



**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
October 1, 2026**

The Council of Park City, Utah, will hold its regular meeting in person at the Marsac Municipal Building, City Council Chambers, at 445 Marsac Avenue, Park City, Utah 84060. Meetings will also be available online and may have options to listen, watch, or participate virtually. [Click here for more information.](#)

Zoom Link:

<https://us02web.zoom.us/j/81216203973>

CLOSED SESSION - 2:30 p.m.

The Council may consider a motion to enter into a closed session for specific purposes allowed under the Open and Public Meetings Act (Utah Code § 52-4-205), including to discuss the purchase, exchange, lease, or sale of real property; litigation; the character, competence, or fitness of an individual; for attorney-client communications (Utah Code section 78B-1-137); or any other lawful purpose.

WORK SESSION

4:30 p.m. - Park City Transit 2026-27 Winter Service Plan

5:15 p.m. - Break

REGULAR MEETING - 5:30 p.m.

I. ROLL CALL

II. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments

Staff Communications Reports

1. Land Use Appeal Fee

IV. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from September 17, 2026

V. CONSENT AGENDA

1. Request to Adopt Resolution No. 17-2026, a Resolution Designating October as Breast Cancer Awareness Month in Park City

VI. NEW BUSINESS

1. Consideration to Approve Ordinance No. 2026-21, an Ordinance Enacting Land Management Code Section 15-4-7.2 *Detached Accessory Dwelling Units* to Establish Allowances Required by 2026 Senate Bill 284
(A) Public Hearing (B) Action

VII. ADJOURNMENT

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the City Recorder at 435-615-5007 at least 24 hours prior to the meeting.

***Parking is available at no charge for Council meeting attendees who park in the China Bridge parking structure.**



City Council Staff Communications Report

Subject: Park City Transit 2026-2027 Winter Service Plan
Author: Noam Levinsky, Transit Service Planner
Alex Roy, Assistant Transportation Planning Manager
Department: Transit/Transportation Planning
Date: October 1, 2026
Type of Item: Work Session

Summary

- Park City Transit's 2026-2027 Winter Service Plan aims to improve bus reliability and expand coverage in the Quinn's Junction area.
- The Transportation Department is proposing changes to scheduled bus runtimes that better reflect winter traffic conditions. By varying bus frequencies and scheduled drive times throughout the day, Park City Transit routes can be more efficient and reliable.
- Alternatives for a new service (10-Pink route) to serve the rapidly growing Quinn's Junction area are presented for Council's feedback and direction

Project Background

Park City Transit completes a new service plan each winter to evolve with ski-season transportation conditions. This winter, we aim to address recurring issues with bus reliability and preemptively provide service to the rapidly growing Quinn's Junction area.

On an operational level, Park City Transit plans to improve reliability by adjusting our scheduled runtimes to better address persistent peak-season delays. The new times will reflect real operating conditions that are contingent upon time of day. We also plan to change vehicle scheduling patterns, allowing more recovery time during peak congestion periods and limiting most vehicles to driving a single route, reducing the effect of individual delays on the entire bus network. Finally, we plan to define the frequency of bus routes based on the time it naturally takes them to complete a full route cycle, rather than confining busses to arriving at key stops every 30 minutes (or a similar round number). This allows us to increase frequency on certain routes, reduce wait times, and minimize unnecessary layovers.

We follow the 2022 [Short Range Transit Plan's](#) proposal for a Pink Express route connecting Quinn's Junction with the transfer hub at A-Fresh Market. Our proposal reflects Park City's emergent transit needs, filling an existing gap in service to the hospital, and providing service to the new mixed-use development at Studio Crossing. High Valley Transit (HVT) runs their [102](#) and [106](#) commuter routes to PC Hospital

during morning and evening commuter periods, as well as [microtransit](#) and [paratransit](#) in the Quinn's Junction area, while Park City Transit operates both paratransit and senior mobility service to the area.

Still, there is a midday gap in fixed-route service to key destinations. The proposed winter service plan fills the present service gap with a new fixed-route bus operating in the Quinn's Junction area to meet Park City Council's transit performance goal of 90% housing coverage.

Scheduling

Systemwide, we plan to implement scheduling changes that will improve bus reliability. Currently, our scheduled runtimes remain consistent throughout the day, without accounting for hourly variations in congestion conditions. This winter, we plan to implement scheduled time points based on last winter's runtime data, scheduling drive times around the actual time it takes drivers to complete each route segment.

One consequence of this strategy is that our schedule will shift away from clock-facing headways (e.g. the 1-Red bus arriving at a given stop every 30 minutes), allowing bus frequencies to follow natural cycle times (the observed time it takes a bus to drive its full route, based on our data). In periods when the current schedule has excess padding for congestion/delays, this strategy will produce faster runtimes, higher frequencies, and shorter waits. While scheduled runtimes may be longer during peak congestion periods, mildly reducing bus frequencies, scheduling runtimes according to real-world traffic conditions will improve on-time performance. Our rider's guide and navigation software will still inform riders of the new bus schedule and remain user friendly while improving reliability. We also plan to change vehicle scheduling patterns so that individual vehicles are largely confined to single routes, or routes within a single corridor, reducing the impacts of localized congestion on the entire transit network.

Quinn's Junction Transit Service Alternatives Analysis

We have developed three alternative scenarios for the proposed service to Quinn's Junction (10-Pink route). The proposed service expands Park City Transit's fixed route coverage to include the National Ability Center, Park City Hospital, Studio Crossing (108/380 housing units completed), and athletic facilities at Quinn's Junction. Bus access to the NAC via Gilmor Way is dependent on ongoing legal coordination, so this winter's service may terminate at the Hospital. Each of the alternatives requires different funding levels, equipment, and personnel. The tradeoffs between these alternatives are summarized in Table 1:

	Coverage	Frequency	Estimated Daily Ridership	Estimated Cost/Day	Tradeoffs
Alternative 1	6:30 AM – 10:00 PM	30-35 min.	150	\$1,912.35	-
Alternative 2	8:45 AM – 4:00 PM	30-35 min.	115	\$1,008.33	No early/late Studio Crossing service
Alternative 3	8:45 AM – 4:00 PM	40-45 min.	Reduced 6-Silver ridership + approx. 60 Pink riders	\$0	Reduced 6-Silver frequency and ridership at midday

Table 1: Alternatives Comparison. Ridership is estimated using the proportion of residents in a feasible service area who would use the new 10-Pink to travel the corridor. Assumptions: Base transit mode split of 4%, HVT competes with PCT for ridership, walking-distance catchment area = 0.5 mile radius. Estimates are based on winter demand with no service to NAC.

Stakeholder Outreach

To align proposed 10-Pink service with community needs, staff reached out to Studio Crossing and Park City Hospital to discuss the proposed route. Studio Crossing confirmed their intent to construct a bus stop on the property and reaffirmed their anticipated transit demand from both residential and commercial land uses. Studio Crossing expects an influx of retail employees, retail customers, and additional residents once construction projects are completed in December, anchoring demand for a potential 10-Pink route.

Hospital leadership was enthusiastic about potential fixed-route service, expressing the need for reliable workforce transportation, especially from affordable units at Studio Crossing and Engine House (both of which would be served by the 10-Pink). They also noted that the current midday service gap poses a mobility obstacle for hospital patients, as well as users at the nearby clinics and Peace House.

Alternative 1: Dedicated 10-Pink Route (Full-Day)

Alternative 1 designates a dedicated 10-Pink route using 1 bus running between NAC and A-Fresh Market at a 38-43 minute frequency (30-35 without NAC). The bus would run all day, mirroring the service periods of other commuter busses like the 50-Teal with service between 6:30 AM and 10:00 PM. This is the highest level of service proposed, providing all-day fixed route service to NAC, PC Hospital, and Studio Crossing, as well as high-frequency service to PC Hospital during peak workforce commute periods that overlap with HVT busses. This alternative would be the most expensive, costing about twice as much as Alternative 2. The routing for alternative 1 (and 2) is seen below:

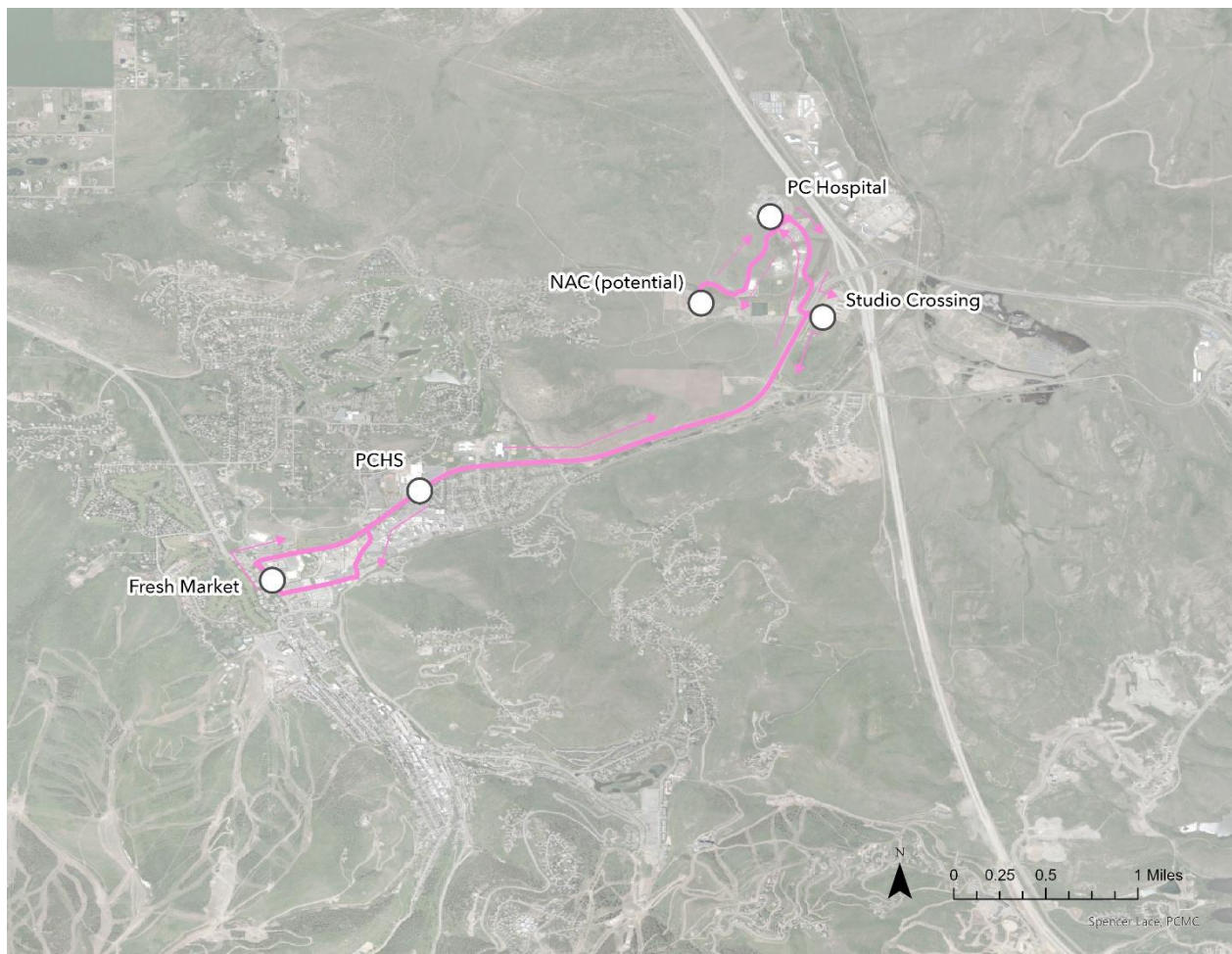


Figure 1: Standalone 10-Pink Routing (Alternatives 1 and 2)

Alternative 2: Dedicated 10-Pink Route (Midday)

Alternative 2 designates a dedicated 10-Pink route using 1 bus running between NAC and A-Fresh Market at a 38-43 minute frequency (30-35 without NAC). Alternative 2, unlike Alternative 1, would run only during HVT's midday service gap from 8:45 AM to 4:00 PM. This moderate level of service to PC Hospital and Studio Crossing fills critical mobility gaps in the Quinn's Junction area during the midday period, although it leaves Studio Crossing without early morning or evening service. Medical workforce would remain reliant on HVT service for morning and evening shift times. Alternative 2 costs half as much as alternative 1, but still fills the key midday service gap the 10-Pink proposal seeks to address.

Alternative 3: Silver Deviation (Mid-day)

Alternative 3 combines the Pink and Silver routes into one, high coverage, low frequency route during the midday service gap. The route would run from OTTC to both NAC and Richardson Flat at 50-55 minute frequencies (40-45 without NAC). As the 6-Silver is primarily a commuter and day-tripper bus, it gets relatively low midday

ridership. This is the lowest proposed level of service and would significantly reduce midday frequencies (and thus ridership) between Richardson Flat and OTTC. The 6-Silver would no longer be an express bus during these midday hours, leaving only the 7 and 8 express busses that serve resort bases from Richardson Flat. However, this alternative produces no new operational costs. The routing is shown below:

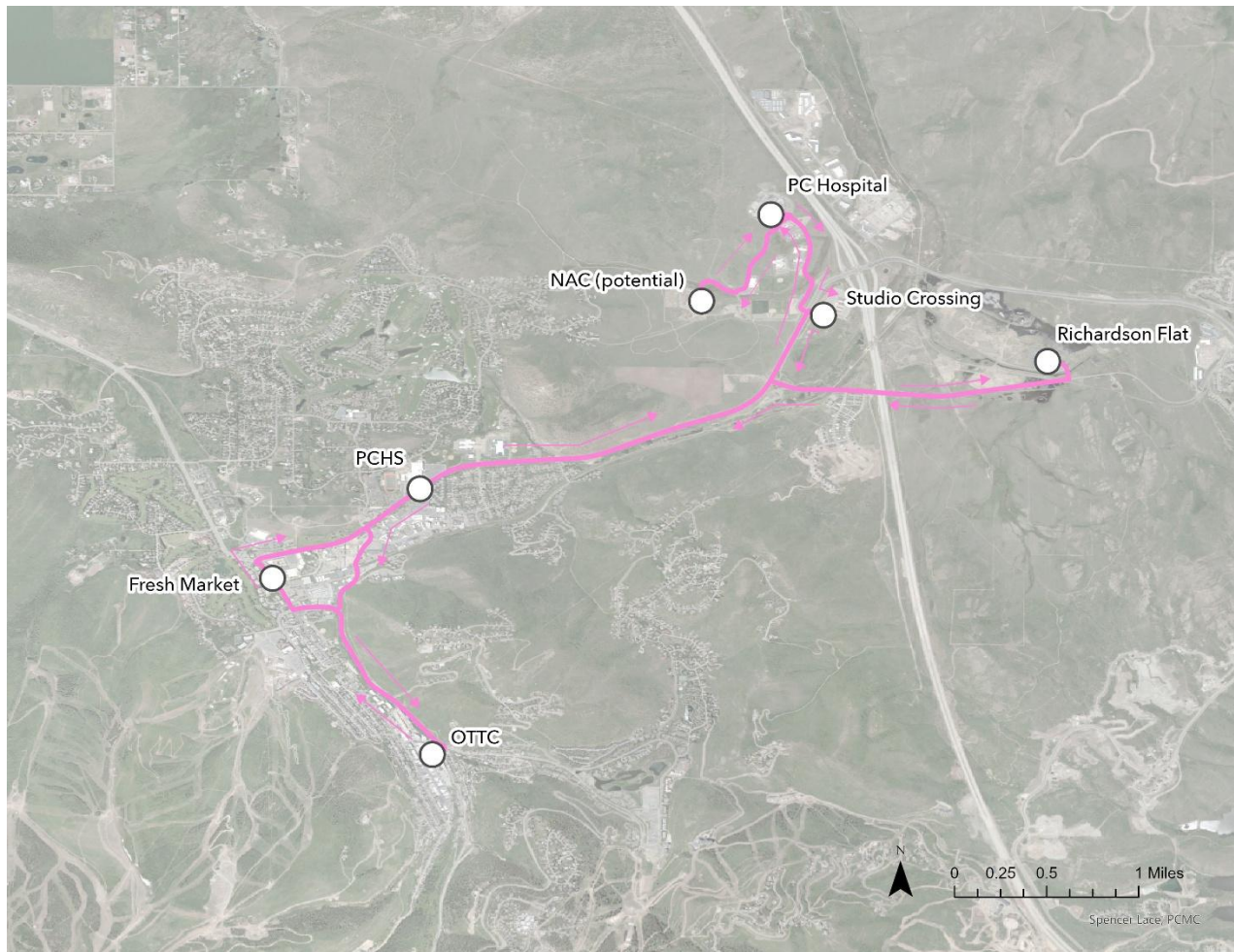


Figure 2: Pink-Silver Loop Routing (Alternative 3)

Direction from Council

We are seeking direction from Council on two items related to the 2026-2027 Winter Service Plan:

- Does Council have questions or feedback regarding the implementation of the Winter 2026/27 scheduling strategy?
- Direction from Council on expanding service to Quinns Junction (NAC, Hospital, and Studio Crossing) via a new 10-Pink route. Which, if any, of the alternatives would council prefer, based on cost estimates and service levels?

City Council Staff Communication



Subject: Land Use Application Appeal Fee
Author: Planning Team
Date: October 1, 2026

Background

On June 11, 2026, the City Council adopted the FY27 Fee Schedule ([Resolution 11-2026](#); [Minutes](#), p. 11) and requested a staff communication on the appeal process to determine whether a future work session on appeal fees should be scheduled.

Decisions on land use applications may be appealed by the applicant, an adversely affected party, or someone who commented during the application review and resides or owns property or business within the City.¹

Those making decisions on land use applications and the appeal authorities are outlined in the table below:

Land Use Authority	Appeal Authority
Planning Staff	Planning Commission
Planning Staff - Historic District Application	Historic Preservation Board
Historic Preservation Board	Board of Adjustment
Planning Commission	Land Use Hearing Officer

According to [the 2025 Park City Fee Study Update](#), the cost for the City to process an appeal is \$2,700. This amount includes:

- Staff time to compile the record and draft a staff report.
- Managing the meeting, including publicly noticing the meeting, publishing the packet, and running the meeting.
- Board member or Commissioner payment (see [Resolution 08-2024 A Resolution Setting Per Diem Rates for Park City Public Bodies](#)).
- Drafting meeting minutes.

Since at least 2010, the cost to file a land use appeal has been maintained at \$500

¹ Land Management Code (LMC) [§ 15-1-18\(D\)](#)

because full cost recovery may create an undue financial hardship for some appellants. The remaining \$2,200 is subsidized by the General Fund.

Staff researched and reached out to other jurisdictions to see how land use appeal fees are handled and learned that most follow the same process the City does by providing a reduced fee. A few communities require a deposit when an appeal is filed and then bill per hour. Any unused hours are refunded to the appellant.²

At the time of the June 11 fee schedule discussion, there had been 19 appeals filed over the past two years and six of those were withdrawn. Of the 13 that were heard, ten were denied and three were granted. Since the June staff report was published, one additional appeal was filed, heard, and denied.

Questions for Council

Revisions to the FY27 Fee Schedule are anticipated later this year. Staff will maintain the \$500 appeal fee and continue to subsidize \$2,200 for each appeal unless Council would instead prefer to:

- Eliminate the \$500 appeal fee and subsidize \$2,700 for each appeal.
- Evaluate options with further discussion at a future work session.

² Please see [the June 11 staff report](#) for additional information.



PARK CITY COUNCIL MEETING MINUTES - DRAFT

**445 MARSAC AVENUE
PARK CITY, UTAH 84060**

September 17, 2026

The Council of Park City, Summit County, Utah, met in open meeting on September 17, 2026, at 1:00 p.m. in the Council Chambers.

Council Member Miller moved to close the meeting to discuss property at 1:03 p.m. Council Member Zegarra seconded the motion.

RESULT: APPROVED

AYES: Council Members Miller, Parigian, and Zegarra

EXCUSED: Council Members Ciraco and Toly

CLOSED SESSION

Council Member Toly arrived at 1:05 p.m. via Zoom. Council Member Ciraco arrived at 1:33 p.m.

Council Member Zegarra moved to adjourn from Closed Meeting at 1:48 p.m. Council Member Parigian seconded the motion.

RESULT: APPROVED

AYES: Council Members Ciraco, Miller, Parigian, Toly, and Zegarra

STUDY SESSION

Housing Study Session:

Sara Wineman, Chris Eggleton, and Ian Joyce, Housing and Economic Development Department, presented this item. Wineman reviewed the history of the City's Housing Resolution and amendments, which required housing obligations. In 2016, a housing goal of 15% of the City's workforce was set, which equaled 800 new housing units for a total of 1,305 units within City limits. By the end of 2025, there were 731 units in operation. At that time, the Council reaffirmed the housing goal and increased the total number of units to 1,864 by 2032. Joyce explained employment growth expectations. Mayor Dickey asked if the growth projection was realistic since it was possible for two ski resort base areas to be built for the Olympics, to which Joyce indicated his numbers were conservative.

1 Council Member Miller asked for an explanation of the 1:1 Housing Ratio. Joyce
2 explained the housing projections were conservative and estimated one City workforce
3 employee would be in each unit. But there was a likelihood that there could be more
4 than one workforce employee living in a unit, and that would increase the ratio. Council
5 Member Parigian asked if the 15% workforce housing goal could consider that more
6 than one City employee would live in some of the units, and he suggested considering a
7 1.1 ratio per unit. Mark Harrington, Senior City Attorney, stated the Council should also
8 consider the developer rate when looking at the affordable housing policy. If the rate
9 was reduced for the housing goal, then there could be requests for it to be reduced in
10 the Land Management Code.

11
12 Council Member Ciraco felt a goal was needed, but the City was putting a constraint on
13 itself by setting a specific number. He knew J1s (seasonal employees) occupied some
14 of the rental units during the winter. Eggleton felt seasonal employment could be added
15 to the projections. Council Member Ciraco thought the seasonal workers negatively
16 affected the year-round availability in the rental market. He suggested going to the
17 resort and lodging employers who used seasonal workers to see how the City could
18 help them. Council Member Toly noted there was a seasonal workforce committee and
19 they gathered information. She asked Jeff Jones to run numbers a few months ago and
20 he said there were 16,000 jobs, but a worker could have more than one job. Eggleton
21 stated they could come back with expanded numbers to include the seasonal workforce
22 and Park City and Summit County workforce, and then have a discussion on the ratio
23 for housing production. Mayor Dickey asked to also know the impact of the seasonal
24 workforce and incorporate that into the Housing Needs Assessment. Eggleton
25 confirmed that the resorts had annual leases on apartments that were only used for four
26 months of the year by their seasonal employees.

27
28 Joyce stated the City needed 863 more affordable units to reach its goal. Wineman
29 reviewed the Housing Needs Assessment and indicated it was last updated in 2021. For
30 the next assessment, they would also focus on attainable housing and analyzing
31 regional trends in addition to demand and affordability.

32
33 Wineman also reviewed the State Moderate Income Housing Plan which was updated
34 in 2025, and the 2025 General Plan as it pertained to Housing. Council Member Miller
35 asked what the stakes were for implementing affordable housing. Wineman stated the
36 schools were losing students, traffic was more congested from out-of-town commuters,
37 there were not enough emergency services personnel living locally, and employment
38 retention had decreased because employees didn't feel part of the community.

39
40 Wineman stated the Housing Needs Assessment would help with goal setting. She
41 noted there was not a lot of data compared to other communities such as Salt Lake
42 City, and they really had to dig to get it. Council Member Toly noted that in 2022, the
43 Council discussed a regional housing authority and proposed four affordable housing
44 developments based on the Housing Needs Assessment numbers. One of those
45 projects was now completed. Mayor Dickey asked that the new assessment include

1 regional competition for workforce and the likely effects that would have on the City in
2 terms of housing and the economy. He wanted to quantify the challenge. Council
3 Member Ciraco asked for an estimate of workers driving from Heber City or Deer Valley
4 East Village. He thought the most acute employment sector would be the mid- to upper-
5 level range, based on discussions he had with some of the resorts. He asserted that
6 housing was missing for that middle segment of workers.

7
8 Council Member Toly stated there was a big need for attracting firefighters in Park City
9 and housing would help with that. Council Member Parigian indicated many people
10 chose to live where they are. He didn't know if the missing middle could be defined, and
11 he felt the lower AMI housing was needed the most. He wanted to attack affordable
12 housing broadly. Wineman stated the missing middle was the attainable category of
13 housing, and she indicated they wanted to focus on all levels of affordability. Eggleton
14 stated they would include seasonal workers, worker characterization for the City, and
15 types of earnings for the next housing assessment.

16
17 Joyce discussed properties owned by the City that could be considered for affordable
18 housing. Council Member Toly noted the State Legislature encouraged cities to have a
19 complete list of all their properties. Wineman reviewed the challenges for each of the six
20 parcels that might be able to accommodate housing, including 7700 Marsac Avenue
21 (Mine Bench property), Sandridge Parking Lot, Marsac 100, Sommer Parcel next to the
22 Rail Trail, Aerie Parcel on Deer Valley Drive, and Clark Ranch. Other affordable housing
23 projects included EngineHouse, Woodside Phase II, and the Bonanza 5-Acre Project.

24
25 Mayor Dickey asked if Council wanted to revisit the 15% housing goal. Council Member
26 Ciraco asked what the right number was, considering the population and land
27 constraints. Mayor Dickey indicated there could be a stress test on what the City could
28 accommodate. Council Member Miller referred to Aspen, Colorado, and the trouble they
29 had with staffing their community to accommodate the tourists and their way of life.
30 Council Member Ciraco thought workers living a few miles outside the City limits should
31 be considered. Council Member Zegarra asked if there could be too much affordable
32 housing and he asked to know what types of workforce currently lived in the City's
33 affordable housing.

