

**Representative Ralph Becker** proposes the following substitute bill:

1                                   **FACILITIES WITH REGIONAL IMPACT**

2   2004 GENERAL SESSION

3   STATE OF UTAH

4                                   **Sponsor: Ralph Becker**

5 Gregory H. Hughes

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**LONG TITLE**

7 **General Description:**

8                   This bill modifies and enacts provisions relating to notice and land use dispute  
9 resolution applicable to certain entities in first and second class counties.  
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11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ modifies provisions relating to elements of a county or municipality's general plan;  
14           ▶ requires certain local government entities and certain public utilities to provide  
15 notice before preparing or amending a general, long-range, or capital facilities plan;  
16           ▶ requires certain entities to provide notice of an intent to acquire real property if its  
17 intended use is inconsistent with local planning or zoning, unless the entity has  
18 previously provided notice of the property's general location; and  
19           ▶ requires certain entities to provide post-acquisition notice of the acquisition of real  
20 property, under certain circumstances.

21 **Monies Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**



26 AMENDS:

27 **10-9-301**, as last amended by Chapter 105, Laws of Utah 2003

28 **10-9-302**, as last amended by Chapters 23 and 93, Laws of Utah 1992

29 **11-36-201**, as last amended by Chapter 239, Laws of Utah 2002

30 **17-27-301**, as last amended by Chapter 105, Laws of Utah 2003

31 **17-27-302**, as last amended by Chapters 23 and 93, Laws of Utah 1992

32 ENACTS:

33 **10-9-301.5**, Utah Code Annotated 1953

34 **17-27-301.5**, Utah Code Annotated 1953

35 **17A-2-104**, Utah Code Annotated 1953

36 **17B-2-104**, Utah Code Annotated 1953

37 **53A-2-123**, Utah Code Annotated 1953

38 **54-3-27**, Utah Code Annotated 1953

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

41 Section 1. Section **10-9-301** is amended to read:

42 **10-9-301. General plan.**

43 (1) In order to accomplish the purposes set forth in this chapter, each municipality shall  
44 prepare and adopt a comprehensive, long-range general plan for:

45 (a) present and future needs of the municipality; and

46 (b) growth and development of the land within the municipality or any part of the  
47 municipality.

48 (2) The plan may provide for:

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

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

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

54 (i) food and water; and

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

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

57 (e) the protection of urban development;

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

59 (g) historic preservation; [~~and~~]

60 (h) identifying future uses of land that are likely to require an expansion or significant  
61 modification of services or facilities provided by affected entities and specified public utilities,  
62 as those terms are defined in Section 10-9-301.5; and

63 [~~h~~] (i) an official map, pursuant to Title 72, Chapter 5, Part 4, Transportation  
64 Corridor Preservation.

65 (3) The municipality may determine the comprehensiveness, extent, and format of the  
66 general plan.

67 Section 2. Section **10-9-301.5** is enacted to read:

68 **10-9-301.5. Notice of intent to prepare a general plan or amendments to a general**  
69 **plan in certain municipalities.**

70 (1) As used in this section:

71 (a) (i) "Affected entity" means each county, municipality, independent special district  
72 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,  
73 Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title  
74 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

75 (A) whose services or facilities are likely to require expansion or significant  
76 modification because of an intended use of land; or

77 (B) that has filed with the municipality a copy of the entity's general or long-range  
78 plan.

79 (ii) "Affected entity" does not include the municipality that is required under this  
80 section to provide notice.

81 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
82 telephone corporation, as those terms are defined in Section 54-2-1.

83 (2) Before preparing a proposed general plan or amendments to an existing general  
84 plan, each municipality within a county of the first or second class shall provide written notice,  
85 as provided in this section, of its intent to prepare a proposed general plan or amendments to a  
86 general plan.

87 (3) Each notice under Subsection (2) shall:

88 (a) indicate that the municipality intends to prepare a general plan or amendments to a  
89 general plan, as the case may be;

90 (b) describe or provide a map of the geographic area that will be affected by the general  
91 plan or amendments to a general plan;

92 (c) be sent to:

93 (i) each affected entity;

94 (ii) the Automated Geographic Reference Center created in Section 63A-6-202;

95 (iii) the association of governments, established pursuant to an interlocal agreement  
96 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member;  
97 and

98 (iv) the state planning coordinator appointed under Section 63-38d-202;

99 (d) with respect to the notice to affected entities, invite the affected entities to provide  
100 information for the municipality to consider in the process of preparing, adopting, and  
101 implementing a general plan or amendments to a general plan concerning:

102 (i) impacts that the use of land proposed in the proposed general plan or amendments  
103 to a general plan may have on the affected entity; and

104 (ii) uses of land within the municipality that the affected entity is planning or  
105 considering that may conflict with the proposed general plan or amendments to the general  
106 plan; and

107 (e) include the address of an Internet website, if the municipality has one, and the name  
108 and telephone number of a person where more information can be obtained concerning the  
109 municipality's proposed general plan or amendments to a general plan.

