



House of Representatives *State of Utah*

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February 5, 2007

Mr. Speaker:

The Government Operations Committee reports a favorable recommendation on **H.B. 233**, ENVIRONMENTALLY RESTRICTED ZONING DISTRICTS, by Representative M. Morley, with the following amendments:

1. *Page 10, Line 284:*

284 (3) (a) A municipality may not deny a land use application with respect to
land located in

2. *Page 10, Lines 287 through 289:*

287 {~~(a)~~} (i) the municipality failed to comply with the requirements of
Subsection (1); or
288 {~~(b)(i)~~} (ii)(A) the applicant:
289 {~~(A)~~} (I) presents competent evidence , **subject to Subsection**
(3)(b), demonstrating that use of the land as proposed in the

3. *Page 10, Lines 292 through 293:*

292 {~~(B)~~} (II) establishes by professional engineering data and the
testimony of competent
293 experts , **subject to Subsection (3)(b),** that the potential detrimental effects
resulting from the use of the land as proposed in

4. *Page 10, Line 295:*

295 {~~(ii)~~} (B) the land use application proposes lots with an average
size that is no smaller than

5. *Page 10, Lines 298 through 299:*

298 {~~(iii)~~} (C) the land use application otherwise complies with all other
requirements applicable

Bill Number



HB0233

Action Class



H

Action Code



HCRAMD

299 to ~~{all other}~~ zoning districts of similar use and density in the municipality.

(b)(i) A municipality may reject evidence, professional engineering data, and expert testimony that an applicant presents under Subsection (3)(a)(ii)(A) if the municipality determines that the evidence, data, or testimony is incomplete or inaccurate or does not adequately assess the risks to the public of the municipality's approving the land use application.

(ii) All disputes between an applicant and a municipality regarding a municipality's rejection of evidence, data, or testimony under Subsection (3)(b)(i) with respect to a land use application shall be resolved in a single binding arbitration proceeding, as provided in Section 10-9a-709.

6. Page 23, Line 693:

693 (3) (a) A county may not deny a land use application with respect to land located in an

7. Page 23, Lines 696 through 698:

696 ~~{(a)}~~ (i) the county failed to comply with the requirements of Subsection (1); or

697 ~~{(b)(i)}~~ (ii)(A) the applicant:

698 ~~{(A)}~~ (I) presents competent evidence , subject to Subsection (3)(b). demonstrating that use of the land as proposed in the

8. Page 23, Lines 701 through 702:

701 ~~{(B)}~~ (II) establishes by professional engineering data and the testimony of competent

702 experts , subject to Subsection (3)(b). that the potential detrimental effects resulting from the use of the land as proposed in

9. Page 23, Line 704:

704 ~~{(f)}~~ (B) the land use application proposes lots with an average

Bill Number



HB0233

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size that is no smaller than

10. Page 23, Lines 707 through 708:

707 ~~{(iii)}~~ (C) the land use application otherwise complies with all other
requirements applicable

708 to ~~{all other}~~ zoning districts of similar use and density in the county.

(b)(i) A county may reject evidence, professional engineering data,
and expert testimony that an applicant presents under Subsection
(3)(a)(ii)(A) if the county determines that the evidence, data, or testimony is
incomplete or inaccurate or does not adequately assess the risks to the
public of the county's approving the land use application.

(ii) All disputes between an applicant and a county regarding a county's
rejection of evidence, data, or testimony under Subsection (3)(b)(i) with
respect to a land use application shall be resolved by a single binding
arbitration proceeding, as provided in Section 17-27a-709.

Respectfully,

Glenn A. Donnelson
Committee Chair

Voting: 8-2-1

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