

Part 3 Planning Commission

17-27a-301 Ordinance establishing planning commission required -- Exception -- Ordinance requirements -- Planning advisory area planning commission -- Compensation.

- (1)
 - (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance establishing a countywide planning commission for the unincorporated areas of the county not within a planning advisory area.
 - (b) Subsection (1)(a) does not apply if all of the county is included within any combination of:
 - (i) municipalities;
 - (ii) planning advisory areas with their own planning commissions; and
 - (iii) mountainous planning districts.
 - (c)
 - (i) Notwithstanding Subsection (1)(a), and except as provided in Subsection (1)(c)(ii), a county that designates a mountainous planning district shall enact an ordinance, subject to Subsection (1)(c)(ii), establishing a planning commission that has jurisdiction over the entire mountainous planning district, including areas of the mountainous planning district that are also located within a municipality or are unincorporated.
 - (ii) A planning commission described in Subsection (1)(c)(i):
 - (A) does not have jurisdiction over a municipality described in Subsection 10-9a-304(2)(b); and
 - (B) has jurisdiction subject to a local health department exercising its authority in accordance with Title 26A, Chapter 1, Local Health Departments and a municipality exercising the municipality's authority in accordance with Section 10-8-15.
 - (iii) The ordinance shall require that:
 - (A) members of the planning commission represent areas located in the unincorporated and incorporated county;
 - (B) members of the planning commission be registered voters who reside either in the unincorporated or incorporated county;
 - (C) at least one member of the planning commission resides within the mountainous planning district; and
 - (D) the county designate up to four seats on the planning commission, and fill each vacancy in the designated seats in accordance with the procedure described in Subsection (7).
- (2)
 - (a) The ordinance described in Subsection (1)(a) or (c) shall define:
 - (i) the number and terms of the members and, if the county chooses, alternate members;
 - (ii) the mode of appointment;
 - (iii) the procedures for filling vacancies and removal from office;
 - (iv) the authority of the planning commission;
 - (v) subject to Subsection (2)(b), the rules of order and procedure for use by the planning commission in a public meeting; and
 - (vi) other details relating to the organization and procedures of the planning commission.
 - (b) Subsection (2)(a)(v) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (3)
 - (a)

- (i) If the county establishes a planning advisory area planning commission, the county legislative body shall enact an ordinance that defines:
 - (A) appointment procedures;
 - (B) procedures for filling vacancies and removing members from office;
 - (C) subject to Subsection (3)(a)(ii), the rules of order and procedure for use by the planning advisory area planning commission in a public meeting; and
 - (D) details relating to the organization and procedures of each planning advisory area planning commission.
- (ii) Subsection (3)(a)(i)(C) does not affect the planning advisory area planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (b) The planning commission for each planning advisory area shall consist of seven members who shall be appointed by:
 - (i) in a county operating under a form of government in which the executive and legislative functions of the governing body are separated, the county executive with the advice and consent of the county legislative body; or
 - (ii) in a county operating under a form of government in which the executive and legislative functions of the governing body are not separated, the county legislative body.
- (c)
 - (i) Members shall serve four-year terms and until their successors are appointed and qualified.
 - (ii) Notwithstanding the provisions of Subsection (3)(c)(i), members of the first planning commissions shall be appointed so that, for each commission, the terms of at least one member and no more than two members expire each year.
- (d)
 - (i) Each member of a planning advisory area planning commission shall be a registered voter residing within the planning advisory area.
 - (ii) Subsection (3)(d)(i) does not apply to a member described in Subsection (4)(a) if that member was, prior to May 12, 2015, authorized to reside outside of the planning advisory area.
- (4)
 - (a) A member of a planning commission who was elected to and served on a planning commission on May 12, 2015, shall serve out the term to which the member was elected.
 - (b) Upon the expiration of an elected term described in Subsection (4)(a), the vacant seat shall be filled by appointment in accordance with this section.
- (5) Upon the appointment of all members of a planning advisory area planning commission, each planning advisory area planning commission under this section shall begin to exercise the powers and perform the duties provided in Section 17-27a-302 with respect to all matters then pending that previously had been under the jurisdiction of the countywide planning commission or planning advisory area planning and zoning board.
- (6) The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended.
- (7)
 - (a) Subject to Subsection (7)(f), a county shall fill a vacancy in a planning commission seat described in Subsection (1)(c)(iii)(D) in accordance with this Subsection (7).
 - (b) If a county designates one or more planning commission seats under Subsection (1)(c)(iii)(D), the county shall identify at least one and up to four cities that:
 - (i)
 - (A) are adjacent to the mountainous planning district; and

