii) that involves land located within a station area for which the municipality has not yet satisfied the requirements of Subsection (2)(a);
 - (iii) that proposes the development of an area greater than five contiguous acres, with no less than 51% of the acreage within the station area;
 - (iv) that would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;
 - (v) that would require a higher density than the density currently allowed by the municipality;
 - (vi) that proposes the construction of new residential units, at least 10% of which are dedicated to moderate income housing; and
 - (vii) for which the land use applicant requests the municipality to initiate the process of satisfying the requirements of Subsection (2)(a) for the station area in which the development is proposed, subject to Subsection (3)(d).
- (h)
- (i) "Station area" means:
 - (A) for a fixed guideway public transit station that provides rail services, the area within a one-half mile radius of the center of the fixed guideway public transit station platform; or
 - (B) for a fixed guideway public transit station that provides bus services only, the area within a one-fourth mile radius of the center of the fixed guideway public transit station platform.
 - (ii) "Station area" includes any parcel bisected by the radius limitation described in Subsection (1)(h)(i)(A) or (B).
- (i) "Station area plan" means a plan that:
- (i) establishes a vision, and the actions needed to implement that vision, for the development of land within a station area; and
 - (ii) is developed and adopted in accordance with this section.
- (2)
- (a) Subject to the requirements of this section, a municipality that has a fixed guideway public transit station located within the municipality's boundaries shall, for the station area:
 - (i) develop and adopt a station area plan; and
 - (ii) adopt any appropriate land use regulations to implement the station area plan.
 - (b) The requirements of Subsection (2)(a) shall be considered satisfied if:
 - (i)
 - (A) the municipality has already adopted plans or ordinances, approved land use applications, approved agreements or financing, or investments have been made, before June 1, 2022, that substantially promote each of the objectives in Subsection (7)(a) within the station area, and can demonstrate that such plans, ordinances, approved land use applications, approved agreements or financing, or investments are still relevant to making meaningful progress towards achieving such objectives; and
 - (B) the municipality adopts a resolution finding that the objectives of Subsection (7)(a) have been substantially promoted.
 - (ii)
 - (A) the municipality has determined that conditions exist that make satisfying a portion or all of the requirements of Subsection (2)(a) for a station area impracticable, including conditions that relate to existing development, entitlements, land ownership, land uses that make opportunities for new development and long-term redevelopment infeasible, environmental limitations, market readiness, development impediment conditions, or other similar conditions; and

- (B) the municipality adopts a resolution describing the conditions that exist to make satisfying the requirements of Subsection (2)(a) impracticable.
- (c) To the extent that previous actions by a municipality do not satisfy the requirements of Subsection (2)(a) for a station area, the municipality shall take the actions necessary to satisfy those requirements.
- (3)
 - (a) A municipality that has a new fixed guideway public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the station area surrounding the new fixed guideway public transit station before the new fixed guideway public transit station begins transit services.
 - (b) Except as provided in Subsections (3)(c) and (d), a municipality that has an existing fixed guideway public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection (2)(a) for the station area surrounding the existing fixed guideway public transit station on or before December 31, 2025.
 - (c) If a municipality has more than four existing fixed guideway public transit stations located within the municipality's boundaries, the municipality shall:
 - (i) on or before December 31, 2025, satisfy the requirements of Subsection (2)(a) for four or more station areas located within the municipality; and
 - (ii) on or before December 31 of each year thereafter, satisfy the requirements of Subsection (2)(a) for no less than two station areas located within the municipality until the municipality has satisfied the requirements of Subsection (2)(a) for each station area located within the municipality.
 - (d)
 - (i) Subject to Subsection (3)(d)(ii):
 - (A) if a municipality receives a complete qualifying land use petition on or before July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in which the development is proposed on or before July 1, 2023; and
 - (B) if a municipality receives a complete qualifying land use petition after July 1, 2022, the municipality shall satisfy the requirements of Subsection (2)(a) for the station area in which the development is proposed within a 12-month period beginning on the first day of the month immediately following the month in which the qualifying land use petition is submitted to the municipality, and shall notify the applicable metropolitan planning organization of the receipt of the qualified land use petition within 45 days of the date of receipt.
 - (ii)
 - (A) A municipality is not required to satisfy the requirements of Subsection (2)(a) for more than two station areas under Subsection (3)(d)(i) within any 12-month period.
 - (B) If a municipality receives more than two complete qualifying land use petitions on or before July 1, 2022, the municipality shall select two station areas for which the municipality will satisfy the requirements of Subsection (2)(a) in accordance with Subsection (3)(d)(i)(A).
 - (iii) A municipality shall process on a first priority basis a land use application, including an application for a building permit, if:
 - (A) the land use application is for a residential use within a station area for which the municipality has not satisfied the requirements of Subsection (2)(a); and
 - (B) the municipality would be required to change a zoning designation for the land use application to be approved.

