

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

6
7 **LONG TITLE**

8 **General Description:**

9 This bill modifies and enacts provisions relating to notice and land use dispute
10 resolution applicable to certain entities in first and second class counties.

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 **10-8-2**, as last amended by Chapter 124, Laws of Utah 2003
- 28 **10-9-301**, as last amended by Chapter 105, Laws of Utah 2003
- 29 **10-9-302**, as last amended by Chapters 23 and 93, Laws of Utah 1992
- 30 **11-36-201**, as last amended by Chapter 239, Laws of Utah 2002
- 31 **17-27-301**, as last amended by Chapter 105, Laws of Utah 2003
- 32 **17-27-302**, as last amended by Chapters 23 and 93, Laws of Utah 1992
- 33 **17-50-302**, as last amended by Chapter 211, Laws of Utah 2003

34 ENACTS:

- 35 **10-9-301.5**, Utah Code Annotated 1953
- 36 **17-27-301.5**, Utah Code Annotated 1953
- 37 **17A-2-104**, Utah Code Annotated 1953
- 38 **17B-2-104**, Utah Code Annotated 1953
- 39 **53A-2-123**, Utah Code Annotated 1953
- 40 **54-3-27**, Utah Code Annotated 1953



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

43 Section 1. Section **10-8-2** is amended to read:

44 **10-8-2. Appropriations -- Acquisition and disposal of property -- Corporate**
45 **purpose -- Procedure.**

- 46 (1) A municipal legislative body may:
 - 47 (a) appropriate money for corporate purposes only;
 - 48 (b) provide for payment of debts and expenses of the corporation;
 - 49 (c) subject to [~~Subsection~~] Subsections (4) and (5), purchase, receive, hold, sell, lease,
50 convey, and dispose of real and personal property for the benefit of the municipality, whether
51 the property is within or without the municipality's corporate boundaries;
 - 52 (d) improve, protect, and do any other thing in relation to this property that an
53 individual could do; and
 - 54 (e) subject to Subsection (2) and after first holding a public hearing, authorize
55 municipal services or other nonmonetary assistance to be provided to or waive fees required to
56 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

57 (2) Services or assistance provided pursuant to Subsection (1)(e) is not subject to the
58 provisions of Subsection (3). The total amount of services or other nonmonetary assistance
59 provided or fees waived under Subsection (1)(e) in any given fiscal year may not exceed 1% of
60 the municipality's budget for that fiscal year.

61 (3) It is considered a corporate purpose to appropriate money for any purpose that, in
62 the judgment of the municipal legislative body, provides for the safety, health, prosperity,
63 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality
64 subject to the following:

65 (a) The net value received for any money appropriated shall be measured on a
66 project-by-project basis over the life of the project.

67 (b) The criteria for a determination under this Subsection (3) shall be established by the
68 municipality's legislative body. A determination of value received, made by the municipality's
69 legislative body, shall be presumed valid unless it can be shown that the determination was
70 arbitrary, capricious, or illegal.

71 (c) The municipality may consider intangible benefits received by the municipality in
72 determining net value received.

73 (d) Prior to the municipal legislative body making any decision to appropriate any
74 funds for a corporate purpose under this section, a public hearing shall be held. Notice of the
75 hearing shall be published in a newspaper of general circulation at least 14 days prior to the
76 date of the hearing, or, if there is no newspaper of general circulation, by posting notice in at
77 least three conspicuous places within the municipality for the same time period.

78 (e) A study shall be performed before notice of the public hearing is given and shall be
79 made available at the municipality for review by interested parties at least 14 days immediately
80 prior to the public hearing, setting forth an analysis and demonstrating the purpose for the
81 appropriation. In making the study, the following factors shall be considered:

82 (i) what identified benefit the municipality will receive in return for any money or
83 resources appropriated;

84 (ii) the municipality's purpose for the appropriation, including an analysis of the way
85 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,
86 peace, order, comfort, or convenience of the inhabitants of the municipality; and

87 (iii) whether the appropriation is necessary and appropriate to accomplish the

88 reasonable goals and objectives of the municipality in the area of economic development, job
89 creation, affordable housing, blight elimination, job preservation, the preservation of historic
90 structures and property, and any other public purpose.

