

**AMENDMENTS REGARDING NOTICE ON UTAH**

**PUBLIC NOTICE WEBSITE**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bradley A. Winn**

Senate Sponsor: Sheldon L. Killpack

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**LONG TITLE**

**General Description:**

This bill modifies county and municipal land use provisions related to general plan notice requirements.

**Highlighted Provisions:**

This bill:

► modifies the notice that certain entities are required to provide before preparing a proposed general plan or amendment, long-range plan, or capital facilities plan so that:

- some entities are required to provide notice on the Utah Public Notice Website rather than to the state planning coordinator; and

- those entities not required to provide notice on the Utah Public Notice Website but that voluntarily provide notice on that website need not provide notice to the state planning coordinator.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



- 28           **10-9a-203**, as last amended by Laws of Utah 2008, Chapter 382
- 29           **11-36-201**, as last amended by Laws of Utah 2008, Chapters 70, 360, and 382
- 30           **17-27a-203**, as last amended by Laws of Utah 2008, Chapter 382
- 31           **17B-1-106**, as last amended by Laws of Utah 2008, Chapter 382
- 32           **53A-2-123**, as last amended by Laws of Utah 2008, Chapters 360 and 382

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

35           Section 1. Section **10-9a-203** is amended to read:

36           **10-9a-203. Notice of intent to prepare a general plan or comprehensive general**  
37 **plan amendments in certain municipalities.**

38           (1) Before preparing a proposed general plan or a comprehensive general plan  
39 amendment, each municipality within a county of the first or second class shall provide ten  
40 calendar days notice of its intent to prepare a proposed general plan or a comprehensive general  
41 plan amendment [~~to~~]:

42           (a) to each affected entity;

43           (b) to the Automated Geographic Reference Center created in Section 63F-1-506;

44           (c) to the association of governments, established pursuant to an interlocal agreement  
45 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member;  
46 and

47           (d) (i) on the Utah Public Notice Website created under Section 63F-1-701, if the  
48 municipality:

49           (A) is required under Subsection 52-4-202(3) to use that website to provide public  
50 notice of a meeting; or

51           (B) voluntarily chooses to provide notice on that website despite not being required to  
52 do so under Subsection (1)(d)(i)(A); or

53           ~~[(d)]~~ (ii) to the state planning coordinator appointed under Section 63J-4-202, if the  
54 municipality does not provide notice on the Utah Public Notice Website under Subsection  
55 (1)(d)(i).

56           (2) Each notice under Subsection (1) shall:

57           (a) indicate that the municipality intends to prepare a general plan or a comprehensive  
58 general plan amendment, as the case may be;

59 (b) describe or provide a map of the geographic area that will be affected by the general  
60 plan or amendment;

61 (c) be sent by mail, e-mail, or other effective means;

62 (d) invite the affected entities to provide information for the municipality to consider in  
63 the process of preparing, adopting, and implementing a general plan or amendment concerning:

64 (i) impacts that the use of land proposed in the proposed general plan or amendment  
65 may have; and

66 (ii) uses of land within the municipality that the affected entity is considering that may  
67 conflict with the proposed general plan or amendment; and

68 (e) include the address of an Internet website, if the municipality has one, and the name  
69 and telephone number of a person where more information can be obtained concerning the  
70 municipality's proposed general plan or amendment.

71 Section 2. Section **11-36-201** is amended to read:

72 **11-36-201. Impact fees -- Analysis -- Capital facilities plan -- Notice of plan --**  
73 **Summary -- Exemptions.**

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

76 (b) A local political subdivision may not:

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

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

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

83 (d) (i) Existing impact fees that a local political subdivision charges for public facilities  
84 authorized in Subsection 11-36-102(12) need not comply with the requirements of this chapter  
85 until July 1, 1997.

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

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

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

90 (2) (a) Before imposing impact fees, each local political subdivision and private entity  
91 shall, except as provided in Subsection (2)(f), prepare a capital facilities plan.

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

93 (A) (I) "Affected entity" means each county, municipality, local district under Title  
94 17B, Limited Purpose Local Government Entities - Local Districts, special service district  
95 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation  
96 entity established under Chapter 13, Interlocal Cooperation Act, and specified public utility:

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

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

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

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

106 (ii) Before preparing or amending a capital facilities plan, each local political  
107 subdivision and each private entity shall provide written notice, as provided in this Subsection  
108 (2)(b), of its intent to prepare or amend a capital facilities plan.

