

RIPARIAN AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gay Lynn Bennion

Senate Sponsor: Scott D. Sandall

LONG TITLE

General Description:

This bill modifies provisions related to general plans and riparian areas.

Highlighted Provisions:

This bill:

- ▶ revises definition provisions;
- ▶ requires a riparian area element as part of a municipal or county general plan with exceptions;
- ▶ addresses adoption of zoning or other land use ordinances;
- ▶ provides for how a riparian area element is included into a municipal or county general plan;
- ▶ provides for action related to the general plan by the legislative body of a municipality or county;
- ▶ provides for technical assistance from the Division of Water Resources;
- ▶ directs the appointment of a state position related to riparian areas;
- ▶ directs the compilation of a riparian map; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **10-9a-103**, as last amended by Laws of Utah 2023, Chapters 16, 327 and 478

31 **10-9a-401**, as last amended by Laws of Utah 2023, Chapter 88

32 **10-9a-403**, as last amended by Laws of Utah 2023, Chapters 88, 219 and 238

33 **10-9a-404**, as last amended by Laws of Utah 2022, Chapters 282, 406

34 **17-27a-103**, as last amended by Laws of Utah 2023, Chapters 15, 327 and 478

35 **17-27a-401**, as last amended by Laws of Utah 2023, Chapters 34, 88

36 **17-27a-403**, as last amended by Laws of Utah 2023, Chapters 88, 238

37 **17-27a-404**, as last amended by Laws of Utah 2023, Chapter 435

38 **73-10-36**, as last amended by Laws of Utah 2023, Chapter 238

39

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

41 Section 1. Section **10-9a-103** is amended to read:

42 **10-9a-103. Definitions.**

43 As used in this chapter:

44 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
45 detached from a primary single-family dwelling and contained on one lot.

46 (2) "Adversely affected party" means a person other than a land use applicant who:

47 (a) owns real property adjoining the property that is the subject of a land use
48 application or land use decision; or

49 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
50 general community as a result of the land use decision.

51 (3) "Affected entity" means a county, municipality, special district, special service
52 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
53 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
54 public utility, property owner, property owners association, or the Department of
55 Transportation, if:

56 (a) the entity's services or facilities are likely to require expansion or significant
57 modification because of an intended use of land;

58 (b) the entity has filed with the municipality a copy of the entity's general or long-range

59 plan; or

60 (c) the entity has filed with the municipality a request for notice during the same
61 calendar year and before the municipality provides notice to an affected entity in compliance
62 with a requirement imposed under this chapter.

63 (4) "Affected owner" means the owner of real property that is:

64 (a) a single project;

65 (b) the subject of a land use approval that sponsors of a referendum timely challenged
66 in accordance with Subsection 20A-7-601(6); and

67 (c) determined to be legally referable under Section 20A-7-602.8.

68 (5) "Appeal authority" means the person, board, commission, agency, or other body
69 designated by ordinance to decide an appeal of a decision of a land use application or a
70 variance.

71 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
72 residential property if the sign is designed or intended to direct attention to a business, product,
73 or service that is not sold, offered, or existing on the property where the sign is located.

74 (7) (a) "Charter school" means:

75 (i) an operating charter school;

76 (ii) a charter school applicant that a charter school authorizer approves in accordance
77 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

78 (iii) an entity that is working on behalf of a charter school or approved charter
79 applicant to develop or construct a charter school building.

80 (b) "Charter school" does not include a therapeutic school.

81 (8) "Conditional use" means a land use that, because of the unique characteristics or
82 potential impact of the land use on the municipality, surrounding neighbors, or adjacent land
83 uses, may not be compatible in some areas or may be compatible only if certain conditions are
84 required that mitigate or eliminate the detrimental impacts.

85 (9) "Constitutional taking" means a governmental action that results in a taking of
86 private property so that compensation to the owner of the property is required by the:

87 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

88 (b) Utah Constitution Article I, Section 22.

89 (10) "Culinary water authority" means the department, agency, or public entity with

90 responsibility to review and approve the feasibility of the culinary water system and sources for
91 the subject property.

92 (11) "Development activity" means:

93 (a) any construction or expansion of a building, structure, or use that creates additional
94 demand and need for public facilities;

95 (b) any change in use of a building or structure that creates additional demand and need
96 for public facilities; or

97 (c) any change in the use of land that creates additional demand and need for public
98 facilities.

99 (12) (a) "Development agreement" means a written agreement or amendment to a
100 written agreement between a municipality and one or more parties that regulates or controls the
101 use or development of a specific area of land.

102 (b) "Development agreement" does not include an improvement completion assurance.

103 (13) (a) "Disability" means a physical or mental impairment that substantially limits
104 one or more of a person's major life activities, including a person having a record of such an
105 impairment or being regarded as having such an impairment.

106 (b) "Disability" does not include current illegal use of, or addiction to, any federally
107 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
108 802.

109 (14) "Educational facility":

110 (a) means:

111 (i) a school district's building at which pupils assemble to receive instruction in a
112 program for any combination of grades from preschool through grade 12, including
113 kindergarten and a program for children with disabilities;

114 (ii) a structure or facility:

115 (A) located on the same property as a building described in Subsection (14)(a)(i); and

116 (B) used in support of the use of that building; and

117 (iii) a building to provide office and related space to a school district's administrative
118 personnel; and

119 (b) does not include:

120 (i) land or a structure, including land or a structure for inventory storage, equipment

121 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

122 (A) not located on the same property as a building described in Subsection (14)(a)(i);

123 and

124 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or

125 (ii) a therapeutic school.

126 (15) "Fire authority" means the department, agency, or public entity with responsibility

127 to review and approve the feasibility of fire protection and suppression services for the subject

128 property.

129 (16) "Flood plain" means land that:

130 (a) is within the 100-year flood plain designated by the Federal Emergency

131 Management Agency; or

132 (b) has not been studied or designated by the Federal Emergency Management Agency

133 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

134 the land has characteristics that are similar to those of a 100-year flood plain designated by the

135 Federal Emergency Management Agency.

136 (17) "General plan" means a document that a municipality adopts that sets forth general

137 guidelines for proposed future development of the land within the municipality.

138 (18) "Geologic hazard" means:

139 (a) a surface fault rupture;

140 (b) shallow groundwater;

141 (c) liquefaction;

142 (d) a landslide;

143 (e) a debris flow;

144 (f) unstable soil;

145 (g) a rock fall; or

146 (h) any other geologic condition that presents a risk:

147 (i) to life;

148 (ii) of substantial loss of real property; or

149 (iii) of substantial damage to real property.

150 (19) "Historic preservation authority" means a person, board, commission, or other

151 body designated by a legislative body to:

152 (a) recommend land use regulations to preserve local historic districts or areas; and
153 (b) administer local historic preservation land use regulations within a local historic
154 district or area.

155 (20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
156 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
157 utility system.

158 (21) "Identical plans" means building plans submitted to a municipality that:

159 (a) are clearly marked as "identical plans";

160 (b) are substantially identical to building plans that were previously submitted to and
161 reviewed and approved by the municipality; and

162 (c) describe a building that:

163 (i) is located on land zoned the same as the land on which the building described in the
164 previously approved plans is located;

165 (ii) is subject to the same geological and meteorological conditions and the same law
166 as the building described in the previously approved plans;

167 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
168 and approved by the municipality; and

169 (iv) does not require any additional engineering or analysis.

170 (22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
171 Impact Fees Act.

172 (23) "Improvement completion assurance" means a surety bond, letter of credit,
173 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
174 by a municipality to guaranty the proper completion of landscaping or an infrastructure
175 improvement required as a condition precedent to:

176 (a) recording a subdivision plat; or

177 (b) development of a commercial, industrial, mixed use, or multifamily project.

178 (24) "Improvement warranty" means an applicant's unconditional warranty that the
179 applicant's installed and accepted landscaping or infrastructure improvement:

180 (a) complies with the municipality's written standards for design, materials, and
181 workmanship; and

182 (b) will not fail in any material respect, as a result of poor workmanship or materials,

183 within the improvement warranty period.

184 (25) "Improvement warranty period" means a period:

185 (a) no later than one year after a municipality's acceptance of required landscaping; or

186 (b) no later than one year after a municipality's acceptance of required infrastructure,

187 unless the municipality:

188 (i) determines for good cause that a one-year period would be inadequate to protect the
189 public health, safety, and welfare; and

190 (ii) has substantial evidence, on record:

191 (A) of prior poor performance by the applicant; or

192 (B) that the area upon which the infrastructure will be constructed contains suspect soil

193 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

194 (26) "Infrastructure improvement" means permanent infrastructure that is essential for
195 the public health and safety or that:

196 (a) is required for human occupation; and

197 (b) an applicant must install:

198 (i) in accordance with published installation and inspection specifications for public
199 improvements; and

200 (ii) whether the improvement is public or private, as a condition of:

201 (A) recording a subdivision plat;

202 (B) obtaining a building permit; or

203 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
204 project.

205 (27) "Intermittent" means surface water is present in a river, stream, or creek channel
206 for a portion of the year, but excludes flows resulting only from ephemeral rain events, such as
207 in arroyos.

208 [~~27~~] (28) "Internal lot restriction" means a platted note, platted demarcation, or
209 platted designation that:

210 (a) runs with the land; and

211 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
212 the plat; or

213 (ii) designates a development condition that is enclosed within the perimeter of a lot

214 described on the plat.

215 ~~[(28)]~~ (29) "Land use applicant" means a property owner, or the property owner's
216 designee, who submits a land use application regarding the property owner's land.

217 ~~[(29)]~~ (30) "Land use application":

218 (a) means an application that is:

219 (i) required by a municipality; and

220 (ii) submitted by a land use applicant to obtain a land use decision; and

221 (b) does not mean an application to enact, amend, or repeal a land use regulation.

222 ~~[(30)]~~ (31) "Land use authority" means:

223 (a) a person, board, commission, agency, or body, including the local legislative body,
224 designated by the local legislative body to act upon a land use application; or

225 (b) if the local legislative body has not designated a person, board, commission,
226 agency, or body, the local legislative body.

227 ~~[(31)]~~ (32) "Land use decision" means an administrative decision of a land use
228 authority or appeal authority regarding:

229 (a) a land use permit; or

230 (b) a land use application.

231 ~~[(32)]~~ (33) "Land use permit" means a permit issued by a land use authority.

232 ~~[(33)]~~ (34) "Land use regulation":

233 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
234 specification, fee, or rule that governs the use or development of land;

235 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
236 and

237 (c) does not include:

238 (i) a land use decision of the legislative body acting as the land use authority, even if
239 the decision is expressed in a resolution or ordinance; or

240 (ii) a temporary revision to an engineering specification that does not materially:

241 (A) increase a land use applicant's cost of development compared to the existing
242 specification; or

243 (B) impact a land use applicant's use of land.

244 ~~[(34)]~~ (35) "Legislative body" means the municipal council.

245 [~~(35)~~] (36) "Local historic district or area" means a geographically definable area that:

246 (a) contains any combination of buildings, structures, sites, objects, landscape features,
247 archeological sites, or works of art that contribute to the historic preservation goals of a
248 legislative body; and

249 (b) is subject to land use regulations to preserve the historic significance of the local
250 historic district or area.

251 [~~(36)~~] (37) "Lot" means a tract of land, regardless of any label, that is created by and
252 shown on a subdivision plat that has been recorded in the office of the county recorder.

253 [~~(37)~~] (38) (a) "Lot line adjustment" means a relocation of a lot line boundary between
254 adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:

255 (i) whether or not the lots are located in the same subdivision; and

256 (ii) with the consent of the owners of record.

257 (b) "Lot line adjustment" does not mean a new boundary line that:

258 (i) creates an additional lot; or

259 (ii) constitutes a subdivision or a subdivision amendment.

260 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
261 Department of Transportation.

262 [~~(38)~~] (39) "Major transit investment corridor" means public transit service that uses or
263 occupies:

264 (a) public transit rail right-of-way;

265 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

266 or

267 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
268 municipality or county and:

269 (i) a public transit district as defined in Section 17B-2a-802; or

270 (ii) an eligible political subdivision as defined in Section 59-12-2219.

271 [~~(39)~~] (40) "Moderate income housing" means housing occupied or reserved for
272 occupancy by households with a gross household income equal to or less than 80% of the
273 median gross income for households of the same size in the county in which the city is located.

