Municipal Land Use, Development, and Management Act Recodification

2025 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill reorganizes and renumbers the Municipal Land Use, Development, and Management Act.

Highlighted Provisions:

This bill:

- reorganizes and renumbers Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;
- defines terms;
- enacts provisions related to municipal land use regulation for organizational purposes;
- amends provisions related to municipal land use regulation for organizational purposes;
- repeals provisions related to municipal land use regulation for organizational purposes; 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:

4-41a-406 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 128

4-41a-1105 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2023, Chapters 273, 307 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 307

4-46-302 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 91

10-8-2 (Effective 11/06/25), as last amended by Laws of Utah 2023, Chapter 435

10-8-85.4 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 37
10-8-85.10 (Effective 11/06/25), as enacted by Laws of Utah 2023, Chapter 533
10-8-87 (Effective 11/06/25), as enacted by Laws of Utah 2025, Chapter 452
11-13-227 (Effective 11/06/25), as last amended by Laws of Utah 2019, Chapter 479
11-36a-202 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 419
11-36a-301 (Effective 11/06/25), as last amended by Laws of Utah 2013, Chapter 200
11-36a-302 (Effective 11/06/25), as last amended by Laws of Utah 2013, Chapter 200
11-36a-502 (Effective 11/06/25), as last amended by Laws of Utah 2023, Chapter 16
11-36a-504 (Effective 11/06/25), as last amended by Laws of Utah 2023, Chapters 16, 435
11-36a-701 (Effective 11/06/25), as last amended by Laws of Utah 2018, Chapter 215
11-46a-102 (Effective 11/06/25), as enacted by Laws of Utah 2023, Chapter 245
11-58-103 (Effective 11/06/25), as enacted by Laws of Utah 2020, Chapter 126
11-59-103 (Effective 11/06/25) (Repealed 01/01/29), as last amended by Laws of Utah 2025, Chapter 31
11-59-204 (Effective 11/06/25) (Repealed 01/01/29), as last amended by Laws of Utah 2023, Chapters 16, 100
11-70-203 (Effective 11/06/25), as enacted by Laws of Utah 2024, Chapter 419
11-70-206 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 498
13-43-205 (Effective 11/06/25), as last amended by Laws of Utah 2014, Chapter 59
13-43-206 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 337
13-80-101 (Effective 11/06/25), as enacted by Laws of Utah 2025, Chapter 266
15A-1-105 (Effective 11/06/25) (Superseded 01/01/26), as last amended by Laws of Utah 2025, Chapter 399
15A-1-105 (Effective 01/01/26), as last amended by Laws of Utah 2025, Chapter 75
15A-3-203 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 399
15A-5-202 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 15
15A-5-205.6 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 399
15A-6-301 (Effective 11/06/25), as enacted by Laws of Utah 2024, Chapter 329
17-27a-403 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 385
17-27a-403.1 (Effective 11/06/25), as enacted by Laws of Utah 2025, Chapter 385
17-27a-403.2 (Effective 11/06/25), as enacted by Laws of Utah 2025, Chapter 385
17-27a-509.5 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 399
17-27a-535 (Effective 11/06/25), as enacted by Laws of Utah 2024, Chapter 329

17-27a-536 (Effective 11/06/25), as enacted by Laws of Utah 2025, Chapter 399
17-27a-603 (Effective 11/06/25), as last amended by Laws of Utah 2022, Chapter 355
17-27a-604.5 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 399
17-41-402 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 387
17-41-502 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 387
17-50-338 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 37
17B-2a-802 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapters 400, 544
17B-2a-804 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 517
17B-2a-1305 (Effective 11/06/25), as enacted by Laws of Utah 2024, Chapter 388
17C-1-104 (Effective 11/06/25), as last amended by Laws of Utah 2017, Chapter 84
17C-2-102 (Effective 11/06/25), as last amended by Laws of Utah 2019, Chapter 376
17C-2-304 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 158
17C-3-102 (Effective 11/06/25), as last amended by Laws of Utah 2016, Chapter 350
17C-4-102 (Effective 11/06/25), as last amended by Laws of Utah 2016, Chapter 350
17C-5-104 (Effective 11/06/25), as last amended by Laws of Utah 2019, Chapter 376
17C-5-406 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 158
20A-7-601 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 448
23A-3-205 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 147
35A-8-202 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 385
35A-8-803 (Effective 11/06/25), as last amended by Laws of Utah 2022, Chapter 406
35A-8-804 (Effective 11/06/25), as last amended by Laws of Utah 2018, Chapter 218
38-9-102 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 415
53E-3-706 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 21
53E-3-710 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2018, Chapter 1
54-18-102 (Effective 11/06/25), as enacted by Laws of Utah 2009, Chapter 316
54-18-303 (Effective 11/06/25), as enacted by Laws of Utah 2009, Chapter 316
54-18-304 (Effective 11/06/25), as enacted by Laws of Utah 2009, Chapter 316
54-21-101 (Effective 11/06/25), as enacted by Laws of Utah 2018, Chapter 299
54-21-208 (Effective 11/06/25), as enacted by Laws of Utah 2018, Chapter 299
57-1-45.5 (Effective 11/06/25), as enacted by Laws of Utah 2025, Chapter 40
57-3-101 (Effective 11/06/25), as last amended by Laws of Utah 2005, Chapter 254
57-8-4.5 (Effective 11/06/25), as enacted by Laws of Utah 2013, Chapter 152

57-8-32 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapters 40, 226 and 453
57-8-35 (Effective 11/06/25), as last amended by Laws of Utah 2005, Chapter 254
57-8a-102 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapters 197, 226 and 291
57-8a-209 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 453
57-8a-218 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapters 226, 291 and 453
57-8a-222 (Effective 11/06/25), as enacted by Laws of Utah 2013, Chapter 152
57-8a-232 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapters 226, 453
59-2-301.1 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 519
59-2-301.2 (Effective 11/06/25), as last amended by Laws of Utah 2005, Chapter 254
59-2-301.6 (Effective 11/06/25), as enacted by Laws of Utah 2014, Chapter 218
59-2-502 (Effective 11/06/25), as last amended by Laws of Utah 2017, Chapter 319
59-2-507 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 183
59-2-924 (Effective 11/06/25) (Superseded 01/01/26), as last amended by Laws of Utah 2025, Chapters 183, 375
59-2-924 (Effective 01/01/26), as last amended by Laws of Utah 2025, Chapters 29, 258 and 495
59-2-1101 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 449
59-12-2220 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 400
63A-5b-604 (Effective 11/06/25), as last amended by Laws of Utah 2022, Chapter 421
63G-7-201 (Effective 11/06/25) (Superseded 01/01/26), as last amended by Laws of Utah 2023, Chapters 34, 105, 259, 329, 452, and 456
63G-7-201 (Effective 01/01/26), as last amended by Laws of Utah 2025, Chapter 74
63H-1-202 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 476
63I-2-210 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 62
63J-4-402 (Effective 11/06/25), as enacted by Laws of Utah 2025, Chapter 385
63L-10-104 (Effective 11/06/25), as last amended by Laws of Utah 2019, Chapter 246
63N-3-603 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 29
63N-3-1602 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 440
71A-1-201 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapters 71, 266 and 528

72-1-304 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapters 385, 452
72-2-124 (Effective 11/06/25) (Superseded 07/01/26), as last amended by Laws of Utah 2025, Chapters 385, 452 and 502
72-2-124 (Effective 07/01/26), as last amended by Laws of Utah 2025, Chapter 285
72-5-117 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 391
72-5-401 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 373
72-5-403 (Effective 11/06/25), as last amended by Laws of Utah 2023, Chapter 39
72-7-502 (Effective 11/06/25), as last amended by Laws of Utah 2016, Chapter 299
72-7-510.5 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 436
72-10-403 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapter 483
73-1-8 (Effective 11/06/25), as last amended by Laws of Utah 2023, Chapter 105
73-10-36 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapter 29
73-10c-11 (Effective 11/06/25), as enacted by Laws of Utah 2023, Chapter 238
78B-6-1101 (Effective 11/06/25), as last amended by Laws of Utah 2025, Chapters 141, 173, 174, 178, and 387
79-3-202 (Effective 11/06/25), as last amended by Laws of Utah 2024, Chapters 53, 88

ENACTS:

10-20-403 (Effective 11/06/25), Utah Code Annotated 1953
10-20-601 (Effective 11/06/25), Utah Code Annotated 1953
10-20-910 (Effective 11/06/25), Utah Code Annotated 1953
10-21-102 (Effective 11/06/25), Utah Code Annotated 1953
10-21-201 (Effective 11/06/25), Utah Code Annotated 1953
10-21-601 (Effective 11/06/25), Utah Code Annotated 1953

RENUMBERS AND AMENDS:

10-20-101 (Effective 11/06/25), (Renumbered from 10-9a-102, as last amended by Laws of Utah 2025, Chapter 385)
10-20-102 (Effective 11/06/25), (Renumbered from 10-9a-103, as last amended by Laws of Utah 2025, Chapters 40, 399 and 400)
10-20-103 (Effective 11/06/25), (Renumbered from 10-9a-104, as last amended by Laws of Utah 2019, Chapter 384)
10-20-201 (Effective 11/06/25), (Renumbered from 10-9a-201, as enacted by Laws of Utah 2005, Chapter 254)
10-20-202 (Effective 11/06/25), (Renumbered from 10-9a-202, as last amended by Laws of Utah 2006, Chapter 257)

10-20-203 (Effective 11/06/25), (Renumbered from 10-9a-203, as last amended by Laws of Utah 2023, Chapters 219, 435)

10-20-204 (Effective 11/06/25), (Renumbered from 10-9a-204, as last amended by Laws of Utah 2023, Chapter 435)

10-20-205 (Effective 11/06/25), (Renumbered from 10-9a-205, as last amended by Laws of Utah 2025, Chapter 399)

10-20-206 (Effective 11/06/25), (Renumbered from 10-9a-206, as last amended by Laws of Utah 2020, Chapter 377)

10-20-207 (Effective 11/06/25), (Renumbered from 10-9a-207, as last amended by Laws of Utah 2009, Chapter 338)

10-20-208 (Effective 11/06/25), (Renumbered from 10-9a-208, as last amended by Laws of Utah 2023, Chapter 435)

10-20-209 (Effective 11/06/25), (Renumbered from 10-9a-209, as enacted by Laws of Utah 2005, Chapter 254)

10-20-210 (Effective 11/06/25), (Renumbered from 10-9a-210, as enacted by Laws of Utah 2005, Chapter 231)

10-20-211 (Effective 11/06/25), (Renumbered from 10-9a-211, as last amended by Laws of Utah 2017, Chapters 410, 428)

10-20-212 (Effective 11/06/25), (Renumbered from 10-9a-212, as last amended by Laws of Utah 2022, Chapter 355)

10-20-213 (Effective 11/06/25), (Renumbered from 10-9a-213, as enacted by Laws of Utah 2019, Chapter 235)

10-20-214 (Effective 11/06/25), (Renumbered from 10-9a-543, as enacted by Laws of Utah 2025, Chapter 515)

10-20-301 (Effective 11/06/25), (Renumbered from 10-9a-301, as last amended by Laws of Utah 2017, Chapter 70)

10-20-302 (Effective 11/06/25), (Renumbered from 10-9a-302, as last amended by Laws of Utah 2025, Chapter 400)

10-20-303 (Effective 11/06/25), (Renumbered from 10-9a-303, as renumbered and amended by Laws of Utah 2005, Chapter 254)

10-20-304 (Effective 11/06/25), (Renumbered from 10-9a-305, as last amended by Laws of Utah 2025, Chapter 461)

10-20-305 (Effective 11/06/25), (Renumbered from 10-9a-304, as last amended by Laws of Utah 2021, Chapter 363)

10-20-401 (Effective 11/06/25), (Renumbered from 10-9a-401, as last amended by Laws of Utah 2024, Chapter 53)

10-20-402 (Effective 11/06/25), (Renumbered from 10-9a-402, as last amended by Laws of Utah 2008, Chapter 382)

10-20-404 (Effective 11/06/25), (Renumbered from 10-9a-403, as last amended by Laws of Utah 2025, Chapter 385)

10-20-405 (Effective 11/06/25), (Renumbered from 10-9a-404, as last amended by Laws of Utah 2022, Chapters 282, 406)

10-20-406 (Effective 11/06/25), (Renumbered from 10-9a-405, as enacted by Laws of Utah 2005, Chapter 254)

10-20-407 (Effective 11/06/25), (Renumbered from 10-9a-406, as renumbered and amended by Laws of Utah 2005, Chapter 254)

10-20-408 (Effective 11/06/25), (Renumbered from 10-9a-407, as renumbered and amended by Laws of Utah 2005, Chapter 254)

10-20-501 (Effective 11/06/25), (Renumbered from 10-9a-501, as last amended by Laws of Utah 2023, Chapter 65)

10-20-502 (Effective 11/06/25), (Renumbered from 10-9a-502, as last amended by Laws of Utah 2019, Chapter 384)

10-20-503 (Effective 11/06/25), (Renumbered from 10-9a-503, as last amended by Laws of Utah 2019, Chapter 384)

10-20-504 (Effective 11/06/25), (Renumbered from 10-9a-504, as last amended by Laws of Utah 2023, Chapter 478)

10-20-505 (Effective 11/06/25), (Renumbered from 10-9a-505, as last amended by Laws of Utah 2015, Chapter 327)

10-20-506 (Effective 11/06/25), (Renumbered from 10-9a-507, as last amended by Laws of Utah 2021, Chapter 385)

10-20-507 (Effective 11/06/25), (Renumbered from 10-9a-507.5, as enacted by Laws of Utah 2025, Chapter 49)

10-20-508 (Effective 11/06/25), (Renumbered from 10-9a-532, as last amended by Laws of Utah 2024, Chapter 415)

10-20-602 (Effective 11/06/25), (Renumbered from 10-9a-505.5, as last amended by Laws of Utah 2021, Chapter 102)

10-20-603 (Effective 11/06/25), (Renumbered from 10-9a-506, as renumbered and amended by Laws of Utah 2005, Chapter 254)

10-20-604 (Effective 11/06/25), (Renumbered from 10-9a-508.1, as enacted by Laws of Utah 2025, Chapter 399)

10-20-605 (Effective 11/06/25), (Renumbered from 10-9a-509.7, as last amended by Laws of Utah 2025, Chapter 399)

10-20-606 (Effective 11/06/25), (Renumbered from 10-9a-511.5, as last amended by Laws of Utah 2021, Chapter 102)

10-20-607 (Effective 11/06/25), (Renumbered from 10-9a-512, as last amended by Laws of Utah 2018, Chapter 239)

10-20-608 (Effective 11/06/25), (Renumbered from 10-9a-513, as last amended by Laws of Utah 2018, Chapter 239)

10-20-609 (Effective 11/06/25), (Renumbered from 10-9a-515, as renumbered and amended by Laws of Utah 2005, Chapter 254)

10-20-610 (Effective 11/06/25), (Renumbered from 10-9a-516, as repealed and reenacted by Laws of Utah 2013, Chapter 309)

10-20-611 (Effective 11/06/25), (Renumbered from 10-9a-521, as last amended by Laws of Utah 2022, Chapter 216)

10-20-612 (Effective 11/06/25), (Renumbered from 10-9a-522, as enacted by Laws of Utah 2010, Chapter 306)

10-20-613 (Effective 11/06/25), (Renumbered from 10-9a-525, as last amended by Laws of Utah 2025, Chapter 469)

10-20-614 (Effective 11/06/25), (Renumbered from 10-9a-528, as last amended by Laws of Utah 2024, Chapter 238)

10-20-615 (Effective 11/06/25), (Renumbered from 10-9a-529, as last amended by Laws of Utah 2025, Chapters 40, 399)

10-20-616 (Effective 11/06/25), (Renumbered from 10-9a-531, as enacted by Laws of Utah 2021, Chapter 15)

10-20-617 (Effective 11/06/25), (Renumbered from 10-9a-533, as enacted by Laws of Utah 2021, Chapter 385)

10-20-618 (Effective 11/06/25), (Renumbered from 10-9a-534, as last amended by Laws of Utah 2025, Chapter 449)

10-20-619 (Effective 11/06/25), (Renumbered from 10-9a-536, as last amended by Laws of Utah 2025, Chapter 399)

10-20-620 (Effective 11/06/25), (Renumbered from 10-9a-537, as last amended by Laws of Utah 2024, Chapter 336)

10-20-621 (Effective 11/06/25), (Renumbered from 10-9a-538, as enacted by Laws of Utah 2024, Chapter 431)

10-20-622 (Effective 11/06/25), (Renumbered from 10-9a-539, as enacted by Laws of Utah 2024, Chapter 329)

10-20-623 (Effective 11/06/25), (Renumbered from 10-9a-540, as enacted by Laws of Utah 2024, Chapter 415)

10-20-624 (Effective 11/06/25), (Renumbered from 10-9a-544, as enacted by Laws of Utah 2025, Chapter 228)

10-20-701 (Effective 11/06/25), (Renumbered from 10-9a-901, as last amended by Laws of Utah 2025, Chapter 387)

10-20-702 (Effective 11/06/25), (Renumbered from 10-9a-902, as last amended by Laws of Utah 2025, Chapter 387)

10-20-703 (Effective 11/06/25), (Renumbered from 10-9a-903, as last amended by Laws of Utah 2025, Chapter 387)

10-20-704 (Effective 11/06/25), (Renumbered from 10-9a-905, as last amended by Laws of Utah 2025, Chapter 387)

10-20-801 (Effective 11/06/25), (Renumbered from 10-9a-601, as last amended by Laws of Utah 2022, Chapter 355)

10-20-802 (Effective 11/06/25), (Renumbered from 10-9a-602, as last amended by Laws of Utah 2019, Chapter 384)

10-20-803 (Effective 11/06/25), (Renumbered from 10-9a-603, as last amended by Laws of Utah 2022, Chapter 355)

10-20-804 (Effective 11/06/25), (Renumbered from 10-9a-604, as last amended by Laws of Utah 2021, Chapter 47)

10-20-805 (Effective 11/06/25), (Renumbered from 10-9a-604.1, as enacted by Laws of Utah 2023, Chapter 501)

10-20-806 (Effective 11/06/25), (Renumbered from 10-9a-604.2, as last amended by Laws of Utah 2024, Chapter 415)

10-20-807 (Effective 11/06/25), (Renumbered from 10-9a-604.5, as last amended by Laws of Utah 2025, Chapter 399)

10-20-808 (Effective 11/06/25), (Renumbered from 10-9a-605, as last amended by Laws of Utah 2025, Chapter 40)

10-20-809 (Effective 11/06/25), (Renumbered from 10-9a-606, as last amended by Laws of Utah 2017, Chapter 405)

10-20-810 (Effective 11/06/25), (Renumbered from 10-9a-607, as last amended by Laws of Utah 2019, Chapter 384)

10-20-811 (Effective 11/06/25), (Renumbered from 10-9a-608, as last amended by Laws of Utah 2025, Chapter 40)

10-20-812 (Effective 11/06/25), (Renumbered from 10-9a-609, as last amended by Laws of Utah 2019, Chapter 384)

10-20-813 (Effective 11/06/25), (Renumbered from 10-9a-609.5, as last amended by Laws of Utah 2021, Chapter 385)

10-20-814 (Effective 11/06/25), (Renumbered from 10-9a-610, as renumbered and amended by Laws of Utah 2005, Chapter 254)

10-20-815 (Effective 11/06/25), (Renumbered from 10-9a-611, as last amended by Laws of Utah 2020, Chapter 434)

10-20-816 (Effective 11/06/25), (Renumbered from 10-9a-904, as enacted by Laws of Utah 2019, Chapter 227)

10-20-901 (Effective 11/06/25), (Renumbered from 10-9a-306, as enacted by Laws of Utah 2017, Chapter 84)

10-20-902 (Effective 11/06/25), (Renumbered from 10-9a-509, as last amended by Laws of Utah 2025, Chapter 399)

10-20-903 (Effective 11/06/25), (Renumbered from 10-9a-527, as enacted by Laws of Utah 2017, Chapter 17)

10-20-904 (Effective 11/06/25), (Renumbered from 10-9a-510, as last amended by Laws of Utah 2025, Chapters 62, 399)

10-20-905 (Effective 11/06/25), (Renumbered from 10-9a-509.5, as last amended by Laws of Utah 2025, Chapter 399)

10-20-906 (Effective 11/06/25), (Renumbered from 10-9a-523, as last amended by Laws of Utah 2025, Chapter 40)

10-20-907 (Effective 11/06/25), (Renumbered from 10-9a-524, as last amended by Laws of Utah 2025, Chapter 40)

10-20-908 (Effective 11/06/25), (Renumbered from 10-9a-541, as enacted by Laws of Utah 2025, Chapter 399)

10-20-909 (Effective 11/06/25), (Renumbered from 10-9a-542, as renumbered and amended by Laws of Utah 2025, Chapter 399)

10-20-911 (Effective 11/06/25), (Renumbered from 10-9a-508, as last amended by Laws of Utah 2025, Chapter 399)

10-20-1001 (Effective 11/06/25), (Renumbered from 10-9a-802, as last amended by Laws of Utah 2025, Chapter 399)

10-20-1002 (Effective 11/06/25), (Renumbered from 10-9a-803, as last amended by Laws of Utah 2012, Chapter 218)

10-20-1003 (Effective 11/06/25), (Renumbered from 10-9a-511, as last amended by Laws of Utah 2022, Chapter 355)

10-20-1101 (Effective 11/06/25), (Renumbered from 10-9a-701, as last amended by Laws of Utah 2025, Chapter 399)

10-20-1102 (Effective 11/06/25), (Renumbered from 10-9a-702, as renumbered and amended by Laws of Utah 2005, Chapter 254)

10-20-1103 (Effective 11/06/25), (Renumbered from 10-9a-703, as last amended by Laws of Utah 2020, Chapter 434)

10-20-1104 (Effective 11/06/25), (Renumbered from 10-9a-704, as last amended by Laws of Utah 2020, Chapter 434)

10-20-1105 (Effective 11/06/25), (Renumbered from 10-9a-705, as enacted by Laws of Utah 2005, Chapter 254)

10-20-1106 (Effective 11/06/25), (Renumbered from 10-9a-706, as enacted by Laws of Utah 2005, Chapter 254)

10-20-1107 (Effective 11/06/25), (Renumbered from 10-9a-707, as last amended by Laws of Utah 2019, Chapter 384)

10-20-1108 (Effective 11/06/25), (Renumbered from 10-9a-708, as last amended by Laws of Utah 2020, Chapter 126)

10-20-1109 (Effective 11/06/25), (Renumbered from 10-9a-801, as last amended by Laws of Utah 2022, Chapter 355)

10-20-1110 (Effective 11/06/25), (Renumbered from 10-9a-804, as enacted by Laws of Utah 2025, Chapter 464)

10-21-101 (Effective 11/06/25), (Renumbered from 10-9a-1001, as enacted by Laws of Utah 2024, Chapter 431)

10-21-202 (Effective 11/06/25), (Renumbered from 10-9a-408, as last amended by Laws of Utah 2025, Chapter 385)

10-21-203 (Effective 11/06/25), (Renumbered from 10-9a-403.1, as last amended by Laws of Utah 2025, Chapter 452)

10-21-301 (Effective 11/06/25), (Renumbered from 10-9a-535, as last amended by Laws of Utah 2025, Chapter 385)

10-21-302 (Effective 11/06/25), (Renumbered from 10-9a-514, as last amended by Laws of Utah 2025, Chapter 354)

10-21-303 (Effective 11/06/25), (Renumbered from 10-9a-530, as last amended by Laws of Utah 2023, Chapter 501)

10-21-401 (Effective 11/06/25), (Renumbered from 10-9a-403.2, as enacted by Laws of Utah 2025, Chapter 385)

10-21-402 (Effective 11/06/25), (Renumbered from 10-9a-403.3, as enacted by Laws of Utah 2025, Chapter 385)

10-21-501 (Effective 11/06/25), (Renumbered from 10-9a-1002, as enacted by Laws of Utah 2024, Chapter 431)

10-21-502 (Effective 11/06/25), (Renumbered from 10-9a-1003, as enacted by Laws of Utah 2024, Chapter 431)

10-21-503 (Effective 11/06/25), (Renumbered from 10-9a-1004, as enacted by Laws of Utah 2024, Chapter 431)

10-21-504 (Effective 11/06/25), (Renumbered from 10-9a-1005, as last amended by Laws of Utah 2025, Chapter 464)

REPEALS:

10-9a-101 (Effective 11/06/25), as renumbered and amended by Laws of Utah 2005, Chapter 254

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

Section 1. Section **4-41a-406** is amended to read:

4-41a-406 (Effective 11/06/25). Local control.

(1) As used in this section:

(a) "Cannabis production establishment" means the same as that term is defined in Section 4-41a-102 and includes a closed-door medical cannabis pharmacy.

(b) "Land use application" means the same as that term is defined in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102.

(c) "Land use decision" means the same as that term is defined in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102.

(d) "Land use permit" means the same as that term is defined in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102.

(e) "Land use regulation" means the same as that term is defined in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102.

(2)(a) If a municipality's or county's zoning ordinances provide for an industrial zone, the operation of a cannabis production establishment shall be a permitted industrial use in any industrial zone unless the municipality or county has designated by ordinance, before an individual submits a land use permit application for a cannabis production establishment, at least one industrial zone in which the operation of a cannabis production establishment is a permitted use.

(b) If a municipality's or county's zoning ordinances provide for an agricultural zone, the operation of a cannabis production establishment shall be a permitted agricultural use in any agricultural zone unless the municipality or county has designated by ordinance, before an individual submits a land use permit application for a cannabis production establishment, at least one agricultural zone in which the operation of a cannabis production establishment is a permitted use.

(c) The operation of a cannabis production establishment shall be a permitted use on land that the municipality or county has not zoned.

(3) A municipality or county may not:

(a) on the sole basis that the applicant, or cannabis production establishment violates federal law regarding the legal status of cannabis, deny or revoke:

(i) a land use permit to operate a cannabis production facility; or

(ii) a business license to operate a cannabis production facility; or

(b) require a certain distance between a cannabis production establishment and:

(i) another cannabis production establishment;

(ii) a medical cannabis pharmacy;

(iii) a retail tobacco specialty business, as that term is defined in Section 26B-7-501; or

(iv) an outlet, as that term is defined in Section 32B-1-202.

(4)(a) Subject to the provisions of this section, when evaluating and approving a land use application for a cannabis production establishment:

(i) a municipality shall comply with Section [~~10-9a-509~~] 10-20-902; and

(ii) a county shall comply with Section [~~17-27a-508~~] 17-79-803.

(b) An applicant for a land use permit to operate a cannabis production establishment shall comply with the land use requirements and application process described in:

(i) [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act; and

(ii) [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act.

Section 2. Section **4-41a-1105** is amended to read:

4-41a-1105 (Effective 11/06/25). Local control.

(1) The operation of a medical cannabis pharmacy:

(a) shall be a permitted use:

(i) in any zone, overlay, or district within the municipality or county except for a primarily residential zone; and

(ii) on land that the municipality or county has not zoned; and

(b) is subject to the land use regulations, as defined in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102, that apply in the underlying zone.

(2) A municipality or county may not:

(a) on the sole basis that the applicant or medical cannabis pharmacy violates federal law regarding the legal status of cannabis, deny or revoke:

(i) a land use permit, as that term is defined in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102, to operate a medical cannabis pharmacy; or

(ii) a business license to operate a medical cannabis pharmacy;

(b) require a certain distance between a medical cannabis pharmacy and:

(i) another medical cannabis pharmacy;

(ii) a cannabis production establishment;

(iii) a retail tobacco specialty business, as that term is defined in Section 26B-7-506; or

(iv) an outlet, as that term is defined in Section 32B-1-202; or

(c) in accordance with [~~Subsections 10-9a-509(1)~~] Sections 10-20-902 and [~~17-27a-508(1)~~] 17-79-803, enforce a land use regulation against a medical cannabis pharmacy that was not in effect on the day on which the medical cannabis pharmacy submitted a complete land use application.

(3)(a) A municipality or county may enact an ordinance that:

(i) is not in conflict with this chapter; and

(ii) governs the time, place, or manner of medical cannabis pharmacy operations in the municipality or county.

(b) An ordinance that a municipality or county enacts under Subsection (3)(a) may not restrict the hours of operation from 7 a.m. to 10 p.m.

(4) An applicant for a land use permit to operate a medical cannabis pharmacy shall comply

with the land use requirements and application process described in:

(a) [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act, including Section [~~10-9a-528~~] 10-20-614; and

(b) [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act, including Section [~~17-27a-525~~] 17-79-610.

Section 3. Section **4-46-302** is amended to read:

4-46-302 (Effective 11/06/25). Program -- Use of money in fund -- Criteria -- Administration.

(1) Subject to Subsection (2), the board shall administer the LeRay McAllister Working Farm and Ranch Fund Program under which the board may authorize the use of money in the fund, by grant, to:

(a) a local entity;

(b) the Department of Natural Resources created under Section 79-2-201;

(c) an entity within the department; or

(d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3), Internal Revenue Code.

(2)(a) The money in the fund shall be used for preserving or restoring open land and agricultural land.

(b) Except as provided in Subsection (2)(c), money from the fund:

(i) may be used to:

(A) establish a conservation easement under Title 57, Chapter 18, Land Conservation Easement Act; or

(B) fund similar methods to preserve open land or agricultural land; and

(ii) may not be used to purchase a fee interest in real property to preserve open land or agricultural land.

(c) Money from the fund may be used to purchase a fee interest in real property to preserve open land or agricultural land if:

(i) the property to be purchased is no more than 20 acres in size; and

(ii) with respect to a parcel purchased in a county in which over 50% of the land area is publicly owned, real property roughly equivalent in size and located within that county is contemporaneously transferred to private ownership from the governmental entity that purchased the fee interest in real property.

(d) Eminent domain may not be used or threatened in connection with any purchase using money from the fund.

(e) A parcel of land larger than 20 acres in size may not be divided to create one or more parcels that are smaller than 20 acres in order to comply with Subsection (2)(c)(i).

(f) A local entity, department, or organization under Subsection (1) may not receive money from the fund unless the local entity, department, or organization provides matching funds equal to or greater than the amount of money received from the fund.

(g) In granting money from the fund, the board may impose conditions on the recipient as to how the money is to be spent.

(h) The board shall give priority to:

(i) working agricultural land; and

(ii) after giving priority to working agricultural land under Subsection (2)(h)(i), requests from the Department of Natural Resources for up to 20% of each annual increase in the amount of money in the fund if the money is used for the protection of wildlife or watershed.

(i)(i) The board may not make a grant from the fund that exceeds $1,000,000 until after making a report to the Legislative Management Committee about the grant.

(ii) The Legislative Management Committee may make a recommendation to the board concerning the intended grant, but the recommendation is not binding on the board.

(3) In determining the amount and type of financial assistance to provide a local entity, department, or organization under Subsection (1) and subject to Subsection (2)(i), the board shall consider:

(a) the nature and amount of open land and agricultural land proposed to be preserved or restored;

(b) the qualities of the open land and agricultural land proposed to be preserved or restored;

(c) the cost effectiveness of the project to preserve or restore open land or agricultural land;

(d) the funds available;

(e) the number of actual and potential applications for financial assistance and the amount of money sought by those applications;

(f) the open land preservation plan of the local entity where the project is located and the priority placed on the project by that local entity;

(g) the effects on housing affordability and diversity; and

(h) whether the project protects against the loss of private property ownership.

(4) If a local entity, department, or organization under Subsection (1) seeks money from the fund for a project whose purpose is to protect critical watershed, the board shall require that the needs and quality of that project be verified by the state engineer.

(5) An interest in real property purchased with money from the fund shall be held and administered by the state or a local entity.

(6)(a) The board may not authorize the use of money under this section for a project unless the land use authority for the land in which the project is located consents to the project.

(b)(i) To obtain consent to a project, the person who is seeking money from the fund shall submit a request for consent to a project with the applicable land use authority.

(ii) The land use authority may grant or deny consent.

(iii) If the land use authority does not take action within 60 days from the day on which the request for consent is filed with the land use authority under this Subsection (6), the board shall treat the project as having the consent of the land use authority.

(c) An action of a land use authority under this Subsection (6) is not a land use decision subject to:

(i) [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act; or

(ii) [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act.

Section 4. Section **10-8-2** is amended to read:

10-8-2 (Effective 11/06/25). Appropriations -- Acquisition and disposal of property -- Municipal authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.

(1)(a) Subject to Section 11-41-103, a municipal legislative body may:

(i) appropriate money for corporate purposes only;

(ii) provide for payment of debts and expenses of the corporation;

(iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the municipality, whether the property is within or without the municipality's corporate boundaries,

if the action is in the public interest and complies with other law;

(iv) improve, protect, and do any other thing in relation to this property that an individual could do; and

(v) subject to Subsection (2) and after first holding a public hearing, authorize municipal services or other nonmonetary assistance to be provided to or waive fees required to be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

(b) A municipality may:

(i) furnish all necessary local public services within the municipality;

(ii) purchase, hire, construct, own, maintain and operate, or lease public utilities located and operating within and operated by the municipality; and

(iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property located inside or outside the corporate limits of the municipality and necessary for any of the purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B, Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

(c) Each municipality that intends to acquire property by eminent domain under Subsection (1)(b) shall comply with the requirements of Section 78B-6-505.

(d) Subsection (1)(b) may not be construed to diminish any other authority a municipality may claim to have under the law to acquire by eminent domain property located inside or outside the municipality.

(2)(a) Services or assistance provided [~~pursuant to~~] in accordance with Subsection (1)(a)(v) is not subject to the provisions of Subsection (3).

(b) The total amount of services or other nonmonetary assistance provided or fees waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the municipality's budget for that fiscal year.

(3) It is considered a corporate purpose to appropriate money for any purpose that, in the judgment of the municipal legislative body, provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality subject to this Subsection (3).

(a) The net value received for any money appropriated shall be measured on a project-by-project basis over the life of the project.

(b)(i) A municipal legislative body shall establish the criteria for a determination under this Subsection (3).

(ii) A municipal legislative body's determination of value received is presumed valid unless a person can show that the determination was arbitrary, capricious, or illegal.

(c) The municipality may consider intangible benefits received by the municipality in determining net value received.

(d)(i) Before the municipal legislative body makes any decision to appropriate any funds for a corporate purpose under this section, the municipal legislative body shall hold a public hearing.

(ii) For at least 14 days before the date of the hearing, the municipal legislative body shall publish a notice of the hearing described in Subsection (3)(d)(i) for the municipality, as a class A notice under Section 63G-30-102.

(e)(i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the municipality shall perform a study that analyzes and demonstrates the purpose for an appropriation described in this Subsection (3) in accordance with Subsection (3)(e)(iii).

(ii) A municipality shall make the study described in Subsection (3)(e)(i) available at the municipality for review by interested parties at least 14 days immediately before the public hearing described in Subsection (3)(d)(i).

(iii) A municipality shall consider the following factors when conducting the study described in Subsection (3)(e)(i):

(A) what identified benefit the municipality will receive in return for any money or resources appropriated;

(B) the municipality's purpose for the appropriation, including an analysis of the way the appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality; and

(C) whether the appropriation is necessary and appropriate to accomplish the reasonable goals and objectives of the municipality in the area of economic development, job creation, affordable housing, elimination of a development impediment, job preservation, the preservation of historic structures and property, and any other public purpose.

(f)(i) An appeal may be taken from a final decision of the municipal legislative body, to make an appropriation.

(ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district

court within 30 days after the day on which the municipal legislative body makes a decision.

(iii) Any appeal shall be based on the record of the proceedings before the legislative body.

(iv) A decision of the municipal legislative body shall be presumed to be valid unless the appealing party shows that the decision was arbitrary, capricious, or illegal.

(g) The provisions of this Subsection (3) apply only to those appropriations made after May 6, 2002.

(h) This section applies only to appropriations not otherwise approved [~~pursuant to~~] in accordance with Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities.

(4)(a) Before a municipality may dispose of a significant parcel of real property, the municipality shall:

(i) provide notice of the proposed disposition for the municipality, as a class A notice under Section 63G-30-102, for at least 14 days before the opportunity for public comment under Subsection (4)(a)(ii); and

(ii) allow an opportunity for public comment on the proposed disposition.

(b) Each municipality shall, by ordinance, define what constitutes a significant parcel of real property for purposes of Subsection (4)(a).

(5)(a) Except as provided in Subsection (5)(d), each municipality intending to acquire real property for the purpose of expanding the municipality's infrastructure or other facilities used for providing services that the municipality offers or intends to offer shall provide written notice, as provided in this Subsection (5), of its intent to acquire the property if:

(i) the property is located:

(A) outside the boundaries of the municipality; and

(B) in a county of the first or second class; and

(ii) the intended use of the property is contrary to:

(A) the anticipated use of the property under the general plan of the county in whose unincorporated area or the municipality in whose boundaries the property is located; or

(B) the property's current zoning designation.

(b) Each notice under Subsection (5)(a) shall:

(i) indicate that the municipality intends to acquire real property;

(ii) identify the real property; and

(iii) be sent to:

(A) each county in whose unincorporated area and each municipality in whose boundaries the property is located; and

(B) each affected entity.

(c) A notice under this Subsection (5) is a protected record as provided in Subsection 63G-2-305(8).

(d)(i) The notice requirement of Subsection (5)(a) does not apply if the municipality previously provided notice under Section [~~10-9a-203~~] 10-20-203 identifying the general location within the municipality or unincorporated part of the county where the property to be acquired is located.

(ii) If a municipality is not required to comply with the notice requirement of Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real property.

Section 5. Section **10-8-85.4** is amended to read:

10-8-85.4 (Effective 11/06/25). Ordinances regarding short-term rentals -- Prohibition on ordinances restricting speech on short-term rental websites -- Evidence of short-term rental -- Removing a listing.

(1) As used in this section:

(a) "Internal accessory dwelling unit" means the same as that term is defined in Section [~~10-9a-511.5~~] 10-20-606.

(b) "Permit number" means a unique identifier issued by a municipality and may include a business license number.

(c) "Request" means a formal inquiry made by a municipality to a short-term rental website that is not a legal requirement.

(d) "Residential unit" means a residential structure or any portion of a residential structure that is occupied as a residence.

(e) "Short-term rental" means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.

(f) "Short-term rental website" means a website or other digital platform that:

(i) allows a person to offer a short-term rental to one or more prospective renters; and

(ii) facilitates the renting of, and payment for, a short-term rental.

