

Representative Gay Lynn Bennion proposes the following substitute bill:

RIPARIAN AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gay Lynn Bennion

Senate Sponsor: _____

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



26 **Other Special Clauses:**

27 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



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) how to account for activities approved by the United States Army Corps of
815 Engineers or 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](#);

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 (R) property rights and appropriate compensation or benefits for property owners; and

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

834 (h) Notwithstanding Subsection (2)(g)(ii)(K), this section may not be interpreted to
835 override, substitute, or modify a water right within the state or the role and authority of the
836 state engineer.

837 (3) The proposed general plan may include:

838 (a) an environmental element that addresses:

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

841 (A) air;

842 (B) forests;

843 (C) soils;

844 (D) rivers;

845 (E) groundwater and other waters;

846 (F) harbors;

847 (G) fisheries;

848 (H) wildlife;

849 (I) minerals; and

850 (J) other natural resources; and

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

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

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

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

857 (E) the mapping of known geologic hazards;

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

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

- 863 (i) historic preservation;
- 864 (ii) the diminution or elimination of a development impediment as defined in Section
865 17C-1-102; and
- 866 (iii) redevelopment of land, including housing sites, business and industrial sites, and
867 public building sites;
- 868 (d) an economic element composed of appropriate studies and forecasts, as well as an
869 economic development plan, which may include review of existing and projected municipal
870 revenue and expenditures, revenue sources, identification of basic and secondary industry,
871 primary and secondary market areas, employment, and retail sales activity;
- 872 (e) recommendations for implementing all or any portion of the general plan, including
873 the adoption of land and water use ordinances, capital improvement plans, community
874 development and promotion, and any other appropriate action;
- 875 (f) provisions addressing any of the matters listed in Subsection 10-9a-401(2) or (3);
876 and
- 877 (g) any other element the municipality considers appropriate.

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

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

- 882 (1) (a) After completing the planning commission's recommendation for a proposed
883 general plan, or proposal to amend the general plan, the planning commission shall schedule
884 and hold a public hearing on the proposed plan or amendment.
- 885 (b) The planning commission shall provide notice of the public hearing, as required by
886 Section 10-9a-204.
- 887 (c) After the public hearing, the planning commission may modify the proposed
888 general plan or amendment.
- 889 (2) The planning commission shall forward the proposed general plan or amendment to
890 the legislative body.
- 891 (3) (a) The legislative body may adopt, reject, or make any revisions to the proposed
892 general plan or amendment that the legislative body considers appropriate.
- 893 (b) If the municipal legislative body rejects the proposed general plan or amendment,

894 the legislative body may provide suggestions to the planning commission for the planning
895 commission's review and recommendation.

896 (4) The legislative body shall adopt:

897 (a) a land use element as provided in Subsection 10-9a-403(2)(a)(i);

898 (b) a transportation and traffic circulation element as provided in Subsection
899 10-9a-403(2)(a)(ii);

900 (c) for a specified municipality as defined in Section 10-9a-408, a moderate income
901 housing element as provided in Subsection 10-9a-403(2)(a)(iii); [~~and~~]

902 (d) except for a city of the fifth class or a town, on or before December 31, 2025, a
903 water use and preservation element as provided in Subsection 10-9a-403(2)(a)(iv)[~~;~~]; and

904 (e) on or before December 31, 2029, a riparian area element as provided in Subsection
905 10-9a-403(2)(a)(v) if the riparian area element is required by Subsection 10-9a-401(6).

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

907 **17-27a-103. Definitions.**

908 As used in this chapter:

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

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

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

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

916 (3) "Affected entity" means a county, municipality, special district, special service
917 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
918 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
919 property owner, property owner's association, public utility, or the Department of
920 Transportation, if:

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

923 (b) the entity has filed with the county a copy of the entity's general or long-range plan;

924 or

925 (c) the entity has filed with the county a request for notice during the same calendar
926 year and before the county provides notice to an affected entity in compliance with a
927 requirement imposed under this chapter.

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

929 (a) a single project;

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

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

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

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

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

940 (i) an operating charter school;

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

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

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

946 (8) "Chief executive officer" means the person or body that exercises the executive
947 powers of the county.

948 (9) "Conditional use" means a land use that, because of the unique characteristics or
949 potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,
950 may not be compatible in some areas or may be compatible only if certain conditions are
951 required that mitigate or eliminate the detrimental impacts.

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

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

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

- 956 (11) "County utility easement" means an easement that:
- 957 (a) a plat recorded in a county recorder's office described as a county utility easement
- 958 or otherwise as a utility easement;
- 959 (b) is not a protected utility easement or a public utility easement as defined in Section
- 960 [54-3-27](#);
- 961 (c) the county or the county's affiliated governmental entity owns or creates; and
- 962 (d) (i) either:
- 963 (A) no person uses or occupies; or
- 964 (B) the county or the county's affiliated governmental entity uses and occupies to
- 965 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
- 966 communications or data lines; or
- 967 (ii) a person uses or occupies with or without an authorized franchise or other
- 968 agreement with the county.
- 969 (12) "Culinary water authority" means the department, agency, or public entity with
- 970 responsibility to review and approve the feasibility of the culinary water system and sources for
- 971 the subject property.
- 972 (13) "Development activity" means:
- 973 (a) any construction or expansion of a building, structure, or use that creates additional
- 974 demand and need for public facilities;
- 975 (b) any change in use of a building or structure that creates additional demand and need
- 976 for public facilities; or
- 977 (c) any change in the use of land that creates additional demand and need for public
- 978 facilities.
- 979 (14) (a) "Development agreement" means a written agreement or amendment to a
- 980 written agreement between a county and one or more parties that regulates or controls the use
- 981 or development of a specific area of land.
- 982 (b) "Development agreement" does not include an improvement completion assurance.
- 983 (15) (a) "Disability" means a physical or mental impairment that substantially limits
- 984 one or more of a person's major life activities, including a person having a record of such an
- 985 impairment or being regarded as having such an impairment.
- 986 (b) "Disability" does not include current illegal use of, or addiction to, any federally

987 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
988 Sec. 802.

989 (16) "Educational facility":

990 (a) means:

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

994 (ii) a structure or facility:

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

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

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

999 (b) does not include:

1000 (i) land or a structure, including land or a structure for inventory storage, equipment
1001 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1002 (A) not located on the same property as a building described in Subsection (16)(a)(i);
1003 and

1004 (B) used in support of the purposes of a building described in Subsection (16)(a)(i); or

1005 (ii) a therapeutic school.

1006 (17) "Fire authority" means the department, agency, or public entity with responsibility
1007 to review and approve the feasibility of fire protection and suppression services for the subject
1008 property.

1009 (18) "Flood plain" means land that:

1010 (a) is within the 100-year flood plain designated by the Federal Emergency
1011 Management Agency; or

1012 (b) has not been studied or designated by the Federal Emergency Management Agency
1013 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
1014 the land has characteristics that are similar to those of a 100-year flood plain designated by the
1015 Federal Emergency Management Agency.

