{deleted text} shows text that was in HB0256S01 but was deleted in HB0256S02.

inserted text shows text that was not in HB0256S01 but was inserted into HB0256S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Jordan D. Teuscher proposes the following substitute bill:

COUNTY LAND USE AND DEVELOPMENT AMENDMENTS

2021 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate	Sponsor:	

LONG TITLE

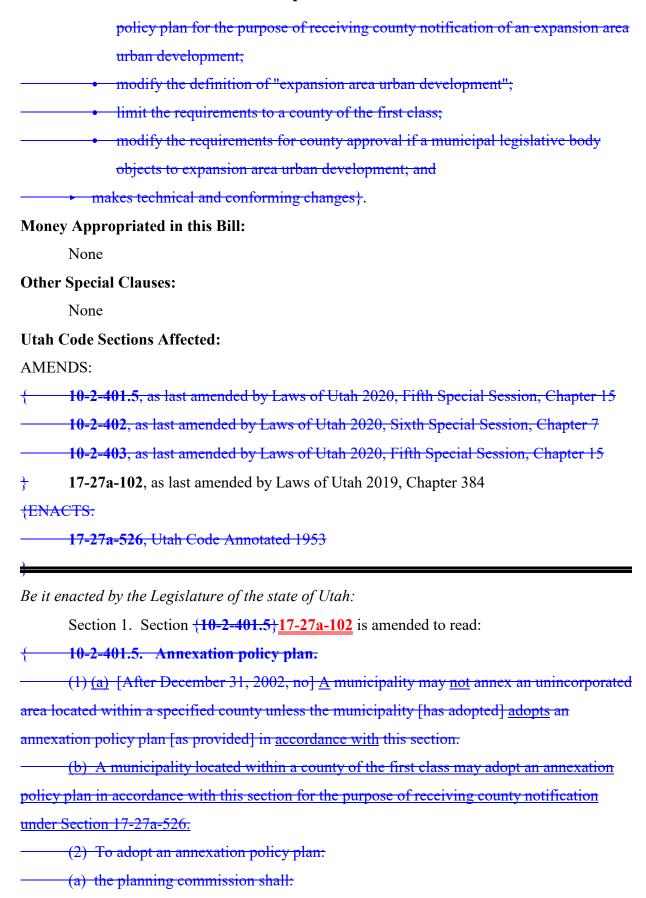
General Description:

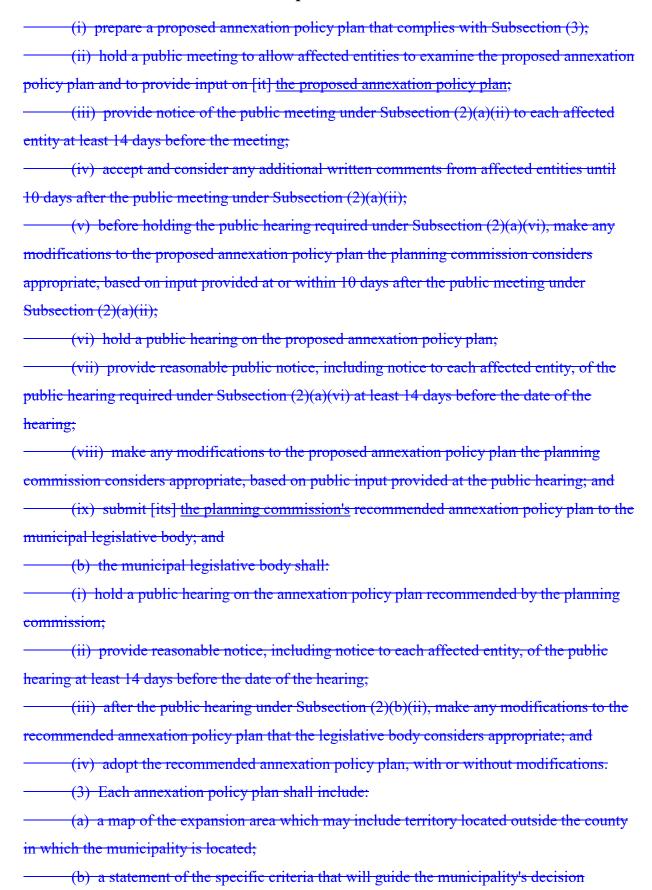
This bill amends provisions related to county land use and development.