- (B) border the entrance to a canyon that is located within the boundaries of the mountainous planning district and accessed by a paved road maintained by the county or the state; or
- (ii) exercise extraterritorial jurisdiction in accordance with Section 10-8-15.
- (c) When there is a vacancy in a planning commission seat described in Subsection (1)(c)(iii)(D), the county shall send a written request to one of the cities described in Subsection (7)(b), on a rotating basis, if applicable, for a list of three individuals, who satisfy the requirements described in Subsection (1)(c)(iii)(B), to fill the vacancy.
- (d) The city shall respond to a written request described in Subsection (7)(c) within 60 days after the day on which the city receives the written request.
- (e) After the county receives the city's list of three individuals, the county shall submit one of the individuals on the list for appointment to the vacant planning commission seat in accordance with county ordinance.
- (f) The county shall fill the vacancy in accordance with the county's standard procedure if the city fails to timely respond to the written request.

Amended by Chapter 411, 2016 General Session

17-27a-302 Planning commission powers and duties.

Each countywide planning advisory area or mountainous planning district planning commission shall, with respect to the unincorporated area of the county, the planning advisory area, or the mountainous planning district, make a recommendation to the county legislative body for:

- (1) a general plan and amendments to the general plan;
- (2) land use ordinances, zoning maps, official maps, and amendments;
- (3) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
- (4) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
- (5) application processes that:
 - (a) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
 - (b) shall protect the right of each:
 - (i) applicant and third party to require formal consideration of any application by a land use authority;
 - (ii) applicant, adversely affected party, or county officer or employee to appeal a land use authority's decision to a separate appeal authority; and
 - (iii) participant to be heard in each public hearing on a contested application.

Amended by Chapter 352, 2015 General Session

Amended by Chapter 465, 2015 General Session

17-27a-303 Entrance upon land.

A county may enter upon any land at reasonable times to make examinations and surveys pertinent to the:

- (1) preparation of its general plan; or
- (2) preparation or enforcement of its land use ordinances.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-304 State and federal property.

Unless otherwise provided by law, nothing contained in this chapter may be construed as giving a county jurisdiction over property owned by the state or the United States.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-305 Other entities required to conform to county's land use ordinances -- Exceptions -- School districts and charter schools -- Submission of development plan and schedule.

- (1)
 - (a) Each county, municipality, school district, charter school, local district, special service district, and political subdivision of the state shall conform to any applicable land use ordinance of any county when installing, constructing, operating, or otherwise using any area, land, or building situated within a mountainous planning district or the unincorporated portion of the county, as applicable.
 - (b) In addition to any other remedies provided by law, when a county's land use ordinance is violated or about to be violated by another political subdivision, that county may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.
- (2)
 - (a) Except as provided in Subsection (3), a school district or charter school is subject to a county's land use ordinances.
 - (b)
 - (i) Notwithstanding Subsection (3), a county may:
 - (A) subject a charter school to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and
 - (B) impose regulations upon the location of a project that are necessary to avoid unreasonable risks to health or safety, as provided in Subsection (3)(f).
 - (ii) The standards to which a county may subject a charter school under Subsection (2)(b)(i) shall be objective standards only and may not be subjective.
 - (iii) Except as provided in Subsection (7)(d), the only basis upon which a county may deny or withhold approval of a charter school's land use application is the charter school's failure to comply with a standard imposed under Subsection (2)(b)(i).
 - (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an obligation to comply with a requirement of an applicable building or safety code to which it is otherwise obligated to comply.
- (3) A county may not:
 - (a) impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, additional building inspections, county building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;
 - (b) except as otherwise provided in this section, require a school district or charter school to participate in the cost of any roadway or sidewalk, or a study on the impact of a school on a roadway or sidewalk, that is not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;
 - (c) require a district or charter school to pay fees not authorized by this section;