34
35 Council Member Parigian didn't think the City could attain the 15% goal, especially with
36 community opposition. He thought the City could talk to Vail about their planned
37 affordable housing and noted the Holiday Village/Parkside Apartments (HOPA) project
38 would add more affordable units. He didn't want to reevaluate the goal, but he wanted to
39 try to reach it. Wineman stated that with the completion of Bonanza 5-Acre and Clark
40 Ranch, the City would still be short of the goal. Council Member Ciraco wanted to set a
41 number that didn't frighten the residents. Council Member Toly asserted the affordable
42 units would not only be for workforce but for grandparents and those who grew up here
43 but could not afford to live here once they left home. Mayor Dickey wanted to look at a
44 rental versus for-sale unit ratio. Council Member Miller also encouraged an analysis of
45 infill and how that would affect traffic. Council Member Toly indicated a business could

put housing above it and that could be considered infill. Mayor Dickey suggested having residents fill out a survey of their views on housing. He felt in general the residents supported it, but when the City tried to implement it, then there was pushback. He wanted to understand that better. He also wanted to learn more about the large employers providing their own employee housing and what that responsibility was. Wineman stated this was good feedback as they developed a scope for the Housing Needs Assessment. There was discussion on moving forward with Woodside Park Phase II and the Council agreed they would have to wait until the Planning Commission approved the Senior Center before committing further. Council Member Toly suggested looking at Allison Kuhlow's presentation of putting tiny homes on that property. Council Member Ciraco asked to look at budgetary constraints to housing, and thought the public might have concerns with the City funding two big housing projects at the same time.

Council Member Zegarra wanted to look at nightly rentals and how those were assessed. He also wanted to know what City controls existed for those units. It was indicated that could be discussed at a future work session. Mayor Dickey felt nightly rentals impacted neighborhoods because full time residents were not there. Jodi Emery, Deputy City Manager, indicated this year they would be putting out the National Community Survey and local questions could be added.

WORK SESSION

Golf Master Plan Discussion:

Vaughn Robinson and Dawn Wagner, Golf Department, and David Boyden, working with Beddo and Boyden Architects, were present for this item. Robinson stated the irrigation system had reached the end of its life span. From the golf course study, there were several suggested improvements, and the irrigation system was the top priority. Robinson also recommended replacing the greens and fairways to mitigate an invasive grass species. He reviewed the survey he sent out and noted he received over 300 responses.

Robinson indicated that if the entire plan was enacted, they would replace irrigation, reconstruct 18 putting greens, renovate the tee complexes, renovate bunkers, adjust the fairway and roughs, improve the drainage, improve cart paths, create an expanded short game facility, have water-conscious landscape, and continue to accommodate winter Nordic operations.

Boyden reviewed the proposed changes to the front nine holes design and the back nine holes design. Robinson discussed the costs for each element of the project. Council Member Parigian stated the golf course consultant estimated the irrigation replacement at \$3 million and asked why the current estimate was \$6 million. Robinson stated he had talked with a few golf courses in Salt Lake City that recently replaced their irrigation systems and \$6 million was in line with the actual replacement costs. Wagner indicated the total project cost would be \$15 million, which would include design,

1 contingency, and soft costs. The cost would be divided into FY27, FY28, and FY29.
2 Todd Darrington, Budget Director, stated this proposal was double what was budgeted,
3 so they would have to find more funds to cover the cost. Council Member Ciraco stated
4 Golf was an enterprise fund, which had to be autonomous from the City. He asked what
5 revenue increases could be implemented to pay for this project. He gave an example of
6 the new irrigation system lowering water costs, and he asked if higher fees could be
7 assessed for the visitor golfer. Darrington indicated he could look at everything that
8 could reduce costs and raise revenue. Boyden recommended breaking up the
9 construction into a two-season schedule, but he noted they could do it in one year.

10
11 Council Member Ciraco asked if TCS, the consultant, had suggestions on how to draw
12 more revenue. Robinson noted there were some suggestions that he could try. Council
13 Member Ciraco asked if the course would be better with conditioning, to which it was
14 indicated that it would. Council Member Miller asked how hard it was to mitigate the
15 invasive grass. Robinson stated he tried to get rid of it, but it didn't work. Council
16 Member Miller asked how much water efficiency would be gained from the new
17 irrigation. Robinson stated the efficiency was getting water where you wanted it. Boyden
18 estimated a 10%-20% cost savings. Council Member Toly asked if re-seeding the
19 course could be done internally. Robinson stated reseeding in-house could save
20 money, but he would know more when the bids came in. Council Member Toly asked if
21 there were proposed changes to the driving range, to which Boyden stated no. Council
22 Member Toly asked if there was anything that was not needed. Robinson stated once
23 the project started, all the improvements should be made.

24
25 Council Member Zegarra asked if there was a projected revenue loss during
26 construction, to which Robinson stated they estimated a 60% revenue reduction. For
27 operations, it would go down a little. Council Member Parigian asked what was driving
28 the replacement of the irrigation system. Tony Larsen, Golf Department, stated some
29 lines had exploded and that caused problems. Also, leaks would take a while to find.
30 The system had aged out. Council Member Parigian asked when the invasive grass
31 would come back after the replacement. Robinson stated it would start coming back in
32 the fairways within a year, but it would be controlled in the greens. Council Member
33 Parigian asked about snowmaking for the Nordic track, to which Robinson estimated it
34 would cost \$3 million to lay separate water lines for Nordic skiing. Council Member
35 Parigian asked what the goal of the project was, to which Robinson stated increased
36 revenue and to have a better course.

37
38 Council Member Ciraco asked how much money was spent to this point, to which
39 Wagner stated the master plan contract was \$95,000 and 75% had been spent. Council
40 Member Ciraco did not want to do the full project at this point. He requested to see data
41 on costs saved or more revenue as a result of the project. Darrington stated he could
42 start digging into the numbers and then make a recommendation if they need outside
43 help. Council Member Miller agreed with Council Member Ciraco and wanted to
44 incorporate the snowmaking ability. She asked to see a plan to self-fund big
45 maintenance projects and future improvements at the course.

1 Council Member Toly agreed with Council Members Ciraco and Miller. She didn't want
2 all the money to be spent and not do snowmaking. Council Member Zegarra asked how
3 this project compared in priority to other recreation capital projects in front of the Council
4 at this time. Council Member Ciraco noted there was a pattern of out-of-town guests
5 playing golf, so he would want a more encompassing point of view of the comparison.
6 Council Member Zegarra asked what projects wouldn't be done if the Council said yes
7 to this project. Council Member Parigian asked what the residents would get out of
8 spending \$15 million. He thought the course was great right now. Robinson stated they
9 would get 30 more years of a much better experience. He thought the investment was
10 worth it. Council Member Parigian favored moving forward with the project. Mayor
11 Dickey stated the individual holes could be reviewed at a future discussion. He was
12 interested in the future treatment of the golf course, whether it should remain an
13 enterprise fund or be considered as another recreation activity. Council Member Ciraco
14 agreed that would be a good discussion.

15
16 Mayor Dickey summarized that the next discussion would focus on budget, business
17 case, the ongoing financial model and conceptual design of the golf course, holes, and
18 snowmaking for Nordic and the cost burden for that. Council Member Parigian asked for
19 options for the project and the corresponding cost per option. Margaret Plane asked
20 when the enterprise fund/recreation model cost discussion should happen and if that
21 would be a budget discussion. Council Member Ciraco stated he would like that to be
22 discussed first with the business case on this investment. He thought the maintenance
23 costs would continue to increase since the system was so old. The golf course was
24 currently profitable, but would become less profitable as time went on. Mayor Dickey
25 agreed that should be considered in the business case discussion.

26
27 **Discuss Proposed Rental Fees and Policies for The MINE at City Park, Park City**
28 **Library, and Miner's Hospital:**

29 Jessica Moran, Recreation Marketing Manager, and Angela Dohanos, Assistant Library
30 Director, presented this item. Moran stated the MINE would be finished by mid-
31 December. The Recreation Department also took over the Miner's Hospital rentals, so
32 she wanted to align the rental fees of these facilities with the library, depending on the
33 features of the meeting spaces. They would have a resident/non-profit rate and a
34 visitor/commercial rate, and these facilities could be rented hourly or per day. They
35 looked at City facilities as well as other facilities in the state for pricing. She reviewed
36 the rental policies.

37
38 Council Member Parigian asked what dark days meant. Dohanos explained it was the
39 setup day, but the event was not until the next day. Council Member Parigian asked
40 how they determined a nonprofit organization. Moran indicated they considered
41 charitable organizations for the nonprofit category, but not HOAs, which also qualify as
42 a nonprofit. She noted an HOA would be considered local anyway.

43
44 Council Member Toly stated many groups would want to rent this space and she felt the
45 rates were too low. She recommended looking at how much conference space was

1 being charged at hotels and at ski towns. She asked how corporate events would know
2 that this was a park and that kids would be playing. Moran stated they would be
3 strategic in rental times and would communicate the other things that would be
4 happening at the same time. Council Member Toly asked if the facility was set up for
5 music, to which Moran affirmed. Council Member Toly asked what types of furniture
6 would be provided. Moran referred to the MINE and stated the rental agreement
7 included verbiage on additional cleaning or replacement of damaged items.

8
9 Moran asked what balance she should target or if she should create another category.
10 Council Member Toly felt the higher rates should only be for corporate events. She
11 asked where people would park. Moran stated there was limited parking. With events
12 that would exceed parking capacity, they would communicate the need for transit/ride
13 share. They would keep an eye on that and make adjustments as needed. Council
14 Member Toly asked if this would be rented out for weddings, to which Moran stated the
15 occupancy rates would have a lot to do with it, but they would not deny those types of
16 events. Council Member Toly was concerned that this would become an event space
17 instead of being used for recreation as it was intended.

18
19 Moran reviewed a proposed weekly calendar of what activities would take place at the
20 MINE. She asserted the spaces for rental were limited compared to the times allotted
21 for recreation and City sponsored events. Council Member Miller supported the
22 proposed focus and eligible uses for the facilities. She was interested to hear the follow-
23 up to Council Member Toly's suggestions. The Council supported the focus. Mayor
24 Dickey and Council Member Parigian agreed there was a bigger revenue opportunity.

25
26 **Discuss the Basketball Court Wall at the MINE at City Park:**

27 Jessica Moran and Dawn Wagner, Recreation Department, presented this item. Moran
28 stated the wall was part of the original design, but now that it was built, it changed the
29 view. She displayed different photos of the wall. The purpose of the wall was to be a
30 defined acoustical barrier. In the future, it could be used as a wall ball court or a movie
31 screen. The wall was also considered for a future mural. She noted basketball players
32 asked for a barrier between the court and the playground.

33
34 Moran noted if the wall was removed, the cost would be \$112,996. This was not in the
35 budget so a funding source would need to be identified. She gave three options for the
36 Council's consideration: keep the wall, re-evaluate the wall after the project completion,
37 or modify or remove the wall now.

38
39 Council Member Miller stated that cost was if everything went right, and asked how
40 much it would cost for a basketball court rebuild if something was damaged in the
41 deconstruction of the wall. Ken Fisher, Recreation Director, indicated he didn't have an
42 exact number, but the tennis court needed post tension slabs and it was over \$250,000.
43 Council Member Miller asked for the order of operations to change the wall. Wagner
44 stated the contractor would close the trail and they had an order of operations to follow.

Council Member Ciraco asked if the wall would be padded on the basketball side, to which Moran stated she would have to look at that.

Council Member Parigian thought the wall was not part of the post tension construction. He asked why the wall would only be reduced to three feet and stated it could be lower than that, and a fence could be constructed on top of it. Fisher stated a planter was on the other side of the wall and dirt would fall out onto the court. Council Member Parigian supported lowering the wall because the MINE building was big and cut the park in half. The cost was insignificant compared to the 50-year life expectancy of the building. He knew it was a profanity wall, but the sound would carry anyway. He knew there were other uses for it, but the problem was that this was a park and there were a lot of activities going on. He felt people wouldn't be able to see everything going on, and thought the wall was not appropriate for this setting.

Council Member Zegarra noted that Council Member Parigian had good points, but he was concerned about the cost. He wanted to see the wall when the project was completed before deciding. Council Member Ciraco stated he didn't love the wall placement and wished it was done differently. It got in the way for a few seconds as he walked past it on the trail. He was inclined to live with it for a year and then reassess it then. He asked for padding for the wall. He had concerns with the retaining wall on the path and thought that would encourage graffiti. He asked for that retaining wall to be finished. Council Member Miller didn't like the wall, but it looked better as the project neared completion. She was also concerned about the cost. She agreed the prudent thing to do would be to wait until the project was finished before deciding. Council Member Toly also agreed the project should be finished before deciding. She hoped to see a mural on the side of the wall. She noted the wall would keep playground noises away from the basketball court too.

Mayor Dickey summarized that the Council's direction was to wait for the project to be completed and then re-evaluate.

REGULAR MEETING

I. ROLL CALL

Attendee Name	Status
Mayor Ryan Dickey Council Member Bill Ciraco Council Member Molly Miller Council Member Tana Toly (via Zoom) Council Member Diego Zegarra Adam Lenhard, City Manager Margaret Plane, City Attorney Michelle Kellogg, City Recorder	Present

Council Member Ed Parigian	Excused
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II. PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)

Mayor Dickey opened the meeting for any who wished to speak or submit comments on items not on the agenda.

Katherine Fagin stated project renderings caused misunderstandings. She hadn't seen a rendering with the view of the mountain with the three- and four-story buildings on Bonanza Park. She also noted having City Hall with a little park might be warranted for the Bonanza 5-Acres.

Jonathan Warden eComment: "Please distinguish the goal—helping local workers afford stable housing in our community—from the means of achieving it. Alongside subsidized-unit counts, please measure workers housed, housing stability, and public cost. Compare new construction with helping workers rent existing homes using those same measures."

Mayor Dickey closed the public input portion of the meeting.

III. COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF

Council Questions and Comments:

Council Member Ciraco sent his best wishes to Bruno the Police K-9, for his successful surgery. Chief Carpenter thanked the community for their support and outpouring of love shown to Bruno since his accident. Council Member Miller congratulated Leslie Thatcher on her retirement from KPCW.

Staff Communications Reports:

1. Climate Smart Communities Initiative Grant for Scaling Biochar:

IV. CONSIDERATION OF MINUTES

1. Consideration to Approve the City Council Meeting Minutes from September 3, 2026:

Council Member Ciraco moved to approve the City Council meeting minutes from September 3, 2026. Council Member Zegarra seconded the motion.

RESULT: APPROVED

AYES: Council Members Ciraco, Miller, Toly, and Zegarra

EXCUSED: Council Member Parigian

V. CONSENT AGENDA

1. Request to Authorize the City Manager to Execute a Professional Services Agreement with Raftelis, in a Form Approved by the City Attorney's Office, Not to Exceed \$89,850 to Conduct a Water Rate Study:

2. Request to Execute a Construction Agreement with Envision Mechanical, in a Form Approved by the City Attorney's Office, Not to Exceed \$259,353.36 for HVAC System Modifications at the 3Kings Water Treatment Plant:

Council Member Zegarra moved to approve the Consent Agenda. Council Member Miller seconded the motion.

RESULT: APPROVED

AYES: Council Members Ciraco, Miller, Toly, and Zegarra

EXCUSED: Council Member Parigian

Council Member Ciraco moved to close the meeting to discuss personnel at 5:59 p.m. Council Member Miller seconded the motion.

RESULT: APPROVED

AYES: Council Members Ciraco, Miller, Toly, and Zegarra

EXCUSED: Council Member Parigian

Council Member Zegarra moved to adjourn from Closed Meeting at 6:28 p.m. Council Member Ciraco seconded the motion.

RESULT: APPROVED

AYES: Council Members Ciraco, Miller, Toly, and Zegarra

EXCUSED: Council Member Parigian

VI. ADJOURNMENT

With no further business, the meeting was adjourned.

Michelle Kellogg, City Recorder

City Council Staff Report

Subject: Breast Cancer Awareness Month
Author: Michelle Kellogg, City Recorder
Department: Executive
Date: October 1, 2026



Recommendation

Pursuant to a staff request and the consent from three or more City Councilors, consider approving a resolution designating October as Breast Cancer Awareness Month in Park City.

Executive Summary

Breast cancer is one of the most common cancers in the United States and around the world. In the U.S., one in eight women, or approximately 13%, will be diagnosed with breast cancer in their lifetime. While it is much less common, men can also develop breast cancer, accounting for about 1% of all breast cancer cases.

This year, approximately 382,640 women in the United States will be diagnosed with breast cancer. Thanks to advances in early detection and treatment, more than 4 million breast cancer survivors are living in the U.S. today. Many people diagnosed with breast cancer go on to complete treatment and live long, healthy lives.

Breast cancer death rates have declined 44% since 1989 among U.S. women. The progress is attributed to improvements in early detection and treatments. Breast Cancer Awareness Month helps raise awareness so individuals will take preventative measures such as regular screening, mammograms, and self-examinations.

Opportunity

The community is encouraged to recognize this month by wearing pink awareness symbols, sharing educational information on prevention, and supporting ongoing local and national efforts to defeat breast cancer. The Park City Police Department proudly demonstrates its commitment to this cause by wearing pink badges throughout the month of October to show solidarity with those affected.

Exhibits

Exhibit A: Breast Cancer Awareness Month Resolution

Resolution No. 17-2026

**A RESOLUTION DESIGNATING OCTOBER AS
BREAST CANCER AWARENESS MONTH IN PARK CITY**

WHEREAS, October is nationally and internationally recognized as Breast Cancer Awareness Month to raise public awareness of breast health, early detection, and prevention; and

WHEREAS, breast cancer is one of the most common forms of cancer diagnosed in individuals, affecting countless families, survivors, and communities; and

WHEREAS, early detection through regular screenings, mammograms, and self-examinations significantly increases treatment success rates and saves lives; and

WHEREAS, we honor the strength of those currently battling breast cancer, remember loved ones lost to the disease, and recognize the tireless dedication of caregivers, medical professionals, and researchers; and

WHEREAS, the Park City Police Department proudly demonstrates its commitment to this cause by wearing pink badges throughout the month of October to show solidarity with those affected; and

WHEREAS, Park City seeks to encourage all community members to learn about health risks, support local screening initiatives, and promote wellness resources;

NOW, THEREFORE, BE IT RESOLVED that Park City Council hereby proclaims the month of October as Breast Cancer Awareness Month; and

BE IT FURTHER RESOLVED that our community is encouraged to recognize this month by wearing pink awareness symbols, sharing educational information on prevention, and supporting ongoing local and national efforts to defeat breast cancer.

PASSED AND ADOPTED this 1st day of October, 2026.

PARK CITY MUNICIPAL CORPORATION

Mayor Ryan Dickey

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

City Attorney's Office

City Council Staff Report



Subject: Detached Accessory Dwelling Units
Application: PL-26-07037
Author: Planning Team
Date: October 1, 2026
Type of Item: Legislative – Land Management Code Amendment

Recommendation

(I) Review draft Ordinance No. 2026-21 to enact Land Management Code (LMC) § 15-4-7.2 to address Detached Accessory Dwelling Units (DADUs) that will be allowed on Single-Family Dwelling (SFD) lots 11,000 square feet or larger through state code that takes effect on October 1, 2026, (II) conduct a public hearing, and (III) consider approving Ordinance No. 2026-21.

Description

Applicant: Planning Department

Location: All SFD lots 11,000 square feet or larger

Section Enacted: 15-4-7.2 *Detached Accessory Dwelling Units*

Reason for Review: The Planning Commission reviews proposed amendments to the LMC, conducts a public hearing, and forwards a recommendation to the City Council. The City Council conducts a public hearing and takes Final Action.¹

DADU	Detached Accessory Dwelling Unit
IADU	Internal Accessory Dwelling Unit
LMC	Land Management Code
SFD	Single-Family Dwelling

Terms that are capitalized as proper nouns throughout this staff report are defined in LMC [§ 15-15-1](#).

Background

Accessory Dwelling Units (ADUs) have been called Accessory Apartments in the City since they were first allowed in the 1990s. An Accessory Apartment is a self-contained apartment with cooking, sleeping, and sanitary facilities created by adding on to or within a detached SFD or detached garage.² In 2002 (Ordinance No. 02-07), 2007 (Ordinance No. 07-49), and most recently 2021 ([Ordinance No. 2021-51](#)), the City updated and revised Accessory Apartment regulations outlined in Land Management Code (LMC) [§ 15-4-7](#). These regulations are geared toward City goals with

¹ LMC [§ 15-1-7](#)

² LMC [§ 15-15-1](#) *Definitions*

consideration of the City's neighborhoods and unique mountain town community.

In 2021, [policy research](#) and [a community survey](#) were completed regarding Accessory Apartments and potential LMC amendments to reduce barriers to and incentivize construction of these smaller rental units. On December 16, 2021, the City Council adopted [Ordinance No. 2021-51](#) to update the Accessory Apartment code and:

- Reduced the minimum size allowance from 400 to 280 square feet.
- Removed a 300-foot radius buffer limiting Accessory Apartment development.
- Increased the required rental period from 30 to 90 days.
- Removed the requirement that the property owner live on site.
- Allowed detached Accessory Apartments on lots 3,750 square feet or greater.
- Allowed Accessory Apartments in the Community Transition Zoning District (Park City Heights neighborhood).
- Established staff-level rather than Planning Commission review.

Also in 2021, the Utah legislature adopted [HB 82 Single-Family Housing Modifications](#) creating Internal Accessory Dwelling Units (IADUs)—an ADU created within the footprint of a primary Single-Family Dwelling—requiring municipalities to allow these in most residential Zoning Districts. As a result, on September 23, 2021, the City Council adopted [Ordinance No. 2021-38](#), creating LMC [§ 15-4-7.1](#), the most restrictive code allowed by the state. This is in part because the state prohibits municipalities from regulating the size of an IADU in relation to the SFD,³ meaning, in effect, the SFD can be converted into a Duplex while only providing minimal on-site parking.

This year, the Utah Legislature adopted [SB 284 Local Land and Water Modifications](#) (Exhibit B) requiring municipalities to allow Detached Accessory Dwelling Units (DADUs)—an ADU that is not attached to or within a primary detached SFD. DADU allowances take effect October 1, 2026.

This report outlines (I) proposed amendments to the LMC to adopt the most restrictive DADU code allowed by the state and (II) potential pilot programs that could be evaluated to incentivize ADUs with recommended considerations from the Planning Commission.

(I) The proposed amendments to address Detached Accessory Dwelling Units are the most restrictive allowed by the state.

[SB 284](#) defines a DADU as an ADU that is not attached to or within a primary detached SFD and located on the same lot or parcel as the primary SFD.⁴

[SB 284](#) enacts Utah Code [§ 10-21-304 Detached accessory dwelling units](#), effective October 1, 2026, requiring municipalities to allow DADUs in all Zoning Districts where SFDs are allowed. Municipalities must also provide a permitting process for DADUs on

³ Utah Code [§ 10-21-303 Internal accessory dwelling units](#)

⁴ Utah Code [§ 10-21-101\(9\)](#)

Single-Family lots 11,000 square feet or larger that contain a SFD.

- The City may not require:
 - A Conditional Use Permit for a DADU.
 - More than two parking spaces for a DADU 650 square feet or larger.
 - More than one parking space for a DADU that is less than 650 square feet.
- The City may:
 - Require compliance with dimension, height, and maximum lot coverage.
 - Require compliance with setbacks with consideration of proximity to property lines and other structures, easements, window orientation, massing, or other elements.
 - Require the design to be consistent with the SFD.
 - Prohibit DADUs from being larger in size than the Dwelling.
 - Prohibit DADUs from being constructed within a public utility easement or other recorded easement.
 - Prohibit DADUs in a front-yard area.
 - Prohibit rentals less than 90 consecutive days.
 - Require the owner to reside in the DADU.
 - Prohibit more than one DADU on a Lot.
 - Prohibit a DADU if there is not adequate access to required utility service or a utility service does not have sufficient capacity.

On July 8, 2026, the Planning Commission reviewed the draft LMC amendment and continued the discussion to a date uncertain ([Packet](#), Item 5.H; [Minutes](#), p. 53). On August 12, 2026, a work session on the topic was scheduled, but the Planning Commission continued it to a later date due to a late meeting ([Packet](#), Item 6.A; [Minutes](#), p. 43). On August 26, 2026, the Planning Commission again discussed the proposed LMC amendment and supported staff's recommendation to enact the most restrictive code allowed by the state ([Packet](#), Item 6.A; [Minutes](#), p. 30). On September 23, 2026, the Planning Commission is scheduled to conduct a public hearing. An update on their formal recommendation will be provided during the October 1 City Council meeting because this report published prior to the Planning Commission meeting.

(II) Many communities have established pilot programs to incentivize Accessory Dwelling Unit construction. If considered by the City Council, the Planning Commission cautions that any such program should ensure that the units serve their intended purpose as rentals.

Even with reduced Accessory Apartment regulations and state pre-emption on ADUs, the City has not seen a substantial increase in ADU construction. At the time of the 2021 Accessory Apartment updates, the City had approved approximately 40 units up to that time. Each year, the City must provide a report to the state outlining ADU construction for that year. As of last year, the City had approved a total of 47 units, meaning only seven ADUs have been built in the past five years.

The [General Plan](#) Strategy 1A is to provide a range of housing options at varying price

levels that address a tiered approach (affordable, attainable) to provide diverse housing options for all ages and groups of the population and recommends [the following action](#):

Consider an Accessory Apartment toolkit that establishes pre-approved plans and evaluates the potential for pre-fabrication and a pilot program for installations (p. 39).

The LMC may not be the obstacle to ADUs. Designing and constructing an ADU can be expensive. To help reduce costs, many communities have established pre-approved plans that property owners can use for construction of ADUs. These pre-approved plans allow for special consideration of community character and compatible infill. For example, [Boise, Idaho](#) provides eight pre-approved detached ADU plans that range from as small as 280 square feet to 695 square feet. [Woodstock, Georgia](#) provides pre-approved plans for ADUs above a garage, attached to a garage, and detached. [Montrose, Colorado](#) provides three pre-approved ADU plans including tiny homes (The Retreat), ADUs above a garage (The Perch), and ADUs attached to existing SFDs (The Loft).⁵

Additionally, communities have created the following to support ADU installations:

- Establishment of [an ADU Loan Program](#).
- Providing [technical assistance](#) to property owners to support ADU construction.
- Providing property owners with [a financial incentive](#) to install an ADU.
- [Purchasing pre-fabricated ADUs in bulk](#) to reduce costs and to install in partnership with participating property owners.

As part of the proposed DADU code amendments, the Planning Commission reviewed potential pilot programs that could be recommended for consideration to the City Council. The Planning Commission cautions that if considered, special care be given to require that the ADU serves its intended purpose and is rented.

Over the years, the Planning Commission has reviewed several applications to amend plats to increase allowable square footage or areas of disturbance to accommodate an ADU. However, upon review, it has been found that the intent of constructing the ADU is to increase usable square footage for the residents and not to provide a rental unit.

No direction or action is requested on potential pilot programs at this time. The Planning team will check back in on the issue during future LMC work plan reports unless otherwise prioritized by the City Council.

Department Review

The Planning Department, Executive Department, and City Attorney's Office reviewed this report.

⁵ See also [San Jose, California](#); [New York, New York](#); [Salt Lake City, Utah](#).