Highlighted Provisions:

This bill:

- moves the county requirements to approve expansion area urban development to
 Title 17, Counties, and modifies the requirements to:
 - allow a municipality located within a first class county to adopt an annexation

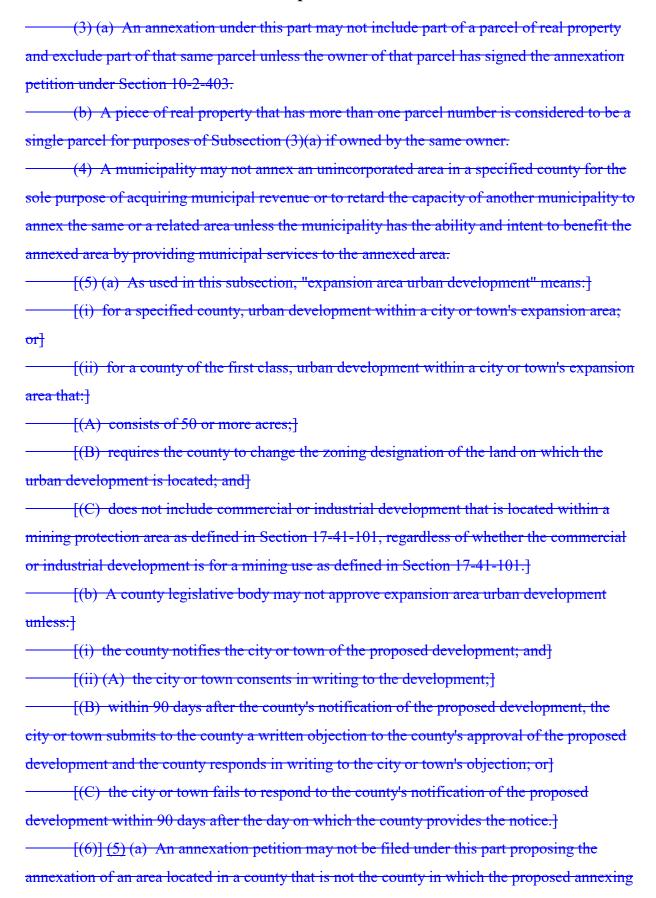




whether of not to grant ruture afficiation petitions, addressing matters relevant to those effect	11a
including:	
(i) the character of the community;	
(ii) the need for municipal services in developed and undeveloped unincorporated	
areas;	
(iii) the municipality's plans for extension of municipal services;	
(iv) how the services will be financed;	
(v) an estimate of the tax consequences to residents both currently within the municipal content of the tax consequences to residents both currently within the municipal content of the tax consequences to residents both currently within the municipal content of the tax consequences to residents both currently within the municipal content of the tax consequences to residents both currently within the municipal content of the tax consequences to residents both currently within the municipal content of the tax consequences to residents both currently within the municipal content of the tax consequences to residents both currently within the municipal content of the tax consequences to residents between the content of the tax consequences to residents between the content of the tax consequences to residents between the content of the tax consequences to residents between the content of the tax consequences to residents between the content of the tax consequences to residents between the content of the tax consequences to the content of the tax content of tax content of the tax content of tax content of the tax content of tax content o	pa
boundaries and in the expansion area; and	
(vi) the interests of all affected entities;	
(c) justification for excluding from the expansion area any area containing urban	
development within 1/2 mile of the municipality's boundary; and	
(d) a statement addressing any comments made by affected entities at or within 10 da	ıys
after the public meeting under Subsection (2)(a)(ii).	
(4) In developing, considering, and adopting an annexation policy plan, the planning	
commission and municipal legislative body shall:	
(a) attempt to avoid gaps between or overlaps with the expansion areas of other	
municipalities;	
(b) consider population growth projections for the municipality and adjoining areas f	or
the next 20 years;	
(c) consider current and projected costs of infrastructure, urban services, and public	
facilities necessary:	
(i) to facilitate full development of the area within the municipality; and	
(ii) to expand the infrastructure, services, and facilities into the area being considered	1
for inclusion in the expansion area;	
(d) consider, in conjunction with the municipality's general plan, the need over the ne	ext
20 years for additional land suitable for residential, commercial, and industrial development;	•
(e) consider the reasons for including agricultural lands, forests, recreational areas, and	nd
wildlife management areas in the municipality; and	
(f) be guided by the principles set forth in Subsection 10-2-403(6).	
(5) Within 30 days after adopting an annexation policy plan, the municipal legislative	e