(g) "URL" means uniform resource locater.

(2) Notwithstanding Section [~~10-9a-501~~] 10-20-501 or [~~Subsection 10-9a-503(1)~~] 10-20-503, a legislative body may not:

(a) enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or

(b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.

(3) If a municipality regulates short-term rentals, Subsection (2)(b) does not prevent the municipality from using a listing or offering of a short-term rental on a short-term rental website as evidence that a short-term rental took place so long as the municipality has additional information to support the position that an owner or lessee violated a municipal ordinance.

(4) A municipality may adopt an ordinance requiring the owner or lessee of a short-term rental to obtain a business license or other permit from the municipality before operating a short-term rental within the municipality.

(5)(a) A municipality may not regulate a short-term rental website.

(b) If a municipality allows short-term rentals within a portion of or all residential or commercial zones in the municipality, the municipal legislative body may request a short-term rental website to remove a short-term rental listing or offering from the short-term rental website after notice from the municipality, as described in Subsection (6), only if the short-term rental is operating in violation of business license requirements or zoning requirements.

(6) A municipality that provides a notice to a short-term rental website that a short-term rental within the municipality is in violation of the municipality's business licensing requirements or zoning requirements shall identify in the notice:

(a) the listing or offering to be removed by the listing's offering's URL; and

(b) the reason for the requested removal.

(7) If a legislative body imposes transient room tax on the rental of rooms in hotels, motels, inns, trailer courts, campgrounds, tourist homes, and similar accommodations for stays of less than 30 consecutive days as authorized by Section 59-12-352 or 59-12-353:

(a) the municipality may provide the listing or offering of a short-term rental on a short-term rental website to the county auditor as evidence that the owner or lessee of a short-term rental may be subject to the transient room tax; and

(b) the county auditor may utilize the listing or offering of a short-term rental on a short-term rental website when making a referral to the State Tax Commission, as described in Section 59-12-302.

(8) Subsection (2) does not apply to an individual who lists or offers an internal accessory dwelling unit as a short-term rental on a short-term rental website if the municipality records a notice for the internal accessory dwelling unit under Subsection [~~10-9a-530(6)~~] 10-21-303(5).

Section 6. Section **10-8-85.10** is amended to read:

10-8-85.10 (Effective 11/06/25). Ordinances regarding co-ownership -- Prohibition on municipal ordinances restricting co-ownership models.

(1) As used in this section:

(a) "Co-owned home" means any residential unit that is jointly owned, in any manner or form, by any combination of individuals or entities.

(b) "Residential unit" means the same as that term is defined in Section 10-8-85.4.

(2) Notwithstanding Section [~~10-9a-501~~] 10-20-501 and Subsection [~~10-9a-503(1)~~] 10-20-503(1), a municipal legislative body may not:

(a) adopt or enforce a land use regulation that regulates co-owned homes differently than other residential units; or

(b) use a land use regulation governing co-owned homes to fine, charge, prosecute, or otherwise punish an individual solely for the act of owning or using a co-owned home.

(3) Notwithstanding Subsection (2), a legislative body may adopt and enforce land use regulations, if the regulations are applied equally to all residential units, including co-owned homes.

(4) This section does not limit private individuals or associations from adopting rules or regulations governing co-owned homes.

(5) Nothing in this section limits a municipality's authority to adopt or enforce regulations regarding:

(a) accessory dwelling units, as defined in Section [~~10-9a-103~~] 10-20-102;

(b) internal accessory dwelling units, as defined in Section [~~10-9a-511.5~~] 10-21-101; or

(c) the rental of a residential unit for fewer than 30 days consistent with Section 10-8-85.4.

Section 7. Section **10-8-87** is amended to read:

10-8-87 (Effective 11/06/25). Transportation connectivity plan -- Reporting.

(1) On or before July 1, 2027, a municipality within a metropolitan planning organization boundary shall, in consultation with relevant stakeholders, update the transportation and traffic circulation element of the municipality's general plan as described in Subsection [~~10-9a-403(2)(a)(ii)~~] 10-20-404(2)(a)(ii) to identify priority connections to remedy physical impediments, including water conveyances, that would improve circulation and enhance vehicle, transit, bicycle, or pedestrian access to significant economic, educational, recreational, and other priority destinations.

(2) For a priority connection identified [~~pursuant to~~] in accordance with Subsection (1), a municipality shall identify:

(a) cost estimates;

(b) potential funding sources, including state, local, federal, and private funding; and

(c) impediments to constructing the connections.

(3)(a) A metropolitan planning organization, in consultation with each affected municipality, shall report to the Transportation Interim Committee regarding:

(i) the status of the required municipal modifications to general plans required by Subsection (2);

(ii) the status of a regional roadway grid network study;

(iii) physical and other impediments to constructing priority transportation connections; and

(iv) potential funding sources, including state, local, federal, and private funding, to make transportation connectivity improvements.

(b) The metropolitan planning organization shall provide the report described in Subsection (3)(a) on or before November 1 of 2025, 2026, and 2027.

(4) Enhancement of transportation connectivity as described in Subsection (1) shall be given consideration in the prioritization processes described in Sections 72-1-304 and 72-2-302.

Section 8. Section **10-20-101**, which is renumbered from Section 10-9a-102 is renumbered and amended to read:

CHAPTER 20. Municipal Land Use, Development, and Management Act

Part 1. General Provisions

[~~10-9a-102~~] 10-20-101 (Effective 11/06/25). Purposes -- General land use authority.

(1) The purposes of this chapter are to:

(a) provide for the health, safety, and welfare;

(b) promote the prosperity;

(c) improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;

(d) protect the tax base;

(e) secure economy in governmental expenditures;

(f) foster the state's agricultural and other industries;

(g) protect both urban and nonurban development;

(h) protect and ensure access to sunlight for solar energy devices;

(i) provide fundamental fairness in land use regulation;

(j) facilitate orderly growth, allow growth in a variety of housing types, and contribute toward housing affordability; and

(k) protect property values.

(2) To accomplish the purposes of this chapter, a municipality may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the municipality considers necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing:

(a) uses;

(b) density;

(c) open spaces;

(d) structures;

(e) buildings;

(f) energy efficiency;

(g) light and air;

(h) air quality;

(i) transportation and public or alternative transportation;

(j) infrastructure;

(k) street and building orientation;

(l) width requirements;

(m) public facilities;

(n) fundamental fairness in land use regulation; and

(o) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional

protections.

(3)(a) Any ordinance, resolution, or rule enacted by a municipality [~~pursuant to~~] in accordance with its authority under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.

(b) A municipality may enact an ordinance, resolution, or rule that regulates surface activity incident to an oil and gas activity if the municipality demonstrates that the regulation:

(i) is necessary for the purposes of this chapter;

(ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and

(iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas activity, as described in Section 40-6-2.5.

Section 9. Section **10-20-102**, which is renumbered from Section 10-9a-103 is renumbered and amended to read:

[~~10-9a-103~~] 10-20-102 (Effective 11/06/25). Definitions.

As used in this chapter:

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

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

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

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

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

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

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

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

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

(a) a single project;

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

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

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

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

(7)(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)(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 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 compensation to the owner of the property is required by the:

(a) Fifth or Fourteenth Amendment of 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 [~~Section 102 of~~]the Controlled Substances Act, 21 U.S.C. 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) "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) "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.

(26) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

(27) "Geologic hazard" means:

(a) a surface fault rupture;

(b) shallow groundwater;

(c) liquefaction;

(d) a landslide;

(e) a debris flow;

(f) unstable soil;

(g) a rock fall; or

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

(i) to life;

(ii) of substantial loss of real property; or

(iii) of substantial damage to real property.

(28) "Historic preservation authority" means a person, board, commission, or other body designated by a legislative body to:

(a) recommend land use regulations to preserve local historic districts or areas; and

(b) administer local historic preservation land use regulations within a local historic district or area.

(29) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.

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

(31)(a) "Identical plans" means floor plans submitted to a municipality that:

(i) are submitted within the same building code adoption cycle as floor plans that were previously approved by the municipality;

(ii) have no structural differences from floor plans that were previously approved by the municipality; and

(iii) describe a building that:

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

(B) has a substantially identical floor plan to a floor plan previously approved by the municipality; and

(C) does not require any engineering or analysis beyond a review to confirm the submitted floor plans are substantially identical to a floor plan previously approved by the municipality or a review of the site plan and associated geotechnical reports for the site.

(b) "Identical plans" include floor plans that are oriented differently as the floor plan that was previously approved by the municipality.

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

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

(a) recording a subdivision plat; or

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

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

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

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

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

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

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

(i) determines, based on accepted industry standards and for good cause, that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(ii) has substantial evidence, on record:

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

(B) that the area upon which the infrastructure will be constructed contains suspect soil and the municipality has not otherwise required the 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 [~~must~~] 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 [~~10-9a-529~~] 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 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.

[~~(58)~~] (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 [~~10-9a-603~~] 10-20-803 or 57-8-13.

[~~(59)~~] (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.

[~~(60)~~] (61) "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.

[~~(61)~~] (62) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

[~~(62)~~] (63) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

[~~(63)~~] (64) "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.

[~~(64)~~] (65) "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.

[~~(65)~~] (66) "Record of survey map" means a map of a survey of land prepared in accordance with Section [~~17-23-17~~] 17-73-504.

[~~(66)~~] (67) "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.

[~~(67)~~] (68) "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.

[~~(68)~~] (69) "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.

[~~(69)~~] (70) "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.

[~~(70)~~] (71) "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.

[~~(71)~~] (72) "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.

[~~(72)~~] (73) "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.

[~~(73)~~] (74) "Specified public agency" means:

(a) the state;

(b) a school district; or

(c) a charter school.

[~~(74)~~] (75) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

[~~(75)~~] (76) "State" includes any department, division, or agency of the state.

[~~(76)~~] (77)(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 [~~(76)(c)~~] (77)(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 [~~10-9a-605(2)~~] 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.

[~~(77)~~] (78)(a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section [~~10-9a-608~~] 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.

[~~(78)~~] (79) "Substantial evidence" means evidence that:

(a) is beyond a scintilla; and

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

[~~(79)~~] (80) "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.

[~~(80)~~] (81) "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.

[~~(81)~~] (82) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

[~~(82)~~] (83) "Unincorporated" means the area outside of the incorporated area of a city or town.

[~~(83)~~] (84) "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.

[~~(84)~~] (85) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Section 10. Section **10-20-103**, which is renumbered from Section 10-9a-104 is renumbered and amended to read:

[~~10-9a-104~~] 10-20-103 (Effective 11/06/25). Municipal standards.

(1) This chapter does not prohibit a municipality from adopting the municipality's own land use standards.

(2) Notwithstanding Subsection (1), a municipality may not impose a requirement, regulation, condition, or standard that conflicts with a provision of this chapter, Chapter 21, Municipalities and Housing Supply, other state law, or federal law.

Section 11. Section **10-20-201**, which is renumbered from Section 10-9a-201 is renumbered and amended to read:

Part 2. Notice

[~~10-9a-201~~] 10-20-201 (Effective 11/06/25). Required notice.

(1) At a minimum, each municipality shall provide actual notice or the notice required by this part.

(2) A municipality may by ordinance require greater notice than required under this part.

Section 12. Section **10-20-202**, which is renumbered from Section 10-9a-202 is renumbered and amended to read:

[~~10-9a-202~~] 10-20-202 (Effective 11/06/25). Applicant notice -- Waiver of requirements.

(1) For each land use application, the municipality shall:

(a) notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;

(b) provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three business days before the public hearing or public meeting; and

(c) notify the applicant of any final action on a pending application.

(2) If a municipality fails to comply with the requirements of Subsection (1)(a) or (b) or both, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

Section 13. Section **10-20-203**, which is renumbered from Section 10-9a-203 is renumbered and amended to read:

[~~10-9a-203~~] 10-20-203 (Effective 11/06/25). Notice of intent to prepare a general plan or comprehensive general plan amendments in certain municipalities.

(1) Before preparing a proposed general plan or a comprehensive general plan amendment, each municipality within a county of the first or second class shall provide 10 calendar days notice of the municipality's intent to prepare a proposed general plan or a comprehensive general plan amendment:

(a) to each affected entity;

(b) to the Utah Geospatial Resource Center created in Section 63A-16-505;

(c) to the association of governments, established [~~pursuant to~~] in accordance with an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member; and

(d) for the municipality, as a class A notice under Section 63G-30-102, for at least 10 days.

(2) Each notice under Subsection (1) shall:

(a) indicate that the municipality intends to prepare a general plan or a comprehensive general plan amendment, as the case may be;

(b) describe or provide a map of the geographic area that will be affected by the general plan or amendment;

(c) be sent by mail, e-mail, or other effective means;

(d) invite the affected entities to provide information for the municipality to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning:

(i) impacts that the use of land proposed in the proposed general plan or amendment may have; and

(ii) uses of land within the municipality that the affected entity is considering that may conflict with the proposed general plan or amendment; and

(e) include the address of an Internet website, if the municipality has one, and the name and telephone number of an individual where more information can be obtained concerning the municipality's proposed general plan or amendment.

(3) A municipality shall send the newly adopted general plan and comprehensive general plan amendments to the relevant association of governments within 45 days of the date of adoption.

Section 14. Section **10-20-204**, which is renumbered from Section 10-9a-204 is renumbered and amended to read:

[~~10-9a-204~~] 10-20-204 (Effective 11/06/25). Notice of public hearings and public meetings to consider general plan or modifications.

(1) Each municipality shall provide:

(a) notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and

(b) notice of each public meeting on the subject.

(2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar days before the public hearing and shall be:

(a) published for the municipality, as a class A notice under Section 63G-30-102, for at least 10 days; and

(b) mailed to each affected entity.

(3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be published for the municipality, as a class A notice under Section 63G-30-102, for at least 24 hours.

Section 15. Section **10-20-205**, which is renumbered from Section 10-9a-205 is renumbered and amended to read:

[~~10-9a-205~~] 10-20-205 (Effective 11/06/25). Notice of public hearings and public meetings on adoption or modification of land use regulation.

(1) Each municipality shall give:

(a) notice of the date, time, and place of the first public hearing to consider the adoption or any modification of a land use regulation; and

(b) notice of each public meeting on the subject.

(2) Each notice of a public hearing under Subsection (1)(a) shall be:

(a) mailed to each affected entity at least 10 calendar days before the public hearing; and

(b)(i) provided for the area directly affected by the land use ordinance change, as a class B notice under Section 63G-30-102, for at least 10 calendar days before the day of the public hearing; or

(ii) if the proposed land use ordinance adoption or modification is ministerial in nature, as described in Subsections (6)(a) and (b), provided as a class A notice under Section 63G-30-102 for at least 10 calendar days before the day of the public hearing.

(3) In addition to the notice requirements described in Subsections (1) and (2), for any proposed modification to the text of a zoning code, the notice posted in accordance with Subsection (2) shall:

(a) include:

(i) a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; or

(ii) a direct link to the municipality's webpage where a person can find a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; and

(b) be provided to any person upon written request.

(4) Each notice of a public meeting under Subsection (1)(b) shall be provided for the municipality, as a class A notice under Section 63G-30-102, for at least 24 hours before the meeting.

(5)(a) A municipality shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within a 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 municipality will be provided to the municipal legislative body; and

(viii) state the location, date, and time of the public hearing described in Section [~~10-9a-502~~] 10-20-502.

(c) If a municipality mails notice to a property owner in accordance with 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) For purpose of the notice requirements in Subsection (2)(b) only, a proposed land use ordinance is ministerial in nature if the proposed land use ordinance is to:

(i) bring the municipality's land use ordinances into compliance with a state or federal law;

(ii) adopt a municipal 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 municipality'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 16. Section **10-20-206**, which is renumbered from Section 10-9a-206 is renumbered and amended to read:

[~~10-9a-206~~] 10-20-206 (Effective 11/06/25). Third party notice -- High priority transportation corridor notice.

(1)(a) If a municipality requires notice to adjacent property owners, the municipality shall:

(i) mail notice to the record owner of each parcel within parameters specified by municipal ordinance; or

(ii) post notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.

(b) If a municipality mails notice to third party property owners under Subsection (1)(a), it shall mail equivalent notice to property owners within an adjacent jurisdiction.

(2)(a) As used in this Subsection (2), "high priority transportation corridor" means a transportation corridor identified as a high priority transportation corridor under Section 72-5-403.

(b) The Department of Transportation may request, in writing, that a municipality provide the department with electronic notice of each land use application received by the municipality that may adversely impact the development of a high priority transportation corridor.

(c) If the municipality receives a written request as provided in Subsection (2)(b), the

municipality shall provide the Department of Transportation with timely electronic notice of each land use application that the request specifies.

(3)(a) A large public transit district, as defined in Section 17B-2a-802, may request, in writing, that a municipality provide the large public transit district with electronic notice of each land use application received by the municipality that may impact the development of a major transit investment corridor.

(b) If the municipality receives a written request as provided in Subsection (3)(a), the municipality shall provide the large public transit district with timely electronic notice of each land use application that the request specifies.

Section 17. Section **10-20-207**, which is renumbered from Section 10-9a-207 is renumbered and amended to read:

[~~10-9a-207~~] 10-20-207 (Effective 11/06/25). Notice for an amendment to a subdivision -- Notice for vacation of or change to street.

(1)(a) For an amendment to a subdivision, each municipality shall provide notice of the date, time, and place of at least one public meeting, as provided in Subsection (1)(b).

(b) At least 10 calendar days before the public meeting, the notice required under Subsection (1)(a) shall be:

(i) mailed and addressed to the record owner of each parcel within specified parameters of that property; or

(ii) posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

(2) Each municipality shall provide notice as required by Section [~~10-9a-208~~] 10-20-208 for a subdivision that involves a vacation, alteration, or amendment of a street.

Section 18. Section **10-20-208**, which is renumbered from Section 10-9a-208 is renumbered and amended to read:

[~~10-9a-208~~] 10-20-208 (Effective 11/06/25). Hearing and notice for petition to vacate a public street.

(1) For any petition to vacate some or all of a public street or municipal utility easement the legislative body shall:

(a) hold a public hearing; and

(b) give notice of the date, place, and time of the hearing, as provided in Subsection (2).

(2) At least 10 days before the public hearing under Subsection (1)(a), the legislative body shall ensure that the notice required under Subsection (1)(b) is:

(a) mailed to the record owner of each parcel that is accessed by the public street or municipal utility easement;

(b) mailed to each affected entity; and

(c) provided for the public street or municipal utility easement, as a class A notice under Section 63G-30-102, for at least 10 days.

Section 19. Section **10-20-209**, which is renumbered from Section 10-9a-209 is renumbered and amended to read:

[~~10-9a-209~~] 10-20-209 (Effective 11/06/25). Notice challenge.

If notice given under authority of this part is not challenged under Section [~~10-9a-801~~] 10-20-1109 within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

Section 20. Section **10-20-210**, which is renumbered from Section 10-9a-210 is renumbered and amended to read:

[~~10-9a-210~~] 10-20-210 (Effective 11/06/25). Notice to municipality when a private institution of higher education is constructing student housing.

(1) Each private institution of higher education that intends to construct student housing on property owned by the institution shall provide written notice of the intended construction, as provided in Subsection (2), before any funds are committed to the construction, if any of the proposed student housing buildings is within 300 feet of privately owned residential property.

(2) Each notice under Subsection (1) shall be provided to the legislative body and, if applicable, the mayor of:

(a) the county in whose unincorporated area the privately owned residential property is located; or

(b) the municipality in whose boundaries the privately owned residential property is located.

(3) At the request of a county or municipality that is entitled to notice under this section, the institution and the legislative body of the affected county or municipality shall jointly hold a public hearing to provide information to the public and receive input from the public about the proposed construction.

Section 21. Section **10-20-211**, which is renumbered from Section 10-9a-211 is renumbered and amended to read:

[~~10-9a-211~~] 10-20-211 (Effective 11/06/25). Canal owner or operator -- Notice to municipality.

(1) A canal company or a canal operator shall ensure that each municipality in which the canal company or canal operator owns or operates a canal has on file, regarding the canal company or canal operator:

(a) a current mailing address and phone number;

(b) a contact name; and

(c) a general description of the location of each canal owned or operated by the canal owner or canal operator.

(2) If the information described in Subsection (1) changes after a canal company or a canal operator has provided the information to the municipality, the canal company or canal operator shall provide the correct information to the municipality within 30 days of the day on which the information changes.

Section 22. Section **10-20-212**, which is renumbered from Section 10-9a-212 is renumbered and amended to read:

[~~10-9a-212~~] 10-20-212 (Effective 11/06/25). Notice for an amendment to public improvements in a subdivision or development.

Before implementing an amendment to adopted specifications for public improvements that apply to a subdivision or a development, a municipality shall:

(1) hold a public hearing;

(2) mail a notice 30 days or more before the date of the public hearing to:

(a) each person who has submitted a land use application for which the land use authority has not issued a land use decision; and

(b) each person who makes a written request to receive a copy of the notice; and

(3) allow each person who receives a notice in accordance with Subsection (2) to provide public comment in writing before the public hearing or in person during the public hearing.

Section 23. Section **10-20-213**, which is renumbered from Section 10-9a-213 is renumbered and amended to read:

[~~10-9a-213~~] 10-20-213 (Effective 11/06/25). Hearing and notice procedures for modifying sign regulations.

(1)(a) [~~Prior to~~] Before any hearing or public meeting to consider a proposed land use regulation or land use application modifying sign regulations for an illuminated sign within any unified commercial development, as defined in Section 72-7-504.6, or within any planned unit development, a municipality shall give written notice of the proposed illuminated sign to:

(i) each property owner within a 500 foot radius of the sign site;

(ii) a municipality or county within a 500 foot radius of the sign site; and

(iii) any outdoor advertising permit holder described in Subsection 72-7-506(2)(b).

(b) The notice described in Subsection (1)(a) shall include the schedule of public meetings at which the proposed changes to land use regulations or land use application will be discussed.

(2) A municipality shall require the property owner or applicant to commence in good faith the construction of the commercial or industrial development within one year after the installation of the illuminated sign.

Section 24. Section **10-20-214**, which is renumbered from Section 10-9a-543 is renumbered and amended to read:

[~~10-9a-543~~] 10-20-214 (Effective 11/06/25). Notice of significant private airports.

(1) As used in this section, "significant private airport" means the same as that term is defined in Section 72-10-102.

(2) If a municipality receives a notification described in Section 72-10-416, the municipal land use authority[~~ of the municipality~~] shall record with the county recorder and against any existing residential parcel within 2,500 feet of a runway of a significant private airport located within the boundary of the municipality a notice with the following language: "In accordance with Utah Code Section [~~10-9a-543~~] 10-20-214, notice is hereby given that the subject property is located within 2,500 feet of a runway of a significant airport that as of [INSERT THE DATE OF THE RECORDING] is known as [AIRPORT NAME] and is located at [INSERT THE ADDRESS OF THE SIGNIFICANT PRIVATE AIRPORT]. Said notice boundary more accurately described as [INSERT BOUNDARY LEGAL DESCRIPTION OF ALL PROPERTY WITHIN 2,500 FEET OF RUNWAY]."

Section 25. Section **10-20-301**, which is renumbered from Section 10-9a-301 is renumbered and amended to read:

Part 3. General Land Use Provisions

[~~10-9a-301~~] 10-20-301 (Effective 11/06/25). 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) the number and terms of the members and, if the municipality chooses, alternate members;

(ii) the mode of appointment;

(iii) the procedures for filling vacancies and removal from office;

(iv) the authority of the planning commission;

(v) subject to Subsection (1)(c), the rules of order and procedure for use by the planning commission in a public meeting; and

(vi) other details relating to the organization and procedures of the planning commission.

(c) Subsection (1)(b)(v) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(2) The legislative body may authorize a member to receive per diem and travel expenses for meetings actually attended, in accordance with Section 11-55-103.

Section 26. Section **10-20-302**, which is renumbered from Section 10-9a-302 is renumbered and amended to read:

[~~10-9a-302~~] 10-20-302 (Effective 11/06/25). Planning commission powers and duties -- Training requirements.

(1) The planning commission shall review and make a recommendation to the legislative body for:

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

(b) land use regulations, including:

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

(ii) amendments to existing land use regulations;

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

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

(e) application processes that:

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

(ii) shall protect the right of each:

(A) land use applicant and adversely affected party to require formal consideration of any application by a land use authority;

(B) land use applicant or adversely affected party to appeal a land use authority's decision to a separate appeal authority; and

(C) participant to be heard in each public hearing on a contested application.

(2) Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section [~~10-9a-404~~] 10-20-405.

(3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.

(4) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation.

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

(6)(a)(i) This Subsection (6) applies to:

(A) a city of the first, second, third, or fourth class; and

(B) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class.

(ii) The population for each city described in Subsection (6)(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.

(b) A municipality described in Subsection (6)(a)(i) shall ensure that each member of the municipality's planning commission completes four hours of annual land use training as follows:

(i) one hour of annual training on general powers and duties under this chapter; and

(ii) three hours of annual training on land use, which may include:

(A) appeals and variances;

(B) conditional use permits;

(C) exactions;

(D) impact fees;

(E) vested rights;

(F) subdivision regulations and improvement guarantees;

(G) land use referenda;

(H) property rights;

(I) real estate procedures and financing;

(J) zoning, including use-based and form-based; and

(K) drafting ordinances and code that complies with statute.

(c) A newly appointed planning commission member may not participate in a public meeting as an appointed member until the member completes the training described in Subsection (6)(b)(i).

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

(e) A municipality shall provide the training described in Subsection (6)(b) through:

(i) municipal staff;

(ii) the Utah League of Cities and Towns; or

(iii) a list of training courses selected by:

(A) the Utah League of Cities and Towns; or

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

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

(i) monitor compliance with the training requirements in Subsection (6)(b); and

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

Section 27. Section **10-20-303**, which is renumbered from Section 10-9a-303 is renumbered and amended to read:

[~~10-9a-303~~] 10-20-303 (Effective 11/06/25). Entrance upon land.

The municipality may enter upon any land at reasonable times to make examinations and surveys pertinent to the:

(1) preparation of its general plan; or

(2) preparation or enforcement of its land use ordinances.

Section 28. Section **10-20-304**, which is renumbered from Section 10-9a-305 is renumbered and amended to read:

[~~10-9a-305~~] 10-20-304 (Effective 11/06/25). Political subdivisions required to conform to municipality's land use ordinances -- Exceptions.

(1)(a) Each county, municipality, school district, charter school, special district, special service district, and political subdivision of the state shall conform to any applicable land use ordinance of any municipality when installing, constructing, operating, or otherwise using any area, land, or building situated within that municipality.

(b) In addition to any other remedies provided by law, when a municipality's land use ordinance is violated or about to be violated by another political subdivision, that

municipality may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.

(2)(a) Except as provided in Subsection (3), a school district or charter school is subject to a municipality's land use ordinances.

(b)(i) Notwithstanding Subsection (3), a municipality may:

(A) subject a charter school to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and

(B) impose regulations upon the location of a project that are necessary to avoid unreasonable risks to health or safety, as provided in Subsection (3)(f).

(ii) The standards to which a municipality may subject a charter school under Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

(iii) Except as provided in Subsection (7)(d), the only basis upon which a municipality may deny or withhold approval of a charter school's land use application is the charter school's failure to comply with a standard imposed under Subsection (2)(b)(i).

(iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an obligation to comply with a requirement of an applicable building or safety code to which it is otherwise obligated to comply.

(3) A municipality may not:

(a) impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, additional building inspections, municipal building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;

(b) except as otherwise provided in this section, require a school district or charter school to participate in the cost of any roadway or sidewalk, or a study on the impact of a school on a roadway or sidewalk, that is not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;

(c) require a district or charter school to pay fees not authorized by this section;

(d) provide for inspection of school construction or assess a fee or other charges for inspection, unless the school district or charter school is unable to provide for

inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent;

(e) require a school district or charter school to pay any impact fee for an improvement project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact Fees Act;

(f) impose regulations upon the location of an educational facility except as necessary to avoid unreasonable risks to health or safety; or

(g) for a land use or a structure owned or operated by a school district or charter school that is not an educational facility but is used in support of providing instruction to pupils, impose a regulation that:

(i) is not imposed on a similar land use or structure in the zone in which the land use or structure is approved; or

(ii) uses the tax exempt status of the school district or charter school as criteria for prohibiting or regulating the land use or location of the structure.

(4) Subject to Section 53E-3-710, a school district or charter school shall coordinate the siting of a new school with the municipality in which the school is to be located, to:

(a) avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future highways; and

(b) maximize school, student, and site safety.

(5) Notwithstanding Subsection (3)(d), a municipality may, at its discretion:

(a) provide a walk-through of school construction at no cost and at a time convenient to the district or charter school; and

(b) provide recommendations based upon the walk-through.

(6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

(i) a municipal building inspector;

(ii)(A) for a school district, a school district building inspector from that school district; or

(B) for a charter school, a school district building inspector from the school district in which the charter school is located; or

(iii) an independent, certified building inspector who is not an employee of the contractor, licensed to perform the inspection that the inspector is requested to perform, and approved by a municipal building inspector or:

(A) for a school district, a school district building inspector from that school district; or

(B) for a charter school, a school district building inspector from the school district in which the charter school is located.

(b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.

(c) If a school district or charter school uses a school district or independent building inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to the state superintendent of public instruction and municipal building official, on a monthly basis during construction of the school building, a copy of each inspection certificate regarding the school building.

(7)(a) A charter school, home-based microschool, or micro-education entity shall be considered a permitted use in all zoning districts within a municipality.

(b) Each land use application for any approval required for a charter school, home-based microschool, or micro-education entity, including an application for a building permit, shall be processed on a first priority basis.

(c) Parking requirements for a charter school or a micro-education entity may not exceed the minimum parking requirements for schools or other institutional public uses throughout the municipality.

(d) If a municipality has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school or a micro-education entity may be prohibited from a location which would otherwise defeat the purpose for the zone unless the charter school or micro-education entity provides a waiver.

(e)(i) A school district, charter school, or micro-education entity may seek a certificate authorizing permanent occupancy of a school building from:

(A) the state superintendent of public instruction, as provided in Subsection 53E-3-706(3), if the school district or charter school used an independent building inspector for inspection of the school building; or

(B) a municipal official with authority to issue the certificate, if the school district, charter school, or micro-education entity used a municipal building inspector for inspection of the school building.

(ii) A school district may issue its own certificate authorizing permanent occupancy of a school building if it used its own building inspector for inspection of the school building, subject to the notification requirement of Subsection [~~53E-3-706(3)(a)(ii)~~] 53E-3-706(3)(a).

(iii) A charter school or micro-education entity may seek a certificate authorizing permanent occupancy of a school building from a school district official with

authority to issue the certificate, if the charter school or micro-education entity used a school district building inspector for inspection of the school building.

(iv) A certificate authorizing permanent occupancy issued by the state superintendent of public instruction under Subsection 53E-3-706(3) or a school district official with authority to issue the certificate shall be considered to satisfy any municipal requirement for an inspection or a certificate of occupancy.

(f)(i) A micro-education entity may operate in a facility that meets Group E Occupancy requirements as defined by the International Building Code, as incorporated by [~~Subsection~~] Section 15A-2-103[~~(1)(a)~~].

(ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i) may have up to 100 students in the facility.

(g) A micro-education entity may operate in a facility that is subject to and complies with the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as defined by the International Building Code, as incorporated by [~~Subsection~~] Section 15A-2-103[~~(1)(a)~~], if:

(i) the facility has a code compliant fire alarm system and carbon monoxide detection system;

(ii)(A) each classroom in the facility has an exit directly to the outside at the level of exit or discharge; or

(B) the structure has a code compliant fire sprinkler system; and

(iii) the facility has an automatic fire sprinkler system in fire areas of the facility that are greater than 12,000 square feet.

(h)(i) A home-based microschool is not subject to additional occupancy requirements beyond occupancy requirements that apply to a primary dwelling.

(ii) If a floor that is below grade in a home-based microschool is used for home-based microschool purposes, the below grade floor of the home-based microschool shall have at least one emergency escape or rescue window that complies with the requirements for emergency escape and rescue windows as defined by the International Residential Code, as incorporated by Section [~~15A-1-210~~] 15A-2-103.

(8)(a) A specified public agency intending to develop its land shall submit to the land use authority a development plan and schedule:

(i) as early as practicable in the development process, but no later than the commencement of construction; and

(ii) with sufficient detail to enable the land use authority to assess:

(A) the specified public agency's compliance with applicable land use ordinances;

(B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b), (c), (d), (e), and (g) caused by the development;

(C) the amount of any applicable fee described in [~~Section 10-9a-510~~] Sections 10-20-904 and 10-20-910;

(D) any credit against an impact fee; and

(E) the potential for waiving an impact fee.

(b) The land use authority shall respond to a specified public agency's submission under Subsection (8)(a) with reasonable promptness in order to allow the specified public agency to consider information the municipality provides under Subsection (8)(a)(ii) in the process of preparing the budget for the development.

(9) Nothing in this section may be construed to:

(a) modify or supersede Section [~~10-9a-304~~] 10-20-305; or

(b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance, that fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102, or any other provision of federal law.

(10) Nothing in Subsection (7) prevents a political subdivision from:

(a) requiring a home-based microschool or micro-education entity to comply with municipal zoning and land use regulations that do not conflict with this section, including:

(i) parking;

(ii) traffic; and

(iii) hours of operation;

(b) requiring a home-based microschool or micro-education entity to obtain a business license;

(c) enacting municipal ordinances and regulations consistent with this section;

(d) subjecting a micro-education entity to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and

(e) imposing regulations on the location of a project that are necessary to avoid risks to health or safety.

Section 29. Section **10-20-305**, which is renumbered from Section 10-9a-304 is renumbered and amended to read:

[~~10-9a-304~~] 10-20-305 (Effective 11/06/25). State and federal property.

Unless otherwise provided by law, nothing contained in this chapter or Chapter 21, Municipalities and Housing Supply, may be construed as giving a municipality jurisdiction over property owned by the state or the United States.

Section 30. Section **10-20-401**, which is renumbered from Section 10-9a-401 is renumbered and amended to read:

Part 4. General Plan

[~~10-9a-401~~] 10-20-401 (Effective 11/06/25). General plan required -- Content.

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

(a) present and future needs of the municipality; and

(b) growth and development of all or any part of the land within the municipality.

(2) The general plan may provide for:

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

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

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

(i) food and water; and

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

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

(e) the protection of urban development;

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

(g) the protection and promotion of air quality;

(h) historic preservation;

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

(j) an official map.

[~~(3)(a) The general plan of a specified municipality, as defined in Section 10-9a-408, shall include a moderate income housing element that meets the requirements of Subsection 10-9a-403(2)(a)(iii).~~]

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

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

[~~(4)~~] (3) Subject to [~~Subsection 10-9a-403(2)~~] Section 10-20-404, the municipality may determine the comprehensiveness, extent, and format of the general plan.

[~~(5)~~] (4) Except for a city of the fifth class or a town, on or before December 31, 2025, a municipality that has a general plan that does not include a water use and preservation element that complies with Section [~~10-9a-403~~] 10-20-404 shall amend the municipality's general plan to comply with Section [~~10-9a-403~~] 10-20-404.

Section 31. Section **10-20-402**, which is renumbered from Section 10-9a-402 is renumbered and amended to read:

[~~10-9a-402~~] 10-20-402 (Effective 11/06/25). Information and technical assistance from the state.

Each state official, department, and agency shall:

(1) promptly deliver any data and information requested by a municipality unless the disclosure is prohibited by Title 63G, Chapter 2, Government Records Access and Management Act; and

(2) furnish any other technical assistance and advice that they have available to the municipality without additional cost to the municipality.

Section 32. Section **10-20-403** is enacted to read:

10-20-403 (Effective 11/06/25). Specific provisions for general plan -- Moderate income housing plan.

(1) The general plan of a specified municipality, as defined in Section 10-21-101, shall include a moderate income housing element that meets the requirements of Section 10-21-201.

(2)(a) This Subsection (2) applies to a municipality that is not a specified municipality as of January 1, 2023.

(b) As of January 1, if a municipality described in Subsection (2)(a) changes from one class to another or grows in population to qualify as a specified municipality as defined in Section 10-21-101, the municipality shall amend the municipality's general plan to comply with Subsection (1) on or before August 1 of the first calendar year

beginning on January 1 in which the municipality qualifies as a specified municipality.

Section 33. Section **10-20-404**, which is renumbered from Section 10-9a-403 is renumbered and amended to read:

[~~10-9a-403~~] 10-20-404 (Effective 11/06/25). General plan preparation.

(1)(a) The planning commission shall provide notice, as provided in Section [~~10-9a-203~~] 10-20-203, of the planning commission's intent to make a recommendation to the municipal legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing the planning commission's recommendation.

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

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

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

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

(i) a land use element that:

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

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

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

(D) except for a city of the fifth class or a town, accounts for the effect of land use

categories and land uses on water demand;

(ii) a transportation and traffic circulation element that:

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

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

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

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

(iii) a moderate income housing element that meets the requirements of Section 10-21-201; and[~~:~~]

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

[~~(B) for a municipality that is not a specified municipality, may include a recommendation to implement three or more of the moderate income housing strategies described in Subsection (2)(b)(iii);~~]

[~~(C) for a specified municipality, as defined in Section 10-9a-408, that does not have a fixed guideway public transit station, shall include a recommendation to implement three or more of the moderate income housing strategies described in Subsection (2)(b)(iii) or at least one of the moderate income housing strategies described in Subsections (2)(b)(iii)(X) through (CC);~~]

[~~(D) for a specified municipality, as defined in Section 10-9a-408, that has a fixed guideway public transit station, shall include:~~]

[~~(I) a recommendation to implement five or more of the moderate income housing strategies described in Subsection (2)(b)(iii), of which one shall be the moderate income housing strategy described in Subsection (2)(b)(iii)(U)~~

~~and one shall be a moderate income housing strategy described in Subsection (2)(b)(iii)(G) or (H); or~~]

[~~(II) a recommendation to implement the moderate income housing strategy described in Subsection (2)(b)(iii)(U), one of the moderate income housing strategies described in Subsections (2)(b)(iii)(X) through (CC), and one moderate income housing strategy described in Subsection (2)(b)(iii); and~~]

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

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

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

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

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

(D) opportunities for the municipality to modify the municipality's operations to eliminate practices or conditions that waste water.