1016 (19) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

1017 (20) "General plan" means a document that a county adopts that sets forth general

1018 guidelines for proposed future development of:

1019 (a) the unincorporated land within the county; or

1020 (b) for a mountainous planning district, the land within the mountainous planning
1021 district.

1022 (21) "Geologic hazard" means:

1023 (a) a surface fault rupture;

1024 (b) shallow groundwater;

1025 (c) liquefaction;

1026 (d) a landslide;

1027 (e) a debris flow;

1028 (f) unstable soil;

1029 (g) a rock fall; or

1030 (h) any other geologic condition that presents a risk:

1031 (i) to life;

1032 (ii) of substantial loss of real property; or

1033 (iii) of substantial damage to real property.

1034 (22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
1035 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
1036 system.

1037 (23) "Identical plans" means building plans submitted to a county that:

1038 (a) are clearly marked as "identical plans";

1039 (b) are substantially identical building plans that were previously submitted to and
1040 reviewed and approved by the county; and

1041 (c) describe a building that:

1042 (i) is located on land zoned the same as the land on which the building described in the
1043 previously approved plans is located;

1044 (ii) is subject to the same geological and meteorological conditions and the same law
1045 as the building described in the previously approved plans;

1046 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
1047 and approved by the county; and

1048 (iv) does not require any additional engineering or analysis.

1049 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
1050 Impact Fees Act.

1051 (25) "Improvement completion assurance" means a surety bond, letter of credit,
1052 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
1053 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
1054 required as a condition precedent to:

1055 (a) recording a subdivision plat; or

1056 (b) development of a commercial, industrial, mixed use, or multifamily project.

1057 (26) "Improvement warranty" means an applicant's unconditional warranty that the
1058 applicant's installed and accepted landscaping or infrastructure improvement:

1059 (a) complies with the county's written standards for design, materials, and
1060 workmanship; and

1061 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1062 within the improvement warranty period.

1063 (27) "Improvement warranty period" means a period:

1064 (a) no later than one year after a county's acceptance of required landscaping; or

1065 (b) no later than one year after a county's acceptance of required infrastructure, unless
1066 the county:

1067 (i) determines for good cause that a one-year period would be inadequate to protect the
1068 public health, safety, and welfare; and

1069 (ii) has substantial evidence, on record:

1070 (A) of prior poor performance by the applicant; or

1071 (B) that the area upon which the infrastructure will be constructed contains suspect soil
1072 and the county has not otherwise required the applicant to mitigate the suspect soil.

1073 (28) "Infrastructure improvement" means permanent infrastructure that is essential for
1074 the public health and safety or that:

1075 (a) is required for human consumption; and

1076 (b) an applicant must install:

1077 (i) in accordance with published installation and inspection specifications for public
1078 improvements; and

1079 (ii) as a condition of:

- 1080 (A) recording a subdivision plat;
- 1081 (B) obtaining a building permit; or
- 1082 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
- 1083 project.

1084 (29) "Intermittent" means surface water is present in a river, stream, or creek channel
1085 for a portion of the year, but excludes flows resulting only from ephemeral rain events, such as
1086 in arroyos.

1087 [~~(29)~~] (30) "Internal lot restriction" means a platted note, platted demarcation, or
1088 platted designation that:

- 1089 (a) runs with the land; and
- 1090 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
- 1091 the plat; or
- 1092 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 1093 described on the plat.

1094 [~~(30)~~] (31) "Interstate pipeline company" means a person or entity engaged in natural
1095 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
1096 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1097 [~~(31)~~] (32) "Intrastate pipeline company" means a person or entity engaged in natural
1098 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1099 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1100 [~~(32)~~] (33) "Land use applicant" means a property owner, or the property owner's
1101 designee, who submits a land use application regarding the property owner's land.

1102 [~~(33)~~] (34) "Land use application":

- 1103 (a) means an application that is:
 - 1104 (i) required by a county; and
 - 1105 (ii) submitted by a land use applicant to obtain a land use decision; and
- 1106 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1107 [~~(34)~~] (35) "Land use authority" means:

- 1108 (a) a person, board, commission, agency, or body, including the local legislative body,
1109 designated by the local legislative body to act upon a land use application; or
- 1110 (b) if the local legislative body has not designated a person, board, commission,

1111 agency, or body, the local legislative body.

1112 [~~(35)~~] (36) "Land use decision" means an administrative decision of a land use

1113 authority or appeal authority regarding:

1114 (a) a land use permit;

1115 (b) a land use application; or

1116 (c) the enforcement of a land use regulation, land use permit, or development

1117 agreement.

1118 [~~(36)~~] (37) "Land use permit" means a permit issued by a land use authority.

1119 [~~(37)~~] (38) "Land use regulation":

1120 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,

1121 specification, fee, or rule that governs the use or development of land;

1122 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;

1123 and

1124 (c) does not include:

1125 (i) a land use decision of the legislative body acting as the land use authority, even if

1126 the decision is expressed in a resolution or ordinance; or

1127 (ii) a temporary revision to an engineering specification that does not materially:

1128 (A) increase a land use applicant's cost of development compared to the existing

1129 specification; or

1130 (B) impact a land use applicant's use of land.

1131 [~~(38)~~] (39) "Legislative body" means the county legislative body, or for a county that
1132 has adopted an alternative form of government, the body exercising legislative powers.

1133 [~~(39)~~] (40) "Lot" means a tract of land, regardless of any label, that is created by and
1134 shown on a subdivision plat that has been recorded in the office of the county recorder.

1135 [~~(40)~~] (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between
1136 adjoining lots or between a lot and adjoining parcels in accordance with Section [17-27a-608](#):

1137 (i) whether or not the lots are located in the same subdivision; and

1138 (ii) with the consent of the owners of record.

1139 (b) "Lot line adjustment" does not mean a new boundary line that:

1140 (i) creates an additional lot; or

1141 (ii) constitutes a subdivision or a subdivision amendment.

1142 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
1143 Department of Transportation.

1144 [~~(41)~~] (42) "Major transit investment corridor" means public transit service that uses or
1145 occupies:

1146 (a) public transit rail right-of-way;

1147 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1148 or

1149 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
1150 municipality or county and:

1151 (i) a public transit district as defined in Section 17B-2a-802; or

1152 (ii) an eligible political subdivision as defined in Section 59-12-2219.

1153 [~~(42)~~] (43) "Moderate income housing" means housing occupied or reserved for
1154 occupancy by households with a gross household income equal to or less than 80% of the
1155 median gross income for households of the same size in the county in which the housing is
1156 located.

1157 [~~(43)~~] (44) "Mountainous planning district" means an area designated by a county
1158 legislative body in accordance with Section 17-27a-901.

1159 [~~(44)~~] (45) "Nominal fee" means a fee that reasonably reimburses a county only for
1160 time spent and expenses incurred in:

1161 (a) verifying that building plans are identical plans; and

1162 (b) reviewing and approving those minor aspects of identical plans that differ from the
1163 previously reviewed and approved building plans.

1164 [~~(45)~~] (46) "Noncomplying structure" means a structure that:

1165 (a) legally existed before the structure's current land use designation; and

1166 (b) because of one or more subsequent land use ordinance changes, does not conform
1167 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1168 the use of land.

