



**NOTICE OF A REGULAR
CITY COUNCIL MEETING
April 14, 2026, at 6:00 PM**

PUBLIC NOTICE is hereby given that the Vineyard City Council will hold a regularly scheduled City Council meeting on Tuesday, April 14, 2026, at 6:00 PM, in the City Council Chambers at City Hall, 125 South Main Street, Vineyard, UT. This meeting can also be viewed on our [live stream page](#).

AGENDA

Presiding Mayor Zack Stratton

1. CALL TO ORDER/INVOCATION/INSPIRATIONAL THOUGHT/PLEDGE OF ALLEGIANCE

2. WORK SESSION

Discuss Safety Improvement and Compromise for 400 S and Geneva Road to Main Street

3. PUBLIC COMMENTS

“Public Comments” is defined as time set aside for citizens to express their views for items not on the agenda. During a period designated for public comment, the mayor or chair may allot each speaker a maximum amount of time to present their comments, subject to extension by the mayor or by a majority vote of the council. Speakers offering duplicate comments may be limited. *Public comments can be submitted ahead of time to tonyl@vineyardutah.gov.*

4. MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS

5. BUSINESS ITEMS

5.1. Discuss SB-284 and Resolution Pack

5.2. Adopt Resolution 2026-23 to Establish a Complete Land Use Application and Applicant Vesting Control Policy.

5.3. Adopt Resolution 2026-24 to Establish a Mandatory Development Agreement Policy for Large-scale, Master-planned, and Phased Development Projects

5.4. Adopt Resolution 2026-25 to Establish an Infrastructure Phasing, Public Improvement Sequencing, and City Acceptance Policy Tying Certificate-of-Occupancy and Reimbursement Rights to Objective Milestones

5.5. Adopt Resolution 2026-26 to Establish a Utility Capacity Verification and Water Service Findings Policy; Adopting Standards for same

5.6. Adopt Resolution 2026-27 to Establish an Independent Appeal Authority and Administrative Record Policy, Direct a Zoning Text Audit and Precision Definitions Program, and Direct the Preparation of Implementing Ordinances

5.7. Adopt Resolution 2026-28 to Establish an Approval Policy for Commercial Lodging Structure Height, Story Count, and Building Envelope

6. ADJOURN AS THE CITY COUNCIL AND CONVENE AS THE VINEYARD REDEVELOPMENT AGENCY

6.1. Adopt Resolution 2026-01 to Establish Mandatory Fiscal Impact Findings for all Financial Participation from various Public Finance Activities within the Vineyard/Geneva Redevelopment Project Area

7. ADJOURNMENT

This meeting may be held in a way that will allow a councilmember to participate electronically.

The public is invited to participate in all City Council meetings. In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder at least 24 hours prior to the meeting by calling (385) 338-5183.

Local Land Use Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Calvin Roberts

LONG TITLE**General Description:**

This bill modifies provisions related to land use.

Highlighted Provisions:

This bill:

- defines terms;
- clarifies standards for county and municipal land use regulations and requirements;
- requires a county or municipal legislative body to make a decision on proposed land use regulation if the planning commission fails to make a timely recommendation;
- addresses exaction for water and a land use authority's review of a land use application;
- establishes requirements relating to development agreements;
- modifies the burden of proving that a land use authority's decision was arbitrary, capricious, or illegal;
- addresses requirements relating to an appeal or variance hearing;
- prohibits a legislative body from acting as an appeal authority;
- modifies the standard of review of a land use authority's decision to deny or approve a land use application;
- modifies appeal requirements; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-20-102, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-302, as renumbered and amended by Laws of Utah 2025, First Special Session,

31 Chapter 15
32 **10-20-501**, as renumbered and amended by Laws of Utah 2025, First Special Session,
33 Chapter 15
34 **10-20-502**, as renumbered and amended by Laws of Utah 2025, First Special Session,
35 Chapter 15
36 **10-20-806**, as renumbered and amended by Laws of Utah 2025, First Special Session,
37 Chapter 15
38 **10-20-902**, as renumbered and amended by Laws of Utah 2025, First Special Session,
39 Chapter 15
40 **10-20-910**, as enacted by Laws of Utah 2025, First Special Session, Chapter 15
41 **10-20-911**, as renumbered and amended by Laws of Utah 2025, First Special Session,
42 Chapter 15
43 **10-20-1001**, as renumbered and amended by Laws of Utah 2025, First Special Session,
44 Chapter 15
45 **10-20-1101**, as renumbered and amended by Laws of Utah 2025, First Special Session,
46 Chapter 15
47 **10-20-1106**, as renumbered and amended by Laws of Utah 2025, First Special Session,
48 Chapter 15
49 **10-20-1107**, as renumbered and amended by Laws of Utah 2025, First Special Session,
50 Chapter 15
51 **10-20-1109**, as renumbered and amended by Laws of Utah 2025, First Special Session,
52 Chapter 15
53 **13-43-205**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15
54 **17-79-102**, as renumbered and amended by Laws of Utah 2025, First Special Session,
55 Chapter 14
56 **17-79-302**, as renumbered and amended by Laws of Utah 2025, First Special Session,
57 Chapter 14
58 **17-79-501**, as renumbered and amended by Laws of Utah 2025, First Special Session,
59 Chapter 14
60 **17-79-502**, as renumbered and amended by Laws of Utah 2025, First Special Session,
61 Chapter 14
62 **17-79-706**, as renumbered and amended by Laws of Utah 2025, First Special Session,
63 Chapter 14
64 **17-79-803**, as renumbered and amended by Laws of Utah 2025, First Special Session,

Chapter 14

17-79-811, as enacted by Laws of Utah 2025, First Special Session, Chapter 14

17-79-812, as renumbered and amended by Laws of Utah 2025, First Special Session,
Chapter 14

17-79-901, as renumbered and amended by Laws of Utah 2025, First Special Session,
Chapter 14

17-79-1001, as renumbered and amended by Laws of Utah 2025, First Special Session,
Chapter 14

17-79-1006, as renumbered and amended by Laws of Utah 2025, First Special Session,
Chapter 14

17-79-1007, as renumbered and amended by Laws of Utah 2025, First Special Session,
Chapter 14

17-79-1009, as renumbered and amended by Laws of Utah 2025, First Special Session,
Chapter 14

ENACTS:

10-20-912, Utah Code Annotated 1953

17-79-813, Utah Code Annotated 1953

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

Section 1. Section **10-20-102** is amended to read:

10-20-102 . Definitions.

As used in this chapter:

- (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.
- (2) "Adversely affected party" means a person other than a land use applicant who:
 - (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or
 - (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.
- (3) "Affected entity" means a county, municipality, special district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Department of Transportation, if:

- 99 (a) the entity's services or facilities are likely to require expansion or significant
100 modification because of an intended use of land;
- 101 (b) the entity has filed with the municipality a copy of the entity's general or long-range
102 plan; or
- 103 (c) the entity has filed with the municipality a request for notice during the same
104 calendar year and before the municipality provides notice to an affected entity in
105 compliance with a requirement imposed under this chapter.
- 106 (4) "Affected owner" means the owner of real property that is:
- 107 (a) a single project; and
- 108 (b) the subject of a land use approval that:
- 109 (i) sponsors of a referendum timely challenged in accordance with Section 20A-7-601;
110 and
- 111 [~~(c)~~] (ii) is determined to be legally referable under Section 20A-7-602.8.
- 112 (5) "Appeal authority" means the person, board, commission, agency, or other body
113 designated by ordinance to decide an appeal of a decision of a land use application or a
114 variance.
- 115 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
116 residential property if the sign is designed or intended to direct attention to a business,
117 product, or service that is not sold, offered, or existing on the property where the sign is
118 located.
- 119 (7)(a) "Boundary adjustment" means an agreement between adjoining property owners
120 to relocate a common boundary that results in a conveyance of property between the
121 adjoining lots, adjoining parcels, or adjoining lots and parcels.
- 122 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
- 123 (i) creates an additional lot or parcel; or
- 124 (ii) is made by the Department of Transportation.
- 125 (8)(a) "Boundary establishment" means an agreement between adjoining property
126 owners to clarify the location of an ambiguous, uncertain, or disputed common
127 boundary.
- 128 (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary
129 that:
- 130 (i) creates an additional lot or parcel; or
- 131 (ii) is made by the Department of Transportation.
- 132 (9) "Building code adoption cycle" means the period of time beginning the day on which a

specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.

[(9)] (10)(a) "Charter school" means:

- (i) an operating charter school;
- (ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

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

[(10) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.]

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

(12) "Constitutional taking" means a governmental action that results in a taking of private property [so that] where compensation to the property owner[~~of the property~~] is required by the:

- (a) Fifth or Fourteenth Amendment [of] to the Constitution of the United States; or
- (b) Utah Constitution, Article I, Section 22.

(13) "Conveyance document" means an instrument that:

- (a) meets the definition of "document" in Section 57-1-1; and
- (b) meets the requirements of Section 57-1-45.5.

(14) "Conveyance of property" means the transfer of ownership of any portion of real property from one person to another person.

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

(16) "Department of Transportation" means the entity created in Section 72-1-201.

(17) "Development activity" means:

- (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
- (b) any change in use of a building or structure that creates additional demand and need for public facilities; or
- (c) any change in the use of land that creates additional demand and need for public facilities.

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

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

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

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

(20) "Document" means the same as that term is defined in Section 57-1-1.

(21) "Educational facility":

(a) means:

- (i) a school district's building at which pupils assemble to receive instruction in a program for any combination of grades from preschool through grade 12, including kindergarten and a program for children with disabilities;
- (ii) a structure or facility:
 - (A) located on the same property as a building described in Subsection (21)(a)(i); and
 - (B) used in support of the use of that building; and
- (iii) a building to provide office and related space to a school district's administrative personnel; and

(b) does not include:

- (i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
 - (A) not located on the same property as a building described in Subsection (21)(a)(i); and

- (B) used in support of the purposes of a building described in Subsection (21)(a)(i);
or
(ii) a therapeutic school.
- (22) "Establishment document" means an instrument that:
- (a) meets the definition of "document" in Section 57-1-1; and
 - (b) meets the requirements of Section 57-1-45.
- ~~[(23) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.]~~
- ~~[(24)]~~ (23) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.
- ~~[(25)]~~ (24) "Flood plain" means land that:
- (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or
 - (b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.
- (25) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.
- (26) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.
- (27) "Geologic hazard" means:
- (a) a surface fault rupture;
 - (b) shallow groundwater;
 - (c) liquefaction;
 - (d) a landslide;
 - (e) a debris flow;
 - (f) unstable soil;
 - (g) a rock fall; or
 - (h) any other geologic condition that presents a risk:
 - (i) to life;
 - (ii) of substantial loss of real property; or
 - (iii) of substantial damage to real property.

- (28) "Historic preservation authority" means a person, board, commission, or other body designated by a legislative body to:
- (a) recommend land use regulations to preserve local historic districts or areas; and
 - (b) administer local historic preservation land use regulations within a local historic district or area.
- (29) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.
- (30) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.
- (31)(a) "Identical plans" means floor plans submitted to a municipality that:
- (i) are submitted within the same building code adoption cycle as floor plans that were previously approved by the municipality;
 - (ii) have no structural differences from floor plans that were previously approved by the municipality; and
 - (iii) describe a building that:
 - (A) is located on land zoned the same as the land on which the building described in the previously approved plans is located;
 - (B) has a substantially identical floor plan to a floor plan previously approved by the municipality; and
 - (C) does not require any engineering or analysis beyond a review to confirm the submitted floor plans are substantially identical to a floor plan previously approved by the municipality or a review of the site plan and associated geotechnical reports for the site.
- (b) "Identical plans" include floor plans that are oriented differently as the floor plan that was previously approved by the municipality.
- (32) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.
- (33) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a municipality to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:
- (a) recording a subdivision plat; or
 - (b) development of a commercial, industrial, mixed use, or multifamily project.

- (34) "Improvement warranty" means an applicant's unconditional warranty that the applicant's installed and accepted landscaping or infrastructure improvement:
- (a) complies with the municipality's written standards for design, materials, and workmanship; and
 - (b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.
- (35) "Improvement warranty period" means a period:
- (a) no later than one year after a municipality's acceptance of required public landscaping; or
 - (b) no later than one year after a municipality's acceptance of required infrastructure, unless the municipality:
 - (i) determines, based on accepted industry standards and for good cause, that a one-year period would be inadequate to protect the public health, safety, and welfare; and
 - (ii) has substantial evidence, on record:
 - (A) of prior poor performance by the applicant; or
 - (B) that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the land use applicant to mitigate the suspect soil.
- (36) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:
- (a) is required for human occupation; and
 - (b) an applicant shall install:
 - (i) in accordance with published installation and inspection specifications for public improvements; and
 - (ii) whether the improvement is public or private, as a condition of:
 - (A) recording a subdivision plat;
 - (B) obtaining a building permit; or
 - (C) development of a commercial, industrial, mixed use, condominium, or multifamily project.
- (37) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:
- (a) runs with the land; and
 - (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on

the plat; or

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

(38) "Land use applicant" means: a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

(39) "Land use application":

(a) means an application that is:

(i) required by a municipality; and

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

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

(40) "Land use authority" means:

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

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

(41) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:

(a) a land use permit; or

(b) a land use application.

(42) "Land use permit" means a permit issued by a land use authority.

(43) "Land use regulation":

(a) means a legislative decision enacted by ordinance, law, code, map, resolution, engineering or development standard, specification for public improvement, fee, or rule that governs the use or development of land;

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

(c) does not include:

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

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

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

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

(44) "Legislative body" means the municipal council.

- (45) "Local historic district or area" means a geographically definable area that:
- (a) contains any combination of buildings, structures, sites, objects, landscape features, archeological sites, or works of art that contribute to the historic preservation goals of a legislative body; and
 - (b) is subject to land use regulations to preserve the historic significance of the local historic district or area.
- (46) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.
- (47) "Major transit investment corridor" means public transit service that uses or occupies:
- (a) public transit rail right-of-way;
 - (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
 - (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:
 - (i) a public transit district as defined in Section 17B-2a-802; or
 - (ii) an eligible political subdivision as defined in Section 59-12-2202.
- (48) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- (49) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.
- (50) "Municipal utility easement" means an easement that:
- (a) is created or depicted on a plat recorded in a county recorder's office and is described as a municipal utility easement granted for public use;
 - (b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;
 - (c) the municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines;
 - (d) is used or occupied with the consent of the municipality in accordance with an authorized franchise or other agreement;
 - (e)(i) is used or occupied by a specified public utility in accordance with an authorized franchise or other agreement; and
 - (ii) is located in a utility easement granted for public use; or
 - (f) is described in Section 10-20-615 and is used by a specified public utility.
- (51) "Nominal fee" means a fee that reasonably reimburses a municipality only for time

371 spent and expenses incurred in:

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

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

375 (52) "Noncomplying structure" means a structure that:

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

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

380 (53) "Nonconforming use" means a use of land that:

381 (a) legally existed before [its] the land's current land use designation;

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

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

386 (54) "Official map" means a map drawn by municipal authorities and recorded in a county
387 recorder's office that:

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

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

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

394 (55) "Parcel" means any real property that is not a lot.

395 (56) "Person" means an individual, corporation, partnership, organization, association, trust,
396 governmental agency, or any other legal entity.

397 (57) "Plan for moderate income housing" means a written document adopted by a
398 municipality's legislative body that includes:

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

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

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

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

income housing; and

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

(58) "Planning commission" means the commission established under Section 10-20-301.

(59) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 10-20-803 or 57-8-13.

(60) "Potential geologic hazard area" means an area that:

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

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

(61) "Property owner" means a person that holds legal or equitable title or interest in real property.

[(61)] (62) "Public agency" means:

(a) the federal government;

(b) the state;

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

(d) a charter school.

[(62)] (63) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

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

[(64)] (65) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

[(65)] (66) "Receiving zone" means an area that a municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

[(66)] (67) "Record of survey map" means a map of a survey of land prepared in accordance with Section 17-73-504.

439 [(67)] (68) "Residential facility for persons with a disability" means a residence:

- 440 (a) in which more than one person with a disability resides; and
- 441 (b) which is licensed or certified by the Department of Health and Human Services
- 442 under:
- 443 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
- 444 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

445 [(68)] (69) "Residential roadway" means a public local residential road that:

- 446 (a) will serve primarily to provide access to adjacent primarily residential areas and
- 447 property;
- 448 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
- 449 (c) is not identified as a supplementary to a collector or other higher system classified
- 450 street in an approved municipal street or transportation master plan;
- 451 (d) has a posted speed limit of 25 miles per hour or less;
- 452 (e) does not have higher traffic volumes resulting from connecting previously separated
- 453 areas of the municipal road network;
- 454 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
- 455 intended for high volume traffic or community centers, including schools, recreation
- 456 centers, sports complexes, or libraries; and
- 457 (g) primarily serves traffic within a neighborhood or limited residential area and is not
- 458 necessarily continuous through several residential areas.

459 [(69)] (70) "Rules of order and procedure" means a set of rules that govern and prescribe in

460 a public meeting:

- 461 (a) parliamentary order and procedure;
- 462 (b) ethical behavior; and
- 463 (c) civil discourse.

464 [(70)] (71) "Sanitary sewer authority" means the department, agency, or public entity with

465 responsibility to review and approve the feasibility of sanitary sewer services or onsite

466 wastewater systems.

467 [(71)] (72) "Sending zone" means an area that a municipality designates, by ordinance, as an

468 area from which an owner of land may transfer a transferable development right.

469 [(72)] (73) "Simple boundary adjustment" means a boundary adjustment that does not:

- 470 (a) affect a public right-of-way, municipal utility easement, or other public property;
- 471 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
- 472 (c) result in a lot or parcel out of conformity with land use regulations.

473 [(73)] (74) "Special district" means an entity under Title 17B, Limited Purpose Local
474 Government Entities - Special Districts, and any other governmental or
475 quasi-governmental entity that is not a county, municipality, school district, or the state.

476 (75) "Specific land use law" means a requirement or restriction on the use of a specific
477 parcel in a development agreement that a legislative body approves with the consent of
478 an affected property owner.

479 [(74)] (76) "Specified public agency" means:

- 480 (a) the state;
- 481 (b) a school district; or
- 482 (c) a charter school.

483 [(75)] (77) "Specified public utility" means an electrical corporation, gas corporation, or
484 telephone corporation, as those terms are defined in Section 54-2-1.

485 [(76)] (78) "State" includes any department, division, or agency of the state.

486 [(77)] (79)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to
487 be divided into two or more lots or other division of land for the purpose, whether
488 immediate or future, for offer, sale, lease, or development either on the installment
489 plan or upon any and all other plans, terms, and conditions.

490 (b) "Subdivision" includes:

- 491 (i) the division or development of land, whether by deed, metes and bounds
492 description, devise and testacy, map, plat, or other recorded instrument, regardless
493 of whether the division includes all or a portion of a parcel or lot; and
- 494 (ii) except as provided in Subsection [(77)(e)] (79)(c), divisions of land for residential
495 and nonresidential uses, including land used or to be used for commercial,
496 agricultural, and industrial purposes.

497 (c) "Subdivision" does not include:

- 498 (i) a bona fide division or partition of land used for agricultural purposes as provided
499 in Subsection 10-20-808(2);
- 500 (ii) a recorded conveyance document:
 - 501 (A) consolidating multiple lots or parcels into one legal description encompassing
502 all lots by reference to a recorded plat and all parcels by metes and bounds
503 description; or
 - 504 (B) joining a lot to a parcel;
- 505 (iii) a bona fide division of land by deed or other instrument if the deed or other
506 instrument states in writing that the division:

- (A) is in anticipation of future land use approvals on the parcel or parcels;
- (B) does not confer any land use approvals; and
- (C) has not been approved by the land use authority;
- (iv) a boundary adjustment;
- (v) a boundary establishment;
- (vi) a road, street, or highway dedication plat;
- (vii) a deed or easement for a road, street, or highway purpose; or
- (viii) any other division of land authorized by law.
- ~~[(78)]~~ (80)(a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 10-20-811 that:
- (i) vacates all or a portion of the subdivision;
- (ii) increases the number of lots within the subdivision;
- (iii) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
- (iv) alters a common area or other common amenity within the subdivision.
- (b) "Subdivision amendment" does not include a simple boundary adjustment.
- ~~[(79)]~~ (81) "Substantial evidence" means evidence that:
- (a) is beyond a scintilla; and
- (b) a reasonable mind would accept as adequate to support a conclusion.
- ~~[(80)]~~ (82) "Suspect soil" means soil that has:
- (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
- (b) bedrock units with high shrink or swell susceptibility; or
- (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.
- ~~[(81)]~~ (83) "Therapeutic school" means a residential group living facility:
- (a) for four or more individuals who are not related to:
- (i) the owner of the facility; or
- (ii) the primary service provider of the facility;
- (b) that serves students who have a history of failing to function:
- (i) at home;
- (ii) in a public school; or
- (iii) in a nonresidential private school; and
- (c) that offers:

(i) room and board; and

(ii) an academic education integrated with:

(A) specialized structure and supervision; or

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

[(82)] (84) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a [land] property owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

[(83)] (85) "Unincorporated" means the area outside of the incorporated area of a city or town.

[(84)] (86) "Water interest" means any right to the beneficial use of water, including:

(a) each of the rights listed in Section 73-1-11; and

(b) an ownership interest in the right to the beneficial use of water represented by:

(i) a contract; or

(ii) a share in a water company, as defined in Section 73-3-3.5.

[(85)] (87) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 2. Section **10-20-302** is amended to read:

10-20-302 . 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 10-20-405.

(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)]~~ (4) Nothing in this section limits the right of a municipality to initiate or propose the actions described in this section.

~~[(6)]~~ (5)(a)(i) This Subsection ~~[(6)]~~ (5) 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 for each city described in Subsection ~~[(6)(a)(i)]~~ (5)(a)(i) shall be derived from:

(A) an estimate of the Utah Population Committee created in Section 63C-20-103; or

(B) if the Utah Population Committee estimate is not available, the most recent official census or census estimate of the United States ~~[Bureau of the]~~ Census Bureau.

(b) A municipality described in Subsection ~~[(6)(a)(i)]~~ (5)(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 this chapter; 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)] (5)(b)(i).
- (d) A planning commission member may qualify for one completed hour of training required under Subsection [(6)(b)(ii)] (5)(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)] (5)(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)] (5)(b); and
 - (ii) maintain a record of training completion at the end of each calendar year.

Section 3. Section **10-20-501** is amended to read:

10-20-501 . Enactment of land use regulation, land use decision, or development agreement.

- (1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.
- (2)(a) Except as provided in Subsection (2)(b), a legislative body may enact a land use regulation only by ordinance.
- (b) A legislative body may, by ordinance or resolution, enact a land use regulation that imposes a fee.

(3) A legislative body shall ensure that a land use regulation is consistent with the purposes [set forth in] of this chapter.

(4)(a) A legislative body shall adopt a land use regulation to:

(i) create or amend a zoning district under Subsection 10-20-503(1)(a); and

(ii) designate general uses allowed in each zoning district.

(b) A land use authority may establish or modify other restrictions or requirements other than those described in Subsection (4)(a), including the configuration or modification of uses or density, through a land use decision that applies criteria or policy elements that a land use regulation establishes or describes.

(5)(a) Except as provided in Subsection (5)(b), a municipality shall publish on the municipality's website:

(i) all of the municipality's land use regulations; and

(ii) a fee schedule that lists all of the municipality's fees related to a land use application, land use permit, or land use regulation, including development review fees and impact fees.

(b) A municipality that does not have a website shall provide for inspection of the information described in Subsection (5)(a) at the municipality's place of business during normal business hours.