[~~(b) In drafting the moderate income housing element, the planning commission:~~]

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

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

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

[~~(ii) for a municipality that is not a specified municipality, may include, and for a specified municipality as defined in Section 10-9a-408, shall include, an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing within the next five years;~~]

[~~(iii) for a municipality that is not a specified municipality, may include, and for a specified municipality as defined in Section 10-9a-408, shall include a recommendation to implement the required number of any of the following moderate income housing strategies as specified in Subsection (2)(a)(iii):~~]

[~~(A) rezone for densities necessary to facilitate the production of moderate income housing;~~]

[~~(B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;~~]

[~~(C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;~~]

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

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

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

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

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

[~~(I) amend land use regulations to allow for single room occupancy developments;~~]

[~~(J) implement zoning incentives for moderate income units in new developments;~~]

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

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

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

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

[~~(O) apply for or partner with an entity that applies for state or federal funds or tax~~

~~incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;~~]

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

[~~(Q) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;~~]

[~~(R) create a program to transfer development rights for moderate income housing;~~]

[~~(S) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;~~]

[~~(T) develop a moderate income housing project for residents who are disabled or 55 years old or older;~~]

[~~(U) develop and adopt a station area plan in accordance with Section 10-9a-403.1;~~]

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

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

[~~(X) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter~~

~~3, Part 6, Housing and Transit Reinvestment Zone Act;~~]

[~~(Y) create a home ownership promotion zone pursuant to Part 10, Home Ownership Promotion Zone for Municipalities;~~]

[~~(Z) create a first home investment zone in accordance with Title 63N, Chapter 3, Part 16, First Home Investment Zone Act;~~]

[~~(AA) approve a project that receives funding from, or qualifies to receive funding from, the Utah Homes Investment Program created in Title 51, Chapter 12, Utah Homes Investment Program;~~]

[~~(BB) adopt or approve a qualifying affordable home ownership density bonus for single-family residential units, as described in Section 10-9a-403.2; and~~]

[~~(CC) adopt or approve a qualifying affordable home ownership density bonus for multi-family residential units, as described in Section 10-9a-403.3; and~~]

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

[~~(c)(i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to the legislative body the establishment of a five-year timeline for implementing each of the moderate income housing strategies selected by the municipality for implementation.~~]

[~~(ii) The timeline described in Subsection (2)(c)(i) shall:~~]

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

[~~(B) provide flexibility for the municipality to make adjustments as needed.~~]

[~~(d)~~] (b) In drafting the land use element, the planning commission shall:

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

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

(iii) consider and coordinate with any station area plans adopted by the municipality if required under Section [~~10-9a-403.1~~] 10-21-203.

[~~(e)~~] (c) In drafting the transportation and traffic circulation element, the planning commission shall:

(i)(A) consider and coordinate with the regional transportation plan developed by

the municipality's region's metropolitan planning organization, if the municipality is within the boundaries of a metropolitan planning organization; or

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

(ii) consider and coordinate with any station area plans adopted by the municipality if required under Section [~~10-9a-403.1~~] 10-21-203.

[~~(f)~~] (d) In drafting the water use and preservation element, the planning commission:

(i) shall consider:

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

(B) if Section 73-10-32 requires the municipality to adopt a water conservation plan [~~pursuant to~~] in accordance with Section 73-10-32, the municipality's water conservation plan;

(ii) shall include a recommendation for:

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

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

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

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

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

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

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

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

(E) reduction of yard waste; and

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

(v) shall consult with the public water system or systems serving the municipality

with drinking water regarding how implementation of the land use element and water use and preservation element may affect:

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

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

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

(vii) may include recommendations for additional water demand reduction strategies, including:

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

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

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

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

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

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

(A) commercial, industrial, or institutional development;

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

(C) multifamily housing project.

(3) The proposed general plan may include:

(a) an environmental element that addresses:

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

(A) air;

(B) forests;

(C) soils;

(D) rivers;

(E) groundwater and other waters;

(F) harbors;

(G) fisheries;

(H) wildlife;

(I) minerals; and

(J) other natural resources; and

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

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

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

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

(E) the mapping of known geologic hazards;

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

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

(i) historic preservation;

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

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

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

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

(f) provisions addressing any of the matters listed in Subsection [~~10-9a-401(2)~~] 10-20-401(2) or [~~(3)~~] Section 10-20-403; and

(g) any other element the municipality considers appropriate.

Section 34. Section **10-20-405**, which is renumbered from Section 10-9a-404 is renumbered and amended to read:

[~~10-9a-404~~] 10-20-405 (Effective 11/06/25). Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

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

(b) The planning commission shall provide notice of the public hearing, as required by Section [~~10-9a-204~~] 10-20-204.

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

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

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

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

(4) The legislative body shall adopt the following elements and plans in conformity with the requirements of Section 10-20-404:

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

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

(c) for a specified municipality as defined in Section [~~10-9a-408~~] 10-21-101, a moderate income housing element[~~ as provided in Subsection 10-9a-403(2)(a)(iii)~~]; and

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

Section 35. Section **10-20-406**, which is renumbered from Section 10-9a-405 is renumbered and amended to read:

[~~10-9a-405~~] 10-20-406 (Effective 11/06/25). Effect of general plan.

Except as provided in Section [~~10-9a-406~~] 10-20-407, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

Section 36. Section **10-20-407**, which is renumbered from Section 10-9a-406 is renumbered and amended to read:

[~~10-9a-406~~] 10-20-407 (Effective 11/06/25). Public uses to conform to general plan.

After the legislative body has adopted a general plan, the following public properties may not be constructed or authorized unless the public property conforms to the current general plan:

(1) [~~no~~] a street, park, or other public way, ground, place, or space[~~,~~] ;

(2) [~~no~~] a publicly owned building or structure[~~,~~] ; and

(3) [~~no~~] a public utility, whether publicly or privately owned[~~, may be constructed or authorized until and unless it conforms to the current general plan~~].

Section 37. Section **10-20-408**, which is renumbered from Section 10-9a-407 is renumbered and amended to read:

[~~10-9a-407~~] 10-20-408 (Effective 11/06/25). Effect of official maps.

(1) Municipalities may adopt an official map.

(2)(a) An official map does not:

(i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (2)(b)(iii); or

(ii) require a municipality to immediately acquire property it has designated for eventual use as a public street.

(b) This section does not prohibit a municipality from:

(i) recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Section [~~10-9a-508~~] 10-20-911;

(ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or

(iii) requiring the dedication and improvement of a street if the street is found necessary by the municipality because of a proposed development and if the dedication and improvement are consistent with Section [~~10-9a-508~~] 10-20-911.

Section 38. Section **10-20-501**, which is renumbered from Section 10-9a-501 is renumbered and amended to read:

Part 5. Land Use Regulations - General Processes

[~~10-9a-501~~] 10-20-501 (Effective 11/06/25). 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 this chapter.

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

(i) create or amend a zoning district under Subsection [~~10-9a-503(1)(a)~~] 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 municipality may not adopt a land use regulation, development agreement, or 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) 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 39. Section **10-20-502**, which is renumbered from Section 10-9a-502 is renumbered and amended to read:

[~~10-9a-502~~] 10-20-502 (Effective 11/06/25). Preparation and adoption of land use regulation.

(1) A planning commission shall:

(a) provide notice as required by Subsection [~~10-9a-205(1)(a)~~] 10-20-205(1)(a) and, if applicable, Subsection [~~10-9a-205(4)~~] 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 [~~10-9a-205(4)~~] 10-20-205(5) [~~prior to~~] 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 [~~10-9a-205(4)~~] 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 [~~10-9a-205(1)(b)~~] 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.

Section 40. Section **10-20-503**, which is renumbered from Section 10-9a-503 is renumbered and amended to read:

[~~10-9a-503~~] 10-20-503 (Effective 11/06/25). Land use ordinance or zoning map amendments.

(1) Only a legislative body may amend:

(a) the number, shape, boundaries, area, or general uses of any zoning district;

(b) any regulation of or within the zoning district; or

(c) any other provision of a land use regulation.

(2) A legislative body may not make any amendment authorized by this section unless the legislative body first submits the amendment to the planning commission for the planning commission's recommendation.

(3) A legislative body shall comply with the procedure specified in Section [~~10-9a-502~~] 10-20-502 in preparing and adopting an amendment to a land use regulation.

[~~(4)(a) As used in this Subsection (4):~~]

[~~(i) "Citizen-led process" means a process established by a municipality to create a local historic district or area that requires:~~]

[~~(A) a petition signed by a minimum number of property owners within the~~

~~boundaries of the proposed local historic district or area; or~~]

[~~(B) a vote of the property owners within the boundaries of the proposed local historic district or area.~~]

[~~(ii) "Condominium project" means the same as that term is defined in Section 57-8-3.~~]

[~~(iii) "Unit" means the same as that term is defined in Section 57-8-3.~~]

[~~(b) If a municipality provides a citizen-led process, the process shall require that:~~]

[~~(i) more than 33% of the property owners within the boundaries of the proposed local historic district or area agree in writing to the creation of the proposed local historic district or area;~~]

[~~(ii) before any property owner agrees to the creation of a proposed local historic district or area under Subsection (4)(b)(i), the municipality prepare and distribute, to each property owner within the boundaries of the proposed local historic district or area, a neutral information pamphlet that:~~]

[~~(A) describes the process to create a local historic district or area; and~~]

[~~(B) lists the pros and cons of a local historic district or area;~~]

[~~(iii) after the property owners satisfy the requirement described in Subsection (4)(b)(i), for each parcel or, if the parcel contains a condominium project, each unit, within the boundaries of the proposed local historic district or area, the municipality provide:~~]

[~~(A) a second copy of the neutral information pamphlet described in Subsection (4)(b)(ii); and~~]

[~~(B) one public support ballot that, subject to Subsection (4)(c), allows the owner or owners of record to vote in favor of or against the creation of the proposed local historic district or area;~~]

[~~(iv) in a vote described in Subsection (4)(b)(iii)(B), the returned public support ballots that reflect a vote in favor of the creation of the proposed local historic district or area:~~]

[~~(A) equal at least two-thirds of the returned public support ballots; and~~]

[~~(B) represent more than 50% of the parcels and units within the proposed local historic district or area; ~~]

[~~(v) if a local historic district or area proposal fails in a vote described in Subsection (4)(b)(iii)(B), the legislative body may override the vote and create the proposed local historic district or area with an affirmative vote of two-thirds of the members of the legislative body; and~~]

[~~(vi) if a local historic district or area proposal fails in a vote described in Subsection (4)(b)(iii)(B) and the legislative body does not override the vote under Subsection (4)(b)(v), a resident may not initiate the creation of a local historic district or area that includes more than 50% of the same property as the failed local historic district or area proposal for four years after the day on which the public support ballots for the vote are due.~~]

[~~(c) In a vote described in Subsection (4)(b)(iii)(B):~~]

[~~(i) a property owner is eligible to vote regardless of whether the property owner is an individual, a private entity, or a public entity;~~]

[~~(ii) the municipality shall count no more than one public support ballot for:~~]

[~~(A) each parcel within the boundaries of the proposed local historic district or area; or~~]

[~~(B) if the parcel contains a condominium project, each unit within the boundaries of the proposed local historic district or area; and~~]

[~~(iii) if a parcel or unit has more than one owner of record, the municipality shall count a public support ballot for the parcel or unit only if the public support ballot reflects the vote of the property owners who own at least a 50% interest in the parcel or unit.~~]

[~~(d) The requirements described in Subsection (4)(b)(iv) apply to the creation of a local historic district or area that is:~~]

[~~(i) initiated in accordance with a municipal process described in Subsection (4)(b); and~~]

[~~(ii) not complete on or before January 1, 2016.~~]

[~~(e) A vote described in Subsection (4)(b)(iii)(B) is not subject to Title 20A, Election Code.~~]

Section 41. Section **10-20-504**, which is renumbered from Section 10-9a-504 is renumbered and amended to read:

[~~10-9a-504~~] 10-20-504 (Effective 11/06/25). Temporary land use regulations.

(1)(a) Except as provided in Subsection (2)(b), a municipal legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the municipality if:

(i) the legislative body makes a finding of compelling, countervailing public interest; or

(ii) the area is unregulated.

(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.

(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.

(2)(a) The municipal legislative body shall establish a period of limited effect for the ordinance not to exceed 180 days.

(b) A municipal legislative body may not apply the provisions of a temporary land use regulation to the review of a specific land use application if the land use application is impaired or prohibited by proceedings initiated under Subsection [~~10-9a-509(1)(a)(ii)(B)~~] 10-20-902(1)(a)(ii)(B).

(3)(a) A municipal legislative body may, without prior planning commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.

(b) A regulation under Subsection (3)(a):

(i) may not exceed 180 days in duration;

(ii) may be renewed, if requested by the Transportation Commission created under Section 72-1-301, for up to two additional 180-day periods by ordinance enacted before the expiration of the previous regulation; and

(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

Section 42. Section **10-20-505**, which is renumbered from Section 10-9a-505 is renumbered and amended to read:

[~~10-9a-505~~] 10-20-505 (Effective 11/06/25). Zoning districts.

(1)(a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.

(b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.

(c) A municipality may enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to:

(i) protect life; and

(ii) prevent:

(A) the substantial loss of real property; or

(B) substantial damage to real property.

(2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zoning district, but the regulations in one zone may differ from those in other zones.

(3)(a) There is no minimum area or diversity of ownership requirement for a zone designation.

(b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a municipal decision.

(4) A municipality may by ordinance exempt from specific zoning district standards a subdivision of land to accommodate the siting of a public utility infrastructure.

Section 43. Section **10-20-506**, which is renumbered from Section 10-9a-507 is renumbered and amended to read:

[~~10-9a-507~~] 10-20-506 (Effective 11/06/25). Conditional uses.

(1)(a) A municipality may adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with objective standards set forth in an applicable ordinance.

(b) A municipality may not impose a requirement or standard on a conditional use that conflicts with a provision of this chapter or other state or federal law.

(2)(a)(i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.

(b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

(c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot

be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use.

(3) A land use authority's decision to approve or deny conditional use is an administrative land use decision.

(4) A legislative body shall classify any use that a land use regulation allows in a zoning district as either a permitted or conditional use under this chapter.

Section 44. Section **10-20-507**, which is renumbered from Section 10-9a-507.5 is renumbered and amended to read:

~~[10-9a-507.5]~~ 10-20-507 (Effective 11/06/25). 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 use aligns with an existing land use specified in a municipality'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 municipality's land use ordinances.

(2)(a) Each municipality shall incorporate into the municipality'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 municipality 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;

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

(A) the applicant shall submit an application for approval of the new or unlisted business use to the legislative body for review;

(B) the legislative body shall consider and determine whether to approve or deny the new or unlisted business use; and

(C) the legislative body shall approve or deny the new or unlisted business use, 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 municipality and appears at required hearings;

(iv) provide that if the legislative body approves a proposed new or unlisted business use, 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, 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.

(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 45. Section **10-20-508**, which is renumbered from Section 10-9a-532 is renumbered and amended to read:

[~~10-9a-532~~] 10-20-508 (Effective 11/06/25). Development agreements.

(1) Subject to Subsection (2), a municipality may enter into a development agreement containing any term that the municipality considers necessary or appropriate to accomplish the purposes of this chapter, including a term relating to:

(a) a master planned development;

(b) a planned unit development;

(c) an annexation;

(d) affordable or moderate income housing with development incentives;

(e) a public-private partnership; or

(f) a density transfer or bonus within a development project or between development projects.

(2)(a) A development agreement may not:

(i) limit a municipality's authority in the future to:

(A) enact a land use regulation; or

(B) take any action allowed under Section 10-8-84;

(ii) require a municipality to change the zoning designation of an area of land within the municipality in the future; or

(iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section [~~10-9a-502~~] 10-20-502, including a review and recommendation from the planning commission and a public hearing.

(b) A development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval under Section [~~10-9a-502~~] 10-20-502.

(c) Subject to Subsection (2)(d), a municipality may require a development agreement for developing land within the municipality if the applicant has applied for a legislative or discretionary approval, including an approval relating to:

(i) the height of a structure;

(ii) a parking or setback exception;

(iii) a density transfer or bonus;

(iv) a development incentive;

(v) a zone change; or

(vi) an amendment to a prior development agreement.

(d) A municipality may not require a development agreement as a condition for developing land within the municipality if:

(i) the development otherwise complies with applicable statute and municipal ordinances;

(ii) the development is an allowed or permitted use; or

(iii) the municipality's land use regulations otherwise establish all applicable standards for development on the land.

(e) A municipality may submit to a county recorder's office for recording:

(i) a fully executed agreement; or

(ii) a document related to:

(A) code enforcement;

(B) a special assessment area;

(C) a local historic district boundary; or

(D) the memorializing or enforcement of an agreed upon restriction, incentive, or covenant.

(f) Subject to Subsection (2)(e), a municipality may not cause to be recorded against

private real property a document that imposes development requirements, development regulations, or development controls on the property.

(g) To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by:

(i) this chapter; and

(ii) any applicable land use regulations.

Section 46. Section **10-20-601** is enacted to read:

Part 6. Land Use Regulations - Particular Situations

10-20-601 (Effective 11/06/25). Local historic district or area.

(1) As used in this section:

(a) "Citizen-led process" means a process established by a municipality to create a local historic district or area that requires:

(i) a petition signed by a minimum number of property owners within the boundaries of the proposed local historic district or area; or

(ii) a vote of the property owners within the boundaries of the proposed local historic district or area.

(b) "Condominium project" means the same as that term is defined in Section 57-8-3.

(c) "Unit" means the same as that term is defined in Section 57-8-3.

(2) If a municipality provides a citizen-led process, the process shall require that:

(a) more than 33% of the property owners within the boundaries of the proposed local historic district or area agree in writing to the creation of the proposed local historic district or area;

(b) before any property owner agrees to the creation of a proposed local historic district or area under Subsection (2)(a), the municipality prepare and distribute, to each property owner within the boundaries of the proposed local historic district or area, a neutral information pamphlet that:

(i) describes the process to create a local historic district or area; and

(ii) lists the pros and cons of a local historic district or area;

(c) after the property owners satisfy the requirement described in Subsection (2)(a), for each parcel or, if the parcel contains a condominium project, each unit, within the boundaries of the proposed local historic district or area, the municipality provide:

(i) a second copy of the neutral information pamphlet described in Subsection (2)(b); and

(ii) one public support ballot that, subject to Subsection (3), allows the owner or

owners of record to vote in favor of or against the creation of the proposed local historic district or area;

(d) in a vote described in Subsection (2)(c)(ii), the returned public support ballots that reflect a vote in favor of the creation of the proposed local historic district or area:

(i) equal at least two-thirds of the returned public support ballots; and

(ii) represent more than 50% of the parcels and units within the proposed local historic district or area;

(e) if a local historic district or area proposal fails in a vote described in Subsection (2)(c)(ii), the legislative body may override the vote and create the proposed local historic district or area with an affirmative vote of two-thirds of the members of the legislative body; and

(f) if a local historic district or area proposal fails in a vote described in Subsection (2)(c)(ii) and the legislative body does not override the vote under Subsection (2)(e), a resident may not initiate the creation of a local historic district or area that includes more than 50% of the same property as the failed local historic district or area proposal for four years after the day on which the public support ballots for the vote are due.

(3) In a vote described in Subsection (2)(c)(ii):

(a) a property owner is eligible to vote regardless of whether the property owner is an individual, a private entity, or a public entity;

(b) the municipality shall count no more than one public support ballot for:

(i) each parcel within the boundaries of the proposed local historic district or area; or

(ii) if the parcel contains a condominium project, each unit within the boundaries of the proposed local historic district or area; and

(c) if a parcel or unit has more than one owner of record, the municipality shall count a public support ballot for the parcel or unit only if the public support ballot reflects the vote of the property owners who own at least a 50% interest in the parcel or unit.

(4) The requirements described in Subsection (2)(d) apply to the creation of a local historic district or area that is:

(a) initiated in accordance with a municipal process described in Subsection (2); and

(b) not complete on or before January 1, 2016.

(5) A vote described in Subsection (2)(c)(ii) is not subject to Title 20A, Election Code.

Section 47. Section **10-20-602**, which is renumbered from Section 10-9a-505.5 is renumbered and amended to read:

[~~10-9a-505.5~~] 10-20-602 (Effective 11/06/25). Limit on single family designation.

(1) As used in this section, "single-family limit" means the number of individuals allowed to occupy each residential unit that is recognized by a land use authority in a zone permitting occupancy by a single family.

(2) A municipality may not adopt a single-family limit that is less than:

(a) three, if the municipality has within its boundary:

(i) a state university; or

(ii) a private university with a student population of at least 20,000; or

(b) four, for each other municipality.

Section 48. Section **10-20-603**, which is renumbered from Section 10-9a-506 is renumbered and amended to read:

[~~10-9a-506~~] 10-20-603 (Effective 11/06/25). Regulating annexed territory.

(1) The legislative body of each municipality shall assign a land use zone or a variety [~~thereof~~] of land use zones to territory annexed to the municipality at the time the territory is annexed.

(2) If the legislative body fails to assign a land use zone at the time the territory is annexed, all land uses within the annexed territory shall be compatible with surrounding uses within the municipality.

Section 49. Section **10-20-604**, which is renumbered from Section 10-9a-508.1 is renumbered and amended to read:

[~~10-9a-508.1~~] 10-20-604 (Effective 11/06/25). Private maintenance of public access amenities prohibited.

(1) As used in this section:

(a) "Public access amenity" means a physical feature like a trail or recreation area that a municipality designates for public access and use.

(b) "Retail water line" means the same as that term is defined in Section 11-8-4.

(c) "Sewer lateral" means the same as that term is defined in Section 11-8-4.

(d)(i) "Water utility" means a main line or other integral part of a sewer or water utility service.

(ii) "Water utility" does not include a retail water line, privately owned water utility, or sewer lateral.

(2) A municipality may not require a private individual or entity, including a community association or homeowners association, to maintain and be responsible for a public access amenity or water utility in perpetuity unless:

(a) the public access amenity is the property located adjacent to the private property owned by the private individual or entity to the curb line of the street, including park strips and sidewalks; or

(b) the private individual or entity agreed to maintain or be responsible for the public access amenity or water utility in perpetuity in a covenant, utility service agreement, development agreement, or other agreement between the municipality and the private individual or entity.

Section 50. Section **10-20-605**, which is renumbered from Section 10-9a-509.7 is renumbered and amended to read:

[~~10-9a-509.7~~] 10-20-605 (Effective 11/06/25). Transferable development rights.

(1) A municipality may adopt an ordinance:

(a) designating sending zones and receiving zones located wholly within the municipality;

(b) designating a sending zone if the area described in the sending zone is located, at least in part, within the municipality, and the area described in the sending zone that is located outside the municipality complies with Subsection (2);

(c) designating a receiving zone if the area described in the receiving zone is located, at least in part, within the municipality, and the area described in the receiving zone that is located outside the municipality complies with Subsection (2); and

(d) allowing the transfer of a transferable development right from a sending zone to a receiving zone.

(2) A municipality may adopt an ordinance designating a sending zone or receiving zone that is located, in part, in another municipality or unincorporated county if the legislative body of every municipality or county with land inside the sending zone or receiving zone adopts an ordinance designating the sending zone or receiving zone.

(3) A municipality may not allow the use of a transferable development right unless the municipality adopts an ordinance described in Subsection (1).

Section 51. Section **10-20-606**, which is renumbered from Section 10-9a-511.5 is renumbered and amended to read:

[~~10-9a-511.5~~] 10-20-606 (Effective 11/06/25). Changes to rental dwelling units--Egress windows.

(1) As used in this section:

(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

(i) within a primary dwelling;

(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and

(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

(b) "Primary dwelling" means a single-family dwelling that:

(i) is detached; and

(ii) is occupied as the primary residence of the owner of record.

(c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

(2) A municipal ordinance [~~adopted under Section 10-1-203.5~~]may not:

(a) require physical changes in a structure with a legal nonconforming rental dwelling use unless the change is for:

(i) the reasonable installation of:

(A) a smoke detector that is plugged in or battery operated;

(B) a ground fault circuit interrupter protected outlet on existing wiring;

(C) street addressing;

(D) except as provided in Subsection (3), an egress bedroom window if the existing bedroom window is smaller than that required by current State Construction Code;

(E) an electrical system or a plumbing system, if the existing system is not functioning or is unsafe as determined by an independent electrical or plumbing professional who is licensed in accordance with Title 58, Occupations and Professions;

(F) hand or guard rails; or

(G) occupancy separation doors as required by the International Residential Code; or

(ii) the abatement of a structure; or

(b) be enforced to terminate a legal nonconforming rental dwelling use.

(3)(a) A municipality may not require physical changes to install an egress or emergency escape window in an existing bedroom that complied with the State Construction Code in effect at the time the bedroom was finished if:

(i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:

(A) a detached one-, two-, three-, or four-family dwelling; or

(B) a town home that is not more than three stories above grade with a separate means of egress; and

(ii)(A) the window in the existing bedroom is smaller than that required by current

State Construction Code; and

(B) the change would compromise the structural integrity of the structure or could not be completed in accordance with current State Construction Code, including set-back and window well requirements.

(b) Subsection (3)(a) does not apply to an internal accessory dwelling unit.

(4) Nothing in this section prohibits a municipality from:

(a) regulating the style of window that is required or allowed in a bedroom;

(b) requiring that a window in an existing bedroom be fully openable if the openable area is less than required by current State Construction Code; or

(c) requiring that an existing window not be reduced in size if the openable area is smaller than required by current State Construction Code.

Section 52. Section **10-20-607**, which is renumbered from Section 10-9a-512 is renumbered and amended to read:

[~~10-9a-512~~] 10-20-607 (Effective 11/06/25). Termination of a billboard and associated rights.

(1) A municipality may only require termination of a billboard and associated rights through:

(a) gift;

(b) purchase;

(c) agreement;

(d) exchange; or

(e) eminent domain.

(2) A termination under Subsection (1)(a), (b), (c), or (d) requires the voluntary consent of the billboard owner.

(3) A termination under Subsection (1)(e) requires the municipality to:

(a) acquire the billboard and associated rights through eminent domain, in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain, except as provided in Subsections [~~10-9a-513(2)(f)~~] 10-20-608(2)(f) and (h); and

(b) after acquiring the rights under Subsection (3)(a), terminate the billboard and associated rights.

Section 53. Section **10-20-608**, which is renumbered from Section 10-9a-513 is renumbered and amended to read:

[~~10-9a-513~~] 10-20-608 (Effective 11/06/25). Municipality's acquisition of billboard by eminent domain -- Removal without providing compensation -- Limit on

allowing nonconforming billboards to be rebuilt or replaced -- Validity of municipal permit after issuance of state permit.

(1) As used in this section:

(a) "Clearly visible" means capable of being read without obstruction by an occupant of a vehicle traveling on a street or highway within the visibility area.

(b) "Highest allowable height" means:

(i) if the height allowed by the municipality, by ordinance or consent, is higher than the height under Subsection (1)(b)(ii), the height allowed by the municipality; or

(ii)(A) for a noninterstate billboard:

(I) if the height of the previous use or structure is 45 feet or higher, the height of the previous use or structure; or

(II) if the height of the previous use or structure is less than 45 feet, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than 45 feet; and

(B) for an interstate billboard:

(I) if the height of the previous use or structure is at or above the interstate height, the height of the previous use or structure; or

(II) if the height of the previous use or structure is less than the interstate height, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than the interstate height.

(c) "Interstate billboard" means a billboard that is intended to be viewed from a highway that is an interstate.

(d) "Interstate height" means a height that is the higher of:

(i) 65 feet above the ground; and

(ii) 25 feet above the grade of the interstate.

(e) "Noninterstate billboard" means a billboard that is intended to be viewed from a street or highway that is not an interstate.

(f) "Visibility area" means the area on a street or highway that is:

(i) defined at one end by a line extending from the base of the billboard across all lanes of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

(ii) defined on the other end by a line extending across all lanes of traffic of the street

or highway in a plane that is:

(A) perpendicular to the street or highway; and

(B)(I) for an interstate billboard, 500 feet from the base of the billboard; or

(II) for a noninterstate billboard, 300 feet from the base of the billboard.

(2)(a) If a billboard owner makes a written request to the municipality with jurisdiction over the billboard to take an action described in Subsection (2)(b), the billboard owner may take the requested action, without further municipal land use approval, 180 days after the day on which the billboard owner makes the written request, unless within the 180-day period the municipality:

(i) in an attempt to acquire the billboard and associated rights through eminent domain under Section [~~10-9a-512~~] 10-20-607 for the purpose of terminating the billboard and associated rights:

(A) completes the procedural steps required under Title 78B, Chapter 6, Part 5, Eminent Domain, before the filing of an eminent domain action; and

(B) files an eminent domain action in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain;

(ii) denies the request in accordance with Subsection (2)(d); or

(iii) requires the billboard owner to remove the billboard in accordance with Subsection (3).

(b) Subject to Subsection (2)(a), a billboard owner may:

(i) rebuild, maintain, repair, or restore a billboard structure that is damaged by casualty, an act of God, or vandalism;

(ii) relocate or rebuild a billboard structure, or take another measure, to correct a mistake in the placement or erection of a billboard for which the municipality issued a permit, if the proposed relocation, rebuilding, or other measure is consistent with the intent of that permit;

(iii) structurally modify or upgrade a billboard;

(iv) relocate a billboard into any commercial, industrial, or manufacturing zone within the municipality's boundaries, if the relocated billboard is:

(A) within 5,280 feet of the billboard's previous location; and

(B) no closer than 300 feet from an off-premise sign existing on the same side of the street or highway, or if the street or highway is an interstate or limited access highway that is subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed under that act between the relocated

billboard and an off-premise sign existing on the same side of the interstate or limited access highway; or

(v) make one or more of the following modifications, as the billboard owner determines, to a billboard that is structurally altered by modification or upgrade under Subsection (2)(b)(iii), by relocation under Subsection (2)(b)(iv), or by any combination of these alterations:

(A) erect the billboard:

(I) to the highest allowable height; and

(II) as the owner determines, to an angle that makes the entire advertising content of the billboard clearly visible; or

(B) install a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before the billboard's relocation.

(c) A modification under Subsection (2)(b)(v) shall comply with Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, to the extent applicable.

(d) A municipality may deny a billboard owner's request to relocate or rebuild a billboard structure, or to take other measures, in order to correct a mistake in the placement or erection of a billboard without acquiring the billboard and associated rights through eminent domain under Section [~~10-9a-512~~] 10-20-607, if the mistake in placement or erection of the billboard is determined by clear and convincing evidence, in a proceeding that protects the billboard owner's due process rights, to have resulted from an intentionally false or misleading statement:

(i) by the billboard applicant in the application; and

(ii) regarding the placement or erection of the billboard.

(e) A municipality that acquires a billboard and associated rights through eminent domain under Section [~~10-9a-512~~] 10-20-607 shall pay just compensation to the billboard owner in an amount that is:

(i) the value of the existing billboard at a fair market capitalization rate, based on actual annual revenue, less any annual rent expense;

(ii) the value of any other right associated with the billboard;

(iii) the cost of the sign structure; and

(iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the billboard owner's interest is a part.

(f) If a municipality commences an eminent domain action under Subsection (2)(a)(i):

(i) the provisions of Section 78B-6-510 do not apply; and

(ii) the municipality may not take possession of the billboard or the billboard's associated rights until:

(A) completion of all appeals of a judgment allowing the municipality to acquire the billboard and associated rights; and

(B) the billboard owner receives payment of just compensation, described in Subsection (2)(e).

(g) Unless the eminent domain action is dismissed under Subsection (2)(h)(ii), a billboard owner may proceed, without further municipal land use approval, to take an action requested under Subsection (2)(a), if the municipality's eminent domain action commenced under Subsection (2)(a)(i) is dismissed without an order allowing the municipality to acquire the billboard and associated rights.

(h)(i) A billboard owner may withdraw a request made under Subsection (2)(a) at any time before the municipality takes possession of the billboard or the billboard's associated rights in accordance with Subsection (2)(f)(ii).

(ii) If a billboard owner withdraws a request in accordance with Subsection (2)(h)(i), the court shall dismiss the municipality's eminent domain action to acquire the billboard or associated rights.

(3) Notwithstanding Section [~~10-9a-512~~] 10-20-607, a municipality may require the owner of a billboard to remove the billboard without acquiring the billboard and associated rights through eminent domain if:

(a) the municipality determines:

(i) by clear and convincing evidence that the applicant for a permit intentionally made a false or misleading statement in the applicant's application regarding the placement or erection of the billboard; or

(ii) by substantial evidence that the billboard:

(A) is structurally unsafe;

(B) is in an unreasonable state of repair; or

(C) has been abandoned for at least 12 months;

(b) the municipality notifies the billboard owner in writing that the billboard owner's billboard meets one or more of the conditions listed in Subsections (3)(a)(i) and (ii);

(c) the billboard owner fails to remedy the condition or conditions within:

(i) 180 days after the day on which the billboard owner receives written notice under Subsection (3)(b); or

(ii) if the condition forming the basis of the municipality's intention to remove the

billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a natural disaster, after the day on which the billboard owner receives written notice under Subsection (3)(b); and

(d) following the expiration of the applicable period under Subsection (3)(c) and after providing the billboard owner with reasonable notice of proceedings and an opportunity for a hearing, the municipality finds:

(i) by clear and convincing evidence, that the applicant for a permit intentionally made a false or misleading statement in the application regarding the placement or erection of the billboard; or

(ii) by substantial evidence that the billboard is structurally unsafe, is in an unreasonable state of repair, or has been abandoned for at least 12 months.

(4) A municipality may not allow a nonconforming billboard to be rebuilt or replaced by anyone other than the billboard's owner, or the billboard's owner acting through a contractor, within 500 feet of the nonconforming location.

(5) A permit that a municipality issues, extends, or renews for a billboard remains valid beginning on the day on which the municipality issues, extends, or renews the permit and ending 180 days after the day on which a required state permit is issued for the billboard if:

(a) the billboard requires a state permit; and

(b) an application for the state permit is filed within 30 days after the day on which the municipality issues, extends, or renews a permit for the billboard.

Section 54. Section **10-20-609**, which is renumbered from Section 10-9a-515 is renumbered and amended to read:

[~~10-9a-515~~] 10-20-609 (Effective 11/06/25). Regulation of amateur radio antennas.

(1) A municipality may not enact or enforce an ordinance that does not comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.

(2) If a municipality adopts an ordinance involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the ordinance shall:

(a) reasonably accommodate amateur radio communications; and

(b) represent the minimal practicable regulation to accomplish the municipality's

purpose.

Section 55. Section **10-20-610**, which is renumbered from Section 10-9a-516 is renumbered and amended to read:

[~~10-9a-516~~] 10-20-610 (Effective 11/06/25). Regulation and licensing of residential facilities for persons with disabilities.

(1) A municipality may only regulate a residential facility for persons with [~~a disability~~] disabilities to the extent allowed by:

[~~(1)~~] (a) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;

[~~(2)~~] (b) the Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., and applicable jurisprudence; and

[~~(3)~~] (c) Section 504, Rehabilitation Act of 1973, and applicable jurisprudence.

(2) The responsibility to license programs or entities that operate facilities for persons with disabilities, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with the Department of Health and Human Services as provided in:

(a) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection; and

(b) Title 26B, Chapter 6, Part 4, Division of Services for People with Disabilities.

Section 56. Section **10-20-611**, which is renumbered from Section 10-9a-521 is renumbered and amended to read:

[~~10-9a-521~~] 10-20-611 (Effective 11/06/25). Wetlands.

(1) A municipality may not designate or treat any land as wetlands unless the United States Army Corps of Engineers or other agency of the federal government has designated the land as wetlands.

(2) A land use authority that issues a land use permit that affects land designated as wetlands by the United States Army Corps of Engineers or another agency of the federal government shall provide a copy of the land use permit to the Utah Geological Survey established in Section 79-3-201.

Section 57. Section **10-20-612**, which is renumbered from Section 10-9a-522 is renumbered and amended to read:

[~~10-9a-522~~] 10-20-612 (Effective 11/06/25). Refineries.

(1) As used in this section, "develop" or "development" means:

(a) the construction, alteration, or improvement of land, including any related moving, demolition, or excavation outside of a refinery property boundary;

(b) the subdivision of land for a non-industrial use; or

(c) the construction of a non-industrial structure on a parcel that is not subject to the subdivision process.

(2) Before a legislative body may adopt a non-industrial zoning change to permit development within 500 feet of a refinery boundary, the legislative body shall consult with the refinery to determine whether the proposed change is compatible with the refinery.

(3) Before a land use authority may approve an application to develop within 500 feet of a refinery boundary, the land use authority shall consult with the refinery to determine whether the development is compatible with the refinery.

(4) A legislative body described in Subsection (2), or a land use authority described in Subsection (3), may not request from the refinery:

(a) proprietary information;

(b) information, if made public, that would create a security or safety risk to the refinery or the public;

(c) information that is restricted from public disclosure under federal or state law; or

(d) information that is available in public record.

(5)(a) This section does not grant authority to a legislative body described in Subsection (2), or a land use authority described in Subsection (3), to require a refinery to undertake or cease an action.

(b) This section does not create a cause of action against a refinery.

(c) Except as expressly provided in this section, this section does not alter or remove any legal right or obligation of a refinery.

Section 58. Section **10-20-613**, which is renumbered from Section 10-9a-525 is renumbered and amended to read:

[~~10-9a-525~~] 10-20-613 (Effective 11/06/25). High tunnels -- Exemption from municipal regulation.

(1) As used in this section, "high tunnel" means a structure that:

(a) is not a permanent structure;

(b) is used for the growing, keeping, storing, sale, or shelter of an agricultural commodity; and

(c) has a:

(i) metal, wood, or plastic frame;

(ii) plastic, woven textile, or other flexible covering; and

(iii) floor made of soil, crushed stone, matting, pavers, or a floating concrete slab.

(2) A municipal building code does not apply to a high tunnel.

(3) No building permit shall be required for the construction of a high tunnel.

Section 59. Section **10-20-614**, which is renumbered from Section 10-9a-528 is renumbered and amended to read:

[~~10-9a-528~~] 10-20-614 (Effective 11/06/25). Cannabis production establishments, medical cannabis pharmacies, and industrial hemp producer licensee.

(1) As used in this section:

(a) "Cannabis production establishment" means the same as that term is defined in Section 4-41a-102 and includes a closed-door medical cannabis pharmacy.

(b) "Closed-door medical cannabis pharmacy" means the same as that term is defined in Section 4-41a-102.

(c) "Industrial hemp producer licensee" means the same as the term "medical cannabis research licensee" is defined in Section 4-41-102.