91 (f) An appeal may be taken from a final decision of the municipal legislative body, to
92 make an appropriation. The appeal shall be filed within 30 days after the date of that decision,
93 to the district court. Any appeal shall be based on the record of the proceedings before the
94 legislative body. A decision of the municipal legislative body shall be presumed to be valid
95 unless the appealing party shows that the decision was arbitrary, capricious, or illegal.

96 (g) The provisions of this Subsection (3) apply only to those appropriations made after
97 May 6, 2002.

98 (h) This section shall only apply to appropriations not otherwise approved pursuant to
99 Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6,
100 Uniform Fiscal Procedures Act for Utah Cities.

101 (4) (a) Before a municipality may dispose of a significant parcel of real property, the
102 municipality shall:

103 (i) provide reasonable notice of the proposed disposition at least 14 days before the
104 opportunity for public comment under Subsection (4)(a)(ii); and

105 (ii) allow an opportunity for public comment on the proposed disposition.

106 (b) Each municipality shall, by ordinance, define what constitutes:

107 (i) a significant parcel of real property for purposes of Subsection (4)(a); and

108 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

109 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire
110 real property for the purpose of expanding the municipality's infrastructure or other facilities
111 used for providing services that the municipality offers or intends to offer shall provide written
112 notice, as provided in this Subsection (5), of its intent to acquire the property if:

113 (i) the property is located:

114 (A) outside the boundaries of the municipality; and

115 (B) in a county of the first or second class; and

116 (ii) the intended use of the property is contrary to:

117 (A) the anticipated use of the property under the general plan of the county in whose
118 unincorporated area or the municipality in whose boundaries the property is located; or

- 119 (B) the property's current zoning designation.
- 120 (b) Each notice under Subsection (5)(a) shall:
- 121 (i) indicate that the municipality intends to acquire real property;
- 122 (ii) identify the real property; and
- 123 (iii) be sent to:
- 124 (A) each county in whose unincorporated area and each municipality in whose
- 125 boundaries the property is located; and
- 126 (B) each affected entity.
- 127 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
- 128 63-2-304(7).
- 129 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality
- 130 previously provided notice under Section 10-9-301.5 identifying the general location within the
- 131 municipality or unincorporated part of the county where the property to be acquired is located.
- 132 (ii) If a municipality is not required to comply with the notice requirement of
- 133 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide
- 134 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real
- 135 property.

Section 2. Section **10-9-301** is amended to read:

10-9-301. General plan.

- 138 (1) In order to accomplish the purposes set forth in this chapter, each municipality shall
- 139 prepare and adopt a comprehensive, long-range general plan for:
- 140 (a) present and future needs of the municipality; and
- 141 (b) growth and development of the land within the municipality or any part of the
- 142 municipality.
- 143 (2) The plan may provide for:
- 144 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
- 145 activities, aesthetics, and recreational, educational, and cultural opportunities;
- 146 (b) the reduction of the waste of physical, financial, or human resources that result
- 147 from either excessive congestion or excessive scattering of population;
- 148 (c) the efficient and economical use, conservation, and production of the supply of:
- 149 (i) food and water; and

- 150 (ii) drainage, sanitary, and other facilities and resources;
- 151 (d) the use of energy conservation and solar and renewable energy resources;
- 152 (e) the protection of urban development;
- 153 (f) the protection and promotion of air quality;
- 154 (g) historic preservation; [~~and~~]
- 155 (h) identifying future uses of land that are likely to require an expansion or significant
- 156 modification of services or facilities provided by affected entities and specified public utilities,
- 157 as those terms are defined in Section 10-9-301.5; and

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

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

162 Section 3. Section **10-9-301.5** is enacted to read:

163 **10-9-301.5. Notice of intent to prepare a general plan or amendments to a general**
164 **plan in certain municipalities.**

165 (1) As used in this section:

166 (a) (i) "Affected entity" means each county, municipality, independent special district
167 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,
168 Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title
169 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

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

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

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

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

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

181 general plan.