1169 [~~(46)~~] (47) "Nonconforming use" means a use of land that:

1170 (a) legally existed before the current land use designation;

1171 (b) has been maintained continuously since the time the land use ordinance regulation
1172 governing the land changed; and

1173 (c) because of one or more subsequent land use ordinance changes, does not conform
1174 to the regulations that now govern the use of the land.

1175 [~~(47)~~] (48) "Official map" means a map drawn by county authorities and recorded in
1176 the county recorder's office that:

1177 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1178 highways and other transportation facilities;

1179 (b) provides a basis for restricting development in designated rights-of-way or between
1180 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1181 the land; and

1182 (c) has been adopted as an element of the county's general plan.

1183 [~~(48)~~] (49) "Parcel" means any real property that is not a lot.

1184 [~~(49)~~] (50) (a) "Parcel boundary adjustment" means a recorded agreement between
1185 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
1186 line agreement in accordance with Section 17-27a-523, if no additional parcel is created and:

1187 (i) none of the property identified in the agreement is a lot; or

1188 (ii) the adjustment is to the boundaries of a single person's parcels.

1189 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1190 line that:

1191 (i) creates an additional parcel; or

1192 (ii) constitutes a subdivision.

1193 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
1194 the Department of Transportation.

1195 (51) "Perennial" means surface water is present in a stream, river, or creek channel
1196 throughout the year.

1197 [~~(50)~~] (52) "Person" means an individual, corporation, partnership, organization,
1198 association, trust, governmental agency, or any other legal entity.

1199 [~~(51)~~] (53) "Plan for moderate income housing" means a written document adopted by
1200 a county legislative body that includes:

1201 (a) an estimate of the existing supply of moderate income housing located within the
1202 county;

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

1204 years;

1205 (c) a survey of total residential land use;

1206 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1207 income housing; and

1208 (e) a description of the county's program to encourage an adequate supply of moderate
1209 income housing.

1210 [~~52~~] (54) "Planning advisory area" means a contiguous, geographically defined
1211 portion of the unincorporated area of a county established under this part with planning and
1212 zoning functions as exercised through the planning advisory area planning commission, as
1213 provided in this chapter, but with no legal or political identity separate from the county and no
1214 taxing authority.

1215 [~~53~~] (55) "Plat" means an instrument subdividing property into lots as depicted on a
1216 map or other graphical representation of lands that a licensed professional land surveyor makes
1217 and prepares in accordance with Section [17-27a-603](#) or [57-8-13](#).

1218 [~~54~~] (56) "Potential geologic hazard area" means an area that:

1219 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1220 relevant map or report as needing further study to determine the area's potential for geologic
1221 hazard; or

1222 (b) has not been studied by the Utah Geological Survey or a county geologist but
1223 presents the potential of geologic hazard because the area has characteristics similar to those of
1224 a designated geologic hazard area.

1225 [~~55~~] (57) "Public agency" means:

1226 (a) the federal government;

1227 (b) the state;

1228 (c) a county, municipality, school district, special district, special service district, or
1229 other political subdivision of the state; or

1230 (d) a charter school.

1231 [~~56~~] (58) "Public hearing" means a hearing at which members of the public are
1232 provided a reasonable opportunity to comment on the subject of the hearing.

1233 [~~57~~] (59) "Public meeting" means a meeting that is required to be open to the public
1234 under Title 52, Chapter 4, Open and Public Meetings Act.

1235 [~~(58)~~] (60) "Public street" means a public right-of-way, including a public highway,
1236 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
1237 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1238 easement, or other public way.

1239 [~~(59)~~] (61) "Receiving zone" means an unincorporated area of a county that the county
1240 designates, by ordinance, as an area in which an owner of land may receive a transferable
1241 development right.

1242 [~~(60)~~] (62) "Record of survey map" means a map of a survey of land prepared in
1243 accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

1244 [~~(61)~~] (63) "Residential facility for persons with a disability" means a residence:

1245 (a) in which more than one person with a disability resides; and
1246 (b) which is licensed or certified by the Department of Health and Human Services
1247 under:

1248 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
1249 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

1250 [~~(62)~~] (64) "Residential roadway" means a public local residential road that:

1251 (a) will serve primarily to provide access to adjacent primarily residential areas and
1252 property;
1253 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
1254 (c) is not identified as a supplementary to a collector or other higher system classified
1255 street in an approved municipal street or transportation master plan;
1256 (d) has a posted speed limit of 25 miles per hour or less;
1257 (e) does not have higher traffic volumes resulting from connecting previously separated
1258 areas of the municipal road network;
1259 (f) cannot have a primary access, but can have a secondary access, and does not abut
1260 lots intended for high volume traffic or community centers, including schools, recreation
1261 centers, sports complexes, or libraries; and
1262 (g) primarily serves traffic within a neighborhood or limited residential area and is not
1263 necessarily continuous through several residential areas.

1264 (65) "Riparian area" means land representing a transition between aquatic and upland
1265 habitats with a plant community that:

1266 (a) is contiguous to and affected by surface and subsurface hydrologic features of
1267 perennial or intermittent rivers, streams, or creeks; and

1268 (b) has one or both of the following characteristics:

1269 (i) distinctly different vegetative species than adjacent areas; or

1270 (ii) species similar to adjacent areas but exhibiting more vigorous or robust growth
1271 forms.

1272 [~~(63)~~] (66) "Rules of order and procedure" means a set of rules that govern and
1273 prescribe in a public meeting:

1274 (a) parliamentary order and procedure;

1275 (b) ethical behavior; and

1276 (c) civil discourse.

1277 [~~(64)~~] (67) "Sanitary sewer authority" means the department, agency, or public entity
1278 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1279 wastewater systems.

1280 [~~(65)~~] (68) "Sending zone" means an unincorporated area of a county that the county
1281 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1282 development right.

1283 [~~(66)~~] (69) "Site plan" means a document or map that may be required by a county
1284 during a preliminary review preceding the issuance of a building permit to demonstrate that an
1285 owner's or developer's proposed development activity meets a land use requirement.

1286 [~~(67)~~] (70) (a) "Special district" means an entity under Title 17B, Limited Purpose
1287 Local Government Entities - Special Districts.

1288 (b) "Special district" includes a governmental or quasi-governmental entity that is not a
1289 county, municipality, school district, or the state.

1290 [~~(68)~~] (71) "Specified public agency" means:

1291 (a) the state;

1292 (b) a school district; or

1293 (c) a charter school.

1294 [~~(69)~~] (72) "Specified public utility" means an electrical corporation, gas corporation,
1295 or telephone corporation, as those terms are defined in Section 54-2-1.

1296 [~~(70)~~] (73) "State" includes any department, division, or agency of the state.

1297 ~~[(71)]~~ (74) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
1298 to be divided into two or more lots or other division of land for the purpose, whether
1299 immediate or future, for offer, sale, lease, or development either on the installment plan or
1300 upon any and all other plans, terms, and conditions.