(d) "Medical cannabis pharmacy" means the same as that term is defined in Section 26B-4-201.

(2)(a)(i) A municipality may not regulate a cannabis production establishment or a medical cannabis pharmacy in conflict with:

(A) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and applicable jurisprudence; and

(B) this chapter.

(ii) A municipality may not regulate an industrial hemp producer licensee in conflict with:

(A) Title 4, Chapter 41, Hemp and Cannabinoid Act, and applicable jurisprudence; and

(B) this chapter.

(b) The Department of Agriculture and Food has plenary authority to license programs or entities that operate a cannabis production establishment or a medical cannabis pharmacy.

(3)(a) Within the time period described in Subsection (3)(b), a municipality shall prepare and adopt a land use regulation, development agreement, or land use decision in accordance with this title and:

(i) regarding a cannabis production establishment, Section 4-41a-406; or

(ii) regarding a medical cannabis pharmacy, Section 4-41a-1105.

(b) A municipality shall take the action described in Subsection (3)(a):

(i) before January 1, 2021, within 45 days after the day on which the municipality receives a petition for the action; and

(ii) after January 1, 2021, in accordance with [~~Subsection 10-9a-509.5(2)~~] Section 10-20-905.

Section 60. Section **10-20-615**, which is renumbered from Section 10-9a-529 is renumbered and amended to read:

[~~10-9a-529~~] 10-20-615 (Effective 11/06/25). Specified public utility located in a municipal utility easement.

A specified public utility may exercise each power of a public utility under Section 54-3-27 if the specified public utility uses an easement:

(1) with the consent of a municipality; and

(2) that is located within a municipal utility easement described in Subsections [~~10-9a-103(50)(a)~~] 10-20-102(50)(a) through (e).

Section 61. Section **10-20-616**, which is renumbered from Section 10-9a-531 is renumbered and amended to read:

[~~10-9a-531~~] 10-20-616 (Effective 11/06/25). Utility service connections.

(1) A municipality may not enact an ordinance, a resolution, or a policy that prohibits, or has the effect of prohibiting, the connection or reconnection of an energy utility service provided by a public utility as that term is defined in Section 54-2-1.

(2) Subsection (1) does not apply to:

(a) an incentive offered by a municipality; or

(b) a building owned by a municipality.

Section 62. Section **10-20-617**, which is renumbered from Section 10-9a-533 is renumbered and amended to read:

[~~10-9a-533~~] 10-20-617 (Effective 11/06/25). Infrastructure improvements involving roadways.

(1) As used in this section:

(a) "Low impact development" means the same as that term is defined in Section 19-5-108.5.

(b)(i) "Pavement" means the bituminous or concrete surface of a roadway.

(ii) "Pavement" does not include a curb or gutter.

(c) "Residential street" means a public or private roadway that:

(i) currently serves or is projected to serve an area designated primarily for single-family residential use;

(ii) requires at least two off-site parking spaces for each single-family residential property abutting the roadway; and

(iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day, based on findings contained in:

(A) a traffic impact study;

(B) the municipality's general plan under Section [~~10-9a-401~~] 10-20-401;

(C) an adopted phasing plan; or

(D) a written plan or report on current or projected traffic usage.

(2)(a) Except as provided in Subsection (2)(b), a municipality may not, as part of an infrastructure improvement, require the installation of pavement on a residential street at a width in excess of 32 feet if the municipality requires low impact development for the area in which the residential street is located.

(b) Subsection (2)(a) does not apply if a municipality requires the installation of pavement:

(i) in a vehicle turnaround area; or

(ii) to address specific traffic flow constraints at an intersection or other area.

(3)(a) A municipality shall, by ordinance, establish any standards that the municipality requires, as part of an infrastructure improvement, for fire department vehicle access and turnaround on roadways.

(b) The municipality shall ensure that the standards established under Subsection (3)(a) are consistent with the State Fire Code as defined in Section 15A-1-102.

Section 63. Section **10-20-618**, which is renumbered from Section 10-9a-534 is renumbered and amended to read:

[~~10-9a-534~~] 10-20-618 (Effective 11/06/25). Regulation of building design elements prohibited -- Regulation of parking spaces prohibited -- Exceptions.

(1) As used in this section:

(a) "Affordable housing" means housing occupied or reserved for occupancy that is priced at 80% of the county median home price.

(b) "Building design element" means:

(i) exterior color;

(ii) type or style of exterior cladding material;

(iii) style, dimensions, or materials of a roof structure, roof pitch, or porch;

(iv) exterior nonstructural architectural ornamentation;

(v) location, design, placement, or architectural styling of a window or door;

(vi) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;

(vii) number or type of rooms;

(viii) interior layout of a room;

(ix) minimum square footage over 1,000 square feet, not including a garage;

(x) rear yard landscaping requirements;

(xi) minimum building dimensions; or

(xii) a requirement to install front yard fencing.

(c) "Owner-occupied" means a housing unit in which the individual who owns the housing unit, solely or jointly, lives as the individual's primary residence for no less than five years.

(d) "Specified municipality" means the same as that term is defined in Section [~~10-9a-408~~] 10-21-101.

(e) "Unobstructed" means a parking space that has no permanent barriers that would unreasonably reduce the size of an available parking space described in Subsection (4).

(2) Except as provided in Subsection (3), a municipality may not impose a requirement for a building design element on a one- or two-family dwelling.

(3) Subsection (2) does not apply to:

(a) a dwelling located within an area designated as a historic district in:

(i) the National Register of Historic Places;

(ii) the state register as defined in Section 9-8a-402; or

(iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021, except as provided under Subsection (3)(b);

(b) an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;

(c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103;

(d) building design elements agreed to under a development agreement;

(e) a dwelling located within an area that:

(i) is zoned primarily for residential use; and

(ii) was substantially developed before calendar year 1950;

(f) an ordinance enacted to implement water efficient landscaping in a rear yard;

(g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry of:

(i) defects in the material of existing cladding; or

(ii) consistent defects in the installation of existing cladding;

(h) a land use regulation, including a planned unit development or overlay zone, that a property owner requests:

(i) the municipality to apply to the owner's property; and

(ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district; or

(i) an ordinance enacted to mitigate the impacts of an accidental explosion:

(i) in excess of 20,000 pounds of trinitrotoluene equivalent;

(ii) that would create overpressure waves greater than .2 pounds per square inch; and

(iii) that would pose a risk of damage to a window, garage door, or carport of a facility located within the vicinity of the regulated area.

(4) A municipality that is a specified municipality may not:

(a) require that the dimensions of a single parking space for a one- or two-family dwelling or town home be:

(i) for unobstructed, enclosed, or covered parking:

(A) more than 10 feet wide; or

(B) more than 20 feet long; or

(ii) for uncovered parking:

(A) more than nine feet wide; or

(B) more than 20 feet long;

(b) restrict an unobstructed tandem parking space from satisfying two parking spaces as part of a minimum parking space requirement; and

(c) restrict a two-car garage from satisfying two parking spaces as part of a minimum parking space requirement.

(5) A municipality may not require a garage for a single-family attached or detached dwelling that is owner-occupied affordable housing.

(6) If a municipality requires a garage, the municipality shall count each parking space within the garage as part of the municipality's minimum parking space requirement as described in Section [~~10-9a-530~~] 10-21-303.

(7) Nothing in this section prohibits a municipality from requiring on-site parking for owner-occupied affordable housing.

Section 64. Section **10-20-619**, which is renumbered from Section 10-9a-536 is renumbered and amended to read:

[~~10-9a-536~~] 10-20-619 (Effective 11/06/25). Water wise landscaping -- Municipal landscaping regulations.

(1) As used in this section:

(a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.

(b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.

(c) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.

(d) "Private landscaping plan" means the same as that term is defined in Section [~~10-9a-604.5~~] 10-20-807.

(e)(i) "Vegetative coverage" means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity.

(ii) "Vegetative coverage" does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.

(f) "Water wise landscaping" means any or all of the following:

(i) installation of plant materials suited to the microclimate and soil conditions that can:

(A) remain healthy with minimal irrigation once established; or

(B) be maintained without the use of overhead spray irrigation;

(ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or

(iii) use of other landscape design features that:

(A) minimize the need of the landscape for supplemental water from irrigation; or

(B) reduce the landscape area dedicated to lawn or turf.

(2) A municipality may not enact or enforce an ordinance, resolution, or policy that prohibits, or has the effect of prohibiting, a property owner from incorporating water wise landscaping on the property owner's property.

(3)(a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a municipality from requiring a property owner to:

(i) comply with a site plan review, private landscaping plan review, or other review process before installing water wise landscaping;

(ii) maintain plant material in a healthy condition; and

(iii) follow specific water wise landscaping design requirements adopted by the

municipality, including a requirement that:

(A) restricts or clarifies the use of mulches considered detrimental to municipal operations;

(B) imposes minimum or maximum vegetative coverage standards; or

(C) restricts or prohibits the use of specific plant materials.

(b) A municipality may not require a property owner to install or keep in place lawn or turf in an area with a width less than eight feet.

(4) A municipality may require a seller of a newly constructed residence to inform the first buyer of the newly constructed residence of a municipal ordinance requiring water wise landscaping.

(5) A municipality shall report to the Division of Water Resources the existence, enactment, or modification of an ordinance, resolution, or policy that implements regional-based water use efficiency standards established by the Division of Water Resources by rule under Section 73-10-37.

(6) A municipality may enforce a municipal landscaping ordinance in compliance with this section.

Section 65. Section **10-20-620**, which is renumbered from Section 10-9a-537 is renumbered and amended to read:

[~~10-9a-537~~] 10-20-620 (Effective 11/06/25). Land use compatibility with military use.

(1) As used in this section:

(a) "Department" means the Department of Veterans and Military Affairs.

(b) "Military" means a branch of the armed forces of the United States, including the Utah National Guard.

(c) "Military land" means the following land or facilities:

(i) Camp Williams;

(ii) Hill Air Force Base;

(iii) Dugway Proving Ground;

(iv) Tooele Army Depot;

(v) Utah Test and Training Range;

(vi) Nephi Readiness Center;

(vii) Cedar City Alternate Flight Facility; or

(viii) Little Mountain Test Facility.

(2)(a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area in

a municipality within 5,000 feet of a boundary of military land, a municipality shall, in consultation with the department, develop and maintain a compatible use plan to ensure permitted uses and conditional uses relevant to the military land are compatible with the military operations on military land.

(b) A municipality that has a compatible use plan as of January 1, 2023, is not required to develop a new compatible use plan.

(3) If a municipality receives a land use application related to land within 5,000 feet of a boundary of military land, before the municipality may approve the land use application, the municipality shall notify the department in writing.

(4)(a) If the department receives the notice described in Subsection (3), the executive director of the department shall:

(i) determine whether the proposed land use is compatible with the military use of the relevant military land; and

(ii) within 90 days after the receipt of the notice described in Subsection (3), respond in writing to the municipality regarding the determination of compatibility described in Subsection (4)(a)(i).

(b)(i) For a land use application pertaining to a parcel within 5,000 feet of military land that may have an adverse effect on the operations of the military installation, except as provided in Subsection (4)(b)(ii), the municipality shall consider the compatible use plan in processing the land use application.

(ii) For a land use application pertaining to a parcel within 5,000 feet of military land that may have an adverse effect on the operations of the military installation, if the applicant has a vested right, the municipality is not required to consider the compatible land use plan in consideration of the land use application.

(5) If the department receives the notice described in Subsection (3) before the municipality has completed the compatible use plan as described in this section, the department shall consult with the municipality and representatives of the relevant military land to determine whether the use proposed in the land use application is a compatible use.

Section 66. Section **10-20-621**, which is renumbered from Section 10-9a-538 is renumbered and amended to read:

[~~10-9a-538~~] 10-20-621 (Effective 11/06/25). Modular building.

(1) Title 15A, State Construction and Fire Codes Act, governs regulations related to the construction, transportation, installation, inspection, fees, and enforcement related to modular building.

(2) A municipality may adopt an ordinance regulating modular building so long as the ordinance conforms with Title 15A, State Construction and Fire Codes Act, Chapter 21, Municipalities and Housing Supply, and this chapter.

Section 67. Section **10-20-622**, which is renumbered from Section 10-9a-539 is renumbered and amended to read:

[~~10-9a-539~~] 10-20-622 (Effective 11/06/25). Operation of a tower crane.

(1) As used in this section:

(a) "Affected land" means a parcel of land over which a part of a tower crane travels, other than the parcel on which the tower crane is located.

(b) "Airspace approval" means a license, easement, permission of the owner of affected land, or other approval for a part of a tower crane to travel within the air space over affected land.

(c)(i) "Live load" means material being suspended from or lifted by a tower crane.

(ii) "Live load" does not include the components of a tower crane.

(d) "Permit period" means the period during which a land use permit is in effect.

(e)(i) "Tower crane" means a crane that is attached to and supported by a building or foundation.

(ii) "Tower crane" does not include a crane supported by tracks or tires.

(2) Except as provided in Subsection (3), a municipality may not require airspace approval as a condition for the municipality's:

(a) approval of a building permit; or

(b) authorization of a development activity.

(3) A municipality may require airspace approval relating to affected land as a condition for the municipality's approval of a building permit or for the municipality's authorization of a development activity if:

(a) the tower crane will, during the permit period or development activity, carry a live load over the affected land; or

(b) the affected land is within:

(i) an airport overlay zone; or

(ii) another zone designated to protect the airspace around an airport.

Section 68. Section **10-20-623**, which is renumbered from Section 10-9a-540 is renumbered and amended to read:

[~~10-9a-540~~] 10-20-623 (Effective 11/06/25). Residential rear setback limitations.

(1) As used in this section:

(a) "Allowable feature" means:

(i) a landing or walkout porch that:

(A) is no more than 32 square feet in size; and

(B) is used for ingress to and egress from the rear of the residential dwelling; or

(ii) a window well.

(b) "Landing" means an uncovered, above-ground platform, with or without stairs, connected to the rear of a residential dwelling.

(c) "Setback" means the required distance between the property line of a lot or parcel and the location where a structure is allowed to be placed under an adopted land use regulation.

(d) "Walkout porch" means an uncovered platform that is on the ground and connected to the rear of a residential dwelling.

(e) "Window well" means a recess in the ground around a residential dwelling to allow for ingress and egress through a window installed in a basement that is fully or partially below ground.

(2) A municipality may not enact or enforce an ordinance, resolution, or policy that prohibits or has the effect of prohibiting an allowable feature within the rear setback of a residential building lot or parcel.

(3) Subsection (2) does not apply to a historic district within the municipality.

Section 69. Section **10-20-624**, which is renumbered from Section 10-9a-544 is renumbered and amended to read:

[~~10-9a-544~~] 10-20-624 (Effective 11/06/25). Digital asset mining -- Zoning restrictions.

(1) As used in this section:

(a) "Digital asset" means the same as that term is defined in Section 7-29-101.

(b) "Digital asset mining" means using computer hardware and software specifically designed or utilized for validating data and securing a blockchain network.

(c) "Digital asset mining business" means a group of computers working at a single site that:

(i) consumes more than one megawatt of energy on an average annual basis; and

(ii) operates for the purpose of generating blockchain tokens by securing a blockchain network.

(2) A [~~political subdivision of the state~~] municipality may not enact an ordinance, resolution, or rule that:

(a) for digital asset mining businesses located in areas zoned for industrial use, imposes sound restrictions on digital asset mining businesses that are more stringent than the generally applicable limits set for industrial-zoned areas; or

(b) prevents a digital asset mining business from operating in an area zoned for industrial use if the digital asset mining business meets other requirements for industrial use.

Section 70. Section **10-20-701**, which is renumbered from Section 10-9a-901 is renumbered and amended to read:

Part 7. Vested Critical Infrastructure Materials Operations

[~~10-9a-901~~] 10-20-701 (Effective 11/06/25). Definitions.

As used in this part:

(1) "Commercial quantities," for purposes of this section, means critical infrastructure materials:

(a) extracted or processed by a commercial enterprise in the ordinary course of business; and

(b) in a sufficient amount that the critical infrastructure materials introduction into commerce would create a reasonable expectation of profit.

(2) "Contiguous land" means surface or subsurface land that shares a common boundary and is not separated by a highway as defined in Section 41-6a-102.

(3) "Critical infrastructure materials" means sand, gravel, or rock aggregate.

(4) "Critical infrastructure materials use" means the extraction, excavation, processing, or reprocessing of critical infrastructure materials.

(5) "Critical infrastructure materials operator" means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that:

(a) owns, controls, or manages a critical infrastructure materials use; and

(b) has produced commercial quantities of critical infrastructure materials from the critical infrastructure materials use.

(6) "Existing legal use" means a critical infrastructure materials use that has operated in accordance with:

(a) a legal nonconforming use that has not been abandoned for more than 24 consecutive months; or

(b) a permit issued by the applicable political subdivision.

(7) "New land" means surface or subsurface land that a critical infrastructure materials operator gains ownership or control of on or before January 1, 2026, regardless of whether that land is included in any applicable permit issued by a political subdivision or a legal nonconforming use.

(8) "Vested critical infrastructure materials use" means a critical infrastructure materials use by a critical infrastructure materials operator that is an existing legal use.

Section 71. Section **10-20-702**, which is renumbered from Section 10-9a-902 is renumbered and amended to read:

[~~10-9a-902~~] 10-20-702 (Effective 11/06/25). Vested critical infrastructure materials use -- Presumption.

(1)(a) A critical infrastructure materials use is presumed to be a vested critical infrastructure materials use if the critical infrastructure materials use meets the definition of vested critical infrastructure materials use in Section [~~10-9a-901~~] 10-20-701.

(b) A person claiming that a vested critical infrastructure materials use has not been established has the burden of proof to show by the preponderance of the evidence that the vested critical infrastructure materials use has not been established.

(2) A vested critical infrastructure materials use:

(a) runs with the land; and

(b) may be changed to another critical infrastructure materials use without losing its status as a vested critical infrastructure materials use.

(3) The present or future boundary of the critical infrastructure materials use of a critical infrastructure materials operator with a vested critical infrastructure materials use does not limit:

(a) the scope of rights of a critical infrastructure materials operator with a vested critical infrastructure material use; or

(b) the protection for a critical infrastructure materials protection area.

(4)(a) A critical infrastructure operator with a vested critical infrastructure materials use shall file a declaration for recording in the office of the recorder of the county in which the vested critical infrastructure materials use is located.

(b) A declaration under Subsection (4)(a) shall:

(i) contain a legal description of the land included within the vested critical infrastructure materials use; and

(ii) provide notice of the vested critical infrastructure materials use.

Section 72. Section **10-20-703**, which is renumbered from Section 10-9a-903 is renumbered and amended to read:

[~~10-9a-903~~] 10-20-703 (Effective 11/06/25). Rights of a critical infrastructure materials operator with a vested critical infrastructure materials use.

(1) Notwithstanding a political subdivision's prohibition, restriction, or other limitation on a critical infrastructure materials use adopted after the establishment of the critical infrastructure materials use, the rights of a critical infrastructure materials operator with a vested critical infrastructure materials use include with respect to that existing legal use the right to:

(a) progress, extend, enlarge, grow, or expand the vested critical infrastructure materials use to any contiguous land that the critical infrastructure materials operator owns or controls before May 7, 2025;

(b) expand the vested critical infrastructure materials use to new land that is contiguous land to the surface or subsurface land on which the critical infrastructure materials operator has a vested critical infrastructure materials use, including the surface or subsurface land under Subsection (1)(a);

(c) use, operate, construct, reconstruct, restore, extend, expand, maintain, repair, alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and buildingson any surface or subsurface land that the critical infrastructure materials operator owns or controls before May 7, 2025;

(d) on any surface or subsurface land that the critical infrastructure materials operator owns or controls before May 7, 2025:

(i) increase production or volume;

(ii) alter the method of extracting or processing, including with respect to the vested use, the right to stockpile or hold in reserve critical infrastructure materials, to recycle, and to batch and mix concrete and asphalt; and

(iii) extract or process a different or additional critical infrastructure material than previously extracted or processed on the surface or subsurface land; and

(e) discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily or permanently, all or any part of the critical infrastructure materials use.

(2)(a) As used in this Subsection (2), "applicable legislative body" means the legislative body of each:

(i) county in whose unincorporated area the new land to be included in the vested critical infrastructure materials use is located; or

(ii) municipality in which the new land to be included in the critical infrastructure materials use is located.

(b) A critical infrastructure materials operator with a vested critical infrastructure materials use is presumed to have a right to expand the vested critical infrastructure materials use to new land.

(c) Before expanding a vested critical infrastructure materials use to new land, a critical infrastructure materials operator shall provide written notice:

(i) of the critical infrastructure materials operator's intent to expand the vested critical infrastructure materials use; and

(ii) to each applicable legislative body.

(d)(i) An applicable legislative body shall:

(A) hold a public meeting or hearing at the applicable legislative body's next available meeting that is no later than 30 days after receiving the notice under Subsection (2)(c); and

(B) provide reasonable, advance, written notice of the intended expansion of the vested critical infrastructure materials use and the public meeting or hearing to each owner of the surface estate of the new land.

(ii) A public meeting or hearing under Subsection (2)(d)(i) serves to provide sufficient public notice of the critical infrastructure materials operator's intent to expand the vested critical infrastructure materials use to the new land.

(e)(i) After the public meeting or hearing under Subsection (2)(d)(i), a critical infrastructure materials operator may expand a vested critical infrastructure materials use to new land without any action by an applicable legislative body, unless the applicable legislative body finds by the preponderance of the evidence on the record that the expansion to new land will endanger the public health, safety, and welfare.

(ii) If the applicable legislative body makes the finding of endangerment described in[~~this~~] Subsection [~~(2)~~(e)] (2)(e)(i), Subsection (4) applies.

(3) If a critical infrastructure materials operator expands a vested critical infrastructure materials use to new land, as authorized under this section:

(a) the critical infrastructure materials operator's rights under the vested critical infrastructure materials use with respect to land on which the vested critical infrastructure materials use occurs apply with equal force after the expansion to the new land; and

(b) the critical infrastructure materials protection area that includes land on which the vested critical infrastructure materials use occurs is expanded to include the new land.

(4)(a) If the applicable legislative body makes the finding of endangerment described in Subsection [~~(2)(e)~~] (2)(e)(i):

(i) the critical infrastructure materials operator shall submit to the applicable legislative body the critical infrastructure materials operator's plan for expansion under this section;

(ii) by no later than 90 days after receipt of the plan for expansion described in Subsection (4)(a)(i), the applicable legislative body shall notify the operator of:

(A) evidence that the expansion to new land will endanger the public health, safety, and welfare; and

(B) proposed measures to mitigate the endangerment of the public health, safety, and welfare; and

(iii) the applicable legislative body shall hold a public hearing by no later than 30 days after the date the applicable legislative body complies with Subsection (4)(a)(ii) to present mitigation measures proposed under Subsection (4)(a)(ii).

(b) The applicable legislative body may impose mitigation measures under this Subsection (4) that are reasonable and do not exceed requirements imposed by permits issued by a state agency such as an air quality permit.

(c) A political subdivision may not prohibit the expansion of a vested critical infrastructure materials use if the critical infrastructure materials operator agrees to comply with the mitigation measures described in Subsection (4)(b).

(d) The process under this Subsection (4) is not a land use application or conditional use application under this chapter.

Section 73. Section **10-20-704**, which is renumbered from Section 10-9a-905 is renumbered and amended to read:

[~~10-9a-905~~] 10-20-704 (Effective 11/06/25). Abandonment of a vested critical infrastructure materials use.

(1) A critical infrastructure materials operator may abandon some or all of a vested critical infrastructure materials use only as provided in this section.

(2) To abandon some or all of a vested critical infrastructure materials use, a critical infrastructure materials operator shall record a written declaration of abandonment with the recorder of the county in which the vested critical infrastructure materials use being abandoned is located.

(3) The written declaration of abandonment under Subsection (2) shall specify the vested critical infrastructure materials use or the portion of the vested critical infrastructure materials use being abandoned.

Section 74. Section **10-20-801**, which is renumbered from Section 10-9a-601 is renumbered and amended to read:

Part 8. Subdivisions

[~~10-9a-601~~] 10-20-801 (Effective 11/06/25). Enactment of subdivision ordinance.

(1) The legislative body of a municipality may enact ordinances requiring that a subdivision plat comply with the provisions of the municipality's ordinances and this part before:

(a) the subdivision plat may be filed and recorded in the county recorder's office; and

(b) lots may be sold.

(2) If the legislative body fails to enact a subdivision ordinance, the municipality may regulate subdivisions only to the extent provided in this part.

(3) The joining of a lot or lots to a parcel does not constitute a subdivision as to the parcel or subject the parcel to the municipality's subdivision ordinance.

(4) A legislative body may adopt a land use regulation that specifies that combining lots does not require a subdivision plat amendment.

Section 75. Section **10-20-802**, which is renumbered from Section 10-9a-602 is renumbered and amended to read:

[~~10-9a-602~~] 10-20-802 (Effective 11/06/25). Planning commission preparation and recommendation of subdivision ordinance -- Adoption or rejection by legislative body.

(1) A planning commission shall:

(a) review and provide a recommendation to the legislative body on any proposed ordinance that regulates the subdivision of land in the municipality;

(b) review and make a recommendation to the legislative body on any proposed ordinance that amends the regulation of the subdivision of the land in the municipality;

(c) provide notice consistent with Section [~~10-9a-205~~] 10-20-205; and

(d) hold a public hearing on the proposed ordinance before making the planning commission's final recommendation to the legislative body.

(2)(a) A legislative body may adopt, modify, revise, or reject an ordinance described in Subsection (1) that the planning commission recommends.

(b) 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.

Section 76. Section **10-20-803**, which is renumbered from Section 10-9a-603 is renumbered and amended to read:

[~~10-9a-603~~] 10-20-803 (Effective 11/06/25). Plat required when land is subdivided -- Approval of plat -- Owner acknowledgment, surveyor certification, and underground utility facility owner verification of plat -- Recording plat.

(1) As used in this section:

(a)(i) "Facility owner" means the same as that term is defined in Section 73-1-15.5.

(ii) "Facility owner" includes a canal owner or associated canal operator contact described in:

(A) Section [~~10-9a-211~~] 10-20-211;

(B) Subsection 73-5-7(3); or

(C) Subsection (6)(c).

(b) "Local health department" means the same as that term is defined in Section 26A-1-102.

(c) "State engineer's inventory of canals" means the state engineer's inventory of water conveyance systems established in Section 73-5-7.

(d) "Underground facility" means the same as that term is defined in Section 54-8a-2.

(e) "Water conveyance facility" means the same as that term is defined in Section 73-1-15.5.

(2) Unless exempt under Section [~~10-9a-605~~] 10-20-808 or excluded from the definition of subdivision under Section [~~10-9a-103~~] 10-20-102, whenever any land is laid out and platted, the owner of the land shall provide to the municipality in which the land is located an accurate plat that describes or specifies:

(a) a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;

(b) the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;

(c) the lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale;

(d) every existing right-of-way and recorded easement located within the plat for:

(i) an underground facility;

(ii) a water conveyance facility; or

(iii) any other utility facility; and

(e) any water conveyance facility located, entirely or partially, within the plat that:

(i) is not recorded; and

(ii) of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land:

(A) in the state engineer's inventory of canals; or

(B) from a surveyor under Subsection (6)(c).

(3)(a) Subject to Subsections (4), (6), and (7), if the plat conforms to the municipality's ordinances and this part and has been approved by the culinary water authority, the sanitary sewer authority, and the local health department, if the local health department and the municipality consider the local health department's approval necessary, the municipality shall approve the plat.

(b) Municipalities are encouraged to receive a recommendation from the fire authority and the public safety answering point before approving a plat.

(c) A municipality may not require that a plat be approved or signed by a person or entity who:

(i) is not an employee or agent of the municipality; or

(ii) does not:

(A) have a legal or equitable interest in the property within the proposed subdivision;

(B) provide a utility or other service directly to a lot within the subdivision;

(C) own an easement or right-of-way adjacent to the proposed subdivision who signs for the purpose of confirming the accuracy of the location of the easement or right-of-way in relation to the plat; or

(D) provide culinary public water service whose source protection zone designated as provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.

(d) A municipality shall:

(i) within 20 days after the day on which an owner of land submits to the municipality a complete subdivision plat land use application, mail written notice of the proposed subdivision to the facility owner of any water conveyance facility

located, entirely or partially, within 100 feet of the subdivision plat, as determined using information made available to the municipality:

(A) from the facility owner under Section [~~10-9a-211~~] 10-20-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;

(B) in the state engineer's inventory of canals; or

(C) from a surveyor under Subsection (6)(c); and

(ii) not approve the subdivision plat for at least 20 days after the day on which the municipality mails to each facility owner the notice described in Subsection (3)(d)(i), in order to receive any comments from each facility owner regarding:

(A) access to the water conveyance facility;

(B) maintenance of the water conveyance facility;

(C) protection of the water conveyance facility;

(D) safety of the water conveyance facility; or

(E) any other issue related to water conveyance facility operations.

(e) When applicable, the owner of the land seeking subdivision plat approval shall comply with Section 73-1-15.5.

(f) A facility owner's failure to provide comments to a municipality in accordance with Subsection (3)(d)(ii) does not affect or impair the municipality's authority to approve the subdivision plat.

(4) The municipality may withhold an otherwise valid plat approval until the owner of the land provides the legislative body with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(5)(a) Within 30 days after approving a final plat under this section, a municipality shall submit to the Utah Geospatial Resource Center, created in Section 63A-16-505, for inclusion in the unified statewide 911 emergency service database described in [~~Subsection 63H-7a-304(4)(b)~~] Section 63H-7a-304:

(i) an electronic copy of the approved final plat; or

(ii) preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

(b) If requested by the Utah Geospatial Resource Center, a municipality that approves a final plat under this section shall:

(i) coordinate with the Utah Geospatial Resource Center to validate the information described in Subsection (5)(a); and

(ii) assist the Utah Geospatial Resource Center in creating electronic files that contain the information described in Subsection (5)(a) for inclusion in the unified statewide 911 emergency service database.

(6)(a) A county recorder may not record a plat unless:

(i) [~~prior to~~] before recordation, the municipality has approved and signed the plat;

(ii) each owner of record of land described on the plat has signed the owner's dedication as shown on the plat; and

(iii) the signature of each owner described in Subsection (6)(a)(ii) is acknowledged as provided by law.

(b) A surveyor who prepares the plat shall certify that the surveyor:

(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(ii)(A) has completed a survey of the property described on the plat in accordance with Section [~~17-23-17~~] 17-73-504 and has verified all measurements; or

(B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and

(iii) has placed monuments as represented on the plat.

(c)(i) To the extent possible, the surveyor shall consult with the owner or operator, or a representative designated by the owner or operator, of an existing water conveyance facility located within the proposed subdivision, or an existing or proposed underground facility or utility facility located within the proposed subdivision, to verify the accuracy of the surveyor's depiction of the:

(A) boundary, course, dimensions, and intended use of the public rights-of-way, a public or private easement, or grants of record;

(B) location of the existing water conveyance facility, or the existing or proposed underground facility or utility facility; and

(C) physical restrictions governing the location of the existing or proposed underground facility or utility facility.

(ii) The cooperation of an owner or operator of a water conveyance facility, underground facility, or utility facility under Subsection (6)(c)(i):

(A) indicates only that the plat approximates the location of the existing facilities but does not warrant or verify their precise location; and

(B) does not affect a right that the owner or operator has under Title 54, Chapter 8a, Damage to Underground Utility Facilities, a recorded easement or

right-of-way, the law applicable to prescriptive rights, or any other provision of law.

(7)(a) Except as provided in Subsection (6)(c), after the plat has been acknowledged, certified, and approved, the owner of the land seeking to record the plat shall, within the time period and manner designated by ordinance, record the plat in the county recorder's office in the county in which the lands platted and laid out are situated.

(b) A failure to record a plat within the time period designated by ordinance renders the plat voidable by the municipality.

(8) A municipality acting as a land use authority shall approve a condominium plat that complies with the requirements of Section 57-8-13 unless the condominium plat violates a land use regulation of the municipality.

Section 77. Section **10-20-804**, which is renumbered from Section 10-9a-604 is renumbered and amended to read:

[~~10-9a-604~~] 10-20-804 (Effective 11/06/25). Subdivision plat approval procedure -- Effect of not complying.

(1) A person may not submit a subdivision plat to the county recorder's office for recording unless:

(a) the person has complied with the requirements of Subsection [~~10-9a-603(6)(a)~~] 10-20-803(6)(a);

(b) the plat has been approved by:

(i) the land use authority of the municipality in which the land described in the plat is located; and

(ii) other officers that the municipality designates in its ordinance;

(c) all approvals described in Subsection (1)(b) are entered in writing on the plat by the designated officers; and

(d) if the person submitting the plat intends the plat to be or if the plat is part of a community association subject to Title 57, Chapter 8a, Community Association Act, the plat includes language conveying to the association, as that term is defined in Section 57-8a-102, all common areas, as that term is defined in Section 57-8a-102.

(2) A subdivision plat recorded without the signatures required under this section is void.

(3) A transfer of land pursuant to a void plat is voidable by the land use authority.

Section 78. Section **10-20-805**, which is renumbered from Section 10-9a-604.1 is renumbered and amended to read:

[~~10-9a-604.1~~] 10-20-805 (Effective 11/06/25). Process for subdivision review and

approval.

(1)(a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission.

(b) "Administrative land use authority" does not include a municipal legislative body or a member of a municipal legislative body.

(2)(a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.

(b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.

(3) A municipal ordinance governing the subdivision of land shall:

(a) comply with this section, and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and

(b)(i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or

(ii) if the municipality has adopted an ordinance that establishes a separate procedure for the review and approval of subdivisions under Section [~~10-9a-605~~] 10-20-808, the municipality may designate a different and separate administrative land use authority for the approval of subdivisions under Section [~~10-9a-605~~] 10-20-808.

(4)(a) If an applicant requests a pre-application meeting, the municipality shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.

(b) At the pre-application meeting, the municipal staff shall provide or have available on the municipal website the following:

(i) copies of applicable land use regulations;

(ii) a complete list of standards required for the project;

(iii) preliminary and final application checklists; and

(iv) feedback on the concept plan.

(5) A preliminary subdivision application shall comply with all applicable municipal ordinances and requirements of this section.

(6) An administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a municipal staff level.

(7) With respect to a preliminary application to subdivide land, an administrative land use

authority may:

(a) receive public comment; and

(b) hold no more than one public hearing.

(8) If a preliminary subdivision application complies with the applicable municipal ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application.

(9) A municipality shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and municipal ordinances, which:

(a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and

(b) may not require planning commission or city council approval.

(10) If a final subdivision application complies with the requirements of this section, the applicable municipal ordinances, and the preliminary subdivision approval granted under Subsection (9)(a), a municipality shall approve the final subdivision application.

Section 79. Section **10-20-806**, which is renumbered from Section 10-9a-604.2 is renumbered and amended to read:

[~~10-9a-604.2~~] 10-20-806 (Effective 11/06/25). 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 a subdivision improvement plan to be submitted with a preliminary subdivision application; or

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

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

(5)(a) A municipality 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 municipality has a population over 5,000; or

(ii) no later than 30 business days after the complete subdivision application is submitted, if the municipality has a population of 5,000 or less.

(b) A municipality shall maintain and publish a list of the items comprising the complete subdivision application, including:

(i) the application;

(ii) the owner's affidavit;

(iii) an electronic copy of all plans in PDF format;

(iv) the preliminary subdivision plat drawings; and

(v) a breakdown of fees due upon approval of the application.

(6) A municipality shall publish a list of the items that comprise a complete subdivision land use application.

(7) A municipality shall complete a subdivision plan review of a subdivision improvement plan that is submitted with a complete subdivision application for a residential

subdivision for single-family dwellings, two-family dwellings, or town homes:

(a) within 20 business days after the complete subdivision application is submitted, if the municipality has a population over 5,000; or

(b) within 40 business days after the complete subdivision application is submitted, if the municipality has a population of 5,000 or less.

(8)(a) In reviewing a subdivision application, a municipality may require:

(i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and

(ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

(b) A municipality's request for additional information or modifications to plans under Subsection (8)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans, and shall be logged in an index of requested modifications or additions.

(c) A municipality may not require more than four review cycles for a subdivision improvement plan review.

(d)(i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's subdivision improvement plan review is waived.

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

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

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

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

(B) 40 business days after the municipality requires a modification or correction,

if the municipality 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 municipality 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 municipality's previous review cycle, the municipality 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 municipality'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 municipality fails to respond within 20 business days, the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection [~~10-9a-508(5)(d)~~] 10-20-911(5)(d) to review and approve or deny the final revised set of plans; or

(ii) 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 80. Section **10-20-807**, which is renumbered from Section 10-9a-604.5 is renumbered and amended to read:

[~~10-9a-604.5~~] 10-20-807 (Effective 11/06/25). Subdivision plat recording or development activity before required landscaping or 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 municipality 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 municipality; 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 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) if a municipality accepts cash deposits as a form of completion assurance and the applicant elects to post a 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 [~~10-9a-802~~] 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 assurance for:

(i) public landscaping improvements or an infrastructure improvement that the municipality has previously inspected and accepted;

(ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation;

(iii) in a municipality where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the municipality requires to be private;

(iv) landscaping improvements that are not public landscaping improvements, unless the landscaping improvements and completion assurance are required under the terms of a development agreement;

(v) a private landscaping plan;

(vi) landscaping improvements or infrastructure improvements that an applicant elects to install at the applicant's own risk:

(A) before the plat is recorded;

(B) [~~pursuant to~~] in accordance with inspections required by the municipality for the infrastructure improvement; and

(C) [~~pursuant to~~] in accordance with final civil engineering plan approval by the municipality; or

(vii) any individual public landscaping improvement or individual infrastructure improvement when the individual public landscaping improvement or individual infrastructure improvement is also included as part of a separate improvement

completion assurance.

(e)(i) A municipality may not:

(A) prohibit an applicant from installing a public landscaping improvement or an infrastructure improvement when the municipality has approved final civil engineering plans for the development activity or plat for which the public landscaping improvement or infrastructure improvement is required; or

(B) require an applicant to sign an agreement, release, or other document inconsistent with this chapter as a condition of posting an improvement completion assurance, security for an improvement warranty, or receiving a building permit.

(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 [~~10-9a-509.5~~] 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 [~~10-9a-509.5~~] 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.