- (e) Notwithstanding Subsections (3)(a) through (d), the time period for satisfying the requirements of Subsection (2)(a) for a station area may be extended once for a period of 12 months if:
 - (i) the municipality demonstrates to the applicable metropolitan planning organization that conditions exist that make satisfying the requirements of Subsection (2)(a) within the required time period infeasible, despite the municipality's good faith efforts; and
 - (ii) the applicable metropolitan planning organization certifies to the municipality in writing that the municipality satisfied the demonstration in Subsection (3)(e)(i).
- (4)
 - (a) Except as provided in Subsection (4)(b), if a station area is included within the boundaries of more than one municipality, each municipality with jurisdiction over the station area shall satisfy the requirements of Subsection (2)(a) for the portion of the station area over which the municipality has jurisdiction.
 - (b) Two or more municipalities with jurisdiction over a station area may coordinate to develop a shared station area plan for the entire station area.
- (5) A municipality that has more than one fixed guideway public transit station located within the municipality may, through an integrated process, develop station area plans for multiple station areas if the station areas are within close proximity of each other.
- (6)
 - (a) A municipality that is required to develop and adopt a station area plan under this section may request technical assistance from the applicable metropolitan planning organization.
 - (b) An applicable metropolitan planning organization that receives funds from the Governor's Office of Economic Opportunity under Section 63N-3-113 shall, when utilizing the funds, give priority consideration to requests for technical assistance for station area plans required under Subsection (3)(d).
- (7)
 - (a) A station area plan shall promote the following objectives within the station area:
 - (i) increasing the availability and affordability of housing, including moderate income housing;
 - (ii) promoting sustainable environmental conditions;
 - (iii) enhancing access to opportunities; and
 - (iv) increasing transportation choices and connections.
 - (b)
 - (i) To promote the objective described in Subsection (7)(a)(i), a municipality may consider implementing the following actions:
 - (A) aligning the station area plan with the moderate income housing element of the municipality's general plan;
 - (B) providing for densities necessary to facilitate the development of moderate income housing;
 - (C) providing for affordable costs of living in connection with housing, transportation, and parking; or
 - (D) any other similar action that promotes the objective described in Subsection (7)(a)(i).
 - (ii) To promote the objective described in Subsection (7)(a)(ii), a municipality may consider implementing the following actions:
 - (A) conserving water resources through efficient land use;
 - (B) improving air quality by reducing fuel consumption and motor vehicle trips;
 - (C) establishing parks, open spaces, and recreational opportunities; or
 - (D) any other similar action that promotes the objective described in Subsection (7)(a)(ii).