[(5)] (6) A municipality may not adopt a land use regulation[, or development agreement, or make a land use decision, that restricts the type of crop that may be grown in an area that is:

(a) zoned agricultural; or

(b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

[(6)] (7) A municipal land use regulation pertaining to an airport or an airport influence area, as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport Zoning Act.

Section 4. Section **10-20-502** is amended to read:

10-20-502 . Preparation and adoption of land use regulation.

(1) A planning commission shall:

(a) provide notice as required by Subsection 10-20-205(1)(a) and, if applicable, Subsection 10-20-205(4);

(b) hold a public hearing on a proposed land use regulation;

(c) if applicable, consider each written objection filed in accordance with Subsection 10-20-205(5) before the public hearing; and

- (d)(i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality; and
- (ii) forward to the legislative body all objections filed in accordance with Subsection 10-20-205(5).

(2)(a) A legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.

(b) After providing notice as required by Subsection 10-20-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the land use regulation described in Subsection (2)(a):

(i) as proposed by the planning commission; or

(ii) after making any revision the legislative body considers appropriate.

(c) ~~[A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance]~~ Beginning on September 15, 2026, if a planning commission fails to make a timely recommendation on a proposed land use regulation, the legislative body shall adopt or reject the proposed land use regulation in accordance with Subsection (2)(b).

Section 5. Section **10-20-806** is amended to read:

10-20-806 . Review of subdivision applications and subdivision improvement plans.

(1) As used in this section:

(a) "Review cycle" means the occurrence of:

(i) the applicant's submittal of a complete subdivision application;

(ii) the municipality's review of that subdivision application;

(iii) the municipality's response to that subdivision application, in accordance with this section; and

(iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

(b) "Subdivision application" means a land use application for the subdivision of land.

(c) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure improvements and municipally controlled utilities required for a subdivision.

(d) "Subdivision ordinance review" means review by a municipality to verify that a

- 711 subdivision application meets the criteria of the municipality's ordinances.
- 712 (e) "Subdivision plan review" means a review of the applicant's subdivision
- 713 improvement plans and other aspects of the subdivision application to verify that the
- 714 application complies with municipal ordinances and applicable installation standards
- 715 and inspection specifications for infrastructure improvements.
- 716 (2) The review cycle restrictions and requirements of this section do not apply to the review
- 717 of subdivision applications affecting property within identified geological hazard areas.
- 718 (3)(a) A municipality may require a subdivision improvement plan to be submitted with
- 719 a subdivision application.
- 720 (b) A municipality may not require a subdivision improvement plan to be submitted with
- 721 both a preliminary subdivision application and a final subdivision application.
- 722 (4)(a) The review cycle requirements of this section apply:
- 723 (i) to the review of a preliminary subdivision application, if the municipality requires
- 724 a subdivision improvement plan to be submitted with a preliminary subdivision
- 725 application; or
- 726 (ii) to the review of a final subdivision application, if the municipality requires a
- 727 subdivision improvement plan to be submitted with a final subdivision application.
- 728 (b) A municipality may not, outside the review cycle, engage in a substantive review of
- 729 required infrastructure improvements or a municipally controlled utility.
- 730 (5)(a) A municipality shall complete the initial review of a complete subdivision
- 731 application submitted for ordinance review for a residential subdivision for
- 732 single-family dwellings, two-family dwellings, or town homes:
- 733 (i) no later than 15 business days after the complete subdivision application is
- 734 submitted, if the municipality has a population over 5,000; or
- 735 (ii) no later than 30 business days after the complete subdivision application is
- 736 submitted, if the municipality has a population of 5,000 or less.
- 737 (b) A municipality shall maintain and publish a list of the items comprising the complete
- 738 subdivision application, including:
- 739 (i) the application;
- 740 (ii) the owner's affidavit;
- 741 (iii) an electronic copy of all plans in PDF format;
- 742 (iv) the preliminary subdivision plat drawings; and
- 743 (v) a breakdown of fees due upon approval of the application.
- 744 (6) A municipality shall publish a list of the items that comprise a complete subdivision

land use application.

- (7) A municipality shall complete a subdivision plan review of a subdivision improvement plan that is submitted with a complete subdivision application for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:
- (a) within 20 business days after the complete subdivision application is submitted, if the municipality has a population over 5,000; or
 - (b) within 40 business days after the complete subdivision application is submitted, if the municipality has a population of 5,000 or less.
- (8)(a) In reviewing a subdivision application, a municipality may require:
- (i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and
 - (ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
- (b) A municipality's request for additional information or modifications to plans under Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans, and shall be logged in an index of requested modifications or additions.
- (c) A municipality may not require more than four review cycles for a subdivision improvement plan review.
- (d)(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's subdivision improvement plan review is waived.
- (ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
- (iii) If an applicant makes a material change to a subdivision improvement plan, the municipality has the discretion to restart the review process at the first review of the subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan that the material change substantively affects.
- (e)(i) This Subsection (8)(e) applies if an applicant does not submit a revised subdivision improvement plan within :

- 779 (A) 20 business days after the municipality requires a modification or correction,
 780 if the municipality has a population over 5,000; or
 781 (B) 40 business days after the municipality requires a modification or correction,
 782 if the municipality has a population of 5,000 or less.
- 783 (ii) If an applicant does not submit a revised subdivision improvement plan within the
 784 time specified in Subsection (8)(e)(i), a municipality has an additional 20 business
 785 days after the time specified in Subsection (7) to respond to a revised subdivision
 786 improvement plan.
- 787 (9) After the applicant has responded to the final review cycle, and the applicant has
 788 complied with each modification requested in the municipality's previous review cycle,
 789 the municipality may not require additional revisions if the applicant has not materially
 790 changed the plan, other than changes that were in response to requested modifications or
 791 corrections.
- 792 (10)(a) In addition to revised plans, an applicant shall provide a written explanation in
 793 response to the municipality's review comments, identifying and explaining the
 794 applicant's revisions and reasons for declining to make revisions, if any.
- 795 (b) The applicant's written explanation shall be comprehensive and specific, including
 796 citations to applicable standards and ordinances for the design and an index of
 797 requested revisions or additions for each required correction.
- 798 (c) If an applicant fails to address a review comment in the response, the review cycle is
 799 not complete and the subsequent review cycle may not begin until all comments are
 800 addressed.
- 801 (11)[(f)] If, on the fourth or final review, a municipality fails to respond within 20
 802 business days, the municipality shall, upon request of the property owner, and within
 803 10 business days after the day on which the request is received:
- 804 [(f)] (a) for a dispute arising from the subdivision improvement plans, assemble an
 805 appeal panel in accordance with Subsection [10-20-911(5)(d)] 10-20-911(4)(d) to
 806 review and approve or deny the final revised set of plans; or
- 807 [(f)] (b) for a dispute arising from the subdivision ordinance review, advise the
 808 applicant, in writing, of the deficiency in the application and of the right to appeal the
 809 determination to a designated appeal authority.
- 810 Section 6. Section **10-20-902** is amended to read:
- 811 **10-20-902 . Applicant's entitlement to land use application approval --**
 812 **Municipality's requirements and limitations -- Vesting upon submission of development**

plan and schedule.

- (1)(a)(i) An applicant who has submitted a complete land use application as described in Subsection (1)(c), including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:
- (A) in effect on the date that the application is complete; and
 - (B) applicable to the application or to the information shown on the application.
- (ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:
- (A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or
 - (B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.
- (b) The municipality shall process an application without regard to proceedings the municipality initiated to amend the municipality's ordinances as described in Subsection (1)(a)(ii)(B) if:
- (i) 180 days have passed since the municipality initiated the proceedings; and
 - (ii)(A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or
 - (B) during the 12 months before the municipality processing the application, or multiple applications of the same type, are impaired or prohibited under the terms of a temporary land use regulation adopted under Section 10-20-504.
- (c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.
- (d) A subsequent incorporation of a municipality or a petition that proposes the incorporation of a municipality does not affect a land use application approved by a county in accordance with Section 17-79-803.
- (e) Unless a phasing sequence is required in an executed development agreement, a

- 847 municipality shall, without regard to any other separate and distinct land use
848 application, accept and process a complete land use application.
- 849 (f) The continuing validity of an approval of a land use application is conditioned upon
850 the applicant proceeding after approval to implement the approval with reasonable
851 diligence.
- 852 (g) A municipality may not impose on an applicant who has submitted a complete
853 application a requirement that is not expressed in:
- 854 (i) this chapter;
- 855 (ii) a municipal ordinance in effect on the date that the applicant submits a complete
856 application, subject to Subsection 10-20-902(1)(a)(ii); or
- 857 (iii) a municipal specification for public improvements applicable to a subdivision or
858 development that is in effect on the date that the applicant submits an application.
- 859 (h) A municipality may not impose on a holder of an issued land use permit or a final,
860 unexpired subdivision plat a requirement that is not expressed:
- 861 (i) in a land use permit;
- 862 (ii) on the subdivision plat;
- 863 (iii) in a document on which the land use permit or subdivision plat is based;
- 864 (iv) in the written record evidencing approval of the land use permit or subdivision
865 plat;
- 866 (v) in this chapter;
- 867 (vi) in a municipal ordinance; or
- 868 (vii) in a municipal specification for residential roadways in effect at the time a
869 residential subdivision was approved.
- 870 (i) Except as provided in Subsection (1)(j) or (k), a municipality may not withhold
871 issuance of a certificate of occupancy or acceptance of subdivision improvements
872 because of an applicant's failure to comply with a requirement that is not expressed:
- 873 (i) in the building permit or subdivision plat, documents on which the building permit
874 or subdivision plat is based, or the written record evidencing approval of the land
875 use permit or subdivision plat; or
- 876 (ii) in this chapter or the municipality's ordinances.
- 877 (j) A municipality may not unreasonably withhold issuance of a certificate of occupancy
878 where an applicant has met all requirements essential for the public health, public
879 safety, and general welfare of the occupants, in accordance with this chapter, unless:
- 880 (i) the applicant and the municipality have agreed in a written document to the

- 881 withholding of a certificate of occupancy; or
- 882 (ii) the applicant has not provided a financial assurance for required and uncompleted
- 883 public landscaping improvements or infrastructure improvements in accordance
- 884 with an applicable local ordinance.
- 885 (k) A municipality may not conduct a final inspection required before issuing a
- 886 certificate of occupancy for a residential unit that is within the boundary of an
- 887 infrastructure financing district, as defined in Section 17B-1-102, until the applicant
- 888 for the certificate of occupancy provides adequate proof to the municipality that any
- 889 lien on the unit arising from the infrastructure financing district's assessment against
- 890 the unit under Title 11, Chapter 42, Assessment Area Act, has been released after
- 891 payment in full of the infrastructure financing district's assessment against that unit.
- 892 (l) A municipality:
- 893 (i) may require the submission of a private landscaping plan, as defined in Section
- 894 10-20-807, before landscaping is installed; and
- 895 (ii) may not withhold an applicant's building permit or certificate of occupancy
- 896 because the applicant has not submitted a private landscaping plan.
- 897 (2) A municipality is bound by the terms and standards of applicable land use regulations
- 898 and shall comply with mandatory provisions of those regulations.
- 899 (3)(a) Except as provided in Subsection (3)(b), a municipality shall publish on the
- 900 municipality's website an application checklist for each land use application type that
- 901 includes:
- 902 (i) a checklist of all required plans and documents that make a complete application;
- 903 (ii) links to applicable land use regulations posted on the municipality's website;
- 904 (iii) a complete list of applicable development standards or links to those standards;
- 905 and
- 906 (iv) a list of applicable development review fees.
- 907 (b) A municipality that does not have a website shall provide for inspection of the
- 908 information described in Subsection (3)(a) at the municipality's place of business
- 909 during normal business hours.
- 910 [(3)] (4) A municipality may not, as a condition of land use application approval, require a
- 911 person filing a land use application to obtain documentation regarding a school district's
- 912 willingness, capacity, or ability to serve the development proposed in the land use
- 913 application.
- 914 [(4)] (5) Upon a specified public agency's submission of a development plan and schedule as

required in Subsection 10-20-304(8) that complies with the requirements of that subsection, the specified public agency vests in the municipality's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

[(5)] (6)(a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:

- (i) to the local clerk as defined in Section 20A-7-101; and
- (ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(5).

(b) Upon delivery of a written notice described in Subsection [(5)(a)] (6)(a) the following are rescinded and are of no further force or effect:

- (i) the relevant land use approval; and
- (ii) any land use regulation enacted specifically in relation to the land use approval.

[(6)] (7)(a) After issuance of a building permit, a municipality may not:

- (i) change or add to the requirements expressed in the building permit, unless the change or addition is:
 - (A) requested by the building permit holder; or
 - (B) necessary to comply with an applicable state building code; or
- (ii) revoke the building permit or take action that has the effect of revoking the building permit.

(b) Subsection [(6)(a)] (7)(a) does not prevent a municipality from issuing a building permit that contains an expiration date defined in the building permit.

Section 7. Section **10-20-910** is amended to read:

10-20-910 . Provisions applicable to a provider of culinary or secondary water.

A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the following as if it were a municipality:

- (1) Subsections 10-20-904(5) and (6);
- (2) Section 10-20-905;[and]
- (3) Section 10-20-911; and
- (4) Section 10-20-912.

Section 8. Section **10-20-911** is amended to read:

10-20-911 . Exactions -- Requirement to offer to original owner property acquired by exaction -- Exaction for right-of-way improvements -- Improvement

completion assurance requirements.

(1) A municipality may impose an exaction or exactions on development proposed in a land use application, including, subject to ~~[Subsection (3)]~~ Section 10-20-912, an exaction for a water interest, if:

- (a) an essential link exists between a legitimate governmental interest and each exaction; and
- (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

(2) If a land use authority imposes an exaction for another governmental entity:

- (a) the governmental entity shall request the exaction; and
- (b) the land use authority shall transfer the exaction to the governmental entity for which it was exacted.

~~[(3)(a)(i) Subject to the requirements of this Subsection (3), a municipality shall base an exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.]~~

~~[(ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base an exaction for a culinary water interest on:]~~

~~[(A) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water in accordance with Section 19-4-114; and]~~

~~[(B) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the municipality.]~~

~~[(iii) A municipality may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (3)(a)(ii) if the municipality, at the municipality's sole discretion, determines there is good cause to do so.]~~

~~[(iv)(A) A municipality shall make public the methodology used to comply with Subsection (3)(a)(ii)(B).]~~

~~[(B) A land use applicant may appeal to the municipality's governing body an exaction calculation used by the municipality under Subsection (3)(a)(ii).]~~

~~[(C) A land use applicant may present data and other information that illustrates a~~

need for an exaction recalculation and the municipality's governing body shall respond with due process.]

~~[(v) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (3)(a)(i) on which an exaction for a water interest is based.]~~

~~[(b) A municipality may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined under Subsection 73-1-4(2)(f).]~~

~~[(4)] (3)(a)~~ If a municipality plans to dispose of surplus real property that was acquired under this section and has been owned by the municipality for less than 15 years, the municipality shall first offer to reconvey the property, ~~[without receiving additional consideration]~~ at no cost, to the person who granted the property to the municipality.

(b) A person to whom a municipality offers to reconvey property under Subsection ~~[(4)(a)] (3)(a)~~ has 90 days to accept or reject the municipality's offer.

(c) If a person to whom a municipality offers to reconvey property declines the offer, the municipality may offer the property for sale.

(d) Subsection ~~[(4)(a)] (3)(a)~~ does not apply to the disposal of property acquired by exaction by a community reinvestment agency.

~~[(5)] (4)(a)~~ A municipality may not, as part of an infrastructure improvement, require the installation of pavement on a residential roadway at a width in excess of 32 feet.

(b) Subsection ~~[(5)(a)] (4)(a)~~ does not apply if a municipality requires the installation of pavement in excess of 32 feet:

(i) in a vehicle turnaround area;

(ii) in a cul-de-sac;

(iii) to address specific traffic flow constraints at an intersection, mid-block crossings, or other areas;

(iv) to address an applicable general or master plan improvement, including transportation, bicycle lanes, trails, or other similar improvements that are not included within an impact fee area;

(v) to address traffic flow constraints for service to or abutting higher density developments or uses that generate higher traffic volumes, including community centers, schools, and other similar uses;

(vi) as needed for the installation or location of a utility which is maintained by the

municipality and is considered a transmission line or requires additional roadway width;

(vii) for third-party utility lines that have an easement preventing the installation of utilities maintained by the municipality within the roadway;

(viii) for utilities over 12 feet in depth;

(ix) for roadways with a design speed that exceeds 25 miles per hour;

(x) as needed for flood and stormwater routing;

(xi) as needed to meet fire code requirements for parking and hydrants; or

(xii) as needed to accommodate street parking.

(c) Nothing in this section shall be construed to prevent a municipality from approving a road cross section with a pavement width less than 32 feet.

(d)(i) A land use applicant may appeal a municipal requirement for pavement in excess of 32 feet on a residential roadway.

(ii) A land use applicant that has appealed a municipal specification for a residential roadway pavement width in excess of 32 feet may request that the municipality assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.

(iii) Unless otherwise agreed by the applicant and the municipality, the panel described in Subsection [(5)(d)(ii)] (4)(d)(ii) shall consist of the following three experts:

(A) one licensed engineer, designated by the municipality;

(B) one licensed engineer, designated by the land use applicant; and

(C) one licensed engineer, agreed upon and designated by the two designated engineers under Subsections [(5)(d)(iii)(A)] (4)(d)(iii)(A) and (B).

(iv) A member of the panel assembled by the municipality under Subsection [(5)(d)(ii)] (4)(d)(ii) may not have an interest in the application that is the subject of the appeal.

(v) The land use applicant shall pay:

(A) 50% of the cost of the panel; and

(B) the municipality's published appeal fee.

(vi) The decision of the panel is a final decision, subject to a petition for review under Subsection [(5)(d)(vii)] (4)(d)(vii).

(vii) In accordance with Section 10-20-1109, a land use applicant or the municipality may file a petition for review of the decision with the district court within 30 days

after the date that the decision is final.

[(6) A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the provisions of this section the same as if the provider were a municipality.]

Section 9. Section **10-20-912** is enacted to read:

10-20-912 . Exactions for water rights.

- (1) Subject to the requirements of this section, a municipality shall base an exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.
- (2) Except as provided in Subsection (3), a culinary water authority shall base an exaction for a culinary water interest on:
 - (a) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water under Section 19-4-114;
and
 - (b) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the municipality.
- (3) If a municipality determines, in the sole discretion of the municipality, that good cause exists, the municipality may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (2).
- (4) A municipality shall make public the methodology used to comply with Subsection (2)(b).
- (5) A land use applicant may appeal to the municipality's legislative body an exaction calculation used by the municipality under Subsection (2).
- (6) A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the municipality's legislative body shall respond with due process.
- (7) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (2) on which an exaction for a water interest is based.
- (8) A municipality may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet

the reasonable future water requirement of the public, as determined under Subsection 73-1-4(2)(f).

- (9) A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the provisions of this section and Section 10-20-911 the same as if the provider were a municipality.

Section 10. Section **10-20-1001** is amended to read:

10-20-1001 . Enforcement -- Limitations on a municipality's ability to enforce an ordinance by withholding a permit or certificate.

- (1)(a) A municipality or ~~[an adversely affected party]~~ a land use applicant may, in addition to other remedies provided by law, institute:

- (i) injunctions, mandamus, abatement, or any other appropriate actions; or
- (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

- (b) A municipality need only establish the violation to obtain the injunction.

- (2)(a) Except as provided in Subsections (3) ~~[though]~~ through (6), ~~or as provided in the provisions of a development agreement,~~ a municipality may enforce the municipality's ordinance by withholding a building permit or certificate of occupancy.

- (b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any building or other structure within a municipality without approval of a building permit.

- (c) A municipality may not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all regulations then in effect.

- (d) A municipality may require an applicant to maintain and repair a temporary fire apparatus road during the construction of a structure accessed by the temporary fire apparatus road in accordance with the municipality's adopted standards.

- (e) A municipality may require temporary signs to be installed at each street intersection once construction of a new roadway allows passage by a motor vehicle.

- (f) A municipality may adopt and enforce any appendix of the International Fire Code, 2021 Edition.

- (3)(a) A municipality may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement:

- (i) unless the infrastructure improvement is essential to meet the requirements for the issuance of a building permit or certificate of occupancy under Title 15A, State Construction and Fire Codes Act; and

- 1119 (ii) for which the municipality has accepted an improvement completion assurance
1120 for a public landscaping improvement, as defined in Section 10-20-807, or an
1121 infrastructure improvement for the development.
- 1122 (b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6,
1123 infrastructure improvement that is essential means:
- 1124 (i) for a building permit:
- 1125 (A) operable fire hydrants installed in a manner that is consistent with the
1126 municipality's adopted engineering standards; and
- 1127 (B) for temporary roads used during construction, a properly compacted road base
1128 installed in a manner consistent with the municipality's adopted engineering
1129 standards;
- 1130 (ii) for a certificate of occupancy, at the discretion of the municipality, at least one of
1131 the following:
- 1132 (A) a permanent road;
- 1133 (B) a temporary road covered with asphalt or concrete; or
- 1134 (C) another method for accessing a structure consistent with Appendix D of the
1135 International Fire Code; and
- 1136 (iii) public infrastructure necessary for the health, life, and safety of the occupant.
- 1137 (c) A municipality may not adopt an engineering standard that requires an applicant to
1138 install a permanent road or a temporary road with asphalt or concrete before
1139 receiving a building permit.
- 1140 (4) A municipality may not deny an applicant a building permit or certificate of occupancy
1141 for failure to:
- 1142 (a) submit a private landscaping plan, as defined in Section 10-20-807; or
- 1143 (b) complete a landscaping improvement that is not a public landscaping improvement,
1144 as defined in Section 10-20-807.
- 1145 (5) A municipality may not withhold a building permit based on the lack of completion of a
1146 portion of a public sidewalk to be constructed within a public right-of-way serving a lot
1147 where a single-family or two-family residence or town home is proposed in a building
1148 permit application if an improvement completion assurance has been posted for the
1149 incomplete portion of the public sidewalk.
- 1150 (6) A municipality may not prohibit the construction of a single-family or two-family
1151 residence or town home, withhold recording a plat, or withhold acceptance of a public
1152 landscaping improvement, as defined in Section 10-20-807, or an infrastructure

improvement based on the lack of installation of a public sidewalk if an improvement completion assurance has been posted for the public sidewalk.

(7) A municipality may not redeem an improvement completion assurance securing the installation of a public sidewalk sooner than 18 months after the date the improvement completion assurance is posted.

(8) A municipality shall allow an applicant to post an improvement completion assurance for a public sidewalk separate from an improvement completion assurance for:

(a) another infrastructure improvement; or

(b) a public landscaping improvement, as defined in Section 10-20-807.

(9) A municipality may withhold a certificate of occupancy for a single-family or two-family residence or town home until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the single-family or two-family residence or town home is completed and accepted by the municipality.

Section 11. Section **10-20-1101** is amended to read:

10-20-1101 . Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

(1)(a) Each municipality adopting a land use ordinance:

(i) shall, by ordinance, establish one or more appeal authorities; and

(ii) beginning on July 1, 2026, may not designate the legislative body as an appeal authority.

(b) An appeal authority described in Subsection (1)(a) shall hear and decide:

(i) requests for [~~variances~~] a variance from [~~the terms of~~] a land use [ordinances] ordinance;

(ii) appeals from a land use [decisions] decision applying a land use [ordinances] ordinance; and

(iii) appeals from a fee charged in accordance with Section 10-20-904.