1301 (b) "Subdivision" includes:

1302 (i) the division or development of land, whether by deed, metes and bounds
1303 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
1304 the division includes all or a portion of a parcel or lot; and

1305 (ii) except as provided in Subsection ~~[(70)(c);~~ (74)(c), divisions of land for residential
1306 and nonresidential uses, including land used or to be used for commercial, agricultural, and
1307 industrial purposes.

1308 (c) "Subdivision" does not include:

1309 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1310 (ii) a boundary line agreement recorded with the county recorder's office between
1311 owners of adjoining parcels adjusting the mutual boundary in accordance with Section
1312 [17-27a-523](#) if no new lot is created;

1313 (iii) a recorded document, executed by the owner of record:

1314 (A) revising the legal descriptions of multiple parcels into one legal description
1315 encompassing all such parcels; or

1316 (B) joining a lot to a parcel;

1317 (iv) a bona fide division or partition of land in a county other than a first class county
1318 for the purpose of siting, on one or more of the resulting separate parcels:

1319 (A) an electrical transmission line or a substation;

1320 (B) a natural gas pipeline or a regulation station; or

1321 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1322 utility service regeneration, transformation, retransmission, or amplification facility;

1323 (v) a boundary line agreement between owners of adjoining subdivided properties
1324 adjusting the mutual lot line boundary in accordance with Sections [17-27a-523](#) and [17-27a-608](#)
1325 if:

1326 (A) no new dwelling lot or housing unit will result from the adjustment; and

1327 (B) the adjustment will not violate any applicable land use ordinance;

- 1328 (vi) a bona fide division of land by deed or other instrument if the deed or other
1329 instrument states in writing that the division:
- 1330 (A) is in anticipation of future land use approvals on the parcel or parcels;
 - 1331 (B) does not confer any land use approvals; and
 - 1332 (C) has not been approved by the land use authority;
- 1333 (vii) a parcel boundary adjustment;
- 1334 (viii) a lot line adjustment;
- 1335 (ix) a road, street, or highway dedication plat;
- 1336 (x) a deed or easement for a road, street, or highway purpose; or
- 1337 (xi) any other division of land authorized by law.
- 1338 [~~(72)~~] (75) (a) "Subdivision amendment" means an amendment to a recorded
1339 subdivision in accordance with Section 17-27a-608 that:
- 1340 (i) vacates all or a portion of the subdivision;
 - 1341 (ii) alters the outside boundary of the subdivision;
 - 1342 (iii) changes the number of lots within the subdivision;
 - 1343 (iv) alters a public right-of-way, a public easement, or public infrastructure within the
1344 subdivision; or
 - 1345 (v) alters a common area or other common amenity within the subdivision.
- 1346 (b) "Subdivision amendment" does not include a lot line adjustment, between a single
1347 lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.
- 1348 [~~(73)~~] (76) "Substantial evidence" means evidence that:
- 1349 (a) is beyond a scintilla; and
 - 1350 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1351 [~~(74)~~] (77) "Suspect soil" means soil that has:
- 1352 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
1353 3% swell potential;
 - 1354 (b) bedrock units with high shrink or swell susceptibility; or
 - 1355 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
1356 commonly associated with dissolution and collapse features.
- 1357 [~~(75)~~] (78) "Therapeutic school" means a residential group living facility:
- 1358 (a) for four or more individuals who are not related to:

- 1359 (i) the owner of the facility; or
- 1360 (ii) the primary service provider of the facility;
- 1361 (b) that serves students who have a history of failing to function:
- 1362 (i) at home;
- 1363 (ii) in a public school; or
- 1364 (iii) in a nonresidential private school; and
- 1365 (c) that offers:
- 1366 (i) room and board; and
- 1367 (ii) an academic education integrated with:
- 1368 (A) specialized structure and supervision; or
- 1369 (B) services or treatment related to a disability, an emotional development, a
- 1370 behavioral development, a familial development, or a social development.

1371 ~~[(76)]~~ (79) "Transferable development right" means a right to develop and use land that
 1372 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
 1373 land use rights from a designated sending zone to a designated receiving zone.

1374 ~~[(77)]~~ (80) "Unincorporated" means the area outside of the incorporated area of a
 1375 municipality.

- 1376 ~~[(78)]~~ (81) "Water interest" means any right to the beneficial use of water, including:
- 1377 (a) each of the rights listed in Section 73-1-11; and
 - 1378 (b) an ownership interest in the right to the beneficial use of water represented by:
 - 1379 (i) a contract; or
 - 1380 (ii) a share in a water company, as defined in Section 73-3-3.5.

1381 ~~[(79)]~~ (82) "Zoning map" means a map, adopted as part of a land use ordinance, that
 1382 depicts land use zones, overlays, or districts.

1383 Section 6. Section 17-27a-401 is amended to read:

1384 **17-27a-401. General plan required -- Content -- Resource management plan --**
 1385 **Provisions related to radioactive waste facility.**

- 1386 (1) To accomplish the purposes of this chapter, a county shall prepare and adopt a
- 1387 comprehensive, long-range general plan:
- 1388 (a) for present and future needs of the county;
- 1389 (b) (i) for growth and development of all or any part of the land within the

1390 unincorporated portions of the county; or

1391 (ii) if a county has designated a mountainous planning district, for growth and
1392 development of all or any part of the land within the mountainous planning district; and

1393 (c) as a basis for communicating and coordinating with the federal government on land
1394 and resource management issues.

1395 (2) To promote health, safety, and welfare, the general plan may provide for:

1396 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic
1397 activities, aesthetics, and recreational, educational, and cultural opportunities;

1398 (b) the reduction of the waste of physical, financial, or human resources that result
1399 from either excessive congestion or excessive scattering of population;

1400 (c) the efficient and economical use, conservation, and production of the supply of:

1401 (i) food and water; and

1402 (ii) drainage, sanitary, and other facilities and resources;

1403 (d) the use of energy conservation and solar and renewable energy resources;

1404 (e) the protection of urban development;

1405 (f) the protection and promotion of air quality;

1406 (g) historic preservation;

1407 (h) identifying future uses of land that are likely to require an expansion or significant
1408 modification of services or facilities provided by an affected entity; and

1409 (i) an official map.

1410 (3) (a) (i) The general plan of a specified county, as defined in Section 17-27a-408,
1411 shall include a moderate income housing element that meets the requirements of Subsection
1412 17-27a-403(2)(a)(iii).

1413 (ii) (A) This Subsection (3)(a)(ii) applies to a county that does not qualify as a
1414 specified county as of January 1, 2023.

1415 (B) As of January 1, if a county described in Subsection (3)(a)(ii)(A) changes from one
1416 class to another or grows in population to qualify as a specified county as defined in Section
1417 17-27a-408, the county shall amend the county's general plan to comply with Subsection
1418 (3)(a)(i) on or before August 1 of the first calendar year beginning on January 1 in which the
1419 county qualifies as a specified county.

1420 (iii) A county described in Subsection (3)(a)(ii)(B) shall send a copy of the county's

1421 amended general plan to the association of governments, established pursuant to an interlocal
1422 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a
1423 member.

1424 (b) The general plan shall contain a resource management plan for the public lands, as
1425 defined in Section [63L-6-102](#), within the county.