Notice

Staff publicly noticed the proposed amendments in accordance with ministerial notice for updates to align with state law as outlined in LMC [§ 15-1-21](#).

Public Input

Staff did not receive any public input at the time this report was published.

Alternatives

The City Council may:

- Adopt Ordinance No. 2026-21.
- Deny Ordinance No. 2026-21 and allow baseline state regulations to apply.
- Request additional information and continue the discussion to a date certain.

Exhibits

A: Draft Ordinance No. 2026-21

Attachment 1 – Land Management Code Redlines

B: Senate Bill 284

ORDINANCE NO. 2026-21

**AN ORDINANCE ENACTING LAND MANAGEMENT CODE SECTION 15-4-7.2
DETACHED ACCESSORY DWELLING UNITS TO ESTABLISH ALLOWANCES
REQUIRED BY 2026 SENATE BILL 284**

WHEREAS, the Utah Legislature passed Senate Bill 284 *Local Land and Water Modifications* during the 2026 General Session;

WHEREAS, Senate Bill 284 establishes requirements for municipalities to allow Detached Accessory Dwelling Units on single-family lots 11,000 square feet or larger in those zones where single-family dwellings are permitted;

WHEREAS, Senate Bill 284 allows municipalities to enact limited regulations for Detached Accessory Dwelling Units;

WHEREAS, on July 8, 2026, the Planning Commission reviewed the draft Land Management Code amendment to enact Section 15-4-7.2 *Detached Accessory Dwelling Units*, conducted a public hearing, and continued the discussion to a date uncertain;

WHEREAS, on August 26, 2026, the Planning Commission conducted a work session on the proposed amendments and provided feedback;

WHEREAS, on September 23, 2026, the Planning Commission conducted a public hearing and forwarded a _____ recommendation for City Council consideration;

WHEREAS, on October 1, 2026, the City Council conducted a public hearing;

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah, as follows:

SECTION 1. AMEND MUNICIPAL CODE OF PARK CITY TITLE 15 LAND MANAGEMENT CODE. The recitals are incorporated herein as Findings of Fact. Municipal Code of Park City Title 15 Land Management Code Section 15-4-7.2 *Detached Accessory Dwelling Units* is hereby enacted as outlined in Attachment 1.

PASSED AND ADOPTED THIS 1st day of October 2026.

PARK CITY MUNICIPAL CORPORATION

Ryan Dickey, Mayor

Attest:

City Recorder

Approved as to form:

City Attorney's Office

ATTACHMENT 1

15-4-7.2 Detached Accessory Dwelling Units

A. CRITERIA FOR USE.

1. **ZONING**. Applicants proposing a Detached Accessory Dwelling Unit may apply for an Administrative Permit in Zoning Districts where a Single-Family Dwelling is an allowed use.

2. **SIZE**. One Detached Accessory Dwelling Unit may be constructed on a Lot that is 11,000 square feet or greater that contains one Single-Family Dwelling subject to Zoning in this Section.

3. **HEIGHT**. Detached Accessory Dwelling Units shall not exceed a maximum Building Height of eighteen feet (18') from Existing Grade.

4. **SITE RESTRICTIONS**. Detached Accessory Dwelling Units shall comply with Zoning District regulations and the Area of Disturbance, Limits of Disturbance, and any other regulation indicated on the recorded plat or other governing documents that are more restrictive than the underlying Zoning District regulations.

5. **LOCATION**. Detached Accessory Dwelling Units are prohibited in the front yard area.

6. **UTILITIES**. Applicants proposing a Detached Accessory Dwelling Unit must demonstrate adequate access to required utility services, including sanitary sewer, culinary water, electrical, and storm water, and that such utility service has sufficient capacity to support the Detached Accessory Dwelling Unit.

7. **PARKING**. Two (2) Parking Spaces per Detached Accessory Dwelling Unit 650 square feet or larger or one (1) Parking Space per Detached Accessory Dwelling

Unit less than 650 square feet must be provided on site in addition to the existing requirement for the Single-Family Dwelling. Parking Spaces for Detached Accessory Dwelling Units need not be covered and may be provided in tandem subject to one of the following criteria:

a. One (1) Parking Space for a Detached Accessory Dwelling Unit may be provided in tandem if the existing driveway length equals or exceeds twenty-five feet (25') as measured from the Property Line. Parking is permitted only within approved garages and on paved driveways.

b. One (1) Parking Space for a Detached Accessory Dwelling Unit may be provided in tandem to preserve existing Significant Vegetation and when all other parking alternatives are undesirable.

c. **Historic Districts.** One (1) tandem Parking Space for a Detached Accessory Dwelling Unit proposed in any residential Historic District may be provided when the Applicant has secured an Administrative Permit and Planning staff has made the following findings:

1. Tandem parking will not create an undue hardship for the neighborhood.

2. Other parking options are less desirable than the proposed tandem space.

3. Reasonable efforts, such as automatic garage door openers, lease provisions, and/or limitation of garage storage have been made to encourage the Use of all Off-Street Parking.

47 **8. SINGLE-FAMILY DWELLINGS DESIGNATED SIGNIFICANT OR HISTORIC**
48 **ON THE PARK CITY HISTORIC SITES INVENTORY.** Detached Accessory

49 Dwelling Units require a Historic District Design Review Application for Single-
50 Family Dwellings designated Landmark or Significant Historic Sites on the Park
51 City Historic Sites Inventory for compliance with Chapter 15-13 *Regulations for*
52 *Historic Districts and Historic Sites*. Detached Accessory Dwelling Units within a
53 Historic Zoning District that are not historic require a Historic District Design
54 Review Pre-Application.

55 **9. REQUIREMENTS FOR REVIEW.** The Applicant for a Detached Accessory
56 Dwelling Unit must submit a floor plan, architectural elevations, and Site plan with
57 the Administrative Permit.

58 **10. OWNERSHIP.** The Single-Family Dwelling shall be occupied by the Owner,
59 and the Detached Accessory Dwelling Unit shall not be sold separately.

60 **11. DEED RESTRICTION.** A deed restriction “Notice to Purchaser” must be filed
61 with the County Recorder, which states:

62 “A permit for a Detached Accessory Dwelling Unit was issued to
63 _____, the current Owner of this Property on _____. This
64 permit runs with the land and is automatically transferred to the new Owner by
65 the sale or transfer of this Property, provided however, if the Use by the new
66 Owner does not continue to comply with the conditions of approval, the permit
67 may be invalidated by the Planning Department pursuant to Section 15-4-7.2(C).
68 Prospective purchasers should be advised that only one (1) unit on the Property
69 may be rented; the other must be occupied by the Owner. The Owner shall

strictly adhere to all the conditions of approval and the prohibition of the rental of either Dwelling Unit for short term rentals of less than ninety (90) days.”

12. **NIGHTLY RENTALS**. Neither the Single-Family Dwelling nor Detached Accessory Dwelling Unit may be rented for less than ninety (90) days.

13. **HOMEOWNERS ASSOCIATION NOTIFICATION**. All Applicants submitting an Administrative Permit for a Detached Accessory Dwelling Unit shall be subject to the Homeowner Association notification requirements established in Section 15-1-12(F).

B. **REVIEW**. Applicants shall submit a complete Administrative Permit application to the Planning Department for a Detached Accessory Dwelling Unit and pay the Application fee as established by the fee schedule. The Planning Department shall review and take Final Action on Administrative Permits for Detached Accessory Dwelling Units pursuant to Section 15-1-8.

C. **PERMIT REVOCATION**. The Planning Department may revoke an Administrative Permit for a Detached Accessory Dwelling Unit for non-compliance with the criteria of this Section. The permittee may appeal the determination pursuant to Section 15-1-18.

Local Land and Water Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Jill Koford

LONG TITLE

General Description:

This bill modifies provisions related to local land use and water planning.

Highlighted Provisions:

This bill:

- defines terms;
- amends requirements for a modified feasibility request related to a proposed municipal incorporation;
- clarifies standards for county and municipal land use regulations and requirements;
- modifies requirements for an ordinance establishing a planning commission;
- modifies planning commission powers and duties;
- modifies the process for reviewing and approving a new or unlisted business use;
- establishes requirements for regulating structure height;
- requires a county or municipal legislative body to make a decision on a proposed land use regulation if the planning commission fails to make a timely recommendation;
- requires counties, municipalities, and special districts to adopt a written plan, beginning on January 1, 2028, for determining the reasonable future water requirement of the public before imposing a water exaction (written plan);
- requires the state engineer to make rules to establish standards for the written plan;
- addresses exaction for water and a land use authority's review of a land use application;
- modifies the requirement to place certain infrastructure completion assurances in an interest-bearing account;
- 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;
- requires a specified municipality to allow a detached accessory dwelling unit as a permitted use in certain zones;
- clarifies notice requirements for a proposed county land use ordinance that is ministerial in nature;
- modifies a county's authority to deny an applicant a building permit or certificate of occupancy if the applicant has not completed an infrastructure improvement; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:**AMENDS:**

10-2a-106 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapter 224 and further amended by Revisor Instructions, Laws of Utah 2023, Chapter 224

10-2a-206 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 518

10-2a-220 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 518

10-3-702 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 354

10-20-102 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-301 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-302 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-501 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-502 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 15

10-20-507 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

62 First Special Session, Chapter 15
63 **10-20-806 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
64 First Special Session, Chapter 15
65 **10-20-807 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
66 First Special Session, Chapter 15
67 **10-20-902 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
68 First Special Session, Chapter 15
69 **10-20-910 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, First Special Session,
70 Chapter 15
71 **10-20-911 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
72 First Special Session, Chapter 15
73 **10-20-1001 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
74 First Special Session, Chapter 15
75 **10-20-1101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
76 First Special Session, Chapter 15
77 **10-20-1106 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
78 First Special Session, Chapter 15
79 **10-20-1107 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
80 First Special Session, Chapter 15
81 **10-20-1109 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
82 First Special Session, Chapter 15
83 **10-21-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
84 First Special Session, Chapter 15
85 **13-43-205 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
86 Session, Chapter 15
87 **17-79-102 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
88 First Special Session, Chapter 14
89 **17-79-205 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
90 First Special Session, Chapter 14
91 **17-79-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
92 First Special Session, Chapter 14
93 **17-79-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,
94 First Special Session, Chapter 14
95 **17-79-501 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 14

17-79-502 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 14

17-79-507 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 14

17-79-706 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 14

17-79-707 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 14

17-79-803 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 14

17-79-811 (Effective 05/06/26), as enacted by Laws of Utah 2025, First Special Session,

Chapter 14

17-79-812 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 14

17-79-901 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 14

17-79-1001 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 14

17-79-1006 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 14

17-79-1007 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 14

17-79-1009 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 14

17B-1-120 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapters 15, 255

63I-2-210 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special

Session, Chapter 15

63I-2-217 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special

Session, Chapter 7

73-1-4 (Effective 05/06/26) (Partially Repealed 12/31/30), as last amended by Laws of

Utah 2024, Chapter 233

ENACTS:

10-20-625 (Effective 05/06/26), Utah Code Annotated 1953

10-20-626 (Effective 05/06/26), Utah Code Annotated 1953

10-20-912 (Effective 05/06/26), Utah Code Annotated 1953

10-21-304 (Effective 10/01/26), Utah Code Annotated 1953

17-79-621 (Effective 05/06/26), Utah Code Annotated 1953

17-79-813 (Effective 05/06/26), Utah Code Annotated 1953

REPEALS AND REENACTS:

10-20-1105 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,
First Special Session, Chapter 15

17-79-1005 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025,
First Special Session, Chapter 14

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

Section 1. Section 10-2a-106 is amended to read:

10-2a-106 (Effective 05/06/26). Feasibility request filed before changes to law take effect.

(1) If an individual files a feasibility request for incorporation of a city or town before May 14, 2019, the process for incorporating the city or town is not subject to Laws of Utah 2019, Chapter 165 or Laws of Utah 2023, Chapter 224, and is instead subject to the municipal incorporation law in effect on the day on which the individual files the feasibility request.

(2) If an individual files a feasibility request for incorporation of a city or town before May 3, 2023[;] :

(a) except as provided in Subsection (2)(b), the process for incorporating the city or town is not subject to Laws of Utah 2023, Chapter 224, and is subject to the municipal incorporation law in effect on the day on which the individual files the feasibility request; and

(b) the process and requirements for filing a modified feasibility request on or after May 6, 2026, shall be in accordance with the law in effect on the day on which the individual or an incorporation sponsor files a modified feasibility request.

Section 2. Section 10-2a-206 is amended to read:

10-2a-206 (Effective 05/06/26). Modified feasibility request -- Supplemental feasibility study.

(1) As used in this section, "specified landowner" means the same as that term is defined in Section 10-2a-204.5.

- 164 ~~[(1)]~~ (2)(a) The sponsors of a feasibility request may modify the request to alter the
165 boundaries of the proposed municipality and refile the modified feasibility request
166 with the county clerk if:
- 167 (i) the results of the feasibility study do not comply with Subsection 10-2a-205(5)(a);
168 or
169 (ii)(A) the feasibility request complies with Subsection 10-2a-201.5(4)(b);
170 (B) the annexation petition described in Subsection 10-2a-201.5(4)(b) that
171 proposed the annexation of an area that is part of the area proposed for
172 incorporation has been denied; and
173 (C) an incorporation petition based on the feasibility request has not been filed.
- 174 (b)(i) The sponsors of a feasibility request may not file a modified request under
175 Subsection ~~[(1)(a)(i)]~~ (2)(a)(i) more than 90 days after the day on which the
176 feasibility consultant submits the final results of the feasibility study under
177 Subsection 10-2a-205(2)(c)(iii).
- 178 (ii) The sponsors of a feasibility request may not file a modified request under
179 Subsection ~~[(1)(a)(ii)]~~ (2)(a)(ii) more than 18 months after filing the original
180 feasibility request under Section 10-2a-202.
- 181 (c)(i) Subject to Subsection ~~[(1)(c)(ii)]~~ (2)(c)(ii), each modified feasibility request
182 under Subsection ~~[(1)(a)]~~ (2)(a) shall comply with Subsections 10-2a-202(1), (3),
183 (4), and (5) and Subsection 10-2a-201.5(4).
- 184 (ii) Notwithstanding Subsection ~~[(1)(c)(i)]~~ (2)(c)(i), a signature on a feasibility request
185 filed under Section 10-2a-202 may be used toward fulfilling the signature
186 requirement of Subsection 10-2a-202(1)(a) for the feasibility request as modified
187 under Subsection ~~[(1)(a)]~~ (2)(a), unless the modified feasibility request proposes
188 the incorporation of an area that is more than 20% larger or smaller than the area
189 described by the original feasibility request in terms of:
- 190 (A) private land area; or
191 (B) assessed fair market value of private real property, as of January 1 of the
192 current year.
- 193 (d) Within 20 days after the day on which the county clerk receives the modified
194 request, the county clerk and the lieutenant governor shall follow the same procedure
195 described in Subsections 10-2a-204(1) through (6) for the modified feasibility request
196 as for an original feasibility request.
- 197 ~~(e)(i) If a sponsor files a modified feasibility request that includes an area of land that~~

was not included in the original feasibility request, the county clerk shall, within seven days after the day on which the sponsor files the modified feasibility request with the lieutenant governor, identify any new specified landowners located within the added area of land and mail written notice to each of the new specified landowners.

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

(A) describe the added area of land; and

(B) state that a specified landowner who owns land within the added area may request exclusion of the land from the proposed incorporation boundaries by filing a request for exclusion with the county clerk within 30 days after the day on which the county clerk mails the notice.

(f)(i) A specified landowner who owns land within the added area described in Subsection (2)(e)(i) may request exclusion of the land from the proposed incorporation boundaries by filing a request for exclusion with the county clerk within 30 days after the day on which the county clerk mails the notice described in Subsection (2)(e)(i).

(ii) The county clerk shall process a request for exclusion filed under Subsection (2)(f)(i) in accordance with Subsections 10-2a-204.5(3) through (7), except that the deadlines calculated from the first public hearing in Section 10-2a-204.5 shall instead be calculated from the day on which the county clerk mails notice described in Subsection (2)(e)(i).

[(e)] (g) Within 10 days after [a] the day on which the time period for a specified landowner to request exclusion under Subsection (2)(f) expires, or if a sponsor files a modified feasibility request that does not include a new area of land, within 10 days after the sponsor files the modified feasibility request[is filed], the lieutenant governor shall:

(i) estimate the cost of a supplemental feasibility study under this section; and

(ii) provide the estimated cost to the feasibility request sponsors.

[(f)] (h) Within 20 days after the lieutenant governor provides the estimated supplemental feasibility study cost, the feasibility request sponsors shall pay the estimated cost to the lieutenant governor for a supplemental feasibility study conducted on or after May 1, 2024.

[(2)] (3) The timely filing of a modified feasibility request under Subsection [(1)] (2) gives the modified feasibility request the same processing priority under Subsection

10-2a-204(7) as the original feasibility request if the feasibility request sponsors pay the estimated cost of the supplemental feasibility study as required in Subsection ~~[(1)(e)]~~ (2)(e).

~~[(3)]~~ (4) ~~[Within]~~ Except as provided in Subsection (5), within 10 days after the day on which the lieutenant governor receives payment of the estimated supplemental feasibility study cost, the lieutenant governor shall commission the feasibility consultant who conducted the feasibility study to conduct a supplemental feasibility study that accounts for the modified feasibility request.

(5) If a modified feasibility request includes an area of land that was not included in the original feasibility request, the lieutenant governor may not commission a supplemental feasibility study under Subsection (4) unless:

(a) the deadline for filing a request for exclusion described in Subsection (2)(f) has passed; and

(b) the county clerk and lieutenant governor have issued a final determination on any request for exclusion filed in accordance with Subsection (2)(f).

~~[(4)]~~ (6) The lieutenant governor shall require the feasibility consultant to:

(a) submit a draft of the supplemental feasibility study to each applicable person with whom the feasibility consultant is required to consult under Subsection 10-2a-205(3)(c) within 30 days after the day on which the feasibility consultant is engaged to conduct the supplemental study;

(b) allow each person to whom the consultant provided a draft under Subsection ~~[(4)(a)]~~ (6)(a) to review and provide comment on the draft; and

(c) submit a completed supplemental feasibility study, to the following within 45 days after the day on which the feasibility consultant is engaged to conduct the feasibility study:

(i) the lieutenant governor;

(ii) the county legislative body of the county in which the incorporation is proposed;

(iii) the contact sponsor; and

(iv) each person to whom the consultant provided a draft under Subsection ~~[(4)(a)]~~ (6)(a).

~~[(5)]~~ (7) If the results of the supplemental feasibility study do not comply with Subsection 10-2a-205(5)(a):

(a) the process to incorporate the area that is the subject of the supplemental feasibility study may not proceed; and

(b) a feasibility request under Section 10-2a-202 may not be filed within 18 months after the date of the supplemental feasibility study if the feasibility request proposes the incorporation of an area included within the area described in the supplemental feasibility study.

Section 3. Section **10-2a-220** is amended to read:

10-2a-220 (Effective 05/06/26). Costs of incorporation -- Fees established by lieutenant governor.

(1)(a) There is created an expendable special revenue fund known as the "Municipal Incorporation Expendable Special Revenue Fund."

(b) The fund shall consist of:

- (i) appropriations from the Legislature;
- (ii) payments that feasibility request sponsors make to the lieutenant governor under Subsections 10-2a-205(1)(b) and 10-2a-206(1)(f); and
- (iii) fees the lieutenant governor collects and remits to the fund under this section.

(c) The lieutenant governor shall deposit all money collected under this section into the fund.

(2)(a) The lieutenant governor shall establish a fee in accordance with Section 63J-1-504 for a cost incurred by the lieutenant governor or the county for an incorporation proceeding, including:

- (i) a request certification;
- (ii) a petition certification;
- (iii) publication of notices;
- (iv) public hearings;
- (v) all other incorporation activities occurring after the elections; and
- (vi) any other cost incurred by the lieutenant governor or county in relation to an incorporation proceeding.

(b) A cost under Subsection (2)(a) does not include a cost incurred by a county for holding an election under Section 10-2a-210.

(3) Subject to Subsections 10-2a-205(1)(b) and [~~10-2a-206(1)(f)~~] 10-2a-206(2)(h), the lieutenant governor shall pay for a cost described in Subsection (2)(a) using funds from the Municipal Incorporation Expendable Special Revenue Fund.

(4)(a) A newly incorporated municipality shall:

- (i) pay to the lieutenant governor each fee established under Subsection (2) for each cost described in Subsection (2)(a) incurred by the lieutenant governor or the

- 300 county;
- 301 (ii) pay the county for a cost described in Subsection (2)(b); and
- 302 (iii) reimburse feasibility request sponsors the cost the feasibility request sponsors
- 303 paid for:
- 304 (A) a feasibility study under Section 10-2a-205; and
- 305 (B) any supplemental feasibility study under Section 10-2a-206.
- 306 (b) The lieutenant governor shall execute a payback agreement with each new
- 307 municipality for the new municipality to pay the fees described in Subsection (4)(a)
- 308 over a period that, except as provided in Subsection (4)(c), may not exceed five years.
- 309 (c) If necessary, the lieutenant governor may extend a fee payment deadline beyond the
- 310 deadline described in Subsection (4)(b) by amending the payback agreement
- 311 described in Subsection (4)(b).
- 312 (d) The lieutenant governor shall deposit each fee the lieutenant governor collects under
- 313 Subsection (4)(a)(i) into the Municipal Incorporation Expendable Special Revenue
- 314 Fund.
- 315 (5) If the lieutenant governor expends funds from the Municipal Incorporation Expendable
- 316 Special Revenue Fund that are not repaid to the lieutenant governor under Subsection
- 317 (4)(a)(i) because an area did not incorporate as a municipality, the Legislature shall
- 318 appropriate money to the fund in an amount equal to the funds that are not repaid.
- 319 Section 4. Section **10-3-702** is amended to read:
- 320 **10-3-702 (Effective 05/06/26). Extent of power exercised by ordinance.**
- 321 [(1) As used in this section, "open house" means an event held by a homeowner, including
- 322 an event in association with a real estate agent, architect, builder, or developer, to
- 323 showcase a home, including the outdoor landscaping around the home.]
- 324 [(2)] (1)[(a) Except as provided in Subsection (2)(b), the] The governing body of a
- 325 municipality may pass any ordinance to regulate, require, prohibit, govern, control or
- 326 supervise any activity, business, conduct or condition authorized by this title or any
- 327 other provision of law.
- 328 [(b)(i) The governing body of a municipality may not regulate an open house
- 329 differently than a residential use.]
- 330 [(ii) Any ordinance regulating an open house differently than a residential use is
- 331 void.]
- 332 [(3)] (2)(a) An officer of the municipality may not be convicted of a criminal offense
- 333 where the officer relied on or enforced an ordinance the officer reasonably believed

334 to be a valid ordinance.

335 (b) It shall be a defense in any action for punitive damages over the enforcement of an
336 invalid ordinance if the official:

337 (i) acted in good faith in enforcing an ordinance; or

338 (ii) enforced an ordinance on advice of legal counsel.

339 Section 5. Section **10-20-102** is amended to read:

340 **10-20-102 (Effective 05/06/26). Definitions.**

341 As used in this chapter:

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

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

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

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

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

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

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

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

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

362 (a) a single project; and

363 (b) the subject of a land use approval that:

364 (i) sponsors of a referendum timely challenged in accordance with Section 20A-7-601;
365 and

366 [~~e~~] (ii) is determined to be legally referable under Section 20A-7-602.8.

367 (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)(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.

(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.

(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

- 504 the municipality; and
- 505 (iii) describe a building that:
- 506 (A) is located on land zoned the same as the land on which the building described
- 507 in the previously approved plans is located;
- 508 (B) has a substantially identical floor plan to a floor plan previously approved by
- 509 the municipality; and
- 510 (C) does not require any engineering or analysis beyond a review to confirm the
- 511 submitted floor plans are substantially identical to a floor plan previously
- 512 approved by the municipality or a review of the site plan and associated
- 513 geotechnical reports for the site.
- 514 (b) "Identical plans" include floor plans that are oriented differently as the floor plan that
- 515 was previously approved by the municipality.
- 516 (32) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact
- 517 Fees Act.
- 518 (33) "Improvement completion assurance" means a surety bond, letter of credit, financial
- 519 institution bond, cash, assignment of rights, lien, or other equivalent security required by
- 520 a municipality to guaranty the proper completion of landscaping or an infrastructure
- 521 improvement required as a condition precedent to:
- 522 (a) recording a subdivision plat; or
- 523 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 524 (34) "Improvement warranty" means an applicant's unconditional warranty that the
- 525 applicant's installed and accepted landscaping or infrastructure improvement:
- 526 (a) complies with the municipality's written standards for design, materials, and
- 527 workmanship; and
- 528 (b) will not fail in any material respect, as a result of poor workmanship or materials,
- 529 within the improvement warranty period.
- 530 (35) "Improvement warranty period" means a period:
- 531 (a) no later than one year after a municipality's acceptance of required public
- 532 landscaping; or
- 533 (b) no later than one year after a municipality's acceptance of required infrastructure,
- 534 unless the municipality:
- 535 (i) determines, based on accepted industry standards and for good cause, that a
- 536 one-year period would be inadequate to protect the public health, safety, and
- 537 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 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.

(52) "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, which govern the use of land.

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

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

(b) has been maintained continuously since the time the land use ordinance 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.

(54) "Official map" means a map drawn by municipal authorities and recorded in a 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 municipality's general plan.

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

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

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

- (a) an estimate of the existing supply of moderate income housing located within the municipality;
- (b) an estimate of the need for moderate income housing in the municipality 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 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 title 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.

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

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

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

- (a) will serve primarily to provide access to adjacent primarily residential areas and property;
- (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
- (c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
- (d) has a posted speed limit of 25 miles per hour or less;
- (e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;

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

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

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

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

~~[(70)]~~ (71) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

~~[(71)]~~ (72) "Sending zone" means an area that a municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

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

(a) affect a public right-of-way, municipal utility easement, or other public property;

(b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or

(c) result in a lot or parcel out of conformity with land use regulations.

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

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

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

(a) the state;

(b) a school district; or

(c) a charter school.

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

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

~~[(77)]~~ (79)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether

immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

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

(c) "Subdivision" does not include:

- (i) a bona fide division or partition of land used for agricultural purposes as provided in Subsection 10-20-808(2);
- (ii) a recorded conveyance document:
 - (A) consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description; or
 - (B) joining a lot to a parcel;
- (iii) a bona fide division of land by deed or other instrument if the deed or other 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 6. Section **10-20-301** is amended to read:

10-20-301 (Effective 05/06/26). Ordinance establishing planning commission required -- Ordinance requirements -- Compensation.