110 Section 3. Section **10-9-302** is amended to read:

111 **10-9-302. Plan preparation.**

112 (1) (a) ~~[The]~~ Subject to Section 10-9-301.5, the planning commission shall make and  
113 recommend to the legislative body a proposed general plan for the area within the municipality.

114 (b) The plan may include areas outside the boundaries of the municipality if, in the  
115 commission's judgment, they are related to the planning of the municipality's territory.

116 (c) Except as otherwise provided by law, when the plan of a municipality involves  
117 territory outside the boundaries of the municipality, the municipality may not take action  
118 affecting that territory without the concurrence of the county or other municipalities affected.

119 (2) The general plan, with the accompanying maps, plats, charts and descriptive and  
120 explanatory matter, shall show the planning commission's recommendations for the  
121 development of the territory covered by the plan, and may include, among other things:

122 (a) a land use element that:

123 (i) designates the proposed general distribution and location and extent of uses of land  
124 for housing, business, industry, agriculture, recreation, education, public buildings and  
125 grounds, open space, and other categories of public and private uses of land as appropriate; and

126 (ii) may include a statement of the standards of population density and building  
127 intensity recommended for the various land use categories covered by the plan;

128 (b) a transportation and circulation element consisting of the general location and  
129 extent of existing and proposed freeways, arterial and collector streets, mass transit, and any  
130 other modes of transportation that are appropriate, all correlated with the land use element of  
131 the plan;

132 (c) an environmental element that addresses:

133 (i) the protection, conservation, development, and use of natural resources, including  
134 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,  
135 and other natural resources; and

136 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
137 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
138 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
139 protection of watersheds and wetlands, and the mapping of known geologic hazards;

140 (d) a public services and facilities element showing general plans for sewage, waste  
141 disposal, drainage, local utilities, rights-of-way, easements, and facilities for them, police and  
142 fire protection, and other public services;

143 (e) a rehabilitation, redevelopment, and conservation element consisting of plans and  
144 programs for:

145 (i) historic preservation; and

146 (ii) the elimination of blight and for redevelopment, including housing sites, business  
147 and industrial sites, and public building sites;

148 (f) an economic element composed of appropriate studies and an economic  
149 development plan that may include review of municipal revenue and expenditures, revenue

150 sources, identification of base and residentiary industry, primary and secondary market areas,  
151 employment, and retail sales activity;

152 (g) recommendations for implementing the plan, including the use of zoning  
153 ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions;

154 [~~and~~]

155 (h) provisions addressing any of the matters listed in Subsection 10-9-301(2); and

156 [~~(h)~~] (i) any other elements the municipality considers appropriate.

157 Section 4. Section **11-36-201** is amended to read:

158 **11-36-201. Impact fees -- Analysis -- Capital facilities plan -- Notice of plan --**  
159 **Summary -- Exemptions.**

160 (1) (a) Each local political subdivision and private entity shall comply with the  
161 requirements of this chapter before establishing or modifying any impact fee.

162 (b) A local political subdivision may not:

163 (i) establish any new impact fees that are not authorized by this chapter; or

164 (ii) impose or charge any other fees as a condition of development approval unless  
165 those fees are a reasonable charge for the service provided.

166 (c) Notwithstanding any other requirements of this chapter, each local political  
167 subdivision shall ensure that each existing impact fee that is charged for any public facility not  
168 authorized by Subsection 11-36-102(12) is repealed by July 1, 1995.

169 (d) (i) Existing impact fees for public facilities authorized in Subsection 11-36-102(12)  
170 that are charged by local political subdivisions need not comply with the requirements of this  
171 chapter until July 1, 1997.

172 (ii) By July 1, 1997, each local political subdivision shall:

173 (A) review any impact fees in existence as of the effective date of this act, and prepare  
174 and approve the analysis required by this section for each of those impact fees; and

175 (B) ensure that the impact fees comply with the requirements of this chapter.

176 (2) (a) Before imposing impact fees, each local political subdivision shall prepare a  
177 capital facilities plan.

178 (b) (i) As used in this Subsection (2)(b):

179 (A) (I) "Affected entity" means each county, municipality, independent special district  
180 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,

181 Chapter 2, Local Districts, school district, interlocal cooperation entity established under  
182 Chapter 13, Interlocal Cooperation Act, and specified public utility:

183 (Aa) whose services or facilities are likely to require expansion or significant  
184 modification because of the facilities proposed in the proposed capital facilities plan; or

185 (Bb) that has filed with the local political subdivision or private entity a copy of the  
186 general or long-range plan of the county, municipality, independent special district, local  
187 district, school district, interlocal cooperation entity, or specified public utility.

188 (II) "Affected entity" does not include the local political subdivision or private entity  
189 that is required under this Subsection (2) to provide notice.

190 (B) "Specified public utility" means an electrical corporation, gas corporation, or  
191 telephone corporation, as those terms are defined in Section 54-2-1.

192 (ii) Before preparing a capital facilities plan for facilities proposed on land located  
193 within a county of the first or second class, each local political subdivision and each private  
194 entity shall provide written notice, as provided in this Subsection (2)(b), of its intent to prepare  
195 a capital facilities plan.