274 [~~(40)~~] (41) "Municipal utility easement" means an easement that:

275 (a) is created or depicted on a plat recorded in a county recorder's office and is

276 described as a municipal utility easement granted for public use;

277 (b) is not a protected utility easement or a public utility easement as defined in Section
278 54-3-27;

279 (c) the municipality or the municipality's affiliated governmental entity uses and
280 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
281 water, or communications or data lines;

282 (d) is used or occupied with the consent of the municipality in accordance with an
283 authorized franchise or other agreement;

284 (e) (i) is used or occupied by a specified public utility in accordance with an authorized
285 franchise or other agreement; and

286 (ii) is located in a utility easement granted for public use; or

287 (f) is described in Section 10-9a-529 and is used by a specified public utility.

288 [(41)] (42) "Nominal fee" means a fee that reasonably reimburses a municipality only
289 for time spent and expenses incurred in:

290 (a) verifying that building plans are identical plans; and

291 (b) reviewing and approving those minor aspects of identical plans that differ from the
292 previously reviewed and approved building plans.

293 [(42)] (43) "Noncomplying structure" means a structure that:

294 (a) legally existed before the structure's current land use designation; and

295 (b) because of one or more subsequent land use ordinance changes, does not conform
296 to the setback, height restrictions, or other regulations, excluding those regulations, which
297 govern the use of land.

298 [(43)] (44) "Nonconforming use" means a use of land that:

299 (a) legally existed before its current land use designation;

300 (b) has been maintained continuously since the time the land use ordinance governing
301 the land changed; and

302 (c) because of one or more subsequent land use ordinance changes, does not conform
303 to the regulations that now govern the use of the land.

304 [(44)] (45) "Official map" means a map drawn by municipal authorities and recorded in
305 a county recorder's office that:

306 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for

307 highways and other transportation facilities;

308 (b) provides a basis for restricting development in designated rights-of-way or between
309 designated setbacks to allow the government authorities time to purchase or otherwise reserve
310 the land; and

311 (c) has been adopted as an element of the municipality's general plan.

312 [~~(45)~~] (46) "Parcel" means any real property that is not a lot.

313 [~~(46)~~] (47) (a) "Parcel boundary adjustment" means a recorded agreement between
314 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
315 line agreement in accordance with Section 10-9a-524, if no additional parcel is created and:

316 (i) none of the property identified in the agreement is a lot; or

317 (ii) the adjustment is to the boundaries of a single person's parcels.

318 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
319 line that:

320 (i) creates an additional parcel; or

321 (ii) constitutes a subdivision.

322 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
323 the Department of Transportation.

324 (48) "Perennial" means surface water is present in a stream, river, or creek channel
325 throughout the year.

326 [~~(47)~~] (49) "Person" means an individual, corporation, partnership, organization,
327 association, trust, governmental agency, or any other legal entity.

328 [~~(48)~~] (50) "Plan for moderate income housing" means a written document adopted by
329 a municipality's legislative body that includes:

330 (a) an estimate of the existing supply of moderate income housing located within the
331 municipality;

332 (b) an estimate of the need for moderate income housing in the municipality for the
333 next five years;

334 (c) a survey of total residential land use;

335 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
336 income housing; and

337 (e) a description of the municipality's program to encourage an adequate supply of

338 moderate income housing.

339 ~~[(49)]~~ (51) "Plat" means an instrument subdividing property into lots as depicted on a
340 map or other graphical representation of lands that a licensed professional land surveyor makes
341 and prepares in accordance with Section [10-9a-603](#) or [57-8-13](#).

342 ~~[(50)]~~ (52) "Potential geologic hazard area" means an area that:

343 (a) is designated by a Utah Geological Survey map, county geologist map, or other
344 relevant map or report as needing further study to determine the area's potential for geologic
345 hazard; or

346 (b) has not been studied by the Utah Geological Survey or a county geologist but
347 presents the potential of geologic hazard because the area has characteristics similar to those of
348 a designated geologic hazard area.

349 ~~[(51)]~~ (53) "Public agency" means:

350 (a) the federal government;

351 (b) the state;

352 (c) a county, municipality, school district, special district, special service district, or
353 other political subdivision of the state; or

354 (d) a charter school.

355 ~~[(52)]~~ (54) "Public hearing" means a hearing at which members of the public are
356 provided a reasonable opportunity to comment on the subject of the hearing.

357 ~~[(53)]~~ (55) "Public meeting" means a meeting that is required to be open to the public
358 under Title 52, Chapter 4, Open and Public Meetings Act.

359 ~~[(54)]~~ (56) "Public street" means a public right-of-way, including a public highway,
360 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
361 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
362 easement, or other public way.

363 ~~[(55)]~~ (57) "Receiving zone" means an area of a municipality that the municipality
364 designates, by ordinance, as an area in which an owner of land may receive a transferable
365 development right.

366 ~~[(56)]~~ (58) "Record of survey map" means a map of a survey of land prepared in
367 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

368 ~~[(57)]~~ (59) "Residential facility for persons with a disability" means a residence:

- 369 (a) in which more than one person with a disability resides; and
- 370 (b) which is licensed or certified by the Department of Health and Human Services
- 371 under:
- 372 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
- 373 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 374 ~~[(58)]~~ (60) "Residential roadway" means a public local residential road that:
- 375 (a) will serve primarily to provide access to adjacent primarily residential areas and
- 376 property;
- 377 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
- 378 (c) is not identified as a supplementary to a collector or other higher system classified
- 379 street in an approved municipal street or transportation master plan;
- 380 (d) has a posted speed limit of 25 miles per hour or less;
- 381 (e) does not have higher traffic volumes resulting from connecting previously separated
- 382 areas of the municipal road network;
- 383 (f) cannot have a primary access, but can have a secondary access, and does not abut
- 384 lots intended for high volume traffic or community centers, including schools, recreation
- 385 centers, sports complexes, or libraries; and
- 386 (g) primarily serves traffic within a neighborhood or limited residential area and is not
- 387 necessarily continuous through several residential areas.
- 388 (61) "Riparian area" means land representing a transition between aquatic and upland
- 389 habitats with a plant community that:
- 390 (a) is contiguous to and affected by surface and subsurface hydrologic features of
- 391 perennial or intermittent rivers, streams, or creeks; and
- 392 (b) has one or both of the following characteristics:
- 393 (i) distinctly different vegetative species than adjacent areas; or
- 394 (ii) species similar to adjacent areas but exhibiting more vigorous or robust growth
- 395 forms.
- 396 ~~[(59)]~~ (62) "Rules of order and procedure" means a set of rules that govern and
- 397 prescribe in a public meeting:
- 398 (a) parliamentary order and procedure;
- 399 (b) ethical behavior; and

400 (c) civil discourse.

401 ~~[(60)]~~ (63) "Sanitary sewer authority" means the department, agency, or public entity
402 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
403 wastewater systems.

404 ~~[(61)]~~ (64) "Sending zone" means an area of a municipality that the municipality
405 designates, by ordinance, as an area from which an owner of land may transfer a transferable
406 development right.

407 ~~[(62)]~~ (65) "Special district" means an entity under Title 17B, Limited Purpose Local
408 Government Entities - Special Districts, and any other governmental or quasi-governmental
409 entity that is not a county, municipality, school district, or the state.

410 ~~[(63)]~~ (66) "Specified public agency" means:

- 411 (a) the state;
- 412 (b) a school district; or
- 413 (c) a charter school.

414 ~~[(64)]~~ (67) "Specified public utility" means an electrical corporation, gas corporation,
415 or telephone corporation, as those terms are defined in Section 54-2-1.

416 ~~[(65)]~~ (68) "State" includes any department, division, or agency of the state.

417 ~~[(66)]~~ (69) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
418 to be divided into two or more lots or other division of land for the purpose, whether
419 immediate or future, for offer, sale, lease, or development either on the installment plan or
420 upon any and all other plans, terms, and conditions.

421 (b) "Subdivision" includes:

422 (i) the division or development of land, whether by deed, metes and bounds
423 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
424 the division includes all or a portion of a parcel or lot; and

425 (ii) except as provided in Subsection ~~[(65)(c)]~~ (69)(c), divisions of land for residential
426 and nonresidential uses, including land used or to be used for commercial, agricultural, and
427 industrial purposes.

428 (c) "Subdivision" does not include:

429 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
430 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if

431 neither the resulting combined parcel nor the parcel remaining from the division or partition
432 violates an applicable land use ordinance;

433 (ii) a boundary line agreement recorded with the county recorder's office between
434 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
435 10-9a-524 if no new parcel is created;

436 (iii) a recorded document, executed by the owner of record:

437 (A) revising the legal descriptions of multiple parcels into one legal description
438 encompassing all such parcels; or

439 (B) joining a lot to a parcel;

440 (iv) a boundary line agreement between owners of adjoining subdivided properties

441 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:

442 (A) no new dwelling lot or housing unit will result from the adjustment; and

443 (B) the adjustment will not violate any applicable land use ordinance;

444 (v) a bona fide division of land by deed or other instrument if the deed or other
445 instrument states in writing that the division:

446 (A) is in anticipation of future land use approvals on the parcel or parcels;

447 (B) does not confer any land use approvals; and

448 (C) has not been approved by the land use authority;

449 (vi) a parcel boundary adjustment;

450 (vii) a lot line adjustment;

451 (viii) a road, street, or highway dedication plat;

452 (ix) a deed or easement for a road, street, or highway purpose; or

453 (x) any other division of land authorized by law.

454 ~~[(67)]~~ (70) (a) "Subdivision amendment" means an amendment to a recorded
455 subdivision in accordance with Section 10-9a-608 that:

456 (i) vacates all or a portion of the subdivision;

457 (ii) alters the outside boundary of the subdivision;

458 (iii) changes the number of lots within the subdivision;

459 (iv) alters a public right-of-way, a public easement, or public infrastructure within the
460 subdivision; or

461 (v) alters a common area or other common amenity within the subdivision.

462 (b) "Subdivision amendment" does not include a lot line adjustment, between a single
463 lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

464 [~~(68)~~] (71) "Substantial evidence" means evidence that:

465 (a) is beyond a scintilla; and

466 (b) a reasonable mind would accept as adequate to support a conclusion.

467 [~~(69)~~] (72) "Suspect soil" means soil that has:

468 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
469 3% swell potential;

470 (b) bedrock units with high shrink or swell susceptibility; or

471 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
472 commonly associated with dissolution and collapse features.

473 [~~(70)~~] (73) "Therapeutic school" means a residential group living facility:

474 (a) for four or more individuals who are not related to:

475 (i) the owner of the facility; or

476 (ii) the primary service provider of the facility;

477 (b) that serves students who have a history of failing to function:

478 (i) at home;

479 (ii) in a public school; or

480 (iii) in a nonresidential private school; and

481 (c) that offers:

482 (i) room and board; and

483 (ii) an academic education integrated with:

484 (A) specialized structure and supervision; or

485 (B) services or treatment related to a disability, an emotional development, a
486 behavioral development, a familial development, or a social development.

487 [~~(71)~~] (74) "Transferable development right" means a right to develop and use land that
488 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
489 land use rights from a designated sending zone to a designated receiving zone.

490 [~~(72)~~] (75) "Unincorporated" means the area outside of the incorporated area of a city
491 or town.

492 [~~(73)~~] (76) "Water interest" means any right to the beneficial use of water, including:

- 493 (a) each of the rights listed in Section 73-1-11; and
- 494 (b) an ownership interest in the right to the beneficial use of water represented by:
 - 495 (i) a contract; or
 - 496 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 497 [~~74~~] (77) "Zoning map" means a map, adopted as part of a land use ordinance, that
- 498 depicts land use zones, overlays, or districts.

499 Section 2. Section 10-9a-401 is amended to read:

500 **10-9a-401. General plan required -- Content.**

501 (1) To accomplish the purposes of this chapter, a municipality shall prepare and adopt

502 a comprehensive, long-range general plan for:

- 503 (a) present and future needs of the municipality; and
- 504 (b) growth and development of all or any part of the land within the municipality.

505 (2) The general plan may provide for:

506 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic

507 activities, aesthetics, and recreational, educational, and cultural opportunities;

508 (b) the reduction of the waste of physical, financial, or human resources that result

509 from either excessive congestion or excessive scattering of population;

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

- 511 (i) food and water; and
- 512 (ii) drainage, sanitary, and other facilities and resources;

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

514 (e) the protection of urban development;

515 (f) if the municipality is a town, the protection or promotion of moderate income

516 housing;

517 (g) the protection and promotion of air quality;

518 (h) historic preservation;

519 (i) identifying future uses of land that are likely to require an expansion or significant

520 modification of services or facilities provided by an affected entity; and

521 (j) an official map.

522 (3) (a) The general plan of a specified municipality, as defined in Section 10-9a-408,

523 shall include a moderate income housing element that meets the requirements of Subsection

524 10-9a-403(2)(a)(iii).

525 (b) (i) This Subsection (3)(b) applies to a municipality that is not a specified
526 municipality as of January 1, 2023.