- (iii) To promote the objective described in Subsection (7)(a)(iii), a municipality may consider the following actions:
 - (A) maintaining and improving the connections between housing, transit, employment, education, recreation, and commerce;
 - (B) encouraging mixed-use development;
 - (C) enabling employment and educational opportunities within the station area;
 - (D) encouraging and promoting enhanced broadband connectivity; or
 - (E) any other similar action that promotes the objective described in Subsection (7)(a)(iii).
- (iv) To promote the objective described in Subsection (7)(a)(iv), a municipality may consider the following:
 - (A) supporting investment in infrastructure for all modes of transportation;
 - (B) increasing utilization of public transit;
 - (C) encouraging safe streets through the designation of pedestrian walkways and bicycle lanes;
 - (D) encouraging manageable and reliable traffic conditions;
 - (E) aligning the station area plan with the regional transportation plan of the applicable metropolitan planning organization; or
 - (F) any other similar action that promotes the objective described in Subsection (7)(a)(iv).
- (8) A station area plan shall include the following components:
 - (a) a station area vision that:
 - (i) is consistent with Subsection (7); and
 - (ii) describes the following:
 - (A) opportunities for the development of land within the station area under existing conditions;
 - (B) constraints on the development of land within the station area under existing conditions;
 - (C) the municipality's objectives for the transportation system within the station area and the future transportation system that meets those objectives;
 - (D) the municipality's objectives for land uses within the station area and the future land uses that meet those objectives;
 - (E) the municipality's objectives for public and open spaces within the station area and the future public and open spaces that meet those objectives; and
 - (F) the municipality's objectives for the development of land within the station area and the future development standards that meet those objectives;
 - (b) a map that depicts:
 - (i) the station area;
 - (ii) the area within the station area to which the station area plan applies, provided that the station area plan may apply to areas outside the station area, and the station area plan is not required to apply to the entire station area; and
 - (iii) the area where each action is needed to implement the station area plan;
 - (c) an implementation plan that identifies and describes each action needed within the next five years to implement the station area plan, and the party responsible for taking each action, including any actions to:
 - (i) modify land use regulations;
 - (ii) make infrastructure improvements;
 - (iii) modify deeds or other relevant legal documents;
 - (iv) secure funding or develop funding strategies;
 - (v) establish design standards for development within the station area; or
 - (vi) provide environmental remediation;

- (d) a statement that explains how the station area plan promotes the objectives described in Subsection (7)(a); and
- (e) as an alternative or supplement to the requirements of Subsection (7) or this Subsection (8), and for purposes of Subsection (2)(b)(ii), a statement that describes any conditions that would make the following impracticable:
 - (i) promoting the objectives described in Subsection (7)(a); or
 - (ii) satisfying the requirements of this Subsection (8).
- (9) A municipality shall develop a station area plan with the involvement of all relevant stakeholders that have an interest in the station area through public outreach and community engagement, including:
 - (a) other impacted communities;
 - (b) the applicable public transit district;
 - (c) the applicable metropolitan planning organization;
 - (d) the Department of Transportation;
 - (e) owners of property within the station area; and
 - (f) the municipality's residents and business owners.
- (10)
 - (a) A municipality that is required to develop and adopt a station area plan for a station area under this section shall submit to the applicable metropolitan planning organization and the applicable public transit district documentation evidencing that the municipality has satisfied the requirement of Subsection (2)(a)(i) for the station area, including:
 - (i) a station area plan; or
 - (ii) a resolution adopted under Subsection (2)(b)(i) or (ii).
 - (b) The applicable metropolitan planning organization, in consultation with the applicable public transit district, shall:
 - (i) review the documentation submitted under Subsection (10)(a) to determine the municipality's compliance with this section; and
 - (ii) provide written certification to the municipality if the applicable metropolitan planning organization determines that the municipality has satisfied the requirement of Subsection (2)(a)(i) for the station area.
 - (c) The municipality shall include the certification described in Subsection (10)(b)(ii) in the municipality's report to the Department of Workforce Services under Section 10-9a-408.

Amended by Chapter 219, 2023 General Session

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

- (1)
 - (a) After completing the planning commission's recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.
 - (b) The planning commission shall provide notice of the public hearing, as required by Section 10-9a-204.
 - (c) After the public hearing, the planning commission may modify the proposed general plan or amendment.
- (2) The planning commission shall forward the proposed general plan or amendment to the legislative body.

- (3)
 - (a) The legislative body may adopt, reject, or make any revisions to the proposed general plan or amendment that the legislative body considers appropriate.
 - (b) If the municipal legislative body rejects the proposed general plan or amendment, the legislative body may provide suggestions to the planning commission for the planning commission's review and recommendation.
- (4) The legislative body shall adopt:
 - (a) a land use element as provided in Subsection 10-9a-403(2)(a)(i);
 - (b) a transportation and traffic circulation element as provided in Subsection 10-9a-403(2)(a)(ii);
 - (c) for a specified municipality as defined in Section 10-9a-408, a moderate income housing element as provided in Subsection 10-9a-403(2)(a)(iii); and
 - (d) except for a city of the fifth class or a town, on or before December 31, 2025, a water use and preservation element as provided in Subsection 10-9a-403(2)(a)(iv).