196 (iii) Each notice under Subsection (2)(b)(ii) shall:

197 (A) indicate that the local political subdivision or private entity intends to prepare a  
198 capital facilities plan;

199 (B) describe or provide a map of the geographic area where the proposed capital  
200 facilities will be located;

201 (C) be sent to:

202 (I) each county in whose unincorporated area and each municipality in whose  
203 boundaries is located the land on which the proposed facilities will be located;

204 (II) each affected entity;

205 (III) the Automated Geographic Reference Center created in Section 63A-6-202;

206 (IV) the association of governments, established pursuant to an interlocal agreement  
207 under Title 11, Chapter 13, Interlocal Cooperation Act, in which the facilities are proposed to  
208 be located; and

209 (V) the state planning coordinator appointed under Section 63-38d-202; and

210 (D) with respect to the notice to affected entities, invite the affected entities to provide  
211 information for the local political subdivision or private entity to consider in the process of

212 preparing, adopting, and implementing a capital facilities plan concerning:

213 (I) impacts that the facilities proposed in the capital facilities plan may have on the  
214 affected entity; and

215 (II) facilities or uses of land that the affected entity is planning or considering that may  
216 conflict with the facilities proposed in the capital facilities plan.

217 [~~(b)~~] (c) The plan shall identify:

218 (i) demands placed upon existing public facilities by new development activity; and

219 (ii) the proposed means by which the local political subdivision will meet those  
220 demands.

221 [~~(c)~~] (d) Municipalities and counties need not prepare a separate capital facilities plan  
222 if the general plan required by Sections 10-9-301 and 17-27-301 contains the elements required  
223 by Subsection (2)[~~(b)~~](c).

224 [~~(d)~~] (e) (i) If a local political subdivision prepares an independent capital facilities  
225 plan rather than including a capital facilities element in the general plan, the local political  
226 subdivision shall, before adopting the capital facilities plan:

227 (A) give public notice of the plan according to this Subsection (2)[~~(d)~~](e);

228 (B) at least 14 days before the date of the public hearing:

229 (I) make a copy of the plan, together with a summary designed to be understood by a  
230 lay person, available to the public; and

231 (II) place a copy of the plan and summary in each public library within the local  
232 political subdivision; and

233 (C) hold a public hearing to hear public comment on the plan.

234 (ii) Municipalities shall comply with the notice and hearing requirements of, and,  
235 except as provided in Subsection 11-36-401(4)(f), receive the protections of, Subsections  
236 10-9-103(2) and 10-9-402(2).

237 (iii) Counties shall comply with the notice and hearing requirements of, and, except as  
238 provided in Subsection 11-36-401(4)(f), receive the protections of, Subsections 17-27-103(2)  
239 and 17-27-402(2).

240 (iv) Special districts and private entities shall comply with the notice and hearing  
241 requirements of, and receive the protections of, Section 17A-1-203.

242 (v) Nothing contained in this Subsection (2)[~~(d)~~](e) or in the subsections referenced in



243 Subsections (2)[~~(d)~~](e)(ii) and (iii) may be construed to require involvement by a planning  
244 commission in the capital facilities planning process.

245 [~~(e)~~] (f) (i) Local political subdivisions with a population or serving a population of  
246 less than 5,000 as of the last federal census need not comply with the capital facilities plan  
247 requirements of this part, but shall ensure that the impact fees imposed by them are based upon  
248 a reasonable plan.

249 (ii) Subsection (2)[~~(e)~~](f)(i) does not apply to private entities.

250 (3) In preparing the plan, each local political subdivision shall generally consider all  
251 revenue sources, including impact fees, to finance the impacts on system improvements.

252 (4) A local political subdivision may only impose impact fees on development  
253 activities when its plan for financing system improvements establishes that impact fees are  
254 necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the  
255 future, in comparison to the benefits already received and yet to be received.

256 (5) (a) Each local political subdivision imposing impact fees shall prepare a written  
257 analysis of each impact fee that:

258 (i) identifies the impact on system improvements required by the development activity;

259 (ii) demonstrates how those impacts on system improvements are reasonably related to  
260 the development activity;

261 (iii) estimates the proportionate share of the costs of impacts on system improvements  
262 that are reasonably related to the new development activity; and

263 (iv) based upon those factors and the requirements of this chapter, identifies how the  
264 impact fee was calculated.

265 (b) In analyzing whether or not the proportionate share of the costs of public facilities  
266 are reasonably related to the new development activity, the local political subdivision shall  
267 identify, if applicable:

268 (i) the cost of existing public facilities;

269 (ii) the manner of financing existing public facilities, such as user charges, special  
270 assessments, bonded indebtedness, general taxes, or federal grants;

271 (iii) the relative extent to which the newly developed properties and the other  
272 properties in the municipality have already contributed to the cost of existing public facilities,  
273 by such means as user charges, special assessments, or payment from the proceeds of general

274 taxes;

275 (iv) the relative extent to which the newly developed properties and the other  
276 properties in the municipality will contribute to the cost of existing public facilities in the  
277 future;

278 (v) the extent to which the newly developed properties are entitled to a credit because  
279 the municipality is requiring their developers or owners, by contractual arrangement or  
280 otherwise, to provide common facilities, inside or outside the proposed development, that have  
281 been provided by the municipality and financed through general taxation or other means, apart  
282 from user charges, in other parts of the municipality;

283 (vi) extraordinary costs, if any, in servicing the newly developed properties; and

284 (vii) the time-price differential inherent in fair comparisons of amounts paid at  
285 different times.