527 (ii) As of January 1, if a municipality described in Subsection (3)(b)(i) changes from
528 one class to another or grows in population to qualify as a specified municipality as defined in
529 Section 10-9a-408, the municipality shall amend the municipality's general plan to comply with
530 Subsection (3)(a) on or before August 1 of the first calendar year beginning on January 1 in
531 which the municipality qualifies as a specified municipality.

532 (4) Subject to Subsection 10-9a-403(2), the municipality may determine the
533 comprehensiveness, extent, and format of the general plan.

534 (5) Except for a city of the fifth class or a town, on or before December 31, 2025, a
535 municipality that has a general plan that does not include a water use and preservation element
536 that complies with Section 10-9a-403 shall amend the municipality's general plan to comply
537 with Section 10-9a-403.

538 (6) (a) Except for a city of the fifth class or a town, beginning on or before December
539 31, 2029, a municipality's general plan shall include a riparian area element that meets the
540 requirements of Subsection 10-9a-403(2)(a)(v) if a riparian area is located within the
541 municipality.

542 (b) Notwithstanding Subsection (6)(a), a municipality is not required to have a riparian
543 area element in the municipality's general plan if the municipality as of July 1, 2025:

544 (i) has zoning or other land use ordinances that address the factors in Subsection
545 10-9a-403(2)(a)(v); and

546 (ii) refers to the zoning or other land use ordinances described in this Subsection (6)(b)
547 in the municipality's general plan.

548 Section 3. Section 10-9a-403 is amended to read:

549 **10-9a-403. General plan preparation.**

550 (1) (a) The planning commission shall provide notice, as provided in Section
551 10-9a-203, of the planning commission's intent to make a recommendation to the municipal
552 legislative body for a general plan or a comprehensive general plan amendment when the
553 planning commission initiates the process of preparing the planning commission's
554 recommendation.

555 (b) The planning commission shall make and recommend to the legislative body a
556 proposed general plan for the area within the municipality.

557 (c) The plan may include areas outside the boundaries of the municipality if, in the
558 planning commission's judgment, those areas are related to the planning of the municipality's
559 territory.

560 (d) Except as otherwise provided by law or with respect to a municipality's power of
561 eminent domain, when the plan of a municipality involves territory outside the boundaries of
562 the municipality, the municipality may not take action affecting that territory without the
563 concurrence of the county or other municipalities affected.

564 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
565 and descriptive and explanatory matter, shall include the planning commission's
566 recommendations for the following plan elements:

567 (i) a land use element that:

568 (A) designates the long-term goals and the proposed extent, general distribution, and
569 location of land for housing for residents of various income levels, business, industry,
570 agriculture, recreation, education, public buildings and grounds, open space, and other
571 categories of public and private uses of land as appropriate;

572 (B) includes a statement of the projections for and standards of population density and
573 building intensity recommended for the various land use categories covered by the plan;

574 (C) except for a city of the fifth class or a town, is coordinated to integrate the land use
575 element with the water use and preservation element; and

576 (D) except for a city of the fifth class or a town, accounts for the effect of land use
577 categories and land uses on water demand;

578 (ii) a transportation and traffic circulation element that:

579 (A) provides the general location and extent of existing and proposed freeways, arterial
580 and collector streets, public transit, active transportation facilities, and other modes of
581 transportation that the planning commission considers appropriate;

582 (B) for a municipality that has access to a major transit investment corridor, addresses
583 the municipality's plan for residential and commercial development around major transit
584 investment corridors to maintain and improve the connections between housing, employment,
585 education, recreation, and commerce;

586 (C) for a municipality that does not have access to a major transit investment corridor,
587 addresses the municipality's plan for residential and commercial development in areas that will
588 maintain and improve the connections between housing, transportation, employment,
589 education, recreation, and commerce; and

590 (D) correlates with the population projections, the employment projections, and the
591 proposed land use element of the general plan;

592 (iii) a moderate income housing element that:

593 (A) provides a realistic opportunity to meet the need for additional moderate income
594 housing within the municipality during the next five years;

595 (B) for a town, may include a recommendation to implement three or more of the
596 moderate income housing strategies described in Subsection (2)(b)(iii);

597 (C) for a specified municipality, as defined in Section 10-9a-408, that does not have a
598 fixed guideway public transit station, shall include a recommendation to implement three or
599 more of the moderate income housing strategies described in Subsection (2)(b)(iii);

600 (D) for a specified municipality, as defined in Section 10-9a-408, that has a fixed
601 guideway public transit station, shall include a recommendation to implement five or more of
602 the moderate income housing strategies described in Subsection (2)(b)(iii), of which one shall
603 be the moderate income housing strategy described in Subsection (2)(b)(iii)(V), and one shall
604 be a moderate income housing strategy described in Subsection (2)(b)(iii)(G), (H), or (Q); and

605 (E) for a specified municipality, as defined in Section 10-9a-408, shall include an
606 implementation plan as provided in Subsection (2)(c); ~~and~~

607 (iv) except for a city of the fifth class or a town, a water use and preservation element
608 that addresses:

609 (A) the effect of permitted development or patterns of development on water demand
610 and water infrastructure;

611 (B) methods of reducing water demand and per capita consumption for future
612 development;

613 (C) methods of reducing water demand and per capita consumption for existing
614 development; and

615 (D) opportunities for the municipality to modify the municipality's operations to
616 eliminate practices or conditions that waste water[-]; and

617 (v) if required by Subsection 10-9a-401(6), a riparian area element that addresses the
618 following that are applicable to the municipality's riparian area:

619 (A) preserving and enhancing natural stream functions for hydrologic conveyance and
620 storage, including flood plains and wetlands;

621 (B) managing erosion, sedimentation, and flood control;

622 (C) minimizing flood and fire risk to property through development of buffer zones
623 and removal of dead or diseased vegetation considered to represent excessive fuel loads;

624 (D) reducing water pollution, including by filtration;

625 (E) protecting fish and wildlife habitat;

626 (F) preserving or restoring vegetation while managing invasive plants, noxious weeds,
627 and fuel loads; and

628 (G) preserving aesthetic and recreational values that are compatible with the items
629 listed in this Subsection (2)(a)(v).

630 (b) In drafting the moderate income housing element, the planning commission:

631 (i) shall consider the Legislature's determination that municipalities shall facilitate a
632 reasonable opportunity for a variety of housing, including moderate income housing:

633 (A) to meet the needs of people of various income levels living, working, or desiring to
634 live or work in the community; and

635 (B) to allow people with various incomes to benefit from and fully participate in all
636 aspects of neighborhood and community life;

637 (ii) for a town, may include, and for a specified municipality as defined in Section
638 10-9a-408, shall include, an analysis of how the municipality will provide a realistic
639 opportunity for the development of moderate income housing within the next five years;

640 (iii) for a town, may include, and for a specified municipality as defined in Section
641 10-9a-408, shall include a recommendation to implement the required number of any of the
642 following moderate income housing strategies as specified in Subsection (2)(a)(iii):

643 (A) rezone for densities necessary to facilitate the production of moderate income
644 housing;

645 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
646 facilitates the construction of moderate income housing;

647 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing

648 stock into moderate income housing;

649 (D) identify and utilize general fund subsidies or other sources of revenue to waive
650 construction related fees that are otherwise generally imposed by the municipality for the
651 construction or rehabilitation of moderate income housing;

652 (E) create or allow for, and reduce regulations related to, internal or detached accessory
653 dwelling units in residential zones;

654 (F) zone or rezone for higher density or moderate income residential development in
655 commercial or mixed-use zones near major transit investment corridors, commercial centers, or
656 employment centers;

657 (G) amend land use regulations to allow for higher density or new moderate income
658 residential development in commercial or mixed-use zones near major transit investment
659 corridors;

660 (H) amend land use regulations to eliminate or reduce parking requirements for
661 residential development where a resident is less likely to rely on the resident's own vehicle,
662 such as residential development near major transit investment corridors or senior living
663 facilities;

664 (I) amend land use regulations to allow for single room occupancy developments;

665 (J) implement zoning incentives for moderate income units in new developments;

666 (K) preserve existing and new moderate income housing and subsidized units by
667 utilizing a landlord incentive program, providing for deed restricted units through a grant
668 program, or, notwithstanding Section [10-9a-535](#), establishing a housing loss mitigation fund;

669 (L) reduce, waive, or eliminate impact fees related to moderate income housing;

670 (M) demonstrate creation of, or participation in, a community land trust program for
671 moderate income housing;

672 (N) implement a mortgage assistance program for employees of the municipality, an
673 employer that provides contracted services to the municipality, or any other public employer
674 that operates within the municipality;

675 (O) apply for or partner with an entity that applies for state or federal funds or tax
676 incentives to promote the construction of moderate income housing, an entity that applies for
677 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
678 entity that applies for affordable housing programs administered by the Department of

679 Workforce Services, an entity that applies for affordable housing programs administered by an
680 association of governments established by an interlocal agreement under Title 11, Chapter 13,
681 Interlocal Cooperation Act, an entity that applies for services provided by a public housing
682 authority to preserve and create moderate income housing, or any other entity that applies for
683 programs or services that promote the construction or preservation of moderate income
684 housing;

685 (P) demonstrate utilization of a moderate income housing set aside from a community
686 reinvestment agency, redevelopment agency, or community development and renewal agency
687 to create or subsidize moderate income housing;

688 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
689 Part 6, Housing and Transit Reinvestment Zone Act;

690 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
691 accessory dwelling unit as defined in Section 10-9a-530;

692 (S) create a program to transfer development rights for moderate income housing;

693 (T) ratify a joint acquisition agreement with another local political subdivision for the
694 purpose of combining resources to acquire property for moderate income housing;

695 (U) develop a moderate income housing project for residents who are disabled or 55
696 years old or older;

697 (V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;

698 (W) create or allow for, and reduce regulations related to, multifamily residential
699 dwellings compatible in scale and form with detached single-family residential dwellings and
700 located in walkable communities within residential or mixed-use zones; and

701 (X) demonstrate implementation of any other program or strategy to address the
702 housing needs of residents of the municipality who earn less than 80% of the area median
703 income, including the dedication of a local funding source to moderate income housing or the
704 adoption of a land use ordinance that requires 10% or more of new residential development in a
705 residential zone be dedicated to moderate income housing; and

706 (iv) shall identify each moderate income housing strategy recommended to the
707 legislative body for implementation by restating the exact language used to describe the
708 strategy in Subsection (2)(b)(iii).

709 (c) (i) In drafting the implementation plan portion of the moderate income housing

710 element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to
711 the legislative body the establishment of a five-year timeline for implementing each of the
712 moderate income housing strategies selected by the municipality for implementation.

713 (ii) The timeline described in Subsection (2)(c)(i) shall:

714 (A) identify specific measures and benchmarks for implementing each moderate
715 income housing strategy selected by the municipality, whether one-time or ongoing; and

716 (B) provide flexibility for the municipality to make adjustments as needed.

717 (d) In drafting the land use element, the planning commission shall:

718 (i) identify and consider each agriculture protection area within the municipality;

719 (ii) avoid proposing a use of land within an agriculture protection area that is
720 inconsistent with or detrimental to the use of the land for agriculture; and

721 (iii) consider and coordinate with any station area plans adopted by the municipality if
722 required under Section [10-9a-403.1](#).

723 (e) In drafting the transportation and traffic circulation element, the planning
724 commission shall:

725 (i) (A) consider and coordinate with the regional transportation plan developed by the
726 municipality's region's metropolitan planning organization, if the municipality is within the
727 boundaries of a metropolitan planning organization; or

728 (B) consider and coordinate with the long-range transportation plan developed by the
729 Department of Transportation, if the municipality is not within the boundaries of a
730 metropolitan planning organization; and

731 (ii) consider and coordinate with any station area plans adopted by the municipality if
732 required under Section [10-9a-403.1](#).