(1)(a) Each municipality shall enact an ordinance establishing a planning commission.

(b) The ordinance shall~~[-define]:~~

- (i) include the number and terms of the planning commission members and, if the municipality chooses, alternate members;
- (ii) [the mode of appointment] provide procedures for appointing a planning commission member;
- (iii) [the] provide procedures for filling vacancies [and-] on the planning commission;
- (iv) [removal from office;] provide procedures for removing a planning commission member from the planning commission and specify that:

(A) in a form of government described in Section 10-3b-301 or 10-3b-401, and subject to any delegation of authority under Subsection 10-3b-303(1) or 10-3b-403(1), the legislative body may remove a planning commission member; or

(B) in a form of government described in Section 10-3b-202, the mayor may remove a planning commission member;

(v) except as provided in Subsection (1)(b)(vi), describe the causes for which a planning commission member may be removed from the planning commission, which shall include:

(A) using public funds for a political purpose under Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act;

(B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

(C) acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the planning commission member's administrative or quasi-judicial duties;

(vi) provide that a planning commission member deliberating about a specific pending land use application in a planning commission meeting with municipal

- 844 staff, an elected official, or the land use applicant is not cause for removing a
 845 planning commission member from the planning commission;
 846 (vii) provide requirements for when a planning commission member shall recuse
 847 oneself from deliberating or voting on certain land use applications;
 848 [(iv)] (viii) define the authority of the planning commission;
 849 [(v)] (ix) subject to Subsection (1)(c), [the] include rules of order and procedure for
 850 use by the planning commission in a public meeting; and
 851 [(vi)] (x) include other details relating to the organization and procedures of the
 852 planning commission.
- 853 (c) Subsection [~~(1)(b)(v)~~] (1)(b)(ix) does not affect the planning commission's duty to
 854 comply with Title 52, Chapter 4, Open and Public Meetings Act.
- 855 (2) The legislative body may authorize a member to receive per diem and travel expenses
 856 for meetings actually attended, in accordance with Section 11-55-103.
- 857 Section 7. Section **10-20-302** is amended to read:
- 858 **10-20-302 (Effective 05/06/26). Planning commission powers and duties --**
 859 **Training requirements.**
- 860 (1) The planning commission shall review and make a recommendation to the legislative
 861 body for:
- 862 (a) a general plan and amendments to the general plan;
 863 (b) land use regulations, including:
 864 (i) ordinances regarding the subdivision of land within the municipality; and
 865 (ii) amendments to existing land use regulations;
 866 (c) an appropriate delegation of power to at least one designated land use authority to
 867 hear and act on a land use application;
 868 (d) an appropriate delegation of power to at least one appeal authority to hear and act on
 869 an appeal from a decision of the land use authority; and
 870 (e) application processes that:
 871 (i) may include a designation of routine land use matters that, upon application and
 872 proper notice, will receive informal streamlined review and action if the
 873 application is uncontested; and
 874 (ii) shall protect the right of each:
 875 (A) land use applicant and adversely affected party to require formal consideration
 876 of any application by a land use authority; and
 877 (B) land use applicant or adversely affected party to appeal a land use authority's

- 878 decision to a separate appeal authority~~[- and] .~~
879 ~~[(C) participant to be heard in each public hearing on a contested application.]~~
- 880 (2) Before making a recommendation to a legislative body on an item described in
881 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in
882 accordance with Section 10-20-405.
- 883 (3) A legislative body may adopt, modify, or reject a planning commission's
884 recommendation to the legislative body under this section.
- 885 ~~[(4) A legislative body may consider a planning commission's failure to make a timely~~
886 ~~recommendation as a negative recommendation.]~~
- 887 ~~[(5)] (4)~~ Nothing in this section limits the right of a municipality to initiate or propose the
888 actions described in this section.
- 889 ~~[(6)] (5)(a)(i)~~ This Subsection ~~[(6)] (5)~~ applies to:
- 890 (A) a city of the first, second, third, or fourth class; and
891 (B) a city of the fifth class with a population of 5,000 or more, if the city is located
892 within a county of the first, second, or third class.
- 893 (ii) The population for each city described in Subsection ~~[(6)(a)(i)] (5)(a)(i)~~ shall be
894 derived from:
- 895 (A) an estimate of the Utah Population Committee created in Section 63C-20-103;
896 or
897 (B) if the Utah Population Committee estimate is not available, the most recent
898 official census or census estimate of the United States ~~[Bureau of the]~~Census
899 Bureau.
- 900 (b) A municipality described in Subsection ~~[(6)(a)(i)] (5)(a)(i)~~ shall ensure that each
901 member of the municipality's planning commission completes four hours of annual
902 land use training as follows:
- 903 (i) one hour of annual training on general powers and duties, including the role of the
904 planning commission in administrative, legislative, and quasi-judicial functions
905 under this chapter; and
- 906 (ii) three hours of annual training on a combination of land use and ethics topics,
907 which may include:
- 908 (A) appeals and variances;
909 (B) conditional use permits;
910 (C) exactions;
911 (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[-] ;
 - (L) ex parte communication; and
 - (M) conflict of interest.
- (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 8. Section **10-20-501** is amended to read:

10-20-501 (Effective 05/06/26). 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) or (5)(c), 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 maintained and active website shall provide for inspection of the information described in Subsection (5)(a) at the municipality's place of business during normal business hours.

(c) A municipality may comply with Subsection (5)(a) by:

(i) posting a link on the municipality's website to a separate webpage or third-party website where the land use regulations or fee schedule described in Subsection (5)(a) are posted; and

(ii) submitting a new or modified land use regulation or fee schedule described in Subsection (5)(a) to the third-party website within six months after the day on which the legislative body adopts the new or modified land use regulation or fee schedule.

[{(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 9. Section **10-20-502** is amended to read:

10-20-502 (Effective 05/06/26). 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.]~~

(c) Beginning on September 15, 2026, a legislative body may adopt or reject a proposed land use regulation without waiting for a recommendation from the planning commission if:

(i) a land use applicant makes a request described in Subsection 10-20-905(2)(b); or

(ii) a legislative body determines that a planning commission has had adequate time to consider the land use regulation.

Section 10. Section **10-20-507** is amended to read:

10-20-507 (Effective 05/06/26). Classification of new and unlisted business uses.

(1) As used in this section:

(a) "Classification request" means a request to determine whether a proposed business

1014 use aligns with an existing land use specified in a municipality's land use ordinances.

1015 (b) "New or unlisted business use" means a business activity that does not align with an
1016 existing land use specified in a municipality's land use ordinances.

1017 (2)(a) Each municipality shall incorporate into the municipality's land use ordinances a
1018 process for reviewing and approving a new or unlisted business use and designating
1019 an appropriate zone or zones for an approved use.

1020 (b) The process described in Subsection (2)(a) shall:

1021 (i) detail how an applicant may submit a classification request;

1022 (ii) establish a procedure for the municipality to review a classification request,
1023 including:

1024 (A) providing a land use authority with criteria to determine whether a proposed
1025 use aligns with an existing use; ~~and~~

1026 (B) allowing an applicant to proceed under the regulations of an existing use if a
1027 land use authority determines a proposed use aligns with that existing use; and

1028 (C) providing the applicant an opportunity to appeal a land use authority's decision
1029 to a land use appeal authority;

1030 (iii) provide that if a use is determined to be a new or unlisted business use:

1031 (A) the applicant shall submit to the legislative body for review an application ~~[for~~
1032 ~~approval of the new or unlisted business use to the legislative body for review]~~
1033 requesting that the legislative body adopt a land use ordinance that permits the
1034 new or unlisted business as a permitted or conditional use;

1035 (B) notwithstanding Subsection 10-20-503(2) or (3), the legislative body shall
1036 consider and ~~[determine whether to]~~ approve or deny ~~[the new or unlisted~~
1037 ~~business use]~~ the application described in Subsection (2)(b)(iii)(A); and

1038 (C) the legislative body shall approve or deny ~~[the new or unlisted business use]~~
1039 the application described in Subsection (2)(b)(iii)(A), within a time frame the
1040 legislative body establishes by ordinance, if the applicant responds to requests
1041 for additional information within a time frame established by the municipality
1042 and appears at required hearings;

1043 (iv) provide that if the legislative body approves ~~[a proposed new or unlisted business~~
1044 ~~use]~~ the application described in Subsection (2)(b)(iii)(A), the legislative body
1045 shall designate an appropriate zone or zones for the approved use; and

1046 (v) provide that if the legislative body denies ~~[a proposed new or unlisted business use]~~
1047 the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees

with the land use authority's classification of the proposed use, the legislative body shall:

(A) notify the applicant in writing of each reason for the classification or denial; and

(B) ~~[offer the applicant an opportunity to challenge the classification or denial through an administrative appeal process established by the municipality]~~ notify the applicant of the process for appealing the legislative body's decision in accordance with Section 10-20-1109.

(c) A municipality may not require an applicant who submits an application described in Subsection (2)(b)(iii)(A) to submit the application to the planning commission for consideration, review, or approval.

(3) Each municipality shall amend each land use ordinance that contains a list of approved or prohibited business uses to include a reference to the process for petitioning to approve a new or unlisted business use, as described in Subsection (2).

Section 11. Section **10-20-625** is enacted to read:

10-20-625 (Effective 05/06/26). Model homes and open houses.

(1) As used in this section:

(a) "Model home" means:

(i) a single-family home that the homebuilder uses to promote the sale or lease of another single-family home; or

(ii) a unit within a multi-family residential structure that the owner uses to promote the sale or lease of another unit within the multi-family residential structure.

(b) "Open house" means an event held by a homeowner, including an event in association with a real estate agent, architect, builder, or developer, to showcase a home, including the outdoor landscaping around the home.

(2) The legislative body of a municipality may not regulate a model home or open house differently than a residential use.

(3) Any ordinance regulating a model home or an open house differently than a residential use is void.

Section 12. Section **10-20-626** is enacted to read:

10-20-626 (Effective 05/06/26). Structure height.

(1) A municipality may regulate:

(a) the number of habitable stories that a structure may contain; and

(b) the overall height of a structure.

- (2) If a land use authority approved a land use application for a commercial lodging structure on or before September 1, 2025, and the land use application is subject to land use regulations described in Subsection (1) that conflict, the land use authority may not limit the number of above-ground habitable stories the land use applicant builds within the maximum overall height that the land use authority approved for the structure.

Section 13. Section **10-20-806** is amended to read:

10-20-806 (Effective 05/06/26). 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 subdivision application meets the criteria of the municipality's ordinances.

(e) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with municipal ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

- (2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

(3)(a) A municipality may require a subdivision improvement plan to be submitted with a subdivision application.

(b) A municipality may not require a subdivision improvement plan to be submitted with both a preliminary subdivision application and a final subdivision application.

- (4)(a) The review cycle requirements of this section apply:

- (i) to the review of a preliminary subdivision application, if the municipality requires

- 1116 a subdivision improvement plan to be submitted with a preliminary subdivision
1117 application; or
- 1118 (ii) to the review of a final subdivision application, if the municipality requires a
1119 subdivision improvement plan to be submitted with a final subdivision application.
- 1120 (b) A municipality may not, outside the review cycle, engage in a substantive review of
1121 required infrastructure improvements or a municipally controlled utility.
- 1122 (5)(a) A municipality shall complete the initial review of a complete subdivision
1123 application submitted for ordinance review for a residential subdivision for
1124 single-family dwellings, two-family dwellings, or town homes:
- 1125 (i) no later than 15 business days after the complete subdivision application is
1126 submitted, if the municipality has a population over 5,000; or
- 1127 (ii) no later than 30 business days after the complete subdivision application is
1128 submitted, if the municipality has a population of 5,000 or less.
- 1129 (b) A municipality shall maintain and publish a list of the items comprising the complete
1130 subdivision application, including:
- 1131 (i) the application;
- 1132 (ii) the owner's affidavit;
- 1133 (iii) an electronic copy of all plans in PDF format;
- 1134 (iv) the preliminary subdivision plat drawings; and
- 1135 (v) a breakdown of fees due upon approval of the application.
- 1136 (6) A municipality shall publish a list of the items that comprise a complete subdivision
1137 land use application.
- 1138 (7) A municipality shall complete a subdivision plan review of a subdivision improvement
1139 plan that is submitted with a complete subdivision application for a residential
1140 subdivision for single-family dwellings, two-family dwellings, or town homes:
- 1141 (a) within 20 business days after the complete subdivision application is submitted, if the
1142 municipality has a population over 5,000; or
- 1143 (b) within 40 business days after the complete subdivision application is submitted, if
1144 the municipality has a population of 5,000 or less.
- 1145 (8)(a) In reviewing a subdivision application, a municipality may require:
- 1146 (i) additional information relating to an applicant's plans to ensure compliance with
1147 municipal ordinances and approved standards and specifications for construction
1148 of public improvements; and
- 1149 (ii) modifications to plans that do not meet current ordinances, applicable standards

- 1150 or specifications, or do not contain complete information.
- 1151 (b) A municipality's request for additional information or modifications to plans under
1152 Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances,
1153 standards, or specifications that require the modifications to subdivision
1154 improvement plans, and shall be logged in an index of requested modifications or
1155 additions.
- 1156 (c) A municipality may not require more than four review cycles for a subdivision
1157 improvement plan review.
- 1158 (d)(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated
1159 by the applicant's adjustment to a subdivision improvement plan or an update to a
1160 phasing plan that adjusts the infrastructure needed for the specific development, a
1161 change or correction not addressed or referenced in a municipality's subdivision
1162 improvement plan review is waived.
- 1163 (ii) A modification or correction necessary to protect public health and safety or to
1164 enforce state or federal law may not be waived.
- 1165 (iii) If an applicant makes a material change to a subdivision improvement plan, the
1166 municipality has the discretion to restart the review process at the first review of
1167 the subdivision improvement plan review, but only with respect to the portion of
1168 the subdivision improvement plan that the material change substantively affects.
- 1169 (e)(i) This Subsection (8)(e) applies if an applicant does not submit a revised
1170 subdivision improvement plan within :
- 1171 (A) 20 business days after the municipality requires a modification or correction,
1172 if the municipality has a population over 5,000; or
- 1173 (B) 40 business days after the municipality requires a modification or correction,
1174 if the municipality has a population of 5,000 or less.
- 1175 (ii) If an applicant does not submit a revised subdivision improvement plan within the
1176 time specified in Subsection (8)(e)(i), a municipality has an additional 20 business
1177 days after the time specified in Subsection (7) to respond to a revised subdivision
1178 improvement plan.
- 1179 (9) After the applicant has responded to the final review cycle, and the applicant has
1180 complied with each modification requested in the municipality's previous review cycle,
1181 the municipality may not require additional revisions if the applicant has not materially
1182 changed the plan, other than changes that were in response to requested modifications or
1183 corrections.

- 1184 (10)(a) In addition to revised plans, an applicant shall provide a written explanation in
 1185 response to the municipality's review comments, identifying and explaining the
 1186 applicant's revisions and reasons for declining to make revisions, if any.
- 1187 (b) The applicant's written explanation shall be comprehensive and specific, including
 1188 citations to applicable standards and ordinances for the design and an index of
 1189 requested revisions or additions for each required correction.
- 1190 (c) If an applicant fails to address a review comment in the response, the review cycle is
 1191 not complete and the subsequent review cycle may not begin until all comments are
 1192 addressed.
- 1193 (11)[(a)] If, on the fourth or final review, a municipality fails to respond within 20
 1194 business days, the municipality shall, upon request of the property owner, and within
 1195 10 business days after the day on which the request is received:
- 1196 [(i)] (a) for a dispute arising from the subdivision improvement plans, assemble an
 1197 appeal panel in accordance with Subsection [10-20-911(5)(d)] 10-20-911(4)(d) to
 1198 review and approve or deny the final revised set of plans; or
- 1199 [(ii)] (b) for a dispute arising from the subdivision ordinance review, advise the
 1200 applicant, in writing, of the deficiency in the application and of the right to appeal the
 1201 determination to a designated appeal authority.

1202 Section 14. Section **10-20-807** is amended to read:

1203 **10-20-807 (Effective 05/06/26). Subdivision plat recording or development**
 1204 **activity before required landscaping or infrastructure is completed -- Improvement**
 1205 **completion assurance -- Improvement warranty.**

1206 (1) As used in this section:

- 1207 (a) "Private landscaping plan" means a proposal:
- 1208 (i) to install landscaping on a lot owned by a private individual or entity; and
- 1209 (ii) submitted to a municipality by the private individual or entity, or on behalf of a
 1210 private individual or entity, that owns the lot.
- 1211 (b) "Public landscaping improvement" means landscaping that an applicant is required to
 1212 install to comply with published installation and inspection specifications for public
 1213 improvements that:
- 1214 (i) will be dedicated to and maintained by the municipality; or
- 1215 (ii) are associated with and proximate to trail improvements that connect to planned
 1216 or existing public infrastructure.

1217 (2) A land use authority shall establish objective inspection standards for acceptance of a

public landscaping improvement or infrastructure improvement that the land use authority requires.

(3)(a) Except as provided in Subsection (3)(d) or (e), before an applicant conducts any development activity or records a plat, the applicant shall:

(i) complete any required public landscaping improvements or infrastructure improvements; or

(ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.

(b) If an applicant elects to post an improvement completion assurance, the applicant shall, in accordance with Subsection (5), provide completion assurance for:

(i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or

(ii) if the municipality has inspected and accepted a portion of the public landscaping improvements or infrastructure improvements, 100% of the incomplete or unaccepted public landscaping improvements or infrastructure improvements.

(c) A municipality shall:

(i) establish a minimum of two acceptable forms of completion assurance;

(ii)(A) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this chapter and any local ordinances; and

(B) beginning on May 7, 2025, if a municipality accepts cash deposits as a form of completion assurance and the applicant elects to post a new cash deposit as a form of completion assurance, place the cash deposit in an interest-bearing account upon receipt and return any earned interest to the applicant with the return of the completion assurance according to the conditions of this chapter and any local ordinances;

(iii) establish a system for the partial release of an improvement completion assurance as portions of required public landscaping improvements or infrastructure improvements are completed and accepted in accordance with local ordinance; and

(iv) issue or deny a building permit in accordance with Section 10-20-1001 based on the installation of public landscaping improvements or infrastructure improvements.

(d) A municipality may not require an applicant to post an improvement completion

1252 assurance for:

- 1253 (i) public landscaping improvements or an infrastructure improvement that the
1254 municipality has previously inspected and accepted;
- 1255 (ii) infrastructure improvements that are private and not essential or required to meet
1256 the building code, fire code, flood or storm water management provisions, street
1257 and access requirements, or other essential necessary public safety improvements
1258 adopted in a land use regulation;
- 1259 (iii) in a municipality where ordinances require all infrastructure improvements
1260 within the area to be private, infrastructure improvements within a development
1261 that the municipality requires to be private;
- 1262 (iv) landscaping improvements that are not public landscaping improvements, unless
1263 the landscaping improvements and completion assurance are required under the
1264 terms of a development agreement;
- 1265 (v) a private landscaping plan;
- 1266 (vi) landscaping improvements or infrastructure improvements that an applicant
1267 elects to install at the applicant's own risk:
- 1268 (A) before the plat is recorded;
- 1269 (B) in accordance with inspections required by the municipality for the
1270 infrastructure improvement; and
- 1271 (C) in accordance with final civil engineering plan approval by the municipality; or
- 1272 (vii) any individual public landscaping improvement or individual infrastructure
1273 improvement when the individual public landscaping improvement or individual
1274 infrastructure improvement is also included as part of a separate improvement
1275 completion assurance.

1276 (e)(i) A municipality may not:

- 1277 (A) prohibit an applicant from installing a public landscaping improvement or an
1278 infrastructure improvement when the municipality has approved final civil
1279 engineering plans for the development activity or plat for which the public
1280 landscaping improvement or infrastructure improvement is required; or
- 1281 (B) require an applicant to sign an agreement, release, or other document
1282 inconsistent with this chapter as a condition of posting an improvement
1283 completion assurance, security for an improvement warranty, or receiving a
1284 building permit.
- 1285 (ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and

infrastructure improvements that are installed by an applicant are subject to inspection by the municipality in accordance with the municipality's adopted inspection standards.

(f)(i) Each improvement completion assurance and improvement warranty posted by an applicant with a municipality shall be independent of any other improvement completion assurance or improvement warranty posted by the same applicant with the municipality.

(ii) Subject to Section 10-20-905, if an applicant has posted a form of security with a municipality for more than one infrastructure improvement or public landscaping improvement, the municipality may not withhold acceptance of an applicant's required subdivision improvements, public landscaping improvement, infrastructure improvements, or the performance of warranty work for the same applicant's failure to complete a separate subdivision improvement, public landscaping improvement, infrastructure improvement, or warranty work under a separate improvement completion assurance or improvement warranty.

(4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or other entitlement benefit not currently available under the existing zone, a municipality may require a completion assurance bond for landscaped amenities and common area that are dedicated to and maintained by a homeowners association.

(b) Any agreement regarding a completion assurance bond under Subsection (4)(a) between the applicant and the municipality shall be memorialized in a development agreement.

(c) A municipality may not require a completion assurance bond for or dictate who installs or is responsible for the cost of the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.

(5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:

(a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and

(b) 10% of the amount of the bond to cover administrative costs incurred by the municipality to complete the improvements, if necessary.

(6)(a) Upon an applicant's written request that the land use authority accept or reject the

applicant's installation of required subdivision improvements or performance of warranty work as set forth in Section 10-20-905, and for the duration of each improvement warranty period, the municipality may require the applicant to:

- (i) execute an improvement warranty for the improvement warranty period; and
- (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the municipality, in the amount of up to 10% of the lesser of the:
 - (A) municipal engineer's original estimated cost of completion; or
 - (B) applicant's reasonable proven cost of completion.

(b) A municipality may not require the payment of the deposit of the improvement warranty assurance described in Subsection (6)(a)(i) for an infrastructure improvement or public landscaping improvement before the applicant indicates through written request that the applicant has completed the infrastructure improvement or public landscaping improvement.

(7) When a municipality accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection (3)(c)(ii), the municipality may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.

(8) A municipality may not require the submission of a private landscaping plan as part of an application for a building permit.

(9) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the ~~[state construction code]~~ State Construction Code.

Section 15. Section **10-20-902** is amended to read:

10-20-902 (Effective 05/06/26). Applicant's entitlement to land use application approval -- 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

1354 decisions, and development standards in effect when the applicant submits a
1355 complete application and pays application fees, unless:

1356 (A) the land use authority, on the record, formally finds that a compelling,
1357 countervailing public interest would be jeopardized by approving the
1358 application and specifies the compelling, countervailing public interest in
1359 writing; or

1360 (B) in the manner provided by local ordinance and before the applicant submits
1361 the application, the municipality formally initiates proceedings to amend the
1362 municipality's land use regulations in a manner that would prohibit approval of
1363 the application as submitted.

1364 (b) The municipality shall process an application without regard to proceedings the
1365 municipality initiated to amend the municipality's ordinances as described in
1366 Subsection (1)(a)(ii)(B) if:

1367 (i) 180 days have passed since the municipality initiated the proceedings; and

1368 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval
1369 of the application as submitted; or

1370 (B) during the 12 months before the municipality processing the application, or
1371 multiple applications of the same type, are impaired or prohibited under the
1372 terms of a temporary land use regulation adopted under Section 10-20-504.

1373 (c) A land use application is considered submitted and complete when the applicant
1374 provides the application in a form that complies with the requirements of applicable
1375 ordinances and pays all applicable fees.

1376 (d) A subsequent incorporation of a municipality or a petition that proposes the
1377 incorporation of a municipality does not affect a land use application approved by a
1378 county in accordance with Section 17-79-803.

1379 (e) Unless a phasing sequence is required in an executed development agreement, a
1380 municipality shall, without regard to any other separate and distinct land use
1381 application, accept and process a complete land use application.

1382 (f) The continuing validity of an approval of a land use application is conditioned upon
1383 the applicant proceeding after approval to implement the approval with reasonable
1384 diligence.

1385 (g) A municipality may not impose on an applicant who has submitted a complete
1386 application a requirement that is not expressed in:

1387 (i) this chapter;

- 1388 (ii) a municipal ordinance in effect on the date that the applicant submits a complete
1389 application, subject to Subsection 10-20-902(1)(a)(ii); or
1390 (iii) a municipal specification for public improvements applicable to a subdivision or
1391 development that is in effect on the date that the applicant submits an application.
- 1392 (h) A municipality may not impose on a holder of an issued land use permit or a final,
1393 unexpired subdivision plat a requirement that is not expressed:
- 1394 (i) in a land use permit;
1395 (ii) on the subdivision plat;
1396 (iii) in a document on which the land use permit or subdivision plat is based;
1397 (iv) in the written record evidencing approval of the land use permit or subdivision
1398 plat;
1399 (v) in this chapter;
1400 (vi) in a municipal ordinance; or
1401 (vii) in a municipal specification for residential roadways in effect at the time a
1402 residential subdivision was approved.
- 1403 (i) Except as provided in Subsection (1)(j) or (k), a municipality may not withhold
1404 issuance of a certificate of occupancy or acceptance of subdivision improvements
1405 because of an applicant's failure to comply with a requirement that is not expressed:
- 1406 (i) in the building permit or subdivision plat, documents on which the building permit
1407 or subdivision plat is based, or the written record evidencing approval of the land
1408 use permit or subdivision plat; or
1409 (ii) in this chapter or the municipality's ordinances.
- 1410 (j) A municipality may not unreasonably withhold issuance of a certificate of occupancy
1411 where an applicant has met all requirements essential for the public health, public
1412 safety, and general welfare of the occupants, in accordance with this chapter, unless:
- 1413 (i) the applicant and the municipality have agreed in a written document to the
1414 withholding of a certificate of occupancy; or
1415 (ii) the applicant has not provided a financial assurance for required and uncompleted
1416 public landscaping improvements or infrastructure improvements in accordance
1417 with an applicable local ordinance.
- 1418 (k) A municipality may not conduct a final inspection required before issuing a
1419 certificate of occupancy for a residential unit that is within the boundary of an
1420 infrastructure financing district, as defined in Section 17B-1-102, until the applicant
1421 for the certificate of occupancy provides adequate proof to the municipality 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.

(l) A municipality:

(i) may require the submission of a private landscaping plan, as defined in Section 10-20-807, 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 municipality is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.

