

Effective 5/3/2023

17B-1-106 Notice before preparing or amending a long-range plan or acquiring certain property.

(1) As used in this section:

- (a)
 - (i) "Affected entity" means each county, municipality, special district under this title, special service district, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:
 - (A) whose services or facilities are likely to require expansion or significant modification because of an intended use of land; or
 - (B) that has filed with the special district a copy of the general or long-range plan of the county, municipality, special district, school district, interlocal cooperation entity, or specified public utility.
 - (ii) "Affected entity" does not include the special district that is required under this section to provide notice.
- (b) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

- (2)
- (a) If a special district under this title located in a county of the first or second class prepares a long-range plan regarding the special district's facilities proposed for the future or amends an already existing long-range plan, the special district shall, before preparing a long-range plan or amendments to an existing long-range plan, provide written notice, as provided in this section, of the special district's intent to prepare a long-range plan or to amend an existing long-range plan.
 - (b) Each notice under Subsection (2)(a) shall:
 - (i) indicate that the special district intends to prepare a long-range plan or to amend a long-range plan, as the case may be;
 - (ii) describe or provide a map of the geographic area that will be affected by the long-range plan or amendments to a long-range plan;
 - (iii) be:
 - (A) sent to each county in whose unincorporated area and each municipality in whose boundaries is located the land on which the proposed long-range plan or amendments to a long-range plan are expected to indicate that the proposed facilities will be located;
 - (B) sent to each affected entity;
 - (C) sent to the Utah Geospatial Resource Center created in Section 63A-16-505;
 - (D) sent to each association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality described in Subsection (2)(b)(iii)(A) is a member; and
 - (E) published for the special district, as a class A notice under Section 63G-30-102, for at least 14 days;
 - (iv) with respect to the notice to counties and municipalities described in Subsection (2)(b)(iii)
 - (A) and affected entities, invite them to provide information for the special district to consider in the process of preparing, adopting, and implementing the long-range plan or amendments to a long-range plan concerning:
 - (A) impacts that the use of land proposed in the proposed long-range plan or amendments to a long-range plan may have on the county, municipality, or affected entity; and
 - (B) uses of land that the county, municipality, or affected entity is planning or considering that may conflict with the proposed long-range plan or amendments to a long-range plan; and

- (v) include the address of an Internet website, if the special district has one, and the name and telephone number of an individual where more information can be obtained concerning the special district's proposed long-range plan or amendments to a long-range plan.
- (3)
- (a) Except as provided in Subsection (3)(d), each special district intending to acquire real property in a county of the first or second class for the purpose of expanding the special district's infrastructure or other facilities used for providing the services that the special district is authorized to provide shall provide written notice, as provided in this Subsection (3), of the special district's intent to acquire the property if the intended use of the property is contrary to:
 - (i) the anticipated use of the property under the county or municipality's general plan; or
 - (ii) the property's current zoning designation.
 - (b) Each notice under Subsection (3)(a) shall:
 - (i) indicate that the special district intends to acquire real property;
 - (ii) identify the real property; and
 - (iii) be sent to:
 - (A) each county in whose unincorporated area and each municipality in whose boundaries the property is located; and
 - (B) each affected entity.
 - (c) A notice under this Subsection (3) is a protected record as provided in Subsection 63G-2-305(8).
 - (d)
 - (i) The notice requirement of Subsection (3)(a) does not apply if the special district previously provided notice under Subsection (2) identifying the general location within the municipality or unincorporated part of the county where the property to be acquired is located.
 - (ii) If a special district is not required to comply with the notice requirement of Subsection (3) (a) because of application of Subsection (3)(d)(i), the special district shall provide the notice specified in Subsection (3)(a) as soon as practicable after the special district's acquisition of the real property.

Amended by Chapter 15, 2023 General Session
Amended by Chapter 435, 2023 General Session