733 (f) In drafting the water use and preservation element, the planning commission:

734 (i) shall consider:

735 (A) applicable regional water conservation goals recommended by the Division of
736 Water Resources; and

737 (B) if Section [73-10-32](#) requires the municipality to adopt a water conservation plan
738 pursuant to Section [73-10-32](#), the municipality's water conservation plan;

739 (ii) shall include a recommendation for:

740 (A) water conservation policies to be determined by the municipality; and

- 741 (B) landscaping options within a public street for current and future development that
742 do not require the use of lawn or turf in a parkstrip;
- 743 (iii) shall review the municipality's land use ordinances and include a recommendation
744 for changes to an ordinance that promotes the inefficient use of water;
- 745 (iv) shall consider principles of sustainable landscaping, including the:
- 746 (A) reduction or limitation of the use of lawn or turf;
- 747 (B) promotion of site-specific landscape design that decreases stormwater runoff or
748 runoff of water used for irrigation;
- 749 (C) preservation and use of healthy trees that have a reasonable water requirement or
750 are resistant to dry soil conditions;
- 751 (D) elimination or regulation of ponds, pools, and other features that promote
752 unnecessary water evaporation;
- 753 (E) reduction of yard waste; and
- 754 (F) use of an irrigation system, including drip irrigation, best adapted to provide the
755 optimal amount of water to the plants being irrigated;
- 756 (v) shall consult with the public water system or systems serving the municipality with
757 drinking water regarding how implementation of the land use element and water use and
758 preservation element may affect:
- 759 (A) water supply planning, including drinking water source and storage capacity
760 consistent with Section [19-4-114](#); and
- 761 (B) water distribution planning, including master plans, infrastructure asset
762 management programs and plans, infrastructure replacement plans, and impact fee facilities
763 plans;
- 764 (vi) shall consult with the Division of Water Resources for information and technical
765 resources regarding regional water conservation goals, including how implementation of the
766 land use element and the water use and preservation element may affect the Great Salt Lake;
- 767 (vii) may include recommendations for additional water demand reduction strategies,
768 including:
- 769 (A) creating a water budget associated with a particular type of development;
- 770 (B) adopting new or modified lot size, configuration, and landscaping standards that
771 will reduce water demand for new single family development;

772 (C) providing one or more water reduction incentives for existing development such as
773 modification of existing landscapes and irrigation systems and installation of water fixtures or
774 systems that minimize water demand;

775 (D) discouraging incentives for economic development activities that do not adequately
776 account for water use or do not include strategies for reducing water demand; and

777 (E) adopting water concurrency standards requiring that adequate water supplies and
778 facilities are or will be in place for new development; and

779 (viii) for a town, may include, and for another municipality, shall include, a
780 recommendation for low water use landscaping standards for a new:

781 (A) commercial, industrial, or institutional development;

782 (B) common interest community, as defined in Section 57-25-102; or

783 (C) multifamily housing project.

784 (g) In drafting the riparian area element, the planning commission:

785 (i) shall establish a vision for the riparian area within the municipality and identify
786 strategies to implement the municipality's vision for the riparian area that shall include:

787 (A) recommendations to update the municipality's land use ordinances to support the
788 riparian area vision as established in the planning process; and

789 (B) other strategies as the municipality considers appropriate;

790 (ii) may consider:

791 (A) situations identified in Subsection (2)(a)(v) that warrant the implementation of
792 innovative or established zoning and preservation tools to regulate development to achieve
793 riparian area protections;

794 (B) situations that consider the ecological function and integrity of features that cut
795 across a riparian area adjacent to flowing water, including a stream, bank, wetland, flood plain,
796 or upland;

797 (C) situations calling for the protection of native riparian plants, including
798 identification and management of invasive species in accordance with state and federal law;

799 (D) situations calling for the protection of culturally significant landforms, historical
800 flood plains, or other important features close to rivers, streams, and wetlands;

801 (E) what constitutes best practices for the use of herbicides, pesticides, and fertilizer in
802 accordance, where relevant, with applicable state and federal law for management of

803 recognized listed species;

804 (F) situations calling for specific permits, analysis, or requests for minor exceptions or
805 reasonable use exceptions if no feasible alternative exists;

806 (G) what circumstances necessitate an applicant with a proposed project in a riparian
807 area to submit a resource inventory and impact analysis for the riparian area;

808 (H) whether to allow use of heavy equipment for construction of amenities or for
809 removal of debris;

810 (I) situations calling for the maintenance of trees that pose a safety risk from treefall,
811 fire, or flow conveyance during flooding, or calling for removal of diseased trees;

812 (J) situations calling for the maintenance or installation of irrigation and flood control
813 devices;

814 (K) account for activities approved by the United States Army Corps of Engineers or
815 state engineer;

816 (L) best practices in allowing public utilities work;

817 (M) the need to coordinate and cooperate with watershed councils, other governmental
818 agencies, and jurisdictions to facilitate compatible regulation and protection of a riparian area
819 and recognize the riparian and hydrologic functions that are regional in nature and that cross
820 jurisdictional boundaries;

821 (N) strategies to avoid, minimize, or mitigate negative impacts affecting a riparian
822 area;

823 (O) tools available for the management of a riparian area, such as tools published by
824 the Division of Water Resources from federal, state, or local government agencies, including
825 interlocal entities, and assistance provided under Section [73-10-36](#);

826 (P) a riparian map created by the Utah Geological Survey pursuant to Section
827 [73-10-36](#); and

828 (Q) the need for a process through which a landowner may modify riparian
829 requirements to respond to unforeseen circumstances or to allow innovative development
830 techniques that meet or exceed adopted standards; and

831 (iii) may provide for management of the riparian area as part of the regulation of
832 environmentally sensitive areas under Subsection (3).

833 (h) Notwithstanding Subsection (2)(g)(ii)(K), this section may not be interpreted to

834 override, substitute, or modify a water right within the state or the role and authority of the
835 state engineer.

836 (3) The proposed general plan may include:

837 (a) an environmental element that addresses:

838 (i) the protection, conservation, development, and use of natural resources, including
839 the quality of:

840 (A) air;

841 (B) forests;

842 (C) soils;

843 (D) rivers;

844 (E) groundwater and other waters;

845 (F) harbors;

846 (G) fisheries;

847 (H) wildlife;

848 (I) minerals; and

849 (J) other natural resources; and

850 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
851 of streams and other waters;

852 (B) the regulation of the use of land on hillsides, stream channels and other
853 environmentally sensitive areas;

854 (C) the prevention, control, and correction of the erosion of soils;

855 (D) the preservation and enhancement of watersheds and wetlands; and

856 (E) the mapping of known geologic hazards;

857 (b) a public services and facilities element showing general plans for sewage, water,
858 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
859 police and fire protection, and other public services;

860 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
861 programs for:

862 (i) historic preservation;

863 (ii) the diminution or elimination of a development impediment as defined in Section
864 [17C-1-102](#); and

865 (iii) redevelopment of land, including housing sites, business and industrial sites, and
866 public building sites;

867 (d) an economic element composed of appropriate studies and forecasts, as well as an
868 economic development plan, which may include review of existing and projected municipal
869 revenue and expenditures, revenue sources, identification of basic and secondary industry,
870 primary and secondary market areas, employment, and retail sales activity;

871 (e) recommendations for implementing all or any portion of the general plan, including
872 the adoption of land and water use ordinances, capital improvement plans, community
873 development and promotion, and any other appropriate action;

874 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);
875 and

876 (g) any other element the municipality considers appropriate.

877 Section 4. Section 10-9a-404 is amended to read:

878 **10-9a-404. Public hearing by planning commission on proposed general plan or**
879 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
880 **by legislative body.**

881 (1) (a) After completing the planning commission's recommendation for a proposed
882 general plan, or proposal to amend the general plan, the planning commission shall schedule
883 and hold a public hearing on the proposed plan or amendment.

884 (b) The planning commission shall provide notice of the public hearing, as required by
885 Section 10-9a-204.

886 (c) After the public hearing, the planning commission may modify the proposed
887 general plan or amendment.

888 (2) The planning commission shall forward the proposed general plan or amendment to
889 the legislative body.

890 (3) (a) The legislative body may adopt, reject, or make any revisions to the proposed
891 general plan or amendment that the legislative body considers appropriate.

892 (b) If the municipal legislative body rejects the proposed general plan or amendment,
893 the legislative body may provide suggestions to the planning commission for the planning
894 commission's review and recommendation.

895 (4) The legislative body shall adopt:

- 896 (a) a land use element as provided in Subsection [10-9a-403\(2\)\(a\)\(i\)](#);
- 897 (b) a transportation and traffic circulation element as provided in Subsection
- 898 [10-9a-403\(2\)\(a\)\(ii\)](#);
- 899 (c) for a specified municipality as defined in Section [10-9a-408](#), a moderate income
- 900 housing element as provided in Subsection [10-9a-403\(2\)\(a\)\(iii\)](#); [~~and~~]
- 901 (d) except for a city of the fifth class or a town, on or before December 31, 2025, a
- 902 water use and preservation element as provided in Subsection [10-9a-403\(2\)\(a\)\(iv\)](#)[~~;~~]; and
- 903 (e) on or before December 31, 2029, a riparian area element as provided in Subsection
- 904 [10-9a-403\(2\)\(a\)\(v\)](#) if the riparian area element is required by Subsection [10-9a-401\(6\)](#).

905 Section 5. Section **17-27a-103** is amended to read:

906 **17-27a-103. Definitions.**

907 As used in this chapter:

- 908 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
- 909 detached from a primary single-family dwelling and contained on one lot.
- 910 (2) "Adversely affected party" means a person other than a land use applicant who:
- 911 (a) owns real property adjoining the property that is the subject of a land use
- 912 application or land use decision; or
- 913 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
- 914 general community as a result of the land use decision.
- 915 (3) "Affected entity" means a county, municipality, special district, special service
- 916 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
- 917 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
- 918 property owner, property owner's association, public utility, or the Department of
- 919 Transportation, if:
- 920 (a) the entity's services or facilities are likely to require expansion or significant
- 921 modification because of an intended use of land;
- 922 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
- 923 or
- 924 (c) the entity has filed with the county a request for notice during the same calendar
- 925 year and before the county provides notice to an affected entity in compliance with a
- 926 requirement imposed under this chapter.

- 927 (4) "Affected owner" means the owner of real property that is:
- 928 (a) a single project;
- 929 (b) the subject of a land use approval that sponsors of a referendum timely challenged
- 930 in accordance with Subsection 20A-7-601(6); and
- 931 (c) determined to be legally referable under Section 20A-7-602.8.
- 932 (5) "Appeal authority" means the person, board, commission, agency, or other body
- 933 designated by ordinance to decide an appeal of a decision of a land use application or a
- 934 variance.
- 935 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
- 936 residential property if the sign is designed or intended to direct attention to a business, product,
- 937 or service that is not sold, offered, or existing on the property where the sign is located.
- 938 (7) (a) "Charter school" means:
- 939 (i) an operating charter school;
- 940 (ii) a charter school applicant that a charter school authorizer approves in accordance
- 941 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- 942 (iii) an entity that is working on behalf of a charter school or approved charter
- 943 applicant to develop or construct a charter school building.
- 944 (b) "Charter school" does not include a therapeutic school.
- 945 (8) "Chief executive officer" means the person or body that exercises the executive
- 946 powers of the county.
- 947 (9) "Conditional use" means a land use that, because of the unique characteristics or
- 948 potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,
- 949 may not be compatible in some areas or may be compatible only if certain conditions are
- 950 required that mitigate or eliminate the detrimental impacts.
- 951 (10) "Constitutional taking" means a governmental action that results in a taking of
- 952 private property so that compensation to the owner of the property is required by the:
- 953 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 954 (b) Utah Constitution, Article I, Section 22.
- 955 (11) "County utility easement" means an easement that:
- 956 (a) a plat recorded in a county recorder's office described as a county utility easement
- 957 or otherwise as a utility easement;

958 (b) is not a protected utility easement or a public utility easement as defined in Section
959 54-3-27;

960 (c) the county or the county's affiliated governmental entity owns or creates; and

961 (d) (i) either:

962 (A) no person uses or occupies; or

963 (B) the county or the county's affiliated governmental entity uses and occupies to
964 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
965 communications or data lines; or

966 (ii) a person uses or occupies with or without an authorized franchise or other
967 agreement with the county.

968 (12) "Culinary water authority" means the department, agency, or public entity with
969 responsibility to review and approve the feasibility of the culinary water system and sources for
970 the subject property.

971 (13) "Development activity" means:

972 (a) any construction or expansion of a building, structure, or use that creates additional
973 demand and need for public facilities;

974 (b) any change in use of a building or structure that creates additional demand and need
975 for public facilities; or

976 (c) any change in the use of land that creates additional demand and need for public
977 facilities.

978 (14) (a) "Development agreement" means a written agreement or amendment to a
979 written agreement between a county and one or more parties that regulates or controls the use
980 or development of a specific area of land.

981 (b) "Development agreement" does not include an improvement completion assurance.

982 (15) (a) "Disability" means a physical or mental impairment that substantially limits
983 one or more of a person's major life activities, including a person having a record of such an
984 impairment or being regarded as having such an impairment.

985 (b) "Disability" does not include current illegal use of, or addiction to, any federally
986 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
987 Sec. 802.