Section 81. Section **10-20-808**, which is renumbered from Section 10-9a-605 is renumbered

and amended to read:

[~~10-9a-605~~] 10-20-808 (Effective 11/06/25). Exemptions from plat requirement.

(1) Notwithstanding any other provision of law, a plat is not required if:

(a) a municipality establishes a process to approve an administrative land use decision for a subdivision of 10 or fewer parcels without a plat; and

(b) the municipality provides in writing that:

(i) the municipality has provided a certificate or written approval as required by ordinance; and

(ii) the proposed subdivision:

(A) is not traversed by the mapped lines of a proposed street as shown in the general plan unless the municipality has approved the location and dedication of any public street, municipal utility easement, any other easement, or any other land for public purposes as the municipality's ordinance requires;

(B) has been approved by the culinary water authority and the sanitary sewer authority;

(C) is located in a zoned area; and

(D) conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

(2)(a) Subject to Subsection (1), a parcel resulting from a division of agricultural land is exempt from the plat requirements of Section [~~10-9a-603~~] 10-20-803 if the parcel:

(i) qualifies as land in agricultural use under Section 59-2-502;

(ii) meets the minimum size requirement of applicable land use ordinances; and

(iii) is not used and will not be used for any nonagricultural purpose.

(b) If a parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the municipality may require the parcel to comply with the requirements of Section [~~10-9a-603~~] 10-20-803.

(3)(a) Documents recorded in the county recorder's office that divide property by a metes and bounds description do not create an approved subdivision allowed by this part unless the land use authority's certificate of written approval required by Subsection (1) is attached to the document.

(b) The absence of the certificate or written approval required by Subsection (1) does not:

(i) prohibit the county recorder from recording a document; or

(ii) affect the validity of a recorded document.

(c) A document which does not meet the requirements of Subsection (1) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached and that complies with Section 57-3-106.

(4)(a) The boundaries of any subdivision exempted from the plat requirement under this section shall be graphically illustrated on a record of survey map that includes:

(i) a legal description of the parcel to be divided;

(ii) a legal description of each parcel created by the subdivision; and

(iii) a citation to the specific provision of this section for which an exemption to the plat requirement is authorized.

(b) The record of survey map described in Subsection (4)(a) shall be filed with the county surveyor in accordance with Section [~~17-23-17~~] 17-73-504.

Section 82. Section **10-20-809**, which is renumbered from Section 10-9a-606 is renumbered and amended to read:

[~~10-9a-606~~] 10-20-809 (Effective 11/06/25). Common area parcels on a plat -- No separate ownership -- Ownership interest equally divided among other parcels on plat and included in description of other parcels.

(1) As used in this section:

(a) "Association" means the same as that term is defined in:

(i) regarding a common area, Section 57-8a-102; and

(ii) regarding a common area and facility, Section 57-8-3.

(b) "Common area" means the same as that term is defined in Section 57-8a-102.

(c) "Common area and facility" means the same as that term is defined in Section 57-8-3.

(d) "Declarant" means the same as that term is defined in:

(i) regarding a common area, Section 57-8a-102; and

(ii) regarding a common area and facility, Section 57-8-3.

(e) "Declaration," regarding a common area and facility, means the same as that term is defined in Section 57-8-3.

(f) "Period of administrative control" means the same as that term is defined in:

(i) regarding a common area, Section 57-8a-102; and

(ii) regarding a common area and facility, Section 57-8-3.

(2) A person may not separately own, convey, or modify a parcel designated as a common area or common area and facility, on a plat recorded in compliance with this part, independent of the other lots, units, or parcels created by the plat unless:

(a) an association holds in trust the parcel designated as a common area for the owners of the other lots, units, or parcels created by the plat; or

(b) the conveyance or modification is approved under Subsection (5).

(3) If a conveyance or modification of a common area or common area and facility is approved in accordance with Subsection (5), the person who presents the instrument of conveyance to a county recorder shall:

(a) attach a notice of the approval described in Subsection (5) as an exhibit to the document of conveyance; or

(b) record a notice of the approval described in Subsection (5) concurrently with the conveyance as a separate document.

(4) When a plat contains a common area or common area and facility:

(a) for purposes of assessment, each parcel that the plat creates has an equal ownership interest in the common area or common area and facility within the plat, unless the plat or an accompanying recorded document indicates a different division of interest for assessment purposes; and

(b) each instrument describing a parcel on the plat by the parcel's identifying plat number implicitly includes the ownership interest in the common area or common area and facility, even if that ownership interest is not explicitly stated in the instrument.

(5) Notwithstanding Subsection (2), a person may modify the size or location of or separately convey a common area or common area and facility if the following approve the conveyance or modification:

(a) the local government;

(b)(i) for a common area that an association owns, 67% of the voting interests in the association; or

(ii) for a common area that an association does not own, or for a common area and facility, 67% of the owners of lots, units, and parcels designated on a plat that is subject to a declaration and on which the common area or common area and facility is included; and

(c) during the period of administrative control, the declarant.

Section 83. Section **10-20-810**, which is renumbered from Section 10-9a-607 is renumbered and amended to read:

[~~10-9a-607~~] 10-20-810 (Effective 11/06/25). Dedication by plat of public streets and other public places.

(1) A plat that is signed, dedicated, and acknowledged by each owner of record, and approved according to the procedures specified in this part, operates, when recorded, as a dedication of all public streets and other public places, and vests the fee of those parcels of land in the municipality for the public for the uses named or intended in the plat.

(2) The dedication established by this section does not impose liability upon the municipality for public streets and other public places that are dedicated in this manner but are unimproved unless:

(a) adequate financial assurance has been provided in accordance with this chapter; and

(b) the municipality has accepted the dedication.

Section 84. Section **10-20-811**, which is renumbered from Section 10-9a-608 is renumbered and amended to read:

[~~10-9a-608~~] 10-20-811 (Effective 11/06/25). Subdivision amendments.

(1)(a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a petition with the land use authority to request a subdivision amendment.

(b) Upon filing a petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section [~~10-9a-603~~] 10-20-803 that:

(i) depicts only the portion of the subdivision that is proposed to be amended;

(ii) includes a plat name distinguishing the amended plat from the original plat;

(iii) describes the differences between the amended plat and the original plat; and

(iv) includes references to the original plat.

(c)(i) The land use authority shall provide notice of a petition filed under Subsection (1)(a) by mail or email to:

(A) each affected entity that provides a service to a property owner of record of the portion of the plat that is being vacated or amended; and

(B) each property owner of record within the portion of the subdivision that is proposed to be amended.

(ii) The notice described in Subsection (1)(c)(i)(B) shall include a deadline by which written objections to the petition are due to the land use authority, but no earlier than 10 calendar days after the day on which the land use authority sends the notice.

(d) The land use authority shall hold a public hearing within 45 days after the day on

which a petition is filed under Subsection (1)(a) if:

(i) any property owner within the subdivision that is proposed to be amended notifies the municipality of the owner's objection in writing before the deadline for objections as described in Subsection (1)(c)(ii); or

(ii) a municipal ordinance requires a public hearing if all of the property owners within the portion of the subdivision proposed to be amended have not signed the proposed amended plat.

(e) A land use authority may approve a petition for subdivision amendment no earlier than:

(i) the day after the day on which written objections were due to the land use authority, as described in Subsection (1)(c)(ii); or

(ii) if a public hearing is required as described in Subsection (1)(d), the day the public hearing takes place.

(f) A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.

(2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:

(a) the petition seeks to:

(i) join two or more of the petitioner fee owner's contiguous lots;

(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;

(iii) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or

(iv) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:

(A) owned by the petitioner; or

(B) designated as a common area; and

(b) notice has been given to adjoining property owners in accordance with any applicable local ordinance.

(3) A petition under Subsection (1)(a) that contains a request to amend a public street or municipal utility easement is also subject to Section [~~10-9a-609.5~~] 10-20-813.

(4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a portion of a plat shall include:

(a) the name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and

(b) the signature of each owner described in Subsection (4)(a) who consents to the petition.

(5) A surveyor preparing an amended plat under this section shall certify that the surveyor:

(a) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(b)(i) has completed a survey of the property described on the plat in accordance with Section [~~17-23-17~~] 17-73-504 and has verified all measurements;

(ii) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; or

(iii) has referenced the original plat that created the lot boundaries being amended; and

(c) has placed monuments as represented on the plat.

Section 85. Section **10-20-812**, which is renumbered from Section 10-9a-609 is renumbered and amended to read:

[~~10-9a-609~~] 10-20-812 (Effective 11/06/25). Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

(1) The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:

(a) there is good cause for the vacation or amendment; and

(b) no public street or municipal utility easement has been vacated or amended.

(2)(a) The land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the county recorder in which the land is located.

(b) If the amended plat is approved and recorded in accordance with this section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.

(3)(a) A legislative body may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated.

(b) The recorded vacating ordinance shall replace a previously recorded plat described in

the vacating ordinance.

(4) An amended plat may not be submitted to the county recorder for recording unless it is:

(a) signed by the land use authority; and

(b) signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.

(5) A management committee may sign and dedicate an amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act.

(6) A plat may be corrected as provided in Section 57-3-106.

Section 86. Section **10-20-813**, which is renumbered from Section 10-9a-609.5 is renumbered and amended to read:

[~~10-9a-609.5~~] 10-20-813 (Effective 11/06/25). Petition to vacate a public street.

(1) In lieu of vacating some or all of a public street through a plat or amended plat in accordance with Sections [~~10-9a-603~~] 10-20-803 through [~~10-9a-609~~] 10-20-812, a legislative body may approve a petition to vacate a public street in accordance with this section.

(2) A petition to vacate some or all of a public street or municipal utility easement shall include:

(a) the name and address of each owner of record of land that is:

(i) adjacent to the public street or municipal utility easement between the two nearest public street intersections; or

(ii) accessed exclusively by or within 300 feet of the public street or municipal utility easement;

(b) proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or municipal utility easement sought to be vacated; and

(c) the signature of each owner under Subsection (2)(a) who consents to the vacation.

(3) If a petition is submitted containing a request to vacate some or all of a public street or municipal utility easement, the legislative body shall hold a public hearing in accordance with Section [~~10-9a-208~~] 10-20-208 and determine whether:

(a) good cause exists for the vacation; and

(b) the public interest or any person will be materially injured by the proposed vacation.

(4) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street or municipal utility easement if the legislative body finds that:

(a) good cause exists for the vacation; and

(b) neither the public interest nor any person will be materially injured by the vacation.

(5) If the legislative body adopts an ordinance vacating some or all of a public street or municipal utility easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:

(a) a plat reflecting the vacation; or

(b)(i) an ordinance described in Subsection (4); and

(ii) a legal description of the public street to be vacated.

(6) The action of the legislative body vacating some or all of a public street or municipal utility easement that has been dedicated to public use:

(a) operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated public street or municipal utility easement; and

(b) may not be construed to impair:

(i) any right-of-way or easement of any parcel or lot owner;

(ii) the rights of any public utility; or

(iii) the rights of a culinary water authority or sanitary sewer authority.

(7)(a) A municipality may submit a petition, in accordance with Subsection (2), and initiate and complete a process to vacate some or all of a public street.

(b) If a municipality submits a petition and initiates a process under Subsection (7)(a):

(i) the legislative body shall hold a public hearing;

(ii) the petition and process may not apply to or affect a public utility easement, except to the extent:

(A) the easement is not a protected utility easement as defined in Section 54-3-27;

(B) the easement is included within the public street; and

(C) the notice to vacate the public street also contains a notice to vacate the easement; and

(iii) a recorded ordinance to vacate a public street has the same legal effect as vacating a public street through a recorded plat or amended plat.

(8) A legislative body may not approve a petition to vacate a public street under this section unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.

Section 87. Section **10-20-814**, which is renumbered from Section 10-9a-610 is renumbered

and amended to read:

[~~10-9a-610~~] 10-20-814 (Effective 11/06/25). Restrictions for solar and other energy devices.

The land use authority may refuse to approve or renew any plat, subdivision plan, or dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision.

Section 88. Section **10-20-815**, which is renumbered from Section 10-9a-611 is renumbered and amended to read:

[~~10-9a-611~~] 10-20-815 (Effective 11/06/25). Prohibited acts regarding subdivisions.

(1)(a)(i) If a subdivision requires a plat, an owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this part for each lot or parcel transferred or sold.

(ii) A violation of Subsection (1)(a)(i) is an infraction.

(b) The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.

(c) Notwithstanding any other provision of this Subsection (1), the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:

(i) does not affect the validity of the instrument or other document; and

(ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable municipal ordinances on land use and development.

(2)(a) A municipality may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted under the authority of this part.

(b) An action under this Subsection (2) may include an injunction or any other appropriate action or proceeding to prevent or enjoin the violation.

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

Section 89. Section **10-20-816**, which is renumbered from Section 10-9a-904 is renumbered and amended to read:

[~~10-9a-904~~] 10-20-816 (Effective 11/06/25). Notice of subdivision located near vested critical infrastructure materials operation.

For any new subdivision development located in whole or in part within 1,000 feet of the boundary of a vested critical infrastructure materials operations created under Part 7, Vested Critical Infrastructure Materials Operations, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Vested Critical Infrastructure Materials Operations

This property is located in the vicinity of an established vested critical infrastructure materials operations in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from such normal critical infrastructure materials operations."

Section 90. Section **10-20-901**, which is renumbered from Section 10-9a-306 is renumbered and amended to read:

Part 9. Administration of Land Use, Development, and Management Provisions

[~~10-9a-306~~] 10-20-901 (Effective 11/06/25). Land use authority requirements -- Nature of land use decision.

(1) A land use authority shall apply the plain language of land use regulations.

(2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.

(3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

Section 91. Section **10-20-902**, which is renumbered from Section 10-9a-509 is renumbered and amended to read:

[~~10-9a-509~~] 10-20-902 (Effective 11/06/25). 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 decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:

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

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

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

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

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

(B) during the 12 months [~~prior to~~] before the municipality processing the application, or multiple applications of the same type, are impaired or prohibited under the terms of a temporary land use regulation adopted under Section [~~10-9a-504~~] 10-20-504.

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

(d) A subsequent incorporation of a municipality or a petition that proposes the incorporation of a municipality does not affect a land use application approved by a county in accordance with Section [~~17-27a-508~~] 17-79-803.

(e) Unless a phasing sequence is required in an executed development agreement, a municipality shall, without regard to any other separate and distinct land use

application, accept and process a complete land use application.

(f) 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.

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

(i) this chapter;

(ii) a municipal ordinance in effect on the date that the applicant submits a complete application, subject to Subsection [~~10-9a-509(1)(a)(ii)~~] 10-20-902(1)(a)(ii); or

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

(h) A municipality 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 municipal ordinance; or

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

(i) Except as provided in Subsection (1)(j) or (k), a municipality may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

(i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or

(ii) in this chapter or the municipality's ordinances.

(j) A municipality may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:

(i) the applicant and the municipality have agreed in a written document to the withholding of a certificate of occupancy; or

(ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable local ordinance.

(k) A municipality may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides adequate proof to the 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 [~~10-9a-604.5~~] 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 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) Upon a specified public agency's submission of a development plan and schedule as required in Subsection [~~10-9a-305(8)~~] 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)(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) 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)(a) After issuance of a building permit, a municipality may not:

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

(A) requested by the building permit holder; or

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

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

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

Section 92. Section **10-20-903**, which is renumbered from Section 10-9a-527 is renumbered and amended to read:

[~~10-9a-527~~] 10-20-903 (Effective 11/06/25). Historic preservation authority.

(1)(a) A legislative body may designate a historic preservation authority.

(b) A legislative body may not designate the legislative body or the municipality's governing body as a historic preservation authority.

(2) In making administrative decisions on land use applications, a historic preservation authority shall apply the plain language of the land use regulations to a land use application.

(3) If a land use regulation does not plainly restrict a land use application, the historic preservation authority shall interpret and apply the land use regulation to favor the land use application.

Section 93. Section **10-20-904**, which is renumbered from Section 10-9a-510 is renumbered and amended to read:

[~~10-9a-510~~] 10-20-904 (Effective 11/06/25). Limit on fees -- Requirement to itemize fees -- Appeal of fee -- Provider of culinary or secondary water.

(1) A municipality may impose or collect a fee for reviewing or approving the plans for a commercial or residential building, not to exceed the lesser of:

(a) the actual cost of performing the plan review; and

(b) 65% of the amount the municipality charges for a building permit fee for that building.

(2)(a) Subject to Subsection (2)(b), a municipality may impose and collect a fee for reviewing and approving identical plans, as described in Section [~~10-9a-541~~]

10-20-908, not to exceed the lesser of:

(i) the actual cost of performing the plan review; or

(ii) 30% of the fee that would be imposed and collected under Subsection (1).

(b) A municipality may impose and collect a fee for reviewing an original plan, as defined in Section [~~10-9a-541~~] 10-20-908, that an applicant submits with the intent that the original plan be used as the basis for a future identical plan submission, the same as any other plan review fee under Subsection (1).

(3) A municipality may not impose or collect a hookup fee that exceeds the reasonable cost of installing and inspecting the pipe, line, meter, and appurtenance to connect to the municipal water, sewer, storm water, power, or other utility system.

(4) A municipality may not impose or collect:

(a) a land use application fee that exceeds the reasonable cost of processing the application or issuing the permit;

(b) an inspection, regulation, or review fee that exceeds the reasonable cost of performing the inspection, regulation, or review; or

(c) an inspection fee on a qualified water conservancy district, as defined in Section 17B-2a-1010, that hires a qualified inspector to conduct inspections on new infrastructure.

(5)(a) If requested by an applicant who is charged a fee or an owner of residential property upon which a fee is imposed, the municipality shall provide an itemized fee statement that shows the calculation method for each fee.

(b) If an applicant who is charged a fee or an owner of residential property upon which a fee is imposed submits a request for an itemized fee statement no later than 30 days after the day on which the applicant or owner pays the fee, the municipality shall no later than 10 days after the day on which the request is received provide or commit to provide within a specific time:

(i) for each fee, any studies, reports, or methods relied upon by the municipality to create the calculation method described in Subsection (5)(a);

(ii) an accounting of each fee paid;

(iii) how each fee will be distributed; and

(iv) information on filing a fee appeal through the process described in Subsection (5)(c).

(c) A municipality shall establish a fee appeal process subject to an appeal authority described in [~~Part 7, Appeal Authority and Variances~~] Part 11, Appeal Authority,

Variances, and District Court Review, and district court review in accordance with [~~Part 8, District Court Review~~] Part 11, Appeal Authority, Variances, and District Court Review, to determine whether a fee reflects only the reasonable estimated cost of:

(i) regulation;

(ii) processing an application;

(iii) issuing a permit; or

(iv) delivering the service for which the applicant or owner paid the fee.

(6) A municipality may not impose on or collect from a public agency any fee associated with the public agency's development of its land other than:

(a) subject to Subsection (4), a fee for a development service that the public agency does not itself provide;

(b) subject to Subsection (3), a hookup fee; and

(c) an impact fee for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d), (e), or (g), subject to any applicable credit under Subsection 11-36a-402(2).

[~~(7) A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the following as if it were a municipality:~~]

[~~(a) Subsections (5) and (6);~~]

[~~(b) Section 10-9a-508; and~~]

[~~(c) Section 10-9a-509.5.~~]

Section 94. Section **10-20-905**, which is renumbered from Section 10-9a-509.5 is renumbered and amended to read:

[~~10-9a-509.5~~] 10-20-905 (Effective 11/06/25). Review for application completeness -- Substantive application review -- Reasonable diligence required for determination of whether improvements or warranty work meets standards -- Money damages claim prohibited.

(1)(a) Each municipality shall, in a timely manner, determine whether a land use application is complete for the purposes of subsequent, substantive land use authority review.

(b) After a reasonable period of time to allow the municipality diligently to evaluate whether all objective ordinance-based application criteria have been met, if application fees have been paid, the applicant may in writing request that the municipality provide a written determination either that the application is:

(i) complete for the purposes of allowing subsequent, substantive land use authority review; or

(ii) deficient with respect to a specific, objective, ordinance-based application requirement.

(c) Within 30 days of receipt of an applicant's request under this section, the municipality shall either:

(i) mail a written notice to the applicant advising that the application is deficient with respect to a specified, objective, ordinance-based criterion, and stating that the application shall be supplemented by specific additional information identified in the notice; or

(ii) accept the application as complete for the purposes of further substantive processing by the land use authority.

(d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application shall be considered complete, for purposes of further substantive land use authority review.

(e)(i) The applicant may raise and resolve in a single appeal any determination made under this Subsection (1) to the appeal authority, including an allegation that a reasonable period of time has elapsed under Subsection (1)(b).

(ii) The appeal authority shall issue a written decision for any appeal requested under this Subsection (1)(e).

(f)(i) The applicant may appeal to district court the decision of the appeal authority made under Subsection (1)(e).

(ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of the written decision.

(2)(a) Each land use authority shall substantively review a complete application and an application considered complete under Subsection (1)(d), and shall approve or deny each application with reasonable diligence.

(b) After a reasonable period of time to allow the land use authority to consider an application, the applicant may in writing request that the land use authority take final action within 45 days from date of service of the written request.

(c) Within 45 days from the date of service of the written request described in Subsection (2)(b):

(i) except as provided in Subsection (2)(c)(ii), the land use authority shall take final action, approving or denying the application; and

(ii) if a landowner petitions for a land use regulation, a legislative body shall take final action by approving or denying the petition.

(d) If the land use authority denies an application processed under the mandates of Subsection (2)(b), or if the applicant has requested a written decision in the application, the land use authority shall include its reasons for denial in writing, on the record, which may include the official minutes of the meeting in which the decision was rendered.

(e) If the land use authority fails to comply with Subsection (2)(c), the applicant may appeal this failure to district court within 30 days of the date on which the land use authority is required to take final action under Subsection (2)(c).

(3)(a) As used in this Subsection (3), an "infrastructure improvement category" includes:

(i) a culinary water system;

(ii) a sanitary sewer system;

(iii) a storm water system;

(iv) a transportation system;

(v) a secondary and irrigation water system;

(vi) public landscaping; or

(vii) public parks, trails, or open space.

(b) With reasonable diligence, each land use authority shall determine whether the installation of required subdivision improvements or the performance of warranty work meets the municipality's adopted standards.

(c)(i) An applicant may in writing request the land use authority to accept or reject the applicant's installation of required subdivision improvements or performance of warranty work.

(ii) The land use authority shall accept or reject subdivision improvements within 15 days after receiving an applicant's written request under Subsection (3)(c)(i), or as soon as practicable after that 15-day period if inspection of the subdivision improvements is impeded by winter weather conditions.

(iii) Except as provided in Subsection (3)(c)(iv), (3)(d), or (3)(e), the land use authority shall accept or reject the performance of warranty work within:

(A) for a city of a first, second, third, or fourth class, 15 days after the day on which the land use authority receives an applicant's written request under Subsection (3)(c)(i); and

(B) for a city of the fifth class or a town, 30 days after the day on which the land

use authority receives an applicant's written request under Subsection (3)(c)(i).

(iv) If winter weather conditions do not reasonably permit a full and complete inspection of warranty work within the relevant time period described in Subsection (3)(c)(iii) so the land use authority is able to accept or reject the warranty work, the land use authority shall:

(A) notify the applicant in writing before the end of the applicable time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of winter weather conditions, the land use authority will require additional time to accept or reject the performance of warranty work; and

(B) complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection as soon as practicable.

(d) If a land use authority rejects an applicant's performance of warranty work three times, the municipality may take 15 days in addition to the relevant time period described in Subsection (3)(c)(iii) for subsequent inspections of the applicant's warranty work.

(e)(i) If extraordinary circumstances do not permit a land use authority to complete inspection of warranty work within the relevant time period described in Subsection (3)(c)(iii) so the land use authority is able to accept or reject the warranty work, the land use authority shall:

(A) notify the applicant in writing before the end of the applicable time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of the extraordinary circumstances, the land use authority requires additional time to accept or reject the performance of warranty work; and

(B) complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection within 30 days after the day on which the relevant time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) ends.

(ii) The following situations constitute extraordinary circumstances for purposes of Subsection (3)(e)(i):

(A) the land use authority is processing a request for inspection that substantially exceeds the normal scope of inspection the municipality is customarily required to perform;

(B) the applicant has provided two or more written requests described in Subsection (3)(c)(i) within the same 30-day time period; or

(C) the land use authority is processing an unusually large number of written requests described in Subsection (3)(c)(i) to accept or reject subdivision improvements or performance of warranty work.

(f)(i) If a land use authority determines that the installation of required subdivision improvements or the performance of warranty work does not meet the municipality's adopted standards, the land use authority shall, within 15 days of the day on which the land use authority makes the determination, comprehensively and with specificity list the reasons for the land use authority's determination.

(ii) If the land use authority fails to provide an applicant with the list described in Subsection (3)(f)(i) within the required time period:

(A) the applicant may send written notice to the land use authority requesting the list within five days; and

(B) if the applicant does not receive the list within five days from the day on which the applicant provides the land use authority with written notice as described in Subsection (3)(f)(ii)(A), the applicant may demand, and the land use authority shall provide, a reimbursement equal to 20% of the applicant's improvement completion assurance or security for the warranty work within each infrastructure improvement category.

(g) Subject to the provisions of Section [~~10-9a-604.5~~] 10-20-807:

(i) within 15 days of the day on which the land use authority determines that an infrastructure improvement within a certain infrastructure improvement category, as described in Subsection (3)(a), meets the municipality's adopted standards for that category of infrastructure improvement and an applicant submits complete as-built drawings to the land use authority, whichever occurs later, the land use authority shall return to the applicant 90% of the applicant's improvement completion assurance allocated toward that infrastructure improvement category; and

(ii) within 15 days of the day on which the warranty period expires and the land use authority determines that an infrastructure improvement within a certain infrastructure improvement category, as described in Subsection (3)(a), meets the municipality's adopted standards for that category of infrastructure improvement, the land use authority shall return to the applicant the remaining 10% of the applicant's improvement completion assurance allocated toward that infrastructure

improvement category, plus any remaining portion of a bond described in Subsection [~~10-9a-604.5(5)(b)~~] 10-20-807(5)(b).

(h) The following acts under this Subsection (3) are administrative acts:

(i) a municipality's return of an applicant's improvement completion assurance, or any portion of an improvement completion assurance, within a category of infrastructure improvements, to the applicant; and

(ii) a municipality's return of an applicant's security for an improvement warranty, or any portion of security for an improvement warranty, within a category of infrastructure improvements, to the applicant.

(4) Subject to Section [~~10-9a-509~~] 10-20-902, nothing in this section and no action or inaction of the land use authority relieves an applicant's duty to comply with all applicable substantive ordinances and regulations.

(5) There shall be no money damages remedy arising from a claim under this section.

Section 95. Section **10-20-906**, which is renumbered from Section 10-9a-523 is renumbered and amended to read:

[~~10-9a-523~~] 10-20-906 (Effective 11/06/25). Simple boundary adjustment -- Full boundary adjustment -- Process -- Review by land use authority.

(1) A person may propose a simple boundary adjustment to a land use authority as described in this section.

(2) A proposal for a simple boundary adjustment shall:

(a) include a conveyance document that complies with Section 57-1-45.5; and

(b) describe all lots or parcels affected by the proposed boundary adjustment.

(3) A land use authority shall consent to a proposed simple boundary adjustment if the land use authority verifies that the proposed simple boundary adjustment:

(a) meets the requirements of Subsection (2); and

(b) does not:

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

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

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

(4) If the land use authority determines that a proposed simple boundary adjustment does not meet the requirements of Subsection (3), a full boundary adjustment is required.

(5) To propose a full boundary adjustment, the adjoining property owners shall submit a proposal to the land use authority that includes:

(a) a conveyance document that complies with Section 57-1-45.5;

(b) a survey that complies with Subsection 57-1-45.5(3)(b); and

(c) if required by municipal ordinance, a proposed plat amendment corresponding with the proposed full boundary adjustment, prepared in accordance with Section [~~10-9a-608~~] 10-20-811.

(6) A land use authority shall consent to a proposed full boundary adjustment made under Subsection (5) if:

(a) the proposal submitted to the land use authority under Subsection (5) includes all necessary information;

(b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land use regulation; and

(c) if required by municipal ordinance, the plat amendment corresponding with the proposed full boundary adjustment has been approved in accordance with Section [~~10-9a-608~~] 10-20-811.

(7)(a) Consent under Subsection (3) or (6) is an administrative act.

(b) Notice of consent under Subsection (3) or (6) shall be provided to the person proposing the boundary adjustment in a format that makes clear:

(i) the land use authority is not responsible for any error related to the boundary adjustment; and

(ii) a county recorder may record the boundary adjustment.

(8) A boundary adjustment is effective from the day on which the boundary adjustment, as consented to by the land use authority, is recorded by a county recorder along with the relevant conveyance document.

(9) The recording of a boundary adjustment does not constitute a land use approval.

(10) A municipality may enforce municipal ordinances against, or withhold approval of a land use application for, property that is subject to a boundary adjustment if the municipality determines that the resulting lots or parcels are not in compliance with the municipality's land use regulations in effect on the day on which the boundary adjustment is recorded.

Section 96. Section **10-20-907**, which is renumbered from Section 10-9a-524 is renumbered and amended to read:

[~~10-9a-524~~] 10-20-907 (Effective 11/06/25). Boundary establishment -- Process -- Boundary agreement not subject to review by land use authority -- Prohibitions.

(1) The owners of adjoining property may initiate a boundary establishment to:

(a) resolve an ambiguous, uncertain, or disputed boundary between the adjoining properties; and

(b) agree upon the location of an existing common boundary between the adjoining properties.

(2) Adjoining property owners executing a boundary establishment described in Subsection (1) shall:

(a) prepare an establishment document that complies with Section 57-1-45; and

(b) record the boundary establishment with the county recorder for the county in which the property exists, in accordance with Section 57-1-45.

(3) A boundary establishment:

(a) is not subject to review of a land use authority; and

(b) does not require consent or approval from a land use authority before it may be recorded.

(4) A boundary establishment is effective from the day it is recorded by a county recorder.

(5) A municipality may enforce municipal ordinances against property with a boundary establishment that violates a land use regulation.

(6) A boundary establishment that complies with this section presumptively:

(a) has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed; and

(b) conveys the ownership of the adjoining parties to the established common boundary.

Section 97. Section **10-20-908**, which is renumbered from Section 10-9a-541 is renumbered and amended to read:

[~~10-9a-541~~] 10-20-908 (Effective 11/06/25). Identical plan review -- Process -- Indexing of plans -- Prohibitions.

(1) As used in this section:

(a) "Business day" means Monday, Tuesday, Wednesday, Thursday, or Friday, unless the day falls on a federal, state, or municipal holiday.

(b) "Nonidentical plan" means a plan that does not meet the definition of an identical plan in Section [~~10-9a-103~~] 10-20-102.

(c) "Original plan" means a floor plan that an applicant intends to:

(i) replicate in the future; and

(ii) use as the basis for the submission of an identical plan.

(2) An applicant may submit, and a municipality shall review, an identical plan as described in this section.

(3) At the time of submitting an identical plan for review to a municipality, an applicant shall:

(a) mark the floor plan as "identical plans";

(b) identify in writing:

(i) the building permit number the municipality issued for the original plan:

(A) that was previously approved by the municipality; and

(B) to which the submitted floor plan qualifies as an identical plan; or

(ii) the identifying index number assigned by the municipality to the original plan, as described in Subsection (5)(b); and

(c) identify the site on which the applicant intends to implement the identical plan.

(4) Beginning May 7, 2025, an applicant that intends to submit an identical plan for review to a municipality shall:

(a) indicate, at the time of submitting an original plan to the municipality for review and approval, that the applicant intends to use the original plan as the basis for submitting a future identical plan if the original plan is approved by the municipality; and

(b) identify:

(i) the name or other identifier of the original plan; and

(ii) the zone the building will be located in, if the municipality approves the original plan.

(5) Upon approving an original plan and receiving the information described in Subsection (4), a municipality shall:

(a) file and index the original plan for future reference against an identical plan later submitted under Subsection (2); and

(b) provide the applicant with an identifying index number for the original plan.

(6) A municipality that receives a submission under Subsection (2) shall review and compare the submitted identical plan to the original plan to ensure:

(a) the identical plan and original plan are substantially identical; and

(b) no structural changes have been made from the original plan.

(7) Nothing in this section prohibits a municipality from conducting a site review and requiring geological analysis of the proposed site identified by the applicant under Subsection (3)(c).

(8) A municipality shall:

(a) review a submitted identical plan for compliance with this section; and

(b) approve or reject the identical plan within five business days after the day on which

the identical plan was submitted under Subsection (2).

(9) An applicant that submits a nonidentical plan to a municipality as an identical plan, with knowledge that the nonidentical plan does not qualify as an identical plan and with intent to deceive the municipality:

(a) may be fined by the municipality receiving the submission of the nonidentical plan:

(i) in an amount not to exceed three times the building permit fee, if the municipality approved the nonidentical plan as an identical plan before discovering the submission did not qualify as an identical plan; or

(ii) in an amount equal to the building permit fee that would have been issued for the nonidentical plan, if the municipality did not approve the nonidentical plan before discovering the submission did not qualify as an identical plan; and

(b) is prohibited from submitting an identical plan for review and approval under this section for a period of two years from the day on which the municipality discovers the nonidentical plan identified as an identical plan in the applicant's submission did not qualify as an identical plan.

(10) A municipality may impose a criminal penalty, as described in Section 10-3-703, for an applicant that knowingly violates the prohibition described in Subsection (9)(b).

Section 98. Section **10-20-909**, which is renumbered from Section 10-9a-542 is renumbered and amended to read:

[~~10-9a-542~~] 10-20-909 (Effective 11/06/25). Fees collected for construction approval -- Approval of plans.

(1) As used in this section:

(a) "Automated review" means a computerized process used to conduct a plan review, including through the use of software and algorithms to assess compliance with an applicable building code, regulation, or ordinance to ensure that a plan meets all of a municipality's required criteria for approval.

(b) "Business day" means the same as that term is defined in Section [~~10-9a-541~~] 10-20-908.

(c) "Construction project" means:

(i) the same as that term is defined in Section 38-1a-102; or

(ii) any work requiring a permit for construction of or on a one- or two-family dwelling, a townhome, or other residential structure built under the State Construction Code and State Fire Code.

(d) "Lodging establishment" means a place providing temporary sleeping

accommodations to the public, including any of the following:

(i) a bed and breakfast establishment;

(ii) a boarding house;

(iii) a dormitory;

(iv) a hotel;

(v) an inn;

(vi) a lodging house;

(vii) a motel;

(viii) a resort; or

(ix) a rooming house.

(e)(i) "Plan review" means all of the reviews and approvals of a plan that a municipality, including all relevant divisions or departments within a municipality, requires before issuing a building permit, with a scope that may not exceed a review to verify:

(A) that the construction project complies with the provisions of the State Construction Code[~~ under Title 15A, State Construction and Fire Codes Act~~];

(B) that the construction project complies with the energy code adopted under Section 15A-2-103;

(C) that the construction project complies with local ordinances;

(D) that the applicant paid any required fees;

(E) that the applicant obtained final approvals from any other required reviewing agencies;

(F) that the construction project received a structural review;

(G) the total square footage for each building level of finished, garage, and unfinished space; and

(H) that the plans include a printed statement indicating that, before the disturbance of land and during the actual construction, the applicant will comply with applicable federal, state, and local laws and ordinances, including any storm water protection laws and ordinances.

(ii) "Plan review" does not mean a review of:

(A) a document required to be re-submitted for a construction project other than a construction project for a one-or two-family dwelling or townhome if additional modifications or substantive changes are identified by the plan review;

(B) a document submitted as part of a deferred submittal when requested by the applicant and approved by the building official;

(C) a document that, due to the document's technical nature or on the request of the applicant, is reviewed by a third party; or

(D) a storm water permit.

(f) "Screening period" means the three business days following the day on which an applicant submits an application.

(g) "State Construction Code" means the same as that term is defined in Section 15A-1-102.

(h) "State Fire Code" means the same as that term is defined in Section 15A-1-102.

(i) "Storm water permit" means the same as that term is defined in Section 19-5-108.5.

(j) "Structural review" means:

(i) a review that verifies that a construction project complies with the following:

(A) footing size and bar placement;

(B) foundation thickness and bar placement;

(C) beam and header sizes;

(D) nailing patterns;

(E) bearing points;

(F) structural member size and span; and

(G) sheathing; or

(ii) if the review exceeds the scope of the review described in Subsection (1)(j)(i), a review that a licensed engineer conducts.

(k) "Technical nature" means a characteristic that places an item outside the training and expertise of an individual who regularly performs plan reviews.

(2)(a) If a municipality collects a fee for the inspection of a construction project, the municipality shall ensure that the construction project receives a prompt inspection as described in Subsection (2)(b).

(b) If a municipality cannot provide a building inspection within three business days after the day on which the municipality receives the request for the inspection, the building permit applicant may engage a third-party inspection firm from the third-party inspection firm list described in Section 15A-1-105.

(c) Notwithstanding Subsection (2)(b), if an applicant requests that an inspection take place on a date that is more than three days from the day on which the applicant requests the inspection, the municipality shall conduct the inspection on the date

requested.

(d) If an inspector identifies one or more violations of the State Construction Code or State Fire Code during an inspection, the inspector shall give the permit holder written notification that:

(i) identifies each violation;

(ii) upon request by the permit holder, includes a reference to each applicable provision of the State Construction Code or State Fire Code; and

(iii) is delivered:

(A) in hardcopy or by electronic means; and

(B) the day on which the inspection occurs.

(3)(a)(i) A municipality that receives an application for a plan review shall determine if the application is complete, as described in Subsection (12), within the screening period.

(ii) If the municipality determines an application for a plan review is complete as described in Subsection (12) within the screening period, the municipality shall begin the plan review process described in Subsection (4).

(b) If the municipality determines that an application for a plan review is not complete as described in Subsection (12), and if the municipality notifies the applicant of the municipality's determination:

(i) before 5 p.m. on the last day of the screening period, the municipality may:

(A) pause the screening period until the applicant ensures the application meets the requirements of Subsection (12); or

(B) reject the incomplete application; or

(ii) after 5 p.m. on the last day of the screening period, the municipality may not pause the screening period and shall begin the plan review process described in Subsection (4).

(c) If an application is rejected as described in Subsection (3)(b)(i)(B) and an applicant resubmits the application, the resubmission begins a new screening period in which the municipality shall review the resubmitted application to determine if the application is complete as described in Subsection (12).