286 (c) Each local political subdivision that prepares a written analysis under this  
287 Subsection (5) on or after July 1, 2000 shall also prepare a summary of the written analysis,  
288 designed to be understood by a lay person.

289 (6) Each local political subdivision that adopts an impact fee enactment under Section  
290 11-36-202 on or after July 1, 2000 shall, at least 14 days before adopting the enactment, submit  
291 to each public library within the local political subdivision:

292 (a) a copy of the written analysis required by Subsection (5)(a); and

293 (b) a copy of the summary required by Subsection (5)(c).

294 (7) Nothing in this chapter may be construed to repeal or otherwise eliminate any  
295 impact fee in effect on the effective date of this act that is pledged as a source of revenues to  
296 pay bonded indebtedness that was incurred before the effective date of this act.

297 Section 5. Section **17-27-301** is amended to read:

298 **17-27-301. General plan.**

299 (1) In order to accomplish the purposes set forth in this chapter, each county shall  
300 prepare and adopt a comprehensive general plan for:

301 (a) the present and future needs of the county; and

302 (b) the growth and development of the land within the county or any part of the county,  
303 including uses of land for urbanization, trade, industry, residential, agricultural, wildlife  
304 habitat, and other purposes.

- 305 (2) The plan may provide for:
- 306 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
- 307 activities, aesthetics, and recreational, educational, and cultural opportunities;
- 308 (b) the reduction of the waste of physical, financial, or human resources that result
- 309 from either excessive congestion or excessive scattering of population;
- 310 (c) the efficient and economical use, conservation, and production of the supply of:
- 311 (i) food and water; and
- 312 (ii) drainage, sanitary, and other facilities and resources;
- 313 (d) the use of energy conservation and solar and renewable energy resources;
- 314 (e) the protection of urban development;
- 315 (f) the protection and promotion of air quality;
- 316 (g) historic preservation; [~~and~~]
- 317 (h) identifying future uses of land that are likely to require an expansion or significant
- 318 modification of services or facilities provided by affected entities and specified public utilities,
- 319 as those terms are defined in Section 17-27-301.5; and
- 320 [~~(h)~~] (i) an official map, pursuant to Title 72, Chapter 5, Part 4, Transportation
- 321 Corridor Preservation.
- 322 (3) (a) The plan shall include specific provisions related to any areas within, or
- 323 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a
- 324 county, which are proposed for the siting of a storage facility or transfer facility for the
- 325 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as
- 326 these wastes are defined in Section 19-3-303. The provisions shall address the effects of the
- 327 proposed site upon the health and general welfare of citizens of the state, and shall provide:
- 328 (i) the information identified in Section 19-3-305;
- 329 (ii) information supported by credible studies that demonstrates that the provisions of
- 330 Subsection 19-3-307(2) have been satisfied; and
- 331 (iii) specific measures to mitigate the effects of high-level nuclear waste and greater
- 332 than class C radioactive waste and guarantee the health and safety of the citizens of the state.
- 333 (b) A county may, in lieu of complying with Subsection (3)(a), adopt an ordinance
- 334 indicating that all proposals for the siting of a storage facility or transfer facility for the
- 335 placement of high-level nuclear waste or greater than class C radioactive waste wholly or

336 partially within the county are rejected.

337 (c) A county may adopt the ordinance listed in Subsection (3)(b) at any time.

338 (d) The county shall send a certified copy of the ordinance under Subsection (3)(b) to  
339 the executive director of the Department of Environmental Quality by certified mail within 30  
340 days of enactment.

341 (e) If a county repeals an ordinance adopted pursuant to Subsection (3)(b) the county  
342 shall:

343 (i) comply with Subsection (3)(a) as soon as reasonably possible; and

344 (ii) send a certified copy of the repeal to the executive director of the Department of  
345 Environmental Quality by certified mail within 30 days after the repeal.

346 (4) The plan may define the county's local customs, local culture, and the components  
347 necessary for the county's economic stability.

348 (5) The county may determine the comprehensiveness, extent, and format of the  
349 general plan.

350 Section 6. Section **17-27-301.5** is enacted to read:

351 **17-27-301.5. Notice of intent to prepare a general plan or amendments to a**  
352 **general plan in certain counties.**

353 (1) As used in this section:

354 (a) (i) "Affected entity" means each county, municipality, independent special district  
355 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,  
356 Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title  
357 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

358 (A) whose services or facilities are likely to require expansion or significant  
359 modification because of an intended use of land; or

360 (B) that has filed with the county a copy of the entity's general or long-range plan.