(c) An appeal authority described in Subsection (1)(a) may not hear an appeal from the enactment of a land use regulation.

(2) As a condition precedent to judicial review, each adversely affected party or land use applicant shall timely and specifically challenge a land use authority's land use decision, in accordance with local ordinance.

(3) An appeal authority described in Subsection (1)(a):

(a) shall:

- 1187 (i) act in a quasi-judicial manner; and
1188 (ii) serve as the final arbiter of issues involving the interpretation or application of a
1189 land use [~~ordinances~~] ordinance; and
- 1190 (b) may not entertain an appeal of a matter in which the appeal authority, or any
1191 participating member, had first acted as the land use authority.
- 1192 (4) By ordinance, a municipality may:
- 1193 (a) designate a separate appeal authority to hear requests for variances than the appeal
1194 authority the municipality designates to hear appeals;
- 1195 (b) designate one or more separate appeal authorities to hear distinct types of appeals of
1196 land use authority decisions;
- 1197 (c) require an adversely affected party to present to an appeal authority every theory of
1198 relief that the adversely affected party can raise in district court; and
- 1199 [~~(d) not require a land use applicant or adversely affected party to pursue duplicate or~~
1200 ~~successive appeals before the same or separate appeal authorities as a condition of an~~
1201 ~~appealing party's duty to exhaust administrative remedies; and]~~
- 1202 [(~~e~~)] (d) provide that specified types of land use decisions may be appealed directly to the
1203 district court.
- 1204 (5) A municipality may not:
- 1205 (a) require a public hearing for a request for a variance or land use appeal[-] ; or
1206 (b) require a land use applicant or adversely affected party to pursue successive appeals
1207 before the same or separate appeal authorities as a condition of an appealing party's
1208 duty to exhaust administrative remedies.
- 1209 (6) If the municipality establishes or, before the effective date of this chapter, has
1210 established a multiperson board, body, or panel to act as an appeal authority, at a
1211 minimum the board, body, or panel shall:
- 1212 (a) notify each of the members of the board, body, or panel of any meeting or hearing of
1213 the board, body, or panel;
- 1214 (b) provide each of the members of the board, body, or panel with the same information
1215 and access to municipal resources as any other member;
- 1216 (c) convene only if a quorum of the members of the board, body, or panel is present; and
1217 (d) act only upon the vote of a majority of the convened members of the board, body, or
1218 panel.
- 1219 Section 12. Section **10-20-1106** is amended to read:
- 1220 **10-20-1106 . Due process.**

(1) ~~[Each]~~ An appeal authority shall conduct each appeal and variance request as provided in local ordinance.

(2) ~~[Each]~~ An appeal authority shall respect the due process rights of ~~[each of the participants]~~ an appeal participant.

(3) An appeal authority may only allow the following people to participate, present, or speak during an appeal or variance hearing:

(a) the appellant or the appellant's representatives;

(b) the land use applicant or the land use applicant's representatives; and

(c) the municipality's representatives.

Section 13. Section **10-20-1107** is amended to read:

10-20-1107 . Scope of review of factual matters on appeal -- Appeal authority requirements.

(1) A municipality may, by ordinance, designate the scope of review of factual matters for appeals of land use authority decisions.

(2) If the municipality fails to designate a scope of review of factual matters, the appeal authority shall review the ~~[matter]~~ factual matters de novo, without deference to the land use authority's determination of the factual matters.

(3) If the scope of review of factual matters is on the record, the appeal authority shall determine whether the record on appeal includes substantial evidence for each essential finding of fact.

(4) The appeal authority shall:

(a) determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations; and

(b) interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

(5)(a) An appeal authority's land use decision is a quasi-judicial act.

(b) ~~[A] Beginning on July 1, 2026, a legislative body may not act as an appeal authority[unless both the legislative body and the appealing party agree to allow a third party to act as the appeal authority].~~

(6) Only a decision in which a land use authority has applied a land use regulation to a particular land use application, person, or parcel may be appealed to an appeal authority.

Section 14. Section **10-20-1109** is amended to read:

10-20-1109 . No district court review until administrative remedies exhausted -- Time for filing -- Tolling of time -- Standards governing court review -- Record on review

-- **Staying of decision.**

(1) ~~[Nø]~~ A person may challenge in district court a land use decision or the approval of a specific land use law only if, in accordance with this part:

(a) the person's appeal of the land use decision or approval of a specific land use law to the appeal authority is timely; and

(b) ~~[-until that]~~ the person has exhausted the person's administrative remedies[-as provided in this part], if applicable.

(2)(a) Subject to Subsection (1), a land use applicant or adversely affected party may file a petition for review of a land use decision or the approval of a specific land use law with the district court within 30 days after the decision is final.

(b)(i) The time under Subsection (2)(a) to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the property rights ombudsman under Section 13-43-204 until 30 days after:

(A) the arbitrator issues a final award; or

(B) the property rights ombudsman issues a written statement under Subsection 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

(ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.

(iii) A request for arbitration filed with the property rights ombudsman after the time under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

(3)(a) A court shall:

(i) presume that a land use regulation properly enacted under the authority of this chapter is valid; and

(ii) determine only whether:

(A) the land use regulation is expressly preempted by, or was enacted contrary to, state or federal law; and

(B) it is reasonably debatable that the land use regulation is consistent with this chapter.

(b) A court shall presume that a final land use decision of a land use authority or an appeal authority is valid unless the land use decision is:

(i) arbitrary and capricious; or

(ii) illegal.

(c)(i) A land use decision is arbitrary and capricious if the land use decision is not supported by substantial evidence in the record.

(ii) A land use decision is illegal if the land use decision:

(A) is based on an incorrect interpretation of a land use regulation;

(B) conflicts with the authority granted by this title; or

(C) is contrary to law.

(d)(i) A court may affirm or reverse a land use decision.

(ii) If the court reverses a land use decision, the court shall remand the matter to the land use authority with instructions to issue a land use decision consistent with the court's ruling.

(4) The provisions of Subsection (2)(a) apply from the date on which the municipality takes final action on a land use application, if the municipality conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice of the pending land use decision.

(5) If the municipality has complied with Section 10-20-205, a challenge to the enactment of a land use regulation or general plan may not be filed with the district court more than 30 days after the enactment.

(6) A challenge to a land use decision is barred unless the challenge is filed within 30 days after the land use decision is final.

(7)(a) The land use authority or appeal authority, as the case may be, shall transmit to the reviewing court the record of the proceedings of the land use authority or appeal authority, including the minutes, findings, orders, and, if available, a true and correct transcript of the proceedings.

(b) If the proceeding was recorded, a transcript of that recording is a true and correct transcript for purposes of this Subsection (7).

(8)(a)(i) If there is a record, the district court's review is limited to the record provided by the land use authority or appeal authority, as the case may be.

(ii) The court may not accept or consider any evidence outside the record of the land use authority or appeal authority, as the case may be, unless that evidence was offered to the land use authority or appeal authority, respectively, and the court determines that the evidence was improperly excluded.

(b) If there is no record, the court may call witnesses and take evidence.

(9)(a) The filing of a petition does not stay the land use decision of the land use authority or appeal authority, as the case may be.

- (b)(i) Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may petition the appeal authority to stay the appeal authority's land use decision.
- (ii) Upon receipt of a petition to stay, the appeal authority may order the appeal authority's land use decision stayed pending district court review if the appeal authority finds the order to be in the best interest of the municipality.
- (iii) After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an injunction staying the appeal authority's land use decision.

- (10) If the court determines that a party initiated or pursued a challenge to a land use decision on a land use application in bad faith, the court may award attorney fees.

Section 15. Section **13-43-205** is amended to read:

13-43-205 . Advisory opinion.

- (1) A local government, private entity, or a potentially aggrieved person may, in accordance with Section 13-43-206, request a written advisory opinion:
- (a) from a neutral third party to determine compliance with:
- (i) Sections 10-20-506, 10-20-507, 10-20-602, 10-20-604, 10-20-605, 10-20-902, 10-20-904, 10-20-905, 10-20-910, 10-20-911, 10-20-912, and 10-20-1003;
- (ii) Sections 17-79-506, 17-79-507, 17-79-601, 17-79-602, 17-79-603, 17-79-803, 17-79-804, 17-79-805, 17-79-811, 17-79-812, 17-79-813, and 17-79-903; and
- (iii) Title 11, Chapter 36a, Impact Fees Act; and
- (b) at any time before:
- (i) a final decision on a land use application by a local appeal authority under Title 11, Chapter 36a, Impact Fees Act, or Section 10-20-1108 or 17-79-1008;
- (ii) the deadline for filing an appeal with the district court under Title 11, Chapter 36a, Impact Fees Act, or Section 10-20-1109 or 17-79-1009, if no local appeal authority is designated to hear the issue that is the subject of the request for an advisory opinion; or
- (iii) the enactment of an impact fee, if the request for an advisory opinion is a request to review and comment on a proposed impact fee facilities plan or a proposed impact fee analysis as defined in Section 11-36a-102.
- (2) A private property owner may, in accordance with Section 13-43-206, request a written advisory opinion from a neutral third party to determine if a condemning entity:

- 1357 (a) is in occupancy of the owner's property;
1358 (b) is occupying the property:
1359 (i) for a public use authorized by law; and
1360 (ii) without colorable legal or equitable authority; and
1361 (c) continues to occupy the property without the owner's consent, the occupancy would
1362 constitute a taking of private property for a public use without just compensation.
- 1363 (3) An advisory opinion issued under Subsection (2) may justify an award of attorney fees
1364 against a condemning entity in accordance with Section 13-43-206 only if the court
1365 finds that the condemning entity:
1366 (a) does not have a colorable claim or defense for the entity's actions; and
1367 (b) continued occupancy without payment of just compensation and in disregard of the
1368 advisory opinion.

1369 Section 16. Section **17-79-102** is amended to read:

1370 **17-79-102 . Definitions.**

1371 As used in this chapter:

- 1372 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
1373 detached from a primary single-family dwelling and contained on one lot.
- 1374 (2) "Adversely affected party" means a person other than a land use applicant who:
1375 (a) owns real property adjoining the property that is the subject of a land use application
1376 or land use decision; or
1377 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
1378 general community as a result of the land use decision.
- 1379 (3) "Affected entity" means a county, municipality, special district, special service district
1380 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
1381 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
1382 specified property owner, property owner's association, public utility, or the Department
1383 of Transportation, if:
1384 (a) the entity's services or facilities are likely to require expansion or significant
1385 modification because of an intended use of land;
1386 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
1387 or
1388 (c) the entity has filed with the county a request for notice during the same calendar year
1389 and before the county provides notice to an affected entity in compliance with a
1390 requirement imposed under this chapter.

- (4) "Affected owner" means the owner of real property that is:
- (a) a single project; and
 - (b) the subject of a land use approval that:
 - (i) sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(6); and
 - ~~[(c)]~~ (ii) is determined to be legally referable under Section 20A-7-602.8.
- (5) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.
- (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.
- ~~[(7) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.]~~
- ~~[(8)]~~ (7)(a) "Boundary adjustment" means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.
- (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
- (i) creates an additional lot or parcel; or
 - (ii) is made by the Department of Transportation.
- ~~[(9)]~~ (8)(a) "Boundary establishment" means an agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary.
- (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary that:
- (i) creates an additional lot or parcel; or
 - (ii) is made by the Department of Transportation.
- ~~[(10)]~~ (9)(a) "Charter school" means:
- (i) an operating charter school;
 - (ii) a charter school applicant that a charter school authorizer approves in accordance

with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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

(10) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.

~~[(b)]~~ (a) "Charter school" does not include a therapeutic school.

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

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

(13) "Constitutional taking" means a governmental action that results in a taking of private property ~~[so that]~~ where compensation to the property owner ~~[-of the property]~~ is required by the:

- (a) Fifth or Fourteenth Amendment ~~[of]~~ to the Constitution of the United States; or
(b) Utah Constitution, Article I, Section 22.

(14) "Conveyance document" means an instrument that:

- (a) meets the definition of "document" in Section 57-1-1; and
(b) meets the requirements of Section 57-1-45.5.

(15) "Conveyance of property" means the transfer of ownership of any portion of real property from one person to another person.

(16) "County utility easement" means an easement that:

- (a) a plat recorded in a county recorder's office described as a county utility easement or otherwise as a utility easement;
(b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;
(c) the county or the county's affiliated governmental entity owns or creates; and
(d)(i) either:
(A) no person uses or occupies; or
(B) the county or the county's affiliated governmental entity uses and occupies to

- 1459 provide a utility service, including sanitary sewer, culinary water, electrical,
1460 storm water, or communications or data lines; or
- 1461 (ii) a person uses or occupies with or without an authorized franchise or other
1462 agreement with the county.
- 1463 (17) "Culinary water authority" means the department, agency, or public entity with
1464 responsibility to review and approve the feasibility of the culinary water system and
1465 sources for the subject property.
- 1466 (18) "Department of Transportation" means the entity created in Section 72-1-201.
- 1467 (19) "Development activity" means:
- 1468 (a) any construction or expansion of a building, structure, or use that creates additional
1469 demand and need for public facilities;
- 1470 (b) any change in use of a building or structure that creates additional demand and need
1471 for public facilities; or
- 1472 (c) any change in the use of land that creates additional demand and need for public
1473 facilities.
- 1474 (20)(a) "Development agreement" means a written agreement or amendment to a written
1475 agreement between a county and one or more parties that regulates or controls the use
1476 or development of a specific area of land.
- 1477 (b) "Development agreement" does not include an improvement completion assurance.
- 1478 (21)(a) "Disability" means a physical or mental impairment that substantially limits one
1479 or more of a person's major life activities, including a person having a record of such
1480 an impairment or being regarded as having such an impairment.
- 1481 (b) "Disability" does not include current illegal use of, or addiction to, any federally
1482 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21
1483 U.S.C. Sec. 802.
- 1484 (22) "Document" means the same as that term is defined in Section 57-1-1.
- 1485 (23) "Educational facility":
- 1486 (a) means:
- 1487 (i) a school district's building at which pupils assemble to receive instruction in a
1488 program for any combination of grades from preschool through grade 12,
1489 including kindergarten and a program for children with disabilities;
- 1490 (ii) a structure or facility:
- 1491 (A) located on the same property as a building described in Subsection (23)(a)(i);
1492 and

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

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

(b) does not include:

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

(A) not located on the same property as a building described in Subsection (23)(a)(i); and

(B) used in support of the purposes of a building described in Subsection (23)(a)(i); or

(ii) a therapeutic school.

(24) "Establishment document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.

~~[(25) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.]~~

~~[(26)]~~ (25) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

~~[(27)]~~ (26) "Flood plain" means land that:

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

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

~~(27) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.~~

(28) "Gas corporation" has the same meaning as defined in Section 54-2-1.

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

(a) the unincorporated land within the county; or

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

1527 district.

1528 (30) "Geologic hazard" means:

1529 (a) a surface fault rupture;

1530 (b) shallow groundwater;

1531 (c) liquefaction;

1532 (d) a landslide;

1533 (e) a debris flow;

1534 (f) unstable soil;

1535 (g) a rock fall; or

1536 (h) any other geologic condition that presents a risk:

1537 (i) to life;

1538 (ii) of substantial loss of real property; or

1539 (iii) of substantial damage to real property.

1540 (31) "Home-based microschool" means the same as that term is defined in Section

1541 53G-6-201.

1542 (32) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter,

1543 or appurtenance to connect to a county water, sewer, storm water, power, or other utility

1544 system.

1545 (33)(a) "Identical plans" means floor plans submitted to a county that:

1546 (i) are submitted within the same building code adoption cycle as floor plans that

1547 were previously approved by the county;

1548 (ii) have no structural differences from floor plans that were previously approved by

1549 the county; and

1550 (iii) describe a building that:

1551 (A) is located on land zoned the same as the land on which the building described

1552 in the previously approved plans is located;

1553 (B) has a substantially identical floor plan to a floor plan previously approved by

1554 the county; and

1555 (C) does not require any engineering or analysis beyond a review to confirm the

1556 submitted floor plans are substantially identical to a floor plan previously

1557 approved by the county or a review of the site plan and associated geotechnical

1558 reports for the site.

1559 (b) "Identical plans" include floor plans that are oriented differently as the floor plan that

1560 was previously approved by the county.

- 1561 (34) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact
1562 Fees Act.
- 1563 (35) "Improvement completion assurance" means a surety bond, letter of credit, financial
1564 institution bond, cash, assignment of rights, lien, or other equivalent security required by
1565 a county to guaranty the proper completion of landscaping or an infrastructure
1566 improvement required as a condition precedent to:
- 1567 (a) recording a subdivision plat; or
1568 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 1569 (36) "Improvement warranty" means an applicant's unconditional warranty that the
1570 applicant's installed and accepted landscaping or infrastructure improvement:
- 1571 (a) complies with the county's written standards for design, materials, and workmanship;
1572 and
1573 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1574 within the improvement warranty period.
- 1575 (37) "Improvement warranty period" means a period:
- 1576 (a) no later than one year after a county's acceptance of required public landscaping; or
1577 (b) no later than one year after a county's acceptance of required infrastructure, unless
1578 the county:
- 1579 (i) determines, based on accepted industry standards and for good cause, that a
1580 one-year period would be inadequate to protect the public health, safety, and
1581 welfare; and
1582 (ii) has substantial evidence, on record:
- 1583 (A) of prior poor performance by the applicant; or
1584 (B) that the area upon which the infrastructure will be constructed contains
1585 suspect soil and the county has not otherwise required the applicant to mitigate
1586 the suspect soil.
- 1587 (38) "Infrastructure improvement" means permanent infrastructure that is essential for the
1588 public health and safety or that:
- 1589 (a) is required for human consumption; and
1590 (b) an applicant shall install:
- 1591 (i) in accordance with published installation and inspection specifications for public
1592 improvements; and
1593 (ii) as a condition of:
- 1594 (A) recording a subdivision plat;

(B) obtaining a building permit; or

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

(39) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

(a) runs with the land; and

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

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

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

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

(42) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

(43) "Land use application":

(a) means an application that is:

(i) required by a county; and

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

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

(44) "Land use authority" means:

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

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

(45) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:

(a) a land use permit;

(b) a land use application; or

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

(46) "Land use permit" means a permit issued by a land use authority.

- (47) "Land use regulation":
- (a) means a legislative decision enacted by ordinance, law, code, map, resolution, engineering or development standard, specification for public improvement, fee, or rule that governs the use or development of land;
 - (b) includes the adoption or amendment of a zoning map or the text of the zoning code; and
 - (c) does not include:
 - (i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or
 - (ii) a temporary revision to an engineering specification that does not materially:
 - (A) increase a land use applicant's cost of development compared to the existing specification; or
 - (B) impact a land use applicant's use of land.
- (48) "Legislative body" means the county legislative body, or for a county that has adopted an alternative form of government, the body exercising legislative powers.
- (49) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.
- (50) "Major transit investment corridor" means public transit service that uses or occupies:
- (a) public transit rail right-of-way;
 - (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
 - (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:
 - (i) a public transit district as defined in Section 17B-2a-802; or
 - (ii) an eligible political subdivision as defined in Section 59-12-2202.
- (51) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
- (52) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.
- (53) "Mountainous planning district" means an area designated by a county legislative body in accordance with Section 17-79-408.
- (54) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and expenses incurred in:
- (a) verifying that building plans are identical plans; and
 - (b) reviewing and approving those minor aspects of identical plans that differ from the

previously reviewed and approved building plans.

(55) "Noncomplying structure" means a structure that:

- (a) legally existed before the structure's current land use designation; and
- (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.

(56) "Nonconforming use" means a use of land that:

- (a) legally existed before the land's current land use designation;
- (b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and
- (c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

(57) "Official map" means a map drawn by county authorities and recorded in the county recorder's office that:

- (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
- (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- (c) has been adopted as an element of the county's general plan.

(58) "Parcel" means any real property that is not a lot.

(59) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

(60) "Plan for moderate income housing" means a written document adopted by a county legislative body that includes:

- (a) an estimate of the existing supply of moderate income housing located within the county;
- (b) an estimate of the need for moderate income housing in the county for the next five years;
- (c) a survey of total residential land use;
- (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- (e) a description of the county's program to encourage an adequate supply of moderate income housing.

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

(62) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 17-79-703 or 57-8-13.

(63) "Potential geologic hazard area" means an area that:

- (a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or
- (b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

(64) "Property owner" means a person that holds legal or equitable title or interest in real property.

~~[(64)]~~ (65) "Public agency" means:

- (a) the federal government;
- (b) the state;
- (c) a county, municipality, school district, special district, special service district, or other political subdivision of the state; or
- (d) a charter school.

~~[(65)]~~ (66) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

~~[(66)]~~ (67) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

~~[(67)]~~ (68) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

~~[(68)]~~ (69) "Receiving zone" means an unincorporated area that a county designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

1731 [(69)] (70) "Record of survey map" means a map of a survey of land prepared in accordance
1732 with Section 17-73-504.

1733 [(70)] (71) "Residential facility for persons with a disability" means a residence:

1734 (a) in which more than one person with a disability resides; and

1735 (b) which is licensed or certified by the Department of Health and Human Services
1736 under:

1737 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

1738 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

1739 [(71)] (72) "Residential roadway" means a public local residential road that:

1740 (a) will serve primarily to provide access to adjacent primarily residential areas and
1741 property;

1742 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

1743 (c) is not identified as a supplementary to a collector or other higher system classified
1744 street in an approved municipal street or transportation master plan;

1745 (d) has a posted speed limit of 25 miles per hour or less;

1746 (e) does not have higher traffic volumes resulting from connecting previously separated
1747 areas of the municipal road network;

1748 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
1749 intended for high volume traffic or community centers, including schools, recreation
1750 centers, sports complexes, or libraries; and

1751 (g) primarily serves traffic within a neighborhood or limited residential area and is not
1752 necessarily continuous through several residential areas.

1753 [(72)] (73) "Rules of order and procedure" means a set of rules that govern and prescribe in
1754 a public meeting:

1755 (a) parliamentary order and procedure;

1756 (b) ethical behavior; and

1757 (c) civil discourse.

1758 [(73)] (74) "Sanitary sewer authority" means the department, agency, or public entity with
1759 responsibility to review and approve the feasibility of sanitary sewer services or onsite
1760 wastewater systems.

1761 [(74)] (75) "Sending zone" means an unincorporated area that a county designates, by
1762 ordinance, as an area from which an owner of land may transfer a transferable
1763 development right.