- (d) provide for inspection of school construction or assess a fee or other charges for inspection, unless the school district or charter school is unable to provide for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent;
 - (e) require a school district or charter school to pay any impact fee for an improvement project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact Fees Act;
 - (f) impose regulations upon the location of an educational facility except as necessary to avoid unreasonable risks to health or safety; or
 - (g) for a land use or a structure owned or operated by a school district or charter school that is not an educational facility but is used in support of providing instruction to pupils, impose a regulation that:
 - (i) is not imposed on a similar land use or structure in the zone in which the land use or structure is approved; or
 - (ii) uses the tax exempt status of the school district or charter school as criteria for prohibiting or regulating the land use or location of the structure.
- (4) Subject to Section 53A-20-108, a school district or charter school shall coordinate the siting of a new school with the county in which the school is to be located, to:
- (a) avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future highways; and
 - (b) maximize school, student, and site safety.
- (5) Notwithstanding Subsection (3)(d), a county may, at its discretion:
- (a) provide a walk-through of school construction at no cost and at a time convenient to the district or charter school; and
 - (b) provide recommendations based upon the walk-through.
- (6)
- (a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:
 - (i) a county building inspector;
 - (ii)
 - (A) for a school district, a school district building inspector from that school district; or
 - (B) for a charter school, a school district building inspector from the school district in which the charter school is located; or
 - (iii) an independent, certified building inspector who is:
 - (A) not an employee of the contractor;
 - (B) approved by:
 - (I) a county building inspector; or
 - (II)
 - (Aa) for a school district, a school district building inspector from that school district; or
 - (Bb) for a charter school, a school district building inspector from the school district in which the charter school is located; and
 - (C) licensed to perform the inspection that the inspector is requested to perform.
 - (b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.
 - (c) If a school district or charter school uses a school district or independent building inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to the state superintendent of public instruction and county building official, on a monthly basis during construction of the school building, a copy of each inspection certificate regarding the school building.
- (7)
- (a) A charter school shall be considered a permitted use in all zoning districts within a county.

- (b) Each land use application for any approval required for a charter school, including an application for a building permit, shall be processed on a first priority basis.
- (c) Parking requirements for a charter school may not exceed the minimum parking requirements for schools or other institutional public uses throughout the county.
- (d) If a county has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school may be prohibited from a location which would otherwise defeat the purpose for the zone unless the charter school provides a waiver.
- (e)
 - (i) A school district or a charter school may seek a certificate authorizing permanent occupancy of a school building from:
 - (A) the state superintendent of public instruction, as provided in Subsection 53A-20-104(3), if the school district or charter school used an independent building inspector for inspection of the school building; or
 - (B) a county official with authority to issue the certificate, if the school district or charter school used a county building inspector for inspection of the school building.
 - (ii) A school district may issue its own certificate authorizing permanent occupancy of a school building if it used its own building inspector for inspection of the school building, subject to the notification requirement of Subsection 53A-20-104(3)(a)(ii).
 - (iii) A charter school may seek a certificate authorizing permanent occupancy of a school building from a school district official with authority to issue the certificate, if the charter school used a school district building inspector for inspection of the school building.
 - (iv) A certificate authorizing permanent occupancy issued by the state superintendent of public instruction under Subsection 53A-20-104(3) or a school district official with authority to issue the certificate shall be considered to satisfy any county requirement for an inspection or a certificate of occupancy.
- (8)
 - (a) A specified public agency intending to develop its land shall submit to the land use authority a development plan and schedule:
 - (i) as early as practicable in the development process, but no later than the commencement of construction; and
 - (ii) with sufficient detail to enable the land use authority to assess:
 - (A) the specified public agency's compliance with applicable land use ordinances;
 - (B) the demand for public facilities listed in Subsections 11-36a-102(16)(a), (b), (c), (d), (e), and (g) caused by the development;
 - (C) the amount of any applicable fee described in Section 17-27a-509;
 - (D) any credit against an impact fee; and
 - (E) the potential for waiving an impact fee.
 - (b) The land use authority shall respond to a specified public agency's submission under Subsection (8)(a) with reasonable promptness in order to allow the specified public agency to consider information the municipality provides under Subsection (8)(a)(ii) in the process of preparing the budget for the development.
- (9) Nothing in this section may be construed to:
 - (a) modify or supersede Section 17-27a-304; or
 - (b) authorize a county to enforce an ordinance in a way, or enact an ordinance, that fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with Disabilities Act of 1990, 42 U.S.C. 12102, or any other provision of federal law.