1426 (c) The resource management plan described in Subsection (3)(b) shall address:

1427 (i) mining;

1428 (ii) land use;

1429 (iii) livestock and grazing;

1430 (iv) irrigation;

1431 (v) agriculture;

1432 (vi) fire management;

1433 (vii) noxious weeds;

1434 (viii) forest management;

1435 (ix) water rights;

1436 (x) ditches and canals;

1437 (xi) water quality and hydrology;

1438 (xii) flood plains and river terraces;

1439 (xiii) wetlands;

1440 (xiv) riparian areas;

1441 (xv) predator control;

1442 (xvi) wildlife;

1443 (xvii) fisheries;

1444 (xviii) recreation and tourism;

1445 (xix) energy resources;

1446 (xx) mineral resources;

1447 (xxi) cultural, historical, geological, and paleontological resources;

1448 (xxii) wilderness;

1449 (xxiii) wild and scenic rivers;

1450 (xxiv) threatened, endangered, and sensitive species;

1451 (xxv) land access;

1452 (xxvi) law enforcement;

1453 (xxvii) economic considerations; and

1454 (xxviii) air.

1455 (d) For each item listed under Subsection (3)(c), a county's resource management plan
1456 shall:

1457 (i) establish findings pertaining to the item;

1458 (ii) establish defined objectives; and

1459 (iii) outline general policies and guidelines on how the objectives described in

1460 Subsection (3)(d)(ii) are to be accomplished.

1461 (4) (a) (i) The general plan shall include specific provisions related to an area within, or
1462 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a
1463 county, which are proposed for the siting of a storage facility or transfer facility for the
1464 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as
1465 these wastes are defined in Section 19-3-303.

1466 (ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the
1467 proposed site upon the health and general welfare of citizens of the state, and shall provide:

1468 (A) the information identified in Section 19-3-305;

1469 (B) information supported by credible studies that demonstrates that Subsection
1470 19-3-307(2) has been satisfied; and

1471 (C) specific measures to mitigate the effects of high-level nuclear waste and greater
1472 than class C radioactive waste and guarantee the health and safety of the citizens of the state.

1473 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance
1474 indicating that all proposals for the siting of a storage facility or transfer facility for the
1475 placement of high-level nuclear waste or greater than class C radioactive waste wholly or
1476 partially within the county are rejected.

1477 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

1478 (d) The county shall send a certified copy of the ordinance described in Subsection
1479 (4)(b) to the executive director of the Department of Environmental Quality by certified mail
1480 within 30 days of enactment.

1481 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

1482 (i) comply with Subsection (4)(a) as soon as reasonably possible; and

1483 (ii) send a certified copy of the repeal to the executive director of the Department of
1484 Environmental Quality by certified mail within 30 days after the repeal.

1485 (5) The general plan may define the county's local customs, local culture, and the
1486 components necessary for the county's economic stability.

1487 (6) Subject to Subsection 17-27a-403(2), the county may determine the
1488 comprehensiveness, extent, and format of the general plan.

1489 (7) If a county has designated a mountainous planning district, the general plan for the
1490 mountainous planning district is the controlling plan.

1491 (8) Nothing in this part may be construed to limit the authority of the state to manage
1492 and protect wildlife under Title 23A, Wildlife Resources Act.

1493 (9) On or before December 31, 2025, a county that has a general plan that does not
1494 include a water use and preservation element that complies with Section 17-27a-403 shall
1495 amend the county's general plan to comply with Section 17-27a-403.

1496 (10) (a) Beginning on or before December 31, 2029, a county's general plan shall
1497 include a riparian area element that meets the requirements of Subsection 17-27a-403(2)(a)(vi)
1498 if a riparian area is located within the county.

1499 (b) Notwithstanding Subsection (10)(a), a county is not required to have a riparian area
1500 element in the county's general plan if the county as of July 1, 2025:

1501 (i) has zoning or other land use ordinances that address the factors in Subsection
1502 17-27a-403(2)(a)(vi); and

1503 (ii) refers to the zoning or other land use ordinances described in this Subsection
1504 (10)(b) in the county's general plan.

1505 Section 7. Section 17-27a-403 is amended to read:

1506 **17-27a-403. Plan preparation.**

1507 (1) (a) The planning commission shall provide notice, as provided in Section
1508 17-27a-203, of the planning commission's intent to make a recommendation to the county
1509 legislative body for a general plan or a comprehensive general plan amendment when the
1510 planning commission initiates the process of preparing the planning commission's
1511 recommendation.

1512 (b) The planning commission shall make and recommend to the legislative body a
1513 proposed general plan for:

- 1514 (i) the unincorporated area within the county; or
1515 (ii) if the planning commission is a planning commission for a mountainous planning
1516 district, the mountainous planning district.
- 1517 (c) (i) The plan may include planning for incorporated areas if, in the planning
1518 commission's judgment, they are related to the planning of the unincorporated territory or of
1519 the county as a whole.
- 1520 (ii) Elements of the county plan that address incorporated areas are not an official plan
1521 or part of a municipal plan for any municipality, unless the county plan is recommended by the
1522 municipal planning commission and adopted by the governing body of the municipality.
- 1523 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,
1524 and descriptive and explanatory matter, shall include the planning commission's
1525 recommendations for the following plan elements:
- 1526 (i) a land use element that:
- 1527 (A) designates the long-term goals and the proposed extent, general distribution, and
1528 location of land for housing for residents of various income levels, business, industry,
1529 agriculture, recreation, education, public buildings and grounds, open space, and other
1530 categories of public and private uses of land as appropriate;
- 1531 (B) includes a statement of the projections for and standards of population density and
1532 building intensity recommended for the various land use categories covered by the plan;
- 1533 (C) is coordinated to integrate the land use element with the water use and preservation
1534 element; and
- 1535 (D) accounts for the effect of land use categories and land uses on water demand;
- 1536 (ii) a transportation and traffic circulation element that:
- 1537 (A) provides the general location and extent of existing and proposed freeways, arterial
1538 and collector streets, public transit, active transportation facilities, and other modes of
1539 transportation that the planning commission considers appropriate;
- 1540 (B) addresses the county's plan for residential and commercial development around
1541 major transit investment corridors to maintain and improve the connections between housing,
1542 employment, education, recreation, and commerce; and
- 1543 (C) correlates with the population projections, the employment projections, and the
1544 proposed land use element of the general plan;

1545 (iii) for a specified county as defined in Section 17-27a-408, a moderate income
1546 housing element that:

1547 (A) provides a realistic opportunity to meet the need for additional moderate income
1548 housing within the next five years;

1549 (B) selects three or more moderate income housing strategies described in Subsection
1550 (2)(b)(ii) for implementation; and

1551 (C) includes an implementation plan as provided in Subsection (2)(e);

1552 (iv) a resource management plan detailing the findings, objectives, and policies
1553 required by Subsection 17-27a-401(3); [~~and~~]

1554 (v) a water use and preservation element that addresses:

1555 (A) the effect of permitted development or patterns of development on water demand
1556 and water infrastructure;

1557 (B) methods of reducing water demand and per capita consumption for future
1558 development;

1559 (C) methods of reducing water demand and per capita consumption for existing
1560 development; and

1561 (D) opportunities for the county to modify the county's operations to eliminate
1562 practices or conditions that waste water[-]; and

1563 (vi) if required by Subsection 17-27a-401(10), a riparian area element that addresses
1564 the following that are applicable to the county's riparian area:

1565 (A) preserving and enhancing natural stream functions for hydrologic conveyance and
1566 storage, including flood plains and wetlands;

1567 (B) managing erosion, sedimentation, and flood control;

1568 (C) minimizing flood and fire risk to property through development of buffer zones
1569 and removal of dead or diseased vegetation considered to represent excessive fuel loads;

1570 (D) reducing water pollution, including by filtration;

1571 (E) protecting fish and wildlife habitat;

1572 (F) preserving or restoring vegetation while managing invasive plants, noxious weeds,
1573 and fuel loads; and

1574 (G) preserving aesthetic and recreational values that are compatible with the other
1575 items listed in this Subsection (2)(a)(vi).