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

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

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

187 (c) be sent to:

188 (i) each affected entity;

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

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

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

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

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

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

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

205 Section 4. Section **10-9-302** is amended to read:

206 **10-9-302. Plan preparation.**

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

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

211 (c) Except as otherwise provided by law, when the plan of a municipality involves

212 territory outside the boundaries of the municipality, the municipality may not take action
213 affecting that territory without the concurrence of the county or other municipalities affected.

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

217 (a) a land use element that:

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

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

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

227 (c) an environmental element that addresses:

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

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

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

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

240 (i) historic preservation; and

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

243 (f) an economic element composed of appropriate studies and an economic
244 development plan that may include review of municipal revenue and expenditures, revenue
245 sources, identification of base and residentiary industry, primary and secondary market areas,
246 employment, and retail sales activity;

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

249 [~~and~~]

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

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

252 Section 5. Section **11-36-201** is amended to read:

253 **11-36-201. Impact fees -- Analysis -- Capital facilities plan -- Notice of plan --**
254 **Summary -- Exemptions.**

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

257 (b) A local political subdivision may not:

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

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

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

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

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

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

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

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

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

274 (A) (I) "Affected entity" means each county, municipality, independent special district
275 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,
276 Chapter 2, Local Districts, school district, interlocal cooperation entity established under
277 Chapter 13, Interlocal Cooperation Act, and specified public utility:

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

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

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

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

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

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

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

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

296 (C) be sent to:

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

299 (II) each affected entity;

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

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

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

305 (D) with respect to the notice to affected entities, invite the affected entities to provide
306 information for the local political subdivision or private entity to consider in the process of
307 preparing, adopting, and implementing a capital facilities plan concerning:

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

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

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

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

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

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

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

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

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

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

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

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

329 (ii) Municipalities shall comply with the notice and hearing requirements of, and,
330 except as provided in Subsection 11-36-401(4)(f), receive the protections of, Subsections
331 10-9-103(2) and 10-9-402(2).

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

335 (iv) Special districts and private entities shall comply with the notice and hearing

336 requirements of, and receive the protections of, Section 17A-1-203.

337 (v) Nothing contained in this Subsection (2)~~(f)~~(e) or in the subsections referenced in
338 Subsections ~~(2)(f)~~(e)(ii) and (iii) may be construed to require involvement by a planning
339 commission in the capital facilities planning process.

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

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

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

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

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

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

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

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

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

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

363 (i) the cost of existing public facilities;

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

366 (iii) the relative extent to which the newly developed properties and the other

367 properties in the municipality have already contributed to the cost of existing public facilities,
368 by such means as user charges, special assessments, or payment from the proceeds of general
369 taxes;

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

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

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

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

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

384 (6) Each local political subdivision that adopts an impact fee enactment under Section
385 11-36-202 on or after July 1, 2000 shall, at least 14 days before adopting the enactment, submit
386 to each public library within the local political subdivision:

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

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

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

392 Section 6. Section **17-27-301** is amended to read:

393 **17-27-301. General plan.**

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

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

397 (b) the growth and development of the land within the county or any part of the county,

398 including uses of land for urbanization, trade, industry, residential, agricultural, wildlife
399 habitat, and other purposes.

400 (2) The plan may provide for:

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

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

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

406 (i) food and water; and

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

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

409 (e) the protection of urban development;

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

411 (g) historic preservation; ~~and~~

412 (h) identifying future uses of land that are likely to require an expansion or significant
413 modification of services or facilities provided by affected entities and specified public utilities,
414 as those terms are defined in Section 17-27-301.5; and

415 ~~(h)~~ (i) an official map, pursuant to Title 72, Chapter 5, Part 4, Transportation
416 Corridor Preservation.