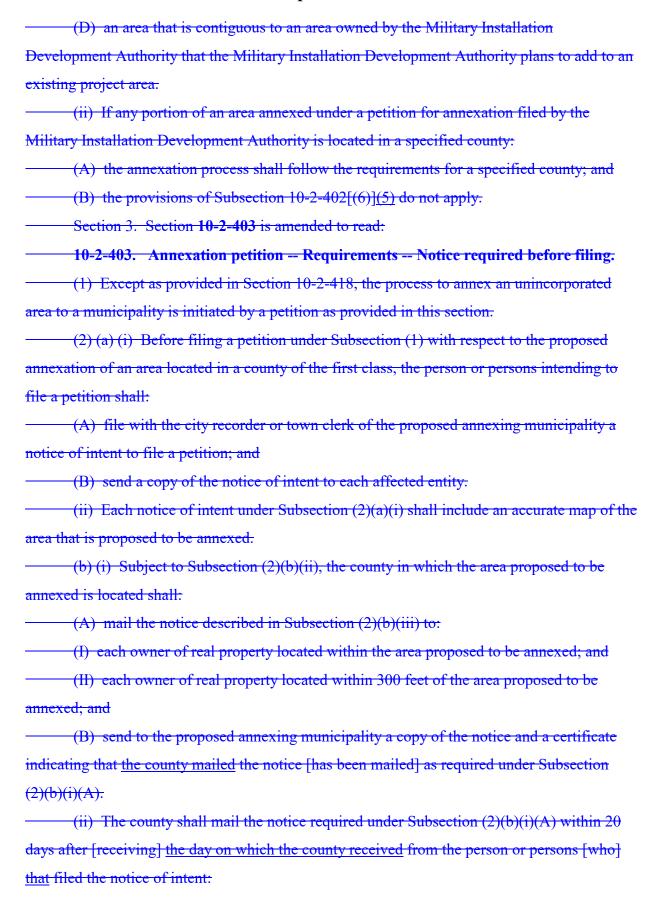
body shall submit a copy of the plan to the legislative body of each county in which any of the

municipality's expansion area is located. (6) Nothing in this chapter may be construed to prohibit or restrict two or more municipalities in specified counties from negotiating and cooperating with respect to defining each municipality's expansion area under an annexation policy plan. Section 2. Section 10-2-402 is amended to read: 10-2-402. Annexation -- Limitations. (1) (a) A contiguous, unincorporated area that is contiguous to a municipality may be annexed to the municipality as provided in this part. (b) Except as provided in Subsection (1)(c), an unincorporated area may not be annexed to a municipality unless: (i) [it] the unincorporated area is a contiguous area; (ii) [it] the unincorporated area is contiguous to the municipality; (iii) annexation will not leave or create an unincorporated island or unincorporated peninsula: (A) except as provided in Subsection 10-2-418(3); or (B) unless the county and municipality have [otherwise] agreed; and (iv) for an area located in a specified county [with respect to an annexation that occurs after December 31, 2002], the area is within the proposed annexing municipality's expansion area. (c) A municipality may annex an unincorporated area within a specified county that does not meet the requirements of Subsection (1)(b), leaving or creating an unincorporated island or unincorporated peninsula, if: (i) the area is within the annexing municipality's expansion area; (ii) the specified county in which the area is located and the annexing municipality agree to the annexation; (iii) the area is not within the area of another municipality's annexation policy plan, unless the other municipality agrees to the annexation; and (iv) the annexation is for the purpose of providing municipal services to the area. (2) Except as provided in Section 10-2-418, a municipality may not annex an unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.