(3)(a) Beginning on October 1, 2026, and except as provided in Subsection (3)(b), a municipality shall publish on the municipality's website an application checklist for each land use application type that includes a checklist of all required plans and documents that make a complete application.

(b) A municipality that does have a maintained and active website shall provide for inspection of the information described in Subsection (3)(a) at the municipality's place of business during normal business hours.

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

[(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:

- 1456 (i) the relevant land use approval; and
- 1457 (ii) any land use regulation enacted specifically in relation to the land use approval.
- 1458 [(6)] (7)(a) After issuance of a building permit, a municipality may not:
- 1459 (i) change or add to the requirements expressed in the building permit, unless the
- 1460 change or addition is:
- 1461 (A) requested by the building permit holder; or
- 1462 (B) necessary to comply with an applicable state building code; or
- 1463 (ii) revoke the building permit or take action that has the effect of revoking the
- 1464 building permit.
- 1465 (b) Subsection [(6)(a)] (7)(a) does not prevent a municipality from issuing a building
- 1466 permit that contains an expiration date defined in the building permit.

1467 Section 16. Section **10-20-910** is amended to read:

1468 **10-20-910 (Effective 05/06/26). Provisions applicable to a provider of culinary or**

1469 **secondary water.**

1470 A provider of culinary or secondary water that commits to provide a water service required

1471 by a land use application process is subject to the following as if it were a municipality:

- 1472 (1) Subsections 10-20-904(5) and (6);
- 1473 (2) Section 10-20-905; ~~and~~
- 1474 (3) Section 10-20-911; and
- 1475 (4) Section 10-20-912.

1476 Section 17. Section **10-20-911** is amended to read:

1477 **10-20-911 (Effective 05/06/26). Exactions -- Requirement to offer to original**

1478 **owner property acquired by exaction -- Exaction for right-of-way improvements --**

1479 **Improvement completion assurance requirements.**

- 1480 (1) A municipality may impose an exaction or exactions on development proposed in a land
- 1481 use application, including, subject to ~~[Subsection (3)]~~ Section 10-20-912, an exaction for
- 1482 a water interest, if:
- 1483 (a) an essential link exists between a legitimate governmental interest and each exaction;
- 1484 and
- 1485 (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the
- 1486 proposed development.
- 1487 (2) If a land use authority imposes an exaction for another governmental entity:
- 1488 (a) the governmental entity shall request the exaction; and
- 1489 (b) the land use authority shall transfer the exaction to the governmental entity for which

1490 it was exacted.

1491 ~~[(3)(a)(i) Subject to the requirements of this Subsection (3), a municipality shall base~~
1492 ~~an exaction for a water interest on the culinary water authority's established~~
1493 ~~calculations of projected water interest requirements.]~~

1494 ~~[(ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall~~
1495 ~~base an exaction for a culinary water interest on:]~~

1496 ~~[(A) consideration of the system-wide minimum sizing standards established for~~
1497 ~~the culinary water authority by the Division of Drinking Water in accordance~~
1498 ~~with Section 19-4-114; and]~~

1499 ~~[(B) the number of equivalent residential connections associated with the culinary~~
1500 ~~water demand for each specific development proposed in the development's~~
1501 ~~land use application, applying lower exactions for developments with lower~~
1502 ~~equivalent residential connections as demonstrated by at least five years of~~
1503 ~~usage data for like land uses within the municipality.]~~

1504 ~~[(iii) A municipality may impose an exaction for a culinary water interest that results~~
1505 ~~in less water being exacted than would otherwise be exacted under Subsection~~
1506 ~~(3)(a)(ii) if the municipality, at the municipality's sole discretion, determines there~~
1507 ~~is good cause to do so.]~~

1508 ~~[(iv)(A) A municipality shall make public the methodology used to comply with~~
1509 ~~Subsection (3)(a)(ii)(B).]~~

1510 ~~[(B) A land use applicant may appeal to the municipality's governing body an~~
1511 ~~exaction calculation used by the municipality under Subsection (3)(a)(ii).]~~

1512 ~~[(C) A land use applicant may present data and other information that illustrates a~~
1513 ~~need for an exaction recalculation and the municipality's governing body shall~~
1514 ~~respond with due process.]~~

1515 ~~[(v) Upon an applicant's request, the culinary water authority shall provide the~~
1516 ~~applicant with the basis for the culinary water authority's calculations under~~
1517 ~~Subsection (3)(a)(i) on which an exaction for a water interest is based.]~~

1518 ~~[(b) A municipality may not impose an exaction for a water interest if the culinary water~~
1519 ~~authority's existing available water interests exceed the water interests needed to meet~~
1520 ~~the reasonable future water requirement of the public, as determined under~~
1521 ~~Subsection 73-1-4(2)(f).]~~

1522 ~~[(4)] (3)(a) If a municipality plans to dispose of surplus real property that was acquired~~
1523 ~~under this section and has been owned by the municipality for less than 15 years, the~~

- 1524 municipality shall first offer to reconvey the property, without receiving additional
1525 consideration, to the person who granted the property to the municipality.
- 1526 (b) A person to whom a municipality offers to reconvey property under Subsection [
1527 ~~(4)(a)~~] (3)(a) has 90 days to accept or reject the municipality's offer.
- 1528 (c) If a person to whom a municipality offers to reconvey property declines the offer, the
1529 municipality may offer the property for sale.
- 1530 (d) Subsection [~~(4)(a)~~] (3)(a) does not apply to the disposal of property acquired by
1531 exaction by a community reinvestment agency.
- 1532 [(5)] (4)(a) A municipality may not, as part of an infrastructure improvement, require the
1533 installation of pavement on a residential roadway at a width in excess of 32 feet.
- 1534 (b) Subsection [~~(5)(a)~~] (4)(a) does not apply if a municipality requires the installation of
1535 pavement in excess of 32 feet:
- 1536 (i) in a vehicle turnaround area;
- 1537 (ii) in a cul-de-sac;
- 1538 (iii) to address specific traffic flow constraints at an intersection, mid-block
1539 crossings, or other areas;
- 1540 (iv) to address an applicable general or master plan improvement, including
1541 transportation, bicycle lanes, trails, or other similar improvements that are not
1542 included within an impact fee area;
- 1543 (v) to address traffic flow constraints for service to or abutting higher density
1544 developments or uses that generate higher traffic volumes, including community
1545 centers, schools, and other similar uses;
- 1546 (vi) as needed for the installation or location of a utility which is maintained by the
1547 municipality and is considered a transmission line or requires additional roadway
1548 width;
- 1549 (vii) for third-party utility lines that have an easement preventing the installation of
1550 utilities maintained by the municipality within the roadway;
- 1551 (viii) for utilities over 12 feet in depth;
- 1552 (ix) for roadways with a design speed that exceeds 25 miles per hour;
- 1553 (x) as needed for flood and stormwater routing;
- 1554 (xi) as needed to meet fire code requirements for parking and hydrants; or
- 1555 (xii) as needed to accommodate street parking.
- 1556 (c) Nothing in this section shall be construed to prevent a municipality from approving a
1557 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 18. Section **10-20-912** is enacted to read:

10-20-912 (Effective 05/06/26). 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:

- 1592 (a) consideration of the system-wide minimum sizing standards established for the
1593 culinary water authority by the Division of Drinking Water under Section 19-4-114;
1594 and
- 1595 (b) the number of equivalent residential connections associated with the culinary water
1596 demand for each specific development proposed in the development's land use
1597 application, applying lower exactions for developments with lower equivalent
1598 residential connections as demonstrated by at least five years of usage data for like
1599 land uses within the municipality.
- 1600 (3) If a municipality determines, in the sole discretion of the municipality, that good cause
1601 exists, the municipality may impose an exaction for a culinary water interest that results
1602 in less water being exacted than would otherwise be exacted under Subsection (2).
- 1603 (4)(a) A municipality shall make public the methodology used to comply with
1604 Subsection (2)(b).
- 1605 (b) A land use applicant may submit a request to the municipality's legislative body to
1606 review an exaction calculation used by the municipality under Subsection (2).
- 1607 (c) A land use applicant may present data and other information that illustrates a need
1608 for an exaction recalculation and the municipality's legislative body shall respond
1609 with due process.
- 1610 (5) Upon an applicant's request, the culinary water authority shall provide the applicant
1611 with the basis for the culinary water authority's calculations under Subsection (2) on
1612 which an exaction for a water interest is based.
- 1613 (6)(a) A municipality may not impose an exaction for a water interest if:
- 1614 (i) the culinary water authority's existing available water interests exceed the water
1615 interests needed to meet the reasonable future water requirement of the public; or
1616 (ii) the municipality or the municipality's culinary water authority does not have a
1617 written plan in accordance with Subsection (6)(b).
- 1618 (b) Beginning on January 1, 2028, a municipality shall determine the municipality's
1619 water interests needed to meet the reasonable future water requirement of the public
1620 by completing a written plan described in Subsection 73-1-4(2)(f).
- 1621 (7) A provider of culinary or secondary water that commits to provide a water service
1622 required by a land use application process is subject to the provisions of this section and
1623 Section 10-20-911 the same as if the provider were a municipality.

1624 Section 19. Section **10-20-1001** is amended to read:

1625 **10-20-1001 (Effective 05/06/26). 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), 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

(ii) for which the municipality has accepted an improvement completion assurance for a public landscaping improvement, as defined in Section 10-20-807, 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) for a building permit:

(A) operable fire hydrants installed in a manner that is consistent with the

- 1660 municipality's adopted engineering standards; and
- 1661 (B) for temporary roads used during construction, a properly compacted road base
- 1662 installed in a manner consistent with the municipality's adopted engineering
- 1663 standards;
- 1664 (ii) for a certificate of occupancy, at the discretion of the municipality, at least one of
- 1665 the following:
- 1666 (A) a permanent road;
- 1667 (B) a temporary road covered with asphalt or concrete; or
- 1668 (C) another method for accessing a structure consistent with Appendix D of the
- 1669 International Fire Code; and
- 1670 (iii) public infrastructure necessary for the health, life, and safety of the occupant.
- 1671 (c) A municipality may not adopt an engineering standard that requires an applicant to
- 1672 install a permanent road or a temporary road with asphalt or concrete before
- 1673 receiving a building permit.
- 1674 (4) A municipality may not deny an applicant a building permit or certificate of occupancy
- 1675 for failure to:
- 1676 (a) submit a private landscaping plan, as defined in Section 10-20-807; or
- 1677 (b) complete a landscaping improvement that is not a public landscaping improvement,
- 1678 as defined in Section 10-20-807.
- 1679 (5) A municipality may not withhold a building permit based on the lack of completion of a
- 1680 portion of a public sidewalk to be constructed within a public right-of-way serving a lot
- 1681 where a single-family or two-family residence or town home is proposed in a building
- 1682 permit application if an improvement completion assurance has been posted for the
- 1683 incomplete portion of the public sidewalk.
- 1684 (6) A municipality may not prohibit the construction of a single-family or two-family
- 1685 residence or town home, withhold recording a plat, or withhold acceptance of a public
- 1686 landscaping improvement, as defined in Section 10-20-807, or an infrastructure
- 1687 improvement based on the lack of installation of a public sidewalk if an improvement
- 1688 completion assurance has been posted for the public sidewalk.
- 1689 (7) A municipality may not redeem an improvement completion assurance securing the
- 1690 installation of a public sidewalk sooner than 18 months after the date the improvement
- 1691 completion assurance is posted.
- 1692 (8) A municipality shall allow an applicant to post an improvement completion assurance
- 1693 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 20. Section **10-20-1101** is amended to read:

10-20-1101 (Effective 05/06/26). Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

(1)(a) ~~[Each]~~ Subject to Subsection (1)(d), each municipality adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities.

(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.

~~(d) Beginning on July 1, 2026, a city described in Subsection 10-20-302(5)(a)(i) may not designate the city's legislative body as an appeal authority.~~

~~(e) Notwithstanding Subsection (1)(d), a legislative body shall continue to be the appeal authority for an appeal if:~~

~~(i) a land use ordinance designated the legislative body as the appeal authority when the appellant filed the appeal; and~~

~~(ii) the appellant filed the appeal on or before June 30, 2026.~~

(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 municipality may:

(a) designate a separate appeal authority to hear requests for variances than the appeal authority the municipality 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 municipality 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 municipality establishes or, before the effective date of this chapter, 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 21. Section **10-20-1105** is repealed and reenacted to read:

10-20-1105 (Effective 05/06/26). Burden of proof.

In an appeal described in this part:

(1) if the appellant is a land use applicant, the appellant has the burden of proving that the

land use authority's land use decision is illegal or is not supported by substantial evidence; or

- (2) if the appellant is an adversely affected party, the appellant has the burden of proving that the land use authority's land use decision is illegal, or that the factual findings are clearly erroneous.

Section 22. Section **10-20-1106** is amended to read:

10-20-1106 (Effective 05/06/26). 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 present or speak during an appeal 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 23. Section **10-20-1107** is amended to read:

10-20-1107 (Effective 05/06/26). 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]~~ Except as provided in Subsection (5)(c), a legislative body may 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.

(c) Beginning on July 1, 2026, the legislative body of a city described in Subsection 10-20-302(5)(a)(i) may not act as an appeal authority unless:

- (i) a land use ordinance designated the legislative body as the appeal authority when the appellant filed the appeal; and
- (ii) the appellant filed the appeal on or before June 30, 2026.

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

10-20-1109 (Effective 05/06/26). 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 ~~[until that]~~ if 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 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:

- 1830 (A) the land use regulation is expressly preempted by, or was enacted contrary to,
1831 state or federal law; and
- 1832 (B) it is reasonably debatable that the land use regulation is consistent with this
1833 chapter.
- 1834 (b) A court shall presume that a final land use decision of a land use authority or an
1835 appeal authority is valid unless the land use decision is:
- 1836 (i) arbitrary and capricious; or
1837 (ii) illegal.
- 1838 (c)(i) A land use decision is arbitrary and capricious if the land use decision is not
1839 supported by substantial evidence in the record.
- 1840 (ii) A land use decision is illegal if the land use decision:
- 1841 (A) is based on an incorrect interpretation of a land use regulation;
1842 (B) conflicts with the authority granted by this title; or
1843 (C) is contrary to law.
- 1844 (d)(i) A court may affirm or reverse a land use decision.
- 1845 (ii) If the court reverses a land use decision, the court shall remand the matter to the
1846 land use authority with instructions to issue a land use decision consistent with the
1847 court's ruling.
- 1848 (4) The provisions of Subsection (2)(a) apply from the date on which the municipality takes
1849 final action on a land use application, if the municipality conformed with the notice
1850 provisions of Part 2, Notice, or for any person who had actual notice of the pending land
1851 use decision.
- 1852 (5) If the municipality has complied with Section 10-20-205, a challenge to the enactment
1853 of a land use regulation[~~-or~~] , general plan, or specified land use law may not be filed
1854 with the district court more than 30 days after the enactment.
- 1855 (6) A challenge to a land use decision is barred unless the challenge is filed within 30 days
1856 after the land use decision is final.
- 1857 (7)(a) The land use authority or appeal authority, as the case may be, shall transmit to
1858 the reviewing court the record of the proceedings of the land use authority or appeal
1859 authority, including the minutes, findings, orders, and, if available, a true and correct
1860 transcript of the proceedings.
- 1861 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
1862 transcript for purposes of this Subsection (7).
- 1863 (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 25. Section **10-21-101** is amended to read:

10-21-101 (Effective 05/06/26). Definitions.

As used in this part:

- (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a single-family dwelling and contained on one lot or parcel.
- (2) "Accessory structure" means a detached structure located on the same lot or parcel as a principal structure and is incidental and subordinate to the size and use of the principal structure.
- (3) "Affordable housing" means housing offered for sale at 80% or less of the median county home price for housing of that type.
- ~~[(2)]~~ (4) "Agency" means the same as that term is defined in Section 17C-1-102.
- ~~[(3)]~~ (5) "Applicable metropolitan planning organization" means the metropolitan planning organization that has jurisdiction over the area in which a fixed guideway public transit station is located.

1898 ~~[(4)]~~ (6) "Applicable public transit district" means the public transit district, as defined in
 1899 Section 17B-2a-802, of which a fixed guideway public transit station is included.

1900 ~~[(5)]~~ (7) "Base taxable value" means a property's taxable value as shown upon the
 1901 assessment roll last equalized during the base year.

1902 ~~[(6)]~~ (8) "Base year" means, for a proposed home ownership promotion zone area, a year
 1903 beginning the first day of the calendar quarter determined by the last equalized tax roll
 1904 before the adoption of the home ownership promotion zone.

1905 (9) "Detached accessory dwelling unit" means an accessory dwelling unit that is not
 1906 attached to or within a primary detached single-family dwelling and located on the same
 1907 lot or parcel as the primary detached single-family dwelling.

1908 ~~[(7)]~~ (10) "Division" means the Housing and Community Development Division within the
 1909 Department of Workforce Services.

1910 ~~[(8)]~~ (11) "Existing fixed guideway public transit station" means a fixed guideway public
 1911 transit station for which construction begins before June 1, 2022.

1912 ~~[(9)]~~ (12) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

1913 ~~[(10)]~~ (13) "Home ownership promotion zone" means a home ownership promotion zone
 1914 created in accordance with this part.

1915 ~~[(11)]~~ (14) "Implementation plan" means the implementation plan adopted as part of the
 1916 moderate income housing element of a specified municipality's general plan as provided
 1917 in Subsection 10-21-201(4).

1918 ~~[(12)]~~ (15) "Initial report" or "initial moderate income housing report" means the one-time
 1919 report described in Subsection 10-21-202(1).

1920 ~~[(13)]~~ (16) "Internal accessory dwelling unit" means an accessory dwelling unit created:
 1921 (a) within a primary dwelling;
 1922 (b) within the footprint of the primary dwelling described in ~~[Subsection (13)(a)]~~
 1923 Subsection (16)(a) at the time the internal accessory dwelling unit is created; and
 1924 (c) for the purpose of offering a long-term rental of 30 consecutive days or longer.

1925 ~~[(14)]~~ (17) "Moderate income housing strategy" means a strategy described in Subsection
 1926 10-21-201(3)(a)(iii).

1927 ~~[(15)]~~ (18) "New fixed guideway public transit station" means a fixed guideway public
 1928 transit station for which construction begins on or after June 1, 2022.

1929 ~~[(16)]~~ (19) "Participant" means the same as that term is defined in Section 17C-1-102.

1930 ~~[(17)]~~ (20) "Participation agreement" means the same as that term is defined in Section
 1931 17C-1-102.

- 1932 ~~[(18)]~~ (21)(a) "Primary dwelling" means a single-family dwelling that:
- 1933 (i) is detached; and
- 1934 (ii) is occupied as the primary residence of the owner of record.
- 1935 (b) "Primary dwelling" includes a garage if the garage:
- 1936 (i) is a habitable space; and
- 1937 (ii) is connected to the primary dwelling by a common wall.
- 1938 ~~[(19)]~~ (22) "Project improvements" means the same as that term is defined in Section
- 1939 11-36a-102.
- 1940 ~~[(20)]~~ (23) "Qualifying land use petition" means a petition:
- 1941 (a) that involves land located within a station area for an existing public transit station
- 1942 that provides rail services;
- 1943 (b) that involves land located within a station area for which the municipality has not yet
- 1944 satisfied the requirements of Subsection 10-21-203(1)(a);
- 1945 (c) that proposes the development of an area greater than five contiguous acres, with no
- 1946 less than 51% of the acreage within the station area;
- 1947 (d) that would require the municipality to amend the municipality's general plan or
- 1948 change a zoning designation for the land use application to be approved;
- 1949 (e) that would require a higher density than the density currently allowed by the
- 1950 municipality;
- 1951 (f) that proposes the construction of new residential units, at least 10% of which are
- 1952 dedicated to moderate income housing; and
- 1953 (g) for which the land use applicant requests the municipality to initiate the process of
- 1954 satisfying the requirements of Subsection 10-21-203(1)(a) for the station area in
- 1955 which the development is proposed, subject to Subsection 10-21-203(2)(d).
- 1956 ~~[(21)]~~ (24) "Report" means an initial report or a subsequent progress report.
- 1957 ~~[(22)]~~ (25) "Specified municipality" means:
- 1958 (a) a city of the first, second, third, or fourth class; or
- 1959 (b) a city of the fifth class with a population of 5,000 or more, if the city is located
- 1960 within a county of the first, second, or third class.
- 1961 ~~[(23)]~~ (26)(a) "Station area" means:
- 1962 (i) for a fixed guideway public transit station that provides rail services, the area
- 1963 within a one-half mile radius of the center of the fixed guideway public transit
- 1964 station platform; or
- 1965 (ii) for a fixed guideway public transit station that provides bus services only, the

1966 area within a one-fourth mile radius of the center of the fixed guideway public
1967 transit station platform.

1968 (b) "Station area" includes any parcel bisected by the radius limitation described in [
1969 ~~Subsection (a)(i)] Subsection (26)(a)(i) or (ii).~~

1970 [(24)] (27) "Station area plan" means a plan that:

1971 (a) establishes a vision, and the actions needed to implement that vision, for the
1972 development of land within a station area; and

1973 (b) is developed and adopted in accordance with this section.

1974 [(25)] (28) "Subsequent progress report" means the annual report described in Subsection
1975 10-21-202(2).

1976 [(26)] (29) "System improvements" means the same as that term is defined in Section
1977 11-36a-102.

1978 [(27)] (30) "Tax commission" means the State Tax Commission created in Section 59-1-201.

1979 [(28)] (31)(a) "Tax increment" means the difference between:

1980 (i) the amount of property tax revenue generated each tax year by a taxing entity from
1981 the area within a home ownership promotion zone, using the current assessed
1982 value and each taxing entity's current certified tax rate as defined in Section
1983 59-2-924; and

1984 (ii) the amount of property tax revenue that would be generated from that same area
1985 using the base taxable value and each taxing entity's current certified tax rate as
1986 defined in Section 59-2-924.

1987 (b) "Tax increment" does not include property revenue from:

1988 (i) a multicounty assessing and collecting levy described in Subsection 59-2-1602(2);
1989 or

1990 (ii) a county additional property tax described in Subsection 59-2-1602(4).

1991 [(29)] (32) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

1992 Section 26. Section **10-21-304** is enacted to read:

1993 **10-21-304 (Effective 10/01/26). Detached accessory dwelling units.**

1994 (1)(a) A specified municipality shall adopt a land use regulation that permits a detached
1995 accessory dwelling unit on any lot or parcel that is 11,000 square feet or larger and
1996 contains a single-family dwelling, if the single-family dwelling is a permitted use on
1997 the lot or parcel.

1998 (b) This section does not prohibit a municipality from adopting a land use regulation that
1999 permits a detached accessory dwelling unit on a lot or parcel that is smaller than

2000 11,000 square feet.

2001 (2) A land use regulation described in Subsection (1) shall:

2002 (a) require that a detached accessory dwelling unit comply with all applicable building,
2003 health, and fire codes; and

2004 (b) include a process for the owner of a legally constructed accessory structure to
2005 convert the accessory structure to a detached accessory dwelling unit subject to
2006 applicable:

2007 (i) dwelling and accessory structure setback requirements; and

2008 (ii) building, health, and fire codes.

2009 (3) A land use regulation described in Subsection (1) may not:

2010 (a) require a conditional use permit for a detached accessory dwelling unit if the
2011 proposed detached accessory dwelling unit is located in a primarily residential zone;

2012 (b) require more than two on-site parking spaces assigned to a detached accessory
2013 dwelling unit that is 650 square feet or larger;

2014 (c) require more than one on-site parking space assigned to a detached accessory
2015 dwelling unit that is smaller than 650 square feet; or

2016 (d) include design standards for a detached accessory dwelling unit that conflict with
2017 Section 10-20-618.

2018 (4) A land use regulation described in Subsection (1) may:

2019 (a) require a detached accessory dwelling unit to:

2020 (i) conform to applicable land use regulations that regulate structure size, dimension,
2021 height, and maximum lot coverage;

2022 (ii) conform to setback requirements, that may take into account proximity to
2023 property lines and other structures, easements, window orientation, massing, or
2024 other elements; and

2025 (iii) be designed consistent with the design of the single-family dwelling;

2026 (b) prohibit a detached accessory dwelling unit from being:

2027 (i) larger in size than the single-family dwelling located on the same lot or parcel;

2028 (ii) located within a public utility easement or other recorded easement;

2029 (iii) located in a front-yard area of a lot or parcel; or

2030 (iv) rented for less than 90 consecutive days;

2031 (c) require that the owner of a lot or parcel where a detached accessory dwelling unit is
2032 located reside in the detached single-family dwelling or detached accessory dwelling
2033 unit located on the lot or parcel;

- (d) require that when a detached garage is converted to a detached accessory dwelling unit, any parking spaces required for the single-family dwelling that were located within the detached garage are replaced on-site;
- (e) prohibit more than one accessory dwelling unit on a lot or parcel; and
- (f) prohibit a detached accessory dwelling unit if:
 - (i) the detached accessory dwelling unit will not have adequate access to a required utility service that is a project improvement, including sanitary sewer, culinary water, electrical, or storm water; or
 - (ii) a utility service that is a system improvement, including sanitary sewer, culinary water, electrical, or storm water, to which the detached accessory dwelling unit is required to connect does not have sufficient capacity to support the addition of the detached accessory dwelling unit to the utility service system improvements.

(5) This section does not supersede:

- (a) a land use regulation that regulates a detached accessory building that is not a detached accessory dwelling unit;
- (b) prohibitions or restrictions on detached accessory dwelling units in a development agreement signed by a municipality on or before May 6, 2026; or
- (c) a land use regulation or administrative action that:
 - (i) is not prohibited by law; and
 - (ii) relates to a detached accessory dwelling unit.

Section 27. Section **13-43-205** is amended to read:

13-43-205 (Effective 05/06/26). 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:

(a) is in occupancy of the owner's property;

(b) is occupying the property:

(i) for a public use authorized by law; and

(ii) without colorable legal or equitable authority; and

(c) continues to occupy the property without the owner's consent, the occupancy would constitute a taking of private property for a public use without just compensation.

(3) An advisory opinion issued under Subsection (2) may justify an award of attorney fees against a condemning entity in accordance with Section 13-43-206 only if the court finds that the condemning entity:

(a) does not have a colorable claim or defense for the entity's actions; and

(b) continued occupancy without payment of just compensation and in disregard of the advisory opinion.

