

**MUNICIPAL AND COUNTY NOTICE PROVISIONS**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Kory M. Holdaway**

AN ACT RELATING TO CITIES AND TOWNS AND COUNTIES; REQUIRING NOTICE TO NEARBY ENTITIES WHEN A CITY, TOWN, OR COUNTY PROPOSES TAKING CERTAIN ACTION.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**10-9-103.5**, Utah Code Annotated 1953

**17-27-103.5**, Utah Code Annotated 1953

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

Section 1. Section **10-9-103.5** is enacted to read:

**10-9-103.5. Notice to nearby entities.**

(1) As used in this section, "predevelopment activity" means a public hearing concerning or consideration by the planning commission or the municipal legislative body of:

(a) a proposed change in zoning designation;

(b) a preliminary or final plat describing a multiple-unit residential development or a commercial or industrial development; or

(c) a proposed modification of the municipality's general plan whereby the vehicular capacity of a municipal road is proposed to be increased.

(2) The planning commission or legislative body, as the case may be, of each municipality shall provide notice of predevelopment activity occurring in the municipality to the legislative body of:

(a) each municipality whose boundaries are within one mile of the property that is the subject of the predevelopment activity; and

(b) each county that has unincorporated territory within one mile of the property that is the subject of the predevelopment activity.

(3) The notice required by Subsection (2) shall be provided at least seven days before the

predevelopment activity occurs.

(4) A planning commission or municipal legislative body meets the notice requirement of Subsection (2) by mailing to each appropriate legislative body, at least seven days before the predevelopment activity occurs, a copy of a planning commission or municipal legislative body meeting agenda that contains information sufficient to enable a reasonable reader to understand that predevelopment activity is expected to occur in the municipality and the location of the property that is the subject of the predevelopment activity.

(5) If notice given under this section is not challenged under Section 17-27-1001 within 30 days after the action for which notice is given, the notice is considered adequate and proper.

Section 2. Section **17-27-103.5** is enacted to read:

**17-27-103.5. Notice to nearby entities.**

(1) As used in this section, "predevelopment activity" means a public hearing concerning or consideration by the planning commission or the county legislative body of:

(a) a proposed change in zoning designation;

(b) a preliminary or final plat describing a multiple-unit residential development or a commercial or industrial development; or

(c) a proposed modification of the county's general plan whereby the vehicular capacity of a county road is proposed to be increased.

(2) The planning commission or legislative body, as the case may be, of each county shall provide notice of predevelopment activity occurring in the unincorporated county to the legislative body of:

(a) each municipality whose boundaries are within one mile of the property that is the subject of the predevelopment activity; and

(b) each county that has unincorporated territory within one mile of the property that is the subject of the predevelopment activity.

(3) The notice required by Subsection (2) shall be provided at least seven days before the predevelopment activity occurs.

(4) A planning commission or county legislative body meets the notice requirements of

Subsection (2) by mailing to each appropriate legislative body, at least seven days before the predevelopment activity occurs, a copy of a planning commission or county legislative body meeting agenda that contains information sufficient to enable a reasonable reader to understand that predevelopment activity is expected to occur in the county and the location of the property that is the subject of the predevelopment activity.

(5) If notice given under this section is not challenged under Section 17-27-1001 within 30 days after the action for which notice is given, the notice is considered adequate and proper.