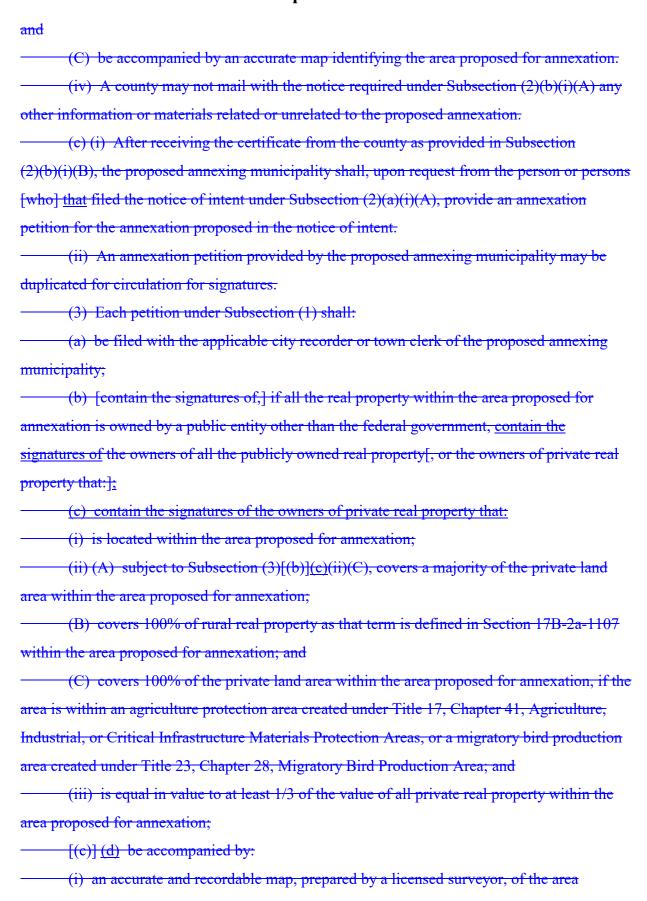


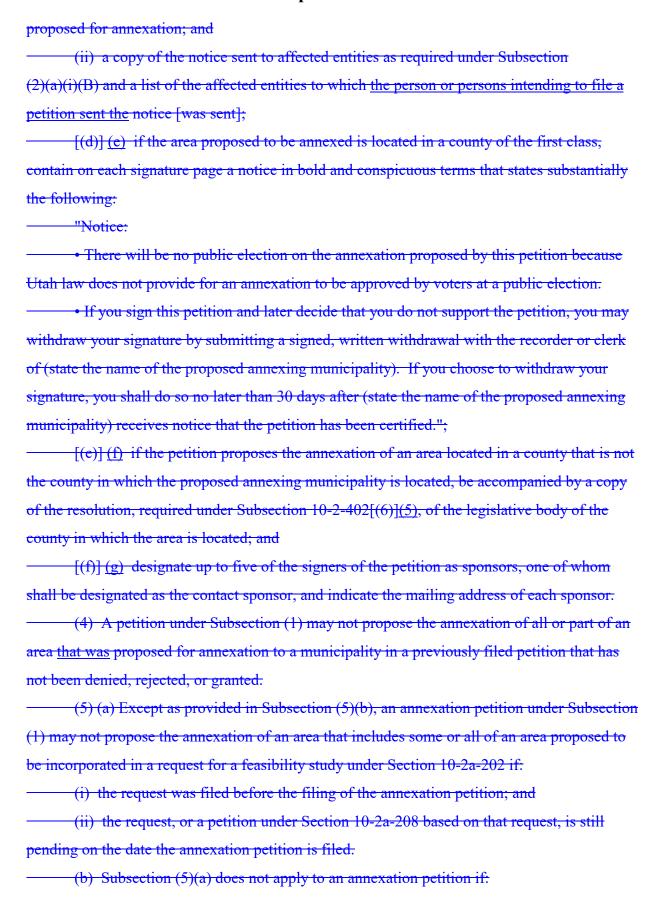
municipality is located unless the legislative body of the county in which the area is located has