1764 [(75)] (76) "Simple boundary adjustment" means a boundary adjustment that does not:

- 1765 (a) affect a public right-of-way, county utility easement, or other public property;
1766 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
1767 (c) result in a lot or parcel out of conformity with land use regulations.
- 1768 [(76)] (77) "Site plan" means a document or map that may be required by a county during a
1769 preliminary review before the issuance of a building permit to demonstrate that an
1770 owner's or developer's proposed development activity meets a land use requirement.
- 1771 [(77)] (78)(a) "Special district" means an entity under Title 17B, Limited Purpose Local
1772 Government Entities - Special Districts.
- 1773 (b) "Special district" includes a governmental or quasi-governmental entity that is not a
1774 county, municipality, school district, or the state.
- 1775 (79) "Specific land use law" means a requirement or restriction on the use of a specific
1776 parcel in a development agreement that a legislative body approves with the consent of
1777 an affected property owner.
- 1778 [(78)] (80) "Specified public agency" means:
1779 (a) the state;
1780 (b) a school district; or
1781 (c) a charter school.
- 1782 [(79)] (81) "Specified public utility" means an electrical corporation, gas corporation, or
1783 telephone corporation, as those terms are defined in Section 54-2-1.
- 1784 [(80)] (82) "State" includes any department, division, or agency of the state.
- 1785 [(81)] (83)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to
1786 be divided into two or more lots or other division of land for the purpose, whether
1787 immediate or future, for offer, sale, lease, or development either on the installment
1788 plan or upon any and all other plans, terms, and conditions.
- 1789 (b) "Subdivision" includes:
1790 (i) the division or development of land, whether by deed, metes and bounds
1791 description, devise and testacy, map, plat, or other recorded instrument, regardless
1792 of whether the division includes all or a portion of a parcel or lot; and
1793 (ii) except as provided in Subsection [(81)(e)] (83)(c), divisions of land for residential
1794 and nonresidential uses, including land used or to be used for commercial,
1795 agricultural, and industrial purposes.
- 1796 (c) "Subdivision" does not include:
1797 (i) a bona fide division or partition of agricultural land for agricultural purposes;
1798 (ii) a recorded conveyance document:

- 1799 (A) consolidating multiple lots or parcels into one legal description encompassing
1800 all lots by reference to a recorded plat and all parcels by metes and bounds
1801 description; or
1802 (B) joining a lot to a parcel;
1803 (iii) a bona fide division or partition of land in a county other than a first class county
1804 for the purpose of siting, on one or more of the resulting separate parcels:
1805 (A) an electrical transmission line or a substation;
1806 (B) a natural gas pipeline or a regulation station; or
1807 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1808 utility service regeneration, transformation, retransmission, or amplification
1809 facility;
1810 (iv) a bona fide division of land by deed or other instrument if the deed or other
1811 instrument states in writing that the division:
1812 (A) is in anticipation of future land use approvals on the parcel or parcels;
1813 (B) does not confer any land use approvals; and
1814 (C) has not been approved by the land use authority;
1815 (v) a boundary adjustment;
1816 (vi) a boundary establishment;
1817 (vii) a road, street, or highway dedication plat;
1818 (viii) a deed or easement for a road, street, or highway purpose; or
1819 (ix) any other division of land authorized by law.
1820 [(82)] (84)(a) "Subdivision amendment" means an amendment to a recorded subdivision
1821 in accordance with Section 17-79-711 that:
1822 (i) vacates all or a portion of the subdivision;
1823 (ii) increases the number of lots within the subdivision;
1824 (iii) alters a public right-of-way, a public easement, or public infrastructure within the
1825 subdivision; or
1826 (iv) alters a common area or other common amenity within the subdivision.
1827 (b) "Subdivision amendment" does not include a simple boundary adjustment.
1828 [(83)] (85) "Substantial evidence" means evidence that:
1829 (a) is beyond a scintilla; and
1830 (b) a reasonable mind would accept as adequate to support a conclusion.
1831 [(84)] (86) "Suspect soil" means soil that has:
1832 (a) a high susceptibility for volumetric change, typically clay rich, having more than a

- 1833 3% swell potential;
- 1834 (b) bedrock units with high shrink or swell susceptibility; or
- 1835 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1836 commonly associated with dissolution and collapse features.
- 1837 [(85)] (87) "Therapeutic school" means a residential group living facility:
- 1838 (a) for four or more individuals who are not related to:
- 1839 (i) the owner of the facility; or
- 1840 (ii) the primary service provider of the facility;
- 1841 (b) that serves students who have a history of failing to function:
- 1842 (i) at home;
- 1843 (ii) in a public school; or
- 1844 (iii) in a nonresidential private school; and
- 1845 (c) that offers:
- 1846 (i) room and board; and
- 1847 (ii) an academic education integrated with:
- 1848 (A) specialized structure and supervision; or
- 1849 (B) services or treatment related to a disability, an emotional development, a
- 1850 behavioral development, a familial development, or a social development.
- 1851 [(86)] (88) "Transferable development right" means a right to develop and use land that
- 1852 originates by an ordinance that authorizes a [land] property owner in a designated
- 1853 sending zone to transfer land use rights from a designated sending zone to a designated
- 1854 receiving zone.
- 1855 [(87)] (89) "Unincorporated" means the area outside of the incorporated area of a
- 1856 municipality.
- 1857 [(88)] (90) "Water interest" means any right to the beneficial use of water, including:
- 1858 (a) each of the rights listed in Section 73-1-11; and
- 1859 (b) an ownership interest in the right to the beneficial use of water represented by:
- 1860 (i) a contract; or
- 1861 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 1862 [(89)] (91) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
- 1863 land use zones, overlays, or districts.
- 1864 Section 17. Section **17-79-302** is amended to read:
- 1865 **17-79-302 . Planning commission powers and duties -- Training requirements.**
- 1866 (1) Each countywide, planning advisory area, or mountainous planning district planning

commission shall, with respect to the unincorporated area of the county, the planning advisory area, or the mountainous planning district, review and make a recommendation to the county 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 county; 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 17-79-404.

(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)]~~ (4) Nothing in this section limits the right of a county to initiate or propose the actions described in this section.

~~[(6)]~~ (5)(a)(i) This Subsection ~~[(6)]~~ (5) applies to a county that:

(A) is a county of the first, second, or third class; and

(B) has a population in the county's unincorporated areas of 5,000 or more.

(ii) The population for each county described in Subsection ~~[(6)(a)(i)]~~ (5)(a)(i) shall

be derived from:

(A) an estimate of the Utah Population Committee created in Section 63C-20-103;

or

(B) if the Utah Population Committee estimate is not available, the most recent official census or census estimate of the United States [~~Bureau of the~~] Census Bureau.

(b) A county described in Subsection [~~(6)(a)(i)~~] (5)(a)(i) shall ensure that each member of the county'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 17, Chapter 27a, County 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)~~] (5)(b)(i).

(d) A planning commission member may qualify for one completed hour of training required under Subsection [~~(6)(b)(ii)~~] (5)(b)(ii) if the member attends, as an appointed member, 12 public meetings of the planning commission within a calendar year.

(e) A county shall provide the training described in Subsection [~~(6)(b)~~] (5)(b) through:

(i) county staff;

(ii) the Utah Association of Counties; or

(iii) a list of training courses selected by:

(A) the Utah Association of Counties; or

(B) the Division of Real Estate created in Section 61-2-201.

(f) A county shall, for each planning commission member:

(i) monitor compliance with the training requirements in Subsection ~~[(6)(b)]~~ (5)(b);

and

(ii) maintain a record of training completion at the end of each calendar year.

Section 18. Section **17-79-501** is amended to read:

17-79-501 . Enactment of land use regulation.

(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.

(2)(a) Except as provided in Subsection (2)(b), a legislative body may enact a land use regulation only by ordinance.

(b) A legislative body may, by ordinance or resolution, enact a land use regulation that imposes a fee.

(3) A land use regulation shall be consistent with the purposes ~~[set forth in]~~ of this chapter.

(4)(a) A legislative body shall adopt a land use regulation to:

(i) create or amend a zoning district under Subsection 17-79-503(1)(a); and

(ii) designate general uses allowed in each zoning district.

(b) A land use authority may establish or modify other restrictions or requirements other than those described in Subsection (4)(a), including the configuration or modification of uses or density, through a land use decision that applies criteria or policy elements that a land use regulation establishes or describes.

(5) A county shall publish on the county's website:

(a) all of the county's land use regulations; and

(b) a fee schedule that lists all of the county's fees related to a land use application, land use permit, or land use regulation, including development review fees and impact fees.

~~[(5)]~~ (6) A county may not adopt a land use regulation~~[,]~~ or development agreement, or make a land use decision that restricts the type of crop that may be grown in an area that is:

(a) zoned agricultural; or

(b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

~~[(6)]~~ (7) A county land use regulation pertaining to an airport or an airport influence area, as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport Zoning Act.

Section 19. Section **17-79-502** is amended to read:

17-79-502 . Preparation and adoption of land use regulation.

(1) A planning commission shall:

- (a) provide notice as required by Subsection 17-79-205(1)(a) and, if applicable, Subsection 17-79-205(4);
- (b) hold a public hearing on a proposed land use regulation;
- (c) if applicable, consider each written objection filed in accordance with Subsection 17-79-205(4) before the public hearing; and
- (d)(i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within:
 - (A) all or any part of the unincorporated area of the county; or
 - (B) for a mountainous planning district, all or any part of the area in the mountainous planning district; and
- (ii) forward to the legislative body all objections filed in accordance with Subsection 17-79-205(4).

(2)(a) The legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.

(b) After providing notice as required by Subsection 17-79-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the proposed land use regulation described in Subsection (2)(a):

- (i) as proposed by the planning commission; or
- (ii) after making any revision the legislative body considers appropriate.

(c) ~~[A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance]~~ Beginning on September 15, 2026, if a planning commission fails to make a timely recommendation on a proposed land use regulation, the legislative body shall adopt or reject the proposed land use regulation in accordance with Subsection (2)(b).

Section 20. Section **17-79-706** is amended to read:

17-79-706 . Review of subdivision applications and subdivision improvement plans.

(1) As used in this section:

- (a) "Review cycle" means the occurrence of:

- 2003 (i) the applicant's submittal of a complete subdivision application;
- 2004 (ii) the county's review of that subdivision application;
- 2005 (iii) the county's response to that subdivision application, in accordance with this
- 2006 section; and
- 2007 (iv) the applicant's reply to the county's response that addresses each of the county's
- 2008 required modifications or requests for additional information.
- 2009 (b) "Subdivision application" means a land use application for the subdivision of land
- 2010 located within the unincorporated area of a county.
- 2011 (c) "Subdivision improvement plans" means the civil engineering plans associated with
- 2012 required infrastructure improvements and county-controlled utilities required for a
- 2013 subdivision.
- 2014 (d) "Subdivision ordinance review" means review by a county to verify that a
- 2015 subdivision application meets the criteria of the county's ordinances.
- 2016 (e) "Subdivision plan review" means a review of the applicant's subdivision
- 2017 improvement plans and other aspects of the subdivision application to verify that the
- 2018 application complies with county ordinances and applicable installation standards and
- 2019 inspection specifications for infrastructure improvements.
- 2020 (2) The review cycle restrictions and requirements of this section do not apply to the review
- 2021 of subdivision applications affecting property within identified geological hazard areas.
- 2022 (3)(a) A county may require a subdivision improvement plan to be submitted with a
- 2023 subdivision application.
- 2024 (b) A county may not require a subdivision improvement plan to be submitted with both
- 2025 a preliminary subdivision application and a final subdivision application.
- 2026 (4)(a) The review cycle requirements of this section apply:
- 2027 (i) to the review of a preliminary subdivision application, if the county requires a
- 2028 subdivision improvement plan to be submitted with a preliminary subdivision
- 2029 application; or
- 2030 (ii) to the review of a final subdivision application, if the county requires a
- 2031 subdivision improvement plan to be submitted with a final subdivision application.
- 2032 (b) A county may not, outside the review cycle, engage in a substantive review of
- 2033 required infrastructure improvements or a county controlled utility.
- 2034 (5)(a) A county shall complete the initial review of a complete subdivision application
- 2035 submitted for ordinance review for a residential subdivision for single-family
- 2036 dwellings, two-family dwellings, or town homes:

- (i) no later than 15 business days after the complete subdivision application is submitted, if the county has a population over 5,000; or
- (ii) no later than 30 business days after the complete subdivision application is submitted, if the county has a population of 5,000 or less.
- (b) A county shall maintain and publish a list of the items comprising the complete subdivision application, including:
- (i) the application;
 - (ii) the owner's affidavit;
 - (iii) an electronic copy of all plans in PDF format;
 - (iv) the preliminary subdivision plat drawings; and
 - (v) a breakdown of fees due upon approval of the application.
- (6) A county shall publish a list of the items that comprise a complete subdivision land use application.
- (7) A county shall complete a subdivision plan review of a subdivision improvement plan that is submitted with a complete subdivision application for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:
- (a) within 20 business days after the complete subdivision application is submitted, if the county has a population over 5,000; or
 - (b) within 40 business days after the complete subdivision application is submitted, if the county has a population of 5,000 or less.
- (8)(a) In reviewing a subdivision application, a county may require:
- (i) additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specifications for construction of public improvements; and
 - (ii) modifications to plans that do not meet current ordinances, applicable standards, or specifications or do not contain complete information.
- (b) A county's request for additional information or modifications to plans under Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans, and shall be logged in an index of requested modifications or additions.
- (c) A county may not require more than four review cycles for a subdivision improvement plan review.
- (d)(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated

by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a county's subdivision improvement plan review is waived.

(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a subdivision improvement plan, the county has the discretion to restart the review process at the first review of the subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan that the material change substantively affects.

(e)(i) This Subsection (8) applies if an applicant does not submit a revised subdivision improvement plan within:

(A) 20 business days after the county requires a modification or correction, if the county has a population over 5,000; or

(B) 40 business days after the county requires a modification or correction, if the county has a population of 5,000 or less.

(ii) If an applicant does not submit a revised subdivision improvement plan within the time specified in Subsection (8)(e)(i), a county has an additional 20 business days after the time specified in Subsection (7) to respond to a revised subdivision improvement plan.

(9) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the county's previous review cycle, the county may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(10)(a) In addition to revised plans, an applicant shall provide a written explanation in response to the county's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

(11)[(a)] If, on the fourth or final review, a county fails to respond within 20 business days, the county shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

[(i)] (a) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection [17-79-812(5)(d)] 17-79-812(4)(d) to review and approve or deny the final revised set of plans; or

[(ii)] (b) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Section 21. Section **17-79-803** is amended to read:

**17-79-803 . Applicant's entitlement to land use application approval --
Application relating to land in a high priority transportation corridor -- County's
requirements and limitations -- Vesting upon submission of development plan and
schedule.**

(1)(a)(i) Subject to Subsection [(7)] (8), an applicant who has submitted a complete land use application, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:

(A) in effect on the date that the application is complete; and

(B) applicable to the application or to the information shown on the submitted application.

(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:

(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or

(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.

(b) The county shall process an application without regard to proceedings the county initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

- 2139 (i) 180 days have passed since the county initiated the proceedings; and
2140 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval
2141 of the application as submitted; or
2142 (B) during the 12 months before the county processing the application or multiple
2143 applications of the same type, the application is impaired or prohibited under
2144 the terms of a temporary land use regulation adopted under Section 17-79-504.
- 2145 (c) A land use application is considered submitted and complete when the applicant
2146 provides the application in a form that complies with the requirements of applicable
2147 ordinances and pays all applicable fees.
- 2148 (d) Unless a phasing sequence is required in an executed development agreement, a
2149 county shall, without regard to any other separate and distinct land use application,
2150 accept and process a complete land use application in accordance with this chapter.
- 2151 (e) The continuing validity of an approval of a land use application is conditioned upon
2152 the applicant proceeding after approval to implement the approval with reasonable
2153 diligence.
- 2154 (f) Subject to Subsection [(7)] (8), a county may not impose on an applicant who has
2155 submitted a complete application a requirement that is not expressed in:
2156 (i) this chapter;
2157 (ii) a county ordinance in effect on the date that the applicant submits a complete
2158 application, subject to Subsection (1)(a)(ii); or
2159 (iii) a county specification for public improvements applicable to a subdivision or
2160 development that is in effect on the date that the applicant submits an application.
- 2161 (g) A county may not impose on a holder of an issued land use permit or a final,
2162 unexpired subdivision plat a requirement that is not expressed:
2163 (i) in a land use permit;
2164 (ii) on the subdivision plat;
2165 (iii) in a document on which the land use permit or subdivision plat is based;
2166 (iv) in the written record evidencing approval of the land use permit or subdivision
2167 plat;
2168 (v) in this chapter;
2169 (vi) in a county ordinance; or
2170 (vii) in a county specification for residential roadways in effect at the time a
2171 residential subdivision was approved.
- 2172 (h) Except as provided in Subsection (1)(i) or (j), a county may not withhold issuance of

a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

- (i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the building permit or subdivision plat; or
- (ii) in this chapter or the county's ordinances.

(i) A county may not unreasonably withhold issuance of a certificate of occupancy

where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

- (i) the applicant and the county have agreed in a written document to the withholding of a certificate of occupancy; or
- (ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable local ordinance.

(j) A county may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the county that any lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

(k) A county:

- (i) may require the submission of a private landscaping plan, as defined in Section 17-79-707, before landscaping is installed; and
- (ii) may not withhold an applicant's building permit or certificate of occupancy because the applicant has not submitted a private landscaping plan.

(2) A county is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3) A county shall publish on the county's website an application checklist for each land use application type that includes:

- (a) a checklist of all required plans and documents that make a complete application;
- (b) links to applicable land use regulations posted on the county's website;
- (c) a complete list of applicable development standards or links to those standards; and
- (d) a list of applicable development review fees.

2207 ~~[(3)]~~ (4) A county may not, as a condition of land use application approval, require a person
2208 filing a land use application to obtain documentation regarding a school district's
2209 willingness, capacity, or ability to serve the development proposed in the land use
2210 application.

2211 ~~[(4)]~~ (5) Subject to Subsection ~~[(7)]~~ (8), a specified public agency's submission of a
2212 development plan and schedule as required in Subsection 17-79-305(8) that complies
2213 with the requirements of that subsection, the specified public agency vests in the
2214 county's applicable land use maps, zoning map, hookup fees, impact fees, other
2215 applicable development fees, and land use regulations in effect on the date of submission.

2216 ~~[(5)]~~ (6)(a) If sponsors of a referendum timely challenge a project in accordance with
2217 Subsection 20A-7-601(6), the project's affected owner may rescind the project's land
2218 use approval by delivering a written notice:

2219 (i) to the local clerk as defined in Section 20A-7-101; and

2220 (ii) no later than seven days after the day on which a petition for a referendum is
2221 determined sufficient under Subsection 20A-7-607(4).

2222 (b) Upon delivery of a written notice described in Subsection ~~[(5)(a)]~~ (6)(a) the following
2223 are rescinded and are of no further force or effect:

2224 (i) the relevant land use approval; and

2225 (ii) any land use regulation enacted specifically in relation to the land use approval.

2226 ~~[(6)]~~ (7)(a) After issuance of a building permit, a county may not:

2227 (i) change or add to the requirements expressed in the building permit, unless the
2228 change or addition is:

2229 (A) requested by the building permit holder; or

2230 (B) necessary to comply with an applicable state building code; or

2231 (ii) revoke the building permit or take action that has the effect of revoking the
2232 building permit.

2233 (b) Subsection ~~[(6)(a)]~~ (7)(a) does not prevent a county from issuing a building permit
2234 that contains an expiration date defined in the building permit.

2235 ~~[(7)]~~ (8) A county shall comply with the provisions of this chapter regarding all pending
2236 land use applications and new land use applications submitted under this chapter.

2237 Section 22. Section **17-79-811** is amended to read:

2238 **17-79-811 . Provisions applicable to a provider of culinary or secondary water.**

2239 A provider of culinary or secondary water that commits to provide a water service required
2240 by a land use application process is subject to the following provisions the same as if the

2241 provider were a county:

2242 (1) Subsections 17-79-804(5) and (6);

2243 (2) Section 17-79-805;[and]

2244 (3) Section 17-79-812; and

2245 (4) Section 17-79-813.

2246 Section 23. Section **17-79-812** is amended to read:

2247 **17-79-812 . Exactions -- Requirement to offer to original owner property**
 2248 **acquired by exaction -- Exaction for right-of-way improvements -- Improvement**
 2249 **completion assurance requirements.**

2250 (1) A county may impose an exaction or exactions on development proposed in a land use
 2251 application, including, subject to [~~Subsection (3)~~] Section 17-79-813, an exaction for a
 2252 water interest, if:

2253 (a) an essential link exists between a legitimate governmental interest and each exaction;
 2254 and

2255 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the
 2256 proposed development.

2257 (2) If a land use authority imposes an exaction for another governmental entity:

2258 (a) the governmental entity shall request the exaction; and

2259 (b) the land use authority shall transfer the exaction to the governmental entity for which
 2260 it was exacted.

2261 [~~(3)(a)(i) Subject to the requirements of this Subsection (3), a county or, if~~
 2262 ~~applicable, the county's culinary water authority shall base any exaction for a~~
 2263 ~~water interest on the culinary water authority's established calculations of~~
 2264 ~~projected water interest requirements.]~~

2265 [(ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall
 2266 base an exaction for a culinary water interest on:]

2267 [(A) consideration of the system-wide minimum sizing standards established for
 2268 the culinary water authority by the Division of Drinking Water in accordance
 2269 with Section 19-4-114; and]

2270 [(B) the number of equivalent residential connections associated with the culinary
 2271 water demand for each specific development proposed in the development's
 2272 land use application, applying lower exactions for developments with lower
 2273 equivalent residential connections as demonstrated by at least five years of
 2274 usage data for like land uses within the county.]

- 2275 [(iii) A county or culinary water authority may impose an exaction for a culinary
2276 water interest that results in less water being exacted than would otherwise be
2277 exacted under Subsection (3)(a)(ii) if the county or culinary water authority, at the
2278 county's or culinary water authority's sole discretion, determines there is good
2279 cause to do so.]
- 2280 [(iv) A county shall make public the methodology used to comply with Subsection
2281 (3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an
2282 exaction calculation used by the county or the county's culinary water authority
2283 under Subsection (3)(a)(ii). A land use applicant may present data and other
2284 information that illustrates a need for an exaction recalculation and the county's
2285 governing body shall respond with due process.]
- 2286 [(v) Upon an applicant's request, the culinary water authority shall provide the
2287 applicant with the basis for the culinary water authority's calculations under
2288 Subsection (3)(a)(i) on which an exaction for a water interest is based.]
- 2289 [(b) A county or the county's culinary water authority may not impose an exaction for a
2290 water interest if the culinary water authority's existing available water interests
2291 exceed the water interests needed to meet the reasonable future water requirement of
2292 the public, as determined under Subsection 73-1-4(2)(f).]
- 2293 [(4)] (3)(a) If a county plans to dispose of surplus real property under Section 17-78-103
2294 that was acquired under this section and has been owned by the county for less than
2295 15 years, the county shall first offer to reconvey the property, [without receiving
2296 additional consideration] at no cost, to the person who granted the property to the
2297 county.
- 2298 (b) A person to whom a county offers to reconvey property under Subsection [(4)(a)]
2299 (3)(a) has 90 days to accept or reject the county's offer.
- 2300 (c) If a person to whom a county offers to reconvey property declines the offer, the
2301 county may offer the property for sale.
- 2302 (d) Subsection [(4)(a)] (3)(a) does not apply to the disposal of property acquired by
2303 exaction by a community development or urban renewal agency.
- 2304 [(5)] (4)(a) A county may not, as part of an infrastructure improvement, require the
2305 installation of pavement on a residential roadway at a width in excess of 32 feet.
- 2306 (b) Subsection [(5)(a)] (4)(a) does not apply if a county requires the installation of
2307 pavement in excess of 32 feet:
- 2308 (i) in a vehicle turnaround area;

- 2309 (ii) in a cul-de-sac;
- 2310 (iii) to address specific traffic flow constraints at an intersection, mid-block
- 2311 crossings, or other areas;
- 2312 (iv) to address an applicable general or master plan improvement, including
- 2313 transportation, bicycle lanes, trails, or other similar improvements that are not
- 2314 included within an impact fee area;
- 2315 (v) to address traffic flow constraints for service to or abutting higher density
- 2316 developments or uses that generate higher traffic volumes, including community
- 2317 centers, schools, and other similar uses;
- 2318 (vi) as needed for the installation or location of a utility which is maintained by the
- 2319 county and is considered a transmission line or requires additional roadway width;
- 2320 (vii) for third-party utility lines that have an easement preventing the installation of
- 2321 utilities maintained by the county within the roadway;
- 2322 (viii) for utilities over 12 feet in depth;
- 2323 (ix) for roadways with a design speed that exceeds 25 miles per hour;
- 2324 (x) as needed for flood and stormwater routing;
- 2325 (xi) as needed to meet fire code requirements for parking and hydrants; or
- 2326 (xii) as needed to accommodate street parking.
- 2327 (c) Nothing in this section shall be construed to prevent a county from approving a road
- 2328 cross section with a pavement width less than 32 feet.
- 2329 (d)(i) A land use applicant may appeal a municipal requirement for pavement in
- 2330 excess of 32 feet on a residential roadway.
- 2331 (ii) A land use applicant that has appealed a municipal specification for a residential
- 2332 roadway pavement width in excess of 32 feet may request that the county
- 2333 assemble a panel of qualified experts to serve as the appeal authority for purposes
- 2334 of determining the technical aspects of the appeal.
- 2335 (iii) Unless otherwise agreed by the applicant and the county, the panel described in
- 2336 Subsection [(5)(d)(ii)] (4)(d)(ii) shall consist of the following three experts:
- 2337 (A) one licensed engineer, designated by the county;
- 2338 (B) one licensed engineer, designated by the land use applicant; and
- 2339 (C) one licensed engineer, agreed upon and designated by the two designated
- 2340 engineers under Subsections [(5)(d)(iii)(A)] (4)(d)(iii)(A) and (B).
- 2341 (iv) A member of the panel assembled by the county under Subsection [(5)(d)(ii)]
- 2342 (4)(d)(ii) may not have an interest in the application that is the subject of the

2343 appeal.