988 (16) "Educational facility":

989 (a) means:

990 (i) a school district's building at which pupils assemble to receive instruction in a
991 program for any combination of grades from preschool through grade 12, including
992 kindergarten and a program for children with disabilities;

993 (ii) a structure or facility:

994 (A) located on the same property as a building described in Subsection (16)(a)(i); and

995 (B) used in support of the use of that building; and

996 (iii) a building to provide office and related space to a school district's administrative
997 personnel; and

998 (b) does not include:

999 (i) land or a structure, including land or a structure for inventory storage, equipment
1000 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1001 (A) not located on the same property as a building described in Subsection (16)(a)(i);
1002 and

1003 (B) used in support of the purposes of a building described in Subsection (16)(a)(i); or

1004 (ii) a therapeutic school.

1005 (17) "Fire authority" means the department, agency, or public entity with responsibility
1006 to review and approve the feasibility of fire protection and suppression services for the subject
1007 property.

1008 (18) "Flood plain" means land that:

1009 (a) is within the 100-year flood plain designated by the Federal Emergency
1010 Management Agency; or

1011 (b) has not been studied or designated by the Federal Emergency Management Agency
1012 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
1013 the land has characteristics that are similar to those of a 100-year flood plain designated by the
1014 Federal Emergency Management Agency.

1015 (19) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

1016 (20) "General plan" means a document that a county adopts that sets forth general
1017 guidelines for proposed future development of:

1018 (a) the unincorporated land within the county; or

1019 (b) for a mountainous planning district, the land within the mountainous planning

1020 district.

1021 (21) "Geologic hazard" means:

1022 (a) a surface fault rupture;

1023 (b) shallow groundwater;

1024 (c) liquefaction;

1025 (d) a landslide;

1026 (e) a debris flow;

1027 (f) unstable soil;

1028 (g) a rock fall; or

1029 (h) any other geologic condition that presents a risk:

1030 (i) to life;

1031 (ii) of substantial loss of real property; or

1032 (iii) of substantial damage to real property.

1033 (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,

1034 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility

1035 system.

1036 (23) "Identical plans" means building plans submitted to a county that:

1037 (a) are clearly marked as "identical plans";

1038 (b) are substantially identical building plans that were previously submitted to and
1039 reviewed and approved by the county; and

1040 (c) describe a building that:

1041 (i) is located on land zoned the same as the land on which the building described in the
1042 previously approved plans is located;

1043 (ii) is subject to the same geological and meteorological conditions and the same law
1044 as the building described in the previously approved plans;

1045 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
1046 and approved by the county; and

1047 (iv) does not require any additional engineering or analysis.

1048 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
1049 Impact Fees Act.

1050 (25) "Improvement completion assurance" means a surety bond, letter of credit,

1051 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
1052 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
1053 required as a condition precedent to:

1054 (a) recording a subdivision plat; or

1055 (b) development of a commercial, industrial, mixed use, or multifamily project.

1056 (26) "Improvement warranty" means an applicant's unconditional warranty that the
1057 applicant's installed and accepted landscaping or infrastructure improvement:

1058 (a) complies with the county's written standards for design, materials, and
1059 workmanship; and

1060 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1061 within the improvement warranty period.

1062 (27) "Improvement warranty period" means a period:

1063 (a) no later than one year after a county's acceptance of required landscaping; or

1064 (b) no later than one year after a county's acceptance of required infrastructure, unless
1065 the county:

1066 (i) determines for good cause that a one-year period would be inadequate to protect the
1067 public health, safety, and welfare; and

1068 (ii) has substantial evidence, on record:

1069 (A) of prior poor performance by the applicant; or

1070 (B) that the area upon which the infrastructure will be constructed contains suspect soil
1071 and the county has not otherwise required the applicant to mitigate the suspect soil.

1072 (28) "Infrastructure improvement" means permanent infrastructure that is essential for
1073 the public health and safety or that:

1074 (a) is required for human consumption; and

1075 (b) an applicant must install:

1076 (i) in accordance with published installation and inspection specifications for public
1077 improvements; and

1078 (ii) as a condition of:

1079 (A) recording a subdivision plat;

1080 (B) obtaining a building permit; or

1081 (C) developing a commercial, industrial, mixed use, condominium, or multifamily

1082 project.

1083 (29) "Intermittent" means surface water is present in a river, stream, or creek channel
1084 for a portion of the year, but excludes flows resulting only from ephemeral rain events, such as
1085 in arroyos.

1086 [~~(29)~~] (30) "Internal lot restriction" means a platted note, platted demarcation, or
1087 platted designation that:

1088 (a) runs with the land; and

1089 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
1090 the plat; or

1091 (ii) designates a development condition that is enclosed within the perimeter of a lot
1092 described on the plat.

1093 [~~(30)~~] (31) "Interstate pipeline company" means a person or entity engaged in natural
1094 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
1095 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1096 [~~(31)~~] (32) "Intrastate pipeline company" means a person or entity engaged in natural
1097 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1098 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1099 [~~(32)~~] (33) "Land use applicant" means a property owner, or the property owner's
1100 designee, who submits a land use application regarding the property owner's land.

1101 [~~(33)~~] (34) "Land use application":

1102 (a) means an application that is:

1103 (i) required by a county; and

1104 (ii) submitted by a land use applicant to obtain a land use decision; and

1105 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1106 [~~(34)~~] (35) "Land use authority" means:

1107 (a) a person, board, commission, agency, or body, including the local legislative body,
1108 designated by the local legislative body to act upon a land use application; or

1109 (b) if the local legislative body has not designated a person, board, commission,
1110 agency, or body, the local legislative body.

1111 [~~(35)~~] (36) "Land use decision" means an administrative decision of a land use
1112 authority or appeal authority regarding:

- 1113 (a) a land use permit;
- 1114 (b) a land use application; or
- 1115 (c) the enforcement of a land use regulation, land use permit, or development
- 1116 agreement.
- 1117 ~~[(36)]~~ (37) "Land use permit" means a permit issued by a land use authority.
- 1118 ~~[(37)]~~ (38) "Land use regulation":
- 1119 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
- 1120 specification, fee, or rule that governs the use or development of land;
- 1121 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
- 1122 and
- 1123 (c) does not include:
- 1124 (i) a land use decision of the legislative body acting as the land use authority, even if
- 1125 the decision is expressed in a resolution or ordinance; or
- 1126 (ii) a temporary revision to an engineering specification that does not materially:
- 1127 (A) increase a land use applicant's cost of development compared to the existing
- 1128 specification; or
- 1129 (B) impact a land use applicant's use of land.
- 1130 ~~[(38)]~~ (39) "Legislative body" means the county legislative body, or for a county that
- 1131 has adopted an alternative form of government, the body exercising legislative powers.
- 1132 ~~[(39)]~~ (40) "Lot" means a tract of land, regardless of any label, that is created by and
- 1133 shown on a subdivision plat that has been recorded in the office of the county recorder.
- 1134 ~~[(40)]~~ (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between
- 1135 adjoining lots or between a lot and adjoining parcels in accordance with Section [17-27a-608](#):
- 1136 (i) whether or not the lots are located in the same subdivision; and
- 1137 (ii) with the consent of the owners of record.
- 1138 (b) "Lot line adjustment" does not mean a new boundary line that:
- 1139 (i) creates an additional lot; or
- 1140 (ii) constitutes a subdivision or a subdivision amendment.
- 1141 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
- 1142 Department of Transportation.
- 1143 ~~[(41)]~~ (42) "Major transit investment corridor" means public transit service that uses or

1144 occupies:

1145 (a) public transit rail right-of-way;

1146 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1147 or

1148 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
1149 municipality or county and:

1150 (i) a public transit district as defined in Section 17B-2a-802; or

1151 (ii) an eligible political subdivision as defined in Section 59-12-2219.

1152 ~~[(42)]~~ (43) "Moderate income housing" means housing occupied or reserved for
1153 occupancy by households with a gross household income equal to or less than 80% of the
1154 median gross income for households of the same size in the county in which the housing is
1155 located.

1156 ~~[(43)]~~ (44) "Mountainous planning district" means an area designated by a county
1157 legislative body in accordance with Section 17-27a-901.

1158 ~~[(44)]~~ (45) "Nominal fee" means a fee that reasonably reimburses a county only for
1159 time spent and expenses incurred in:

1160 (a) verifying that building plans are identical plans; and

1161 (b) reviewing and approving those minor aspects of identical plans that differ from the
1162 previously reviewed and approved building plans.

1163 ~~[(45)]~~ (46) "Noncomplying structure" means a structure that:

1164 (a) legally existed before the structure's current land use designation; and

1165 (b) because of one or more subsequent land use ordinance changes, does not conform
1166 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1167 the use of land.

1168 ~~[(46)]~~ (47) "Nonconforming use" means a use of land that:

1169 (a) legally existed before the current land use designation;

1170 (b) has been maintained continuously since the time the land use ordinance regulation
1171 governing the land changed; and

1172 (c) because of one or more subsequent land use ordinance changes, does not conform
1173 to the regulations that now govern the use of the land.

1174 ~~[(47)]~~ (48) "Official map" means a map drawn by county authorities and recorded in

1175 the county recorder's office that:

1176 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1177 highways and other transportation facilities;

1178 (b) provides a basis for restricting development in designated rights-of-way or between
1179 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1180 the land; and

1181 (c) has been adopted as an element of the county's general plan.

1182 [~~48~~] (49) "Parcel" means any real property that is not a lot.

1183 [~~49~~] (50) (a) "Parcel boundary adjustment" means a recorded agreement between
1184 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
1185 line agreement in accordance with Section 17-27a-523, if no additional parcel is created and:

1186 (i) none of the property identified in the agreement is a lot; or

1187 (ii) the adjustment is to the boundaries of a single person's parcels.

1188 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1189 line that:

1190 (i) creates an additional parcel; or

1191 (ii) constitutes a subdivision.

1192 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
1193 the Department of Transportation.

1194 (51) "Perennial" means surface water is present in a stream, river, or creek channel
1195 throughout the year.

1196 [~~50~~] (52) "Person" means an individual, corporation, partnership, organization,
1197 association, trust, governmental agency, or any other legal entity.

1198 [~~51~~] (53) "Plan for moderate income housing" means a written document adopted by
1199 a county legislative body that includes:

1200 (a) an estimate of the existing supply of moderate income housing located within the
1201 county;

1202 (b) an estimate of the need for moderate income housing in the county for the next five
1203 years;

1204 (c) a survey of total residential land use;

1205 (d) an evaluation of how existing land uses and zones affect opportunities for moderate

1206 income housing; and

1207 (e) a description of the county's program to encourage an adequate supply of moderate
1208 income housing.

1209 [~~(52)~~] (54) "Planning advisory area" means a contiguous, geographically defined
1210 portion of the unincorporated area of a county established under this part with planning and
1211 zoning functions as exercised through the planning advisory area planning commission, as
1212 provided in this chapter, but with no legal or political identity separate from the county and no
1213 taxing authority.

1214 [~~(53)~~] (55) "Plat" means an instrument subdividing property into lots as depicted on a
1215 map or other graphical representation of lands that a licensed professional land surveyor makes
1216 and prepares in accordance with Section 17-27a-603 or 57-8-13.

1217 [~~(54)~~] (56) "Potential geologic hazard area" means an area that:

1218 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1219 relevant map or report as needing further study to determine the area's potential for geologic
1220 hazard; or

1221 (b) has not been studied by the Utah Geological Survey or a county geologist but
1222 presents the potential of geologic hazard because the area has characteristics similar to those of
1223 a designated geologic hazard area.

1224 [~~(55)~~] (57) "Public agency" means:

1225 (a) the federal government;

1226 (b) the state;

1227 (c) a county, municipality, school district, special district, special service district, or
1228 other political subdivision of the state; or

1229 (d) a charter school.

1230 [~~(56)~~] (58) "Public hearing" means a hearing at which members of the public are
1231 provided a reasonable opportunity to comment on the subject of the hearing.

1232 [~~(57)~~] (59) "Public meeting" means a meeting that is required to be open to the public
1233 under Title 52, Chapter 4, Open and Public Meetings Act.

1234 [~~(58)~~] (60) "Public street" means a public right-of-way, including a public highway,
1235 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
1236 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation

1237 easement, or other public way.

1238 ~~[(59)]~~ (61) "Receiving zone" means an unincorporated area of a county that the county
1239 designates, by ordinance, as an area in which an owner of land may receive a transferable
1240 development right.