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

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

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

114 (C) be ~~sent to~~:

115 (I) sent to each county in whose unincorporated area and each municipality in whose  
116 boundaries is located the land on which the proposed facilities will be located;

117 (II) sent to each affected entity;

118 (III) sent to the Automated Geographic Reference Center created in Section 63F-1-506;

119 (IV) sent to the association of governments, established pursuant to an interlocal  
120 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, in which the facilities are

121 proposed to be located;

122 (V) (Aa) placed on the Utah Public Notice Website created under Section 63F-1-701, if  
123 the local political subdivision:

124 (Ii) is required under Subsection 52-4-203(3) to use that website to provide public  
125 notice of a meeting; or

126 (Iiii) voluntarily chooses to place notice on that website despite not being required to  
127 do so under Subsection (2)(b)(iii)(C)(V)(Aa)(Ii); or

128 [~~(V)~~] (Bb) sent to the state planning coordinator appointed under Section 63J-4-202, if  
129 the local political subdivision does not provide notice on the Utah Public Notice Website under  
130 Subsection (2)(b)(iii)(C)(V)(Aa);

131 (VI) sent to the registered agent of the Utah Home Builders Association;

132 (VII) sent to the registered agent of the Utah Association of Realtors; and

133 (VIII) sent to the registered agent of the Utah Chapter of the Associated General  
134 Contractors of America; and

135 (D) with respect to the notice to an affected entity, invite the affected entity to provide  
136 information for the local political subdivision or private entity to consider in the process of  
137 preparing, adopting, and implementing or amending a capital facilities plan concerning:

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

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

142 (c) The plan shall identify:

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

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

146 (d) A municipality or county need not prepare a separate capital facilities plan if the  
147 general plan required by Section 10-9a-401 or 17-27a-401, respectively, contains the elements  
148 required by Subsection (2)(c).

149 (e) (i) If a local political subdivision chooses to prepare an independent capital  
150 facilities plan rather than include a capital facilities element in the general plan, the local  
151 political subdivision shall:

152 (A) before preparing or contracting to prepare or amending or contracting to amend the  
153 independent capital facilities plan, send written notice:

154 (I) to:

155 (Aa) the registered agent of the Utah Home Builders Association;

156 (Bb) the registered agent of the Utah Association of Realtors; and

157 (Cc) the registered agent of the Utah Chapter of the Associated General Contractors of  
158 America;

159 (II) stating the local political subdivision's intent to prepare or amend a capital facilities  
160 plan; and

161 (III) inviting each of the notice recipients to participate in the preparation of or  
162 amendment to the capital facilities plan; and

163 (B) before adopting or amending the capital facilities plan:

164 (I) give public notice of the plan or amendment according to Subsection (2)(e)(ii)(A),  
165 (B), or (C), as the case may be, at least 14 days before the date of the public hearing;

166 (II) make a copy of the plan or amendment, together with a summary designed to be  
167 understood by a lay person, available to the public;

168 (III) place a copy of the plan or amendment and summary in each public library within  
169 the local political subdivision; and

170 (IV) hold a public hearing to hear public comment on the plan or amendment.

171 (ii) With respect to the public notice required under Subsection (2)(e)(i)(B)(I):

172 (A) each municipality shall comply with the notice and hearing requirements of, and,  
173 except as provided in Subsection 11-36-401(4)(f), receive the protections of Sections  
174 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2);

175 (B) each county shall comply with the notice and hearing requirements of, and, except  
176 as provided in Subsection 11-36-401(4)(f), receive the protections of Sections 17-27a-205 and  
177 17-27a-801 and Subsection 17-27a-502(2); and

178 (C) each local district, special service district, and private entity shall comply with the  
179 notice and hearing requirements of, and receive the protections of, Section 17B-1-111.

180 (iii) Nothing contained in this Subsection (2)(e) or in the subsections referenced in  
181 Subsections (2)(e)(ii)(A) and (B) may be construed to require involvement by a planning  
182 commission in the capital facilities planning process.

183 (f) (i) A local political subdivision with a population or serving a population of less  
184 than 5,000 as of the last federal census need not comply with the capital facilities plan  
185 requirements of this part, but shall ensure that:

186 (A) the impact fees that the local political subdivision imposes are based upon a  
187 reasonable plan; and

188 (B) each applicable notice required by this chapter is given.