Amended by Chapter 282, 2022 General Session

Amended by Chapter 406, 2022 General Session

10-9a-405 Effect of general plan.

Except as provided in Section 10-9a-406, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

Enacted by Chapter 254, 2005 General Session

10-9a-406 Public uses to conform to general plan.

After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

Renumbered and Amended by Chapter 254, 2005 General Session

10-9a-407 Effect of official maps.

- (1) Municipalities may adopt an official map.
- (2)
 - (a) An official map does not:
 - (i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (2)(b)(iii); or
 - (ii) require a municipality to immediately acquire property it has designated for eventual use as a public street.
 - (b) This section does not prohibit a municipality from:
 - (i) recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Section 10-9a-508;
 - (ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or
 - (iii) requiring the dedication and improvement of a street if the street is found necessary by the municipality because of a proposed development and if the dedication and improvement are consistent with Section 10-9a-508.

Renumbered and Amended by Chapter 254, 2005 General Session

10-9a-408 Moderate income housing report -- Contents -- Prioritization for funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.

(1) As used in this section:

- (a) "Division" means the Housing and Community Development Division within the Department of Workforce Services.
- (b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified municipality's general plan as provided in Subsection 10-9a-403(2)(c).
- (c) "Initial report" or "initial moderate income housing report" means the one-time report described in Subsection (2).
- (d) "Moderate income housing strategy" means a strategy described in Subsection 10-9a-403(2)(b)(iii).
- (e) "Report" means an initial report or a subsequent progress report.
- (f) "Specified municipality" means:
 - (i) a city of the first, second, third, or fourth class;
 - (ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class; or
 - (iii) a metro township with a population of 5,000 or more.
- (g) "Subsequent progress report" means the annual report described in Subsection (3).

(2)

(a) The legislative body of a specified municipality shall submit an initial report to the division.

(b)

- (i) This Subsection (2)(b) applies to a municipality that is not a specified municipality as of January 1, 2023.
- (ii) As of January 1, if a municipality described in Subsection (2)(b)(i) changes from one class to another or grows in population to qualify as a specified municipality, the municipality shall submit an initial plan to the division on or before August 1 of the first calendar year beginning on January 1 in which the municipality qualifies as a specified municipality.

(c) The initial report shall:

- (i) identify each moderate income housing strategy selected by the specified municipality for continued, ongoing, or one-time implementation, restating the exact language used to describe the moderate income housing strategy in Subsection 10-9a-403(2)(b)(iii); and
- (ii) include an implementation plan.

(3)

(a) After the division approves a specified municipality's initial report under this section, the specified municipality shall, as an administrative act, annually submit to the division a subsequent progress report on or before August 1 of each year after the year in which the specified municipality is required to submit the initial report.

(b) The subsequent progress report shall include:

- (i) subject to Subsection (3)(c), a description of each action, whether one-time or ongoing, taken by the specified municipality during the previous 12-month period to implement the moderate income housing strategies identified in the initial report for implementation;
- (ii) a description of each land use regulation or land use decision made by the specified municipality during the previous 12-month period to implement the moderate income housing strategies, including an explanation of how the land use regulation or land use