(d) If the municipality gives notice of an incomplete application after 5 p.m. on the last day of the screening period, the municipality:

(i) shall immediately notify the applicant that the municipality has determined the application is not complete and the basis for the determination;

(ii) may not, except as provided in Subsection (3)(d)(iii), pause the relevant time period described in Subsection (4); and

(iii) may pause the relevant time period described in Subsection (4)(a) or (b) as described in Subsection (4)(c).

(4)(a) Except as provided in Subsection (7), once a municipality determines an application is complete, or proceeds to review an incomplete application for plan review under Subsection (3)(b)(ii), the municipality shall complete a plan review of a construction project for a one-or two-family dwelling or townhome by no later than 14 business days after the day on which the screening period for the application ends.

(b) Except as provided in Subsection (7), once a municipality determines an application is complete, or proceeds to review an incomplete application for plan review under Subsection (3)(b)(ii), the municipality shall complete a plan review of a construction project for a residential structure built under the State Construction Code that is not a one- or two-family dwelling, townhome, or a lodging establishment, by no later than 21 business days after the day on which the screening period for the application ends.

(c) If a municipality gives notice of an incomplete application as described in Subsection (3)(d), the municipality:

(i) may pause the time period described in Subsection (4)(a) or (b):

(A) within the last five days of the relevant time period; and

(B) until the applicant provides the municipality with the information necessary to consider the application complete under Subsection (12); and

(ii) shall resume the relevant time period upon receipt of the information necessary to consider the application complete; and

(iii) may, if necessary, use five additional days beginning the day on which the municipality receives the information described in Subsection (4)(c)(ii) to consider whether the application meets the requirements for a building permit, even if the five additional days extend beyond the relevant time period described in Subsection 4(a) or (b).

(d) If, at the conclusion of plan review, the municipality determines the application meets the requirements for a building permit, the municipality shall approve the application and, subject to Subsection (10)(b), issue the building permit to the applicant.

(5)(a) A municipality may utilize another government entity to determine if an application is complete or perform a plan review, in whole or in part.

(b) A municipality that utilizes another government entity to determine if an application is complete or perform a plan review, as described in Subsection (5)(a), shall:

(i) notify any other government entities, including water providers, within 24 hours of receiving any building permit application; and

(ii) provide the government entity all documents necessary to determine if an application is complete or perform a plan review, in whole or in part, as requested by the municipality.

(6) A government entity determining if an application is complete or performing a plan review, in whole or in part, as requested by a municipality, shall:

(a) comply with the requirements of this chapter; and

(b) notify the municipality within the screening period whether the application, or a portion of the application, is complete.

(7) An applicant may:

(a) waive the plan review time requirements described in Subsection (4); or

(b) with the municipality's written consent, establish an alternative plan review time requirement.

(8)(a) A municipality may not enforce a requirement to have a plan review if:

(i) the municipality does not complete the plan review within the relevant time period described in Subsection (4); and

(ii) a licensed architect or structural engineer, or both when required by law, stamps the plan.

(b) If a municipality is prohibited from enforcing a requirement to have a plan review under Subsection (8)(a), the municipality shall return to the applicant the plan review fee.

(9)(a) A municipality may attach to a reviewed plan a list that includes:

(i) items with which the municipality is concerned and may enforce during construction; and

(ii) building code violations found in the plan.

(b) A municipality may not require an applicant to redraft a plan if the city requests minor changes to the plan that the list described in Subsection (9)(a) identifies.

(c) A municipality may only require a single resubmittal of plans for a one- or two-family dwelling or townhome if deficiencies in the plan would affect the site plan interaction or footprint of the design.

(10)(a) If a municipality charges a fee for a building permit, the municipality may not

refuse payment of the fee at the time the applicant submits an application under Subsection (3).

(b) If a municipality charges a fee for a building permit and does not require the fee for a building permit be included in an application for plan review, upon approval of an application for plan review under Subsection (4)(d), the municipality may require the applicant to pay the fee for the building permit before the municipality issues the building permit.

(11) A municipality may not limit the number of applications submitted under Subsection (3).

(12) For purposes of Subsection (3), an application for plan review is complete if the application contains:

(a) the name, address, and contact information of:

(i) the applicant; and

(ii) the construction manager/general contractor, as defined in Section 63G-6a-103, for the construction project;

(b) a site plan for the construction project that:

(i) is drawn to scale;

(ii) includes a north arrow and legend; and

(iii) provides specifications for the following:

(A) lot size and dimensions;

(B) setbacks and overhangs for setbacks;

(C) easements;

(D) property lines;

(E) topographical details, if the slope of the lot is greater than 10%;

(F) retaining walls;

(G) hard surface areas;

(H) curb and gutter elevations as indicated in the subdivision documents;

(I) existing and proposed utilities, including water, sewer, and subsurface drainage facilities;

(J) street names;

(K) driveway locations;

(L) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section 15A-2-103; and

(M) the location of the nearest hydrant;

(c) construction plans and drawings, including:

(i) elevations, only if the construction project is new construction;

(ii) floor plans for each level, including the location and size of doors, windows, and egress;

(iii) foundation, structural, and framing detail;

(iv) electrical, mechanical, and plumbing design;

(v) a licensed architect's or structural engineer's stamp, when required by law; and

(vi) fire suppression details, when required by fire code;

(d) documentation of energy code compliance;

(e) structural calculations, except for trusses;

(f) a geotechnical report, including a slope stability evaluation and retaining wall design, if:

(i) the slope of the lot is greater than 15%; and

(ii) required by the city;

(g) a statement indicating:

(i) before land disturbance occurs on the subject property, the applicant will obtain a storm water permit; and

(ii) during actual construction, the applicant shall comply with applicable local ordinances and building codes; and

(h) the fees, if any, established by ordinance for the municipality to perform a plan review.

(13) A municipality may, at the municipality's discretion, utilize automated review to fulfill, in whole or in part, the municipality's obligation to conduct a plan review described in this section.

Section 99. Section **10-20-910** is enacted to read:

10-20-910 (Effective 11/06/25). Provisions applicable to a provider of culinary or secondary water.

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

(1) Subsections 10-20-904(5) and (6);

(2) Section 10-20-905; and

(3) Section 10-20-911.

Section 100. Section **10-20-911**, which is renumbered from Section 10-9a-508 is renumbered

and amended to read:

[~~10-9a-508~~] 10-20-911 (Effective 11/06/25). Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.

(1) A municipality may impose an exaction or exactions on development proposed in a land use application, including, subject to Subsection (3), an exaction for a water interest, if:

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

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

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

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

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

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

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

(A) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water [~~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 municipality.

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

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

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

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

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

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

(4)(a) If a municipality plans to dispose of surplus real property that was acquired under this section and has been owned by the municipality for less than 15 years, the municipality shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the municipality.

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

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

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

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

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

(i) in a vehicle turnaround area;

(ii) in a cul-de-sac;

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

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

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

(vi) as needed for the installation or location of a utility which is maintained by the municipality and is considered a transmission line or requires additional roadway width;

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

(viii) for utilities over 12 feet in depth;

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

(x) as needed for flood and stormwater routing;

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

(xii) as needed to accommodate street parking.

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

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

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

(iii) Unless otherwise agreed by the applicant and the municipality, the panel described in Subsection (5)(d)(ii) 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) and (B).

(iv) A member of the panel assembled by the municipality under Subsection (5)(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).

(vii) [~~Pursuant to~~] In accordance with Section [~~10-9a-801~~] 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 101. Section **10-20-1001**, which is renumbered from Section 10-9a-802 is renumbered and amended to read:

Part 10. Enforcement

[~~10-9a-802~~] 10-20-1001 (Effective 11/06/25). 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 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 (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 [~~10-9a-604.5~~] 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 municipality's adopted engineering standards; and

(B) for temporary roads used during construction, a properly compacted road base installed in a manner consistent with the municipality's adopted engineering standards;

(ii) for a certificate of occupancy, at the discretion of the municipality, at least one of the following:

(A) a permanent road;

(B) a temporary road covered with asphalt or concrete; or

(C) another method for accessing a structure consistent with Appendix D of the International Fire Code; and

(iii) public infrastructure necessary for the health, life, and safety of the occupant.

(c) A municipality may not adopt an engineering standard that requires an applicant to install a permanent road or a temporary road with asphalt or concrete before receiving a building permit.

(4) A municipality may not deny an applicant a building permit or certificate of occupancy for failure to:

(a) submit a private landscaping plan, as defined in Section [~~10-9a-604.5~~] 10-20-807; or

(b) complete a landscaping improvement that is not a public landscaping improvement, as defined in Section [~~10-9a-604.5~~] 10-20-807.

(5) A municipality may not withhold a building permit based on the lack of completion of a portion of a public sidewalk to be constructed within a public right-of-way serving a lot where a single-family or two-family residence or town home is proposed in a building permit application if an improvement completion assurance has been posted for the incomplete portion of the public sidewalk.

(6) A municipality 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 [~~10-9a-604.5~~] 10-20-807, or an infrastructure improvement based on the lack of installation of a public sidewalk if an

improvement completion assurance has been posted for the public sidewalk.

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

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

(a) another infrastructure improvement; or

(b) a public landscaping improvement, as defined in Section [~~10-9a-604.5~~] 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 102. Section **10-20-1002**, which is renumbered from Section 10-9a-803 is renumbered and amended to read:

[~~10-9a-803~~] 10-20-1002 (Effective 11/06/25). Penalties -- Notice.

(1) The municipality may, by ordinance, establish civil penalties for violations of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter.

(2) Violation of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter is punishable as a class C misdemeanor upon conviction either:

(a) as a class C misdemeanor; or

(b) by imposing the appropriate civil penalty adopted under the authority of this section.

(3) [~~Prior to~~] Before imposing upon an owner of record a civil penalty established by ordinance under authority of this chapter, a municipality shall provide:

(a) written notice, by mail or hand delivery, of each ordinance violation to the address of the:

(i) owner of record on file in the office of the county recorder; or

(ii) person designated, in writing, by the owner of record as the owner's agent for the purpose of receiving notice of an ordinance violation;

(b) the owner of record a reasonable opportunity to cure a noticed violation; and

(c) a schedule of the civil penalties that may be imposed upon the expiration of a time certain.

Section 103. Section **10-20-1003**, which is renumbered from Section 10-9a-511 is renumbered

and amended to read:

[~~10-9a-511~~] 10-20-1003 (Effective 11/06/25). Nonconforming uses and noncomplying structures.

(1)(a) Except as provided in this section, a nonconforming use or noncomplying structure may be continued by the present or a future property owner.

(b) A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.

(c) For purposes of this Subsection (1), the addition of a solar energy device to a building is not a structural alteration.

(2) The legislative body may provide for:

(a) the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the land use ordinance;

(b) the termination of all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; and

(c) the termination of a nonconforming use due to its abandonment.

(3)(a) A municipality may not prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.

(b) A municipality may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:

(i) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after the day on which written notice is served to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or

(ii) the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

(c)(i) Notwithstanding a prohibition in the municipality's zoning ordinance, a municipality may permit a billboard owner to relocate the billboard within the municipality's boundaries to a location that is mutually acceptable to the

municipality and the billboard owner.

(ii) If the municipality and billboard owner cannot agree to a mutually acceptable location within 180 days after the day on which the owner submits a written request to relocate the billboard, the billboard owner may relocate the billboard in accordance with [~~Subsection 10-9a-513(2)~~] Section 10-20-608.

(4)(a) Unless the municipality establishes, by ordinance, a uniform presumption of legal existence for nonconforming uses, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use through substantial evidence, which may not be limited to municipal or county records.

(b) Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

(c) Abandonment may be presumed to have occurred if:

(i) a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the nonconforming use;

(ii) the use has been discontinued for a minimum of one year; or

(iii) the primary structure associated with the nonconforming use remains vacant for a period of one year.

(d) The property owner may rebut the presumption of abandonment under Subsection (4)(c), and has the burden of establishing that any claimed abandonment under Subsection (4)(b) has not occurred.

(5) A municipality may terminate the nonconforming status of a school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period established by ordinance.

Section 104. Section **10-20-1101**, which is renumbered from Section 10-9a-701 is renumbered and amended to read:

Part 11. Appeal Authority, Variances, and District Court Review

[~~10-9a-701~~] 10-20-1101 (Effective 11/06/25). Appeal authority required -- Condition precedent to judicial review -- Appeal authority duties.

(1)(a) 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 from the terms of land use ordinances;

(ii) appeals from land use decisions applying land use ordinances; and

(iii) appeals from a fee charged in accordance with Section [~~10-9a-510~~] 10-20-904.

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

(2) As a condition precedent to judicial review, each adversely affected party 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 land use ordinances; 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;

(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) provide that specified types of land use decisions may be appealed directly to the district court.

(5) A municipality may not require a public hearing for a request for a variance or land use appeal.

(6) If the municipality establishes or, [~~prior to~~] 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 105. Section **10-20-1102**, which is renumbered from Section 10-9a-702 is renumbered and amended to read:

[~~10-9a-702~~] 10-20-1102 (Effective 11/06/25). Variances.

(1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.

(2)(a) The appeal authority may grant a variance only if:

(i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

(ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;

(iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

(iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and

(v) the spirit of the land use ordinance is observed and substantial justice done.

(b)(i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:

(A) is located on or associated with the property for which the variance is sought; and

(B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

(ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

(c) In determining whether or not there are special circumstances attached to the

property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances:

(i) relate to the hardship complained of; and

(ii) deprive the property of privileges granted to other properties in the same zone.

(3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(4) Variances run with the land.

(5) The appeal authority may not grant a use variance.

(6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:

(a) mitigate any harmful affects of the variance; or

(b) serve the purpose of the standard or requirement that is waived or modified.

Section 106. Section **10-20-1103**, which is renumbered from Section 10-9a-703 is renumbered and amended to read:

[~~10-9a-703~~] 10-20-1103 (Effective 11/06/25). Appealing a land use authority's decision -- Panel of experts for appeals of geologic hazard decisions.

(1) The land use applicant, a board or officer of the municipality, or an adversely affected party may, within the applicable time period, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.

(2)(a) A land use applicant who has appealed a decision of the land use authority administering or interpreting the municipality's geologic hazard ordinance may request the municipality to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.

(b) If a land use applicant makes a request under Subsection (2)(a), the municipality shall assemble the panel described in Subsection (2)(a) consisting of, unless otherwise agreed by the applicant and municipality:

(i) one expert designated by the municipality;

(ii) one expert designated by the land use applicant; and

(iii) one expert chosen jointly by the municipality's designated expert and the land use applicant's designated expert.

(c) A member of the panel assembled by the municipality under Subsection (2)(b) may not be associated with the application that is the subject of the appeal.

(d) The land use applicant shall pay:

(i) 1/2 of the cost of the panel; and

(ii) the municipality's published appeal fee.

Section 107. Section **10-20-1104**, which is renumbered from Section 10-9a-704 is renumbered and amended to read:

[~~10-9a-704~~] 10-20-1104 (Effective 11/06/25). Time to appeal.

(1) The municipality shall enact an ordinance establishing a reasonable time of not less than 10 days to appeal to an appeal authority a written decision issued by a land use authority.

(2) In the absence of an ordinance establishing a reasonable time to appeal, a land use applicant or adversely affected party shall have 10 calendar days to appeal to an appeal authority a written decision issued by a land use authority.

(3) Notwithstanding Subsections (1) and (2), for an appeal from a decision of a historic preservation authority regarding a land use application, the land use applicant may appeal the decision within 30 days after the day on which the historic preservation authority issues a written decision.

Section 108. Section **10-20-1105**, which is renumbered from Section 10-9a-705 is renumbered and amended to read:

[~~10-9a-705~~] 10-20-1105 (Effective 11/06/25). Burden of proof.

The appellant has the burden of proving that the land use authority erred.

Section 109. Section **10-20-1106**, which is renumbered from Section 10-9a-706 is renumbered and amended to read:

[~~10-9a-706~~] 10-20-1106 (Effective 11/06/25). Due process.

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

(2) Each appeal authority shall respect the due process rights of each of the participants.

Section 110. Section **10-20-1107**, which is renumbered from Section 10-9a-707 is renumbered and amended to read:

[~~10-9a-707~~] 10-20-1107 (Effective 11/06/25). 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 de novo, without deference to the land use authority's determination of 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 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.

(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 111. Section **10-20-1108**, which is renumbered from Section 10-9a-708 is renumbered and amended to read:

[~~10-9a-708~~] 10-20-1108 (Effective 11/06/25). Final decision.

(1) A decision of an appeal authority takes effect on the date when the appeal authority issues a written decision, or as otherwise provided by ordinance.

(2) A written decision, or other event as provided by ordinance, constitutes a final decision under Subsection [~~10-9a-801(2)(a)~~] 10-20-1109(2)(a) or a final action under Subsection [~~10-9a-801(4)~~] 10-20-1109(4).

Section 112. Section **10-20-1109**, which is renumbered from Section 10-9a-801 is renumbered and amended to read:

[~~10-9a-801~~] 10-20-1109 (Effective 11/06/25). 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) No person may challenge in district court a land use decision until that 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

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

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

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

(3)(a) A court shall:

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

(ii) determine only whether:

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

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

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

(i) arbitrary and capricious; or

(ii) illegal.

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

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

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

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

(C) is contrary to law.

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

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

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

use decision.

(5) If the municipality has complied with Section [~~10-9a-205~~] 10-20-205, a challenge to the enactment of a land use regulation or general plan may not be filed with the district court more than 30 days after the enactment.

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

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

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

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

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

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

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

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

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

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

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

Section 113. Section **10-20-1110**, which is renumbered from Section 10-9a-804 is renumbered

and amended to read:

[~~10-9a-804~~] 10-20-1110 (Effective 11/06/25). Consent agreement.

(1) A legislative body may, by resolution or ordinance, settle litigation initiated under Section [~~10-9a-801~~] 10-20-1109 regarding a land use decision with a property owner through a consent agreement.

(2) A legislative body shall approve the consent agreement under Subsection (1) in a public meeting in accordance with Title 52, Chapter 4, Open and Public Meetings Act.

(3) A legislative body is not required to present to a planning commission on any matter covered by a consent agreement.

Section 114. Section **10-21-101**, which is renumbered from Section 10-9a-1001 is renumbered and amended to read:

CHAPTER 21. Municipalities and Housing Supply

Part 1. General Provisions

[~~10-9a-1001~~] 10-21-101 (Effective 11/06/25). Definitions.

As used in this part:

(1) "Affordable housing" means housing offered for sale at 80% or less of the median county home price for housing of that type.

(2) "Agency" means the same as that term is defined in Section 17C-1-102.

(3) "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.

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

[~~(3)~~] (5) "Base taxable value" means a property's taxable value as shown upon the assessment roll last equalized during the base year.

[~~(4)~~] (6) "Base year" means, for a proposed home ownership promotion zone area, a year beginning the first day of the calendar quarter determined by the last equalized tax roll before the adoption of the home ownership promotion zone.

(7) "Division" means the Housing and Community Development Division within the Department of Workforce Services.

(8) "Existing fixed guideway public transit station" means a fixed guideway public transit station for which construction begins before June 1, 2022.

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

[~~(5)~~] (10) "Home ownership promotion zone" means a home ownership promotion zone created [~~pursuant to~~] in accordance with this part.

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

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

(13) "Internal accessory dwelling unit" means an accessory dwelling unit created:

(a) within a primary dwelling;

(b) within the footprint of the primary dwelling described in Subsection (13)(a) at the time the internal accessory dwelling unit is created; and

(c) for the purpose of offering a long-term rental of 30 consecutive days or longer.

(14) "Moderate income housing strategy" means a strategy described in Subsection 10-21-201(3)(a)(iii).

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

[~~(6)~~] (16) "Participant" means the same as that term is defined in Section 17C-1-102.

[~~(7)~~] (17) "Participation agreement" means the same as that term is defined in Section 17C-1-102.

(18)(a) "Primary dwelling" means a single-family dwelling that:

(i) is detached; and

(ii) is occupied as the primary residence of the owner of record.

(b) "Primary dwelling" includes a garage if the garage:

(i) is a habitable space; and

(ii) is connected to the primary dwelling by a common wall.

[~~(8)~~] (19) "Project improvements" means the same as that term is defined in Section 11-36a-102.

(20) "Qualifying land use petition" means a petition:

(a) that involves land located within a station area for an existing public transit station that provides rail services;

(b) that involves land located within a station area for which the municipality has not yet satisfied the requirements of Subsection 10-21-203(1)(a);

(c) that proposes the development of an area greater than five contiguous acres, with no less than 51% of the acreage within the station area;

(d) that would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;

(e) that would require a higher density than the density currently allowed by the municipality;

(f) that proposes the construction of new residential units, at least 10% of which are dedicated to moderate income housing; and

(g) for which the land use applicant requests the municipality to initiate the process of satisfying the requirements of Subsection 10-21-203(1)(a) for the station area in which the development is proposed, subject to Subsection 10-21-203(2)(d).

(21) "Report" means an initial report or a subsequent progress report.

(22) "Specified municipality" means:

(a) a city of the first, second, third, or fourth class; or

(b) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class.

(23)(a) "Station area" means:

(i) for a fixed guideway public transit station that provides rail services, the area within a one-half mile radius of the center of the fixed guideway public transit station platform; or

(ii) for a fixed guideway public transit station that provides bus services only, the area within a one-fourth mile radius of the center of the fixed guideway public transit station platform.

(b) "Station area" includes any parcel bisected by the radius limitation described in Subsection (a)(i) or (ii).

(24) "Station area plan" means a plan that:

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

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

(25) "Subsequent progress report" means the annual report described in Subsection 10-21-202(2).

[~~(9)~~] (26) "System improvements" means the same as that term is defined in Section 11-36a-102.

[~~(10)~~] (27) "Tax commission" means the State Tax Commission created in Section 59-1-201.

[~~(11)~~] (28)(a) "Tax increment" means the difference between:

(i) the amount of property tax revenue generated each tax year by a taxing entity from

the area within a home ownership promotion zone, using the current assessed value and each taxing entity's current certified tax rate as defined in Section 59-2-924; and

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

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

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

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

[~~(12)~~] (29) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

Section 115. Section **10-21-102** is enacted to read:

10-21-102 (Effective 11/06/25). Applicability.

(1) The provisions of Chapter 20, Municipal Land Use, Development, and Management Act, apply to this chapter.

(2) The definitions in Section 10-21-101 are in addition to the definitions in Section 10-20-102, except that if there is any conflict between a definition in this chapter and a definition in Chapter 20, Municipal Land Use, Development, and Management Act, the definition in this chapter prevails in regard to the provisions in this chapter.

Section 116. Section **10-21-201** is enacted to read:

Part 2. Municipal Plans for Housing

10-21-201 (Effective 11/06/25). Moderate income housing plan required.

(1) A moderate income housing element of a general plan shall include a moderate income housing plan that meets the requirements of this section.

(2) A moderate income housing plan:

(a) shall provide a realistic opportunity to meet the need for additional moderate income housing within the municipality during the next five years;

(b) for a municipality that is not a specified municipality, may include a recommendation to implement three or more of the moderate income housing strategies described in Subsection (3)(a)(iii);

(c) for a specified municipality that does not have a fixed guideway public transit station, shall include a recommendation to implement three or more of the moderate income housing strategies described in Subsection (3)(a)(iii) or at least one of the moderate income housing strategies described in Subsections (3)(a)(iii)(X) through

(CC);

(d) for a specified municipality that has a fixed guideway public transit station, shall include:

(i) a recommendation to implement five or more of the moderate income housing strategies described in Subsection (3)(a)(iii), of which one shall be the moderate income housing strategy described in Subsection (3)(a)(iii)(U) and one shall be a moderate income housing strategy described in Subsection (3)(a)(iii)(G) or (H); or

(ii) a recommendation to implement the moderate income housing strategy described in Subsection (3)(a)(iii)(U), one of the moderate income housing strategies described in Subsections (3)(a)(iii)(X) through (CC), and one moderate income housing strategy described in Subsection (3)(a)(iii); and

(e) for a specified municipality shall include an implementation plan as provided in Subsection (4).

(3)(a) In drafting the moderate income housing element, the planning commission:

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

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

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

(ii) for a municipality that is not a specified municipality, may include, and for a specified municipality shall include, an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing within the next five years;

(iii) for a municipality that is not a specified municipality, may include, and for a specified municipality shall include, a recommendation to implement the required number of any of the following moderate income housing strategies as specified in Subsection (2):

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

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

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

stock into moderate income housing;

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

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

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

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

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

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

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

(K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section 10-21-301, establishing a housing loss mitigation fund;

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

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

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

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

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

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

(Q) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-21-101;

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

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

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

(U) develop and adopt a station area plan in accordance with Section 10-21-203;

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

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

(X) create a housing and transit reinvestment zone in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;

(Y) create a home ownership promotion zone in accordance with Part 5, Home Ownership Promotion Zone for Municipalities;

(Z) create a first home investment zone in accordance with Title 63N, Chapter 3,

Part 16, First Home Investment Zone Act;

(AA) approve a project that receives funding from, or qualifies to receive funding from, the Utah Homes Investment Program created in Title 51, Chapter 12, Utah Homes Investment Program;

(BB) adopt or approve a qualifying affordable home ownership density bonus for single-family residential units, as described in Section 10-21-401; and

(CC) adopt or approve a qualifying affordable home ownership density bonus for multi-family residential units, as described in Section 10-21-402; and

(b) the planning commission shall identify each moderate income housing strategy recommended to the legislative body for implementation by restating the exact language used to describe the strategy in Subsection (3)(a)(iii).

(4)(a) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(c), the planning commission shall recommend to the legislative body the establishment of a five-year timeline for implementing each of the moderate income housing strategies selected by the municipality for implementation.

(b) The timeline described in Subsection (4)(a) shall:

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

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

Section 117. Section **10-21-202**, which is renumbered from Section 10-9a-408 is renumbered and amended to read:

[~~10-9a-408~~] 10-21-202 (Effective 11/06/25). Moderate income housing report -- Contents -- Prioritization for funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.

[~~(1) As used in this section:~~]

[~~(a) "Division" means the Housing and Community Development Division within the Department of Workforce Services.~~]

[~~(b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified municipality's general plan as provided in Subsection 10-9a-403(2)(c).~~]

[~~(c) "Initial report" or "initial moderate income housing report" means the one-time report described in Subsection (2).~~]

[~~(d) "Moderate income housing strategy" means a strategy described in Subsection 10-9a-403(2)(b)(iii).~~]

[~~(e) "Report" means an initial report or a subsequent progress report.~~]

[~~(f) "Specified municipality" means:~~]

[~~(i) a city of the first, second, third, or fourth class; or~~]

[~~(ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class.~~]

[~~(g) "Subsequent progress report" means the annual report described in Subsection (3).~~]

[~~(2)~~] (1)(a) The legislative body of a specified municipality shall submit an initial moderate income housing report to the division.

(b)(i) This Subsection [~~(2)(b)~~] (1)(b) applies to a municipality that is not a specified municipality as of January 1, 2023.

(ii) As of January 1, if a municipality [~~described in Subsection (2)(b)(i) ~~]changes from one class to another or grows in population to qualify as a specified municipality, the municipality shall submit an initial plan to the division on or before August 1 of the first calendar year beginning on January 1 in which the municipality qualifies as a specified municipality.

(c) The initial report shall:

(i) identify each moderate income housing strategy selected by the specified municipality for continued, ongoing, or one-time implementation, restating the exact language used to describe the moderate income housing strategy[~~ in Subsection 10-9a-403(2)(b)(iii)~~]; and

(ii) include an implementation plan.

[~~(3)~~] (2)(a) After the division approves a specified municipality's initial report under this section, the specified municipality shall, as an administrative act, annually submit to the division a subsequent progress report on or before August 1 of each year after the year in which the specified municipality is required to submit the initial report.

(b) The subsequent progress report shall include:

(i) subject to Subsection [~~(3)(c)~~] (2)(c), a description of each action, whether one-time or ongoing, taken by the specified municipality during the previous 12-month period to implement the moderate income housing strategies identified in the initial report for implementation;

(ii) a description of each land use regulation or land use decision made by the specified municipality during the previous 12-month period to implement the

moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified municipality's efforts to implement the moderate income housing strategies;

(iii) a description of any barriers encountered by the specified municipality in the previous 12-month period in implementing the moderate income housing strategies;

(iv) information regarding the number of internal and external or detached accessory dwelling units located within the specified municipality for which the specified municipality:

(A) issued a building permit to construct; or

(B) issued a business license or comparable license or permit to rent;

(v) the number of residential dwelling units that have been entitled that have not received a building permit as of the submission date of the progress report;

(vi) shapefiles, or website links if shapefiles are not available, to current maps and tables related to zoning;

(vii) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and

(viii) any recommendations on how the state can support the specified municipality in implementing the moderate income housing strategies.

(c) For purposes of describing actions taken by a specified municipality under Subsection [~~(3)(b)(i)~~] (2)(b)(i), the specified municipality may include an ongoing action taken by the specified municipality [~~prior to~~] before the 12-month reporting period applicable to the subsequent progress report if the specified municipality:

(i) has already adopted an ordinance, approved a land use application, made an investment, or approved an agreement or financing that substantially promotes the implementation of a moderate income housing strategy identified in the initial report; and

(ii) demonstrates in the subsequent progress report that the action taken under Subsection [~~(3)(c)(i)~~] (2)(c)(i) is relevant to making meaningful progress towards the specified municipality's implementation plan.

(d) A specified municipality's report shall be in a form:

(i) approved by the division; and

(ii) made available by the division on or before May 1 of the year in which the report

is required.

[~~(4)~~] (3) Within 90 days after the day on which the division receives a specified municipality's report, the division shall:

(a) post the report on the division's website;

(b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified municipality is located, and, if the specified municipality is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and

(c) subject to Subsection [~~(5)~~] (4), review the report to determine compliance with this section.

[~~(5)~~] (4)(a) An initial report complies with this section if the report:

(i) includes the information required under Subsection [~~(2)(c)~~] (1)(c);

(ii) demonstrates to the division that the specified municipality made plans to implement:

(A) three or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

(B) if the specified municipality has a fixed guideway public transit station:

(I) five or more of the moderate income housing strategies described in Subsection [~~10-9a-403(2)(b)(iii)~~] 10-21-201(3)(a)(iii), of which one shall be the moderate income housing strategy described in Subsection [~~10-9a-403(2)(b)(iii)(U)~~] 10-21-201(3)(a)(iii)(U) and one shall be a moderate income housing strategy described in Subsection [~~10-9a-403(2)(b)(iii)(G)~~] 10-21-201(3)(a)(iii)(G) or (H); or

(II) the moderate income housing strategy described in Subsection [~~10-9a-403(2)(b)(iii)(U)~~] 10-21-201(3)(a)(iii)(U), one of the moderate income housing strategies described in Subsections [~~10-9a-403(2)(b)(iii)(X)~~] 10-21-201(3)(a)(iii)(X) through (CC), and one moderate income strategy described in Subsection [~~10-9a-403(2)(b)(iii)~~] 10-21-201(3)(a)(iii); and

(iii) is in a form approved by the division.

(b) A subsequent progress report complies with this section if the report:

(i) demonstrates to the division that the specified municipality made plans to implement:

(A) three or more moderate income housing strategies if the specified

municipality does not have a fixed guideway public transit station; or

(B) if the specified municipality has a fixed guideway public transit station:

(I) five or more of the moderate income housing strategies described in Subsection [~~10-9a-403(2)(b)(iii)~~] 10-21-201(3)(a)(iii), of which one shall be the moderate income housing strategy described in Subsection [~~10-9a-403(2)(b)(iii)(U)~~] 10-21-201(3)(a)(iii)(U) and one shall be a moderate income housing strategy described in Subsection [~~10-9a-403(2)(b)(iii)(G)~~] 10-21-201(3)(a)(iii)(G) or (H); or

(II) the moderate income housing strategy described in Subsection [~~10-9a-403(2)(b)(iii)(U)~~] 10-21-201(3)(a)(iii)(U), one of the moderate income housing strategies described in Subsections [~~10-9a-403(2)(b)(iii)(X)~~] 10-21-201(3)(a)(iii)(X) through (CC), and one moderate income housing strategy described in Subsection [~~10-9a-403(2)(b)(iii)~~] 10-21-201(3)(a)(iii);

(ii) is in a form approved by the division; and

(iii) provides sufficient information for the division to:

(A) assess the specified municipality's progress in implementing the moderate income housing strategies;

(B) monitor compliance with the specified municipality's implementation plan;

(C) identify a clear correlation between the specified municipality's land use regulations and land use decisions and the specified municipality's efforts to implement the moderate income housing strategies;

(D) identify how the market has responded to the specified municipality's selected moderate income housing strategies; and

(E) identify any barriers encountered by the specified municipality in implementing the selected moderate income housing strategies.

(c)(i) Notwithstanding the requirements of Subsection [~~(5)(a)(ii)(A)~~] (4)(a)(ii)(A) or (b)(i)(A), if a specified municipality without a fixed guideway public transit station implements or is implementing, by ordinance or development agreement, one of the following moderate income housing strategies, the division shall consider that one moderate income housing strategy to be the equivalent of three moderate income housing strategies:

(A) a housing and transit reinvestment zone, as described in Subsection [~~10-9a-403(2)(b)(iii)(X)~~] 10-21-201(3)(a)(iii)(X);

(B) a home ownership promotion zone, as described in Subsection [

~~10-9a-403(2)(b)(iii)(Y)~~] 10-21-201(3)(a)(iii)(Y);

(C) a first home investment zone, described in Subsection [~~10-9a-403(2)(b)(iii)(Z)~~] 10-21-201(3)(a)(iii)(Z);

(D) the approval of a project described in Subsection [~~10-9a-403(2)(b)(iii)(AA)~~] 10-21-201(3)(a)(iii)(AA);

(E) a qualifying affordable home ownership density bonus for single-family residential units, as described in Subsection [~~10-9a-403(2)(b)(iii)(BB)~~] 10-21-201(3)(a)(iii)(BB); or

(F) a qualifying affordable home ownership density bonus for multi-family residential units, as described in Subsection [~~10-9a-403(2)(b)(iii)(CC)~~] 10-21-201(3)(a)(iii)(CC).

(ii) If the division considers one moderate income housing strategy described in Subsection [~~(5)(c)(i)~~] (4)(c)(i) as the equivalent of three moderate income housing strategies, the division shall also consider the specified municipality compliant with the reporting requirement described in this section for:

(A) the year in which the specified municipality submits the initial report or subsequent report; and

(B) two subsequent reporting years.

[~~(6)~~] (5)(a) A specified municipality qualifies for priority consideration under this Subsection [~~(6)~~] (5) if the specified municipality's report:

(i) complies with this section; and

(ii) demonstrates to the division that the specified municipality made plans to implement:

(A) five or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

(B) six or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station.

(b) The Transportation Commission may, in accordance with Subsection 72-1-304(3)(c), give priority consideration to transportation projects located within the boundaries of a specified municipality described in Subsection [~~(6)(a)~~] (5)(a) until the Department of Transportation receives notice from the division under Subsection [~~(6)(e)~~] (5)(e).

(c) Upon determining that a specified municipality qualifies for priority consideration under this Subsection [~~(6)~~] (5), the division shall send a notice of prioritization to the legislative body of the specified municipality and the Department of Transportation.

(d) The notice described in Subsection [~~(6)(c)~~] (5)(c) shall:

(i) name the specified municipality that qualifies for priority consideration;

(ii) describe the funds or projects for which the specified municipality qualifies to receive priority consideration; and

(iii) state the basis for the division's determination that the specified municipality qualifies for priority consideration.

(e) The division shall notify the legislative body of a specified municipality and the Department of Transportation in writing if the division determines that the specified municipality no longer qualifies for priority consideration under this Subsection [~~(6)~~] (5).

[~~(7)~~] (6)(a) If the division, after reviewing a specified municipality's report, determines that the report does not comply with this section, the division shall send a notice of noncompliance to the legislative body of the specified municipality.

(b) A specified municipality that receives a notice of noncompliance may:

(i) cure each deficiency in the report within 90 days after the day on which the notice of noncompliance is sent; or

(ii) request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent.

(c) The notice described in Subsection [~~(7)(a)~~] (6)(a) shall:

(i) describe each deficiency in the report and the actions needed to cure each deficiency;

(ii) state that the specified municipality has an opportunity to:

(A) submit to the division a corrected report that cures each deficiency in the report within 90 days after the day on which the notice of compliance is sent; or

(B) submit to the division a request for an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent; and

(iii) state that failure to take action under Subsection [~~(7)(c)(ii)~~] (6)(c)(ii) will result in the specified municipality's ineligibility for funds under Subsection [~~(9)~~] (8).

(d) For purposes of curing the deficiencies in a report under this Subsection [~~(7)~~] (6), if the action needed to cure the deficiency as described by the division requires the specified municipality to make a legislative change, the specified municipality may cure the deficiency by making that legislative change within the 90-day cure period.

(e)(i) If a specified municipality submits to the division a corrected report in

accordance with Subsection [~~(7)(b)(i)~~] (6)(b)(i) and the division determines that the corrected report does not comply with this section, the division shall send a second notice of noncompliance to the legislative body of the specified municipality within 30 days after the day on which the corrected report is submitted.

(ii) A specified municipality that receives a second notice of noncompliance may submit to the division a request for an appeal of the division's determination of noncompliance within 10 days after the day on which the second notice of noncompliance is sent.

(iii) The notice described in Subsection [~~(7)(e)(i)~~] (6)(e)(i) shall:

(A) state that the specified municipality has an opportunity to submit to the division a request for an appeal of the division's determination of noncompliance within 10 days after the day on which the second notice of noncompliance is sent; and

(B) state that failure to take action under Subsection [~~(7)(e)(iii)(A)~~] (6)(e)(iii)(A) will result in the specified municipality's ineligibility for funds under Subsection [~~(9)~~] (8).

[~~(8)~~] (7)(a) A specified municipality that receives a notice of noncompliance under Subsection [~~(7)(a)~~] (6)(a) or [~~(7)(e)(i)~~] (6)(e)(i) may request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent.

(b) Within 90 days after the day on which the division receives a request for an appeal, an appeal board consisting of the following three members shall review and issue a written decision on the appeal:

(i) one individual appointed by the Utah League of Cities and Towns;

(ii) one individual appointed by the Utah Homebuilders Association; and

(iii) one individual appointed by the presiding member of the association of governments, established [~~pursuant to~~] in accordance with an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the specified municipality is a member.

(c) The written decision of the appeal board shall either uphold or reverse the division's determination of noncompliance.

(d) The appeal board's written decision on the appeal is final.