189 (ii) Subsection (2)(f)(i) does not apply to private entities.

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

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

196 (5) (a) Subject to the notice requirement of Subsection (5)(b), each local political  
197 subdivision and private entity intending to impose an impact fee shall prepare a written analysis  
198 of each impact fee that:

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

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

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

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

206 (b) Before preparing or contracting to prepare the written analysis required under  
207 Subsection (5)(a), each local political subdivision or private entity shall provide:

208 (i) public notice; and

209 (ii) written notice:

210 (A) to:

211 (I) the registered agent of the Utah Home Builders Association;

212 (II) the registered agent of the Utah Association of Realtors; and

213 (III) the registered agent of the Utah Chapter of the Associated General Contractors of

214 America;

215 (B) indicating the local political subdivision or private entity's intent to prepare or  
216 contract to prepare a written analysis of an impact fee; and

217 (C) inviting each notice recipient to participate in the preparation of the written  
218 analysis.

219 (c) In analyzing whether or not the proportionate share of the costs of public facilities  
220 are reasonably related to the new development activity, the local political subdivision or private  
221 entity, as the case may be, shall identify, if applicable:

222 (i) the cost of existing public facilities;

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

225 (iii) the relative extent to which the newly developed properties and other properties  
226 have already contributed to the cost of existing public facilities, by such means as user charges,  
227 special assessments, or payment from the proceeds of general taxes;

228 (iv) the relative extent to which the newly developed properties and other properties  
229 will contribute to the cost of existing public facilities in the future;

230 (v) the extent to which the newly developed properties are entitled to a credit because  
231 the local political subdivision or private entity, as the case may be, requires its developers or  
232 owners, by contractual arrangement or otherwise, to provide common facilities, inside or  
233 outside the proposed development, that have been provided by the local political subdivision or  
234 private entity, respectively, and financed through general taxation or other means, apart from  
235 user charges, in other parts of the service area;

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

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

239 (d) Each local political subdivision and private entity that prepares a written analysis  
240 under this Subsection (5) on or after July 1, 2000 shall also prepare a summary of the written  
241 analysis, designed to be understood by a lay person.

242 (6) Each local political subdivision that adopts an impact fee enactment under Section  
243 11-36-202 on or after July 1, 2000 shall, at least 14 days before adopting the enactment, submit  
244 a copy of the written analysis required by Subsection (5)(a) and a copy of the summary



245 required by Subsection (5)(d) to:

- 246 (a) each public library within the local political subdivision;
- 247 (b) the registered agent of the Utah Home Builders Association;
- 248 (c) the registered agent of the Utah Association of Realtors; and
- 249 (d) the registered agent of the Utah Chapter of the Associated General Contractors of  
250 America.

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

254 Section 3. Section **17-27a-203** is amended to read:

255 **17-27a-203. Notice of intent to prepare a general plan or comprehensive general**  
256 **plan amendments in certain counties.**

257 (1) Before preparing a proposed general plan or a comprehensive general plan  
258 amendment, each county of the first or second class shall provide ten calendar days notice of its  
259 intent to prepare a proposed general plan or a comprehensive general plan amendment [to]:

- 260 (a) to each affected entity;
- 261 (b) to the Automated Geographic Reference Center created in Section 63F-1-506;
- 262 (c) to the association of governments, established pursuant to an interlocal agreement  
263 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; and  
264 [~~(d) the state planning coordinator appointed under Section 63J-4-202.~~]
- 265 (d) on the Utah Public Notice Website created under Section 63F-1-701.

266 (2) Each notice under Subsection (1) shall:

- 267 (a) indicate that the county intends to prepare a general plan or a comprehensive  
268 general plan amendment, as the case may be;
- 269 (b) describe or provide a map of the geographic area that will be affected by the general  
270 plan or amendment;
- 271 (c) be sent by mail, e-mail, or other effective means;
- 272 (d) invite the affected entities to provide information for the county to consider in the  
273 process of preparing, adopting, and implementing a general plan or amendment concerning:
- 274 (i) impacts that the use of land proposed in the proposed general plan or amendment  
275 may have; and

276 (ii) uses of land within the county that the affected entity is considering that may  
277 conflict with the proposed general plan or amendment; and

278 (e) include the address of an Internet website, if the county has one, and the name and  
279 telephone number of a person where more information can be obtained concerning the county's  
280 proposed general plan or amendment.