- decision supports the specified municipality's efforts to implement the moderate income housing strategies;
- (iii) a description of any barriers encountered by the specified municipality in the previous 12-month period in implementing the moderate income housing strategies;
 - (iv) information regarding the number of internal and external or detached accessory dwelling units located within the specified municipality for which the specified municipality:
 - (A) issued a building permit to construct; or
 - (B) issued a business license or comparable license or permit to rent;
 - (v) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and
 - (vi) any recommendations on how the state can support the specified municipality in implementing the moderate income housing strategies.
- (c) For purposes of describing actions taken by a specified municipality under Subsection (3)(b)(i), the specified municipality may include an ongoing action taken by the specified municipality prior to the 12-month reporting period applicable to the subsequent progress report if the specified municipality:
- (i) has already adopted an ordinance, approved a land use application, made an investment, or approved an agreement or financing that substantially promotes the implementation of a moderate income housing strategy identified in the initial report; and
 - (ii) demonstrates in the subsequent progress report that the action taken under Subsection (3)(c)(i) is relevant to making meaningful progress towards the specified municipality's implementation plan.
- (d) A specified municipality's report shall be in a form:
- (i) approved by the division; and
 - (ii) made available by the division on or before May 1 of the year in which the report is required.
- (4) Within 90 days after the day on which the division receives a specified municipality's report, the division shall:
- (a) post the report on the division's website;
 - (b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified municipality is located, and, if the specified municipality is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and
 - (c) subject to Subsection (5), review the report to determine compliance with this section.
- (5)
- (a) An initial report does not comply with this section unless the report:
 - (i) includes the information required under Subsection (2)(c);
 - (ii) demonstrates to the division that the specified municipality made plans to implement:
 - (A) three or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or
 - (B) subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station; and
 - (iii) is in a form approved by the division.
 - (b) A subsequent progress report does not comply with this section unless the report:
 - (i) demonstrates to the division that the specified municipality made plans to implement:
 - (A) three or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

- (B) subject to the requirements of Subsection 10-9a-403(2)(a)(iii)(D), five or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station;
- (ii) is in a form approved by the division; and
- (iii) provides sufficient information for the division to:
 - (A) assess the specified municipality's progress in implementing the moderate income housing strategies;
 - (B) monitor compliance with the specified municipality's implementation plan;
 - (C) identify a clear correlation between the specified municipality's land use regulations and land use decisions and the specified municipality's efforts to implement the moderate income housing strategies;
 - (D) identify how the market has responded to the specified municipality's selected moderate income housing strategies; and
 - (E) identify any barriers encountered by the specified municipality in implementing the selected moderate income housing strategies.
- (6)
 - (a) A specified municipality qualifies for priority consideration under this Subsection (6) if the specified municipality's report:
 - (i) complies with this section; and
 - (ii) demonstrates to the division that the specified municipality made plans to implement:
 - (A) five or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or
 - (B) six or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station.
 - (b) The Transportation Commission may, in accordance with Subsection 72-1-304(3)(c), give priority consideration to transportation projects located within the boundaries of a specified municipality described in Subsection (6)(a) until the Department of Transportation receives notice from the division under Subsection (6)(e).
 - (c) Upon determining that a specified municipality qualifies for priority consideration under this Subsection (6), the division shall send a notice of prioritization to the legislative body of the specified municipality and the Department of Transportation.
 - (d) The notice described in Subsection (6)(c) shall:
 - (i) name the specified municipality that qualifies for priority consideration;
 - (ii) describe the funds or projects for which the specified municipality qualifies to receive priority consideration; and
 - (iii) state the basis for the division's determination that the specified municipality qualifies for priority consideration.
 - (e) The division shall notify the legislative body of a specified municipality and the Department of Transportation in writing if the division determines that the specified municipality no longer qualifies for priority consideration under this Subsection (6).
- (7)
 - (a) If the division, after reviewing a specified municipality's report, determines that the report does not comply with this section, the division shall send a notice of noncompliance to the legislative body of the specified municipality.
 - (b) A specified municipality that receives a notice of noncompliance may:
 - (i) cure each deficiency in the report within 90 days after the day on which the notice of noncompliance is sent; or