361 (ii) "Affected entity" does not include the county that is required under this section to  
362 provide notice.

363 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
364 telephone corporation, as those terms are defined in Section 54-2-1.

365 (2) Before preparing a proposed general plan or amendments to an existing general  
366 plan, each county of the first or second class shall provide written notice, as provided in this

367 section, of its intent to prepare a proposed general plan or amendments to a general plan.

368 (3) Each notice under Subsection (2) shall:

369 (a) indicate that the county intends to prepare a general plan or amendments to a  
370 general plan, as the case may be;

371 (b) describe or provide a map of the geographic area that will be affected by the general  
372 plan or amendments to a general plan;

373 (c) be sent to:

374 (i) each affected entity;

375 (ii) the Automated Geographic Reference Center created in Section 63A-6-202;

376 (iii) the association of governments, established pursuant to an interlocal agreement  
377 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; and

378 (iv) the state planning coordinator appointed under Section 63-38d-202;

379 (d) with respect to the notice to affected entities, invite the affected entities to provide  
380 information for the county to consider in the process of preparing, adopting, and implementing  
381 a general plan or amendments to a general plan concerning:

382 (i) impacts that the use of land proposed in the proposed general plan or amendments  
383 to a general plan may have on the affected entity; and

384 (ii) uses of land within the county that the affected entity is planning or considering  
385 that may conflict with the proposed general plan or amendments to the general plan; and

386 (e) include the address of an Internet website, if the county has one, and the name and  
387 telephone number of a person where more information can be obtained concerning the county's  
388 proposed general plan or amendments to a general plan.

389 Section 7. Section **17-27-302** is amended to read:

390 **17-27-302. Plan preparation.**

391 (1) (a) [~~The~~] Subject to Section 17-27-301.5, the planning commission shall make and  
392 recommend to the legislative body a proposed general plan for the area within the county.

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

396 (ii) Elements of the county plan that address incorporated areas are not an official plan  
397 or part of a municipal plan for any municipality, unless it is adopted by the municipal planning

398 commission and the governing body of the municipality.

399 (2) The general plan, with the accompanying maps, plats, charts and descriptive and  
400 explanatory matter, shall show the planning commission's recommendations for the  
401 development of the territory covered by the plan, and may include, among other things:

402 (a) a land use element that:

403 (i) designates the proposed general distribution and location and extent of uses of land  
404 for housing, business, industry, agriculture, recreation, education, public buildings and  
405 grounds, open space, and other categories of public and private uses of land as appropriate; and

406 (ii) may include a statement of the standards of population density and building  
407 intensity recommended for the various land use categories covered by the plan;

408 (b) a transportation and circulation element consisting of the general location and  
409 extent of existing and proposed freeways, arterial and collector streets, mass transit, and any  
410 other modes of transportation that are appropriate, all correlated with the land use element of  
411 the plan;

412 (c) an environmental element that addresses:

413 (i) the protection, conservation, development, and use of natural resources, including  
414 the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals,  
415 and other natural resources; and

416 (ii) the reclamation of land, flood control, prevention and control of the pollution of  
417 streams and other waters, regulation of the use of land on hillsides, stream channels and other  
418 environmentally sensitive areas, the prevention, control, and correction of the erosion of soils,  
419 protection of watersheds and wetlands, and the mapping of known geologic hazards;

420 (d) a public services and facilities element showing general plans for sewage, waste  
421 disposal, drainage, local utilities, rights-of-way, easements, and facilities for them, police and  
422 fire protection, and other public services;

423 (e) a rehabilitation, redevelopment, and conservation element consisting of plans and  
424 programs for:

425 (i) historic preservation; and

426 (ii) the elimination of blight and for redevelopment, including housing sites, business  
427 and industrial sites, and public building sites;

428 (f) an economic element composed of appropriate studies and an economic

429 development plan that may include review of county revenue and expenditures, revenue  
430 sources, identification of base and residentiary industry, primary and secondary market areas,  
431 employment, and retail sales activity;

432 (g) recommendations for implementing the plan, including the use of zoning  
433 ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions;  
434 [~~and~~]

435 (h) provisions addressing any of the matters listed in Subsection 17-27-301(2); and  
436 [~~(h)~~] (i) any other elements that the county considers appropriate.

437 Section 8. Section **17A-2-104** is enacted to read:

438 **17A-2-104. Notice before preparing a long-range plan or acquiring certain**  
439 **property.**

440 (1) As used in this section:

441 (a) (i) "Affected entity" means each county, municipality, independent special district  
442 under this chapter, local district under Title 17B, Chapter 2, Local Districts, school district,  
443 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,  
444 and specified public utility:

445 (A) whose services or facilities are likely to require expansion or significant  
446 modification because of an intended use of land; or

447 (B) that has filed with the independent special district a copy of the general or  
448 long-range plan of the county, municipality, independent special district, local district, school  
449 district, interlocal cooperation entity, or specified public utility.

450 (ii) "Affected entity" does not include the independent special district that is required  
451 under this section to provide notice.