1241 ~~[(60)]~~ (62) "Record of survey map" means a map of a survey of land prepared in
1242 accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

1243 ~~[(61)]~~ (63) "Residential facility for persons with a disability" means a residence:

1244 (a) in which more than one person with a disability resides; and

1245 (b) which is licensed or certified by the Department of Health and Human Services
1246 under:

1247 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

1248 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

1249 ~~[(62)]~~ (64) "Residential roadway" means a public local residential road that:

1250 (a) will serve primarily to provide access to adjacent primarily residential areas and
1251 property;

1252 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

1253 (c) is not identified as a supplementary to a collector or other higher system classified
1254 street in an approved municipal street or transportation master plan;

1255 (d) has a posted speed limit of 25 miles per hour or less;

1256 (e) does not have higher traffic volumes resulting from connecting previously separated
1257 areas of the municipal road network;

1258 (f) cannot have a primary access, but can have a secondary access, and does not abut
1259 lots intended for high volume traffic or community centers, including schools, recreation
1260 centers, sports complexes, or libraries; and

1261 (g) primarily serves traffic within a neighborhood or limited residential area and is not
1262 necessarily continuous through several residential areas.

1263 (65) "Riparian area" means land representing a transition between aquatic and upland
1264 habitats with a plant community that:

1265 (a) is contiguous to and affected by surface and subsurface hydrologic features of
1266 perennial or intermittent rivers, streams, or creeks; and

1267 (b) has one or both of the following characteristics:

1268 (i) distinctly different vegetative species than adjacent areas; or
1269 (ii) species similar to adjacent areas but exhibiting more vigorous or robust growth
1270 forms.

1271 ~~[(63)]~~ (66) "Rules of order and procedure" means a set of rules that govern and
1272 prescribe in a public meeting:

- 1273 (a) parliamentary order and procedure;
- 1274 (b) ethical behavior; and
- 1275 (c) civil discourse.

1276 ~~[(64)]~~ (67) "Sanitary sewer authority" means the department, agency, or public entity
1277 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1278 wastewater systems.

1279 ~~[(65)]~~ (68) "Sending zone" means an unincorporated area of a county that the county
1280 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1281 development right.

1282 ~~[(66)]~~ (69) "Site plan" means a document or map that may be required by a county
1283 during a preliminary review preceding the issuance of a building permit to demonstrate that an
1284 owner's or developer's proposed development activity meets a land use requirement.

1285 ~~[(67)]~~ (70) (a) "Special district" means an entity under Title 17B, Limited Purpose
1286 Local Government Entities - Special Districts.

1287 (b) "Special district" includes a governmental or quasi-governmental entity that is not a
1288 county, municipality, school district, or the state.

1289 ~~[(68)]~~ (71) "Specified public agency" means:

- 1290 (a) the state;
- 1291 (b) a school district; or
- 1292 (c) a charter school.

1293 ~~[(69)]~~ (72) "Specified public utility" means an electrical corporation, gas corporation,
1294 or telephone corporation, as those terms are defined in Section 54-2-1.

1295 ~~[(70)]~~ (73) "State" includes any department, division, or agency of the state.

1296 ~~[(71)]~~ (74) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
1297 to be divided into two or more lots or other division of land for the purpose, whether
1298 immediate or future, for offer, sale, lease, or development either on the installment plan or

- 1299 upon any and all other plans, terms, and conditions.
- 1300 (b) "Subdivision" includes:
- 1301 (i) the division or development of land, whether by deed, metes and bounds
- 1302 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
- 1303 the division includes all or a portion of a parcel or lot; and
- 1304 (ii) except as provided in Subsection [~~(70)(c)~~; (74)(c), divisions of land for residential
- 1305 and nonresidential uses, including land used or to be used for commercial, agricultural, and
- 1306 industrial purposes.
- 1307 (c) "Subdivision" does not include:
- 1308 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 1309 (ii) a boundary line agreement recorded with the county recorder's office between
- 1310 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
- 1311 [17-27a-523](#) if no new lot is created;
- 1312 (iii) a recorded document, executed by the owner of record:
- 1313 (A) revising the legal descriptions of multiple parcels into one legal description
- 1314 encompassing all such parcels; or
- 1315 (B) joining a lot to a parcel;
- 1316 (iv) a bona fide division or partition of land in a county other than a first class county
- 1317 for the purpose of siting, on one or more of the resulting separate parcels:
- 1318 (A) an electrical transmission line or a substation;
- 1319 (B) a natural gas pipeline or a regulation station; or
- 1320 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 1321 utility service regeneration, transformation, retransmission, or amplification facility;
- 1322 (v) a boundary line agreement between owners of adjoining subdivided properties
- 1323 adjusting the mutual lot line boundary in accordance with Sections [17-27a-523](#) and [17-27a-608](#)
- 1324 if:
- 1325 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1326 (B) the adjustment will not violate any applicable land use ordinance;
- 1327 (vi) a bona fide division of land by deed or other instrument if the deed or other
- 1328 instrument states in writing that the division:
- 1329 (A) is in anticipation of future land use approvals on the parcel or parcels;

- 1330 (B) does not confer any land use approvals; and
- 1331 (C) has not been approved by the land use authority;
- 1332 (vii) a parcel boundary adjustment;
- 1333 (viii) a lot line adjustment;
- 1334 (ix) a road, street, or highway dedication plat;
- 1335 (x) a deed or easement for a road, street, or highway purpose; or
- 1336 (xi) any other division of land authorized by law.
- 1337 [~~(72)~~] (75) (a) "Subdivision amendment" means an amendment to a recorded
- 1338 subdivision in accordance with Section 17-27a-608 that:
- 1339 (i) vacates all or a portion of the subdivision;
- 1340 (ii) alters the outside boundary of the subdivision;
- 1341 (iii) changes the number of lots within the subdivision;
- 1342 (iv) alters a public right-of-way, a public easement, or public infrastructure within the
- 1343 subdivision; or
- 1344 (v) alters a common area or other common amenity within the subdivision.
- 1345 (b) "Subdivision amendment" does not include a lot line adjustment, between a single
- 1346 lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.
- 1347 [~~(73)~~] (76) "Substantial evidence" means evidence that:
- 1348 (a) is beyond a scintilla; and
- 1349 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1350 [~~(74)~~] (77) "Suspect soil" means soil that has:
- 1351 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1352 3% swell potential;
- 1353 (b) bedrock units with high shrink or swell susceptibility; or
- 1354 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1355 commonly associated with dissolution and collapse features.
- 1356 [~~(75)~~] (78) "Therapeutic school" means a residential group living facility:
- 1357 (a) for four or more individuals who are not related to:
- 1358 (i) the owner of the facility; or
- 1359 (ii) the primary service provider of the facility;
- 1360 (b) that serves students who have a history of failing to function:

- 1361 (i) at home;
- 1362 (ii) in a public school; or
- 1363 (iii) in a nonresidential private school; and
- 1364 (c) that offers:
 - 1365 (i) room and board; and
 - 1366 (ii) an academic education integrated with:
 - 1367 (A) specialized structure and supervision; or
 - 1368 (B) services or treatment related to a disability, an emotional development, a
 - 1369 behavioral development, a familial development, or a social development.

1370 [~~(76)~~] (79) "Transferable development right" means a right to develop and use land that
 1371 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
 1372 land use rights from a designated sending zone to a designated receiving zone.

1373 [~~(77)~~] (80) "Unincorporated" means the area outside of the incorporated area of a
 1374 municipality.

1375 [~~(78)~~] (81) "Water interest" means any right to the beneficial use of water, including:

- 1376 (a) each of the rights listed in Section 73-1-11; and
- 1377 (b) an ownership interest in the right to the beneficial use of water represented by:
 - 1378 (i) a contract; or
 - 1379 (ii) a share in a water company, as defined in Section 73-3-3.5.

1380 [~~(79)~~] (82) "Zoning map" means a map, adopted as part of a land use ordinance, that
 1381 depicts land use zones, overlays, or districts.

1382 Section 6. Section 17-27a-401 is amended to read:

1383 **17-27a-401. General plan required -- Content -- Resource management plan --**
 1384 **Provisions related to radioactive waste facility.**

1385 (1) To accomplish the purposes of this chapter, a county shall prepare and adopt a
 1386 comprehensive, long-range general plan:

- 1387 (a) for present and future needs of the county;
- 1388 (b) (i) for growth and development of all or any part of the land within the
 1389 unincorporated portions of the county; or
- 1390 (ii) if a county has designated a mountainous planning district, for growth and
 1391 development of all or any part of the land within the mountainous planning district; and

1392 (c) as a basis for communicating and coordinating with the federal government on land
1393 and resource management issues.

1394 (2) To promote health, safety, and welfare, the general plan may provide for:

1395 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
1396 activities, aesthetics, and recreational, educational, and cultural opportunities;

1397 (b) the reduction of the waste of physical, financial, or human resources that result
1398 from either excessive congestion or excessive scattering of population;

1399 (c) the efficient and economical use, conservation, and production of the supply of:

1400 (i) food and water; and

1401 (ii) drainage, sanitary, and other facilities and resources;

1402 (d) the use of energy conservation and solar and renewable energy resources;

1403 (e) the protection of urban development;

1404 (f) the protection and promotion of air quality;

1405 (g) historic preservation;

1406 (h) identifying future uses of land that are likely to require an expansion or significant
1407 modification of services or facilities provided by an affected entity; and

1408 (i) an official map.

1409 (3) (a) (i) The general plan of a specified county, as defined in Section [17-27a-408](#),
1410 shall include a moderate income housing element that meets the requirements of Subsection
1411 [17-27a-403\(2\)\(a\)\(iii\)](#).

1412 (ii) (A) This Subsection (3)(a)(ii) applies to a county that does not qualify as a
1413 specified county as of January 1, 2023.

1414 (B) As of January 1, if a county described in Subsection (3)(a)(ii)(A) changes from one
1415 class to another or grows in population to qualify as a specified county as defined in Section
1416 [17-27a-408](#), the county shall amend the county's general plan to comply with Subsection
1417 (3)(a)(i) on or before August 1 of the first calendar year beginning on January 1 in which the
1418 county qualifies as a specified county.

1419 (iii) A county described in Subsection (3)(a)(ii)(B) shall send a copy of the county's
1420 amended general plan to the association of governments, established pursuant to an interlocal
1421 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a
1422 member.

1423 (b) The general plan shall contain a resource management plan for the public lands, as
1424 defined in Section 63L-6-102, within the county.

1425 (c) The resource management plan described in Subsection (3)(b) shall address:

1426 (i) mining;

1427 (ii) land use;

1428 (iii) livestock and grazing;

1429 (iv) irrigation;

1430 (v) agriculture;

1431 (vi) fire management;

1432 (vii) noxious weeds;

1433 (viii) forest management;

1434 (ix) water rights;

1435 (x) ditches and canals;

1436 (xi) water quality and hydrology;

1437 (xii) flood plains and river terraces;

1438 (xiii) wetlands;

1439 (xiv) riparian areas;

1440 (xv) predator control;

1441 (xvi) wildlife;

1442 (xvii) fisheries;

1443 (xviii) recreation and tourism;

1444 (xix) energy resources;

1445 (xx) mineral resources;

1446 (xxi) cultural, historical, geological, and paleontological resources;

1447 (xxii) wilderness;

1448 (xxiii) wild and scenic rivers;

1449 (xxiv) threatened, endangered, and sensitive species;

1450 (xxv) land access;

1451 (xxvi) law enforcement;

1452 (xxvii) economic considerations; and

1453 (xxviii) air.

1454 (d) For each item listed under Subsection (3)(c), a county's resource management plan
1455 shall:

1456 (i) establish findings pertaining to the item;

1457 (ii) establish defined objectives; and

1458 (iii) outline general policies and guidelines on how the objectives described in
1459 Subsection (3)(d)(ii) are to be accomplished.

1460 (4) (a) (i) The general plan shall include specific provisions related to an area within, or
1461 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a
1462 county, which are proposed for the siting of a storage facility or transfer facility for the
1463 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as
1464 these wastes are defined in Section 19-3-303.

1465 (ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the
1466 proposed site upon the health and general welfare of citizens of the state, and shall provide:

1467 (A) the information identified in Section 19-3-305;

1468 (B) information supported by credible studies that demonstrates that Subsection
1469 19-3-307(2) has been satisfied; and

1470 (C) specific measures to mitigate the effects of high-level nuclear waste and greater
1471 than class C radioactive waste and guarantee the health and safety of the citizens of the state.

1472 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance
1473 indicating that all proposals for the siting of a storage facility or transfer facility for the
1474 placement of high-level nuclear waste or greater than class C radioactive waste wholly or
1475 partially within the county are rejected.

1476 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

1477 (d) The county shall send a certified copy of the ordinance described in Subsection
1478 (4)(b) to the executive director of the Department of Environmental Quality by certified mail
1479 within 30 days of enactment.

1480 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

1481 (i) comply with Subsection (4)(a) as soon as reasonably possible; and

1482 (ii) send a certified copy of the repeal to the executive director of the Department of
1483 Environmental Quality by certified mail within 30 days after the repeal.