Section 28. Section **17-79-102** is amended to read:

17-79-102 (Effective 05/06/26). 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 property owner, property owner's association, public utility, or the Department

- 2102 of Transportation, if:
- 2103 (a) the entity's services or facilities are likely to require expansion or significant
- 2104 modification because of an intended use of land;
- 2105 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
- 2106 or
- 2107 (c) the entity has filed with the county a request for notice during the same calendar year
- 2108 and before the county provides notice to an affected entity in compliance with a
- 2109 requirement imposed under this chapter.
- 2110 (4) "Affected owner" means the owner of real property that is:
- 2111 (a) a single project; and
- 2112 (b) the subject of a land use approval that:
- 2113 (i) sponsors of a referendum timely challenged in accordance with Subsection
- 2114 20A-7-601(6); and
- 2115 ~~[(c)]~~ (ii) is determined to be legally referable under Section 20A-7-602.8.
- 2116 (5) "Appeal authority" means the person, board, commission, agency, or other body
- 2117 designated by ordinance to decide an appeal of a decision of a land use application or a
- 2118 variance.
- 2119 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
- 2120 residential property if the sign is designed or intended to direct attention to a business,
- 2121 product, or service that is not sold, offered, or existing on the property where the sign is
- 2122 located.
- 2123 ~~[(7) "Building code adoption cycle" means the period of time beginning the day on which a~~
- 2124 ~~specific edition of a construction code from a nationally recognized code authority is~~
- 2125 ~~adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day~~
- 2126 ~~before a new edition of a construction code is adopted and effective in Title 15A, State~~
- 2127 ~~Construction and Fire Codes Act.]~~
- 2128 ~~[(8)]~~ (7)(a) "Boundary adjustment" means an agreement between adjoining property
- 2129 owners to relocate a common boundary that results in a conveyance of property
- 2130 between the adjoining lots, adjoining parcels, or adjoining lots and parcels.
- 2131 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
- 2132 (i) creates an additional lot or parcel; or
- 2133 (ii) is made by the Department of Transportation.
- 2134 ~~[(9)]~~ (8)(a) "Boundary establishment" means an agreement between adjoining property
- 2135 owners to clarify the location of an ambiguous, uncertain, or disputed common

- 2136 boundary.
- 2137 (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary
- 2138 that:
- 2139 (i) creates an additional lot or parcel; or
- 2140 (ii) is made by the Department of Transportation.
- 2141 (9) "Building code adoption cycle" means the period of time beginning the day on which a
- 2142 specific edition of a construction code from a nationally recognized code authority is
- 2143 adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day
- 2144 before a new edition of a construction code is adopted and effective in Title 15A, State
- 2145 Construction and Fire Codes Act.
- 2146 (10)(a) "Charter school" means:
- 2147 (i) an operating charter school;
- 2148 (ii) a charter school applicant that a charter school authorizer approves in accordance
- 2149 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- 2150 (iii) an entity that is working on behalf of a charter school or approved charter
- 2151 applicant to develop or construct a charter school building.
- 2152 (b) "Charter school" does not include a therapeutic school.
- 2153 (11) "Chief executive officer" means the person or body that exercises the executive powers
- 2154 of the county.
- 2155 (12) "Conditional use" means a land use that, because of the unique characteristics or
- 2156 potential detrimental impact of the land use on the county, surrounding neighbors, or
- 2157 adjacent land uses, may not be compatible in some areas or may be compatible only if
- 2158 certain conditions are required that mitigate or eliminate the detrimental impacts.
- 2159 (13) "Constitutional taking" means a governmental action that results in a taking of private
- 2160 property [~~so that~~] where compensation to the property owner[~~of the property~~] is required
- 2161 by the:
- 2162 (a) Fifth or Fourteenth Amendment [~~of~~] to the Constitution of the United States; or
- 2163 (b) Utah Constitution, Article I, Section 22.
- 2164 (14) "Conveyance document" means an instrument that:
- 2165 (a) meets the definition of "document" in Section 57-1-1; and
- 2166 (b) meets the requirements of Section 57-1-45.5.
- 2167 (15) "Conveyance of property" means the transfer of ownership of any portion of real
- 2168 property from one person to another person.
- 2169 (16) "County utility easement" means an easement that:

- 2170 (a) a plat recorded in a county recorder's office described as a county utility easement or
2171 otherwise as a utility easement;
- 2172 (b) is not a protected utility easement or a public utility easement as defined in Section
2173 54-3-27;
- 2174 (c) the county or the county's affiliated governmental entity owns or creates; and
- 2175 (d)(i) either:
- 2176 (A) no person uses or occupies; or
- 2177 (B) the county or the county's affiliated governmental entity uses and occupies to
2178 provide a utility service, including sanitary sewer, culinary water, electrical,
2179 storm water, or communications or data lines; or
- 2180 (ii) a person uses or occupies with or without an authorized franchise or other
2181 agreement with the county.
- 2182 (17) "Culinary water authority" means the department, agency, or public entity with
2183 responsibility to review and approve the feasibility of the culinary water system and
2184 sources for the subject property.
- 2185 (18) "Department of Transportation" means the entity created in Section 72-1-201.
- 2186 (19) "Development activity" means:
- 2187 (a) any construction or expansion of a building, structure, or use that creates additional
2188 demand and need for public facilities;
- 2189 (b) any change in use of a building or structure that creates additional demand and need
2190 for public facilities; or
- 2191 (c) any change in the use of land that creates additional demand and need for public
2192 facilities.
- 2193 (20)(a) "Development agreement" means a written agreement or amendment to a written
2194 agreement between a county and one or more parties that regulates or controls the use
2195 or development of a specific area of land.
- 2196 (b) "Development agreement" does not include an improvement completion assurance.
- 2197 (21)(a) "Disability" means a physical or mental impairment that substantially limits one
2198 or more of a person's major life activities, including a person having a record of such
2199 an impairment or being regarded as having such an impairment.
- 2200 (b) "Disability" does not include current illegal use of, or addiction to, any federally
2201 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21
2202 U.S.C. Sec. 802.
- 2203 (22) "Document" means the same as that term is defined in Section 57-1-1.

(23) "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 (23)(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 (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

- 2238 plain designated by the Federal Emergency Management Agency.
- 2239 (27) "Full boundary adjustment" means a boundary adjustment that is not a simple
- 2240 boundary adjustment.
- 2241 (28) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 2242 (29) "General plan" means a document that a county adopts that sets forth general
- 2243 guidelines for proposed future development of:
- 2244 (a) the unincorporated land within the county; or
- 2245 (b) for a mountainous planning district, the land within the mountainous planning
- 2246 district.
- 2247 (30) "Geologic hazard" means:
- 2248 (a) a surface fault rupture;
- 2249 (b) shallow groundwater;
- 2250 (c) liquefaction;
- 2251 (d) a landslide;
- 2252 (e) a debris flow;
- 2253 (f) unstable soil;
- 2254 (g) a rock fall; or
- 2255 (h) any other geologic condition that presents a risk:
- 2256 (i) to life;
- 2257 (ii) of substantial loss of real property; or
- 2258 (iii) of substantial damage to real property.
- 2259 (31) "Home-based microschool" means the same as that term is defined in Section
- 2260 53G-6-201.
- 2261 (32) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter,
- 2262 or appurtenance to connect to a county water, sewer, storm water, power, or other utility
- 2263 system.
- 2264 (33)(a) "Identical plans" means floor plans submitted to a county that:
- 2265 (i) are submitted within the same building code adoption cycle as floor plans that
- 2266 were previously approved by the county;
- 2267 (ii) have no structural differences from floor plans that were previously approved by
- 2268 the county; and
- 2269 (iii) describe a building that:
- 2270 (A) is located on land zoned the same as the land on which the building described
- 2271 in the previously approved plans is located;

(B) has a substantially identical floor plan to a floor plan previously approved by the county; 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 county 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 county.

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

(35) "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 county 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.

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

(a) complies with the county'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.

(37) "Improvement warranty period" means a period:

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

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

(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 county has not otherwise required the applicant to mitigate the suspect soil.

- 2306 (38) "Infrastructure improvement" means permanent infrastructure that is essential for the
2307 public health and safety or that:
2308 (a) is required for human consumption; and
2309 (b) an applicant shall install:
2310 (i) in accordance with published installation and inspection specifications for public
2311 improvements; and
2312 (ii) as a condition of:
2313 (A) recording a subdivision plat;
2314 (B) obtaining a building permit; or
2315 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
2316 project.
- 2317 (39) "Internal lot restriction" means a platted note, platted demarcation, or platted
2318 designation that:
2319 (a) runs with the land; and
2320 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
2321 the plat; or
2322 (ii) designates a development condition that is enclosed within the perimeter of a lot
2323 described on the plat.
- 2324 (40) "Interstate pipeline company" means a person or entity engaged in natural gas
2325 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
2326 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 2327 (41) "Intrastate pipeline company" means a person or entity engaged in natural gas
2328 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
2329 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 2330 (42) "Land use applicant" means a property owner, or the property owner's designee, who
2331 submits a land use application regarding the property owner's land.
- 2332 (43) "Land use application":
2333 (a) means an application that is:
2334 (i) required by a county; and
2335 (ii) submitted by a land use applicant to obtain a land use decision; and
2336 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 2337 (44) "Land use authority" means:
2338 (a) a person, board, commission, agency, or body, including the local legislative body,
2339 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

- 2374 households with a gross household income equal to or less than 80% of the median gross
2375 income for households of the same size in the county in which the housing is located.
- 2376 (53) "Mountainous planning district" means an area designated by a county legislative body
2377 in accordance with Section 17-79-408.
- 2378 (54) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and
2379 expenses incurred in:
- 2380 (a) verifying that building plans are identical plans; and
2381 (b) reviewing and approving those minor aspects of identical plans that differ from the
2382 previously reviewed and approved building plans.
- 2383 (55) "Noncomplying structure" means a structure that:
- 2384 (a) legally existed before the structure's current land use designation; and
2385 (b) because of one or more subsequent land use ordinance changes, does not conform to
2386 the setback, height restrictions, or other regulations, excluding those regulations that
2387 govern the use of land.
- 2388 (56) "Nonconforming use" means a use of land that:
- 2389 (a) legally existed before the land's current land use designation;
2390 (b) has been maintained continuously since the time the land use ordinance regulation
2391 governing the land changed; and
2392 (c) because of one or more subsequent land use ordinance changes, does not conform to
2393 the regulations that now govern the use of the land.
- 2394 (57) "Official map" means a map drawn by county authorities and recorded in the county
2395 recorder's office that:
- 2396 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
2397 highways and other transportation facilities;
2398 (b) provides a basis for restricting development in designated rights-of-way or between
2399 designated setbacks to allow the government authorities time to purchase or
2400 otherwise reserve the land; and
2401 (c) has been adopted as an element of the county's general plan.
- 2402 (58) "Parcel" means any real property that is not a lot.
- 2403 (59) "Person" means an individual, corporation, partnership, organization, association, trust,
2404 governmental agency, or any other legal entity.
- 2405 (60) "Plan for moderate income housing" means a written document adopted by a county
2406 legislative body that includes:
- 2407 (a) an estimate of the existing supply of moderate income housing located within the

- 2408 county;
- 2409 (b) an estimate of the need for moderate income housing in the county for the next five
- 2410 years;
- 2411 (c) a survey of total residential land use;
- 2412 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
- 2413 income housing; and
- 2414 (e) a description of the county's program to encourage an adequate supply of moderate
- 2415 income housing.
- 2416 (61) "Planning advisory area" means a contiguous, geographically defined portion of the
- 2417 unincorporated area of a county established under this part with planning and zoning
- 2418 functions as exercised through the planning advisory area planning commission, as
- 2419 provided in this chapter, but with no legal or political identity separate from the county
- 2420 and no taxing authority.
- 2421 (62) "Plat" means an instrument subdividing property into lots as depicted on a map or
- 2422 other graphical representation of lands that a licensed professional land surveyor makes
- 2423 and prepares in accordance with Section 17-79-703 or 57-8-13.
- 2424 (63) "Potential geologic hazard area" means an area that:
- 2425 (a) is designated by a Utah Geological Survey map, county geologist map, or other
- 2426 relevant map or report as needing further study to determine the area's potential for
- 2427 geologic hazard; or
- 2428 (b) has not been studied by the Utah Geological Survey or a county geologist but
- 2429 presents the potential of geologic hazard because the area has characteristics similar
- 2430 to those of a designated geologic hazard area.
- 2431 (64) "Property owner" means a person that holds legal title in real property.
- 2432 [(64)] (65) "Public agency" means:
- 2433 (a) the federal government;
- 2434 (b) the state;
- 2435 (c) a county, municipality, school district, special district, special service district, or
- 2436 other political subdivision of the state; or
- 2437 (d) a charter school.
- 2438 [(65)] (66) "Public hearing" means a hearing at which members of the public are provided a
- 2439 reasonable opportunity to comment on the subject of the hearing.
- 2440 [(66)] (67) "Public meeting" means a meeting that is required to be open to the public under
- 2441 Title 52, Chapter 4, Open and Public Meetings Act.

- 2442 [(67)] (68) "Public street" means a public right-of-way, including a public highway, public
2443 avenue, public boulevard, public parkway, public road, public lane, public alley, public
2444 viaduct, public subway, public tunnel, public bridge, public byway, other public
2445 transportation easement, or other public way.
- 2446 [(68)] (69) "Receiving zone" means an unincorporated area that a county designates, by
2447 ordinance, as an area in which an owner of land may receive a transferable development
2448 right.
- 2449 [(69)] (70) "Record of survey map" means a map of a survey of land prepared in accordance
2450 with Section 17-73-504.
- 2451 [(70)] (71) "Residential facility for persons with a disability" means a residence:
2452 (a) in which more than one person with a disability resides; and
2453 (b) which is licensed or certified by the Department of Health and Human Services
2454 under:
2455 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
2456 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 2457 [(71)] (72) "Residential roadway" means a public local residential road that:
2458 (a) will serve primarily to provide access to adjacent primarily residential areas and
2459 property;
2460 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
2461 (c) is not identified as a supplementary to a collector or other higher system classified
2462 street in an approved municipal street or transportation master plan;
2463 (d) has a posted speed limit of 25 miles per hour or less;
2464 (e) does not have higher traffic volumes resulting from connecting previously separated
2465 areas of the municipal road network;
2466 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
2467 intended for high volume traffic or community centers, including schools, recreation
2468 centers, sports complexes, or libraries; and
2469 (g) primarily serves traffic within a neighborhood or limited residential area and is not
2470 necessarily continuous through several residential areas.
- 2471 [(72)] (73) "Rules of order and procedure" means a set of rules that govern and prescribe in
2472 a public meeting:
2473 (a) parliamentary order and procedure;
2474 (b) ethical behavior; and
2475 (c) civil discourse.

- 2476 ~~[(73)]~~ (74) "Sanitary sewer authority" means the department, agency, or public entity with
2477 responsibility to review and approve the feasibility of sanitary sewer services or onsite
2478 wastewater systems.
- 2479 ~~[(74)]~~ (75) "Sending zone" means an unincorporated area that a county designates, by
2480 ordinance, as an area from which an owner of land may transfer a transferable
2481 development right.
- 2482 ~~[(75)]~~ (76) "Simple boundary adjustment" means a boundary adjustment that does not:
2483 (a) affect a public right-of-way, county utility easement, or other public property;
2484 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
2485 (c) result in a lot or parcel out of conformity with land use regulations.
- 2486 ~~[(76)]~~ (77) "Site plan" means a document or map that may be required by a county during a
2487 preliminary review before the issuance of a building permit to demonstrate that an
2488 owner's or developer's proposed development activity meets a land use requirement.
- 2489 ~~[(77)]~~ (78)(a) "Special district" means an entity under Title 17B, Limited Purpose Local
2490 Government Entities - Special Districts.
2491 (b) "Special district" includes a governmental or quasi-governmental entity that is not a
2492 county, municipality, school district, or the state.
- 2493 (79) "Specific land use law" means a requirement or restriction on the use of a specific
2494 parcel in a development agreement that a legislative body approves with the consent of
2495 an affected property owner.
- 2496 ~~[(78)]~~ (80) "Specified public agency" means:
2497 (a) the state;
2498 (b) a school district; or
2499 (c) a charter school.
- 2500 ~~[(79)]~~ (81) "Specified public utility" means an electrical corporation, gas corporation, or
2501 telephone corporation, as those terms are defined in Section 54-2-1.
- 2502 ~~[(80)]~~ (82) "State" includes any department, division, or agency of the state.
- 2503 ~~[(81)]~~ (83)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to
2504 be divided into two or more lots or other division of land for the purpose, whether
2505 immediate or future, for offer, sale, lease, or development either on the installment
2506 plan or upon any and all other plans, terms, and conditions.
2507 (b) "Subdivision" includes:
2508 (i) the division or development of land, whether by deed, metes and bounds
2509 description, devise and testacy, map, plat, or other recorded instrument, regardless

2510 of whether the division includes all or a portion of a parcel or lot; and

2511 (ii) except as provided in Subsection [(81)(e)] (83)(c), divisions of land for residential
2512 and nonresidential uses, including land used or to be used for commercial,
2513 agricultural, and industrial purposes.

2514 (c) "Subdivision" does not include:

2515 (i) a bona fide division or partition of agricultural land for agricultural purposes;

2516 (ii) a recorded conveyance document:

2517 (A) consolidating multiple lots or parcels into one legal description encompassing
2518 all lots by reference to a recorded plat and all parcels by metes and bounds
2519 description; or

2520 (B) joining a lot to a parcel;

2521 (iii) a bona fide division or partition of land in a county other than a first class county
2522 for the purpose of siting, on one or more of the resulting separate parcels:

2523 (A) an electrical transmission line or a substation;

2524 (B) a natural gas pipeline or a regulation station; or

2525 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
2526 utility service regeneration, transformation, retransmission, or amplification
2527 facility;

2528 (iv) a bona fide division of land by deed or other instrument if the deed or other
2529 instrument states in writing that the division:

2530 (A) is in anticipation of future land use approvals on the parcel or parcels;

2531 (B) does not confer any land use approvals; and

2532 (C) has not been approved by the land use authority;

2533 (v) a boundary adjustment;

2534 (vi) a boundary establishment;

2535 (vii) a road, street, or highway dedication plat;

2536 (viii) a deed or easement for a road, street, or highway purpose; or

2537 (ix) any other division of land authorized by law.

2538 [(82)] (84)(a) "Subdivision amendment" means an amendment to a recorded subdivision
2539 in accordance with Section 17-79-711 that:

2540 (i) vacates all or a portion of the subdivision;

2541 (ii) increases the number of lots within the subdivision;

2542 (iii) alters a public right-of-way, a public easement, or public infrastructure within the
2543 subdivision; or

- 2544 (iv) alters a common area or other common amenity within the subdivision.
- 2545 (b) "Subdivision amendment" does not include a simple boundary adjustment.
- 2546 [(83)] (85) "Substantial evidence" means evidence that:
- 2547 (a) is beyond a scintilla; and
- 2548 (b) a reasonable mind would accept as adequate to support a conclusion.
- 2549 [(84)] (86) "Suspect soil" means soil that has:
- 2550 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 2551 3% swell potential;
- 2552 (b) bedrock units with high shrink or swell susceptibility; or
- 2553 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 2554 commonly associated with dissolution and collapse features.
- 2555 [(85)] (87) "Therapeutic school" means a residential group living facility:
- 2556 (a) for four or more individuals who are not related to:
- 2557 (i) the owner of the facility; or
- 2558 (ii) the primary service provider of the facility;
- 2559 (b) that serves students who have a history of failing to function:
- 2560 (i) at home;
- 2561 (ii) in a public school; or
- 2562 (iii) in a nonresidential private school; and
- 2563 (c) that offers:
- 2564 (i) room and board; and
- 2565 (ii) an academic education integrated with:
- 2566 (A) specialized structure and supervision; or
- 2567 (B) services or treatment related to a disability, an emotional development, a
- 2568 behavioral development, a familial development, or a social development.
- 2569 [(86)] (88) "Transferable development right" means a right to develop and use land that
- 2570 originates by an ordinance that authorizes a [land] property owner in a designated
- 2571 sending zone to transfer land use rights from a designated sending zone to a designated
- 2572 receiving zone.
- 2573 [(87)] (89) "Unincorporated" means the area outside of the incorporated area of a
- 2574 municipality.
- 2575 [(88)] (90) "Water interest" means any right to the beneficial use of water, including:
- 2576 (a) each of the rights listed in Section 73-1-11; and
- 2577 (b) an ownership interest in the right to the beneficial use of water represented by:

- 2578 (i) a contract; or
- 2579 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 2580 [(89)] (91) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
- 2581 land use zones, overlays, or districts.
- 2582 Section 29. Section **17-79-205** is amended to read:
- 2583 **17-79-205 (Effective 05/06/26). Notice of public hearings and public meetings on**
- 2584 **adoption or modification of land use regulation.**
- 2585 (1) Each county shall give:
- 2586 (a) notice of the date, time, and place of the first public hearing to consider the adoption
- 2587 or modification of a land use regulation; and
- 2588 (b) notice of each public meeting on the subject.
- 2589 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
- 2590 (a) mailed to each affected entity at least 10 calendar days before the public hearing; and
- 2591 (b)(i) provided for the area affected by the land use ordinance changes, as a class B
- 2592 notice under Section 63G-30-102, for at least 10 calendar days before the day of
- 2593 the public hearing; or
- 2594 (ii) if the proposed land use ordinance adoption or modification is ministerial in
- 2595 nature, as described in Subsections (6)(a) and (b), provided as a class A notice
- 2596 under Section 63G-30-102 for at least 10 calendar days before the day of the
- 2597 public hearing.
- 2598 (3) In addition to the notice requirements described in Subsections (1) and (2), for any
- 2599 proposed modification to the text of a zoning code, the notice posted in accordance with
- 2600 Subsection (2) shall:
- 2601 (a) include:
- 2602 (i) a summary of the effect of the proposed modifications to the text of the zoning
- 2603 code designed to be understood by a lay person; or
- 2604 (ii) a direct link to the county's webpage where a person can find a summary of the
- 2605 effect of the proposed modifications to the text of the zoning code designed to be
- 2606 understood by a lay person; and
- 2607 (b) be provided to any person upon written request.
- 2608 (4) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before
- 2609 the hearing and shall be published for the county, as a class A notice under Section
- 2610 63G-30-102, for at least 24 hours.
- 2611 (5)(a) A county shall send a courtesy notice to each owner of private real property

whose property is located entirely or partially within the proposed zoning map enactment or amendment at least 10 days before the scheduled day of the public hearing.

(b) The notice shall:

- (i) identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;
- (ii) state the current zone in which the real property is located;
- (iii) state the proposed new zone for the real property;
- (iv) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;
- (v) state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;
- (vi) state the address where the property owner should file the protest;
- (vii) notify the property owner that each written objection filed with the county will be provided to the county legislative body; and
- (viii) state the location, date, and time of the public hearing described in Section 17-79-502.

(c) If a county mails notice to a property owner under Subsection (2)(b)(i) for a public hearing on a zoning map or map amendment, the notice required in this Subsection (5) may be included in or part of the notice described in Subsection (2)(b)(i) rather than sent separately.

(6)(a) [A] For purposes of the notice requirements in Subsection (2)(b) only, a proposed land use ordinance is ministerial in nature if the proposed land use ordinance change is to:

- (i) bring the county's land use ordinances into compliance with a state or federal law;
- (ii) adopt a county land use update that affects:
 - (A) an entire zoning district; or
 - (B) multiple zoning districts;
- (iii) adopt a non-substantive, clerical text amendment to an existing land use ordinance;
- (iv) recodify the county's existing land use ordinances; or
- (v) designate or define an affected area for purposes of a boundary adjustment or

annexation.

(b) A proposed land use ordinance may include more than one of the purposes described in Subsection (6)(a) and remain ministerial in nature.

(c) If a proposed land use ordinance includes an adoption or modification not described in Subsection (6)(a):

(i) the proposed land use ordinance is not ministerial in nature, even if the proposed land use ordinance also includes a change or modification described in Subsection (6)(a); and

(ii) the notice requirements of Subsection (2)(b)(i) apply.

Section 30. Section **17-79-301** is amended to read:

17-79-301 (Effective 05/06/26). Ordinance establishing planning commission required -- Exception -- Ordinance requirements -- Planning advisory area planning commission -- Compensation.

(1)(a) Except as provided in Subsection (1)(b), each county shall enact an ordinance establishing a countywide planning commission for the unincorporated areas of the county not within a planning advisory area.

(b) Subsection (1)(a) does not apply if all of the county is included within any combination of:

(i) municipalities;

(ii) planning advisory areas each with a separate planning commission; and

(iii) mountainous planning districts.

(c)(i) Notwithstanding Subsection (1)(a), a county that designates a mountainous planning district shall enact an ordinance, subject to Subsection (1)(c)(ii), establishing a planning commission that has jurisdiction over the entire mountainous planning district.

(ii) A planning commission described in Subsection (1)(c)(i) has jurisdiction subject to a local health department exercising the local health department's authority in accordance with Title 26A, Chapter 1, Local Health Departments, and a municipality exercising the municipality's authority in accordance with Section 10-8-15.

(iii) The ordinance shall require that members of the planning commission be appointed by the county executive with the advice and consent of the county legislative body.

(2)(a) Notwithstanding Subsection (1)(b), the county legislative body of a county of the

first or second class that includes more than one planning advisory area each with a separate planning commission may enact an ordinance that:

- (i) dissolves each planning commission within the county; and
- (ii) establishes a countywide planning commission that has jurisdiction over:
 - (A) each planning advisory area within the county; and
 - (B) the unincorporated areas of the county not within a planning advisory area.

(b) A countywide planning commission established under Subsection (2)(a) shall assume the duties of each dissolved planning commission.

(3)(a) The ordinance described in Subsection (1)(a), (1)(c), or (2)(a) shall~~[-define]~~:

- (i) include the number and terms of the planning commission members and, if the county chooses, alternate members;
- (ii) ~~[the mode of appointment]~~ provide procedures for appointing a planning commission member;
- (iii) ~~[the]~~ provide procedures for filling vacancies on the planning commission;
- (iv) ~~[-and removal from office]~~ provide procedures for removing a planning commission member from the planning commission;
- (v) except as provided in Subsection (3)(a)(vi), describe the causes for which a planning commission member may be removed from the planning commission, which shall include:
 - (A) using public funds for a political purpose under Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act;
 - (B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and
 - (C) acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the planning commission member's administrative or quasi-judicial duties;
- (vi) provide that a planning commission member deliberating about a specific pending land use application in a planning commission meeting with municipal staff, an elected official, or the land use applicant is not cause for removing a planning commission member from the planning commission;
- (vii) provide requirements for when a planning commission member shall recuse oneself from deliberating or voting on certain land use applications;
- ~~[(iv)]~~ (viii) define the authority of the planning commission;

2714 ~~[(v)]~~ (ix) subject to Subsection (3)(b), ~~[the]~~ include rules of order and procedure for
2715 use by the planning commission in a public meeting; and
2716 ~~[(vi)]~~ (x) include other details relating to the organization and procedures of the
2717 planning commission.