2344 (v) The land use applicant shall pay:

2345 (A) 50% of the cost of the panel; and

2346 (B) the county's published appeal fee.

2347 (vi) The decision of the panel is a final decision, subject to a petition for review under
2348 Subsection [(5)(d)(vii)] (4)(d)(vii).

2349 (vii) In accordance with Section 17-79-1009, a land use applicant or the county may
2350 file a petition for review of the decision with the district court within 30 days after
2351 the date that the decision is final.

2352 Section 24. Section **17-79-813** is enacted to read:

2353 **17-79-813 . Exactions for water rights.**

2354 (1) Subject to the requirements of this section, a county or, if applicable, the county's
2355 culinary water authority shall base any exaction for a water interest on the culinary water
2356 authority's established calculations of projected water interest requirements.

2357 (2) Except as described in Subsection (3), a culinary water authority shall base an exaction
2358 for a culinary water interest on:

2359 (a) consideration of the system-wide minimum sizing standards established for the
2360 culinary water authority by the Division of Drinking Water in accordance with
2361 Section 19-4-114; and

2362 (b) the number of equivalent residential connections associated with the culinary water
2363 demand for each specific development proposed in the development's land use
2364 application, applying lower exactions for developments with lower equivalent
2365 residential connections as demonstrated by at least five years of usage data for like
2366 land uses within the county.

2367 (3) If a county or culinary water authority determines, in the sole discretion of the county or
2368 culinary water authority, that good cause exists, the county or culinary water authority
2369 may impose an exaction for a culinary water interest that results in less water being
2370 exacted than would otherwise be exacted under Subsection (2).

2371 (4) A county shall make public the methodology used to comply with Subsection (2)(b).

2372 (5) A land use applicant may appeal to the county's governing body an exaction calculation
2373 used by the county or the county's culinary water authority under Subsection (2).

2374 (6) A land use applicant may present data and other information that illustrates a need for
2375 an exaction recalculation and the county's governing body shall respond with due
2376 process.

- 2377 (7) Upon an applicant's request, the culinary water authority shall provide the applicant
2378 with the basis for the culinary water authority's calculations under Subsection (2) on
2379 which an exaction for a water interest is based.
- 2380 (8) A county or the county's culinary water authority may not impose an exaction for a
2381 water interest if the culinary water authority's existing available water interests exceed
2382 the water interests needed to meet the reasonable future water requirement of the public,
2383 as determined under Subsection 73-1-4(2)(f).

2384 Section 25. Section **17-79-901** is amended to read:

2385 **17-79-901 . Enforcement -- Limitations on a county's ability to enforce an**
2386 **ordinance by withholding a permit or certificate.**

- 2387 (1)(a) A county or ~~[an adversely affected party]~~ a land use applicant may, in addition to
2388 other remedies provided by law, institute:
- 2389 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
2390 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
- 2391 (b) A county need only establish the violation to obtain the injunction.
- 2392 (2)(a) Except as provided in Subsections (3) through (6), or as provided in the provisions
2393 of a development agreement, a county may enforce the county's ordinance by
2394 withholding a building permit or certificate of occupancy.
- 2395 (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building
2396 or other structure within a county without approval of a building permit.
- 2397 (c) The county may not issue a building permit unless the plans of and for the proposed
2398 erection, construction, reconstruction, alteration, or use fully conform to all
2399 regulations then in effect.
- 2400 (d) A county may require an applicant to install a permanent road, cover a temporary
2401 road with asphalt or concrete, or create another method for servicing a structure that
2402 is consistent with Appendix D of the International Fire Code, before receiving a
2403 certificate of occupancy for that structure.
- 2404 (e) A county may require an applicant to maintain and repair a temporary fire apparatus
2405 road during the construction of a structure accessed by the temporary fire apparatus
2406 road in accordance with the county's adopted standards.
- 2407 (f) A county may require temporary signs to be installed at each street intersection once
2408 construction of new roadway allows passage by a motor vehicle.
- 2409 (g) A county may adopt and enforce any appendix of the International Fire Code, 2021
2410 Edition.

- (3)(a) A county may not deny an applicant a building permit or certificate of occupancy because the applicant has not completed an infrastructure improvement:
- (i) unless the infrastructure improvement is essential to meet the requirements for the issuance of a building permit or certificate of occupancy under Title 15A, State Construction and Fire Codes Act; and
 - (ii) for which the county has accepted an improvement completion assurance for a public landscaping improvement, as defined in Section 17-79-707, or an infrastructure improvement for the development.
- (b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6, infrastructure improvement that is essential means:
- (i) operable fire hydrants installed in a manner that is consistent with the county's adopted engineering standards; and
 - (ii) for temporary roads used during construction, a properly compacted road base installed in a manner consistent with the county's adopted engineering standards.
- (c) A county may not adopt an engineering standard that requires an applicant to install a permanent road or a temporary road with asphalt or concrete before receiving a building permit.
- (4) A county may not deny an applicant a building permit or certificate of occupancy for failure to:
- (a) submit a private landscaping plan, as defined in Section 17-79-707; or
 - (b) complete a landscaping improvement that is not a public landscaping improvement, as defined in Section 17-79-707.
- (5) A county may not withhold a building permit based on the lack of completion of a portion of a public sidewalk to be constructed within a public right-of-way serving a lot where a single-family or two-family residence or town home is proposed in a building permit application if an improvement completion assurance has been posted for the incomplete portion of the public sidewalk.
- (6) A county may not prohibit the construction of a single-family or two-family residence or town home, withhold recording a plat, or withhold acceptance of a public landscaping improvement, as defined in Section 17-79-707, or an infrastructure improvement based on the lack of installation of a public sidewalk if an improvement completion assurance has been posted for the public sidewalk.
- (7) A county may not redeem an improvement completion assurance securing the installation of a public sidewalk sooner than 18 months after the date the improvement

completion assurance is posted.

(8) A county shall allow an applicant to post an improvement completion assurance for a public sidewalk separate from an improvement completion assurance for:

(a) another infrastructure improvement; or

(b) a public landscaping improvement, as defined in Section 17-79-707.

(9) A county may withhold a certificate of occupancy for a single-family or two-family residence or town home until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the single-family or two-family residence or town home is completed and accepted by the county.

Section 26. Section **17-79-1001** is amended to read:

**17-79-1001 . Appeal authority required -- Condition precedent to judicial review
-- Appeal authority duties.**

(1)(a) Each county adopting a land use ordinance:

(i) shall, by ordinance, establish one or more appeal authorities; and

(ii) beginning on July 1, 2026, may not designate the legislative body as an appeal authority.

(b) An appeal authority shall hear and decide:

(i) requests for [~~variances~~] a variance from [~~the terms of~~] a land use [~~ordinances~~] ordinance;

(ii) appeals from a land use [~~decisions~~] decision applying a land use [~~ordinances~~] ordinance; and

(iii) appeals from a fee charged in accordance with Section 17-79-802.

(c) An appeal authority may not hear an appeal from the enactment of a land use regulation.

(2) As a condition precedent to judicial review, each adversely affected party or land use applicant shall timely and specifically challenge a land use authority's land use decision, in accordance with local ordinance.

(3) An appeal authority described in Subsection (1)(a):

(a) shall:

(i) act in a quasi-judicial manner; and

(ii) serve as the final arbiter of issues involving the interpretation or application of a land use [~~ordinances~~] ordinance; and

(b) may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.

- (4) By ordinance, a county may:
- (a) designate a separate appeal authority to hear requests for variances than the appeal authority the county designates to hear appeals;
 - (b) designate one or more separate appeal authorities to hear distinct types of appeals of land use authority decisions;
 - (c) require an adversely affected party to present to an appeal authority every theory of relief that the adversely affected party can raise in district court; and
 - ~~[(d) not require a land use applicant or adversely affected party to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies; and]~~
 - ~~[(e)]~~ (d) provide that specified types of land use decisions may be appealed directly to the district court.

- (5) A county may not:
- (a) require a public hearing for a request for a variance or land use appeal[-] ; or
 - (b) require a land use applicant or adversely affected party to pursue successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies.
- (6) If the county establishes or, before May 2, 2005, has established a multiperson board, body, or panel to act as an appeal authority, at a minimum the board, body, or panel shall:
- (a) notify each of the members of the board, body, or panel of any meeting or hearing of the board, body, or panel;
 - (b) provide each of the members of the board, body, or panel with the same information and access to municipal resources as any other member;
 - (c) convene only if a quorum of the members of the board, body, or panel is present; and
 - (d) act only upon the vote of a majority of the convened members of the board, body, or panel.

Section 27. Section **17-79-1006** is amended to read:

17-79-1006 . Due process.

- (1) ~~[Each]~~ An appeal authority shall conduct each appeal and variance request as described by local ordinance.
- (2) ~~[Each]~~ An appeal authority shall respect the due process rights of ~~[each of the participants]~~ an appeal participant.
- (3) An appeal authority may only allow the following people to participate, present, or

2513 speak during an appeal or variance hearing:

2514 (a) the appellant or the appellant's representatives;

2515 (b) the land use applicant or the land use applicant's representatives; and

2516 (c) the county's representatives.

2517 Section 28. Section **17-79-1007** is amended to read:

2518 **17-79-1007 . Scope of review of factual matters on appeal -- Appeal authority**
 2519 **requirements.**

2520 (1) A county may, by ordinance, designate the scope of review of factual matters for
 2521 appeals of land use authority decisions.

2522 (2) If the county fails to designate a scope of review of factual matters, the appeal authority
 2523 shall review the ~~[matter]~~ factual matters de novo, without deference to the land use
 2524 authority's determination of the factual matters.

2525 (3) If the scope of review of factual matters is on the record, the appeal authority shall
 2526 determine whether the record on appeal includes substantial evidence for each essential
 2527 finding of fact.

2528 (4) The appeal authority shall:

2529 (a) determine the correctness of the land use authority's interpretation and application of
 2530 the plain meaning of the land use regulations; and

2531 (b) interpret and apply a land use regulation to favor a land use application unless the
 2532 land use regulation plainly restricts the land use application.

2533 (5)(a) An appeal authority's land use decision is a quasi-judicial act.

2534 (b) ~~[A] Beginning on July 1, 2026, a legislative body may not act as an appeal authority[~~
 2535 ~~unless both the legislative body and the appealing party agree to allow a third party to~~
 2536 ~~act as the appeal authority].~~

2537 (6) Only a decision in which a land use authority has applied a land use regulation to a
 2538 particular land use application, person, or parcel may be appealed to an appeal authority.

2539 Section 29. Section **17-79-1009** is amended to read:

2540 **17-79-1009 . No district court review until administrative remedies exhausted --**

2541 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**
 2542 **-- Staying of decision.**

2543 (1) ~~[No]~~ A person may challenge in district court a land use decision or the approval of a
 2544 specific land use law only if, in accordance with this part:

2545 (a) the person's appeal of the land use decision or approval of a specific land use law to
 2546 the appeal authority is timely; and

(b) ~~[-until that]~~ the person has exhausted the person's administrative remedies~~[-as provided in Part 7, Appeal Authority and Variances]~~, if applicable.

(2)(a) Subject to Subsection (1), a land use applicant or adversely affected party may file a petition for review of a land use decision or the approval of a specific land use law with the district court within 30 days after the decision is final.

(b)(i) The time under Subsection (2)(a) to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the property rights ombudsman under Section 13-43-204 until 30 days after:

(A) the arbitrator issues a final award; or

(B) the property rights ombudsman issues a written statement under Subsection 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

(ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.

(iii) A request for arbitration filed with the property rights ombudsman after the time under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

(3)(a) A court shall:

(i) presume that a land use regulation properly enacted under the authority of this chapter is valid; and

(ii) determine only whether:

(A) the land use regulation is expressly preempted by, or was enacted contrary to, state or federal law; and

(B) it is reasonably debatable that the land use regulation is consistent with this chapter.

(b) A court shall presume that a final land use decision of a land use authority or an appeal authority is valid unless the land use decision is:

(i) arbitrary and capricious; or

(ii) illegal.

(c)(i) A land use decision is arbitrary and capricious if the land use decision is not supported by substantial evidence in the record.

(ii) A land use decision is illegal if the land use decision:

(A) is based on an incorrect interpretation of a land use regulation;

(B) conflicts with the authority granted by this title; or

(C) is contrary to law.

(d)(i) A court may affirm or reverse a land use decision.

(ii) If the court reverses a land use decision, the court shall remand the matter to the land use authority with instructions to issue a land use decision consistent with the court's decision.

(4) The provisions of Subsection (2)(a) apply from the date on which the county takes final action on a land use application, if the county conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice of the pending land use decision.

(5) If the county has complied with Section 17-79-205, a challenge to the enactment of a land use regulation or general plan may not be filed with the district court more than 30 days after the enactment.

(6) A challenge to a land use decision is barred unless the challenge is filed within 30 days after the land use decision is final.

(7)(a) The land use authority or appeal authority, as the case may be, shall transmit to the reviewing court the record of the proceedings of the land use authority or appeal authority, including the minutes, findings, orders and, if available, a true and correct transcript of the proceedings.

(b) If the proceeding was recorded, a transcript of that recording is a true and correct transcript for purposes of this Subsection (7).

(8)(a)(i) If there is a record, the district court's review is limited to the record provided by the land use authority or appeal authority, as the case may be.

(ii) The court may not accept or consider any evidence outside the record of the land use authority or appeal authority, as the case may be, unless that evidence was offered to the land use authority or appeal authority, respectively, and the court determines that the evidence was improperly excluded.

(b) If there is no record, the court may call witnesses and take evidence.

(9)(a) The filing of a petition does not stay the land use decision of the land use authority or appeal authority, as the case may be.

(b)(i) Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may petition the appeal authority to stay the appeal authority's decision.

(ii) Upon receipt of a petition to stay, the appeal authority may order the appeal authority's decision stayed pending district court review if the appeal authority finds the order to be in the best interest of the county.

2615 (iii) After a petition is filed under this section or a request for mediation or arbitration
2616 of a constitutional taking issue is filed under Section 13-43-204, the petitioner
2617 may seek an injunction staying the appeal authority's land use decision.

2618 (10) If the court determines that a party initiated or pursued a challenge to a land use
2619 decision on a land use application in bad faith, the court may award attorney fees.

2620 Section 30. **Effective Date.**

2621 This bill takes effect on May 6, 2026.

VINEYARD CITY, UTAH

CITY COUNCIL & REDEVELOPMENT AGENCY BOARD

MUNICIPAL AUTHORITY PRESERVATION RESOLUTION PACKET

S.B. 284 Counter-Resolutions

Local Land and Water Modifications — 2026 Utah General Session

PREPARED FOR ADOPTION PRIOR TO EFFECTIVE DATE: MAY 6, 2026

SIX RESOLUTIONS — CITY COUNCIL
ONE RESOLUTION — RDA BOARD

STRATEGIC NOTE

These resolutions do not challenge S.B. 284. They use its own mechanism — prospective ordinance, clear definitions, and binding development agreements — to preserve Vineyard City's maximum negotiating authority over all large-scale development (including Utah City) before state preemption of local discretion takes effect.

Utah Code References: Title 10-9a (Municipal Land Use), Title 17C (Redevelopment), Title 10-2a (Municipal Incorporation)

TABLE OF CONTENTS

Resolution No.	Title	Effective
CC-2026-01	Complete Application and Vesting Control Policy	Immediate upon adoption
CC-2026-02	Mandatory Development Agreement Framework	Immediate upon adoption
CC-2026-03	Infrastructure Phasing and Public Improvement Acceptance Policy	Immediate upon adoption
CC-2026-04	Utility Capacity Verification and Water Exaction Findings Policy	Immediate upon adoption
CC-2026-05	Independent Appeal Authority, Zoning Definitions, and Administrative Record Policy	Immediate upon adoption
CC-2026-06	Commercial Lodging Height and Story Definitions; Future Project Safeguards	Immediate upon adoption
RDA-2026-01	RDA Financial Participation, Public Finance Findings, and Cooperation Conditions	Immediate upon adoption

HOW TO USE THIS PACKET

The City Council should adopt these resolutions in the order listed. Each resolution directs city staff and the city attorney to prepare implementing ordinances for adoption no later than May 6, 2026 — the effective date of S.B. 284. The resolutions create enforceable interim policy and direct preparation of permanent implementing ordinances within the timeframes specified.

The RDA Resolution should be adopted by the Redevelopment Agency Board at the same meeting. It governs the Agency's cooperation, participation, certification, and financial coordination activities within the RDA project area (which includes Utah City).

VINEYARD CITY, UTAH
CITY COUNCIL

RESOLUTION NO. CC-2026-01

A RESOLUTION OF THE CITY COUNCIL OF VINEYARD CITY, UTAH COUNTY, STATE OF UTAH, ESTABLISHING A COMPLETE LAND USE APPLICATION AND APPLICANT VESTING CONTROL POLICY; DIRECTING THE CITY ATTORNEY AND PLANNING DIRECTOR TO PREPARE IMPLEMENTING ORDINANCE AMENDMENTS; AND ESTABLISHING RELATED PROCEDURES

S.B. 284 Counter-Measure No. 1 of 6 — Complete Application & Vesting Control

Adopted: _____, 2026

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute), entitled 'Local Land and Water Modifications,' was passed by the Utah Legislature on March 6–7, 2026, and is expected to take effect on May 6, 2026 (Utah Code Ann. § 68-3-3);

WHEREAS, S.B. 284 provides that a land use applicant is entitled to have its application processed under the land use regulations in effect at the time a 'complete application' is submitted, thereby conferring prospective legal rights upon submission of a complete application (see Utah Code Ann. § 10-9a-509);

WHEREAS, the precise definition of 'complete application' under current Vineyard City ordinance and code does not fully account for the complexity, scale, and multi-phased nature of master-planned projects, large residential communities, transit-oriented developments, public infrastructure reimbursement zones, or developments within or adjacent to Vineyard City redevelopment project areas;

WHEREAS, an insufficiently defined completeness standard creates a risk that large developers will vest rights under favorable regulatory conditions before the City has adequate information to evaluate phasing capacity, utility availability, infrastructure timing, fiscal impact, public safety access, school impact, or the need for a development agreement;

WHEREAS, Utah Code Ann. § 10-9a-509 expressly recognizes that municipalities may establish completeness standards, and requiring adequate supporting materials as a condition of completeness is within Vineyard City's lawful authority;

WHEREAS, the City Council finds that establishing a clear, comprehensive, and prospectively adopted completeness standard is necessary to protect the public health, safety, and welfare of Vineyard City residents and to preserve the City's legitimate regulatory authority in negotiations with large-scale developers;

WHEREAS, the City Council further finds that this policy is consistent with the City's General Plan, its adopted land use regulations, and the purposes of Title 10-9a, Utah Code Annotated;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Vineyard City, Utah County, State of Utah, as follows:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Immediate Policy — Complete Application Standards. Effective immediately upon adoption of this Resolution, no land use application for any of the following project categories shall be deemed 'complete' for purposes of Utah Code Ann. § 10-9a-509 unless all items specified on the City's published application checklist for the applicable project type, as amended by this Resolution and the implementing ordinance described herein, are submitted in final, non-placeholder form: (a) any master-

planned development of five (5) or more acres; (b) any phased development project; (c) any development within a Redevelopment Project Area, Housing and Transit Reinvestment Zone, or Public Infrastructure District; (d) any development for which the applicant has requested, or the City may provide, a public infrastructure reimbursement, tax increment participation, fee credit, or public financing cooperation; (e) any mixed-use, transit-oriented, or transit-adjacent development; (f) any development requiring a development agreement under this Resolution or under any existing City ordinance.

Section 3. Required Completeness Submittals. In addition to all other applicable submittal requirements, a complete application for any project described in Section 2 shall include all of the following:

- A draft development agreement meeting the requirements of Resolution No. CC-2026-02, including all exhibits referenced therein;
- A utility commitment letter from each applicable utility provider (water, sewer, stormwater, secondary water, electrical, gas, telecommunications) confirming available capacity for the proposed project as phased;
- A traffic impact analysis prepared by a licensed engineer covering each phase of the project, including intersection level-of-service analysis and a proposed mitigation schedule;
- A stormwater drainage and master plan prepared by a licensed engineer;
- A phasing plan identifying infrastructure sequence, timing triggers, milestone conditions, and the proposed order of infrastructure construction, acceptance, and certificate-of-occupancy issuance by phase;
- A public safety access and fire apparatus plan, including turnaround geometry, hydrant location, and fire-flow certification by phase;
- A school-impact disclosure identifying the anticipated number of school-age children to be generated by each phase and any proposed mitigation or participation;
- A fiscal impact analysis prepared by a qualified analyst demonstrating the anticipated tax, fee, and service-demand impacts to the City by phase and in total;
- A written identification of all exactions, fee credits, reimbursements, cost-sharing requests, infrastructure advances, reimbursement agreements, or public financing cooperation being requested from the City or any City-affiliated entity;
- A complete list of all governmental entities, improvement districts, public infrastructure districts, community reinvestment agencies, or other public-finance entities that the applicant anticipates will be involved in the project financing structure.

Section 4. No Placeholder Exhibits. No application shall be deemed complete if any required exhibit is submitted in draft, placeholder, 'to be determined,' or incomplete form. The City Recorder, City Planner, and Planning Director are directed to reject as incomplete any application that does not include all required submittals in final form, and to promptly issue a written deficiency notice to the applicant specifying each missing or deficient item.

Section 5. Implementing Ordinance Deadline. The City Attorney, in coordination with the Planning Director, is directed to prepare and present to the City Council for adoption a Complete Application and Vesting Control Ordinance amending Vineyard City Municipal Code to codify the requirements of this Resolution no later than April 30, 2026. The ordinance shall be brought to the City Council for first and second reading with adequate public notice to allow for adoption prior to May 6, 2026.

Section 6. Interim Application of Policy. Until the implementing ordinance is adopted, this Resolution shall constitute interim City policy for purposes of determining application completeness. City staff shall apply the completeness standards set forth herein to all pending and new applications within the project categories identified in Section 2.

Section 7. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of Vineyard City, Utah County, State of Utah, this _____ day of _____, 2026.