417 (3) (a) The plan shall include specific provisions related to any areas within, or
418 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a
419 county, which are proposed for the siting of a storage facility or transfer facility for the
420 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as
421 these wastes are defined in Section 19-3-303. The provisions shall address the effects of the
422 proposed site upon the health and general welfare of citizens of the state, and shall provide:

423 (i) the information identified in Section 19-3-305;

424 (ii) information supported by credible studies that demonstrates that the provisions of
425 Subsection 19-3-307(2) have been satisfied; and

426 (iii) specific measures to mitigate the effects of high-level nuclear waste and greater
427 than class C radioactive waste and guarantee the health and safety of the citizens of the state.

428 (b) A county may, in lieu of complying with Subsection (3)(a), adopt an ordinance

429 indicating that all proposals for the siting of a storage facility or transfer facility for the
430 placement of high-level nuclear waste or greater than class C radioactive waste wholly or
431 partially within the county are rejected.

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

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

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

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

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

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

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

445 Section 7. Section **17-27-301.5** is enacted to read:

446 **17-27-301.5. Notice of intent to prepare a general plan or amendments to a**
447 **general plan in certain counties.**

448 (1) As used in this section:

449 (a) (i) "Affected entity" means each county, municipality, independent special district
450 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,
451 Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title
452 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

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

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

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

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

460 (2) Before preparing a proposed general plan or amendments to an existing general
461 plan, each county of the first or second class shall provide written notice, as provided in this
462 section, of its intent to prepare a proposed general plan or amendments to a general plan.

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

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

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

468 (c) be sent to:

469 (i) each affected entity;

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

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

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

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

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

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

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

484 Section 8. Section **17-27-302** is amended to read:

485 **17-27-302. Plan preparation.**

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

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

491 (ii) Elements of the county plan that address incorporated areas are not an official plan
492 or part of a municipal plan for any municipality, unless it is adopted by the municipal planning
493 commission and the governing body of the municipality.

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

497 (a) a land use element that:

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

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

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

507 (c) an environmental element that addresses:

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

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

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

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

520 (i) historic preservation; and

521 (ii) the elimination of blight and for redevelopment, including housing sites, business

522 and industrial sites, and public building sites;

523 (f) an economic element composed of appropriate studies and an economic
524 development plan that may include review of county revenue and expenditures, revenue
525 sources, identification of base and residentiary industry, primary and secondary market areas,
526 employment, and retail sales activity;

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

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

532 Section 9. Section **17-50-302** is amended to read:

533 **17-50-302. General county powers.**

534 (1) A county may:

535 (a) as prescribed by statute, levy, assess, and collect taxes, borrow money, and levy and
536 collect special assessments for benefits conferred; and

537 (b) provide services, exercise powers, and perform functions that are reasonably related
538 to the safety, health, morals, and welfare of their inhabitants, except as limited or prohibited by
539 statute.

540 (2) (a) A county may:

541 (i) sue and be sued;

542 (ii) subject to Subsection (2)(c), acquire real property by tax sale, purchase, lease,
543 contract, gift, or condemnation, and hold the real property as necessary and proper for county
544 purposes;

545 (iii) as may be necessary to the exercise of its powers, acquire personal property by
546 purchase, lease, contract, or gift, and hold such personal property; and

547 (iv) manage and dispose of its property as the interests of its inhabitants may require.

548 (b) Nothing in Subsection (2)(a)(ii) may be construed to authorize a county to acquire
549 by condemnation the rights to water used in agricultural production unless the land to which
550 those water rights are appurtenant is acquired by condemnation.

551 (c) (i) Except as provided in Subsection (2)(c)(iv), each county intending to acquire
552 real property for the purpose of expanding the county's infrastructure or other facilities used for

553 providing services that the county offers or intends to offer shall provide written notice, as
554 provided in this Subsection (2)(c), of its intent to acquire the property if:

555 (A) the property is located:

556 (I) outside the boundaries of the unincorporated area of the county; and

557 (II) in a county of the first or second class; and

558 (B) the intended use of the property is contrary to:

559 (I) the anticipated use of the property under the general plan of the county in whose
560 unincorporated area or the municipality in whose boundaries the property is located; or

561 (II) the property's current zoning designation.