1484 (5) The general plan may define the county's local customs, local culture, and the

1485 components necessary for the county's economic stability.

1486 (6) Subject to Subsection 17-27a-403(2), the county may determine the
1487 comprehensiveness, extent, and format of the general plan.

1488 (7) If a county has designated a mountainous planning district, the general plan for the
1489 mountainous planning district is the controlling plan.

1490 (8) Nothing in this part may be construed to limit the authority of the state to manage
1491 and protect wildlife under Title 23A, Wildlife Resources Act.

1492 (9) On or before December 31, 2025, a county that has a general plan that does not
1493 include a water use and preservation element that complies with Section 17-27a-403 shall
1494 amend the county's general plan to comply with Section 17-27a-403.

1495 (10) (a) Beginning on or before December 31, 2029, a county's general plan shall
1496 include a riparian area element that meets the requirements of Subsection 17-27a-403(2)(a)(vi)
1497 if a riparian area is located within the county.

1498 (b) Notwithstanding Subsection (10)(a), a county is not required to have a riparian area
1499 element in the county's general plan if the county as of July 1, 2025:

1500 (i) has zoning or other land use ordinances that address the factors in Subsection
1501 17-27a-403(2)(a)(vi); and

1502 (ii) refers to the zoning or other land use ordinances described in this Subsection
1503 (10)(b) in the county's general plan.

1504 Section 7. Section 17-27a-403 is amended to read:

1505 **17-27a-403. Plan preparation.**

1506 (1) (a) The planning commission shall provide notice, as provided in Section
1507 17-27a-203, of the planning commission's intent to make a recommendation to the county
1508 legislative body for a general plan or a comprehensive general plan amendment when the
1509 planning commission initiates the process of preparing the planning commission's
1510 recommendation.

1511 (b) The planning commission shall make and recommend to the legislative body a
1512 proposed general plan for:

1513 (i) the unincorporated area within the county; or

1514 (ii) if the planning commission is a planning commission for a mountainous planning
1515 district, the mountainous planning district.

1516 (c) (i) The plan may include planning for incorporated areas if, in the planning
1517 commission's judgment, they are related to the planning of the unincorporated territory or of
1518 the county as a whole.

1519 (ii) Elements of the county plan that address incorporated areas are not an official plan
1520 or part of a municipal plan for any municipality, unless the county plan is recommended by the
1521 municipal planning commission and adopted by the governing body of the municipality.

1522 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
1523 and descriptive and explanatory matter, shall include the planning commission's
1524 recommendations for the following plan elements:

1525 (i) a land use element that:

1526 (A) designates the long-term goals and the proposed extent, general distribution, and
1527 location of land for housing for residents of various income levels, business, industry,
1528 agriculture, recreation, education, public buildings and grounds, open space, and other
1529 categories of public and private uses of land as appropriate;

1530 (B) includes a statement of the projections for and standards of population density and
1531 building intensity recommended for the various land use categories covered by the plan;

1532 (C) is coordinated to integrate the land use element with the water use and preservation
1533 element; and

1534 (D) accounts for the effect of land use categories and land uses on water demand;

1535 (ii) a transportation and traffic circulation element that:

1536 (A) provides the general location and extent of existing and proposed freeways, arterial
1537 and collector streets, public transit, active transportation facilities, and other modes of
1538 transportation that the planning commission considers appropriate;

1539 (B) addresses the county's plan for residential and commercial development around
1540 major transit investment corridors to maintain and improve the connections between housing,
1541 employment, education, recreation, and commerce; and

1542 (C) correlates with the population projections, the employment projections, and the
1543 proposed land use element of the general plan;

1544 (iii) for a specified county as defined in Section [17-27a-408](#), a moderate income
1545 housing element that:

1546 (A) provides a realistic opportunity to meet the need for additional moderate income

- 1547 housing within the next five years;
- 1548 (B) selects three or more moderate income housing strategies described in Subsection
1549 (2)(b)(ii) for implementation; and
- 1550 (C) includes an implementation plan as provided in Subsection (2)(e);
- 1551 (iv) a resource management plan detailing the findings, objectives, and policies
1552 required by Subsection [17-27a-401\(3\)](#); ~~and~~
- 1553 (v) a water use and preservation element that addresses:
- 1554 (A) the effect of permitted development or patterns of development on water demand
1555 and water infrastructure;
- 1556 (B) methods of reducing water demand and per capita consumption for future
1557 development;
- 1558 (C) methods of reducing water demand and per capita consumption for existing
1559 development; and
- 1560 (D) opportunities for the county to modify the county's operations to eliminate
1561 practices or conditions that waste water[-]; and
- 1562 (vi) if required by Subsection [17-27a-401\(10\)](#), a riparian area element that addresses
1563 the following that are applicable to the county's riparian area:
- 1564 (A) preserving and enhancing natural stream functions for hydrologic conveyance and
1565 storage, including flood plains and wetlands;
- 1566 (B) managing erosion, sedimentation, and flood control;
- 1567 (C) minimizing flood and fire risk to property through development of buffer zones
1568 and removal of dead or diseased vegetation considered to represent excessive fuel loads;
- 1569 (D) reducing water pollution, including by filtration;
- 1570 (E) protecting fish and wildlife habitat;
- 1571 (F) preserving or restoring vegetation while managing invasive plants, noxious weeds,
1572 and fuel loads; and
- 1573 (G) preserving aesthetic and recreational values that are compatible with the other
1574 items listed in this Subsection (2)(a)(vi).
- 1575 (b) In drafting the moderate income housing element, the planning commission:
1576 (i) shall consider the Legislature's determination that counties should facilitate a
1577 reasonable opportunity for a variety of housing, including moderate income housing:

1578 (A) to meet the needs of people of various income levels living, working, or desiring to
1579 live or work in the community; and

1580 (B) to allow people with various incomes to benefit from and fully participate in all
1581 aspects of neighborhood and community life; and

1582 (ii) shall include an analysis of how the county will provide a realistic opportunity for
1583 the development of moderate income housing within the planning horizon, including a
1584 recommendation to implement three or more of the following moderate income housing
1585 strategies:

1586 (A) rezone for densities necessary to facilitate the production of moderate income
1587 housing;

1588 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
1589 facilitates the construction of moderate income housing;

1590 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
1591 stock into moderate income housing;

1592 (D) identify and utilize county general fund subsidies or other sources of revenue to
1593 waive construction related fees that are otherwise generally imposed by the county for the
1594 construction or rehabilitation of moderate income housing;

1595 (E) create or allow for, and reduce regulations related to, internal or detached accessory
1596 dwelling units in residential zones;

1597 (F) zone or rezone for higher density or moderate income residential development in
1598 commercial or mixed-use zones, commercial centers, or employment centers;

1599 (G) amend land use regulations to allow for higher density or new moderate income
1600 residential development in commercial or mixed-use zones near major transit investment
1601 corridors;

1602 (H) amend land use regulations to eliminate or reduce parking requirements for
1603 residential development where a resident is less likely to rely on the resident's own vehicle,
1604 such as residential development near major transit investment corridors or senior living
1605 facilities;

1606 (I) amend land use regulations to allow for single room occupancy developments;

1607 (J) implement zoning incentives for moderate income units in new developments;

1608 (K) preserve existing and new moderate income housing and subsidized units by

- 1609 utilizing a landlord incentive program, providing for deed restricted units through a grant
1610 program, or establishing a housing loss mitigation fund;
- 1611 (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- 1612 (M) demonstrate creation of, or participation in, a community land trust program for
1613 moderate income housing;
- 1614 (N) implement a mortgage assistance program for employees of the county, an
1615 employer that provides contracted services for the county, or any other public employer that
1616 operates within the county;
- 1617 (O) apply for or partner with an entity that applies for state or federal funds or tax
1618 incentives to promote the construction of moderate income housing, an entity that applies for
1619 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
1620 entity that applies for affordable housing programs administered by the Department of
1621 Workforce Services, an entity that applies for services provided by a public housing authority
1622 to preserve and create moderate income housing, or any other entity that applies for programs
1623 or services that promote the construction or preservation of moderate income housing;
- 1624 (P) demonstrate utilization of a moderate income housing set aside from a community
1625 reinvestment agency, redevelopment agency, or community development and renewal agency
1626 to create or subsidize moderate income housing;
- 1627 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
1628 Part 6, Housing and Transit Reinvestment Zone Act;
- 1629 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
1630 accessory dwelling unit as defined in Section [10-9a-530](#);
- 1631 (S) create a program to transfer development rights for moderate income housing;
- 1632 (T) ratify a joint acquisition agreement with another local political subdivision for the
1633 purpose of combining resources to acquire property for moderate income housing;
- 1634 (U) develop a moderate income housing project for residents who are disabled or 55
1635 years old or older;
- 1636 (V) create or allow for, and reduce regulations related to, multifamily residential
1637 dwellings compatible in scale and form with detached single-family residential dwellings and
1638 located in walkable communities within residential or mixed-use zones; and
- 1639 (W) demonstrate implementation of any other program or strategy to address the

1640 housing needs of residents of the county who earn less than 80% of the area median income,
1641 including the dedication of a local funding source to moderate income housing or the adoption
1642 of a land use ordinance that requires 10% or more of new residential development in a
1643 residential zone be dedicated to moderate income housing.

1644 (iii) If a specified county, as defined in Section 17-27a-408, has created a small public
1645 transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the specified
1646 county shall include as part of the specified county's recommended strategies under Subsection
1647 (2)(b)(ii) a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q).

1648 (iv) The planning commission shall identify each moderate income housing strategy
1649 recommended to the legislative body for implementation by restating the exact language used
1650 to describe the strategy in Subsection (2)(b)(ii).

1651 (c) In drafting the land use element, the planning commission shall:

1652 (i) identify and consider each agriculture protection area within the unincorporated area
1653 of the county or mountainous planning district;

1654 (ii) avoid proposing a use of land within an agriculture protection area that is
1655 inconsistent with or detrimental to the use of the land for agriculture; and

1656 (iii) consider and coordinate with any station area plans adopted by municipalities
1657 located within the county under Section 10-9a-403.1.

1658 (d) In drafting the transportation and traffic circulation element, the planning
1659 commission shall:

1660 (i) (A) consider and coordinate with the regional transportation plan developed by the
1661 county's region's metropolitan planning organization, if the relevant areas of the county are
1662 within the boundaries of a metropolitan planning organization; or

1663 (B) consider and coordinate with the long-range transportation plan developed by the
1664 Department of Transportation, if the relevant areas of the county are not within the boundaries
1665 of a metropolitan planning organization; and

1666 (ii) consider and coordinate with any station area plans adopted by municipalities
1667 located within the county under Section 10-9a-403.1.

1668 (e) (i) In drafting the implementation plan portion of the moderate income housing
1669 element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to
1670 the legislative body the establishment of a five-year timeline for implementing each of the

1671 moderate income housing strategies selected by the county for implementation.

1672 (ii) The timeline described in Subsection (2)(e)(i) shall:

1673 (A) identify specific measures and benchmarks for implementing each moderate

1674 income housing strategy selected by the county; and

1675 (B) provide flexibility for the county to make adjustments as needed.