281 Section 4. Section **17B-1-106** is amended to read:

282 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**  
283 **certain property.**

284 (1) As used in this section:

285 (a) (i) "Affected entity" means each county, municipality, local district under this title,  
286 special service district, school district, interlocal cooperation entity established under Title 11,  
287 Chapter 13, Interlocal Cooperation Act, and specified public utility:

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

290 (B) that has filed with the local district a copy of the general or long-range plan of the  
291 county, municipality, local district, school district, interlocal cooperation entity, or specified  
292 public utility.

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

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

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

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

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

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

307 (iii) be ~~sent to~~:

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

311 (B) sent to each affected entity;

312 (C) sent to the Automated Geographic Reference Center created in Section 63F-1-506;

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

316 (E) (I) placed on the Utah Public Notice Website created under Section 63F-1-701, if  
317 the local district:

318 (Aa) is required under Subsection 52-4-203(3) to use that website to provide public  
319 notice of a meeting; or

320 (Bb) voluntarily chooses to place notice on that website despite not being required to  
321 do so under Subsection (2)(b)(iii)(E)(I)(Aa); or

322 (II) the state planning coordinator appointed under Section 63J-4-202, if the local  
323 district does not provide notice on the Utah Public Notice Website under Subsection  
324 (2)(b)(iii)(E)(I);

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

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

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

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

337 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire

338 real property in a county of the first or second class for the purpose of expanding the district's  
339 infrastructure or other facilities used for providing the services that the district is authorized to  
340 provide shall provide written notice, as provided in this Subsection (3), of its intent to acquire  
341 the property if the intended use of the property is contrary to:

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

343 or

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

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

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

347 (ii) identify the real property; and

348 (iii) be sent to:

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

350 boundaries the property is located; and

351 (B) each affected entity.

352 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
353 63G-2-305(7).

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

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

361 Section 5. Section **53A-2-123** is amended to read:

362 **53A-2-123. Notice before preparing or amending a long-range plan or acquiring**  
363 **certain property.**

364 (1) As used in this section:

365 (a) "Affected entity" means each county, municipality, local district under Title 17B,  
366 Limited Purpose Local Government Entities - Local Districts, special service district under  
367 Title 17D, Chapter 1, Special Service District Act, interlocal cooperation entity established  
368 under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

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

371 (ii) that has filed with the school district a copy of the general or long-range plan of the  
372 county, municipality, local district, special service district, school district, interlocal  
373 cooperation entity, or specified public utility.

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

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

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

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

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

386 (iii) be ~~sent to~~:

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

390 (B) sent to each affected entity;

391 (C) sent to the Automated Geographic Reference Center created in Section 63F-1-506;

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

395 ~~[(E) the state planning coordinator appointed under Section 63J-4-202;]~~

396 (E) placed on the Utah Public Notice Website created under Section 63F-1-701;

397 (iv) with respect to the notice to counties and municipalities described in Subsection  
398 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to  
399 consider in the process of preparing, adopting, and implementing the long-range plan or

400 amendments to a long-range plan concerning:

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

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

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

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

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

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

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

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

419 (ii) identify the real property; and

420 (iii) be sent to:

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

423 (B) each affected entity.

424 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
425 63G-2-305(7).

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

429 (ii) If a school district is not required to comply with the notice requirement of  
430 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall

431 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of  
432 the real property.

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**Legislative Review Note**  
as of 2-4-09 12:48 PM

**Office of Legislative Research and General Counsel**

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**H.B. 323 - Amendments Regarding Notice on Utah Public Notice Website**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill could require an appropriation of \$100,000 to the Department of Technology Services to established the database protocols required by the bill.

|              | <u>2009</u><br><u>Approp.</u> | <u>2010</u><br><u>Approp.</u> | <u>2011</u><br><u>Approp.</u> | <u>2009</u><br><u>Revenue</u> | <u>2010</u><br><u>Revenue</u> | <u>2011</u><br><u>Revenue</u> |
|--------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| General Fund | \$0                           | \$100,000                     | \$0                           | \$0                           | \$0                           | \$0                           |
| <b>Total</b> | <b>\$0</b>                    | <b>\$100,000</b>              | <b>\$0</b>                    | <b>\$0</b>                    | <b>\$0</b>                    | <b>\$0</b>                    |

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.