562 (ii) Each notice under Subsection (2)(c)(i) shall:

563 (A) indicate that the county intends to acquire real property;

564 (B) identify the real property; and

565 (C) be sent to:

566 (I) each county in whose unincorporated area and each municipality in whose
567 boundaries the property is located; and

568 (II) each affected entity.

569 (iii) A notice under this Subsection (2)(c) is a protected record as provided in
570 Subsection 63-2-304(7).

571 (iv) (A) The notice requirement of Subsection (2)(c)(i) does not apply if the county
572 previously provided notice under Section 17-27-301.5 identifying the general location within
573 the municipality or unincorporated part of the county where the property to be acquired is
574 located.

575 (B) If a county is not required to comply with the notice requirement of Subsection
576 (2)(c)(i) because of application of Subsection (2)(c)(iv)(A), the county shall provide the notice
577 specified in Subsection (2)(c)(i) as soon as practicable after its acquisition of the real property.

578 Section 10. Section **17A-2-104** is enacted to read:

579 **17A-2-104. Notice before preparing a long-range plan or acquiring certain**
580 **property.**

581 (1) As used in this section:

582 (a) (i) "Affected entity" means each county, municipality, independent special district
583 under this chapter, local district under Title 17B, Chapter 2, Local Districts, school district,

584 interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
585 and specified public utility:

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

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

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

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

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

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

602 (i) indicate that the independent special district intends to prepare a long-range plan or
603 to amend a long-range plan, as the case may be;

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

606 (iii) be sent to:

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

610 (B) each affected entity;

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

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

615 (E) the state planning coordinator appointed under Section 63-38d-202;
616 (iv) with respect to the notice to counties and municipalities described in Subsection
617 (2)(b)(iii)(A) and affected entities, invite them to provide information for the independent
618 special district to consider in the process of preparing, adopting, and implementing the
619 long-range plan or amendments to a long-range plan concerning:
620 (A) impacts that the use of land proposed in the proposed long-range plan or
621 amendments to a long-range plan may have on the county, municipality, or affected entity; and
622 (B) uses of land that the county, municipality, or affected entity is planning or
623 considering that may conflict with the proposed long-range plan or amendments to a long-range
624 plan; and
625 (v) include the address of an Internet website, if the independent special district has
626 one, and the name and telephone number of a person where more information can be obtained
627 concerning the independent special district's proposed long-range plan or amendments to a
628 long-range plan.
629 (3) (a) Except as provided in Subsection (3)(d), each independent special district
630 intending to acquire real property in a county of the first or second class for the purpose of
631 expanding the district's infrastructure or other facilities used for providing the services that the
632 district is authorized to provide shall provide written notice, as provided in this Subsection (3),
633 of its intent to acquire the property if the intended use of the property is contrary to:
634 (i) the anticipated use of the property under the county or municipality's general plan;
635 or
636 (ii) the property's current zoning designation.
637 (b) Each notice under Subsection (3)(a) shall:
638 (i) indicate that the independent special district intends to acquire real property;
639 (ii) identify the real property; and
640 (iii) be sent to:
641 (A) each county in whose unincorporated area and each municipality in whose
642 boundaries the property is located; and
643 (B) each affected entity.
644 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
645 63-2-304(7).

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

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

654 Section 11. Section **17B-2-104** is enacted to read:

655 **17B-2-104. Notice before preparing a long-range plan or acquiring certain**
656 **property.**

657 (1) As used in this section:

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

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

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

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

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

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

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

676 (i) indicate that the local district intends to prepare a long-range plan or to amend a