1676 (f) In drafting the water use and preservation element, the planning commission:

1677 (i) shall consider applicable regional water conservation goals recommended by the

1678 Division of Water Resources;

1679 (ii) shall consult with the Division of Water Resources for information and technical

1680 resources regarding regional water conservation goals, including how implementation of the

1681 land use element and water use and preservation element may affect the Great Salt Lake;

1682 (iii) shall notify the community water systems serving drinking water within the

1683 unincorporated portion of the county and request feedback from the community water systems

1684 about how implementation of the land use element and water use and preservation element may

1685 affect:

1686 (A) water supply planning, including drinking water source and storage capacity

1687 consistent with Section [19-4-114](#); and

1688 (B) water distribution planning, including master plans, infrastructure asset

1689 management programs and plans, infrastructure replacement plans, and impact fee facilities

1690 plans;

1691 (iv) shall consider the potential opportunities and benefits of planning for

1692 regionalization of public water systems;

1693 (v) shall consult with the Department of Agriculture and Food for information and

1694 technical resources regarding the potential benefits of agriculture conservation easements and

1695 potential implementation of agriculture water optimization projects that would support regional

1696 water conservation goals;

1697 (vi) shall notify an irrigation or canal company located in the county so that the

1698 irrigation or canal company can be involved in the protection and integrity of the irrigation or

1699 canal company's delivery systems;

1700 (vii) shall include a recommendation for:

1701 (A) water conservation policies to be determined by the county; and

1702 (B) landscaping options within a public street for current and future development that
1703 do not require the use of lawn or turf in a parkstrip;

1704 (viii) shall review the county's land use ordinances and include a recommendation for
1705 changes to an ordinance that promotes the inefficient use of water;

1706 (ix) shall consider principles of sustainable landscaping, including the:

1707 (A) reduction or limitation of the use of lawn or turf;

1708 (B) promotion of site-specific landscape design that decreases stormwater runoff or
1709 runoff of water used for irrigation;

1710 (C) preservation and use of healthy trees that have a reasonable water requirement or
1711 are resistant to dry soil conditions;

1712 (D) elimination or regulation of ponds, pools, and other features that promote
1713 unnecessary water evaporation;

1714 (E) reduction of yard waste; and

1715 (F) use of an irrigation system, including drip irrigation, best adapted to provide the
1716 optimal amount of water to the plants being irrigated;

1717 (x) may include recommendations for additional water demand reduction strategies,
1718 including:

1719 (A) creating a water budget associated with a particular type of development;

1720 (B) adopting new or modified lot size, configuration, and landscaping standards that
1721 will reduce water demand for new single family development;

1722 (C) providing one or more water reduction incentives for existing landscapes and
1723 irrigation systems and installation of water fixtures or systems that minimize water demand;

1724 (D) discouraging incentives for economic development activities that do not adequately
1725 account for water use or do not include strategies for reducing water demand; and

1726 (E) adopting water concurrency standards requiring that adequate water supplies and
1727 facilities are or will be in place for new development; and

1728 (xi) shall include a recommendation for low water use landscaping standards for a new:

1729 (A) commercial, industrial, or institutional development;

1730 (B) common interest community, as defined in Section [57-25-102](#); or

1731 (C) multifamily housing project.

1732 (g) In drafting the riparian area element, the planning commission:

- 1733 (i) shall establish a vision for the riparian areas within the county and identify
1734 strategies to implement the county's vision for the riparian areas that shall include:
- 1735 (A) recommendations to update the county's land use ordinances to support the riparian
1736 area vision as established in the planning process; and
- 1737 (B) other strategies as the county considers appropriate;
- 1738 (ii) may consider:
- 1739 (A) situations identified in Subsection (2)(a)(vi) that warrant the implementation of
1740 innovative or established zoning and preservation tools to regulate development to achieve
1741 riparian area protections;
- 1742 (B) situations that consider the ecological function and integrity of features that cut
1743 across a riparian area adjacent to flowing water, including a stream, bank, wetland, flood plain,
1744 or upland;
- 1745 (C) situations calling for the protection of native riparian plants, including
1746 identification and management of invasive species in accordance with state and federal law;
- 1747 (D) situations calling for the protection of culturally significant landforms, historical
1748 flood plains, or other important features close to rivers, streams, and wetlands;
- 1749 (E) what constitutes best practices for the use of herbicides, pesticides, and fertilizer in
1750 accordance, where relevant, with applicable state and federal law for management of
1751 recognized listed species;
- 1752 (F) situations calling for specific permits, analysis, or requests for minor exceptions or
1753 reasonable use exceptions if no feasible alternative exists;
- 1754 (G) what circumstances necessitate an applicant with a proposed project in a riparian
1755 area to submit a resource inventory and impact analysis for the riparian area;
- 1756 (H) whether to allow use of heavy equipment for construction of amenities or for
1757 removal of debris;
- 1758 (I) situations calling for the maintenance of trees that pose a safety risk from treefall,
1759 fire, or flow conveyance during flooding, or calling for removal of diseased trees;
- 1760 (J) situations calling for the maintenance or installation of irrigation and flood control
1761 devices;
- 1762 (K) account for activities approved by the United States Army Corps of Engineers or
1763 state engineer;

- 1764 (L) best practices in allowing public utilities work;
- 1765 (M) the need to coordinate and cooperate with watershed councils, other governmental
- 1766 agencies, and jurisdictions to facilitate compatible regulation and protection of a riparian area
- 1767 and recognize the riparian and hydrologic functions that are regional in nature and that cross
- 1768 jurisdictional boundaries;
- 1769 (N) strategies to avoid, minimize, or mitigate negative impacts affecting a riparian
- 1770 area;
- 1771 (O) tools available for the management of a riparian area, such as tools published by
- 1772 the Division of Water Resources from federal, state, or local government agencies, including
- 1773 interlocal entities, and assistance provided under Section [73-10-36](#);
- 1774 (P) a riparian map created by the Utah Geological Survey pursuant to Section
- 1775 [73-10-36](#); and
- 1776 (Q) the need for a process through which a landowner may modify riparian
- 1777 requirements to respond to unforeseen circumstances or to allow innovative development
- 1778 techniques that meet or exceed adopted standards; and
- 1779 (iii) may provide for management of the riparian area as part of the regulation of
- 1780 environmentally sensitive areas under Subsection (3).
- 1781 (h) Notwithstanding Subsection (2)(g)(ii)(K), this section may not be interpreted to
- 1782 override, substitute, or modify a water right within the state or the role and authority of the
- 1783 state engineer.
- 1784 (3) The proposed general plan may include:
- 1785 (a) an environmental element that addresses:
- 1786 (i) to the extent not covered by the county's resource management plan, the protection,
- 1787 conservation, development, and use of natural resources, including the quality of:
- 1788 (A) air;
- 1789 (B) forests;
- 1790 (C) soils;
- 1791 (D) rivers;
- 1792 (E) groundwater and other waters;
- 1793 (F) harbors;
- 1794 (G) fisheries;

- 1795 (H) wildlife;
- 1796 (I) minerals; and
- 1797 (J) other natural resources; and
- 1798 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
- 1799 of streams and other waters;
- 1800 (B) the regulation of the use of land on hillsides, stream channels and other
- 1801 environmentally sensitive areas;
- 1802 (C) the prevention, control, and correction of the erosion of soils;
- 1803 (D) the preservation and enhancement of watersheds and wetlands; and
- 1804 (E) the mapping of known geologic hazards;
- 1805 (b) a public services and facilities element showing general plans for sewage, water,
- 1806 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
- 1807 police and fire protection, and other public services;
- 1808 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 1809 programs for:
- 1810 (i) historic preservation;
- 1811 (ii) the diminution or elimination of a development impediment as defined in Section
- 1812 [17C-1-102](#); and
- 1813 (iii) redevelopment of land, including housing sites, business and industrial sites, and
- 1814 public building sites;
- 1815 (d) an economic element composed of appropriate studies and forecasts, as well as an
- 1816 economic development plan, which may include review of existing and projected county
- 1817 revenue and expenditures, revenue sources, identification of basic and secondary industry,
- 1818 primary and secondary market areas, employment, and retail sales activity;
- 1819 (e) recommendations for implementing all or any portion of the general plan, including
- 1820 the adoption of land and water use ordinances, capital improvement plans, community
- 1821 development and promotion, and any other appropriate action;
- 1822 (f) provisions addressing any of the matters listed in Subsection [17-27a-401\(2\)](#) or
- 1823 [\(3\)\(a\)\(i\)](#); and
- 1824 (g) any other element the county considers appropriate.
- 1825 Section 8. Section **17-27a-404** is amended to read:

1826 **17-27a-404. Public hearing by planning commission on proposed general plan or**
1827 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
1828 **by legislative body.**

1829 (1) (a) After completing the planning commission's recommendation for a proposed
1830 general plan, or proposal to amend the general plan, the planning commission shall schedule
1831 and hold a public hearing on the proposed plan or amendment.

1832 (b) The planning commission shall provide notice of the public hearing for the county,
1833 as a class A notice under Section [63G-30-102](#), for at least 10 calendar days before the day of
1834 the public hearing.

1835 (c) After the public hearing, the planning commission may modify the proposed
1836 general plan or amendment.

1837 (2) The planning commission shall forward the proposed general plan or amendment to
1838 the legislative body.

1839 (3) (a) As provided by local ordinance and by Section [17-27a-204](#), the legislative body
1840 shall provide notice of the legislative body's intent to consider the general plan proposal.

1841 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
1842 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
1843 regarding Subsection [17-27a-401](#)(4). The hearing procedure shall comply with this Subsection
1844 (3)(b).

1845 (ii) The hearing format shall allow adequate time for public comment at the actual
1846 public hearing, and shall also allow for public comment in writing to be submitted to the
1847 legislative body for not fewer than 90 days after the date of the public hearing.

1848 (c) (i) The legislative body shall give notice of the hearing in accordance with this
1849 Subsection (3) when the proposed plan provisions required by Subsection [17-27a-401](#)(4) are
1850 complete.

1851 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
1852 the state Legislature, executive director of the Department of Environmental Quality, the state
1853 planning coordinator, the Resource Development Coordinating Committee, and any other
1854 citizens or entities who specifically request notice in writing.

1855 (iii) Public notice shall be given for the county, as a class A notice under Section
1856 [63G-30-102](#), for at least 180 days.

1857 (iv) The notice shall be published to allow reasonable time for interested parties and
 1858 the state to evaluate the information regarding Subsection 17-27a-401(4), including publication
 1859 described in Subsection (3)(c)(iii) for 180 days before the date of the hearing to be held under
 1860 this Subsection (3).

1861 (4) (a) After the public hearing required under this section, the legislative body may
 1862 adopt, reject, or make any revisions to the proposed general plan that the legislative body
 1863 considers appropriate.

1864 (b) The legislative body shall respond in writing and in a substantive manner to all
 1865 those providing comments as a result of the hearing required by Subsection (3).

1866 (c) If the county legislative body rejects the proposed general plan or amendment, the
 1867 legislative body may provide suggestions to the planning commission for the planning
 1868 commission's review and recommendation.

1869 (5) The legislative body shall adopt:

1870 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

1871 (b) a transportation and traffic circulation element as provided in Subsection
 1872 17-27a-403(2)(a)(ii);

1873 (c) for a specified county as defined in Section 17-27a-408, a moderate income housing
 1874 element as provided in Subsection 17-27a-403(2)(a)(iii);

1875 (d) a resource management plan as provided by Subsection 17-27a-403(2)(a)(iv); ~~and~~

1876 (e) on or before December 31, 2025, a water use and preservation element as provided
 1877 in Subsection 17-27a-403(2)(a)(v)~~[-]; and~~

1878 (f) on or before December 31, 2029, a riparian area element as provided in Subsection
 1879 17-27a-403(2)(a)(vi) if the riparian area element is required by Subsection 17-27a-401(10).

1880 Section 9. Section 73-10-36 is amended to read:

1881 **73-10-36. Division to provide technical assistance in local government planning --**
 1882 **Other divisions to provide expertise and knowledge -- Riparian map.**

1883 (1) As used in this section:

1884 (a) "Division" means the Division of Water Resources.

1885 (b) "General plan":

1886 (i) for a municipality, means the same as that term is defined in Section 10-9a-103; and

1887 (ii) for a county, means the same as that term is defined in Section 17-27a-103.

1888 (c) "Local government" means a county or a municipality, as defined in Section
1889 [10-1-104](#).

1890 (d) "Watershed council" means a council created under Chapter 10g, Part 3, Watershed
1891 Councils Act.

1892 (2) (a) The division shall provide technical assistance to a local government to support
1893 the local government's adoption of a water use and preservation element or riparian area
1894 element in a general plan.

1895 [~~3~~] (b) When consulted by a local government for information and technical
1896 resources regarding regional water conservation goals under Subsection [10-9a-403\(2\)\(f\)\(vi\)](#) or
1897 [17-27a-403\(2\)\(f\)\(ii\)](#), the division may seek input from the appropriate watershed council or
1898 councils.

1899 (c) The division shall publish on a public website tools described in Subsection
1900 [10-9a-403\(2\)\(g\)\(ii\)\(O\)](#) or [17-27a-403\(2\)\(g\)\(ii\)\(O\)](#).

1901 (3) (a) The Department of Natural Resources shall create a position that:

1902 (i) works with the Division of Forestry, Fire, and State Lands and the Utah Geological
1903 Survey to provide expertise and specialized knowledge to municipalities and counties with
1904 regard to the management and improvement of riparian areas; and

1905 (ii) coordinates with the division in providing technical assistance to a local
1906 government related to a riparian area element in a general plan.

1907 (b) By no later than July 1, 2025, the Utah Geological Survey shall compile a map of
1908 riparian areas within the state.

1909 (4) A city of the fifth class or a town exempt under Subsection [10-9a-401\(6\)](#) from the
1910 requirement to have a riparian area element in a general plan:

1911 (a) shall have access to the resources provided in accordance with this section as if the
1912 city or town were required to have a riparian area element; and

1913 (b) may establish a vision for a riparian area within the city or town and identify
1914 strategies to implement the vision for the riparian area.

1915 Section 10. **Effective date.**

1916 This bill takes effect on May 1, 2024.