1576 (b) In drafting the moderate income housing element, the planning commission:
1577 (i) shall consider the Legislature's determination that counties should facilitate a
1578 reasonable opportunity for a variety of housing, including moderate income housing:
1579 (A) to meet the needs of people of various income levels living, working, or desiring to
1580 live or work in the community; and
1581 (B) to allow people with various incomes to benefit from and fully participate in all
1582 aspects of neighborhood and community life; and
1583 (ii) shall include an analysis of how the county will provide a realistic opportunity for
1584 the development of moderate income housing within the planning horizon, including a
1585 recommendation to implement three or more of the following moderate income housing
1586 strategies:
1587 (A) rezone for densities necessary to facilitate the production of moderate income
1588 housing;
1589 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that
1590 facilitates the construction of moderate income housing;
1591 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing
1592 stock into moderate income housing;
1593 (D) identify and utilize county general fund subsidies or other sources of revenue to
1594 waive construction related fees that are otherwise generally imposed by the county for the
1595 construction or rehabilitation of moderate income housing;
1596 (E) create or allow for, and reduce regulations related to, internal or detached accessory
1597 dwelling units in residential zones;
1598 (F) zone or rezone for higher density or moderate income residential development in
1599 commercial or mixed-use zones, commercial centers, or employment centers;
1600 (G) amend land use regulations to allow for higher density or new moderate income
1601 residential development in commercial or mixed-use zones near major transit investment
1602 corridors;
1603 (H) amend land use regulations to eliminate or reduce parking requirements for
1604 residential development where a resident is less likely to rely on the resident's own vehicle,
1605 such as residential development near major transit investment corridors or senior living
1606 facilities;

- 1607 (I) amend land use regulations to allow for single room occupancy developments;
- 1608 (J) implement zoning incentives for moderate income units in new developments;
- 1609 (K) preserve existing and new moderate income housing and subsidized units by
1610 utilizing a landlord incentive program, providing for deed restricted units through a grant
1611 program, or establishing a housing loss mitigation fund;
- 1612 (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- 1613 (M) demonstrate creation of, or participation in, a community land trust program for
1614 moderate income housing;
- 1615 (N) implement a mortgage assistance program for employees of the county, an
1616 employer that provides contracted services for the county, or any other public employer that
1617 operates within the county;
- 1618 (O) apply for or partner with an entity that applies for state or federal funds or tax
1619 incentives to promote the construction of moderate income housing, an entity that applies for
1620 programs offered by the Utah Housing Corporation within that agency's funding capacity, an
1621 entity that applies for affordable housing programs administered by the Department of
1622 Workforce Services, an entity that applies for services provided by a public housing authority
1623 to preserve and create moderate income housing, or any other entity that applies for programs
1624 or services that promote the construction or preservation of moderate income housing;
- 1625 (P) demonstrate utilization of a moderate income housing set aside from a community
1626 reinvestment agency, redevelopment agency, or community development and renewal agency
1627 to create or subsidize moderate income housing;
- 1628 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,
1629 Part 6, Housing and Transit Reinvestment Zone Act;
- 1630 (R) eliminate impact fees for any accessory dwelling unit that is not an internal
1631 accessory dwelling unit as defined in Section [10-9a-530](#);
- 1632 (S) create a program to transfer development rights for moderate income housing;
- 1633 (T) ratify a joint acquisition agreement with another local political subdivision for the
1634 purpose of combining resources to acquire property for moderate income housing;
- 1635 (U) develop a moderate income housing project for residents who are disabled or 55
1636 years old or older;
- 1637 (V) create or allow for, and reduce regulations related to, multifamily residential

1638 dwellings compatible in scale and form with detached single-family residential dwellings and
1639 located in walkable communities within residential or mixed-use zones; and

1640 (W) demonstrate implementation of any other program or strategy to address the
1641 housing needs of residents of the county who earn less than 80% of the area median income,
1642 including the dedication of a local funding source to moderate income housing or the adoption
1643 of a land use ordinance that requires 10% or more of new residential development in a
1644 residential zone be dedicated to moderate income housing.

1645 (iii) If a specified county, as defined in Section 17-27a-408, has created a small public
1646 transit district, as defined in Section 17B-2a-802, on or before January 1, 2022, the specified
1647 county shall include as part of the specified county's recommended strategies under Subsection
1648 (2)(b)(ii) a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q).

1649 (iv) The planning commission shall identify each moderate income housing strategy
1650 recommended to the legislative body for implementation by restating the exact language used
1651 to describe the strategy in Subsection (2)(b)(ii).

1652 (c) In drafting the land use element, the planning commission shall:

1653 (i) identify and consider each agriculture protection area within the unincorporated area
1654 of the county or mountainous planning district;

1655 (ii) avoid proposing a use of land within an agriculture protection area that is
1656 inconsistent with or detrimental to the use of the land for agriculture; and

1657 (iii) consider and coordinate with any station area plans adopted by municipalities
1658 located within the county under Section 10-9a-403.1.

1659 (d) In drafting the transportation and traffic circulation element, the planning
1660 commission shall:

1661 (i) (A) consider and coordinate with the regional transportation plan developed by the
1662 county's region's metropolitan planning organization, if the relevant areas of the county are
1663 within the boundaries of a metropolitan planning organization; or

1664 (B) consider and coordinate with the long-range transportation plan developed by the
1665 Department of Transportation, if the relevant areas of the county are not within the boundaries
1666 of a metropolitan planning organization; and

1667 (ii) consider and coordinate with any station area plans adopted by municipalities
1668 located within the county under Section 10-9a-403.1.

1669 (e) (i) In drafting the implementation plan portion of the moderate income housing
1670 element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to
1671 the legislative body the establishment of a five-year timeline for implementing each of the
1672 moderate income housing strategies selected by the county for implementation.

1673 (ii) The timeline described in Subsection (2)(e)(i) shall:

1674 (A) identify specific measures and benchmarks for implementing each moderate
1675 income housing strategy selected by the county; and

1676 (B) provide flexibility for the county to make adjustments as needed.