677 long-range plan, as the case may be;
678 (ii) describe or provide a map of the geographic area that will be affected by the
679 long-range plan or amendments to a long-range plan;
680 (iii) be sent to:
681 (A) each county in whose unincorporated area and each municipality in whose
682 boundaries is located the land on which the proposed long-range plan or amendments to a
683 long-range plan are expected to indicate that the proposed facilities will be located;
684 (B) each affected entity;
685 (C) the Automated Geographic Reference Center created in Section 63A-6-202;
686 (D) each association of governments, established pursuant to an interlocal agreement
687 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality
688 described in Subsection (2)(b)(iii)(A) is a member; and
689 (E) the state planning coordinator appointed under Section 63-38d-202;
690 (iv) with respect to the notice to counties and municipalities described in Subsection
691 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to
692 consider in the process of preparing, adopting, and implementing the long-range plan or
693 amendments to a long-range plan concerning:
694 (A) impacts that the use of land proposed in the proposed long-range plan or
695 amendments to a long-range plan may have on the county, municipality, or affected entity; and
696 (B) uses of land that the county, municipality, or affected entity is planning or
697 considering that may conflict with the proposed long-range plan or amendments to a long-range
698 plan; and
699 (v) include the address of an Internet website, if the local district has one, and the name
700 and telephone number of a person where more information can be obtained concerning the
701 local district's proposed long-range plan or amendments to a long-range plan.
702 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire
703 real property in a county of the first or second class for the purpose of expanding the district's
704 infrastructure or other facilities used for providing the services that the district is authorized to
705 provide shall provide written notice, as provided in this Subsection (3), of its intent to acquire
706 the property if the intended use of the property is contrary to:
707 (i) the anticipated use of the property under the county or municipality's general plan;

708 or

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

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

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

712 (ii) identify the real property; and

713 (iii) be sent to:

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

716 (B) each affected entity.

717 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
718 63-2-304(7).

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

722 (ii) If a local district is not required to comply with the notice requirement of
723 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide
724 the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real
725 property.

726 Section 12. Section **53A-2-123** is enacted to read:

727 **53A-2-123. Notice before preparing or amending a long-range plan or acquiring**
728 **certain property.**

729 (1) As used in this section:

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

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

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

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

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

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

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

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

751 (iii) be sent to:

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

755 (B) each affected entity;

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

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

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

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

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

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

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

773 (3) (a) Except as provided in Subsection (3)(d), each school district intending to
774 acquire real property in a county of the first or second class for the purpose of expanding the
775 district's infrastructure or other facilities shall provide written notice, as provided in this
776 Subsection (3), of its intent to acquire the property if the intended use of the property is
777 contrary to:

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

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

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

782 (i) indicate that the school district intends to acquire real property;

783 (ii) identify the real property; and

784 (iii) be sent to:

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

787 (B) each affected entity.

788 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
789 63-2-304(7).

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

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

797 Section 13. Section **54-3-27** is enacted to read:

798 **54-3-27. Notice required of certain public utilities before preparing a long-range**
799 **plan or acquiring certain property.**

800 (1) As used in this section:

801 (a) (i) "Affected entity" means each county, municipality, independent special district
802 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,
803 Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title
804 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

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

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

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

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

815 (2) (a) If a specified public utility prepares a long-range plan regarding its facilities
816 proposed for the future in a county of the first or second class or amends an already existing
817 long-range plan, the specified public utility shall, before preparing a long-range plan or
818 amendments to an existing long-range plan, provide written notice, as provided in this section,
819 of its intent to prepare a long-range plan or to amend an existing long-range plan.

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

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

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

825 (iii) be sent to:

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

829 (B) each affected entity;

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

831 (D) each association of governments, established pursuant to an interlocal agreement

832 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality
833 described in Subsection (2)(b)(iii)(A) is a member; and

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

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

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

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

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

848 (3) (a) Except as provided in Subsection (3)(d), each specified public utility intending
849 to acquire real property in a county of the first or second class for the purpose of expanding its
850 infrastructure or other facilities used for providing the services that the specified public utility
851 is authorized to provide shall provide written notice, as provided in this Subsection (3), of its
852 intent to acquire the property if the intended use of the property is contrary to:

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

854 or

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

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

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

858 (ii) identify the real property; and

859 (iii) be sent to:

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

862 (B) each affected entity.

863 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
864 63-2-304(7).

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

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