- (ii) request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent.
- (c) The notice described in Subsection (7)(a) shall:
 - (i) describe each deficiency in the report and the actions needed to cure each deficiency;
 - (ii) state that the specified municipality has an opportunity to:
 - (A) submit to the division a corrected report that cures each deficiency in the report within 90 days after the day on which the notice of compliance is sent; or
 - (B) submit to the division a request for an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent; and
 - (iii) state that failure to take action under Subsection (7)(c)(ii) will result in the specified municipality's ineligibility for funds under Subsection (9).
- (d) For purposes of curing the deficiencies in a report under this Subsection (7), if the action needed to cure the deficiency as described by the division requires the specified municipality to make a legislative change, the specified municipality may cure the deficiency by making that legislative change within the 90-day cure period.
- (e)
 - (i) If a specified municipality submits to the division a corrected report in accordance with Subsection (7)(b)(i) and the division determines that the corrected report does not comply with this section, the division shall send a second notice of noncompliance to the legislative body of the specified municipality within 30 days after the day on which the corrected report is submitted.
 - (ii) A specified municipality that receives a second notice of noncompliance may submit to the division a request for an appeal of the division's determination of noncompliance within 10 days after the day on which the second notice of noncompliance is sent.
 - (iii) The notice described in Subsection (7)(e)(i) shall:
 - (A) state that the specified municipality has an opportunity to submit to the division a request for an appeal of the division's determination of noncompliance within 10 days after the day on which the second notice of noncompliance is sent; and
 - (B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the specified municipality's ineligibility for funds under Subsection (9).
- (8)
 - (a) A specified municipality that receives a notice of noncompliance under Subsection (7)(a) or (7)(e)(i) may request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent.
 - (b) Within 90 days after the day on which the division receives a request for an appeal, an appeal board consisting of the following three members shall review and issue a written decision on the appeal:
 - (i) one individual appointed by the Utah League of Cities and Towns;
 - (ii) one individual appointed by the Utah Homebuilders Association; and
 - (iii) one individual appointed by the presiding member of the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the specified municipality is a member.
 - (c) The written decision of the appeal board shall either uphold or reverse the division's determination of noncompliance.
 - (d) The appeal board's written decision on the appeal is final.
- (9)
 - (a) A specified municipality is ineligible for funds under this Subsection (9) if:

- (i) the specified municipality fails to submit a report to the division;
 - (ii) after submitting a report to the division, the division determines that the report does not comply with this section and the specified municipality fails to:
 - (A) cure each deficiency in the report within 90 days after the day on which the notice of noncompliance is sent; or
 - (B) request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent;
 - (iii) after submitting to the division a corrected report to cure the deficiencies in a previously-submitted report, the division determines that the corrected report does not comply with this section and the specified municipality fails to request an appeal of the division's determination of noncompliance within 10 days after the day on which the second notice of noncompliance is sent; or
 - (iv) after submitting a request for an appeal under Subsection (8), the appeal board issues a written decision upholding the division's determination of noncompliance.
- (b) The following apply to a specified municipality described in Subsection (9)(a) until the division provides notice under Subsection (9)(e):
- (i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to projects located within the boundaries of the specified municipality in accordance with Subsection 72-2-124(5);
 - (ii) beginning with a report submitted in 2024, the specified municipality shall pay a fee to the Olene Walker Housing Loan Fund in the amount of \$250 per day that the specified municipality:
 - (A) fails to submit the report to the division in accordance with this section, beginning the day after the day on which the report was due; or
 - (B) fails to cure the deficiencies in the report, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance under Subsection (7); and
 - (iii) beginning with the report submitted in 2025, the specified municipality shall pay a fee to the Olene Walker Housing Loan Fund in the amount of \$500 per day that the specified municipality, in a consecutive year:
 - (A) fails to submit the report to the division in accordance with this section, beginning the day after the day on which the report was due; or
 - (B) fails to cure the deficiencies in the report, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance under Subsection (6).
- (c) Upon determining that a specified municipality is ineligible for funds under this Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the division shall send a notice of ineligibility to the legislative body of the specified municipality, the Department of Transportation, the State Tax Commission and the Governor's Office of Planning and Budget.
- (d) The notice described in Subsection (9)(c) shall:
- (i) name the specified municipality that is ineligible for funds;
 - (ii) describe the funds for which the specified municipality is ineligible to receive;
 - (iii) describe the fee the specified municipality is required to pay under Subsection (9)(b), if applicable, and
 - (iv) state the basis for the division's determination that the specified municipality is ineligible for funds.

- (e) The division shall notify the legislative body of a specified municipality and the Department of Transportation in writing if the division determines that the provisions of this Subsection (9) no longer apply to the specified municipality.
- (f) The division may not determine that a specified municipality that is required to pay a fee under Subsection (9)(b) is in compliance with the reporting requirements of this section until the specified municipality pays all outstanding fees required under Subsection (9)(b) to the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.
- (10) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 10-9a-404(4)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Amended by Chapter 88, 2023 General Session, (Coordination Clause)

Amended by Chapter 88, 2023 General Session

Amended by Chapter 501, 2023 General Session

Amended by Chapter 529, 2023 General Session