Mayor, Vineyard City

ATTEST:

City Recorder, Vineyard City

ROLL CALL VOTE: Ayes: _____ Nays: _____ Abstaining: _____ Absent: _____

VINEYARD CITY, UTAH
CITY COUNCIL

RESOLUTION NO. CC-2026-02

A RESOLUTION OF THE CITY COUNCIL OF VINEYARD CITY, UTAH COUNTY, STATE OF UTAH, ESTABLISHING A MANDATORY DEVELOPMENT AGREEMENT POLICY FOR LARGE-SCALE, MASTER-PLANNED, AND PHASED DEVELOPMENT PROJECTS; SPECIFYING REQUIRED DEVELOPMENT AGREEMENT TERMS; DIRECTING PREPARATION OF IMPLEMENTING ORDINANCE; AND ESTABLISHING RELATED PROCEDURES

S.B. 284 Counter-Measure No. 2 of 6 — Mandatory Development Agreement Framework

Adopted: _____, 2026

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute) expressly provides that land use infrastructure and building permit requirements in Title 10-9a do not supersede valid, prospectively adopted development agreements or adopted phasing plans between a municipality and an applicant (Utah Code Ann. § 10-9a-509.5);

WHEREAS, development agreements executed by the City on or before May 6, 2026 may preserve certain City conditions and requirements, including restrictions on accessory dwelling units and phased infrastructure obligations, that might otherwise be subject to state override after that date;

WHEREAS, Vineyard City has existing development agreement authority under Utah Code Ann. § 10-9a-604 and its Municipal Code, and the City Council finds that it is both lawful and necessary to require development agreements as a condition of approval for large-scale projects in order to protect the public interest;

WHEREAS, without mandatory development agreement requirements for large-scale projects, the City risks approving large entitlements without enforceable commitments regarding height, massing, density, infrastructure timing, public improvement financing, reimbursement conditions, or default remedies;

WHEREAS, the Utah League of Cities and Towns, through Jared Tingey, Legal Director, participated in the drafting of S.B. 284, signaling that development agreements are intended to remain a primary tool for municipal protection under the bill's framework;

WHEREAS, the City Council finds that a mandatory development agreement policy is necessary, lawful, and consistent with the City's General Plan, the purposes of Utah Code Title 10-9a, and the public health, safety, and welfare of Vineyard City's current and future residents;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Vineyard City, Utah County, State of Utah, as follows:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Mandatory Development Agreement Requirement. Effective immediately upon adoption of this Resolution, no application for approval of any of the following project categories shall be recommended for approval by City staff, presented to the Planning Commission, or brought before the City Council or any land use authority for approval unless a development agreement has been fully negotiated and is presented concurrently for execution: (a) any residential development of fifty (50) or more units; (b) any commercial development of 20,000 or more square feet; (c) any mixed-use development; (d) any phased development project; (e) any development within a Redevelopment Project Area, Housing and Transit Reinvestment Zone, or Public Infrastructure District; (f) any development for which a public infrastructure reimbursement, fee credit, tax increment participation, or public financing

cooperation is anticipated or requested; (g) any development within any existing planned community area within the RDA Project Area.

Section 3. Required Development Agreement Terms. Every development agreement required under Section 2 shall, at minimum, include the following provisions:

- Project description with site plan, legal description, and phasing exhibits;
- Maximum height of all structures stated in feet (not stories alone);
- Maximum number of above-ground habitable stories for each structure type and land use;
- Building envelope exhibits showing massing, podium, tower, and roofline geometry for each phase;
- Density by phase, expressed in both units and floor-area-ratio for applicable commercial and mixed-use components;
- Land use mix by phase, including minimum and maximum percentages for each use category;
- Utility service commitments, including water, sewer, stormwater, secondary water, and electrical, with capacity confirmation and sequencing schedule;
- Infrastructure construction sequence and milestone schedule for each phase, identifying which public improvements are required prior to building permit, certificate of occupancy, or plat recordation for each phase;
- Reimbursement conditions for any eligible public infrastructure, specifying the basis, maximum amount, eligible costs, audit rights, and conditions precedent to reimbursement certification;
- Inspection rights of the City and its designated representatives at all stages of public improvement construction, prior to acceptance and after acceptance;
- Timing triggers and performance deadlines with event-of-default and cure provisions;
- School and public safety mitigation commitments consistent with applicable law;
- Traffic and intersection improvement obligations and triggers;
- Parking and internal circulation standards;
- Construction logistics plan including staging, haul routes, hours of operation, and neighbor-notification requirements;
- Notice-and-cure provisions with stated cure periods;
- City rights and remedies upon event of default, including right to withhold permits, certificates of occupancy, reimbursement certifications, and cooperation with public financing structures;
- Amendment procedure requiring written consent of the City Council by majority vote and public notice;
- Governing law and dispute resolution clause specifying Utah County venue;
- Detached accessory dwelling unit restrictions, if any, to the extent permitted under Utah Code Ann. § 10-21-304 as amended by S.B. 284.

Section 4. Priority of Development Agreement. Consistent with S.B. 284's recognition of development agreements, all City staff, including the City Planner, Planning Director, City Engineer, City Attorney, and any RDA or public finance staff, are directed to treat a duly executed development agreement as the primary governing document for project approvals, infrastructure sequencing, and reimbursement obligations. No City cooperation, certification, or recommendation shall be provided for any project described in Section 2 that does not have a current, fully-executed development agreement.

Section 5. Implementing Ordinance Deadline. The City Attorney, in coordination with the Planning Director, is directed to prepare and present a Mandatory Development Agreement Ordinance codifying the requirements of this Resolution no later than April 30, 2026. The City Attorney is also directed to prepare a standard Vineyard City Development Agreement Template for large-scale projects for City Council approval no later than April 30, 2026.

Section 6. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 7. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of Vineyard City, Utah County, State of Utah, this _____ day of _____, 2026.

Mayor, Vineyard City

ATTEST:

City Recorder, Vineyard City

ROLL CALL VOTE: Ayes: _____ Nays: _____ Abstaining: _____ Absent: _____

VINEYARD CITY, UTAH

CITY COUNCIL

RESOLUTION NO. CC-2026-03

A RESOLUTION OF THE CITY COUNCIL OF VINEYARD CITY, UTAH COUNTY, STATE OF UTAH, ESTABLISHING AN INFRASTRUCTURE PHASING, PUBLIC IMPROVEMENT SEQUENCING, AND CITY ACCEPTANCE POLICY; TYING CERTIFICATE-OF-OCCUPANCY AND REIMBURSEMENT RIGHTS TO OBJECTIVE INFRASTRUCTURE MILESTONES; AND DIRECTING PREPARATION OF IMPLEMENTING ORDINANCE

S.B. 284 Counter-Measure No. 3 of 6 — Infrastructure Phasing & Acceptance

Adopted: _____, 2026

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute) preserves the enforceability of valid development agreements and adopted phasing plans, meaning that a City-approved phasing plan that ties building permits and certificates of occupancy to objective infrastructure milestones may be enforced even after S.B. 284's effective date of May 6, 2026;

WHEREAS, without prospectively adopted phasing standards, Vineyard City risks the conversion of large-scale developments into occupied buildings before required roads, water, sewer, stormwater, fire access, parks, trails, and other public improvements are constructed, accepted, and operational;

WHEREAS, the risk is particularly acute for existing planned communities within the RDA project area which involve multiple phases, multiple product types, significant public infrastructure reimbursement commitments, a Public Infrastructure District, a Redevelopment Project Area, a Housing and Transit Reinvestment Zone, and concurrent development by multiple builders;

WHEREAS, Utah Code Ann. § 10-9a-505 recognizes the City's authority to adopt phasing standards as part of its land use regulatory framework, and Utah Code Ann. § 10-9a-604 authorizes development agreements to address phasing in binding contractual form;

WHEREAS, the City Council finds that a clear, objective, prospectively adopted infrastructure phasing and acceptance policy is necessary to protect the public health, safety, and welfare of Vineyard City's residents and to ensure that growth pays its own way consistent with the City's General Plan;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Vineyard City, Utah County, State of Utah, as follows:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Infrastructure Phasing Requirement. Effective immediately, no development project described in Resolution No. CC-2026-02, Section 2 shall proceed to building permit issuance, certificate-of-occupancy issuance, or reimbursement certification for any phase unless a City Council-approved phasing plan has been adopted, either through ordinance, condition of approval, or binding development agreement, identifying the public improvements required prior to each such milestone.

Section 3. Required Phasing Plan Content. Every phasing plan shall identify, by phase, the following public improvements required prior to building permit issuance, certificate-of-occupancy issuance, or both, as applicable:

- Roadway and intersection improvements, including pavement, curb, gutter, sidewalk, striping, and traffic control devices, with acceptance by City Engineer;
- Potable water main, service connections, and fire hydrants at required spacing and pressure, with system testing documentation;

- Sanitary sewer mains, laterals, manholes, and lift stations as applicable, with testing documentation;
- Stormwater conveyance, detention, and water quality facilities per the adopted Stormwater Master Plan;
- Secondary water system improvements, if applicable;
- Fire apparatus access roads and turnarounds meeting applicable IFC standards, verified by Fire Department;
- Street lighting installation and energization;
- Parks, trails, and open space improvements required by the applicable project area agreements or development agreement;
- School safe-route improvements required by development agreement or condition of approval;
- Public utility corridor and easement dedications as required.

Section 4. City Acceptance Standards. No public improvement shall be accepted by the City, and no associated reimbursement certification, inspection sign-off, or Phase Completion Certificate shall be issued, until: (a) the City Engineer has certified in writing that all improvements within the phase conform to approved plans, applicable standards, and the development agreement; (b) all as-built drawings have been delivered to the City in required format; (c) all change orders have been reconciled and approved in writing; (d) utility testing documentation has been delivered and verified; (e) an asset registry entry has been made; and (f) the operations and maintenance handoff, including warranties, O&M manuals, and bond or insurance documentation, is complete.

Section 5. No Independent Phasing Amendment Without Council Approval. No amendment to an approved phasing plan shall be effective unless approved by the City Council after public notice. City staff shall not process or honor informal phasing modifications, phase-boundary adjustments, or milestone deferrals without City Council action.

Section 6. Implementing Ordinance Deadline. The City Attorney and City Engineer are directed to prepare and present an Infrastructure Phasing and Public Improvement Acceptance Ordinance codifying the requirements of this Resolution no later than April 30, 2026.

Section 7. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of Vineyard City, Utah County, State of Utah, this _____ day of _____, 2026.

Mayor, Vineyard City

ATTEST:

City Recorder, Vineyard City

ROLL CALL VOTE: Ayes: _____ Nays: _____ Abstaining: _____ Absent: _____

VINEYARD CITY, UTAH
CITY COUNCIL

RESOLUTION NO. CC-2026-04

A RESOLUTION OF THE CITY COUNCIL OF VINEYARD CITY, UTAH COUNTY, STATE OF UTAH, ESTABLISHING A UTILITY CAPACITY VERIFICATION AND WATER SERVICE FINDINGS POLICY; ADOPTING EXACTION NEXUS AND PROPORTIONALITY STANDARDS; AND DIRECTING PREPARATION OF IMPLEMENTING ORDINANCE

S.B. 284 Counter-Measure No. 4 of 6 — Utility Capacity & Water Exaction Findings

Adopted: _____, 2026

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute), in its 6th and 7th Substitutes, added significant new requirements applicable to water exactions, including a requirement that before imposing a water exaction, a local government must have adopted a written plan for future public water need and must comply with rulemaking by the State Engineer;

WHEREAS, S.B. 284 preserves the authority of municipalities to impose exactions where there is an essential link to a legitimate governmental interest and the exaction is roughly proportionate to the impacts of the proposed development, consistent with *Dolan v. City of Tigard*, 512 U.S. 374 (1994), and *Koontz v. St. Johns River Water Management District*, 570 U.S. 595 (2013);

WHEREAS, all land and other developments within the RDA Project Area represent some of the largest development projects in Vineyard City's history and will place significant and long-term demands on the City's water, sewer, stormwater, and secondary water systems;

WHEREAS, a transparent, well-documented utility capacity verification and exaction methodology is the City's strongest remaining tool to ensure that large-scale development pays for its proportionate share of system improvements and does not impair service to existing residents;

WHEREAS, the City Council finds that establishing clear utility capacity verification standards and an adopted water exaction methodology, consistent with S.B. 284's requirements and constitutional standards, is necessary to protect the public health, safety, welfare, and fiscal sustainability of Vineyard City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Vineyard City, Utah County, State of Utah, as follows:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Utility Capacity Verification Requirement. Effective immediately, no application described in Resolution No. CC-2026-02, Section 2, shall be deemed complete or recommended for approval unless the applicant has submitted, and the City has verified, written commitment letters from each applicable utility provider — including the City's water, sewer, and stormwater systems, and any applicable secondary water authority — confirming that adequate system capacity exists or will exist, with committed funding, by the time each phase is constructed and placed into service.

Section 3. Required Utility Findings. City staff shall prepare written utility capacity findings for every project described in Resolution No. CC-2026-02, Section 2, prior to staff recommendation for approval. The findings shall address: (a) available potable water system capacity, including source, treatment, transmission, and distribution; (b) available sewer collection and wastewater treatment capacity; (c) stormwater conveyance and detention capacity; (d) secondary water system capacity, if applicable; (e)

any system improvement required to serve the project, the party responsible for funding and constructing that improvement, and the timing of such improvement relative to development phasing.

Section 4. Water Exaction Methodology. The City Attorney and City Engineer are directed to prepare, and the City Council shall adopt prior to May 6, 2026, a written plan for future public water need and an exaction methodology document that: (a) identifies the future public water needs attributable to projected growth in Vineyard City's service area; (b) establishes the nexus between each category of water-related exaction and the legitimate governmental interest served; (c) documents the rough proportionality basis for each exaction amount; (d) complies with any rulemaking issued by the State Engineer under S.B. 284; (e) is reviewed and updated annually by the City Council in public session.

Section 5. Exaction Documentation Required for All Projects. Effective immediately, no exaction (including any fee, dedication, improvement, reimbursement obligation, or off-site improvement requirement) shall be imposed on a development project unless City staff has first prepared and the applicable reviewing body has approved written findings demonstrating: (a) the essential nexus between the exaction and a legitimate governmental interest; and (b) the rough proportionality between the exaction and the projected impacts of the proposed development. No exaction shall be imposed based on system-wide deficiencies not attributable to the proposed development.

Section 6. Implementing Ordinance Deadline. The City Attorney and City Engineer are directed to prepare and present a Utility Capacity Verification and Water Exaction Ordinance codifying the requirements of this Resolution no later than April 30, 2026.

Section 7. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of Vineyard City, Utah County, State of Utah, this _____ day of _____, 2026.

Mayor, Vineyard City

ATTEST:

City Recorder, Vineyard City

ROLL CALL VOTE: Ayes: _____ Nays: _____ Abstaining: _____ Absent: _____

VINEYARD CITY, UTAH

CITY COUNCIL

RESOLUTION NO. CC-2026-05

A RESOLUTION OF THE CITY COUNCIL OF VINEYARD CITY, UTAH COUNTY, STATE OF UTAH, ESTABLISHING AN INDEPENDENT APPEAL AUTHORITY AND ADMINISTRATIVE RECORD POLICY; DIRECTING A ZONING TEXT AUDIT AND PRECISION DEFINITIONS PROGRAM; AND DIRECTING PREPARATION OF IMPLEMENTING ORDINANCES

S.B. 284 Counter-Measure No. 5 of 6 — Appeal Authority, Definitions & Administrative Record

Adopted: _____, 2026

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute) modifies the rules governing land use appeal authorities, including a requirement that the appeal authority shall interpret and apply a land use regulation to favor the applicant unless the regulation plainly restricts the proposed use or development (Utah Code Ann. § 10-9a-701 as amended);

WHEREAS, the practical effect of this change is that any ambiguity in a Vineyard City zoning ordinance, design standard, or land use regulation will be resolved in favor of the applicant on appeal, significantly reducing the City's effective regulatory leverage in contested approvals;

WHEREAS, S.B. 284 also restricts the legislative body from serving as the appeal authority in certain circumstances, meaning Vineyard City must ensure it has an appropriate, independently constituted appeal authority that is not subject to challenge under the new provisions;

WHEREAS, the solution to applicant-favorable interpretation is not to fight S.B. 284 but to eliminate the ambiguity that triggers it, by rewriting vague standards as objective, plainly restrictive, measurable requirements before May 6, 2026;

WHEREAS, a complete and well-preserved administrative record is essential to the City's ability to defend its land use decisions on appeal and in district court review, and a weak record is among the most common reasons cities lose land use appeals under Utah law;

WHEREAS, the City Council finds that establishing a strong, independent appeal authority, conducting a precision zoning text audit, and establishing administrative record requirements are necessary to preserve Vineyard City's lawful regulatory authority under S.B. 284;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Vineyard City, Utah County, State of Utah, as follows:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Independent Appeal Authority. Effective immediately, the City Council directs the City Attorney to review the current constitution and authority of Vineyard City's appeal authority and to present recommendations to the City Council no later than April 15, 2026, addressing: (a) whether the appeal authority is currently structured to comply with S.B. 284's restrictions on legislative bodies serving as appeal authority; (b) whether the appeal authority has sufficient independence, defined jurisdiction, and written procedural rules; (c) what amendments are needed to ensure the appeal authority can receive, preserve, and rule on appeals in compliance with Utah Code Ann. § 10-9a-703 as amended by S.B. 284.

Section 3. Administrative Record Requirements. Effective immediately, for every major land use action within the project categories described in Resolution No. CC-2026-02, Section 2, City staff shall compile and preserve a complete administrative record including: (a) all staff reports, memoranda, technical analyses, and engineering findings; (b) full audio or video recordings of all public hearings,

planning commission meetings, and council deliberations on the application; (c) all exhibits submitted by the applicant and by members of the public; (d) all written communications received by the City regarding the application; (e) written findings adopted by the reviewing body on each material issue; (f) a verbatim or certified transcript of proceedings upon request for appeal.

Section 4. Precision Zoning Text Audit. The Planning Director is directed to conduct a precision zoning text audit of all Vineyard City zoning ordinances applicable to the RDA Project Area, TOD overlay zones, mixed-use zones, and commercial zones, and to present recommended amendments to the City Council no later than April 30, 2026. At minimum, the audit shall define with precision the following terms in objective, measurable language:

- Story and Habitable Story — including methodology for counting stories above grade, below grade, and within a stepped or terraced podium;
- Overall Height — including baseline measurement point, roof element treatment, parapet, mechanical penthouse, and architectural projection rules;
- Building Envelope — including setback, stepback, massing, and bulk plane requirements;
- Tower Element and Podium — including height ratios, floor-plate limits, and setback requirements;
- Phase and Substantial Completion — objective criteria for determining when a phase is substantially complete for phasing plan purposes;
- Complete Application — consistent with Resolution No. CC-2026-01;
- Public Infrastructure and System Improvement — consistent with applicable impact fee methodology;
- Project Improvement — as distinguished from system improvement for exaction and reimbursement purposes.

Section 5. Plain Restriction Standard. The City Council directs that wherever a Vineyard City zoning ordinance intends to restrict a use, height, story count, density, or other development characteristic, the applicable ordinance provision shall be written in plain restrictive language specifying the maximum permitted value in objective, measurable terms. The use of open-ended, discretionary, or subjective standards in place of objective numerical limits is disfavored and shall be minimized in all future ordinance drafting.

Section 6. Implementing Ordinance Deadline. The City Attorney and Planning Director are directed to prepare and present: (a) an Independent Appeal Authority Ordinance; and (b) a Precision Zoning Definitions and Standards Ordinance; for City Council consideration no later than April 30, 2026.

Section 7. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of Vineyard City, Utah County, State of Utah, this ____ day of _____, 2026.

Mayor, Vineyard City

ATTEST:

City Recorder, Vineyard City

ROLL CALL VOTE: Ayes: _____ Nays: _____ Abstaining: _____ Absent: _____

VINEYARD CITY, UTAH
CITY COUNCIL

RESOLUTION NO. CC-2026-06

A RESOLUTION OF THE CITY COUNCIL OF VINEYARD CITY, UTAH COUNTY, STATE OF UTAH, ESTABLISHING A COMMERCIAL LODGING STRUCTURE HEIGHT, STORY COUNT, AND BUILDING ENVELOPE APPROVAL POLICY; REQUIRING EXPRESS WRITTEN HEIGHT AND STORY METRICS IN ALL LODGING APPROVALS; AND DIRECTING PREPARATION OF IMPLEMENTING ORDINANCE TO PREVENT STORY-HEIGHT AMBIGUITY

S.B. 284 Counter-Measure No. 6 of 6 — Commercial Lodging Height, Story & Envelope Safeguards
Adopted: _____, 2026

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute) added provisions at Utah Code Ann. §§ 10-20-626 and 17-79-621 providing that where a land use authority approved a land use application for a commercial lodging structure on or before September 1, 2025, and the application is subject to conflicting story and height regulations, the local government may not limit the number of above-ground habitable stories within the previously approved maximum height;

WHEREAS, this provision, added in the 7th Substitute, was publicly identified as being tied to an active development dispute in the Town of Francis, Utah, involving a developer's hotel project and a local story-count limit, and represents the Legislature's willingness to insert project-specific carve-outs into state land use law through late-session substitutes;

WHEREAS, the practical risk to Vineyard City is that any future commercial lodging approval that states an overall height without expressly specifying a maximum story count, or that contains ambiguity between story limits and height limits, could be exploited by a developer seeking to maximize stories within an approved height envelope by invoking a state preemption provision;

WHEREAS, the solution is prospective: any commercial lodging approval in Vineyard City, beginning immediately and in all future approvals, must expressly state both (a) the maximum overall height in feet and (b) the maximum number of above-ground habitable stories, with a clear statement that no story count increase within the approved height is authorized without City Council action;

WHEREAS, this policy is consistent with Vineyard City's existing zoning authority, is not preempted by S.B. 284 for future approvals, and is necessary to prevent future controversy of the type publicly associated with the Francis hotel dispute;

WHEREAS, the City Council further finds that establishing express approval metrics for height, story, and envelope geometry in all future lodging and high-rise residential approvals is consistent with the precision standards required by S.B. 284's interpretation rules and is in the best interest of Vineyard City's residents, existing businesses, and planned development;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Vineyard City, Utah County, State of Utah, as follows:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Required Express Approval Metrics for Commercial Lodging and High-Rise Structures. Effective immediately, no approval, conditional use permit, site plan approval, design review approval, or development agreement for any commercial lodging structure, hotel, motel, extended-stay facility, mixed-use structure with lodging, or any residential or mixed-use structure of four (4) or more stories shall be effective unless it expressly states all of the following in the written approval document: (a) the maximum

overall height of the structure in feet, measured from the baseline described in the applicable ordinance; (b) the maximum number of above-ground habitable stories authorized; (c) the treatment of mechanical penthouses, rooftop amenity decks, parapets, and architectural projections, stated in feet; (d) building sections or envelope exhibits prepared by the project architect that are approved as exhibits to the written approval; (e) a statement that the approval does not authorize any increase in the maximum number of habitable stories within the approved maximum height without a subsequent City Council action following public notice and hearing.

Section 3. No Ambiguous Story-Height Approvals. City staff, the Planning Commission, and the City Council are directed that no approval for a structure described in Section 2 shall be processed or recommended as complete if there is any ambiguity between the story limit and the height limit in the approval documents. Any conflict between a story limit and a height limit shall be resolved by the more restrictive provision unless the City Council expressly authorizes a specific exception by written action after public hearing.