2718 (b) Subsection ~~[(3)(a)(v)]~~ (3)(a)(ix) does not affect the planning commission's duty to
2719 comply with Title 52, Chapter 4, Open and Public Meetings Act.

2720 (4)(a)(i) If the county establishes a planning advisory area planning commission, the
2721 county legislative body shall enact an ordinance that defines:

2722 (A) appointment procedures;

2723 (B) procedures for filling vacancies and removing members from office;

2724 (C) subject to Subsection (4)(a)(ii), the rules of order and procedure for use by the
2725 planning advisory area planning commission in a public meeting; and

2726 (D) details relating to the organization and procedures of each planning advisory
2727 area planning commission.

2728 (ii) Subsection (4)(a)(i)(C) does not affect the planning advisory area planning
2729 commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings
2730 Act.

2731 (b) The planning commission for each planning advisory area shall consist of seven
2732 members who shall be appointed by:

2733 (i) in a county operating under a form of government in which the executive and
2734 legislative functions of the governing body are separated, the county executive
2735 with the advice and consent of the county legislative body; or

2736 (ii) in a county operating under a form of government in which the executive and
2737 legislative functions of the governing body are not separated, the county
2738 legislative body.

2739 (c)(i) Members shall serve four-year terms and until their successors are appointed
2740 and qualified.

2741 (ii) Notwithstanding the provisions of Subsection (4)(c)(i), members of the first
2742 planning commissions shall be appointed so that, for each commission, the terms
2743 of at least one member and no more than two members expire each year.

2744 (d)(i) Each member of a planning advisory area planning commission shall be a
2745 registered voter residing within the planning advisory area.

2746 (ii) Subsection (4)(d)(i) does not apply to a member described in Subsection (5)(a) if
2747 that member was, before May 12, 2015, authorized to reside outside of the

2748 planning advisory area.

2749 (5)(a) A member of a planning commission who was elected to and served on a planning
2750 commission on May 12, 2015, shall serve out the term to which the member was
2751 elected.

2752 (b) Upon the expiration of an elected term described in Subsection (5)(a), the vacant seat
2753 shall be filled by appointment in accordance with this section.

2754 (6) Upon the appointment of all members of a planning advisory area planning commission,
2755 each planning advisory area planning commission under this section shall begin to
2756 exercise the powers and perform the duties provided in Section 17-79-302 with respect
2757 to all matters then pending that previously had been under the jurisdiction of the
2758 countywide planning commission or planning advisory area planning and zoning board.

2759 (7) The legislative body may authorize a member of a planning commission to receive per
2760 diem and travel expenses for meetings actually attended, in accordance with Section
2761 11-55-103.

2762 Section 31. Section **17-79-302** is amended to read:

2763 **17-79-302 (Effective 05/06/26). Planning commission powers and duties --**
2764 **Training requirements.**

2765 (1) Each countywide, planning advisory area, or mountainous planning district planning
2766 commission shall, with respect to the unincorporated area of the county, the planning
2767 advisory area, or the mountainous planning district, review and make a recommendation
2768 to the county legislative body for:

2769 (a) a general plan and amendments to the general plan;

2770 (b) land use regulations, including:

2771 (i) ordinances regarding the subdivision of land within the county; and

2772 (ii) amendments to existing land use regulations;

2773 (c) an appropriate delegation of power to at least one designated land use authority to
2774 hear and act on a land use application;

2775 (d) an appropriate delegation of power to at least one appeal authority to hear and act on
2776 an appeal from a decision of the land use authority; and

2777 (e) application processes that:

2778 (i) may include a designation of routine land use matters that, upon application and
2779 proper notice, will receive informal streamlined review and action if the
2780 application is uncontested; and

2781 (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; and

(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, including the role of the planning commission in administrative, legislative, and quasi-judicial functions under ~~[Title 17, Chapter 27a, County Land Use, Development, and Management Act]~~ this chapter; and

(ii) three hours of annual training on a combination of land use and ethics, 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[-] ;
- (L) ex parte communication; and
- (M) conflict of interest.

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

17-79-501 (Effective 05/06/26). 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) A county shall publish on the county's website:

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

(ii) 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.

(b) A county may comply with Subsection (5)(a) by:

(i) posting a link on the county's website to a separate webpage or third-party website where the land use regulations or fee schedule described in Subsection (5)(a) are posted; and

(ii) submitting a new or modified land use regulation or fee schedule described in Subsection (5)(a) to the third-party website within six months after the day on which the legislative body adopts the new or modified land use regulation or fee schedule.

~~[(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 33. Section **17-79-502** is amended to read:

17-79-502 (Effective 05/06/26). Preparation and adoption of land use regulation.

(1) A planning commission shall:

- 2884 (a) provide notice as required by Subsection 17-79-205(1)(a) and, if applicable,
- 2885 Subsection 17-79-205(4);
- 2886 (b) hold a public hearing on a proposed land use regulation;
- 2887 (c) if applicable, consider each written objection filed in accordance with Subsection
- 2888 17-79-205(4) before the public hearing; and
- 2889 (d)(i) review and recommend to the legislative body a proposed land use regulation
- 2890 that represents the planning commission's recommendation for regulating the use
- 2891 and development of land within:
 - 2892 (A) all or any part of the unincorporated area of the county; or
 - 2893 (B) for a mountainous planning district, all or any part of the area in the
 - 2894 mountainous planning district; and
- 2895 (ii) forward to the legislative body all objections filed in accordance with Subsection
- 2896 17-79-205(4).

2897 (2)(a) The legislative body shall consider each proposed land use regulation that the
 2898 planning commission recommends to the legislative body.

- 2899 (b) After providing notice as required by Subsection 17-79-205(1)(b) and holding a
- 2900 public meeting, the legislative body may adopt or reject the proposed land use
- 2901 regulation described in Subsection (2)(a):
 - 2902 (i) as proposed by the planning commission; or
 - 2903 (ii) after making any revision the legislative body considers appropriate.

2904 ~~[(c) A legislative body may consider a planning commission's failure to make a timely~~
 2905 ~~recommendation as a negative recommendation if the legislative body has provided~~
 2906 ~~for that consideration by ordinance.]~~

- 2907 (c) Beginning on September 15, 2026, a legislative body may adopt or reject a proposed
- 2908 land use regulation without waiting for a recommendation from the planning
- 2909 commission if:
 - 2910 (i) a land use applicant makes a request described in Subsection 17-79-805(2)(b); or
 - 2911 (ii) a legislative body determines that a planning commission has had adequate time
 - 2912 to consider the land use regulation.

2913 Section 34. Section **17-79-507** is amended to read:

2914 **17-79-507 (Effective 05/06/26). Classification of new and unlisted business uses.**

2915 (1) As used in this section:

- 2916 (a) "Classification request" means a request to determine whether a proposed business
- 2917 use aligns with an existing land use specified in a county's land use ordinances.

(b) "New or unlisted business use" means a business activity that does not align with an existing land use specified in a county's land use ordinances.

(2)(a) Each county shall incorporate into the county's land use ordinances a process for reviewing and approving a new or unlisted business use and designating an appropriate zone or zones for an approved use.

(b) The process described in Subsection (2)(a) shall:

(i) detail how an applicant may submit a classification request;

(ii) establish a procedure for the county to review a classification request, including:

(A) providing a land use authority with criteria to determine whether a proposed use aligns with an existing use; ~~and~~

(B) allowing an applicant to proceed under the regulations of an existing use if a land use authority determines a proposed use aligns with that existing use; and

(C) providing the applicant an opportunity to appeal a land use authority's decision to the land use appeal authority;

(iii) provide that if a use is determined to be a new or unlisted business use:

(A) the applicant shall submit to the legislative body for review an application [for approval of the new or unlisted business use to the legislative body for review] requesting that the legislative body adopt a land use ordinance that permits the new or unlisted business as a permitted or conditional use;

(B) notwithstanding Subsection 17-79-503(2) or (3), the legislative body shall consider and [determine whether to] approve or deny [the new or unlisted business use] the application described in Subsection (2)(b)(iii)(A); and

(C) the legislative body shall approve or deny [the new or unlisted business use] the application described in Subsection (2)(b)(iii)(A), within a time frame the legislative body establishes by ordinance, if the applicant responds to requests for additional information within a time frame established by the county and appears at required hearings;

(iv) provide that if the legislative body approves [a proposed new or unlisted business use] the application described in Subsection (2)(b)(iii)(A), the legislative body shall designate an appropriate zone or zones for the approved use; and

(v) provide that if the legislative body denies [a proposed new or unlisted business use] the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees with a land use authority's classification of the proposed use, the legislative body shall:

(A) notify the applicant in writing of each reason for the classification or denial;
and

(B) ~~[offer the applicant an opportunity to challenge the classification or denial
through an administrative appeal process established by the county]~~ notify the
applicant of the process for appealing the legislative body's decision in
accordance with Section 17-79-1009.

(c) A county may not require an applicant who submits an application described in
Subsection (2)(b)(iii)(A) to submit the application to the planning commission for
consideration, review, or approval.

(3) Each county shall amend each land use ordinance that contains a list of approved or
prohibited business uses to include a reference to the process for petitioning to approve a
new or unlisted business use, as described in Subsection (2).

Section 35. Section **17-79-621** is enacted to read:

17-79-621 (Effective 05/06/26). Structure height.

(1) A county may regulate:

(a) the number of habitable stories that a structure may contain; and

(b) the overall height of a structure.

(2) If a land use authority approved a land use application for a commercial lodging
structure on or before September 1, 2025, and the land use application is subject to land
use regulations described in Subsection (1) that conflict, the land use authority may not
limit the number of above-ground habitable stories the land use applicant builds within
the maximum overall height that the land use authority approved for the structure.

Section 36. Section **17-79-706** is amended to read:

**17-79-706 (Effective 05/06/26). 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 county's review of that subdivision application;

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

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

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

located within the unincorporated area of a county.

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

(d) "Subdivision ordinance review" means review by a county to verify that a subdivision application meets the criteria of the county's ordinances.

(e) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with county ordinances and applicable installation standards and inspection specifications for infrastructure improvements.

(2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

(3)(a) A county may require a subdivision improvement plan to be submitted with a subdivision application.

(b) A county may not require a subdivision improvement plan to be submitted with both a preliminary subdivision application and a final subdivision application.

(4)(a) The review cycle requirements of this section apply:

(i) to the review of a preliminary subdivision application, if the county requires a subdivision improvement plan to be submitted with a preliminary subdivision application; or

(ii) to the review of a final subdivision application, if the county requires a subdivision improvement plan to be submitted with a final subdivision application.

(b) A county may not, outside the review cycle, engage in a substantive review of required infrastructure improvements or a county controlled utility.

(5)(a) A county shall complete the initial review of a complete subdivision application submitted for ordinance review for a residential subdivision for single-family 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;

- 3020 (ii) the owner's affidavit;
- 3021 (iii) an electronic copy of all plans in PDF format;
- 3022 (iv) the preliminary subdivision plat drawings; and
- 3023 (v) a breakdown of fees due upon approval of the application.
- 3024 (6) A county shall publish a list of the items that comprise a complete subdivision land use
- 3025 application.
- 3026 (7) A county shall complete a subdivision plan review of a subdivision improvement plan
- 3027 that is submitted with a complete subdivision application for a residential subdivision for
- 3028 single-family dwellings, two-family dwellings, or town homes:
- 3029 (a) within 20 business days after the complete subdivision application is submitted, if the
- 3030 county has a population over 5,000; or
- 3031 (b) within 40 business days after the complete subdivision application is submitted, if
- 3032 the county has a population of 5,000 or less.
- 3033 (8)(a) In reviewing a subdivision application, a county may require:
- 3034 (i) additional information relating to an applicant's plans to ensure compliance with
- 3035 county ordinances and approved standards and specifications for construction of
- 3036 public improvements; and
- 3037 (ii) modifications to plans that do not meet current ordinances, applicable standards,
- 3038 or specifications or do not contain complete information.
- 3039 (b) A county's request for additional information or modifications to plans under
- 3040 Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances,
- 3041 standards, or specifications that require the modifications to subdivision
- 3042 improvement plans, and shall be logged in an index of requested modifications or
- 3043 additions.
- 3044 (c) A county may not require more than four review cycles for a subdivision
- 3045 improvement plan review.
- 3046 (d)(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated
- 3047 by the applicant's adjustment to a subdivision improvement plan or an update to a
- 3048 phasing plan that adjusts the infrastructure needed for the specific development, a
- 3049 change or correction not addressed or referenced in a county's subdivision
- 3050 improvement plan review is waived.
- 3051 (ii) A modification or correction necessary to protect public health and safety or to
- 3052 enforce state or federal law may not be waived.
- 3053 (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 37. Section **17-79-707** is amended to read:

17-79-707 (Effective 05/06/26). Subdivision plat recording or development activity before required infrastructure is completed -- Improvement completion assurance -- Improvement warranty.

(1) As used in this section:

(a) "Private landscaping plan" means a proposal:

- (i) to install landscaping on a lot owned by a private individual or entity; and
- (ii) submitted to a county by the private individual or entity, or on behalf of a private individual or entity, that owns the lot.

(b) "Public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:

- (i) will be dedicated to and maintained by the county; or
- (ii) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.

(2) A land use authority shall establish objective inspection standards for acceptance of a required public landscaping improvement or infrastructure improvement.

(3)(a) Except as provided in Subsection (3)(d) or (3)(e), before an applicant conducts any development activity or records a plat, the applicant shall:

- (i) complete any required public landscaping improvements or infrastructure improvements; or
- (ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.

(b) If an applicant elects to post an improvement completion assurance, the applicant shall, in accordance with Subsection (5), provide completion assurance for:

- (i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or
- (ii) if the county has inspected and accepted a portion of the public landscaping improvements or infrastructure improvements, 100% of the incomplete or unaccepted public landscaping improvements or infrastructure improvements.

(c) A county shall:

- (i) establish a minimum of two acceptable forms of completion assurance;

- 3122 (ii)(A) if an applicant elects to post an improvement completion assurance, allow
3123 the applicant to post an assurance that meets the conditions of this chapter and
3124 any local ordinances; and
- 3125 (B) beginning on May 7, 2025, if a county accepts cash deposits as a form of
3126 completion assurance and an applicant elects to post a new cash deposit as a
3127 form of completion assurance, place the cash deposit in an interest-bearing
3128 account upon receipt and return any earned interest to the applicant with the
3129 return of the completion assurance according to the conditions of this chapter
3130 and any local ordinances;
- 3131 (iii) establish a system for the partial release of an improvement completion
3132 assurance as portions of required public landscaping improvements or
3133 infrastructure improvements are completed and accepted in accordance with local
3134 ordinance; and
- 3135 (iv) issue or deny a building permit in accordance with Section 17-79-901 based on
3136 the installation of public landscaping improvements or infrastructure
3137 improvements.
- 3138 (d) A county may not require an applicant to post an improvement completion assurance
3139 for:
- 3140 (i) public landscaping improvements or infrastructure improvements that the county
3141 has previously inspected and accepted;
- 3142 (ii) infrastructure improvements that are private and not essential or required to meet
3143 the building code, fire code, flood or storm water management provisions, street
3144 and access requirements, or other essential necessary public safety improvements
3145 adopted in a land use regulation;
- 3146 (iii) in a county where ordinances require all infrastructure improvements within the
3147 area to be private, infrastructure improvements within a development that the
3148 county requires to be private;
- 3149 (iv) landscaping improvements that are not public landscaping improvements, unless
3150 the landscaping improvements and completion assurance are required under the
3151 terms of a development agreement;
- 3152 (v) a private landscaping plan;
- 3153 (vi) landscaping improvements or infrastructure improvements that an applicant
3154 elects to install at the applicant's own risk:
- 3155 (A) before the plat is recorded;

- 3156 (B) pursuant to inspections required by the county for the infrastructure
3157 improvement; and
- 3158 (C) pursuant to final civil engineering plan approval by the county; or
- 3159 (vii) any individual public landscaping improvement or individual infrastructure
3160 improvement when the individual public landscaping improvement or individual
3161 infrastructure improvement is also included as part of a separate improvement
3162 completion assurance.
- 3163 (e)(i) A county may not:
- 3164 (A) prohibit an applicant from installing a public landscaping improvement or an
3165 infrastructure improvement when the [~~municipality~~] county has approved final
3166 civil engineering plans for the development activity or plat for which the public
3167 landscaping improvement or infrastructure improvement is required; or
- 3168 (B) require an applicant to sign an agreement, release, or other document
3169 inconsistent with this chapter as a condition of posting an improvement
3170 completion assurance, security for an improvement warranty, or receiving a
3171 building permit.
- 3172 (ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and
3173 infrastructure improvements that are installed by an applicant are subject to
3174 inspection by the county in accordance with the county's adopted inspection
3175 standards.
- 3176 (f)(i) Each improvement completion assurance and improvement warranty posted by
3177 an applicant with a county shall be independent of any other improvement
3178 completion assurance or improvement warranty posted by the same applicant with
3179 the county.
- 3180 (ii) Subject to Section 17-79-805, if an applicant has posted a form of security with a
3181 county for more than one infrastructure improvement or public landscaping
3182 improvement, the county may not withhold acceptance of an applicant's required
3183 subdivision improvements, public landscaping improvement, infrastructure
3184 improvements, or the performance of warranty work for the same applicant's
3185 failure to complete a separate subdivision improvement, public landscaping
3186 improvement, infrastructure improvement, or warranty work under a separate
3187 improvement completion assurance or improvement warranty.
- 3188 (4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or
3189 other entitlement benefit not currently available under the existing zone, a county

may require a completion assurance bond for landscaped amenities and common area that are dedicated to and maintained by a homeowners association.

(b) Any agreement regarding a completion assurance bond under Subsection (4)(a) between the applicant and the county shall be memorialized in a development agreement.

(c) A county may not require a completion assurance bond for or dictate who installs or is responsible for the cost of the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.

(5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:

(a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and

(b) 10% of the amount of the bond to cover administrative costs incurred by the county to complete the improvements, if necessary.

(6)(a) Upon an applicant's written request that the land use authority accept or reject the applicant's installation of required subdivision improvements or performance of warranty work as set forth in Section 17-79-805, and for the duration of each improvement warranty period, the land use authority may require the applicant to:

(i) execute an improvement warranty for the improvement warranty period; and

(ii) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the county, in the amount of up to 10% of the lesser of the:

(A) county engineer's original estimated cost of completion; or

(B) applicant's reasonable proven cost of completion.

(b) A county may not require the payment of the deposit of the improvement warranty assurance described in Subsection (6)(a) for an infrastructure improvement or public landscaping improvement before the applicant indicates through written request that the applicant has completed the infrastructure improvement or public landscaping improvement.

(7) When a county accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection (3)(c)(ii)(A), the county may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the

3224 building code and fire code.

3225 (8) A county may not require the submission of a private landscaping plan as part of an
3226 application for a building permit.

3227 (9) The provisions of this section do not supersede the terms of a valid development
3228 agreement, an adopted phasing plan, or the ~~[state construction code]~~ State Construction
3229 Code.

3230 Section 38. Section **17-79-803** is amended to read:

3231 **17-79-803 (Effective 05/06/26). Applicant's entitlement to land use application**
3232 **approval -- Application relating to land in a high priority transportation corridor --**
3233 **County's requirements and limitations -- Vesting upon submission of development plan**
3234 **and schedule.**

3235 (1)(a)(i) Subject to Subsection ~~[(7)]~~ (8), an applicant who has submitted a complete
3236 land use application, including the payment of all application fees, is entitled to
3237 substantive review of the application under the land use regulations:

3238 (A) in effect on the date that the application is complete; and

3239 (B) applicable to the application or to the information shown on the submitted
3240 application.

3241 (ii) An applicant is entitled to approval of a land use application if the application
3242 conforms to the requirements of the applicable land use regulations, land use
3243 decisions, and development standards in effect when the applicant submits a
3244 complete application and pays all application fees, unless:

3245 (A) the land use authority, on the record, formally finds that a compelling,
3246 countervailing public interest would be jeopardized by approving the
3247 application and specifies the compelling, countervailing public interest in
3248 writing; or

3249 (B) in the manner provided by local ordinance and before the applicant submits
3250 the application, the county formally initiates proceedings to amend the county's
3251 land use regulations in a manner that would prohibit approval of the
3252 application as submitted.

3253 (b) The county shall process an application without regard to proceedings the county
3254 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

3255 (i) 180 days have passed since the county initiated the proceedings; and

3256 (ii)(A) the proceedings have not resulted in an enactment that prohibits approval
3257 of the application as submitted; or

(B) during the 12 months before the county processing the application or multiple applications of the same type, the application is impaired or prohibited under the terms of a temporary land use regulation adopted under Section 17-79-504.

(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) Unless a phasing sequence is required in an executed development agreement, a county shall, without regard to any other separate and distinct land use application, accept and process a complete land use application in accordance with this chapter.

(e) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(f) Subject to Subsection [(7)] (8), a county may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

(i) this chapter;

(ii) a county ordinance in effect on the date that the applicant submits a complete application, subject to Subsection (1)(a)(ii); or

(iii) a county specification for public improvements applicable to a subdivision or development that is in effect on the date that the applicant submits an application.

(g) A county may not impose on a holder of an issued land use permit or a final, unexpired subdivision plat a requirement that is not expressed:

(i) in a land use permit;

(ii) on the subdivision plat;

(iii) in a document on which the land use permit or subdivision plat is based;

(iv) in the written record evidencing approval of the land use permit or subdivision plat;

(v) in this chapter;

(vi) in a county ordinance; or

(vii) in a county specification for residential roadways in effect at the time a residential subdivision was approved.

(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

- 3292 or subdivision plat is based, or the written record evidencing approval of the
3293 building permit or subdivision plat; or
3294 (ii) in this chapter or the county's ordinances.
- 3295 (i) A county may not unreasonably withhold issuance of a certificate of occupancy
3296 where an applicant has met all requirements essential for the public health, public
3297 safety, and general welfare of the occupants, in accordance with this chapter, unless:
3298 (i) the applicant and the county have agreed in a written document to the withholding
3299 of a certificate of occupancy; or
3300 (ii) the applicant has not provided a financial assurance for required and uncompleted
3301 public landscaping improvements or infrastructure improvements in accordance
3302 with an applicable local ordinance.
- 3303 (j) A county may not conduct a final inspection required before issuing a certificate of
3304 occupancy for a residential unit that is within the boundary of an infrastructure
3305 financing district, as defined in Section 17B-1-102, until the applicant for the
3306 certificate of occupancy provides adequate proof to the county that any lien on the
3307 unit arising from the infrastructure financing district's assessment against the unit
3308 under Title 11, Chapter 42, Assessment Area Act, has been released after payment in
3309 full of the infrastructure financing district's assessment against that unit.
- 3310 (k) A county:
3311 (i) may require the submission of a private landscaping plan, as defined in Section
3312 17-79-707, before landscaping is installed; and
3313 (ii) may not withhold an applicant's building permit or certificate of occupancy
3314 because the applicant has not submitted a private landscaping plan.
- 3315 (2) A county is bound by the terms and standards of applicable land use regulations and
3316 shall comply with mandatory provisions of those regulations.
- 3317 (3) Beginning on October 1, 2026, a county shall publish on the county's website an
3318 application checklist for each land use application type that includes a checklist of all
3319 required plans and documents that make a complete application.
- 3320 [(3)] (4) A county may not, as a condition of land use application approval, require a person
3321 filing a land use application to obtain documentation regarding a school district's
3322 willingness, capacity, or ability to serve the development proposed in the land use
3323 application.
- 3324 [(4)] (5) Subject to Subsection [(7)] (8), a specified public agency's submission of a
3325 development plan and schedule as required in Subsection 17-79-305(8) that complies

with the requirements of that subsection, the specified public agency vests in the county'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(4).

(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 county 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 county from issuing a building permit that contains an expiration date defined in the building permit.

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

Section 39. Section **17-79-811** is amended to read:

17-79-811 (Effective 05/06/26). 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 provisions the same as if the provider were a county:

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

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

(3) Section 17-79-812; and

(4) Section 17-79-813.

Section 40. Section 17-79-812 is amended to read:

17-79-812 (Effective 05/06/26). Exactions -- Requirement to offer to original owner property acquired by exaction -- Exaction for right-of-way improvements -- Improvement completion assurance requirements.

- (1) A county may impose an exaction or exactions on development proposed in a land use application, including, subject to [Subsection (3)] Section 17-79-813, 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 county or, if applicable, the county's culinary water authority shall base any 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 county.]~~

~~[(iii) A county or culinary water authority 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 county or culinary water authority, at the county's or culinary water authority's sole discretion, determines there is good cause to do so.]~~

3394 ~~[(iv) A county shall make public the methodology used to comply with Subsection~~
3395 ~~(3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an~~
3396 ~~exaction calculation used by the county or the county's culinary water authority~~
3397 ~~under Subsection (3)(a)(ii). A land use applicant may present data and other~~
3398 ~~information that illustrates a need for an exaction recalculation and the county's~~
3399 ~~governing body shall respond with due process.]~~

3400 ~~[(v) Upon an applicant's request, the culinary water authority shall provide the~~
3401 ~~applicant with the basis for the culinary water authority's calculations under~~
3402 ~~Subsection (3)(a)(i) on which an exaction for a water interest is based.]~~

3403 ~~[(b) A county or the county's culinary water authority may not impose an exaction for a~~
3404 ~~water interest if the culinary water authority's existing available water interests~~
3405 ~~exceed the water interests needed to meet the reasonable future water requirement of~~
3406 ~~the public, as determined under Subsection 73-1-4(2)(f).]~~

3407 ~~[(4)] (3)(a)~~ If a county plans to dispose of surplus real property under Section 17-78-103
3408 that was acquired under this section and has been owned by the county for less than
3409 15 years, the county shall first offer to reconvey the property, without receiving
3410 additional consideration, to the person who granted the property to the county.

3411 (b) A person to whom a county offers to reconvey property under Subsection ~~[(4)(a)]~~
3412 ~~(3)(a)~~ has 90 days to accept or reject the county's offer.

3413 (c) If a person to whom a county offers to reconvey property declines the offer, the
3414 county may offer the property for sale.

3415 (d) Subsection ~~[(4)(a)] (3)(a)~~ does not apply to the disposal of property acquired by
3416 exaction by a community development or urban renewal agency.