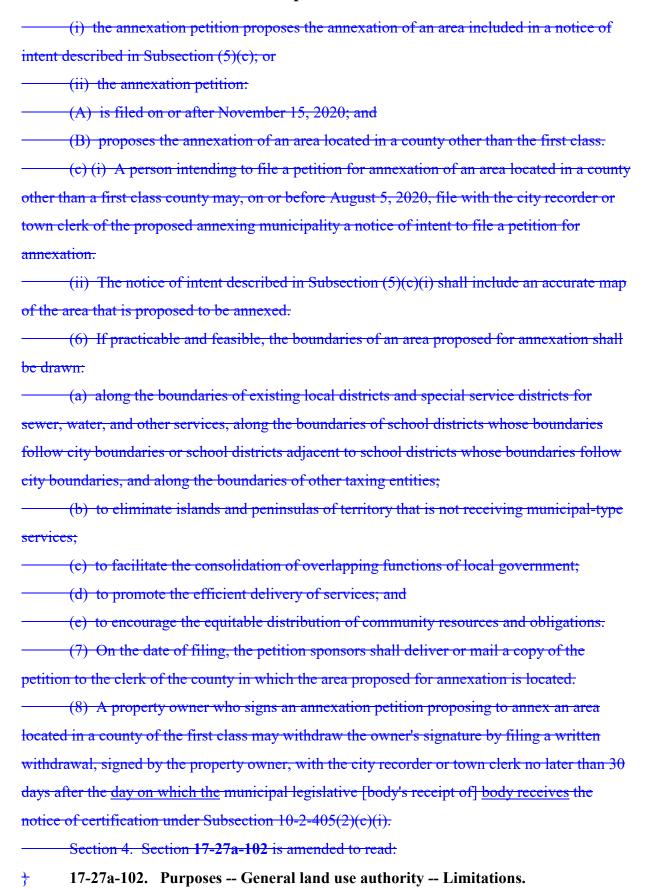
adopted a resolution approving the proposed annexation. (b) Each county legislative body that declines to adopt a resolution approving a proposed annexation described in Subsection [(6)] (5)(a) shall provide a written explanation of [its] the county legislative body's reasons for declining to approve the proposed annexation. [(7)] (6) (a) As used in this Subsection [(7)] (6), "airport" means an area that the Federal Aviation Administration has, by a record of decision, approved for the construction or operation of a Class I, II, or III commercial service airport, as designated by the Federal Aviation Administration in 14 C.F.R. Part 139. (b) A municipality may not annex an unincorporated area within 5,000 feet of the center line of any runway of an airport operated or to be constructed and operated by another municipality unless the legislative body of the other municipality adopts a resolution consenting to the annexation. (c) A municipality that operates or intends to construct and operate an airport and does not adopt a resolution consenting to the annexation of an area described in Subsection [(7)] (6)(b) may not deny an annexation petition proposing the annexation of that same area to that municipality. [(8)] (7) (a) As used in this subsection, "project area" means a project area as defined in Section 63II-1-102 that is in a project area plan as defined in Section 63II-1-102 adopted by the Military Installation Development Authority under Title 63H, Chapter 1, Military Installation Development Authority Act. (b) A municipality may not annex an unincorporated area located within a project area without the authority's approval. (c) (i) Except as provided in Subsection [(8)] (7)(c)(ii), the Military Installation Development Authority may petition for annexation of the following areas to a municipality as if [it] the Military Installation Development Authority was the sole private property owner within the area: (A) an area within a project area; (B) an area that is contiguous to a project area and within the boundaries of a military installation; (C) an area owned by the Military Installation Development Authority; and



(A) a written request to mail the required notice; and
(B) payment of an amount equal to the county's expected actual cost of mailing the
notice.
(iii) Each notice required under Subsection (2)(b)(i)(A) shall:
(A) be in writing;
(B) state, in bold and conspicuous terms, substantially the following:
"Attention: Your property may be affected by a proposed annexation.
Records show that you own property within an area that is intended to be included in a
proposed annexation to (state the name of the proposed annexing municipality) or that is within
300 feet of that area. If your property is within the area proposed for annexation, you may be
asked to sign a petition supporting the annexation. You may choose whether to sign the
petition. By signing the petition, you indicate your support of the proposed annexation. If you
sign the petition but later change your mind about supporting the annexation, you may
withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk
of (state the name of the proposed annexing municipality) within 30 days after (state the name
of the proposed annexing municipality) receives notice that the petition has been certified.
There will be no public election on the proposed annexation because Utah law does not
provide for an annexation to be approved by voters at a public election. Signing or not signing
the annexation petition is the method under Utah law for the owners of property within the area
proposed for annexation to demonstrate their support of or opposition to the proposed
annexation.
You may obtain more information on the proposed annexation by contacting (state the
name, mailing address, telephone number, and email address of the official or employee of the
proposed annexing municipality designated to respond to questions about the proposed
annexation), (state the name, mailing address, telephone number, and email address of the
county official or employee designated to respond to questions about the proposed annexation),
or (state the name, mailing address, telephone number, and email address of the person who
filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the
notice of intent, one of those persons). Once filed, the annexation petition will be available for
inspection and copying at the office of (state the name of the proposed annexing municipality)
located at (state the address of the municipal offices of the proposed annexing municipality).";