Section 4. Retroactive Clarity for Pending Approvals. The City Attorney is directed to review all currently pending and recently approved applications for commercial lodging structures and structures of four or more stories within Vineyard City's jurisdiction to determine whether any such approval creates a story-height ambiguity of the type addressed by this Resolution. The City Attorney shall report findings to the City Council no later than April 15, 2026, and shall recommend any curative action within the City's authority for affected pending applications.

Section 5. Implementing Ordinance Deadline. The City Attorney and Planning Director are directed to prepare and present a Commercial Lodging Height, Story, and Envelope Definition Ordinance for City Council consideration no later than April 30, 2026. The ordinance shall at minimum codify the definitions required by Resolution No. CC-2026-05 and the approval metrics required by this Resolution.

Section 6. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 7. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of Vineyard City, Utah County, State of Utah, this ____ day of _____, 2026.

Mayor, Vineyard City

ATTEST:

City Recorder, Vineyard City

ROLL CALL VOTE: Ayes: ____ Nays: ____ Abstaining: ____ Absent: ____

VINEYARD CITY REDEVELOPMENT AGENCY

BOARD OF DIRECTORS

RESOLUTION NO. RDA-2026-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE VINEYARD CITY REDEVELOPMENT AGENCY ESTABLISHING MANDATORY FISCAL IMPACT FINDINGS AND COOPERATION CONDITIONS FOR ALL RDA FINANCIAL PARTICIPATION, TAX INCREMENT REIMBURSEMENT CERTIFICATIONS, HTRZ COOPERATION, PUBLIC INFRASTRUCTURE REIMBURSEMENT, AND RELATED PUBLIC FINANCE ACTIVITIES WITHIN THE VINEYARD/GENEVA STEEL REDEVELOPMENT PROJECT AREAS; AND ESTABLISHING RELATED PROCEDURES

S.B. 284 Counter-Measure — RDA Board | S.B. 284 Companion to City Council Resolutions CC-2026-01 through CC-2026-06

Adopted: _____, 2026

WHEREAS, the Vineyard City Redevelopment Agency (the 'Agency') is organized and existing under the Utah Community Reinvestment Agency Act, Title 17C, Utah Code Annotated, and is authorized to undertake redevelopment, economic development, and tax increment financing activities within designated project areas;

WHEREAS, the Utah City Redevelopment Project Area and related Housing and Transit Reinvestment Zone and Public Infrastructure District represent a significant commitment of public financial resources, including the capture and participation of tax increment revenues from property value growth generated by development within the project area;

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute), while not a direct amendment to Title 17C, alters the land use entitlement environment in ways that materially affect the value, timing, density, and buildable form of projects that generate tax increment within the Agency's project areas;

WHEREAS, specifically, S.B. 284's changes to complete application standards, appeal authority rules, applicant-favorable interpretation requirements, height and story regulations, exaction standards, and development agreement protections all affect the leverage, timing, and conditions under which the Agency cooperates with developers in connection with reimbursement certifications, increment sharing, bond participation, and public finance cooperation;

WHEREAS, the Agency currently lacks comprehensive written findings requirements for RDA financial participation, reimbursement certification, HTRZ cooperation, and public finance coordination activities, creating a risk that Agency staff may provide certifications, cooperation letters, or reimbursement processing without adequate Council or Board-level findings;

WHEREAS, under Title 17C and the Agency's adopted project area plan, the Board of Directors retains authority over the terms and conditions of Agency financial participation, and may lawfully impose findings requirements, financial review conditions, and documentation standards as a condition of any Agency action;

WHEREAS, the Board of Directors finds that establishing mandatory fiscal impact findings, disclosure requirements, and cooperation conditions for all Agency financial participation is necessary to protect the Agency's financial integrity, the City's fiscal health, and the interests of all taxing entities participating in or affected by the Agency's project area activities;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Vineyard City Redevelopment Agency, as follows:

Section 1. Findings. The Board of Directors hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Mandatory Board Findings Before Any RDA Financial Participation. Effective immediately, no Agency staff member, officer, or agent shall sign, submit, certify, recommend, or otherwise process any of the following actions without prior Board of Directors approval by majority vote, following public notice, and adoption of written findings as specified herein: (a) any tax increment reimbursement certification or payment; (b) any HTRZ participation or cooperation letter; (c) any public infrastructure reimbursement certification; (d) any bond cooperation letter, bond-related certification, or statement of Agency support for project financing; (e) any amendment to an existing reimbursement agreement; (f) any increment sharing agreement or amendment; (g) any interlocal agreement, participation agreement, or cooperation agreement with a developer, builder, or project entity; (h) any authorization for Agency staff to participate in a developer's financing closing, bond sale, or public offering document.

Section 3. Required Written Findings. Prior to any action described in Section 2, Agency staff shall prepare, and the Board of Directors shall adopt, written findings addressing:

- **Fiscal Impact:** The projected net fiscal impact on the Agency, the City, and all participating taxing entities for each phase and in the aggregate, including increment capture, reimbursement obligations, bond exposure, and service costs;
- **School District Impact:** The projected student generation, school capacity impact, and any proposed mitigation or participation agreement with the applicable school district(s);
- **Utility and Infrastructure Impact:** The status of required utility capacity, public improvement commitments, and phasing triggers relative to the proposed Agency action;
- **Police, Fire, and EMS Impact:** The projected demand on public safety services by phase and the adequacy of proposed mitigation;
- **Timing and Performance Risk:** An assessment of whether the developer has met all milestone conditions precedent to the Agency action, including infrastructure completion, inspections, and development agreement compliance;
- **Bond and Reimbursement Risk:** An assessment of the risk that projected tax increment will not materialize at the levels assumed in the reimbursement or bond structure, including absorption, market, and regulatory risks;
- **Increment Exposure:** The total remaining reimbursement exposure relative to current and projected increment capture, by project area and in aggregate;
- **Service Level Impact:** Whether the proposed Agency action is consistent with the City's adopted service level standards and capital improvement plan;
- **Development Agreement Compliance:** Confirmation that the developer is in compliance with all material obligations under any applicable development agreement, phasing plan, or infrastructure commitment as of the date of the proposed Agency action.

Section 4. Mandatory Disclosure Package. As a condition of any Board consideration of an action described in Section 2, Agency staff shall prepare and present to the Board a complete disclosure package including: (a) the current executed development agreement and all amendments; (b) all current and projected reimbursement agreement amounts and payment schedules; (c) all current and projected market studies, absorption studies, and increment projections relied upon in the project financing structure; (d) all interlocal agreements, bond documents, or public finance instruments to which the Agency is a party or in connection with which the Agency has provided or is being asked to provide cooperation; (e) all PID lien and assessment information for the applicable project area; (f) the current infrastructure milestone status for each phase; (g) any developer default notices or cure periods then outstanding.

Section 5. No Staff-Level Authorization of Agency Cooperation. Agency staff are directed that, until the Board has adopted the written findings required by Section 3, no cooperation letter, certification, or reimbursement authorization shall be executed or delivered. This prohibition applies regardless of any developer deadline, financing timeline, or third-party pressure. Questions about deadlines or competing obligations shall be escalated immediately to the City Attorney and the Board Chair.

Section 6. Coordination with City Council Resolutions. This Resolution is adopted as a companion to Vineyard City Council Resolutions Nos. [CORRECTED RESOLUTION NUMBERS SHOULD BE ADDED HERE] CC-2026-01 through CC-2026-06 and shall be interpreted consistently with those Resolutions. In the event of any apparent conflict, the more protective provision shall govern. The Agency's findings requirements under this Resolution shall be coordinated with the City's development agreement, phasing, and utility capacity requirements to ensure a unified, whole-of-government approach to all RDA Project Area development oversight.

Section 7. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Resolution shall take effect immediately upon adoption by the Board of Directors.

PASSED AND ADOPTED by the Board of Directors of the Vineyard City Redevelopment Agency, this _____ day of _____, 2026.

Chair, Vineyard City Redevelopment Agency Board

ATTEST:

Secretary, Vineyard City Redevelopment Agency

IMPLEMENTATION TIMELINE

The following timeline reflects the actions required to fully implement the six City Council resolutions and one RDA Board resolution before the S.B. 284 general effective date of May 6, 2026. This timeline is aggressive by design. The City cannot afford delay.

Action Item	Responsible Party	Deadline
Adopt City Council Resolutions CC-2026-01 through CC-2026-06	City Council	Immediately
Adopt RDA Board Resolution RDA-2026-01	RDA Board	Immediately
City Attorney review of appeal authority structure	City Attorney	April 15, 2026
Precision zoning text audit — findings to Council	Planning Director / City Attorney	April 15, 2026
Review pending lodging/tall-structure approvals for story-height ambiguity	City Attorney	April 15, 2026
Draft Utah City Development Agreement Template — complete	City Attorney / Planning Director	April 22, 2026
Complete Application & Vesting Control Ordinance — 1st Reading	City Attorney	April 22, 2026
Mandatory Development Agreement Ordinance — 1st Reading	City Attorney	April 22, 2026
Infrastructure Phasing Ordinance — 1st Reading	City Attorney / City Engineer	April 22, 2026
Utility Capacity & Water Exaction Methodology — adopt written plan	City Engineer / City Attorney	April 22, 2026
All six implementing ordinances — 2nd Reading and adoption	City Council	April 30, 2026
RDA Cooperation Findings Ordinance — adoption	RDA Board / City Council	April 30, 2026
S.B. 284 general provisions effective date	State of Utah	May 6, 2026
ADU provisions effective date (Section 10-21-304)	State of Utah	October 1, 2026

CRITICAL PATH NOTE

May 6, 2026 is the hard deadline. Any ordinance not adopted before that date provides only prospective protection for new applications submitted after adoption — it will not retroactively protect pending applications that are already in the pipeline. The City must move immediately.

The most time-sensitive actions are: (1) the zoning definitions audit and precision rewrite; (2) the development agreement template for Utah City and other RDA Project Area developments; and (3) the complete application checklist amendments. Those three items are the foundation of every other protection in this packet.

VINEYARD CITY, UTAH
CITY COUNCIL

RESOLUTION NO. 2026-23

A RESOLUTION OF THE CITY COUNCIL OF VINEYARD CITY, UTAH COUNTY, STATE OF UTAH, ESTABLISHING A COMPLETE LAND USE APPLICATION AND APPLICANT VESTING CONTROL POLICY; DIRECTING THE CITY ATTORNEY AND PLANNING DIRECTOR TO PREPARE IMPLEMENTING ORDINANCE AMENDMENTS; AND ESTABLISHING RELATED PROCEDURES

S.B. 284 Counter-Measure No. 1 of 6 — Complete Application & Vesting Control

Adopted: _____, 2026

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute), entitled 'Local Land and Water Modifications,' was passed by the Utah Legislature on March 6–7, 2026, and is expected to take effect on May 6, 2026 (Utah Code Ann. § 68-3-3);

WHEREAS, S.B. 284 provides that a land use applicant is entitled to have its application processed under the land use regulations in effect at the time a 'complete application' is submitted, thereby conferring prospective legal rights upon submission of a complete application (see Utah Code Ann. § 10-9a-509);

WHEREAS, the precise definition of 'complete application' under current Vineyard City ordinance and code does not fully account for the complexity, scale, and multi-phased nature of master-planned projects, large residential communities, transit-oriented developments, public infrastructure reimbursement zones, or developments within or adjacent to Vineyard City redevelopment project areas;

WHEREAS, an insufficiently defined completeness standard creates a risk that large developers will vest rights under favorable regulatory conditions before the City has adequate information to evaluate phasing capacity, utility availability, infrastructure timing, fiscal impact, public safety access, school impact, or the need for a development agreement;

WHEREAS, Utah Code Ann. § 10-9a-509 expressly recognizes that municipalities may establish completeness standards, and requiring adequate supporting materials as a condition of completeness is within Vineyard City's lawful authority;

WHEREAS, the City Council finds that establishing a clear, comprehensive, and prospectively adopted completeness standard is necessary to protect the public health, safety, and welfare of Vineyard City residents and to preserve the City's legitimate regulatory authority in negotiations with large-scale developers;

WHEREAS, the City Council further finds that this policy is consistent with the City's General Plan, its adopted land use regulations, and the purposes of Title 10-9a, Utah Code Annotated;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Vineyard City, Utah County, State of Utah, as follows:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Immediate Policy — Complete Application Standards. Effective immediately upon adoption of this Resolution, no land use application for any of the following project categories shall be deemed 'complete' for purposes of Utah Code Ann. § 10-9a-509 unless all items specified on the City's published application checklist for the applicable project type, as amended by this Resolution and the implementing ordinance described herein, are submitted in final, non-placeholder form: (a) any master-

planned development of five (5) or more acres; (b) any phased development project; (c) any development within a Redevelopment Project Area, Housing and Transit Reinvestment Zone, or Public Infrastructure District; (d) any development for which the applicant has requested, or the City may provide, a public infrastructure reimbursement, tax increment participation, fee credit, or public financing cooperation; (e) any mixed-use, transit-oriented, or transit-adjacent development; (f) any development requiring a development agreement under this Resolution or under any existing City ordinance.

Section 3. Required Completeness Submittals. In addition to all other applicable submittal requirements, a complete application for any project described in Section 2 shall include all of the following:

- A draft development agreement meeting the requirements of Resolution No. CC-2026-02, including all exhibits referenced therein;
- A utility commitment letter from each applicable utility provider (water, sewer, stormwater, secondary water, electrical, gas, telecommunications) confirming available capacity for the proposed project as phased;
- A traffic impact analysis prepared by a licensed engineer covering each phase of the project, including intersection level-of-service analysis and a proposed mitigation schedule;
- A stormwater drainage and master plan prepared by a licensed engineer;
- A phasing plan identifying infrastructure sequence, timing triggers, milestone conditions, and the proposed order of infrastructure construction, acceptance, and certificate-of-occupancy issuance by phase;
- A public safety access and fire apparatus plan, including turnaround geometry, hydrant location, and fire-flow certification by phase;
- A school-impact disclosure identifying the anticipated number of school-age children to be generated by each phase and any proposed mitigation or participation;
- A fiscal impact analysis prepared by a qualified analyst demonstrating the anticipated tax, fee, and service-demand impacts to the City by phase and in total;
- A written identification of all exactions, fee credits, reimbursements, cost-sharing requests, infrastructure advances, reimbursement agreements, or public financing cooperation being requested from the City or any City-affiliated entity;
- A complete list of all governmental entities, improvement districts, public infrastructure districts, community reinvestment agencies, or other public-finance entities that the applicant anticipates will be involved in the project financing structure.

Section 4. No Placeholder Exhibits. No application shall be deemed complete if any required exhibit is submitted in draft, placeholder, 'to be determined,' or incomplete form. The City Recorder, City Planner, and Planning Director are directed to reject as incomplete any application that does not include all required submittals in final form, and to promptly issue a written deficiency notice to the applicant specifying each missing or deficient item.

Section 5. Implementing Ordinance Deadline. The City Attorney, in coordination with the Planning Director, is directed to prepare and present to the City Council for adoption a Complete Application and Vesting Control Ordinance amending Vineyard City Municipal Code to codify the requirements of this Resolution no later than April 30, 2026. The ordinance shall be brought to the City Council for first and second reading with adequate public notice to allow for adoption prior to May 6, 2026.

Section 6. Interim Application of Policy. Until the implementing ordinance is adopted, this Resolution shall constitute interim City policy for purposes of determining application completeness. City staff shall apply the completeness standards set forth herein to all pending and new applications within the project categories identified in Section 2.

Section 7. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of Vineyard City, Utah County, State of Utah, this ____ day of _____, 2026.

Mayor, Vineyard City

ATTEST:

City Recorder, Vineyard City

ROLL CALL VOTE: Ayes: ____ Nays: ____ Abstaining: ____ Absent: ____

VINEYARD CITY, UTAH
CITY COUNCIL

RESOLUTION NO. 2026-24

A RESOLUTION OF THE CITY COUNCIL OF VINEYARD CITY, UTAH COUNTY, STATE OF UTAH, ESTABLISHING A MANDATORY DEVELOPMENT AGREEMENT POLICY FOR LARGE-SCALE, MASTER-PLANNED, AND PHASED DEVELOPMENT PROJECTS; SPECIFYING REQUIRED DEVELOPMENT AGREEMENT TERMS; DIRECTING PREPARATION OF IMPLEMENTING ORDINANCE; AND ESTABLISHING RELATED PROCEDURES

S.B. 284 Counter-Measure No. 2 of 6 — Mandatory Development Agreement Framework
Adopted: _____, 2026

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute) expressly provides that land use infrastructure and building permit requirements in Title 10-9a do not supersede valid, prospectively adopted development agreements or adopted phasing plans between a municipality and an applicant (Utah Code Ann. § 10-9a-509.5);

WHEREAS, development agreements executed by the City on or before May 6, 2026 may preserve certain City conditions and requirements, including restrictions on accessory dwelling units and phased infrastructure obligations, that might otherwise be subject to state override after that date;

WHEREAS, Vineyard City has existing development agreement authority under Utah Code Ann. § 10-9a-604 and its Municipal Code, and the City Council finds that it is both lawful and necessary to require development agreements as a condition of approval for large-scale projects in order to protect the public interest;

WHEREAS, without mandatory development agreement requirements for large-scale projects, the City risks approving large entitlements without enforceable commitments regarding height, massing, density, infrastructure timing, public improvement financing, reimbursement conditions, or default remedies;

WHEREAS, the Utah League of Cities and Towns, through Jared Tingey, Legal Director, participated in the drafting of S.B. 284, signaling that development agreements are intended to remain a primary tool for municipal protection under the bill's framework;

WHEREAS, the City Council finds that a mandatory development agreement policy is necessary, lawful, and consistent with the City's General Plan, the purposes of Utah Code Title 10-9a, and the public health, safety, and welfare of Vineyard City's current and future residents;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Vineyard City, Utah County, State of Utah, as follows:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Mandatory Development Agreement Requirement. Effective immediately upon adoption of this Resolution, no application for approval of any of the following project categories shall be recommended for approval by City staff, presented to the Planning Commission, or brought before the City Council or any land use authority for approval unless a development agreement has been fully negotiated and is presented concurrently for execution: (a) any residential development of fifty (50) or more units; (b) any commercial development of 20,000 or more square feet; (c) any mixed-use development; (d) any phased development project; (e) any development within a Redevelopment Project Area, Housing and Transit Reinvestment Zone, or Public Infrastructure District; (f) any development for which a public infrastructure reimbursement, fee credit, tax increment participation, or public financing

cooperation is anticipated or requested; (g) any development within any existing planned community area within the RDA Project Area.

Section 3. Required Development Agreement Terms. Every development agreement required under Section 2 shall, at minimum, include the following provisions:

- Project description with site plan, legal description, and phasing exhibits;
- Maximum height of all structures stated in feet (not stories alone);
- Maximum number of above-ground habitable stories for each structure type and land use;
- Building envelope exhibits showing massing, podium, tower, and roofline geometry for each phase;
- Density by phase, expressed in both units and floor-area-ratio for applicable commercial and mixed-use components;
- Land use mix by phase, including minimum and maximum percentages for each use category;
- Utility service commitments, including water, sewer, stormwater, secondary water, and electrical, with capacity confirmation and sequencing schedule;
- Infrastructure construction sequence and milestone schedule for each phase, identifying which public improvements are required prior to building permit, certificate of occupancy, or plat recordation for each phase;
- Reimbursement conditions for any eligible public infrastructure, specifying the basis, maximum amount, eligible costs, audit rights, and conditions precedent to reimbursement certification;
- Inspection rights of the City and its designated representatives at all stages of public improvement construction, prior to acceptance and after acceptance;
- Timing triggers and performance deadlines with event-of-default and cure provisions;
- School and public safety mitigation commitments consistent with applicable law;
- Traffic and intersection improvement obligations and triggers;
- Parking and internal circulation standards;
- Construction logistics plan including staging, haul routes, hours of operation, and neighbor-notification requirements;
- Notice-and-cure provisions with stated cure periods;
- City rights and remedies upon event of default, including right to withhold permits, certificates of occupancy, reimbursement certifications, and cooperation with public financing structures;
- Amendment procedure requiring written consent of the City Council by majority vote and public notice;
- Governing law and dispute resolution clause specifying Utah County venue;
- Detached accessory dwelling unit restrictions, if any, to the extent permitted under Utah Code Ann. § 10-21-304 as amended by S.B. 284.

Section 4. Priority of Development Agreement. Consistent with S.B. 284's recognition of development agreements, all City staff, including the City Planner, Planning Director, City Engineer, City Attorney, and any RDA or public finance staff, are directed to treat a duly executed development agreement as the primary governing document for project approvals, infrastructure sequencing, and reimbursement obligations. No City cooperation, certification, or recommendation shall be provided for any project described in Section 2 that does not have a current, fully-executed development agreement.

Section 5. Implementing Ordinance Deadline. The City Attorney, in coordination with the Planning Director, is directed to prepare and present a Mandatory Development Agreement Ordinance codifying the requirements of this Resolution no later than April 30, 2026. The City Attorney is also directed to prepare a standard Vineyard City Development Agreement Template for large-scale projects for City Council approval no later than April 30, 2026.

Section 6. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 7. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of Vineyard City, Utah County, State of Utah, this _____ day of _____, 2026.

Mayor, Vineyard City

ATTEST:

City Recorder, Vineyard City

ROLL CALL VOTE: Ayes: _____ Nays: _____ Abstaining: _____ Absent: _____

VINEYARD CITY, UTAH

CITY COUNCIL

RESOLUTION NO. 2026-25

A RESOLUTION OF THE CITY COUNCIL OF VINEYARD CITY, UTAH COUNTY, STATE OF UTAH, ESTABLISHING AN INFRASTRUCTURE PHASING, PUBLIC IMPROVEMENT SEQUENCING, AND CITY ACCEPTANCE POLICY; TYING CERTIFICATE-OF-OCCUPANCY AND REIMBURSEMENT RIGHTS TO OBJECTIVE INFRASTRUCTURE MILESTONES; AND DIRECTING PREPARATION OF IMPLEMENTING ORDINANCE

S.B. 284 Counter-Measure No. 3 of 6 — Infrastructure Phasing & Acceptance

Adopted: _____, 2026

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute) preserves the enforceability of valid development agreements and adopted phasing plans, meaning that a City-approved phasing plan that ties building permits and certificates of occupancy to objective infrastructure milestones may be enforced even after S.B. 284's effective date of May 6, 2026;

WHEREAS, without prospectively adopted phasing standards, Vineyard City risks the conversion of large-scale developments into occupied buildings before required roads, water, sewer, stormwater, fire access, parks, trails, and other public improvements are constructed, accepted, and operational;

WHEREAS, the risk is particularly acute for existing planned communities within the RDA project area which involve multiple phases, multiple product types, significant public infrastructure reimbursement commitments, a Public Infrastructure District, a Redevelopment Project Area, a Housing and Transit Reinvestment Zone, and concurrent development by multiple builders;

WHEREAS, Utah Code Ann. § 10-9a-505 recognizes the City's authority to adopt phasing standards as part of its land use regulatory framework, and Utah Code Ann. § 10-9a-604 authorizes development agreements to address phasing in binding contractual form;

WHEREAS, the City Council finds that a clear, objective, prospectively adopted infrastructure phasing and acceptance policy is necessary to protect the public health, safety, and welfare of Vineyard City's residents and to ensure that growth pays its own way consistent with the City's General Plan;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Vineyard City, Utah County, State of Utah, as follows:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Infrastructure Phasing Requirement. Effective immediately, no development project described in Resolution No. CC-2026-02, Section 2 shall proceed to building permit issuance, certificate-of-occupancy issuance, or reimbursement certification for any phase unless a City Council-approved phasing plan has been adopted, either through ordinance, condition of approval, or binding development agreement, identifying the public improvements required prior to each such milestone.