[~~(9)~~] (8)(a) A specified municipality is ineligible for funds under this Subsection [~~(9)~~] (8)

if:

(i) the specified municipality fails to submit a report to the division;

(ii) after submitting a report to the division, the division determines that the report does not comply with this section and the specified municipality fails to:

(A) cure each deficiency in the report within 90 days after the day on which the notice of noncompliance is sent; or

(B) request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent;

(iii) after submitting to the division a corrected report to cure the deficiencies in a previously submitted report, the division determines that the corrected report does not comply with this section and the specified municipality fails to request an appeal of the division's determination of noncompliance within 10 days after the day on which the second notice of noncompliance is sent; or

(iv) after submitting a request for an appeal under Subsection [~~(8)~~] (7), the appeal board issues a written decision upholding the division's determination of noncompliance.

(b) The following apply to a specified municipality described in Subsection [~~(9)(a)~~] (8)(a) until the division provides notice under Subsection [~~(9)(e)~~] (8)(e):

(i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to projects located within the boundaries of the specified municipality in accordance with Subsection 72-2-124(5);

(ii) beginning with a report submitted in 2024, the specified municipality shall pay a fee to the Olene Walker Housing Loan Fund in the amount of $250 per day that the specified municipality:

(A) fails to submit the report to the division in accordance with this section, beginning the day after the day on which the report was due; or

(B) fails to cure the deficiencies in the report, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance under Subsection [~~(7)~~] (6); and

(iii) beginning with the report submitted in 2025, the specified municipality shall pay a fee to the Olene Walker Housing Loan Fund in the amount of $500 per day that the specified municipality, in a consecutive year:

(A) fails to submit the report to the division in accordance with this section,

beginning the day after the day on which the report was due; or

(B) fails to cure the deficiencies in the report, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance under Subsection [~~(7)~~] (6).

(c) Upon determining that a specified municipality is ineligible for funds under this Subsection [~~(9)~~] (8), and is required to pay a fee under Subsection [~~(9)(b)~~] (8)(b), if applicable, the division shall send a notice of ineligibility to the legislative body of the specified municipality, the Department of Transportation, the State Tax Commission, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection [~~(9)(c)~~] (8)(c) shall:

(i) name the specified municipality that is ineligible for funds;

(ii) describe the funds for which the specified municipality is ineligible to receive;

(iii) describe the fee the specified municipality is required to pay under Subsection [~~(9)(b)~~] (8)(b), if applicable; and

(iv) state the basis for the division's determination that the specified municipality is ineligible for funds.

(e) The division shall notify the legislative body of a specified municipality and the Department of Transportation in writing if the division determines that the provisions of this Subsection [~~(9)~~] (8) no longer apply to the specified municipality.

(f) The division may not determine that a specified municipality that is required to pay a fee under Subsection [~~(9)(b)~~] (8)(b) is in compliance with the reporting requirements of this section until the specified municipality pays all outstanding fees required under Subsection [~~(9)(b)~~] (8)(b) to the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

[~~(10)~~] (9) In a civil action seeking enforcement or claiming a violation of this section or of Subsection [~~10-9a-404(4)(c)~~] 10-20-405(4)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Section 118. Section **10-21-203**, which is renumbered from Section 10-9a-403.1 is renumbered and amended to read:

[~~10-9a-403.1~~] 10-21-203 (Effective 11/06/25). Station area plan requirements -- Contents -- Review and certification by applicable metropolitan planning organization.

[~~(1) As used in this section:~~]

[~~(a) "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.~~]

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

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

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

[~~(e) "Metropolitan planning organization" means an organization established under 23 U.S.C. Sec. 134.~~]

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

[~~(g) "Qualifying land use petition" means a petition:~~]

[~~(i) that involves land located within a station area for an existing public transit station that provides rail services;~~]

[~~(ii) that involves land located within a station area for which the municipality has not yet satisfied the requirements of Subsection (2)(a);~~]

[~~(iii) that proposes the development of an area greater than five contiguous acres, with no less than 51% of the acreage within the station area;~~]

[~~(iv) that would require the municipality to amend the municipality's general plan or change a zoning designation for the land use application to be approved;~~]

[~~(v) that would require a higher density than the density currently allowed by the municipality;~~]

[~~(vi) that proposes the construction of new residential units, at least 10% of which are dedicated to moderate income housing; and~~]

[~~(vii) for which the land use applicant requests the municipality to initiate the process of satisfying the requirements of Subsection (2)(a) for the station area in which the development is proposed, subject to Subsection (3)(d).~~]

[~~(h)(i) "Station area" means:~~]

[~~(A) for a fixed guideway public transit station that provides rail services, the area within a one-half mile radius of the center of the fixed guideway public transit station platform; or~~]

[~~(B) for a fixed guideway public transit station that provides bus services only, the area within a one-fourth mile radius of the center of the fixed guideway public transit station platform.~~]

[~~(ii) "Station area" includes any parcel bisected by the radius limitation described in~~

~~Subsection (1)(h)(i)(A) or (B).~~]

[~~(i) "Station area plan" means a plan that:~~]

[~~(i) establishes a vision, and the actions needed to implement that vision, for the development of land within a station area; and~~]

[~~(ii) is developed and adopted in accordance with this section.~~]

[~~(2)~~] (1)(a) Subject to the requirements of this section, a municipality that has a fixed guideway public transit station located within the municipality's boundaries shall, for the station area:

(i) develop and adopt a station area plan; and

(ii) adopt any appropriate land use regulations to implement the station area plan.

(b) The requirements of Subsection [~~(2)(a)~~] (1)(a) shall be considered satisfied if:

(i)(A) the municipality has already adopted plans or ordinances, approved land use applications, approved agreements or financing, or investments have been made, before June 1, 2022, that substantially promote each of the objectives in Subsection [~~(7)(a)~~] (6)(a) within the station area, and can demonstrate that such plans, ordinances, approved land use applications, approved agreements or financing, or investments are still relevant to making meaningful progress towards achieving such objectives; and

(B) the municipality adopts a resolution finding that the objectives of Subsection [~~(7)(a)~~] (6)(a) have been substantially promoted[~~.~~] ; or

(ii)(A) the municipality has determined that conditions exist that make satisfying a portion or all of the requirements of Subsection [~~(2)(a)~~] (1)(a) for a station area impracticable, including conditions that relate to existing development, entitlements, land ownership, land uses that make opportunities for new development and long-term redevelopment infeasible, environmental limitations, market readiness, development impediment conditions, or other similar conditions; and

(B) the municipality adopts a resolution describing the conditions that exist to make satisfying the requirements of Subsection [~~(2)(a)~~] (1)(a) impracticable.

(c) To the extent that previous actions by a municipality do not satisfy the requirements of Subsection [~~(2)(a)~~] (1)(a) for a station area, the municipality shall take the actions necessary to satisfy those requirements.

[~~(3)~~] (2)(a) A municipality that has a new fixed guideway public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection [

~~(2)(a)~~] (1)(a) for the station area surrounding the new fixed guideway public transit station before the new fixed guideway public transit station begins transit services.

(b) Except as provided in Subsections [~~(3)(c)~~] (2)(c) and (d), a municipality that has an existing fixed guideway public transit station located within the municipality's boundaries shall satisfy the requirements of Subsection [~~(2)(a)~~] (1)(a) for the station area surrounding the existing fixed guideway public transit station on or before December 31, 2025.

(c) If a municipality has more than four existing fixed guideway public transit stations located within the municipality's boundaries, the municipality shall:

(i) on or before December 31, 2025, satisfy the requirements of Subsection [~~(2)(a)~~] (1)(a) for four or more station areas located within the municipality; and

(ii) on or before December 31 of each year thereafter, satisfy the requirements of Subsection [~~(2)(a)~~] (1)(a) for no less than two station areas located within the municipality until the municipality has satisfied the requirements of Subsection [~~(2)(a)~~] (1)(a) for each station area located within the municipality.

(d)(i) Subject to Subsection [~~(3)(d)(ii)~~] (2)(d)(ii):

(A) if a municipality receives a complete qualifying land use petition on or before July 1, 2022, the municipality shall satisfy the requirements of Subsection [~~(2)(a)~~] (1)(a) for the station area in which the development is proposed on or before July 1, 2023; and

(B) if a municipality receives a complete qualifying land use petition after July 1, 2022, the municipality shall satisfy the requirements of Subsection [~~(2)(a)~~] (1)(a) for the station area in which the development is proposed within a 12-month period beginning on the first day of the month immediately following the month in which the qualifying land use petition is submitted to the municipality, and shall notify the applicable metropolitan planning organization of the receipt of the qualified land use petition within 45 days of the date of receipt.

(ii)(A) A municipality is not required to satisfy the requirements of Subsection [~~(2)(a)~~] (1)(a) for more than two station areas under Subsection [~~(3)(d)(i)~~] (2)(d)(i) within any 12-month period.

(B) If a municipality receives more than two complete qualifying land use petitions on or before July 1, 2022, the municipality shall select two station areas for which the municipality will satisfy the requirements of Subsection [

~~(2)(a)~~] (1)(a) in accordance with Subsection [~~(3)(d)(i)(A)~~] (2)(d)(i)(A).

(iii) A municipality shall process on a first priority basis a land use application, including an application for a building permit, if:

(A) the land use application is for a residential use within a station area for which the municipality has not satisfied the requirements of Subsection [~~(2)(a)~~] (1)(a); and

(B) the municipality would be required to change a zoning designation for the land use application to be approved.

(e) Notwithstanding Subsections [~~(3)(a)~~] (2)(a) through (d), the time period for satisfying the requirements of Subsection [~~(2)(a)~~] (1)(a) for a station area may be extended once for a period of 12 months if:

(i) the municipality demonstrates to the applicable metropolitan planning organization that conditions exist that make satisfying the requirements of Subsection [~~(2)(a)~~] (1)(a) within the required time period infeasible, despite the municipality's good faith efforts; and

(ii) the applicable metropolitan planning organization certifies to the municipality in writing that the municipality satisfied the demonstration in Subsection [~~(3)(e)(i)~~] (2)(e)(i).

[~~(4)~~] (3)(a) Except as provided in Subsection [~~(4)(b)~~] (3)(b), if a station area is included within the boundaries of more than one municipality, each municipality with jurisdiction over the station area shall satisfy the requirements of Subsection [~~(2)(a)~~] (1)(a) for the portion of the station area over which the municipality has jurisdiction.

(b) Two or more municipalities with jurisdiction over a station area may coordinate to develop a shared station area plan for the entire station area.

[~~(5)~~] (4) A municipality that has more than one fixed guideway public transit station located within the municipality may, through an integrated process, develop station area plans for multiple station areas if the station areas are within close proximity of each other.

[~~(6)~~] (5)(a) A municipality that is required to develop and adopt a station area plan under this section may request technical assistance from the applicable metropolitan planning organization.

(b) An applicable metropolitan planning organization that receives funds from the Governor's Office of Economic Opportunity under Section 63N-3-113 shall, when utilizing the funds, give priority consideration to requests for technical assistance for station area plans required under Subsection [~~(3)(d)~~] (2)(d).

[~~(7)~~] (6)(a) A station area plan shall promote the following objectives within the station area:

(i) increasing the availability and affordability of housing, including moderate income housing;

(ii) promoting sustainable environmental conditions;

(iii) enhancing access to opportunities; and

(iv) increasing transportation choices and connections.

(b)(i) To promote the objective described in Subsection [~~(7)(a)(i)~~] (6)(a)(i), a municipality may consider implementing the following actions:

(A) aligning the station area plan with the moderate income housing element of the municipality's general plan;

(B) providing for densities necessary to facilitate the development of moderate income housing;

(C) providing for affordable costs of living in connection with housing, transportation, and parking; or

(D) any other similar action that promotes the objective described in Subsection [~~(7)(a)(i)~~] (6)(a)(i).

(ii) To promote the objective described in Subsection [~~(7)(a)(ii)~~] (6)(a)(ii), a municipality may consider implementing the following actions:

(A) conserving water resources through efficient land use;

(B) improving air quality by reducing fuel consumption and motor vehicle trips;

(C) establishing parks, open spaces, and recreational opportunities; or

(D) any other similar action that promotes the objective described in Subsection [~~(7)(a)(ii)~~] (6)(a)(ii).

(iii) To promote the objective described in Subsection [~~(7)(a)(iii)~~] (6)(a)(iii), a municipality may consider the following actions:

(A) maintaining and improving the connections between housing, transit, employment, education, recreation, and commerce;

(B) encouraging mixed-use development;

(C) enabling employment and educational opportunities within the station area;

(D) encouraging and promoting enhanced broadband connectivity; or

(E) any other similar action that promotes the objective described in Subsection [~~(7)(a)(iii)~~] (6)(a)(iii).

(iv) To promote the objective described in Subsection [~~(7)(a)(iv)~~] (6)(a)(iv), a

municipality may consider the following:

(A) supporting investment in infrastructure for all modes of transportation;

(B) increasing utilization of public transit;

(C) encouraging safe streets through the designation of pedestrian walkways and bicycle lanes;

(D) encouraging manageable and reliable traffic conditions;

(E) aligning the station area plan with the regional transportation plan of the applicable metropolitan planning organization; or

(F) any other similar action that promotes the objective described in Subsection [~~(7)(a)(iv)~~] (6)(a)(iv).

[~~(8)~~] (7) A station area plan shall include the following components:

(a) a station area vision that:

(i) is consistent with Subsection [~~(7)~~] (6); and

(ii) describes the following:

(A) opportunities for the development of land within the station area under existing conditions;

(B) constraints on the development of land within the station area under existing conditions;

(C) the municipality's objectives for the transportation system within the station area and the future transportation system that meets those objectives;

(D) the municipality's objectives for land uses within the station area and the future land uses that meet those objectives;

(E) the municipality's objectives for public and open spaces within the station area and the future public and open spaces that meet those objectives; and

(F) the municipality's objectives for the development of land within the station area and the future development standards that meet those objectives;

(b) a map that depicts:

(i) the station area;

(ii) the area within the station area to which the station area plan applies, provided that the station area plan may apply to areas outside the station area, and the station area plan is not required to apply to the entire station area; and

(iii) the area where each action is needed to implement the station area plan;

(c) an implementation plan that identifies and describes each action needed within the next five years to implement the station area plan, and the party responsible for

taking each action, including any actions to:

(i) modify land use regulations;

(ii) make infrastructure improvements;

(iii) modify deeds or other relevant legal documents;

(iv) secure funding or develop funding strategies;

(v) establish design standards for development within the station area; or

(vi) provide environmental remediation;

(d) a statement that explains how the station area plan promotes the objectives described in Subsection [~~(7)(a)~~] (6)(a); and

(e) as an alternative or supplement to the requirements of Subsection [~~(7)~~] (6) or this Subsection [~~(8)~~] (7), and for purposes of Subsection [~~(2)(b)(ii)~~] (1)(b)(ii), a statement that describes any conditions that would make the following impracticable:

(i) promoting the objectives described in Subsection [~~(7)(a)~~] (6)(a); or

(ii) satisfying the requirements of this Subsection [~~(8)~~] (7).

[~~(9)~~] (8) A municipality shall develop a station area plan with the involvement of all relevant stakeholders that have an interest in the station area through public outreach and community engagement, including:

(a) other impacted communities;

(b) the applicable public transit district;

(c) the applicable metropolitan planning organization;

(d) the Department of Transportation;

(e) owners of property within the station area; and

(f) the municipality's residents and business owners.

[~~(10)~~] (9)(a) A municipality that is required to develop and adopt a station area plan for a station area under this section shall submit to the applicable metropolitan planning organization and the applicable public transit district documentation evidencing that the municipality has satisfied the requirement of Subsection [~~(2)(a)(i)~~] (1)(a)(i) for the station area, including:

(i) a station area plan; or

(ii) a resolution adopted under Subsection [~~(2)(b)(i)~~] (1)(b)(i) or (ii).

(b) The applicable metropolitan planning organization, in consultation with the applicable public transit district, shall:

(i) review the documentation submitted under Subsection [~~(10)(a)~~] (9)(a) to determine the municipality's compliance with this section; and

(ii) provide written certification to the municipality if the applicable metropolitan planning organization determines that the municipality has satisfied the requirement of Subsection [~~(2)(a)(i)~~] (1)(a)(i) for the station area.

(c) The municipality shall include the certification described in Subsection [~~(10)(b)(ii)~~] (9)(b)(ii) in the municipality's report to the Department of Workforce Services under Section [~~10-9a-408~~] 10-21-202.

[~~(11)~~] (10)(a) Following certification by a metropolitan planning organization of a municipality's station area plan under Subsection [~~(10)(b)(ii)~~] (9)(b)(ii), the municipality shall provide a report to the applicable metropolitan planning organization on or before December 31 of the fifth year after the year in which the station area plan was certified, and every five years thereafter for a period not to exceed 15 years.

(b) The report described in Subsection [~~(11)(a)~~] (10)(a) shall:

(i) contain the status of advancing the station area plan objectives, including, if applicable, actions described in the implementation plan required in Subsection [~~(8)(c)~~] (7)(c); and

(ii) identify potential actions over the next five years that would advance the station area plan objectives.

(c) If a municipality has multiple certified station area plans, the municipality may consolidate the reports required in Subsection [~~(11)(a)~~] (10)(a) for the purpose of submitting reports to the metropolitan planning organization.

Section 119. Section **10-21-301**, which is renumbered from Section 10-9a-535 is renumbered and amended to read:

Part 3. Provisions Unique to Residential Zones and Residential Units

[~~10-9a-535~~] 10-21-301 (Effective 11/06/25). Moderate income housing.

(1) A municipality may only require the development of a certain number of moderate income housing units as a condition of approval of a land use application if:

(a) the municipality and the applicant enter into a written agreement regarding the number of moderate income housing units;

(b) the municipality provides incentives for an applicant who agrees to include moderate income housing units in a development; or

(c) the municipality offers or approves, and an applicant accepts, an incentive described in Section [~~10-9a-403.2~~] 10-21-401 or [~~10-9a-403.3~~] 10-21-402.

(2) If an applicant does not agree to participate in the development of moderate income

housing units under Subsection (1)(a) or (b), a municipality may not take into consideration the applicant's decision in the municipality's determination of whether to approve or deny a land use application.

(3) Notwithstanding Subsections (1) and (2), a municipality that imposes a resort community sales and use tax as described in Section 59-12-401, may require the development of a certain number of moderate income housing units as a condition of approval of a land use application if the requirement is in accordance with an ordinance enacted by the municipality before January 1, 2022.

Section 120. Section **10-21-302**, which is renumbered from Section 10-9a-514 is renumbered and amended to read:

[~~10-9a-514~~] 10-21-302 (Effective 11/06/25). Manufactured homes.

(1)(a) For purposes of this section, a manufactured home is the same as defined in Section 15A-1-302, except that the manufactured home shall be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code.

(b) All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the applicable building code.

(2) A manufactured home may not be excluded from any land use zone or area in which a single-family residence would be permitted, provided the manufactured home complies with all local land use ordinances, building codes, and any restrictive covenants, applicable to a single family residence within that zone or area.

(3) A municipality may not:

(a) adopt or enforce an ordinance or regulation that treats a proposed development that includes manufactured homes differently than one that does not include manufactured homes; or

(b) reject a development plan based on the fact that the development is expected to contain manufactured homes.

Section 121. Section **10-21-303**, which is renumbered from Section 10-9a-530 is renumbered and amended to read:

[~~10-9a-530~~] 10-21-303 (Effective 11/06/25). Internal accessory dwelling units.

[~~(1) As used in this section:~~]

[~~(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:~~]

[~~(i) within a primary dwelling;~~]

[~~(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and~~]

[~~(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.~~]

[~~(b)(i) "Primary dwelling" means a single-family dwelling that:~~]

[~~(A) is detached; and~~]

[~~(B) is occupied as the primary residence of the owner of record.~~]

[~~(ii) "Primary dwelling" includes a garage if the garage:~~]

[~~(A) is a habitable space; and~~]

[~~(B) is connected to the primary dwelling by a common wall.~~]

[~~(2)~~] (1) In any area zoned primarily for residential use:

(a) the use of an internal accessory dwelling unit is a permitted use;

(b) except as provided in Subsections [~~(3)~~] (2) and [~~(4)~~] (3), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:

(i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

(ii) total lot size;

(iii) street frontage; or

(iv) internal connectivity; and

(c) a municipality's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts.

[~~(3)~~] (2) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.

[~~(4)~~] (3) A municipality may:

(a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;

(b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;

(c) require a primary dwelling:

(i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the municipality's land use regulation, except that if the municipality's land use ordinance requires four

off-street parking spaces, the municipality may not require the additional space contemplated under this Subsection [~~(4)(c)(i)~~] (3)(c)(i); and

(ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is a habitable space;

(d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;

(e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;

(f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:

(i) 25% or less of the total area in the municipality that is zoned primarily for residential use, except that the municipality may not prohibit newly constructed internal accessory dwelling units that:

(A) have a final plat approval dated on or after October 1, 2021; and

(B) comply with applicable land use regulations; or

(ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;

(g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;

(h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;

(i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;

(j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;

(k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection [~~(5)~~] (4); and

(l) record a notice for an internal accessory dwelling unit in accordance with Subsection [~~(6)~~] (5).

[~~(5)~~] (4)(a) In addition to any other legal or equitable remedies available to a municipality, a municipality may hold a lien against a property that contains an

internal accessory dwelling unit if:

(i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection [~~(4)~~] (3);

(ii) the municipality provides a written notice of violation in accordance with Subsection [~~(5)(b)~~] (4)(b);

(iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection [~~(5)(d)~~] (4)(d), if the owner files a written objection in accordance with Subsection [~~(5)(b)(iv)~~] (4)(b)(iv);

(iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection [~~(5)(b)~~] (4)(b);

(v) the municipality provides a written notice of lien in accordance with Subsection [~~(5)(c)~~] (4)(c); and

(vi) the municipality records a copy of the written notice of lien described in Subsection [~~(5)(a)(v)~~] (4)(a)(v) with the county recorder of the county in which the property is located.

(b) The written notice of violation shall:

(i) describe the specific violation;

(ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:

(A) no less than 14 days after the day on which the municipality sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or

(B) no less than 30 days after the day on which the municipality sends the written notice of violation, for any other violation;

(iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection [~~(5)(b)(ii)~~] (4)(b)(ii), the municipality may hold a lien against the property in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;

(iv) notify the owner of the property:

(A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and

(B) of the name and address of the municipal office where the owner may file the

written objection;

(v) be mailed to:

(A) the property's owner of record; and

(B) any other individual designated to receive notice in the owner's license or permit records; and

(vi) be posted on the property.

(c) The written notice of lien shall:

(i) comply with the requirements of Section 38-12-102;

(ii) state that the property is subject to a lien;

(iii) specify the lien amount, in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;

(iv) be mailed to:

(A) the property's owner of record; and

(B) any other individual designated to receive notice in the owner's license or permit records; and

(v) be posted on the property.

(d)(i) If an owner of property files a written objection in accordance with Subsection [~~(5)(b)(iv)~~] (4)(b)(iv), the municipality shall:

(A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection [~~(5)(b)~~] (4)(b) has occurred; and

(B) notify the owner in writing of the date, time, and location of the hearing described in Subsection [~~(5)(d)(i)(A)~~] (4)(d)(i)(A) no less than 14 days before the day on which the hearing is held.

(ii) If an owner of property files a written objection under Subsection [~~(5)(b)(iv)~~] (4)(b)(iv), a municipality may not record a lien under this Subsection [~~(5)~~] (4) until the municipality holds a hearing and determines that the specific violation has occurred.

(iii) If the municipality determines at the hearing that the specific violation has occurred, the municipality may impose a lien in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.

(e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection [~~(5)(b)~~] (4)(b), the municipality may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection [~~(5)(b)~~] (4)(b).

[~~(6)~~] (5)(a) A municipality that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.

(b) The notice described in Subsection [~~(6)(a)~~] (5)(a) shall include:

(i) a description of the primary dwelling;

(ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and

(iii) a statement that the internal accessory dwelling unit may only be used in accordance with the municipality's land use regulations.

(c) The municipality shall, upon recording the notice described in Subsection [~~(6)(a)~~] (5)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

Section 122. Section **10-21-401**, which is renumbered from Section 10-9a-403.2 is renumbered and amended to read:

Part 4. Optional Tools for Municipalities to Promote Housing Supply

[~~10-9a-403.2~~] 10-21-401 (Effective 11/06/25). Affordable home ownership density bonus for single-family residential units.

(1) As used in this section:

(a) "Affordable housing" means a dwelling:

(i) offered for sale to an owner-occupier at a purchase price affordable to a household with a gross income of no more than 120% of area median income for the county in which the residential unit is offered for sale; or

(ii) offered for rent at a rental price affordable to a household with a gross income of no more than 80% of area median income for the county in which the residential unit is offered for rent.

(b) "Owner-occupier" means an individual who owns, solely or jointly, a housing unit in which the individual lives as the individual's primary residence.

(c) "Qualifying affordable home ownership single-family density bonus" means:

(i) for an area with an underlying zoning density of less than six residential units per acre, municipal approval of a density at least six residential units per acre; or

(ii) for an area with an underlying zoning density of six residential units per acre or more, municipal approval of a density at least 0.5 residential units per acre greater than the underlying zoning density for the area.

(2) If a municipality approves a qualifying affordable home ownership single-family density bonus, either through a zoning ordinance or a development agreement, the municipality may adopt requirements for the qualifying affordable home ownership single-family density bonus area to ensure:

(a) at least 60% of the total single-family residential units be deed-restricted to owner-occupancy for at least five years;

(b) at least 25% of the total single-family residential units qualify as affordable housing;

(c) at least 25% of the single-family residential units per acre to be no larger than 1,600 square feet; or

(d) the applicant creates a preferential qualifying buyer program in which a single-family residential unit is initially offered for sale, for up to 30 days, to a category of preferred qualifying buyers established by the municipality, in accordance with provisions of the Fair Housing Act, 42 U.S.C. Sec. 3601.

(3) A municipality may offer additional incentives in a qualifying affordable home ownership single-family density bonus area approved for single-family residential units to promote owner-occupied, affordable housing.

Section 123. Section **10-21-402**, which is renumbered from Section 10-9a-403.3 is renumbered and amended to read:

[~~10-9a-403.3~~] 10-21-402 (Effective 11/06/25). Affordable home ownership density bonus for multi-family residential units.

(1) As used in this section:

(a) "Affordable housing" means the same as that term is defined in Section [~~10-9a-403.2~~] 10-21-401.

(b) "Owner-occupier" means the same as that term is defined in Section [~~10-9a-403.2~~] 10-21-401.

(c) "Qualifying affordable home ownership multi-family density bonus" means municipal approval of a density of at least 20 residential units per acre.

(2) If a municipality approves a qualifying affordable home ownership multi-family density

bonus, either through a zoning ordinance or a development agreement, the municipality may adopt requirements for the qualifying affordable home ownership multi-family density bonus area to ensure:

(a) at least 20% more residential units per acre than are otherwise allowed in the area;

(b) at least 60% of the total units in the multi-family residential building be deed-restricted to owner-occupancy for at least five years;

(c) at least 25% of the total units in the multi-family residential building qualify as affordable housing;

(d) at least 25% of the total units in a multi-family residential building to be no larger than 1,600 square feet; or

(e) the applicant creates a preferential qualifying buyer program in which a unit in a multi-family residential building is initially offered for sale, for up to 30 days, to a category of preferred qualifying buyers established by the municipality, in accordance with provisions of the Fair Housing Act, 42 U.S.C. Sec. 3601.

(3) A municipality may offer additional incentives in a qualifying affordable home ownership multi-family density bonus area for multi-family residential units to promote owner-occupied, affordable housing.

Section 124. Section **10-21-501**, which is renumbered from Section 10-9a-1002 is renumbered and amended to read:

Part 5. Home Ownership Promotion Zone for Municipalities

[~~10-9a-1002~~] 10-21-501 (Effective 11/06/25). Municipal designation of a home ownership promotion zone.

(1) Subject to the requirements of Sections [~~10-9a-1003~~] 10-21-502 and [~~10-9a-1004~~] 10-21-503, a municipality may create a home ownership promotion zone as described in this section.

(2) A home ownership promotion zone created under this section:

(a) is an area of 10 contiguous acres or less located entirely within the boundaries of the municipality, zoned for fewer than six housing units per acre before the creation of the home ownership promotion zone;

(b) shall be re-zoned for at least six housing units per acre; and

(c) may not be encumbered by any residential building permits as of the day on which the home ownership promotion zone is created.

(3)(a) The municipality shall designate the home ownership promotion zone by resolution of the legislative body of the municipality, passed or adopted in a public

meeting of the legislative body of the municipality, following:

(i) the recommendation of the municipality planning commission; and

(ii) the notification requirements described in Section [~~10-9a-1004~~] 10-21-503.

(b) The resolution described in Subsection (3)(a) shall describe how the home ownership promotion zone created [~~pursuant to~~] in accordance with this section meets the objectives and requirements in Section [~~10-9a-1003~~] 10-21-502.

(c) The home ownership promotion zone is created on the effective date of the resolution described in Subsection (3)(a).

(4) If a home ownership promotion zone is created as described in this section:

(a) affected local taxing entities are required to participate according to the requirements of the home ownership promotion zone established by the municipality; and

(b) each affected taxing entity is required to participate at the same rate.

(5) A home ownership promotion zone may be modified by the same manner it is created as described in Subsection (3).

(6) Within 30 days after the day on which the municipality creates the home ownership promotion zone as described in Subsection (3), the municipality shall:

(a) record with the recorder of the county in which the home ownership promotion zone is located a document containing:

(i) a description of the land within the home ownership promotion zone; and

(ii) the date of creation of the home ownership promotion zone;

(b) transmit a copy of the description of the land within the home ownership promotion zone and an accurate map or plat indicating the boundaries of the home ownership promotion zone to the Utah Geospatial Resource Center created under Section 63A-16-505; and

(c) transmit a map and description of the land within the home ownership promotion zone to:

(i) the auditor, recorder, attorney, surveyor, and assessor of the county in which any part of the home ownership promotion zone is located;

(ii) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;

(iii) the legislative body or governing board of each taxing entity impacted by the home ownership promotion zone;

(iv) the tax commission; and

(v) the State Board of Education.

(7) A municipality may receive tax increment and use home ownership promotion zone funds as described in Section [~~10-9a-1005~~] 10-21-504.

Section 125. Section **10-21-502**, which is renumbered from Section 10-9a-1003 is renumbered and amended to read:

[~~10-9a-1003~~] 10-21-502 (Effective 11/06/25). Applicability, requirements, and limitations.

(1) A home ownership promotion zone shall promote the following objectives:

(a) increasing availability of housing, including affordable housing;

(b) promotion of home ownership;

(c) overcoming development impediments and market conditions that render an affordable housing development cost prohibitive absent the incentives resulting from a home ownership promotion zone; and

(d) conservation of water resources through efficient land use.

(2) In order to accomplish the objectives described in Subsection (1), a municipality shall ensure that:

(a) land inside the proposed home ownership promotion zone is zoned as residential, with at least six planned housing units per acre;

(b) at least 60% of the proposed housing units within the home ownership promotion zone are affordable housing units; and

(c) all of the proposed housing units within the home ownership promotion zone are deed restricted to require owner occupation for at least five years.

(3) A municipality may restrict short term rentals in a home ownership promotion zone.

(4) A municipality may not create a home ownership promotion zone if:

(a) the proposed home ownership promotion zone would overlap with a school district and:

(i)(A) the school district has more than one municipality within the school district's boundaries; and

(B) the school district already has 100 acres designated as home ownership promotion zone within the school district's boundaries; or

(ii)(A) the school district has one municipality within the school district's boundaries; and

(B) the school district already has 50 acres designated as home ownership promotion zone within the school district's boundaries; or

(b) the area in the proposed home ownership zone would overlap with:

(i) a project area, as that term is defined in Section 17C-1-102, and created under Title 17C, Chapter 1, Agency Operations, until the project area is dissolved [~~pursuant to~~] in accordance with Section 17C-1-702; or

(ii) an existing housing and transit reinvestment zone.

Section 126. Section **10-21-503**, which is renumbered from Section 10-9a-1004 is renumbered and amended to read:

[~~10-9a-1004~~] 10-21-503 (Effective 11/06/25). Notification before creation of a home ownership promotion zone.

(1)(a) As used in this section, "hearing" means a public meeting in which the legislative body of a municipality:

(i) considers a resolution creating a home ownership promotion zone; and

(ii) takes public comment on a proposed home ownership promotion zone.

(b) A hearing under this section may be combined with any other public meeting of a legislative body of a municipality.

(2) Before a municipality creates a home ownership promotion zone as described in Section [~~10-9a-1002~~] 10-21-501, [~~it~~] the municipality shall provide notice of a hearing as described in this section.

(3) The notice required by Subsection (2) shall be given by:

(a) publishing notice for the municipality, as a class A notice under Section 63G-30-102, for at least 14 days before the day on which the legislative body of the municipality intends to have a hearing;

(b) at least 30 days before the hearing, mailing notice to:

(i) each record owner of property located within the proposed home ownership promotion zone;

(ii) the State Tax Commission;

(iii) the assessor and auditor of the county in which the proposed home ownership promotion zone is located; and

(iv)(A) if the proposed home ownership promotion zone is subject to a taxing entity committee, each member of the taxing entity committee and the State Board of Education; or

(B) if the proposed home ownership promotion zone is not subject to a taxing entity committee, the legislative body or governing board of each taxing entity within the boundaries of the proposed home ownership promotion zone.

(4) The mailing of the notice to record property owners required under Subsection (3)(b) shall be conclusively considered to have been properly completed if:

(a) the agency mails the notice to the property owners as shown in the records, including an electronic database, of the county recorder's office and at the addresses shown in those records; and

(b) the county recorder's office records used by the agency in identifying owners to whom the notice is mailed and their addresses were obtained or accessed from the county recorder's office no earlier than 30 days before the mailing.

(5) The municipality shall include in each notice required under this section:

(a)(i) a boundary description of the proposed home ownership promotion zone; or

(ii)(A) a mailing address or telephone number where a person may request that a copy of the boundary description of the proposed home ownership promotion zone be sent at no cost to the person by mail, email, or facsimile transmission; and

(B) if the agency or community has an Internet website, an Internet address where a person may gain access to an electronic, printable copy of the boundary description of the proposed home ownership promotion zone;

(b) a map of the boundaries of the proposed home ownership promotion zone;

(c) an explanation of the purpose of the hearing; and

(d) a statement of the date, time, and location of the hearing.

(6) The municipality shall include in each notice under Subsection (3)(b):

(a) a statement that property tax revenue resulting from an increase in valuation of property within the proposed home ownership promotion zone will be paid to the municipality for proposed home ownership promotion zone development rather than to the taxing entity to which the tax revenue would otherwise have been paid; and

(b) an invitation to the recipient of the notice to submit to the municipality comments concerning the subject matter of the hearing before the date of the hearing.

(7) A municipality may include in a notice under Subsection (2) any other information the municipality considers necessary or advisable, including the public purpose achieved by the proposed home ownership promotion zone.

Section 127. Section **10-21-504**, which is renumbered from Section 10-9a-1005 is renumbered and amended to read:

[~~10-9a-1005~~] 10-21-504 (Effective 11/06/25). Payment, use, and administration of revenue from a home ownership promotion zone.

(1)(a) A municipality may receive tax increment and use home ownership promotion zone funds in accordance with this section.

(b) The maximum amount of time that a municipality may receive and use tax increment [~~pursuant to~~] in accordance with a home ownership promotion zone is 15 consecutive years.

(2) A county that collects property tax on property located within a home ownership promotion zone shall, in accordance with Section 59-2-1365, distribute 60% of the tax increment collected from property within the home ownership promotion zone to the municipality over the home ownership promotion zone to be used as described in this section.

(3)(a) Tax increment distributed to a municipality in accordance with Subsection (2) is not revenue of the taxing entity or municipality, but home ownership promotion zone funds.

(b) Home ownership promotion zone funds may be administered by an agency created by the municipality within which the home ownership promotion zone is located.

(c) Before an agency may receive home ownership promotion zone funds from a municipality, the agency shall enter into an interlocal agreement with the municipality.

(4)(a) A municipality or agency shall use home ownership promotion zone funds within, or for the direct benefit of, the home ownership promotion zone.

(b) If any home ownership promotion zone funds will be used outside of the home ownership promotion zone, the legislative body of the municipality shall make a finding that the use of the home ownership promotion zone funds outside of the home ownership promotion zone will directly benefit the home ownership promotion zone.

(5) A municipality or agency shall use home ownership promotion zone funds to achieve the purposes described in Section [~~10-9a-1003~~] 10-21-502 by paying all or part of the costs of any of the following:

(a) project improvement costs;

(b) systems improvement costs;

(c) water exaction costs;

(d) street lighting costs;

(e) environmental remediation costs; or

(f) the costs of the municipality or agency to create and administer the home ownership promotion zone, which may not exceed 3% of the total home ownership promotion

zone funds.

(6) Home ownership promotion zone funds may be paid to a participant, if the municipality and participant enter into a participation agreement which requires the participant to utilize the home ownership promotion zone funds as allowed in this section.

(7) Home ownership promotion zone funds may be used to pay all of the costs of bonds issued by the municipality in accordance with Title 17C, Chapter 1, Part 5, Agency Bonds, including the cost to issue and repay the bonds including interest.

(8) A municipality may:

(a) create one or more public infrastructure districts within a home ownership promotion zone under Title 17D, Chapter 4, Public Infrastructure District Act; and

(b) pledge and utilize the home ownership promotion zone funds to guarantee the payment of public infrastructure bonds issued by a public infrastructure district.

Section 128. Section **10-21-601** is enacted to read:

Part 6. Other Housing Supply Tools

10-21-601 (Effective 11/06/25). Reserved.

Reserved.

Section 129. Section **11-13-227** is amended to read:

11-13-227 (Effective 11/06/25). Transportation reinvestment zones.

(1) Subject to the provisions of this part, any two or more public agencies may enter into an agreement with one another to create a transportation reinvestment zone as described in this section.

(2) To create a transportation reinvestment zone, two or more public agencies, at least one of which has land use authority over the transportation reinvestment zone area, shall:

(a) define the transportation infrastructure need and proposed improvement;

(b) define the boundaries of the zone;

(c) establish terms for sharing sales tax revenue among the members of the agreement;

(d) establish a base year to calculate the increase of property tax revenue within the zone;

(e) establish terms for sharing any increase in property tax revenue within the zone; and

(f) before an agreement is approved as required in Section 11-13-202.5, hold a public hearing regarding the details of the proposed transportation reinvestment zone.