Amended by Chapter 465, 2015 General Session

17-27a-306 Planning advisory areas.

- (1)
- (a) A planning advisory area may be established as provided in this Subsection (1).
 - (b) A planning advisory area may not be established unless the area to be included within the proposed planning advisory area:
 - (i) is unincorporated;
 - (ii) is contiguous; and
 - (iii)
 - (A) contains:
 - (I) at least 20% but not more than 80% of:
 - (Aa) the total private land area in the unincorporated county; or
 - (Bb) the total value of locally assessed taxable property in the unincorporated county; or
 - (II)
 - (Aa) in a county of the second or third class, at least 5% of the total population of the unincorporated county, but not less than 300 residents; or
 - (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population of the unincorporated county; or
 - (B) has been declared by the United States Census Bureau as a census designated place.
 - (c)
 - (i) The process to establish a planning advisory area is initiated by the filing of a petition with the clerk of the county in which the proposed planning advisory area is located.
 - (ii) A petition to establish a planning advisory area may not be filed if it proposes the establishment of a planning advisory area that includes an area within a proposed planning advisory area in a petition that has previously been certified under Subsection (1)(g), until after the canvass of an election on the proposed planning advisory area under Subsection (1)(j).
 - (d) A petition under Subsection (1)(c) to establish a planning advisory area shall:
 - (i) be signed by the owners of private real property that:
 - (A) is located within the proposed planning advisory area;
 - (B) covers at least 10% of the total private land area within the proposed planning advisory area; and
 - (C) is equal in value to at least 10% of the value of all private real property within the proposed planning advisory area;
 - (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous area proposed to be established as a planning advisory area;
 - (iii) indicate the typed or printed name and current residence address of each owner signing the petition;
 - (iv) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;
 - (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the petition for purposes of the petition; and
 - (vi) request the county legislative body to provide notice of the petition and of a public hearing, hold a public hearing, and conduct an election on the proposal to establish a planning advisory area.

- (e) Subsection 10-2a-102(3) applies to a petition to establish a planning advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal Incorporation.
- (f)
 - (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing the establishment of a planning advisory area in a county of the second class, the county clerk shall provide notice of the filing of the petition to:
 - (A) each owner of real property owning more than 1% of the assessed value of all real property within the proposed planning advisory area; and
 - (B) each owner of real property owning more than 850 acres of real property within the proposed planning advisory area.
 - (ii) A property owner may exclude all or part of the property owner's property from a proposed planning advisory area in a county of the second class:
 - (A) if:
 - (I)
 - (Aa)
 - (li) the property owner owns more than 1% of the assessed value of all property within the proposed planning advisory area;
 - (Iiii) the property is nonurban; and
 - (IIIiii) the property does not or will not require municipal provision of municipal-type services; or
 - (Bb) the property owner owns more than 850 acres of real property within the proposed planning advisory area; and
 - (II) exclusion of the property will not leave within the planning advisory area an island of property that is not part of the planning advisory area; and
 - (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice under Subsection (1)(f)(i).
 - (iii)
 - (A) The county legislative body shall exclude from the proposed planning advisory area the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if the property meets the applicable requirements of Subsection (1)(f)(ii)(A).
 - (B) If the county legislative body excludes property from a proposed planning advisory area under Subsection (1)(f)(iii), the county legislative body shall, within five days after the exclusion, send written notice of its action to the contact sponsor.
- (g)
 - (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county clerk shall:
 - (A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (1)(d); and
 - (B)
 - (I) if the clerk determines that the petition complies with the requirements of Subsection (1)(d):
 - (d):
 - (Aa) certify the petition and deliver the certified petition to the county legislative body; and
 - (Bb) mail or deliver written notification of the certification to the contact sponsor; or
 - (II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