1677 (f) In drafting the water use and preservation element, the planning commission:

1678 (i) shall consider applicable regional water conservation goals recommended by the
1679 Division of Water Resources;

1680 (ii) shall consult with the Division of Water Resources for information and technical
1681 resources regarding regional water conservation goals, including how implementation of the
1682 land use element and water use and preservation element may affect the Great Salt Lake;

1683 (iii) shall notify the community water systems serving drinking water within the
1684 unincorporated portion of the county and request feedback from the community water systems
1685 about how implementation of the land use element and water use and preservation element may
1686 affect:

1687 (A) water supply planning, including drinking water source and storage capacity
1688 consistent with Section 19-4-114; and

1689 (B) water distribution planning, including master plans, infrastructure asset
1690 management programs and plans, infrastructure replacement plans, and impact fee facilities
1691 plans;

1692 (iv) shall consider the potential opportunities and benefits of planning for
1693 regionalization of public water systems;

1694 (v) shall consult with the Department of Agriculture and Food for information and
1695 technical resources regarding the potential benefits of agriculture conservation easements and
1696 potential implementation of agriculture water optimization projects that would support regional
1697 water conservation goals;

1698 (vi) shall notify an irrigation or canal company located in the county so that the
1699 irrigation or canal company can be involved in the protection and integrity of the irrigation or

1700 canal company's delivery systems;

1701 (vii) shall include a recommendation for:

1702 (A) water conservation policies to be determined by the county; and

1703 (B) landscaping options within a public street for current and future development that

1704 do not require the use of lawn or turf in a parkstrip;

1705 (viii) shall review the county's land use ordinances and include a recommendation for

1706 changes to an ordinance that promotes the inefficient use of water;

1707 (ix) shall consider principles of sustainable landscaping, including the:

1708 (A) reduction or limitation of the use of lawn or turf;

1709 (B) promotion of site-specific landscape design that decreases stormwater runoff or

1710 runoff of water used for irrigation;

1711 (C) preservation and use of healthy trees that have a reasonable water requirement or

1712 are resistant to dry soil conditions;

1713 (D) elimination or regulation of ponds, pools, and other features that promote

1714 unnecessary water evaporation;

1715 (E) reduction of yard waste; and

1716 (F) use of an irrigation system, including drip irrigation, best adapted to provide the

1717 optimal amount of water to the plants being irrigated;

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

1719 including:

1720 (A) creating a water budget associated with a particular type of development;

1721 (B) adopting new or modified lot size, configuration, and landscaping standards that

1722 will reduce water demand for new single family development;

1723 (C) providing one or more water reduction incentives for existing landscapes and

1724 irrigation systems and installation of water fixtures or systems that minimize water demand;

1725 (D) discouraging incentives for economic development activities that do not adequately

1726 account for water use or do not include strategies for reducing water demand; and

1727 (E) adopting water concurrency standards requiring that adequate water supplies and

1728 facilities are or will be in place for new development; and

1729 (xi) shall include a recommendation for low water use landscaping standards for a new:

1730 (A) commercial, industrial, or institutional development;

- 1731 (B) common interest community, as defined in Section 57-25-102; or
1732 (C) multifamily housing project.
- 1733 (g) In drafting the riparian area element, the planning commission:
1734 (i) shall establish a vision for the riparian areas within the county and identify
1735 strategies to implement the county's vision for the riparian areas that shall include:
1736 (A) recommendations to update the county's land use ordinances to support the riparian
1737 area vision as established in the planning process; and
1738 (B) other strategies as the county considers appropriate;
1739 (ii) may consider:
1740 (A) situations identified in Subsection (2)(a)(vi) that warrant the implementation of
1741 innovative or established zoning and preservation tools to regulate development to achieve
1742 riparian area protections;
1743 (B) situations that consider the ecological function and integrity of features that cut
1744 across a riparian area adjacent to flowing water, including a stream, bank, wetland, flood plain,
1745 or upland;
1746 (C) situations calling for the protection of native riparian plants, including
1747 identification and management of invasive species in accordance with state and federal law;
1748 (D) situations calling for the protection of culturally significant landforms, historical
1749 flood plains, or other important features close to rivers, streams, and wetlands;
1750 (E) what constitutes best practices for the use of herbicides, pesticides, and fertilizer in
1751 accordance, where relevant, with applicable state and federal law for management of
1752 recognized listed species;
1753 (F) situations calling for specific permits, analysis, or requests for minor exceptions or
1754 reasonable use exceptions if no feasible alternative exists;
1755 (G) what circumstances necessitate an applicant with a proposed project in a riparian
1756 area to submit a resource inventory and impact analysis for the riparian area;
1757 (H) whether to allow use of heavy equipment for construction of amenities or for
1758 removal of debris;
1759 (I) situations calling for the maintenance of trees that pose a safety risk from treefall,
1760 fire, or flow conveyance during flooding, or calling for removal of diseased trees;
1761 (J) situations calling for the maintenance or installation of irrigation and flood control

- 1762 devices;
- 1763 (K) how to account for activities approved by the United States Army Corps of
- 1764 Engineers or state engineer;
- 1765 (L) best practices in allowing public utilities work;
- 1766 (M) the need to coordinate and cooperate with watershed councils, other governmental
- 1767 agencies, and jurisdictions to facilitate compatible regulation and protection of a riparian area
- 1768 and recognize the riparian and hydrologic functions that are regional in nature and that cross
- 1769 jurisdictional boundaries;
- 1770 (N) strategies to avoid, minimize, or mitigate negative impacts affecting a riparian
- 1771 area;
- 1772 (O) tools available for the management of a riparian area, such as tools published by
- 1773 the Division of Water Resources from federal, state, or local government agencies, including
- 1774 interlocal entities, and assistance provided under Section [73-10-36](#);
- 1775 (P) a riparian map created by the Utah Geological Survey pursuant to Section
- 1776 [73-10-36](#);
- 1777 (Q) the need for a process through which a landowner may modify riparian
- 1778 requirements to respond to unforeseen circumstances or to allow innovative development
- 1779 techniques that meet or exceed adopted standards; and
- 1780 (R) property rights and appropriate compensation or benefits for property owners; and
- 1781 (iii) may provide for management of the riparian area as part of the regulation of
- 1782 environmentally sensitive areas under Subsection (3).
- 1783 (h) Notwithstanding Subsection (2)(g)(ii)(K), this section may not be interpreted to
- 1784 override, substitute, or modify a water right within the state or the role and authority of the
- 1785 state engineer.
- 1786 (3) The proposed general plan may include:
- 1787 (a) an environmental element that addresses:
- 1788 (i) to the extent not covered by the county's resource management plan, the protection,
- 1789 conservation, development, and use of natural resources, including the quality of:
- 1790 (A) air;
- 1791 (B) forests;
- 1792 (C) soils;