452 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
453 telephone corporation, as those terms are defined in Section 54-2-1.

454 (2) (a) If an independent special district under this chapter located in a county of the  
455 first or second class prepares a long-range plan regarding its facilities proposed for the future or  
456 amends an already existing long-range plan, the independent special district shall, before  
457 preparing a long-range plan or amendments to an existing long-range plan, provide written  
458 notice, as provided in this section, of its intent to prepare a long-range plan or to amend an  
459 existing long-range plan.

460           (b) Each notice under Subsection (2) shall:  
461           (i) indicate that the independent special district intends to prepare a long-range plan or  
462 to amend a long-range plan, as the case may be;  
463           (ii) describe or provide a map of the geographic area that will be affected by the  
464 long-range plan or amendments to a long-range plan;  
465           (iii) be sent to:  
466           (A) each county in whose unincorporated area and each municipality in whose  
467 boundaries is located the land on which the proposed long-range plan or amendments to a  
468 long-range plan are expected to indicate that the proposed facilities will be located;  
469           (B) each affected entity;  
470           (C) the Automated Geographic Reference Center created in Section 63A-6-202;  
471           (D) each association of governments, established pursuant to an interlocal agreement  
472 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality  
473 described in Subsection (2)(b)(iii)(A) is a member; and  
474           (E) the state planning coordinator appointed under Section 63-38d-202;  
475           (iv) with respect to the notice to counties and municipalities described in Subsection  
476 (2)(b)(iii)(A) and affected entities, invite them to provide information for the independent  
477 special district to consider in the process of preparing, adopting, and implementing the  
478 long-range plan or amendments to a long-range plan concerning:  
479           (A) impacts that the use of land proposed in the proposed long-range plan or  
480 amendments to a long-range plan may have on the county, municipality, or affected entity; and  
481           (B) uses of land that the county, municipality, or affected entity is planning or  
482 considering that may conflict with the proposed long-range plan or amendments to a long-range  
483 plan; and  
484           (v) include the address of an Internet website, if the independent special district has  
485 one, and the name and telephone number of a person where more information can be obtained  
486 concerning the independent special district's proposed long-range plan or amendments to a  
487 long-range plan.  
488           (3) (a) Except as provided in Subsection (3)(d), each independent special district  
489 intending to acquire real property for the purpose of expanding the district's infrastructure or  
490 other facilities used for providing the services that the district is authorized to provide shall



491 provide written notice, as provided in this Subsection (3), of its intent to acquire the property if  
 492 the intended use of the property is contrary to:

493 (i) the anticipated use of the property under the county or municipality's general plan;

494 or

495 (ii) the property's current zoning designation.

496 (b) Each notice under Subsection (3)(a) shall:

497 (i) indicate that the independent special district intends to acquire real property;

498 (ii) identify the real property; and

499 (iii) be sent to:

500 (A) each county in whose unincorporated area and each municipality in whose

501 boundaries the property is located; and

502 (B) each affected entity.

503 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
 504 63-2-304(7).

505 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the independent  
 506 special district previously provided notice under Subsection (2) identifying the general location  
 507 within the municipality or unincorporated part of the county where the property to be acquired  
 508 is located.

509 (ii) If an independent special district is not required to comply with the notice  
 510 requirement of Subsection (3)(a) because of application of Subsection (3)(d)(i), the  
 511 independent special district shall provide the notice specified in Subsection (3)(a) as soon as  
 512 practicable after its acquisition of the real property.

513 Section 9. Section **17B-2-104** is enacted to read:

514 **17B-2-104. Notice before preparing a long-range plan or acquiring certain**  
 515 **property.**

516 (1) As used in this section:

517 (a) (i) "Affected entity" means each county, municipality, independent special district  
 518 under this chapter, local district under this chapter, school district, interlocal cooperation entity  
 519 established under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

520 (A) whose services or facilities are likely to require expansion or significant  
 521 modification because of an intended use of land; or

522 (B) that has filed with the local district a copy of the general or long-range plan of the  
523 county, municipality, independent special district, local district, school district, interlocal  
524 cooperation entity, or specified public utility.

525 (ii) "Affected entity" does not include the local district that is required under this  
526 section to provide notice.

527 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
528 telephone corporation, as those terms are defined in Section 54-2-1.

529 (2) (a) If a local district under this chapter located in a county of the first or second  
530 class prepares a long-range plan regarding its facilities proposed for the future or amends an  
531 already existing long-range plan, the local district shall, before preparing a long-range plan or  
532 amendments to an existing long-range plan, provide written notice, as provided in this section,  
533 of its intent to prepare a long-range plan or to amend an existing long-range plan.

