

Effective 5/1/2024

10-9a-302 Planning commission powers and duties -- Training requirements.

- (1) The planning commission shall review and make a recommendation to the legislative body for:
 - (a) a general plan and amendments to the general plan;
 - (b) land use regulations, including:
 - (i) ordinances regarding the subdivision of land within the municipality; and
 - (ii) amendments to existing land use regulations;
 - (c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
 - (d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
 - (e) application processes that:
 - (i) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
 - (ii) shall protect the right of each:
 - (A) land use applicant and adversely affected party to require formal consideration of any application by a land use authority;
 - (B) land use applicant or adversely affected party to appeal a land use authority's decision to a separate appeal authority; and
 - (C) participant to be heard in each public hearing on a contested application.
- (2) Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section 10-9a-404.
- (3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.
- (4) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation.
- (5) Nothing in this section limits the right of a municipality to initiate or propose the actions described in this section.
- (6)
 - (a)
 - (i) This Subsection (6) applies to:
 - (A) a city of the first, second, third, or fourth class; and
 - (B) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class.
 - (ii) The population figures described in Subsection (6)(a)(i) shall be derived from:
 - (A) the most recent official census or census estimate of the United States Census Bureau; or
 - (B) if a population figure is not available under Subsection (6)(a)(ii)(A), an estimate of the Utah Population Committee.
 - (b) A municipality described in Subsection (6)(a)(i) shall ensure that each member of the municipality's planning commission completes four hours of annual land use training as follows:
 - (i) one hour of annual training on general powers and duties under Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; and
 - (ii) three hours of annual training on land use, which may include:
 - (A) appeals and variances;
 - (B) conditional use permits;

- (C) exactions;
 - (D) impact fees;
 - (E) vested rights;
 - (F) subdivision regulations and improvement guarantees;
 - (G) land use referenda;
 - (H) property rights;
 - (I) real estate procedures and financing;
 - (J) zoning, including use-based and form-based; and
 - (K) drafting ordinances and code that complies with statute.
- (c) A newly appointed planning commission member may not participate in a public meeting as an appointed member until the member completes the training described in Subsection (6)(b)(i).
- (d) A planning commission member may qualify for one completed hour of training required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public meetings of the planning commission within a calendar year.
- (e) A municipality shall provide the training described in Subsection (6)(b) through:
- (i) municipal staff;
 - (ii) the Utah League of Cities and Towns; or
 - (iii) a list of training courses selected by:
 - (A) the Utah League of Cities and Towns; or
 - (B) the Division of Real Estate created in Section 61-2-201.
- (f) A municipality shall, for each planning commission member:
- (i) monitor compliance with the training requirements in Subsection (6)(b); and
 - (ii) maintain a record of training completion at the end of each calendar year.

Amended by Chapter 438, 2024 General Session