- 1793 (D) rivers;
- 1794 (E) groundwater and other waters;
- 1795 (F) harbors;
- 1796 (G) fisheries;
- 1797 (H) wildlife;
- 1798 (I) minerals; and
- 1799 (J) other natural resources; and
- 1800 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
- 1801 of streams and other waters;
- 1802 (B) the regulation of the use of land on hillsides, stream channels and other
- 1803 environmentally sensitive areas;
- 1804 (C) the prevention, control, and correction of the erosion of soils;
- 1805 (D) the preservation and enhancement of watersheds and wetlands; and
- 1806 (E) the mapping of known geologic hazards;
- 1807 (b) a public services and facilities element showing general plans for sewage, water,
- 1808 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
- 1809 police and fire protection, and other public services;
- 1810 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 1811 programs for:
- 1812 (i) historic preservation;
- 1813 (ii) the diminution or elimination of a development impediment as defined in Section
- 1814 [17C-1-102](#); and
- 1815 (iii) redevelopment of land, including housing sites, business and industrial sites, and
- 1816 public building sites;
- 1817 (d) an economic element composed of appropriate studies and forecasts, as well as an
- 1818 economic development plan, which may include review of existing and projected county
- 1819 revenue and expenditures, revenue sources, identification of basic and secondary industry,
- 1820 primary and secondary market areas, employment, and retail sales activity;
- 1821 (e) recommendations for implementing all or any portion of the general plan, including
- 1822 the adoption of land and water use ordinances, capital improvement plans, community
- 1823 development and promotion, and any other appropriate action;

1824 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or
1825 (3)(a)(i); and

1826 (g) any other element the county considers appropriate.

1827 Section 8. Section 17-27a-404 is amended to read:

1828 **17-27a-404. Public hearing by planning commission on proposed general plan or**
1829 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
1830 **by legislative body.**

1831 (1) (a) After completing the planning commission's recommendation for a proposed
1832 general plan, or proposal to amend the general plan, the planning commission shall schedule
1833 and hold a public hearing on the proposed plan or amendment.

1834 (b) The planning commission shall provide notice of the public hearing for the county,
1835 as a class A notice under Section 63G-30-102, for at least 10 calendar days before the day of
1836 the public hearing.

1837 (c) After the public hearing, the planning commission may modify the proposed
1838 general plan or amendment.

1839 (2) The planning commission shall forward the proposed general plan or amendment to
1840 the legislative body.

1841 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body
1842 shall provide notice of the legislative body's intent to consider the general plan proposal.

1843 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
1844 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
1845 regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection
1846 (3)(b).

1847 (ii) The hearing format shall allow adequate time for public comment at the actual
1848 public hearing, and shall also allow for public comment in writing to be submitted to the
1849 legislative body for not fewer than 90 days after the date of the public hearing.

1850 (c) (i) The legislative body shall give notice of the hearing in accordance with this
1851 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are
1852 complete.

1853 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
1854 the state Legislature, executive director of the Department of Environmental Quality, the state

1855 planning coordinator, the Resource Development Coordinating Committee, and any other
 1856 citizens or entities who specifically request notice in writing.

1857 (iii) Public notice shall be given for the county, as a class A notice under Section
 1858 [63G-30-102](#), for at least 180 days.

1859 (iv) The notice shall be published to allow reasonable time for interested parties and
 1860 the state to evaluate the information regarding Subsection [17-27a-401\(4\)](#), including publication
 1861 described in Subsection (3)(c)(iii) for 180 days before the date of the hearing to be held under
 1862 this Subsection (3).

1863 (4) (a) After the public hearing required under this section, the legislative body may
 1864 adopt, reject, or make any revisions to the proposed general plan that the legislative body
 1865 considers appropriate.

1866 (b) The legislative body shall respond in writing and in a substantive manner to all
 1867 those providing comments as a result of the hearing required by Subsection (3).

1868 (c) If the county legislative body rejects the proposed general plan or amendment, the
 1869 legislative body may provide suggestions to the planning commission for the planning
 1870 commission's review and recommendation.

1871 (5) The legislative body shall adopt:

1872 (a) a land use element as provided in Subsection [17-27a-403\(2\)\(a\)\(i\)](#);

1873 (b) a transportation and traffic circulation element as provided in Subsection
 1874 [17-27a-403\(2\)\(a\)\(ii\)](#);

1875 (c) for a specified county as defined in Section [17-27a-408](#), a moderate income housing
 1876 element as provided in Subsection [17-27a-403\(2\)\(a\)\(iii\)](#);

1877 (d) a resource management plan as provided by Subsection [17-27a-403\(2\)\(a\)\(iv\)](#); [~~and~~]

1878 (e) on or before December 31, 2025, a water use and preservation element as provided
 1879 in Subsection [17-27a-403\(2\)\(a\)\(v\)](#)[~~;~~]; and

1880 (f) on or before December 31, 2029, a riparian area element as provided in Subsection
 1881 [17-27a-403\(2\)\(a\)\(vi\)](#) if the riparian area element is required by Subsection [17-27a-401\(10\)](#).

1882 Section 9. Section **73-10-36** is amended to read:

1883 **73-10-36. Division to provide technical assistance in local government planning --**
 1884 **Other divisions to provide expertise and knowledge -- Riparian map.**

1885 (1) As used in this section:

- 1886 (a) "Division" means the Division of Water Resources.
- 1887 (b) "General plan":
- 1888 (i) for a municipality, means the same as that term is defined in Section [10-9a-103](#); and
- 1889 (ii) for a county, means the same as that term is defined in Section [17-27a-103](#).
- 1890 (c) "Local government" means a county or a municipality, as defined in Section
- 1891 [10-1-104](#).
- 1892 (d) "Watershed council" means a council created under Chapter 10g, Part 3, Watershed
- 1893 Councils Act.
- 1894 (2) (a) The division shall provide technical assistance to a local government to support
- 1895 the local government's adoption of a water use and preservation element or riparian area
- 1896 element in a general plan.
- 1897 [~~(b)~~] (b) When consulted by a local government for information and technical
- 1898 resources regarding regional water conservation goals under Subsection [10-9a-403\(2\)\(f\)\(vi\)](#) or
- 1899 [17-27a-403\(2\)\(f\)\(ii\)](#), the division may seek input from the appropriate watershed council or
- 1900 councils.
- 1901 (c) The division shall publish on a public website tools described in Subsection
- 1902 [10-9a-403\(2\)\(g\)\(ii\)\(O\)](#) or [17-27a-403\(2\)\(g\)\(ii\)\(O\)](#).
- 1903 (3) (a) The Department of Natural Resources shall create a position that:
- 1904 (i) works with the Division of Forestry, Fire, and State Lands and the Utah Geological
- 1905 Survey to provide expertise and specialized knowledge to municipalities and counties with
- 1906 regard to the management and improvement of riparian areas; and
- 1907 (ii) coordinates with the division in providing technical assistance to a local
- 1908 government related to a riparian area element in a general plan.
- 1909 (b) By no later than July 1, 2025, the Utah Geological Survey shall compile a map of
- 1910 riparian areas within the state.
- 1911 (4) A city of the fifth class or a town exempt under Subsection [10-9a-401\(6\)](#) from the
- 1912 requirement to have a riparian area element in a general plan:
- 1913 (a) shall have access to the resources provided in accordance with this section as if the
- 1914 city or town were required to have a riparian area element; and
- 1915 (b) may establish a vision for a riparian area within the city or town and identify
- 1916 strategies to implement the vision for the riparian area.

1917 Section 10. **Effective date.**
1918 This bill takes effect on May 1, 2024.