534 (b) Each notice under Subsection (2)(a) shall:

535 (i) indicate that the local district intends to prepare a long-range plan or to amend a  
536 long-range plan, as the case may be;

537 (ii) describe or provide a map of the geographic area that will be affected by the  
538 long-range plan or amendments to a long-range plan;

539 (iii) be sent to:

540 (A) each county in whose unincorporated area and each municipality in whose  
541 boundaries is located the land on which the proposed long-range plan or amendments to a  
542 long-range plan are expected to indicate that the proposed facilities will be located;

543 (B) each affected entity;

544 (C) the Automated Geographic Reference Center created in Section 63A-6-202;

545 (D) each association of governments, established pursuant to an interlocal agreement  
546 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality  
547 described in Subsection (2)(b)(iii)(A) is a member; and

548 (E) the state planning coordinator appointed under Section 63-38d-202;

549 (iv) with respect to the notice to counties and municipalities described in Subsection  
550 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to  
551 consider in the process of preparing, adopting, and implementing the long-range plan or  
552 amendments to a long-range plan concerning:

553 (A) impacts that the use of land proposed in the proposed long-range plan or  
554 amendments to a long-range plan may have on the county, municipality, or affected entity; and

555 (B) uses of land that the county, municipality, or affected entity is planning or  
556 considering that may conflict with the proposed long-range plan or amendments to a long-range  
557 plan; and

558 (v) include the address of an Internet website, if the local district has one, and the name  
559 and telephone number of a person where more information can be obtained concerning the  
560 local district's proposed long-range plan or amendments to a long-range plan.

561 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire  
562 real property for the purpose of expanding the district's infrastructure or other facilities used for  
563 providing the services that the district is authorized to provide shall provide written notice, as  
564 provided in this Subsection (3), of its intent to acquire the property if the intended use of the  
565 property is contrary to:

566 (i) the anticipated use of the property under the county or municipality's general plan;

567 or

568 (ii) the property's current zoning designation.

569 (b) Each notice under Subsection (3)(a) shall:

570 (i) indicate that the local district intends to acquire real property;

571 (ii) identify the real property; and

572 (iii) be sent to:

573 (A) each county in whose unincorporated area and each municipality in whose  
574 boundaries the property is located; and

575 (B) each affected entity.

576 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
577 63-2-304(7).

578 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district  
579 previously provided notice under Subsection (2) identifying the general location within the  
580 municipality or unincorporated part of the county where the property to be acquired is located.

581 (ii) If a local district is not required to comply with the notice requirement of  
582 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide  
583 the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real

584 property.

585 Section 10. Section **53A-2-123** is enacted to read:

586 **53A-2-123. Notice before preparing or amending a long-range plan or acquiring**  
587 **certain property.**

588 (1) As used in this section:

589 (a) "Affected entity" means each county, municipality, independent special district  
590 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,  
591 Chapter 2, Local Districts, interlocal cooperation entity established under Title 11, Chapter 13,  
592 Interlocal Cooperation Act, and specified public utility:

593 (i) whose services or facilities are likely to require expansion or significant  
594 modification because of an intended use of land; or

595 (ii) that has filed with the school district a copy of the general or long-range plan of the  
596 county, municipality, independent special district, local district, school district, interlocal  
597 cooperation entity, or specified public utility.

598 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
599 telephone corporation, as those terms are defined in Section 54-2-1.

600 (2) (a) If a school district located in a county of the first or second class prepares a  
601 long-range plan regarding its facilities proposed for the future or amends an already existing  
602 long-range plan, the school district shall, before preparing a long-range plan or amendments to  
603 an existing long-range plan, provide written notice, as provided in this section, of its intent to  
604 prepare a long-range plan or to amend an existing long-range plan.

605 (b) Each notice under Subsection (2)(a) shall:

606 (i) indicate that the school district intends to prepare a long-range plan or to amend a  
607 long-range plan, as the case may be;

608 (ii) describe or provide a map of the geographic area that will be affected by the  
609 long-range plan or amendments to a long-range plan;

610 (iii) be sent to:

611 (A) each county in whose unincorporated area and each municipality in whose  
612 boundaries is located the land on which the proposed long-range plan or amendments to a  
613 long-range plan are expected to indicate that the proposed facilities will be located;

614 (B) each affected entity;

615 (C) the Automated Geographic Reference Center created in Section 63A-6-202;  
616 (D) each association of governments, established pursuant to an interlocal agreement  
617 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality  
618 described in Subsection (2)(b)(iii)(A) is a member; and  
619 (E) the state planning coordinator appointed under Section 63-38d-202;  
620 (iv) with respect to the notice to counties and municipalities described in Subsection  
621 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to  
622 consider in the process of preparing, adopting, and implementing the long-range plan or  
623 amendments to a long-range plan concerning:  
624 (A) impacts that the use of land proposed in the proposed long-range plan or  
625 amendments to a long-range plan may have on the county, municipality, or affected entity; and  
626 (B) uses of land that the county, municipality, or affected entity is planning or  
627 considering that may conflict with the proposed long-range plan or amendments to a long-range  
628 plan; and  
629 (v) include the address of an Internet website, if the school district has one, and the  
630 name and telephone number of a person where more information can be obtained concerning  
631 the school district's proposed long-range plan or amendments to a long-range plan.  
632 (3) (a) Except as provided in Subsection (3)(d), each school district intending to  
633 acquire real property for the purpose of expanding the district's infrastructure or other facilities  
634 shall provide written notice, as provided in this Subsection (3), of its intent to acquire the  
635 property if the intended use of the property is contrary to:  
636 (i) the anticipated use of the property under the county or municipality's general plan;  
637 or  
638 (ii) the property's current zoning designation.  
639 (b) Each notice under Subsection (3)(a) shall:  
640 (i) indicate that the school district intends to acquire real property;  
641 (ii) identify the real property; and  
642 (iii) be sent to:  
643 (A) each county in whose unincorporated area and each municipality in whose  
644 boundaries the property is located; and  
645 (B) each affected entity.