3417 ~~[(5)] (4)(a)~~ A county may not, as part of an infrastructure improvement, require the
3418 installation of pavement on a residential roadway at a width in excess of 32 feet.

3419 (b) Subsection ~~[(5)(a)] (4)(a)~~ does not apply if a county requires the installation of
3420 pavement in excess of 32 feet:

3421 (i) in a vehicle turnaround area;

3422 (ii) in a cul-de-sac;

3423 (iii) to address specific traffic flow constraints at an intersection, mid-block
3424 crossings, or other areas;

3425 (iv) to address an applicable general or master plan improvement, including
3426 transportation, bicycle lanes, trails, or other similar improvements that are not
3427 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 county 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 county 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 county 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 county 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 county, 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 county;
- (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 county 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 county'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 17-79-1009, a land use applicant or the county may file a petition for review of the decision with the district court within 30 days after the date that the decision is final.

Section 41. Section **17-79-813** is enacted to read:

17-79-813 (Effective 05/06/26). Exactions for water rights.

- (1) Subject to the requirements of this section, a county or, if applicable, the county's culinary water authority shall base any exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.
- (2) Except as described 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 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 county.
- (3) If a county or culinary water authority determines, in the sole discretion of the county or culinary water authority, that good cause exists, the county or culinary water authority 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) A county shall make public the methodology used to comply with Subsection (2)(b).
- (b) A land use applicant may submit a request to the county's governing body an exaction calculation used by the county or the county's culinary water authority under Subsection (2).
- (c) A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the county's governing body shall respond with due process.
- (5) 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.
- (6)(a) A county or the county's culinary water authority may not impose an exaction for

a water interest if:

- (i) the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public; or
- (ii) the county or the county's culinary water authority does not have a written plan in accordance with Subsection (6)(b).

- (b) Beginning on January 1, 2028, a county shall determine the county's water interests needed to meet the reasonable future water requirement of the public by completing a written plan described in Subsection 73-1-4(2)(f).

Section 42. Section **17-79-901** is amended to read:

17-79-901 (Effective 05/06/26). Enforcement -- Limitations on a county's ability to enforce an ordinance by withholding a permit or certificate.

- (1)(a) A county 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 county need only establish the violation to obtain the injunction.

- (2)(a) Except as provided in Subsections (3) through (6), a county may enforce the county's ordinance by withholding a building permit or certificate of occupancy.

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

- (c) The county 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 county may require an applicant to install a permanent road, cover a temporary road with asphalt or concrete, or create another method for servicing a structure that is consistent with Appendix D of the International Fire Code, before receiving a certificate of occupancy for that structure.

- (e) A county 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 county's adopted standards.

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

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

- 3530 (3)(a) A county may not deny an applicant a building permit or certificate of occupancy
3531 because the applicant has not completed an infrastructure improvement:
- 3532 (i) unless the infrastructure improvement is essential to meet the requirements for the
3533 issuance of a building permit or certificate of occupancy under Title 15A, State
3534 Construction and Fire Codes Act; and
- 3535 (ii) for which the county has accepted an improvement completion assurance for a
3536 public landscaping improvement, as defined in Section 17-79-707, or an
3537 infrastructure improvement for the development.
- 3538 (b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6,
3539 infrastructure improvement that is essential means:
- 3540 (i) for a building permit:
- 3541 (A) operable fire hydrants installed in a manner that is consistent with the county's
3542 adopted engineering standards; and
- 3543 [(ii)] (B) for temporary roads used during construction, a properly compacted road
3544 base installed in a manner consistent with the county's adopted engineering
3545 standards[-] ;
- 3546 (ii) for a certificate of occupancy, at the discretion of the county, at least one of the
3547 following:
- 3548 (A) a permanent road;
- 3549 (B) a temporary road covered with asphalt or concrete; or
- 3550 (C) another method for accessing a structure consistent with Appendix D of the
3551 International Fire Code; and
- 3552 (iii) public infrastructure necessary for the health, life, and safety of the occupant.
- 3553 (c) A county may not adopt an engineering standard that requires an applicant to install a
3554 permanent road or a temporary road with asphalt or concrete before receiving a
3555 building permit.
- 3556 (4) A county may not deny an applicant a building permit or certificate of occupancy for
3557 failure to:
- 3558 (a) submit a private landscaping plan, as defined in Section 17-79-707; or
- 3559 (b) complete a landscaping improvement that is not a public landscaping improvement,
3560 as defined in Section 17-79-707.
- 3561 (5) A county may not withhold a building permit based on the lack of completion of a
3562 portion of a public sidewalk to be constructed within a public right-of-way serving a lot
3563 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 43. Section **17-79-1001** is amended to read:

17-79-1001 (Effective 05/06/26). Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

(1)(a) ~~[Each]~~ Subject to Subsection (1)(d), each county adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities.

(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.

(d) Beginning on July 1, 2026, a county described in Subsection 17-79-302(5)(a)(i) may not designate the county's legislative body as an appeal authority.

(e) Notwithstanding Subsection (1)(d), a legislative body shall continue to be the appeal

- 3598 authority for an appeal if:
3599 (i) a land use ordinance designated the legislative body as the appeal authority when
3600 the appellant filed the appeal: and
3601 (ii) the appellant filed the appeal on or before June 30, 2026.
- 3602 (2) As a condition precedent to judicial review, each adversely affected party or land use
3603 applicant shall timely and specifically challenge a land use authority's land use decision,
3604 in accordance with local ordinance.
- 3605 (3) An appeal authority described in Subsection (1)(a):
3606 (a) shall:
3607 (i) act in a quasi-judicial manner; and
3608 (ii) serve as the final arbiter of issues involving the interpretation or application of a
3609 land use [ordinances] ordinance; and
3610 (b) may not entertain an appeal of a matter in which the appeal authority, or any
3611 participating member, had first acted as the land use authority.
- 3612 (4) By ordinance, a county may:
3613 (a) designate a separate appeal authority to hear requests for variances than the appeal
3614 authority the county designates to hear appeals;
3615 (b) designate one or more separate appeal authorities to hear distinct types of appeals of
3616 land use authority decisions;
3617 (c) require an adversely affected party to present to an appeal authority every theory of
3618 relief that the adversely affected party can raise in district court; and
3619 ~~[(d) not require a land use applicant or adversely affected party to pursue duplicate or~~
3620 ~~successive appeals before the same or separate appeal authorities as a condition of an~~
3621 ~~appealing party's duty to exhaust administrative remedies; and]~~
3622 ~~[(e)] (d)~~ provide that specified types of land use decisions may be appealed directly to the
3623 district court.
- 3624 (5) A county may not:
3625 (a) require a public hearing for a request for a variance or land use appeal[-] ; or
3626 (b) require a land use applicant or adversely affected party to pursue successive appeals
3627 before the same or separate appeal authorities as a condition of an appealing party's
3628 duty to exhaust administrative remedies.
- 3629 (6) If the county establishes or, before May 2, 2005, has established a multiperson board,
3630 body, or panel to act as an appeal authority, at a minimum the board, body, or panel
3631 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 44. Section **17-79-1005** is repealed and reenacted to read:

17-79-1005 (Effective 05/06/26). Burden of proof.

In an appeal described in this part:

- (1) if the appellant is a land use applicant, the appellant has the burden of proving that the land use authority's land use decision is illegal or is not supported by substantial evidence; or
- (2) if the appellant is an adversely affected party, the appellant has the burden of proving that the land use authority's land use decision is illegal, or that the factual findings are clearly erroneous.

Section 45. Section **17-79-1006** is amended to read:

17-79-1006 (Effective 05/06/26). 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 or speak during an appeal hearing:
- (a) the appellant or the appellant's representatives;
- (b) the land use applicant or the land use applicant's representatives; and
- (c) the county's representatives.

Section 46. Section **17-79-1007** is amended to read:

17-79-1007 (Effective 05/06/26). Scope of review of factual matters on appeal -- Appeal authority requirements.

- (1) A county may, by ordinance, designate the scope of review of factual matters for appeals of land use authority decisions.
- (2) If the county 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] Except as provided in Subsection (5)(c), 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.

(c) Beginning on July 1, 2026, the legislative body of a county described in Subsection 17-79-302(5)(a)(i) may not act as an appeal authority unless:

(i) a land use ordinance designated the legislative body as the appeal authority when the appellant filed the appeal; and

(ii) the appellant filed the appeal on or before June 30, 2026.

(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 47. Section **17-79-1009** is amended to read:

17-79-1009 (Effective 05/06/26). 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 ~~[until that]~~ if the person has exhausted the person's administrative remedies as provided in ~~[Part 7, Appeal Authority and Variances]~~ 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 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

- 3700 (B) the property rights ombudsman issues a written statement under Subsection
3701 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.
- 3702 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
3703 taking issue that is the subject of the request for arbitration filed with the property
3704 rights ombudsman by a property owner.
- 3705 (iii) A request for arbitration filed with the property rights ombudsman after the time
3706 under Subsection (2)(a) to file a petition has expired does not affect the time to
3707 file a petition.
- 3708 (3)(a) A court shall:
- 3709 (i) presume that a land use regulation properly enacted under the authority of this
3710 chapter is valid; and
- 3711 (ii) determine only whether:
- 3712 (A) the land use regulation is expressly preempted by, or was enacted contrary to,
3713 state or federal law; and
- 3714 (B) it is reasonably debatable that the land use regulation is consistent with this
3715 chapter.
- 3716 (b) A court shall presume that a final land use decision of a land use authority or an
3717 appeal authority is valid unless the land use decision is:
- 3718 (i) arbitrary and capricious; or
- 3719 (ii) illegal.
- 3720 (c)(i) A land use decision is arbitrary and capricious if the land use decision is not
3721 supported by substantial evidence in the record.
- 3722 (ii) A land use decision is illegal if the land use decision:
- 3723 (A) is based on an incorrect interpretation of a land use regulation;
- 3724 (B) conflicts with the authority granted by this title; or
- 3725 (C) is contrary to law.
- 3726 (d)(i) A court may affirm or reverse a land use decision.
- 3727 (ii) If the court reverses a land use decision, the court shall remand the matter to the
3728 land use authority with instructions to issue a land use decision consistent with the
3729 court's decision.
- 3730 (4) The provisions of Subsection (2)(a) apply from the date on which the county takes final
3731 action on a land use application, if the county conformed with the notice provisions of
3732 Part 2, Notice, or for any person who had actual notice of the pending land use decision.
- 3733 (5) If the county has complied with Section 17-79-205, a challenge to the enactment of a

land use regulation[~~or~~] , general plan, or specified land use law 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.

(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 48. Section **17B-1-120** is amended to read:

17B-1-120 (Effective 05/06/26). Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.

(1) A special district may impose an exaction on a service received by an applicant,

including, subject to Subsection (2), an exaction for a water interest if:

(a) the special district establishes that a legitimate special district interest makes the exaction essential; and

(b) the exaction is roughly proportionate, both in nature and extent, to the impact of the proposed service on the special district.

(2)(a)(i) Subject to the requirements of this Subsection (2), a special district 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 (2)(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 [~~pursuant to~~] 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 special district.

(iii) A special district may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (2)(a)(ii) if the special district, at the special district's sole discretion, determines there is good cause to do so.

(iv) A special district shall make public the methodology used to comply with Subsection (2)(a)(ii)(B). A service applicant may appeal to the special district's governing body an exaction calculation used by the special district under Subsection (2)(a)(ii). A service applicant may present data and other information that illustrates a need for an exaction recalculation and the special district's governing body shall respond with due process.

(v) If requested by a service applicant, the culinary authority shall provide the basis for the culinary water authority's calculations described in Subsection (2)(a)(i).

(b)(i) A special district may not impose an exaction for a water interest if:

(A) 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 in accordance with Section 73-1-4.~~] ; or

(B) the special district or the special district's culinary water authority does not have a written plan in accordance with Subsection (2)(b)(ii).

(ii) Beginning on January 1, 2028, a special district shall determine the special district's water interests needed to meet the reasonable future water requirement of the public by completing a written plan described in Subsection 73-1-4(2)(f).

(3)(a) If a special district plans to dispose of surplus real property that was acquired under this section and has been owned by the special district for less than 15 years, the special district shall offer to reconvey the surplus real property, without receiving additional consideration, first to a person who granted the real property to the special district.

(b) The person described in Subsection (3)(a) shall, within 90 days after the day on which a special district makes an offer under Subsection (3)(a), accept or reject the offer.

(c) If a person rejects an offer under Subsection (3)(b), the special district may sell the real property.

Section 49. Section **63I-2-210** is amended to read:

63I-2-210 (Effective 05/06/26). Repeal dates: Title 10.

(1) Subsection 10-2a-205(2)(b)(iii), regarding a feasibility study for the proposed incorporation of a community council area, is repealed July 1, 2028.

(2) Section 10-2a-205.5, Additional feasibility consultant considerations for proposed incorporation of community council area -- Additional feasibility study requirements, is repealed July 1, 2028.

(3) Subsection 10-20-904(4)(c), regarding an inspection fee on a qualified water conservancy district, is repealed July 1, 2026.

(4) Section 10-20-626, Structure height, is repealed July 1, 2027.

Section 50. Section **63I-2-217** is amended to read:

63I-2-217 (Effective 05/06/26). Repeal dates: Titles 17 through 17D.

(1) Subsection 17-79-804(4)(c), regarding an inspection fee on a qualified water conservancy district, is repealed July 1, 2026.

(2) Subsection 17-62-102(3), regarding the process for changing a form of county government, is repealed January 1, 2028.

(3) Subsections 17-62-203(10) through (12), regarding the process to create a districting commission and implementing a district map, are repealed July 1, 2029.

(4) Section 17-79-621, Structure height, is repealed July 1, 2027.

Section 51. Section 73-1-4 is amended to read:

73-1-4 (Effective 05/06/26) (Partially Repealed 12/31/30). Reversion to the public by abandonment or forfeiture for nonuse within seven years -- Saved water -- Nonuse application -- Written plan standards for future water.

(1) As used in this section:

(a) "Public entity" means:

- (i) the United States;
- (ii) an agency of the United States;
- (iii) the state;
- (iv) a state agency;
- (v) a political subdivision of the state; or
- (vi) an agency of a political subdivision of the state.

(b) "Public water supplier" means an entity that:

(i) supplies water, directly or indirectly, to the public for municipal, domestic, or industrial use; and

(ii) is:

(A) a public entity;

(B) a water corporation, as defined in Section 54-2-1, that is regulated by the Public Service Commission;

(C) a community water system:

(I) that:

(Aa) supplies water to at least 100 service connections used by year-round residents; or

(Bb) regularly serves at least 200 year-round residents; and

(II) whose voting members:

(Aa) own a share in the community water system;

(Bb) receive water from the community water system in proportion to the member's share in the community water system; and

(Cc) pay the rate set by the community water system based on the water the member receives; or

(D) a water users association:

(I) in which one or more public entities own at least 70% of the outstanding shares; and

(II) that is a local sponsor of a water project constructed by the United States

Bureau of Reclamation.

(c) "Saved water" means the same as that term is defined in Section 73-3-3.

(d) "Shareholder" means the same as that term is defined in Section 73-3-3.5.

(e) "Water company" means the same as that term is defined in Section 73-3-3.5.

(f) "Water supply entity" means an entity that supplies water as a utility service or for irrigation purposes and is also:

(i) a municipality, water conservancy district, metropolitan water district, irrigation district, or other public agency;

(ii) a water company regulated by the Public Service Commission; or

(iii) any other owner of a community water system.

(2)(a) Except as provided in Subsection (2)(b) or (e), when an appropriator or the appropriator's successor in interest abandons or ceases to beneficially use all or a portion of a water right for a period of at least seven years, the water right or the unused portion of that water right is subject to forfeiture in accordance with Subsection (2)(c).

(b)(i) An appropriator or the appropriator's successor in interest may file an application for nonuse with the state engineer.

(ii) A nonuse application may be filed on all or a portion of the water right, including water rights held by a water company.

(iii) After giving written notice to the water company, a shareholder may file a nonuse application with the state engineer on the water represented by the stock.

(iv)(A) The approval of a nonuse application excuses the requirement of beneficial use of water from the date of filing.

(B) The time during which an approved nonuse application is in effect does not count toward the seven-year period described in Subsection (2)(a).

(v) The filing or approval of a nonuse application or a series of nonuse applications under Subsection (3) does not:

(A) constitute beneficial use of a water right;

(B) protect a water right that is already subject to forfeiture under this section; or

(C) bar a water right owner from:

(I) using the water under the water right as permitted under the water right; or

(II) claiming the benefit of Subsection (2)(e) or any other forfeiture defense provided by law.

(c)(i) Except as provided in Subsection (2)(c)(ii), a water right or a portion of the

water right may not be forfeited unless a judicial action to declare the right forfeited is commenced:

(A) within 15 years from the end of the latest period of nonuse of at least seven years; or

(B) within the combined time of 15 years from the end of the most recent period of nonuse of at least seven years and the time the water right was subject to one or more nonuse applications.

(ii)(A) The state engineer, in a proposed determination of rights filed with the court and prepared in accordance with Section 73-4-11, may not assert that a water right was forfeited unless the most recent period of nonuse of seven years ends or occurs:

(I) during the 15 years immediately preceding the day on which the state engineer files the proposed determination of rights with the court; or

(II) during the combined time immediately preceding the day on which the state engineer files the proposed determination of rights consisting of 15 years and the time the water right was subject to one or more approved nonuse applications.

(B) After the day on which a proposed determination of rights is filed with the court a person may not assert that a water right subject to that determination was forfeited before the issuance of the proposed determination, unless the state engineer asserts forfeiture in the proposed determination, or a person, in accordance with Section 73-4-11, makes an objection to the proposed determination that asserts forfeiture.

(iii) A water right, found to be valid in a decree entered in an action for general determination of rights under Chapter 4, Determination of Water Rights, is subject to a claim of forfeiture based on a seven-year period of nonuse that begins after the day on which the state engineer filed the related proposed determination of rights with the court, unless the decree provides otherwise.

(iv) If in a judicial action a court declares a water right forfeited, on the date on which the water right is forfeited:

(A) the right to beneficially use the water reverts to the public; and

(B) the water made available by the forfeiture:

(I) first, satisfies other water rights in the hydrologic system in order of priority date; and

3938 (II) second, may be appropriated as provided in this title.

3939 (d) Except as provided in Subsection (2)(e), this section applies whether the unused or
3940 abandoned water or a portion of the water is:

3941 (i) permitted to run to waste; or

3942 (ii) beneficially used by others without right with the knowledge of the water right
3943 holder.

3944 (e) This section does not apply to:

3945 (i) the beneficial use of water according to a written, terminable lease or other
3946 agreement with the appropriator or the appropriator's successor in interest;

3947 (ii) a water right if its place of use is contracted under an approved state agreement or
3948 federal conservation fallowing program;

3949 (iii) those periods of time when a surface water or groundwater source fails to yield
3950 sufficient water to satisfy the water right;

3951 (iv) a water right when water is unavailable because of the water right's priority date;

3952 (v) a water right to store water in a surface reservoir, or an aquifer in accordance with
3953 Chapter 3b, Groundwater Recharge and Recovery Act, if the water is stored for
3954 present or future beneficial use;

3955 (vi) a water right if a water user has beneficially used substantially all of the water
3956 right within a seven-year period, provided that this exemption does not apply to
3957 the adjudication of a water right in a general determination of water rights under
3958 Chapter 4, Determination of Water Rights;

3959 (vii) except as provided by Subsection (2)(g), a water right:

3960 (A)(I) owned by a public water supplier;

3961 (II) represented by a public water supplier's ownership interest in a water
3962 company; or

3963 (III) to which a public water supplier owns the right of beneficial use; and

3964 (B) conserved or held for the reasonable future water requirement of the public,
3965 which is determined according to Subsection (2)(f);

3966 (viii) a supplemental water right during a period of time when another water right
3967 available to the appropriator or the appropriator's successor in interest provides
3968 sufficient water so as to not require beneficial use of the supplemental water right;

3969 (ix) a period of nonuse of a water right during the time the water right is subject to an
3970 approved change application where the applicant is diligently pursuing
3971 certification;

- (x) a water right to store water in a surface reservoir if:
- (A) storage is limited by a safety, regulatory, or engineering restraint that the appropriator or the appropriator's successor in interest cannot reasonably correct; and
 - (B) not longer than seven years have elapsed since the limitation described in Subsection (2)(e)(x)(A) is imposed;
- (xi) a water right subject to an approved change application for use within a water bank that has been authorized but not dissolved under Chapter 31, Water Banking Act, during the period of time the state engineer authorizes the water right to be used within the water bank; or
- (xii) subject to Subsection (2)(h), that portion of a water right that is quantified as saved water in a final order from the state engineer approving a change application, but not to exceed the amount subsequently verified by the state engineer in a certificate issued under Section 73-3-17.
- (f)(i) The reasonable future water requirement of the public is the amount of water needed in the next 40 years by:
- (A) the persons within the public water supplier's reasonably anticipated service area based on reasonably anticipated population growth; or
 - (B) other water use demand.
- (ii) For purposes of Subsection (2)(f)(i), a community water system's reasonably anticipated service area:
- (A) is the area served by the community water system's distribution facilities; and
 - (B) expands as the community water system expands the distribution facilities in accordance with Title 19, Chapter 4, Safe Drinking Water Act.
- ~~[(iii) The state engineer shall by rule made in accordance with Subsection 73-2-1(4) establish standards for a written plan that may be presented as evidence in conformance with this Subsection (2)(f), except that before a rule establishing standards for a written plan under this Subsection (2)(f) takes effect, in addition to complying with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state engineer shall present the rule to:]~~
- ~~[(A) if the Legislature is not in session, the Natural Resources, Agriculture, and Environment Interim Committee; or]~~
- ~~[(B) if the Legislature is in session, the House of Representatives and Senate Natural Resources, Agriculture, and Environment standing committees.]~~

- (iii) In accordance with Subsection 73-2-1(4) and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state engineer shall make rules to establish standards for a written plan under this Subsection (2)(f) that:
- (A) determines the reasonable future water requirement of the public for a public water supplier; and
- (B) a public water supplier shall complete to demonstrate compliance with this Subsection (2)(f).
- (iv) The state engineer shall present rules developed under Subsection (2)(f)(iii), before the rules take effect, to:
- (A) if the Legislature is not in session, the Natural Resources, Agriculture, and Environment Interim Committee; or
- (B) if the Legislature is in session, the House and Senate Natural Resources, Agriculture, and Environment standing committees.
- (v) The rules that the state engineer makes to establish standards for a written plan in accordance with Subsection (2)(f)(iii) shall include a standard for determining:
- (A) a population estimate, including anticipated population growth, consistent with an estimate or methodology under Title 63C, Chapter 20, Utah Population Committee;
- (B) an impact of current and future drought conditions;
- (C) an anticipated loss of a water source due to a natural disaster, including an earthquake or a change in climate;
- (D) an impact of a water conservation activity described in a public water supplier's water conservation plan described in Section 73-10-32;
- (E) the amount of water a public water supplier needs per capita; and
- (F) any other factor relevant to establishing the reasonable future water requirement of the public for a public water supplier.
- (g) For a water right acquired by a public water supplier on or after May 5, 2008, Subsection (2)(e)(vii) applies if:
- (i) the public water supplier submits a change application under Section 73-3-3; and
- (ii) the state engineer approves the change application.
- (h) Saved water does not retain the protection of Subsection (2)(e)(xii) and any period of nonuse for saved water begins to run the day on which:
- (i) the underlying water right that serves as the basis for the saved water is declared by court decree to have been lost due to forfeiture under this section; or

- 4040 (ii) the title of a right to saved water segregated under Section 73-3-27 is conveyed
4041 independent of the underlying water right.
- 4042 (3)(a) The state engineer shall furnish a nonuse application form requiring the following
4043 information:
- 4044 (i) the name and address of the applicant;
 - 4045 (ii) a description of the water right or a portion of the water right, including the point
4046 of diversion, place of use, and priority;
 - 4047 (iii) the quantity of water;
 - 4048 (iv) the period of use;
 - 4049 (v) the extension of time applied for;
 - 4050 (vi) a statement of the reason for the nonuse of the water; and
 - 4051 (vii) any other information that the state engineer requires.
- 4052 (b)(i) Upon receipt of the application, the state engineer shall publish a notice of the
4053 application once a week for two successive weeks:
- 4054 (A) in a newspaper of general circulation in the county in which the source of the
4055 water supply is located and where the water is to be beneficially used; and
 - 4056 (B) as required in Section 45-1-101.
- 4057 (ii) The notice shall:
- 4058 (A) state that an application has been made; and
 - 4059 (B) specify where the interested party may obtain additional information relating
4060 to the application.
- 4061 (c) An interested person may file a written protest with the state engineer against the
4062 granting of the application:
- 4063 (i) within 20 days after the notice is published, if the adjudicative proceeding is
4064 informal; and
 - 4065 (ii) within 30 days after the notice is published, if the adjudicative proceeding is
4066 formal.
- 4067 (d) In a proceeding to determine whether the nonuse application should be approved or
4068 rejected, the state engineer shall follow Title 63G, Chapter 4, Administrative
4069 Procedures Act.
- 4070 (e) After further investigation, the state engineer may approve or reject the application.
- 4071 (4)(a) The state engineer shall grant a nonuse application on all or a portion of a water
4072 right for a period of time not exceeding seven years if the applicant shows a
4073 reasonable cause for nonuse.

(b) A reasonable cause for nonuse includes:

- (i) a demonstrable financial hardship or economic depression;
- (ii) a physical cause or change that renders use beyond the reasonable control of the water right owner so long as the water right owner acts with reasonable diligence to resume or restore the use;
- (iii) the initiation of water conservation or an efficiency practice, or the operation of a groundwater recharge recovery program approved by the state engineer;
- (iv) operation of a legal proceeding;
- (v) the holding of a water right or stock in a mutual water company without use by a water supply entity to meet the reasonable future requirements of the public;
- (vi) situations where, in the opinion of the state engineer, the nonuse would assist in implementing an existing, approved water management plan; or
- (vii) the loss of capacity caused by deterioration of the water supply or delivery equipment if the applicant submits, with the application, a specific plan to resume full use of the water right by replacing, restoring, or improving the equipment.

(5)(a) Sixty days before the expiration of a nonuse application, the state engineer shall notify the applicant by mail or by a form of electronic communication through which receipt is verifiable, of the date when the nonuse application will expire.

(b) An applicant may file a subsequent nonuse application in accordance with this section.

Section 52. Effective Date.

(1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

(2) The actions affecting Section 10-21-304 (Effective 10/01/26) take effect on October 1, 2026.