- (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.
- (h)
 - (i) Within 90 days after a petition to establish a planning advisory area is certified, the county legislative body shall hold a public hearing on the proposal to establish a planning advisory area.
 - (ii) A public hearing under Subsection (1)(h)(i) shall be:
 - (A) within the boundary of the proposed planning advisory area; or
 - (B) if holding a public hearing in that area is not practicable, as close to that area as practicable.
 - (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing:
 - (A) at least once in a newspaper of general circulation in the county; and
 - (B) on the Utah Public Notice Website created in Section 63F-1-701.
 - (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body shall arrange for the proposal to establish a planning advisory area to be submitted to voters residing within the proposed planning advisory area at the next regular general election that is more than 90 days after the public hearing.
 - (j) A planning advisory area is established at the time of the canvass of the results of an election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the proposal to establish a planning advisory area voted in favor of the proposal.
 - (k) An area that is an established township before May 12, 2015:
 - (i) is, as of May 12, 2015, a planning advisory area; and
 - (ii)
 - (A) shall change its name, if applicable, to no longer include the word "township"; and
 - (B) may use the word "planning advisory area" in its name.
- (2) The county legislative body may:
 - (a) assign to the countywide planning commission the duties established in this part that would have been assumed by a planning advisory area planning commission designated under Subsection (2)(b); or
 - (b) designate and appoint a planning commission for the planning advisory area.
- (3)
 - (a) An area within the boundary of a planning advisory area may be withdrawn from the planning advisory area as provided in this Subsection (3) or in accordance with Subsection (5)(a).
 - (b) The process to withdraw an area from a planning advisory area is initiated by the filing of a petition with the clerk of the county in which the planning advisory area is located.
 - (c) A petition under Subsection (3)(b) shall:
 - (i) be signed by the owners of private real property that:
 - (A) is located within the area proposed to be withdrawn from the planning advisory area;
 - (B) covers at least 50% of the total private land area within the area proposed to be withdrawn from the planning advisory area; and
 - (C) is equal in value to at least 33% of the value of all private real property within the area proposed to be withdrawn from the planning advisory area;
 - (ii) state the reason or reasons for the proposed withdrawal;
 - (iii) be accompanied by an accurate plat or map showing the boundary of the contiguous area proposed to be withdrawn from the planning advisory area;

- (iv) indicate the typed or printed name and current residence address of each owner signing the petition;
 - (v) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;
 - (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the petition for purposes of the petition; and
 - (vii) request the county legislative body to withdraw the area from the planning advisory area.
- (d) Subsection 10-2a-102(3) applies to a petition to withdraw an area from a planning advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal Incorporation.
- (e)
- (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county clerk shall:
 - (A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (3)(c); and
 - (B)
 - (I) if the clerk determines that the petition complies with the requirements of Subsection (3)(c):
 - (Aa) certify the petition and deliver the certified petition to the county legislative body; and
 - (Bb) mail or deliver written notification of the certification to the contact sponsor; or
 - (II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.
 - (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.
- (f)
- (i) Within 60 days after a petition to withdraw an area from a planning advisory area is certified, the county legislative body shall hold a public hearing on the proposal to withdraw the area from the planning advisory area.
 - (ii) A public hearing under Subsection (3)(f)(i) shall be held:
 - (A) within the area proposed to be withdrawn from the planning advisory area; or
 - (B) if holding a public hearing in that area is not practicable, as close to that area as practicable.
 - (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative body shall:
 - (A) publish notice of the petition and the time, date, and place of the public hearing:
 - (I) at least once a week for three consecutive weeks in a newspaper of general circulation in the planning advisory area; and
 - (II) on the Utah Public Notice Website created in Section 63F-1-701, for three consecutive weeks; and
 - (B) mail a notice of the petition and the time, date, and place of the public hearing to each owner of private real property within the area proposed to be withdrawn.
- (g)
- (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county legislative body shall make a written decision on the proposal to withdraw the area from the planning advisory area.
 - (ii) In making its decision as to whether to withdraw the area from the planning advisory area, the county legislative body shall consider:

- (A) whether the withdrawal would leave the remaining planning advisory area in a situation where the future incorporation of an area within the planning advisory area or the annexation of an area within the planning advisory area to an adjoining municipality would be economically or practically not feasible;
 - (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn area:
 - (I) whether the proposed subsequent incorporation or withdrawal:
 - (Aa) will leave or create an unincorporated island or peninsula; or
 - (Bb) will leave the county with an area within its unincorporated area for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years; and
 - (II) whether the municipality to be created or the municipality into which the withdrawn area is expected to annex would be or is capable, in a cost effective manner, of providing service to the withdrawn area that the county will no longer provide due to the incorporation or annexation;
 - (C) the effects of a withdrawal on adjoining property owners, existing or projected county streets or other public improvements, law enforcement, and zoning and other municipal services provided by the county; and
 - (D) whether justice and equity favor the withdrawal.
- (h) Upon the written decision of the county legislative body approving the withdrawal of an area from a planning advisory area, the area is withdrawn from the planning advisory area and the planning advisory area continues as a planning advisory area with a boundary that excludes the withdrawn area.
- (4)
- (a) A planning advisory area may be dissolved as provided in this Subsection (4).
 - (b) The process to dissolve a planning advisory area is initiated by the filing of a petition with the clerk of the county in which the planning advisory area is located.
 - (c) A petition under Subsection (4)(b) shall:
 - (i) be signed by registered voters within the planning advisory area equal in number to at least 25% of all votes cast by voters within the planning advisory area at the last congressional election;
 - (ii) state the reason or reasons for the proposed dissolution;
 - (iii) indicate the typed or printed name and current residence address of each person signing the petition;
 - (iv) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;
 - (v) authorize the petition sponsors to act on behalf of all persons signing the petition for purposes of the petition; and
 - (vi) request the county legislative body to provide notice of the petition and of a public hearing, hold a public hearing, and conduct an election on the proposal to dissolve the planning advisory area.
 - (d)
 - (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county clerk shall:
 - (A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (4)(c); and
 - (B)
 - (I) if the clerk determines that the petition complies with the requirements of Subsection (4)(c):

- (Aa) certify the petition and deliver the certified petition to the county legislative body; and
- (Bb) mail or deliver written notification of the certification to the contact sponsor; or
- (II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.
- (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.
- (e)
 - (i) Within 60 days after a petition to dissolve the planning advisory area is certified, the county legislative body shall hold a public hearing on the proposal to dissolve the planning advisory area.
 - (ii) A public hearing under Subsection (4)(e)(i) shall be held:
 - (A) within the boundary of the planning advisory area; or
 - (B) if holding a public hearing in that area is not practicable, as close to that area as practicable.
 - (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing:
 - (A) at least once a week for three consecutive weeks in a newspaper of general circulation in the planning advisory area; and
 - (B) on the Utah Public Notice Website created in Section 63F-1-701, for three consecutive weeks immediately before the public hearing.
- (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body shall arrange for the proposal to dissolve the planning advisory area to be submitted to voters residing within the planning advisory area at the next regular general election that is more than 90 days after the public hearing.
- (g) A planning advisory area is dissolved at the time of the canvass of the results of an election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the proposal to dissolve the planning advisory area voted in favor of the proposal.
- (5)
 - (a) If a portion of an area located within a planning advisory area is annexed by a municipality or incorporates, that portion is withdrawn from the planning advisory area.
 - (b) If a planning advisory area in whole is annexed by a municipality or incorporates, the planning advisory area is dissolved.

Amended by Chapter 352, 2015 General Session