646 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
647 63-2-304(7).

648 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district  
649 previously provided notice under Subsection (2) identifying the general location within the  
650 municipality or unincorporated part of the county where the property to be acquired is located.

651 (ii) If a school district is not required to comply with the notice requirement of  
652 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall  
653 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of  
654 the real property.

655 Section 11. Section **54-3-27** is enacted to read:

656 **54-3-27. Notice required of certain public utilities before preparing a long-range**  
657 **plan or acquiring certain property.**

658 (1) As used in this section:

659 (a) (i) "Affected entity" means each county, municipality, independent special district  
660 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,  
661 Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title  
662 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

663 (A) whose services or facilities are likely to require expansion or significant  
664 modification because of expected uses of land under a proposed long-range plan or under  
665 proposed amendments to a long-range plan; or

666 (B) that has filed with the specified public utility a copy of the general or long-range  
667 plan of the county, municipality, independent special district, local district, school district,  
668 interlocal cooperation entity, or specified public utility.

669 (ii) "Affected entity" does not include the specified public utility that is required under  
670 Subsection (2) to provide notice.

671 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
672 telephone corporation, as those terms are defined in Section 54-2-1.

673 (2) (a) If a specified public utility prepares a long-range plan regarding its facilities  
674 proposed for the future in a county of the first or second class or amends an already existing  
675 long-range plan, the specified public utility shall, before preparing a long-range plan or  
676 amendments to an existing long-range plan, provide written notice, as provided in this section,

677 of its intent to prepare a long-range plan or to amend an existing long-range plan.

678 (b) Each notice under Subsection (2) shall:

679 (i) indicate that the specified public utility intends to prepare a long-range plan or to  
680 amend a long-range plan, as the case may be;

681 (ii) describe or provide a map of the geographic area that will be affected by the  
682 long-range plan or amendments to a long-range plan;

683 (iii) be sent to:

684 (A) each county in whose unincorporated area and each municipality in whose  
685 boundaries is located the land on which the proposed long-range plan or amendments to a  
686 long-range plan are expected to indicate that the proposed facilities will be located;

687 (B) each affected entity;

688 (C) the Automated Geographic Reference Center created in Section 63A-6-202;

689 (D) each association of governments, established pursuant to an interlocal agreement  
690 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality  
691 described in Subsection (2)(b)(iii)(A) is a member; and

692 (E) the state planning coordinator appointed under Section 63-38d-202;

693 (iv) with respect to the notice to counties and municipalities described in Subsection  
694 (2)(b)(iii)(A) and affected entities, invite them to provide information for the specified public  
695 utility to consider in the process of preparing, adopting, and implementing the long-range plan  
696 or amendments to a long-range plan concerning:

697 (A) impacts that the use of land proposed in the proposed long-range plan or  
698 amendments to a long-range plan may have on the county, municipality, or affected entity; and

699 (B) uses of land that the county, municipality, or affected entity is planning or  
700 considering that may conflict with the proposed long-range plan or amendments to a long-range  
701 plan; and

702 (v) include the address of an Internet website, if the specified public utility has one, and  
703 the name and telephone number of a person where more information can be obtained  
704 concerning the specified public utility's proposed long-range plan or amendments to a  
705 long-range plan.

706 (3) (a) Except as provided in Subsection (3)(d), each specified public utility intending  
707 to acquire real property for the purpose of expanding its infrastructure or other facilities used

708 for providing the services that the specified public utility is authorized to provide shall provide  
709 written notice, as provided in this Subsection (3), of its intent to acquire the property if the  
710 intended use of the property is contrary to:

711 (i) the anticipated use of the property under the county or municipality's general plan;

712 or

713 (ii) the property's current zoning designation.

714 (b) Each notice under Subsection (3)(a) shall:

715 (i) indicate that the specified public utility intends to acquire real property;

716 (ii) identify the real property; and

717 (iii) be sent to:

718 (A) each county in whose unincorporated area and each municipality in whose  
719 boundaries the property is located; and

720 (B) each affected entity.

721 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
722 63-2-304(7).

723 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the specified  
724 public utility previously provided notice under Subsection (2) identifying the general location  
725 within the municipality or unincorporated part of the county where the property to be acquired  
726 is located.

727 (ii) If a specified public utility is not required to comply with the notice requirement of  
728 Subsection (3)(a) because of application of Subsection (3)(d)(i), the specified public utility  
729 shall provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition  
730 of the real property.

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**Legislative Review Note**

**as of 2-2-04 4:17 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**