Section 3. Required Phasing Plan Content. Every phasing plan shall identify, by phase, the following public improvements required prior to building permit issuance, certificate-of-occupancy issuance, or both, as applicable:

- Roadway and intersection improvements, including pavement, curb, gutter, sidewalk, striping, and traffic control devices, with acceptance by City Engineer;
- Potable water main, service connections, and fire hydrants at required spacing and pressure, with system testing documentation;

- Sanitary sewer mains, laterals, manholes, and lift stations as applicable, with testing documentation;
- Stormwater conveyance, detention, and water quality facilities per the adopted Stormwater Master Plan;
- Secondary water system improvements, if applicable;
- Fire apparatus access roads and turnarounds meeting applicable IFC standards, verified by Fire Department;
- Street lighting installation and energization;
- Parks, trails, and open space improvements required by the applicable project area agreements or development agreement;
- School safe-route improvements required by development agreement or condition of approval;
- Public utility corridor and easement dedications as required.

Section 4. City Acceptance Standards. No public improvement shall be accepted by the City, and no associated reimbursement certification, inspection sign-off, or Phase Completion Certificate shall be issued, until: (a) the City Engineer has certified in writing that all improvements within the phase conform to approved plans, applicable standards, and the development agreement; (b) all as-built drawings have been delivered to the City in required format; (c) all change orders have been reconciled and approved in writing; (d) utility testing documentation has been delivered and verified; (e) an asset registry entry has been made; and (f) the operations and maintenance handoff, including warranties, O&M manuals, and bond or insurance documentation, is complete.

Section 5. No Independent Phasing Amendment Without Council Approval. No amendment to an approved phasing plan shall be effective unless approved by the City Council after public notice. City staff shall not process or honor informal phasing modifications, phase-boundary adjustments, or milestone deferrals without City Council action.

Section 6. Implementing Ordinance Deadline. The City Attorney and City Engineer are directed to prepare and present an Infrastructure Phasing and Public Improvement Acceptance Ordinance codifying the requirements of this Resolution no later than April 30, 2026.

Section 7. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of Vineyard City, Utah County, State of Utah, this _____ day of _____, 2026.

Mayor, Vineyard City

ATTEST:

City Recorder, Vineyard City

ROLL CALL VOTE: Ayes: _____ Nays: _____ Abstaining: _____ Absent: _____

VINEYARD CITY, UTAH
CITY COUNCIL

RESOLUTION NO. 2026-26

A RESOLUTION OF THE CITY COUNCIL OF VINEYARD CITY, UTAH COUNTY, STATE OF UTAH, ESTABLISHING A UTILITY CAPACITY VERIFICATION AND WATER SERVICE FINDINGS POLICY; ADOPTING EXACTION NEXUS AND PROPORTIONALITY STANDARDS; AND DIRECTING PREPARATION OF IMPLEMENTING ORDINANCE

S.B. 284 Counter-Measure No. 4 of 6 — Utility Capacity & Water Exaction Findings

Adopted: _____, 2026

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute), in its 6th and 7th Substitutes, added significant new requirements applicable to water exactions, including a requirement that before imposing a water exaction, a local government must have adopted a written plan for future public water need and must comply with rulemaking by the State Engineer;

WHEREAS, S.B. 284 preserves the authority of municipalities to impose exactions where there is an essential link to a legitimate governmental interest and the exaction is roughly proportionate to the impacts of the proposed development, consistent with *Dolan v. City of Tigard*, 512 U.S. 374 (1994), and *Koontz v. St. Johns River Water Management District*, 570 U.S. 595 (2013);

WHEREAS, all land and other developments within the RDA Project Area represent some of the largest development projects in Vineyard City's history and will place significant and long-term demands on the City's water, sewer, stormwater, and secondary water systems;

WHEREAS, a transparent, well-documented utility capacity verification and exaction methodology is the City's strongest remaining tool to ensure that large-scale development pays for its proportionate share of system improvements and does not impair service to existing residents;

WHEREAS, the City Council finds that establishing clear utility capacity verification standards and an adopted water exaction methodology, consistent with S.B. 284's requirements and constitutional standards, is necessary to protect the public health, safety, welfare, and fiscal sustainability of Vineyard City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Vineyard City, Utah County, State of Utah, as follows:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Utility Capacity Verification Requirement. Effective immediately, no application described in Resolution No. CC-2026-02, Section 2, shall be deemed complete or recommended for approval unless the applicant has submitted, and the City has verified, written commitment letters from each applicable utility provider — including the City's water, sewer, and stormwater systems, and any applicable secondary water authority — confirming that adequate system capacity exists or will exist, with committed funding, by the time each phase is constructed and placed into service.

Section 3. Required Utility Findings. City staff shall prepare written utility capacity findings for every project described in Resolution No. CC-2026-02, Section 2, prior to staff recommendation for approval. The findings shall address: (a) available potable water system capacity, including source, treatment, transmission, and distribution; (b) available sewer collection and wastewater treatment capacity; (c) stormwater conveyance and detention capacity; (d) secondary water system capacity, if applicable; (e)

any system improvement required to serve the project, the party responsible for funding and constructing that improvement, and the timing of such improvement relative to development phasing.

Section 4. Water Exaction Methodology. The City Attorney and City Engineer are directed to prepare, and the City Council shall adopt prior to May 6, 2026, a written plan for future public water need and an exaction methodology document that: (a) identifies the future public water needs attributable to projected growth in Vineyard City's service area; (b) establishes the nexus between each category of water-related exaction and the legitimate governmental interest served; (c) documents the rough proportionality basis for each exaction amount; (d) complies with any rulemaking issued by the State Engineer under S.B. 284; (e) is reviewed and updated annually by the City Council in public session.

Section 5. Exaction Documentation Required for All Projects. Effective immediately, no exaction (including any fee, dedication, improvement, reimbursement obligation, or off-site improvement requirement) shall be imposed on a development project unless City staff has first prepared and the applicable reviewing body has approved written findings demonstrating: (a) the essential nexus between the exaction and a legitimate governmental interest; and (b) the rough proportionality between the exaction and the projected impacts of the proposed development. No exaction shall be imposed based on system-wide deficiencies not attributable to the proposed development.

Section 6. Implementing Ordinance Deadline. The City Attorney and City Engineer are directed to prepare and present a Utility Capacity Verification and Water Exaction Ordinance codifying the requirements of this Resolution no later than April 30, 2026.

Section 7. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of Vineyard City, Utah County, State of Utah, this _____ day of _____, 2026.

Mayor, Vineyard City

ATTEST:

City Recorder, Vineyard City

ROLL CALL VOTE: Ayes: _____ Nays: _____ Abstaining: _____ Absent: _____

VINEYARD CITY, UTAH

CITY COUNCIL

RESOLUTION NO. 2026-27

A RESOLUTION OF THE CITY COUNCIL OF VINEYARD CITY, UTAH COUNTY, STATE OF UTAH, ESTABLISHING AN INDEPENDENT APPEAL AUTHORITY AND ADMINISTRATIVE RECORD POLICY; DIRECTING A ZONING TEXT AUDIT AND PRECISION DEFINITIONS PROGRAM; AND DIRECTING PREPARATION OF IMPLEMENTING ORDINANCES

S.B. 284 Counter-Measure No. 5 of 6 — Appeal Authority, Definitions & Administrative Record

Adopted: _____, 2026

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute) modifies the rules governing land use appeal authorities, including a requirement that the appeal authority shall interpret and apply a land use regulation to favor the applicant unless the regulation plainly restricts the proposed use or development (Utah Code Ann. § 10-9a-701 as amended);

WHEREAS, the practical effect of this change is that any ambiguity in a Vineyard City zoning ordinance, design standard, or land use regulation will be resolved in favor of the applicant on appeal, significantly reducing the City's effective regulatory leverage in contested approvals;

WHEREAS, S.B. 284 also restricts the legislative body from serving as the appeal authority in certain circumstances, meaning Vineyard City must ensure it has an appropriate, independently constituted appeal authority that is not subject to challenge under the new provisions;

WHEREAS, the solution to applicant-favorable interpretation is not to fight S.B. 284 but to eliminate the ambiguity that triggers it, by rewriting vague standards as objective, plainly restrictive, measurable requirements before May 6, 2026;

WHEREAS, a complete and well-preserved administrative record is essential to the City's ability to defend its land use decisions on appeal and in district court review, and a weak record is among the most common reasons cities lose land use appeals under Utah law;

WHEREAS, the City Council finds that establishing a strong, independent appeal authority, conducting a precision zoning text audit, and establishing administrative record requirements are necessary to preserve Vineyard City's lawful regulatory authority under S.B. 284;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Vineyard City, Utah County, State of Utah, as follows:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Independent Appeal Authority. Effective immediately, the City Council directs the City Attorney to review the current constitution and authority of Vineyard City's appeal authority and to present recommendations to the City Council no later than April 15, 2026, addressing: (a) whether the appeal authority is currently structured to comply with S.B. 284's restrictions on legislative bodies serving as appeal authority; (b) whether the appeal authority has sufficient independence, defined jurisdiction, and written procedural rules; (c) what amendments are needed to ensure the appeal authority can receive, preserve, and rule on appeals in compliance with Utah Code Ann. § 10-9a-703 as amended by S.B. 284.

Section 3. Administrative Record Requirements. Effective immediately, for every major land use action within the project categories described in Resolution No. CC-2026-02, Section 2, City staff shall compile and preserve a complete administrative record including: (a) all staff reports, memoranda, technical analyses, and engineering findings; (b) full audio or video recordings of all public hearings,

planning commission meetings, and council deliberations on the application; (c) all exhibits submitted by the applicant and by members of the public; (d) all written communications received by the City regarding the application; (e) written findings adopted by the reviewing body on each material issue; (f) a verbatim or certified transcript of proceedings upon request for appeal.

Section 4. Precision Zoning Text Audit. The Planning Director is directed to conduct a precision zoning text audit of all Vineyard City zoning ordinances applicable to the RDA Project Area, TOD overlay zones, mixed-use zones, and commercial zones, and to present recommended amendments to the City Council no later than April 30, 2026. At minimum, the audit shall define with precision the following terms in objective, measurable language:

- Story and Habitable Story — including methodology for counting stories above grade, below grade, and within a stepped or terraced podium;
- Overall Height — including baseline measurement point, roof element treatment, parapet, mechanical penthouse, and architectural projection rules;
- Building Envelope — including setback, stepback, massing, and bulk plane requirements;
- Tower Element and Podium — including height ratios, floor-plate limits, and setback requirements;
- Phase and Substantial Completion — objective criteria for determining when a phase is substantially complete for phasing plan purposes;
- Complete Application — consistent with Resolution No. CC-2026-01;
- Public Infrastructure and System Improvement — consistent with applicable impact fee methodology;
- Project Improvement — as distinguished from system improvement for exaction and reimbursement purposes.

Section 5. Plain Restriction Standard. The City Council directs that wherever a Vineyard City zoning ordinance intends to restrict a use, height, story count, density, or other development characteristic, the applicable ordinance provision shall be written in plain restrictive language specifying the maximum permitted value in objective, measurable terms. The use of open-ended, discretionary, or subjective standards in place of objective numerical limits is disfavored and shall be minimized in all future ordinance drafting.

Section 6. Implementing Ordinance Deadline. The City Attorney and Planning Director are directed to prepare and present: (a) an Independent Appeal Authority Ordinance; and (b) a Precision Zoning Definitions and Standards Ordinance; for City Council consideration no later than April 30, 2026.

Section 7. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of Vineyard City, Utah County, State of Utah, this ____ day of _____, 2026.

Mayor, Vineyard City

ATTEST:

City Recorder, Vineyard City

ROLL CALL VOTE: Ayes: _____ Nays: _____ Abstaining: _____ Absent: _____

VINEYARD CITY, UTAH
CITY COUNCIL

RESOLUTION NO. 2026-28

A RESOLUTION OF THE CITY COUNCIL OF VINEYARD CITY, UTAH COUNTY, STATE OF UTAH, ESTABLISHING A COMMERCIAL LODGING STRUCTURE HEIGHT, STORY COUNT, AND BUILDING ENVELOPE APPROVAL POLICY; REQUIRING EXPRESS WRITTEN HEIGHT AND STORY METRICS IN ALL LODGING APPROVALS; AND DIRECTING PREPARATION OF IMPLEMENTING ORDINANCE TO PREVENT STORY-HEIGHT AMBIGUITY

S.B. 284 Counter-Measure No. 6 of 6 — Commercial Lodging Height, Story & Envelope Safeguards
Adopted: _____, 2026

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute) added provisions at Utah Code Ann. §§ 10-20-626 and 17-79-621 providing that where a land use authority approved a land use application for a commercial lodging structure on or before September 1, 2025, and the application is subject to conflicting story and height regulations, the local government may not limit the number of above-ground habitable stories within the previously approved maximum height;

WHEREAS, this provision, added in the 7th Substitute, was publicly identified as being tied to an active development dispute in the Town of Francis, Utah, involving a developer's hotel project and a local story-count limit, and represents the Legislature's willingness to insert project-specific carve-outs into state land use law through late-session substitutes;

WHEREAS, the practical risk to Vineyard City is that any future commercial lodging approval that states an overall height without expressly specifying a maximum story count, or that contains ambiguity between story limits and height limits, could be exploited by a developer seeking to maximize stories within an approved height envelope by invoking a state preemption provision;

WHEREAS, the solution is prospective: any commercial lodging approval in Vineyard City, beginning immediately and in all future approvals, must expressly state both (a) the maximum overall height in feet and (b) the maximum number of above-ground habitable stories, with a clear statement that no story count increase within the approved height is authorized without City Council action;

WHEREAS, this policy is consistent with Vineyard City's existing zoning authority, is not preempted by S.B. 284 for future approvals, and is necessary to prevent future controversy of the type publicly associated with the Francis hotel dispute;

WHEREAS, the City Council further finds that establishing express approval metrics for height, story, and envelope geometry in all future lodging and high-rise residential approvals is consistent with the precision standards required by S.B. 284's interpretation rules and is in the best interest of Vineyard City's residents, existing businesses, and planned development;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Vineyard City, Utah County, State of Utah, as follows:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Required Express Approval Metrics for Commercial Lodging and High-Rise Structures. Effective immediately, no approval, conditional use permit, site plan approval, design review approval, or development agreement for any commercial lodging structure, hotel, motel, extended-stay facility, mixed-use structure with lodging, or any residential or mixed-use structure of four (4) or more stories shall be effective unless it expressly states all of the following in the written approval document: (a) the maximum

overall height of the structure in feet, measured from the baseline described in the applicable ordinance; (b) the maximum number of above-ground habitable stories authorized; (c) the treatment of mechanical penthouses, rooftop amenity decks, parapets, and architectural projections, stated in feet; (d) building sections or envelope exhibits prepared by the project architect that are approved as exhibits to the written approval; (e) a statement that the approval does not authorize any increase in the maximum number of habitable stories within the approved maximum height without a subsequent City Council action following public notice and hearing.

Section 3. No Ambiguous Story-Height Approvals. City staff, the Planning Commission, and the City Council are directed that no approval for a structure described in Section 2 shall be processed or recommended as complete if there is any ambiguity between the story limit and the height limit in the approval documents. Any conflict between a story limit and a height limit shall be resolved by the more restrictive provision unless the City Council expressly authorizes a specific exception by written action after public hearing.

Section 4. Retroactive Clarity for Pending Approvals. The City Attorney is directed to review all currently pending and recently approved applications for commercial lodging structures and structures of four or more stories within Vineyard City's jurisdiction to determine whether any such approval creates a story-height ambiguity of the type addressed by this Resolution. The City Attorney shall report findings to the City Council no later than April 15, 2026, and shall recommend any curative action within the City's authority for affected pending applications.

Section 5. Implementing Ordinance Deadline. The City Attorney and Planning Director are directed to prepare and present a Commercial Lodging Height, Story, and Envelope Definition Ordinance for City Council consideration no later than April 30, 2026. The ordinance shall at minimum codify the definitions required by Resolution No. CC-2026-05 and the approval metrics required by this Resolution.

Section 6. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 7. Effective Date. This Resolution shall take effect immediately upon adoption by the City Council.

PASSED AND ADOPTED by the City Council of Vineyard City, Utah County, State of Utah, this _____ day of _____, 2026.

Mayor, Vineyard City

ATTEST:

City Recorder, Vineyard City

ROLL CALL VOTE: Ayes: _____ Nays: _____ Abstaining: _____ Absent: _____

VINEYARD CITY REDEVELOPMENT AGENCY

BOARD OF DIRECTORS

RESOLUTION NO. RDA-2026-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE VINEYARD CITY REDEVELOPMENT AGENCY ESTABLISHING MANDATORY FISCAL IMPACT FINDINGS AND COOPERATION CONDITIONS FOR ALL RDA FINANCIAL PARTICIPATION, TAX INCREMENT REIMBURSEMENT CERTIFICATIONS, HTRZ COOPERATION, PUBLIC INFRASTRUCTURE REIMBURSEMENT, AND RELATED PUBLIC FINANCE ACTIVITIES WITHIN THE VINEYARD/GENEVA STEEL REDEVELOPMENT PROJECT AREAS; AND ESTABLISHING RELATED PROCEDURES

S.B. 284 Counter-Measure — RDA Board | S.B. 284 Companion to City Council Resolutions CC-2026-01 through CC-2026-06

Adopted: _____, 2026

WHEREAS, the Vineyard City Redevelopment Agency (the 'Agency') is organized and existing under the Utah Community Reinvestment Agency Act, Title 17C, Utah Code Annotated, and is authorized to undertake redevelopment, economic development, and tax increment financing activities within designated project areas;

WHEREAS, the Utah City Redevelopment Project Area and related Housing and Transit Reinvestment Zone and Public Infrastructure District represent a significant commitment of public financial resources, including the capture and participation of tax increment revenues from property value growth generated by development within the project area;

WHEREAS, S.B. 284 (2026 Utah General Session, 7th Substitute), while not a direct amendment to Title 17C, alters the land use entitlement environment in ways that materially affect the value, timing, density, and buildable form of projects that generate tax increment within the Agency's project areas;

WHEREAS, specifically, S.B. 284's changes to complete application standards, appeal authority rules, applicant-favorable interpretation requirements, height and story regulations, exaction standards, and development agreement protections all affect the leverage, timing, and conditions under which the Agency cooperates with developers in connection with reimbursement certifications, increment sharing, bond participation, and public finance cooperation;

WHEREAS, the Agency currently lacks comprehensive written findings requirements for RDA financial participation, reimbursement certification, HTRZ cooperation, and public finance coordination activities, creating a risk that Agency staff may provide certifications, cooperation letters, or reimbursement processing without adequate Council or Board-level findings;

WHEREAS, under Title 17C and the Agency's adopted project area plan, the Board of Directors retains authority over the terms and conditions of Agency financial participation, and may lawfully impose findings requirements, financial review conditions, and documentation standards as a condition of any Agency action;

WHEREAS, the Board of Directors finds that establishing mandatory fiscal impact findings, disclosure requirements, and cooperation conditions for all Agency financial participation is necessary to protect the Agency's financial integrity, the City's fiscal health, and the interests of all taxing entities participating in or affected by the Agency's project area activities;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Vineyard City Redevelopment Agency, as follows:

Section 1. Findings. The Board of Directors hereby adopts and incorporates by reference the foregoing recitals and findings as if set forth fully herein.

Section 2. Mandatory Board Findings Before Any RDA Financial Participation. Effective immediately, no Agency staff member, officer, or agent shall sign, submit, certify, recommend, or otherwise process any of the following actions without prior Board of Directors approval by majority vote, following public notice, and adoption of written findings as specified herein: (a) any tax increment reimbursement certification or payment; (b) any HTRZ participation or cooperation letter; (c) any public infrastructure reimbursement certification; (d) any bond cooperation letter, bond-related certification, or statement of Agency support for project financing; (e) any amendment to an existing reimbursement agreement; (f) any increment sharing agreement or amendment; (g) any interlocal agreement, participation agreement, or cooperation agreement with a developer, builder, or project entity; (h) any authorization for Agency staff to participate in a developer's financing closing, bond sale, or public offering document.

Section 3. Required Written Findings. Prior to any action described in Section 2, Agency staff shall prepare, and the Board of Directors shall adopt, written findings addressing:

- Fiscal Impact: The projected net fiscal impact on the Agency, the City, and all participating taxing entities for each phase and in the aggregate, including increment capture, reimbursement obligations, bond exposure, and service costs;
- School District Impact: The projected student generation, school capacity impact, and any proposed mitigation or participation agreement with the applicable school district(s);
- Utility and Infrastructure Impact: The status of required utility capacity, public improvement commitments, and phasing triggers relative to the proposed Agency action;
- Police, Fire, and EMS Impact: The projected demand on public safety services by phase and the adequacy of proposed mitigation;
- Timing and Performance Risk: An assessment of whether the developer has met all milestone conditions precedent to the Agency action, including infrastructure completion, inspections, and development agreement compliance;
- Bond and Reimbursement Risk: An assessment of the risk that projected tax increment will not materialize at the levels assumed in the reimbursement or bond structure, including absorption, market, and regulatory risks;
- Increment Exposure: The total remaining reimbursement exposure relative to current and projected increment capture, by project area and in aggregate;
- Service Level Impact: Whether the proposed Agency action is consistent with the City's adopted service level standards and capital improvement plan;
- Development Agreement Compliance: Confirmation that the developer is in compliance with all material obligations under any applicable development agreement, phasing plan, or infrastructure commitment as of the date of the proposed Agency action.

Section 4. Mandatory Disclosure Package. As a condition of any Board consideration of an action described in Section 2, Agency staff shall prepare and present to the Board a complete disclosure package including: (a) the current executed development agreement and all amendments; (b) all current and projected reimbursement agreement amounts and payment schedules; (c) all current and projected market studies, absorption studies, and increment projections relied upon in the project financing structure; (d) all interlocal agreements, bond documents, or public finance instruments to which the Agency is a party or in connection with which the Agency has provided or is being asked to provide cooperation; (e) all PID lien and assessment information for the applicable project area; (f) the current infrastructure milestone status for each phase; (g) any developer default notices or cure periods then outstanding.

Section 5. No Staff-Level Authorization of Agency Cooperation. Agency staff are directed that, until the Board has adopted the written findings required by Section 3, no cooperation letter, certification, or reimbursement authorization shall be executed or delivered. This prohibition applies regardless of any developer deadline, financing timeline, or third-party pressure. Questions about deadlines or competing obligations shall be escalated immediately to the City Attorney and the Board Chair.

Section 6. Coordination with City Council Resolutions. This Resolution is adopted as a companion to Vineyard City Council Resolutions Nos. [CORRECTED RESOLUTION NUMBERS SHOULD BE ADDED HERE] CC-2026-01 through CC-2026-06 and shall be interpreted consistently with those Resolutions. In the event of any apparent conflict, the more protective provision shall govern. The Agency's findings requirements under this Resolution shall be coordinated with the City's development agreement, phasing, and utility capacity requirements to ensure a unified, whole-of-government approach to all RDA Project Area development oversight.

Section 7. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, the remainder of the Resolution and the application of its provisions to other persons or circumstances shall not be affected.

Section 8. Effective Date. This Resolution shall take effect immediately upon adoption by the Board of Directors.

PASSED AND ADOPTED by the Board of Directors of the Vineyard City Redevelopment Agency, this _____ day of _____, 2026.

Chair, Vineyard City Redevelopment Agency Board

ATTEST:

Secretary, Vineyard City Redevelopment Agency