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- (1) (a) The purposes of this chapter are to:
- (i) provide for the health, safety, and welfare;
- (ii) promote the prosperity;
- (iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of each county and each county's present and future inhabitants and businesses;
 - (iv) protect the tax base;
 - (v) secure economy in governmental expenditures;
 - (vi) foster the state's agricultural and other industries;
 - (vii) protect both urban and nonurban development;
 - (viii) protect and ensure access to sunlight for solar energy devices;
 - (ix) provide fundamental fairness in land use regulation;
 - (x) facilitate orderly growth and allow growth in a variety of housing types; and
 - (xi) protect property values.
- (b) [To] Except as provided in Subsection (4), to accomplish the purposes of this chapter, a county may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the county considers necessary or appropriate for the use and development of land within the unincorporated area of the county or a designated mountainous planning district, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing:
 - (i) uses;
 - (ii) density;
 - (iii) open spaces;
 - (iv) structures;
 - (v) buildings;
 - (vi) energy-efficiency;
 - (vii) light and air;
 - (viii) air quality;
 - (ix) transportation and public or alternative transportation;
 - (x) infrastructure;
 - (xi) street and building orientation and width requirements;
 - (xii) public facilities;

- (xiii) fundamental fairness in land use regulation; and
- (xiv) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.
- (2) Each county shall comply with the mandatory provisions of this part before any agreement or contract to provide goods, services, or municipal-type services to any storage facility or transfer facility for high-level nuclear waste, or greater than class C radioactive waste, may be executed or implemented.
- (3) (a) Any ordinance, resolution, or rule enacted by a county pursuant to its authority under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.
- (b) A county may enact an ordinance, resolution, or rule that regulates surface activity incident to an oil and gas activity if the county demonstrates that the regulation:
 - (i) is necessary for the purposes of this chapter;
 - (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and
- (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.
- (4) { A county of the first class may not enter into a}(a) This Subsection (4) applies to development agreements entered into on or after May 5, 2021.
- (b) A provision in a county development agreement {that} is unenforceable if the provision requires an individual or an entity{ to initiate a process for:
- (a) }, as a condition for issuing building permits or otherwise regulating development activities within an unincorporated area of the county, to {incorporate as a municipality in accordance with Title 10, Chapter 2a, Municipal Incorporation; or
- (b) initiate a process for a municipality to annex {an}the unincorporated area { of the county} in accordance with Title 10, Chapter 2, Part 4, Annexation {, unless the municipality consents in writing}.

{Section 5. Section 17-27a-526 is enacted to read:

<u>17-27a-526.</u> Requirements for county approval of expansion area urban development.

- (1) As used in this section:
- (a) "Expansion area" means the same as that term is defined in Section 10-2-401.

(b) "Expansion area urban development" means urban development in a county of the first class that: (i) is located within a municipality's expansion area; (ii) consists of 50 or more acres; (iii) requires the county to change the zoning designation of the land on which the urban development is located; and (iv) does not include commercial or industrial development that: (A) is located within a mining protection area as defined in Section 17-41-101; and (B) is for a mining use, as defined in Section 17-41-101, or any other activity associated with or incidental to mining operations. (c) "Urban development" means the same as that term is defined in Section 10-2-401. (2) The legislative body of a county of the first class may not approve expansion area urban development unless: (a) the county legislative body sends written notification of the expansion area urban development to the municipal legislative body: and (b) (i) within 90 days after the day on which the county sends the notification described in Subsection (2)(a), the municipal legislative body consents to the expansion area urban development in writing; (ii) (A) within 90 days after the day on which the county legislative body sends the notification described in Subsection (2)(a), the municipal legislative body submits to the county legislative body a written objection to the county legislative body's approval of the expansion area urban development, including the municipal legislative body's reasons for objecting; and (B) the county legislative body overrules the municipal legislative body's objection by an affirmative vote of two-thirds of the county legislative body; or (iii) the municipal legislative body fails to respond to the notification described in Subsection (2)(a) within 90 days after the day on which the county legislative body sends the written notification. $\frac{1}{2}$ (c) Subsection (4)(b) does not affect or impair the enforceability of any other provision in the development agreement.