(3) Any agreement to establish a transportation reinvestment zone is subject to the requirements of Sections 11-13-202, 11-13-202.5, 11-13-206, and 11-13-207.

(4)(a) Each public agency that is party to an agreement under this section shall annually publish a report including a statement of the increased tax revenue and the

expenditures made in accordance with the agreement.

(b) Each public agency that is party to an agreement under this section shall transmit a copy of the report described in Subsection (4)(a) to the state auditor.

(5) If any surplus revenue remains in a tax revenue account created as part of a transportation reinvestment zone agreement, the parties may use the surplus for other purposes as determined by agreement of the parties.

(6)(a) An action taken under this section is not subject to:

(i) Section 10-8-2;

(ii) [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act;

(iii) [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act; or

(iv) Section [~~17-50-312~~] 17-78-103.

(b) An ordinance, resolution, or agreement adopted under this title is not a land use regulation as defined in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102.

Section 130. Section **11-36a-202** is amended to read:

11-36a-202 (Effective 11/06/25). Prohibitions on impact fees.

(1) A local political subdivision or private entity may not:

(a) impose an impact fee to:

(i) cure deficiencies in a public facility serving existing development;

(ii) raise the established level of service of a public facility serving existing development; or

(iii) recoup more than the local political subdivision's or private entity's costs actually incurred for excess capacity in an existing system improvement;

(b) delay the construction of a school or charter school because of a dispute with the school or charter school over impact fees; or

(c) impose or charge any other fees as a condition of development approval unless those fees are a reasonable charge for the service provided.

(2)(a) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee:

(i) on residential components of development to pay for a public safety facility that is a fire suppression vehicle;

(ii) on a school district or charter school for a park, recreation facility, open space, or trail;

(iii) on a school district or charter school unless:

(A) the development resulting from the school district's or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and

(B) the impact fee is calculated to cover only the school district's or charter school's proportionate share of the cost of those additional system improvements;

(iv) to the extent that the impact fee includes a component for a law enforcement facility, on development activity for:

(A) the Utah National Guard;

(B) the Utah Highway Patrol; or

(C) a state institution of higher education that has its own police force;

(v) on development activity on state-owned land, as defined in Section 11-70-101; or

(vi) on development activity that consists of the construction of an internal accessory dwelling unit, as defined in Section [~~10-9a-530~~] 10-21-303, within an existing primary dwelling.

(b)(i) Notwithstanding any other provision of this chapter, a political subdivision or private entity may not impose an impact fee on development activity that consists of the construction of a school, whether by a school district or a charter school, if:

(A) the school is intended to replace another school, whether on the same or a different parcel;

(B) the new school creates no greater demand or need for public facilities than the school or school facilities, including any portable or modular classrooms that are on the site of the replaced school at the time that the new school is proposed; and

(C) the new school and the school being replaced are both within the boundary of the local political subdivision or the jurisdiction of the private entity.

(ii) If the imposition of an impact fee on a new school is not prohibited under Subsection (2)(b)(i) because the new school creates a greater demand or need for public facilities than the school being replaced, the impact fee shall be based only on the demand or need that the new school creates for public facilities that exceeds the demand or need that the school being replaced creates for those public facilities.

(c) Notwithstanding any other provision of this chapter, a political subdivision or private

entity may impose an impact fee for a road facility on the state only if and to the extent that:

(i) the state's development causes an impact on the road facility; and

(ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government.

(3) Notwithstanding any other provision of this chapter, a local political subdivision may impose and collect impact fees on behalf of a school district if authorized by Section 11-36a-206.

Section 131. Section **11-36a-301** is amended to read:

11-36a-301 (Effective 11/06/25). Impact fee facilities plan.

(1) Before imposing an impact fee, each local political subdivision or private entity shall, except as provided in Subsection (3), prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity.

(2) A municipality or county need not prepare a separate impact fee facilities plan if the general plan required by Section [~~10-9a-401~~] 10-20-401 or [~~17-27a-401~~] 17-79-401, respectively, contains the elements required by Section 11-36a-302.

(3) A local political subdivision or a private entity with a population, or serving a population, of less than 5,000 as of the last federal census that charges impact fees of less than $250,000 annually need not comply with the impact fee facilities plan requirements of this part, but shall ensure that:

(a) the impact fees that the local political subdivision or private entity imposes are based upon a reasonable plan that otherwise complies with the common law and this chapter; and

(b) each applicable notice required by this chapter is given.

Section 132. Section **11-36a-302** is amended to read:

11-36a-302 (Effective 11/06/25). Impact fee facilities plan requirements -- Limitations -- School district or charter school.

(1)(a) An impact fee facilities plan shall:

(i) identify the existing level of service;

(ii) subject to Subsection (1)(c), establish a proposed level of service;

(iii) identify any excess capacity to accommodate future growth at the proposed level of service;

(iv) identify demands placed upon existing public facilities by new development

activity at the proposed level of service; and

(v) identify the means by which the political subdivision or private entity will meet those growth demands.

(b) A proposed level of service may diminish or equal the existing level of service.

(c) A proposed level of service may:

(i) exceed the existing level of service if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service; or

(ii) establish a new public facility if, independent of the use of impact fees, the political subdivision or private entity provides, implements, and maintains the means to increase the existing level of service for existing demand within six years of the date on which new growth is charged for the proposed level of service.

(2) In preparing an impact fee facilities plan, each local political subdivision shall generally consider all revenue sources to finance the impacts on system improvements, including:

(a) grants;

(b) bonds;

(c) interfund loans;

(d) impact fees; and

(e) anticipated or accepted dedications of system improvements.

(3) A local political subdivision or private entity may only impose impact fees on development activities when the local political subdivision's or private entity's plan for financing system improvements establishes that impact fees are necessary to maintain a proposed level of service that complies with Subsection (1)(b) or (c).

(4)(a) Subject to Subsection (4)(c), the impact fee facilities plan shall include a public facility for which an impact fee may be charged or required for a school district or charter school if the local political subdivision is aware of the planned location of the school district facility or charter school:

(i) through the planning process; or

(ii) after receiving a written request from a school district or charter school that the public facility be included in the impact fee facilities plan.

(b) If necessary, a local political subdivision or private entity shall amend the impact fee facilities plan to reflect a public facility described in Subsection (4)(a).

(c)(i) In accordance with [~~Subsections 10-9a-305(3)~~] Sections 10-20-304 and [~~17-27a-305(3)~~] 17-79-305, a local political subdivision may not require a school district or charter school to participate in the cost of any roadway or sidewalk.

(ii) Notwithstanding Subsection (4)(c)(i), if a school district or charter school agrees to build a roadway or sidewalk, the roadway or sidewalk shall be included in the impact fee facilities plan if the local jurisdiction has an impact fee facilities plan for roads and sidewalks.

Section 133. Section **11-36a-502** is amended to read:

11-36a-502 (Effective 11/06/25). Notice to adopt or amend an impact fee facilities plan.

(1) If a local political subdivision chooses to prepare an independent impact fee facilities plan rather than include an impact fee facilities element in the general plan in accordance with Section 11-36a-301, the local political subdivision shall, before adopting or amending the impact fee facilities plan:

(a) give public notice, in accordance with Subsection (2), of the plan or amendment at least 10 days before the day on which the public hearing described in Subsection (1)(d) is scheduled;

(b) make a copy of the plan or amendment, together with a summary designed to be understood by a lay person, available to the public;

(c) place a copy of the plan or amendment and summary in each public library within the local political subdivision; and

(d) hold a public hearing to hear public comment on the plan or amendment.

(2) With respect to the public notice required under Subsection (1)(a):

(a) each municipality shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections [~~10-9a-205~~] 10-20-205 and [~~10-9a-801~~] 10-20-1109 and Subsection [~~10-9a-502(2)~~] 10-20-502(2);

(b) each county shall comply with the notice and hearing requirements of, and, except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Sections [~~17-27a-205~~] 17-79-205 and [~~17-27a-801~~] 17-79-1009 and Subsection [~~17-27a-502(2)~~] 17-79-502(2); and

(c) each special district, special service district, and private entity shall comply with the notice and hearing requirements of, and receive the protections of, Section 17B-1-111.

(3) Nothing contained in this section or Section 11-36a-503 may be construed to require

involvement by a planning commission in the impact fee facilities planning process.

Section 134. Section **11-36a-504** is amended to read:

11-36a-504 (Effective 11/06/25). Notice of intent to adopt impact fee enactment -- Hearing -- Protections.

(1) Before adopting an impact fee enactment:

(a) a municipality legislative body shall:

(i) comply with the notice requirements of Section [~~10-9a-205~~] 10-20-205 as if the impact fee enactment were a land use regulation;

(ii) hold a hearing in accordance with Section [~~10-9a-502~~] 10-20-502 as if the impact fee enactment were a land use regulation; and

(iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section [~~10-9a-801~~] 10-9-1109 as if the impact fee were a land use regulation;

(b) a county legislative body shall:

(i) comply with the notice requirements of Section [~~17-27a-205~~] 17-79-205 as if the impact fee enactment were a land use regulation;

(ii) hold a hearing in accordance with Section [~~17-27a-502~~] 17-79-502 as if the impact fee enactment were a land use regulation; and

(iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of Section [~~17-27a-801~~] 17-79-1009 as if the impact fee were a land use regulation;

(c) a special district or special service district shall:

(i) comply with the notice and hearing requirements of Section 17B-1-111; and

(ii) receive the protections of Section 17B-1-111;

(d) a local political subdivision shall at least 10 days before the day on which a public hearing is scheduled in accordance with this section:

(i) make a copy of the impact fee enactment available to the public; and

(ii) provide notice of the local political subdivision's intent to enact or modify the impact fee, specifying the type of impact fee being enacted or modified, for the local political subdivision, as a class A notice under Section 63G-30-102, for at least 10 days; and

(e) a local political subdivision shall submit a copy of the impact fee analysis and a copy of the summary of the impact fee analysis prepared in accordance with Section 11-36a-303 on its website or to each public library within the local political subdivision.

(2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning

commission in the impact fee enactment process.

Section 135. Section **11-36a-701** is amended to read:

11-36a-701 (Effective 11/06/25). Impact fee challenge.

(1) A person or an entity residing in or owning property within a service area, or an organization, association, or a corporation representing the interests of persons or entities owning property within a service area, has standing to file a declaratory judgment action challenging the validity of an impact fee.

(2)(a) A person or an entity required to pay an impact fee who believes the impact fee does not meet the requirements of law may file a written request for information with the local political subdivision who established the impact fee.

(b) Within two weeks after the receipt of the request for information under Subsection (2)(a), the local political subdivision shall provide the person or entity with the impact fee analysis, the impact fee facilities plan, and any other relevant information relating to the impact fee.

(3)(a) Subject to the time limitations described in Section 11-36a-702 and procedures set forth in Section 11-36a-703, a person or an entity that has paid an impact fee that a local political subdivision imposed may challenge:

(i) if the impact fee enactment was adopted on or after July 1, 2000:

(A) subject to Subsection (3)(b)(i) and except as provided in Subsection (3)(b)(ii), whether the local political subdivision complied with the notice requirements of this chapter with respect to the imposition of the impact fee; and

(B) whether the local political subdivision complied with other procedural requirements of this chapter for imposing the impact fee; and

(ii) except as limited by Subsection (3)(c), the impact fee.

(b)(i) The sole remedy for a challenge under Subsection (3)(a)(i)(A) is the equitable remedy of requiring the local political subdivision to correct the defective notice and repeat the process.

(ii) The protections given to a municipality under Section [~~10-9a-801~~] 10-20-1109 and to a county under Section [~~17-27a-801~~] 17-79-1009 do not apply in a challenge under Subsection (3)(a)(i)(A).

(c) The sole remedy for a challenge under Subsection (3)(a)(ii) is a refund of the difference between what the person or entity paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated.

(4)(a) Subject to Subsection (4)(d), if an impact fee that is the subject of an advisory

opinion under Section 13-43-205 is listed as a cause of action in litigation, and that cause of action is litigated on the same facts and circumstances and is resolved consistent with the advisory opinion:

(i) the substantially prevailing party on that cause of action:

(A) may collect reasonable attorney fees and court costs pertaining to the development of that cause of action from the date of the delivery of the advisory opinion to the date of the court's resolution; and

(B) shall be refunded an impact fee held to be in violation of this chapter, based on the difference between the impact fee paid and what the impact fee should have been if the local political subdivision had correctly calculated the impact fee; and

(ii) in accordance with Section 13-43-206, a local political subdivision shall refund an impact fee held to be in violation of this chapter to the person who was in record title of the property on the day on which the impact fee for the property was paid if:

(A) the impact fee was paid on or after the day on which the advisory opinion on the impact fee was issued but before the day on which the final court ruling on the impact fee is issued; and

(B) the person described in Subsection (3)(a)(ii) requests the impact fee refund from the local political subdivision within 30 days after the day on which the court issued the final ruling on the impact fee.

(b) A local political subdivision subject to Subsection (3)(a)(ii) shall refund the impact fee based on the difference between the impact fee paid and what the impact fee should have been if the local political subdivision had correctly calculated the impact fee.

(c) This Subsection (4) may not be construed to create a new cause of action under land use law.

(d) Subsection (4)(a) does not apply unless the cause of action described in Subsection (4)(a) is resolved and final.

(5) Subject to the time limitations described in Section 11-36a-702 and procedures described in Section 11-36a-703, a claimant, as defined in Section 11-36a-603, may challenge whether a local political subdivision spent or encumbered an impact fee in accordance with Section 11-36a-602.

Section 136. Section **11-46a-102** is amended to read:

11-46a-102 (Effective 11/06/25). Limitations on animal enterprise and working animal regulations.

(1) Subject to Subsection (2), a political subdivision may not adopt or enforce an ordinance or other regulation that prohibits or effectively prohibits:

(a) the operation of an animal enterprise;

(b) the use of a working animal; or

(c) domestic dogs from:

(i) actively participating in an exposition or rodeo; or

(ii) performing a specific duty as a working animal.

(2) Subsection (1) does not apply to an ordinance or other regulation that a political subdivision adopts or enforces if the ordinance or other regulation:

(a) enforces a state or federal law;

(b) is a land use regulation as that term is defined in Section [~~10-9a-103~~] 10-20-102; or

(c) is adopted or enforced, in accordance with Section 10-8-15 or 19-4-113, to protect:

(i) drinking water or a source of drinking water from pollution; or

(ii) a waterworks system.

Section 137. Section **11-58-103** is amended to read:

11-58-103 (Effective 11/06/25). Vested right of landowner.

(1) As used in this section:

(a) "Municipal inland port regulations" means a municipality's land use ordinances and regulations relating to the use of land within the authority jurisdictional land for an inland port use.

(b) "Vested development right" means a right:

(i) to use or develop land located within the authority jurisdictional land for an inland port use in accordance with municipal inland port regulations in effect on December 31, 2018; and

(ii) that may not be affected by later changes to municipal ordinances or regulations.

(c) "Vested right notice" means a notice that complies with the requirements of Subsection (3).

(2) An owner of land located within the boundary of the authority jurisdictional land may establish a vested development right on that land by causing a notice to be recorded in the office of the recorder of the county in which the land is located.

(3) A notice under Subsection (2) shall:

(a) state that the owner elects to establish a vested development right on the owner's land

to use or develop the land for an inland port use in accordance with municipal inland port regulations in effect on December 31, 2018;

(b) state that the owner's election is made under Title 11, Chapter 58, Utah Inland Port Authority Act;

(c) describe the land in a way that complies with applicable requirements for the recording of an instrument affecting land;

(d) indicate the zoning district in which the land is located, including any overlay district;

(e) bear the signature of each owner of the land;

(f) be accompanied by the applicable recording fee; and

(g) include the following acknowledgment:

"I/we acknowledge that:

• the land identified in this notice is situated within the authority jurisdictional land of the Utah Inland Port Authority, established under Utah Code Title 11, Chapter 58, Utah Inland Port Authority Act, and is eligible for this election of a vested right;

• this vested right allows the land described in this notice to be used or developed in the manner allowed by applicable land use regulations in effect on December 31, 2018;

• all development activity must comply with those land use regulations;

• the right to use and develop the land described in this notice in accordance with those land use regulations continues for 40 years from the date this notice is recorded, unless a land use application is submitted to the applicable land use authority that proposes a use or development activity that is not allowed under the land use regulations in effect on December 31, 2018, or all record owners of the land record a rescission of the election of a vested development right for this land.".

(4)(a) An owner of land against which a vested right notice is recorded has a vested development right with respect to that land for 40 years from the date the vested right notice is recorded, or, if earlier, until the vested development right is rescinded by the recording of a rescission of the election of the vested development right signed by all record owners of the land.

(b) A vested development right may not be affected by changes to municipal ordinances or regulations that occur after a vested right notice is recorded.

(5) Within 10 days after the recording of a vested right notice under this section, the owner of the land shall provide a copy of the vested right notice, with recording information, to the applicable local land use authority.

(6) A vested development right may not be affected by an action under Subsection [

~~17-27a-508(1)(a)(ii)(A)~~] 17-79-803(1)(a)(ii)(A) or (B) or Subsection [~~10-9a-509(1)(a)(ii)(A)~~] 10-20-902(1)(a)(ii)(A) or (B).

Section 138. Section **11-59-103** is amended to read:

11-59-103 (Effective 11/06/25) (Repealed 01/01/29). Scope of chapter -- Limit on selling or leasing point of the mountain state land -- Authority control over point of the mountain state land -- Role of Division of Facilities Construction and Management -- Local government authority not applicable.

(1) This chapter governs the management of the point of the mountain state land, and the process of planning, managing, and implementing the development of the point of the mountain state land.

(2)(a) No part of the point of the mountain state land may be sold or otherwise disposed of or leased without the approval of the board.

(b) The authority has complete and exclusive control over the management, development, and disposition of the point of the mountain state land.

(3)(a) The facilities division serves the role of compliance agency under Title 15A, State Construction and Fire Codes Act, with respect to the point of the mountain state land.

(b) The facilities division is the permitting agency responsible for the issuance of a building permit or certificate of occupancy related to construction on the point of the mountain state land, in accordance with applicable building codes and standards.

(4) The authority of a local government under [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act, or [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act, does not apply to the use of the point of the mountain state land or to any improvements constructed on the point of the mountain state land, including improvements constructed by an entity other than the authority.

Section 139. Section **11-59-204** is amended to read:

11-59-204 (Effective 11/06/25) (Repealed 01/01/29). Applicability of other law -- Coordination with municipality.

(1) The authority and the point of the mountain state land are not subject to:

(a) [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act; or

(b) the jurisdiction of a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or a special service district under Title 17D,

Chapter 1, Special Service District Act, except to the extent that:

(i) some or all of the point of the mountain state land is, on May 8, 2018, included within the boundary of a special district or special service district; and

(ii) the authority elects to receive service from the special district or special service district for the point of the mountain state land that is included within the boundary of the special district or special service district, respectively.

(2) In formulating and implementing a development plan for the point of the mountain state land, the authority shall consult with officials of the municipality within which the point of the mountain state land is located on planning and zoning matters.

(3) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107, 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed by Title 63E, Independent Entities Code.

(4) Nothing in this chapter may be construed to remove the point of the mountain state land from the service area of the municipality in which the point of the mountain state land is located, for purposes of water, sewer, and other similar municipal services currently being provided.

(5) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act, except that for an electronic meeting of the authority board that otherwise complies with Section 52-4-207, the authority board:

(a) is not required to establish an anchor location; and

(b) may convene and conduct the meeting without the determination otherwise required under Subsection 52-4-207(5)(a)(i).

Section 140. Section **11-70-203** is amended to read:

11-70-203 (Effective 11/06/25). Privilege tax on state-owned land.

(1)(a) Subject to Subsection (1)(b), the possession or beneficial use of property on state-owned land is subject to Title 59, Chapter 4, Privilege Tax.

(b) Subsection (1)(a) does not apply to a qualified stadium during the construction of the qualified stadium and before title to the stadium is conveyed to the fairpark district as required in an agreement under Subsection 11-70-502(3).

(2)(a) As provided in Subsection (2)(b):

(i) for revenue from a privilege tax under Subsection (1) on a designated parcel that is part of the fair park land:

(A) 75% of the revenue shall be paid to the fairpark district; and

(B) 25% of the revenue shall be paid to the fair park authority; and

(ii) for revenue from a privilege tax under Subsection (1) on a designated parcel that is part of other state land, 100% of the revenue shall be paid to the fairpark district.

(b) The treasurer of the county in which the fair park land is located shall, in the manner and at the time provided in Section 59-2-1365, pay and distribute to the fairpark district and the fair park authority, as applicable, the revenue described in Subsection (2)(a).

(3)(a) The fairpark district shall use 20% of the money the fairpark district is paid under Subsection (2)(a)(ii) for moderate income housing, as defined in Section [~~10-9a-103~~] 10-20-102, within the host municipality.

(b) The fairpark district and host municipality shall coordinate and work together to identify how, when, and where the money described in Subsection (3)(a) is spent.

Section 141. Section **11-70-206** is amended to read:

11-70-206 (Effective 11/06/25). Applicability of other law -- Cooperation of state and local governments -- Municipal services -- Services from state agencies -- Procurement policy -- Public infrastructure district.

(1) With respect to the use or development of state-owned land, the fairpark district is not subject to:

(a) [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act; or

(b) the jurisdiction of a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act, except to the extent that:

(i) some or all of the state land is, on January 1, 2024, included within the boundary of a special district or special service district; and

(ii) the fairpark district elects to receive service from the special district or special service district for the state land that is included within the boundary of the special district or special service district, respectively.

(2) The fairpark district has and may exercise all powers relating to the regulation of land uses on state-owned land.

(3)(a) Subject to Subsections (3)(b) and (c), the fairpark district has and may exercise all powers relating to the regulation of land uses on privately owned land within the fairpark district boundary.

(b)(i) Except as provided in Subsection (3)(d), land owned by a qualified owner is subject to a host municipality's land use authority under [~~Title 10, Chapter 9a,~~

~~Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act, if the qualified owner and the host municipality enter into an agreement, as provided in Subsection (3)(b)(ii), no later than December 31, 2024.

(ii)(A) An agreement under Subsection (3)(b)(i) shall require the host municipality to provide an expedited process for the review and approval of a qualified owner's completed land use application that complies with adopted land use regulations.

(B) In an agreement under Subsection (3)(b)(i), the host municipality shall agree to vest the qualified owner in any approved land use for a qualified stadium and related uses.

(c)(i) If the board approves the addition of land owned by a qualified owner to the fairpark district boundary, the host municipality shall, within six months after the day of the board's approval, approve an amendment to the agreement established under Subsection (3)(b) to include the additional land.

(ii) A host municipality may not unreasonably withhold, delay, or condition approving the amendment described in Subsection (3)(c)(i).

(iii) If a host municipality fails to approve an amendment described in Subsection (3)(c)(i) within the time frame described in Subsection (3)(c)(i), the fairpark district shall become the land use authority for the additional land.

(d) If an agreement under Subsection (3)(b) terminates for any reason described in the agreement or by operation of law, the fairpark district shall become the land use authority for the land that was subject to the agreement immediately upon termination of the agreement.

(e) Upon expiration of the agreement described in Subsection (3)(b), the host municipality shall remain the sole land use authority for the land that was subject to the expired agreement.

(f) A host municipality may not prohibit or condition the use of a qualified owner's land for a qualified stadium.

(g) In making land use decisions affecting land within the fairpark district boundary that is subject to a host municipality's land use authority under this Subsection (3), the legislative body of the host municipality shall consider input from the board.

(4)(a) No later than December 31, 2024, the host municipality and the host municipality's community reinvestment agency shall take all necessary actions to

withdraw from the fairpark district boundary any area that is within a project area of the community reinvestment agency.

(b) If land is added to the fairpark district boundary, the host municipality and the community reinvestment agency shall take all necessary actions to withdraw from the fairpark district boundary any area that is within a project area of the community reinvestment agency.

(5) A department, division, or other agency of the state and a political subdivision of the state shall cooperate with the fairpark district to the fullest extent possible to provide whatever support, information, or other assistance the board requests that is reasonably necessary to help the fairpark district fulfill the fairpark district's duties and responsibilities under this chapter.

(6)(a) A host municipality shall provide the same municipal services to the area of the municipality that is within the fairpark district boundary as the municipality provides to other areas of the municipality with similar zoning and a similar development level.

(b) The level and quality of municipal services that a host municipality provides within the fairpark district boundary shall be fairly and reasonably consistent with the level and quality of municipal services that the municipality provides to other areas of the municipality with similar zoning and a similar development level.

(c) No later than December 31, 2024, the fairpark district and host municipality shall enter into an agreement providing for the fairpark district to reimburse the host municipality for services the host municipality provides to a project area.

(7)(a) The fairpark district may request and, upon request, shall receive:

(i) fuel dispensing and motor pool services provided by the Division of Fleet Operations;

(ii) surplus property services provided by the Division of Purchasing and General Services;

(iii) information technology services provided by the Division of Technology Services;

(iv) archive services provided by the Division of Archives and Records Service;

(v) financial services provided by the Division of Finance;

(vi) human resources services provided by the Division of Human Resource Management;

(vii) legal services provided by the Office of the Attorney General; and

(viii) banking services provided by the Office of the State Treasurer.

(b) Nothing in Subsection (7)(a) relieves the fairpark district of the obligation to pay the applicable fee for the service provided.

(8)(a) To govern fairpark district procurements, the board shall adopt a procurement policy that the board reasonably determines to substantially fulfill the purposes described in Section 63G-6a-102.

(b) The board may delegate to the executive director the responsibility to adopt a procurement policy.

(c) The board's determination under Subsection (8)(a) is final and conclusive.

(9) No later than December 31, 2024, the board and the assessor of the county in which the fairpark district is located shall together determine the base taxable value of privately owned property within the fairpark district boundary.

(10)(a) As used in this Subsection (10):

(i) "District ZIP area" means a ZIP area a majority of which includes land within the fairpark district boundary.

(ii) "ZIP area" means an area defined by the ZIP Code, as defined in Section 59-12-102, plus the four-digit deliver route extension.

(b) No later than June 1, 2024, the State Tax Commission shall:

(i) define the area that consists of all district zip areas; and

(ii) provide a description of the area under Subsection (10)(b)(i) to the host municipality and the board.

(c) The State Tax Commission shall annually:

(i) update the definition of the area under Subsection (10)(b)(i); and

(ii) provide the updated description to the host municipality and the board.

(11)(a)(i) A public infrastructure district created by the fairpark district under Title 17D, Chapter 4, Public Infrastructure District Act, may, subject to limitations of that chapter, levy a property tax for the operations and maintenance of the public infrastructure district's financed public infrastructure and improvements, subject to a maximum rate of .015.

(ii) A levy under Subsection (11)(a)(i) may be separate from a public infrastructure district property tax levy for a bond.

(b) If a public infrastructure district created by the fairpark district issues a bond:

(i) the public infrastructure district may:

(A) delay the effective date of the property tax levy for the bond until after the period of capitalized interest payments; and

(B) covenant with bondholders not to reduce or impair the property tax levy; and

(ii) notwithstanding a provision to the contrary in Title 17D, Chapter 4, Public Infrastructure District Act, the tax rate for the property tax levy for the bond may not exceed a rate that generates more revenue than required to pay the annual debt service of the bond plus administrative costs, subject to a maximum rate of .015.

(c)(i) A public infrastructure district created by the fairpark district under Title 17D, Chapter 4, Public Infrastructure District Act, may create tax areas, as defined in Section 59-2-102, within the public infrastructure district and apply a different property tax rate to each tax area, subject to the maximum rate limitations described in Subsections (11)(a)(i) and (11)(b)(ii).

(ii) If a public infrastructure district created by the fairpark district issues bonds, the public infrastructure district may issue bonds secured by property taxes from:

(A) the entire public infrastructure district; or

(B) one or more tax areas within the public infrastructure district.

(d) A public infrastructure district created by the fairpark district may use bond proceeds to:

(i) pay for public infrastructure and improvements; and

(ii) pay costs related to the development, operation, or maintenance of infrastructure described in Subsection (11)(d)(i).

Section 142. Section **13-43-205** is amended to read:

13-43-205 (Effective 11/06/25). 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) [~~Section 10-9a-505.5 and Sections 10-9a-507 through 10-9a-511~~] 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, and 10-20-1003;

(ii) [~~Section 17-27a-505.5 and Sections 17-27a-506 through 17-27a-510~~] 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, 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 [~~10-9a-708~~] 10-20-1108 or [

~~17-27a-708~~] 17-79-1008;

(ii) the deadline for filing an appeal with the district court under Title 11, Chapter 36a, Impact Fees Act, or Section [~~10-9a-801~~] 10-20-1109 or [~~17-27a-801~~] 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 143. Section **13-43-206** is amended to read:

13-43-206 (Effective 11/06/25). Advisory opinion -- Process.

(1) A request for an advisory opinion under Section 13-43-205 shall be:

(a) filed with the Office of the Property Rights Ombudsman; and

(b) accompanied by a filing fee of $150.

(2) The Office of the Property Rights Ombudsman may establish policies providing for partial fee waivers for a person who is financially unable to pay the entire fee.

(3) A person requesting an advisory opinion need not exhaust administrative remedies, including remedies described under Section [~~10-9a-801~~] 10-20-1109 or [~~17-27a-801~~] 17-79-1009, before requesting an advisory opinion.

(4) The Office of the Property Rights Ombudsman shall:

(a) deliver notice of the request to opposing parties indicated in the request;

(b) inquire of all parties if there are other necessary parties to the dispute; and

(c) deliver notice to all necessary parties.

(5) If a governmental entity is an opposing party, the Office of the Property Rights Ombudsman shall deliver the request in the manner provided for in Section 63G-7-401.

(6)(a) The Office of the Property Rights Ombudsman shall promptly determine if the parties can agree to a neutral third party to issue an advisory opinion.

(b) If no agreement can be reached within four business days after notice is delivered [~~pursuant to~~] in accordance with Subsections (4) and (5), the Office of the Property Rights Ombudsman shall appoint a neutral third party to issue an advisory opinion.

(7) All parties that are the subject of the request for advisory opinion shall:

(a) share equally in the cost of the advisory opinion; and

(b) provide financial assurance for payment that the neutral third party requires.

(8) The neutral third party shall comply with the provisions of Section 78B-11-109, and shall promptly:

(a) seek a response from all necessary parties to the issues raised in the request for advisory opinion;

(b) investigate and consider all responses; and

(c) issue a written advisory opinion within 15 business days after the appointment of the neutral third party under Subsection (6)(b), unless:

(i) the parties agree to extend the deadline; or

(ii) the neutral third party determines that the matter is complex and requires additional time to render an opinion, which may not exceed 30 calendar days.

(9) An advisory opinion shall include a statement of the facts and law supporting the opinion's conclusions.

(10)(a) Copies of any advisory opinion issued by the Office of the Property Rights Ombudsman shall be delivered as soon as practicable to all necessary parties.

(b) A copy of the advisory opinion shall be delivered to the government entity in the manner provided for in Section 63G-7-401.

(11) An advisory opinion issued by the Office of the Property Rights Ombudsman is not binding on any party to, nor admissible as evidence in, a dispute involving land use law except as provided in Subsection (12).

(12) Subject to Subsection (13), if the Office of the Property Rights Ombudsman issues an advisory opinion described in this section, and if the same issue that is the subject of the advisory opinion is subsequently litigated in court on a cause of action alleging the same

facts and circumstances that are at issue in the advisory opinion, and if the court resolves the issue consistent with the advisory opinion, the court may award the substantially prevailing party:

(a) reasonable attorney fees and court costs pertaining to the development of the cause of action from the date the Office of the Property Rights Ombudsman delivers the advisory opinion to the date of the court's resolution; and

(b) if the court finds that the opposing party knowingly and intentionally violated the law governing the cause of action:

(i) a civil penalty of $250 per day; and

(ii) consequential damages;

(13)(a) Subsection (12) does not apply unless the resolution described in Subsection (12)(a) is final.

(b) The civil penalty described in Subsection (12)(b)(i):

(i) begins to accrue on the later of:

(A) 30 days after the day on which the Office of the Property Rights Ombudsman delivers the advisory opinion; or

(B) the day on which the substantially prevailing party or opposing party filed the action in court; and

(ii) ends the day on which the court enters a final judgment.

(c) A court may not impose a civil penalty against a party under Subsection (12)(b)(i) unless the party is the land use applicant or a government entity.

(14) In addition to any amounts awarded under Subsection (12), if the dispute described in Subsection (12) in whole or in part concerns an impact fee, and if the result of the litigation requires that the political subdivision or private entity refund the impact fee in accordance with Section 11-36a-603, the political subdivision or private entity shall refund the impact fee in an amount that is based on the difference between the impact fee paid and what the impact fee should have been if the political subdivision or private entity had correctly calculated the impact fee.

(15) Nothing in this section is intended to create a new cause of action under land use law.

(16) Unless filed by the local government, a request for an advisory opinion under Section 13-43-205 does not stay the progress of a land use application, the effect of a land use decision, or the condemning entity's occupancy of a property.

Section 144. Section **13-80-101** is amended to read:

13-80-101 (Effective 11/06/25). Definitions.

As used in this chapter:

(1) "Delivery driver" means an individual working for a food delivery service.

(2) "Department" means the Department of Veterans and Military Affairs established in Section 71A-1-201.

(3) "Food delivery company" means an entity that operates a food delivery service.

(4) "Food delivery dead zone" means a defined geographic area in which a food delivery service may not:

(a) permit the delivery or pickup of food; or

(b) allow an individual delivering food on behalf of the food delivery service to enter.

(5) "Food delivery service" means a service that:

(a) facilitates the delivery of food from a restaurant or other food establishment to a consumer; and

(b) conducts operations online or through a mobile application.

(6) "Military land" means the same as that term is defined in Section [~~10-9a-537~~] 10-20-620.

Section 145. Section **15A-1-105** is amended to read:

15A-1-105 (Effective 11/06/25) (Superseded 01/01/26). Third-party inspection firms.

(1) As used in this section:

(a) "Building permit applicant" means a person who applies to a local regulator for a building permit.

(b) "Inspection" means a physical examination of all aspects of a structure to ensure compliance with the State Construction Code.

(c) "Local regulator" means the same as that terms is defined in Section 15A-1-102.

(d) "Third-party inspection firm" means an entity that is:

(i) licensed under Title 58, Chapter 56, Building Inspector and Factory Built Housing Licensing Act;

(ii) independent, but may include a building inspector for an adjacent city or county; and

(iii) included on the local regulator's third-party inspection firm list.

(e) "Third-party inspection firm list" means a list of:

(i) for a first, second, third, or fourth class county, as classified under Section 17-60-104, or a municipality located within a first, second, third, or fourth class county, three or more third-party inspection firms approved by the local regulator; or

(ii) for a fifth or sixth class county, as classified under Section 17-60-104, or a municipality located within a fifth or sixth class county, one or more third-party inspection firms approved by the local regulator.

(2)(a) Subject to the provisions of this section and Subsections [~~10-9a-542(2)~~] 10-20-909(2) and [~~17-27a-537(2)~~] 17-79-810(2), after submitting a request for inspection, a building permit applicant may engage a third-party inspection firm from the local regulator's third-party inspection firm list to conduct or complete an inspection for the scope of work identified under the original request for inspection.

(b) If a building permit applicant wishes to engage a third-party inspection firm in accordance with Subsection (2)(a), the building permit applicant shall first notify the local regulator of the third-party inspection firm the building permit applicant intends to engage.

(c) Upon completing the inspection, the third-party inspection firm shall submit the inspection report to the local regulator.

(d)(i) The local regulator shall pay the cost of the inspection to the third-party inspection firm after the local regulator receives the third-party inspection report indicating the third-party inspection firm completed the inspection.

(ii) This section does not require a local regulator to pay for an inspection that exceeds the scope of work identified under the original request for inspection.

(3)(a) The local regulator shall issue a certificate of occupancy to the building permit applicant if the third-party inspection firm:

(i) completes the inspection; and

(ii) submits the inspection report to the local regulator.

(b) The local regulator shall promptly issue the certificate of occupancy or letter of completion after the third-party inspection firm submits the final inspection report to the local regulator as described in Subsection (3)(a)(ii).

(4) A local regulator is not liable for any inspection performed by a third-party inspection firm.

Section 146. Section **15A-1-105** is amended to read:

15A-1-105 (Effective 01/01/26). Third-party inspection firms.

(1) As used in this section:

(a) "Building permit applicant" means an individual who applies to a local regulator for a building permit.

(b) "Inspection" means a physical examination of all aspects of a structure to ensure

compliance with the State Construction Code.

(c) "Local regulator" means the same as that terms is defined in Section 15A-1-202.

(d) "Third-party inspection firm" means an entity that:

(i) employs or contracts with licensed building inspectors to enforce building codes adopted in this title;

(ii) is independent, but may include a building inspector for an adjacent city or county; and

(iii) is included on the local regulator's third-party inspection firm list.

(e) "Third-party inspection firm list" means a list of:

(i) for a first, second, third, or fourth class county, as classified under Section 17-60-104, or a municipality located within a first, second, third, or fourth class county, three or more third-party inspection firms approved by the local regulator; or

(ii) for a fifth or sixth class county, as classified under Section 17-60-104, or a municipality located within a fifth or sixth class county, one or more third-party inspection firms approved by the local regulator.

(2)(a) Subject to the provisions of this section and Subsections [~~10-9a-542(2)~~] 10-20-909(2) and [~~17-27a-537(2)~~] 17-79-810(2), after submitting a request for inspection, a building permit applicant may engage a third-party inspection firm from the local regulator's third-party inspection firm list to conduct or complete an inspection for the scope of work identified under the original request for inspection.

(b) If a building permit applicant wishes to engage a third-party inspection firm in accordance with Subsection (2)(a), the building permit applicant shall first notify the local regulator of the third-party inspection firm the building permit applicant intends to engage.

(c) Upon completing the inspection, the third-party inspection firm shall submit the inspection report to the local regulator.

(d)(i) The local regulator shall pay the cost of the inspection to the third-party inspection firm after the local regulator receives the third-party inspection report indicating the third-party inspection firm completed the inspection.

(ii) This section does not require a local regulator to pay for an inspection that exceeds the scope of work identified under the original request for inspection.

(3)(a) The local regulator shall issue a certificate of occupancy to the building permit applicant if the third-party inspection firm:

(i) completes the inspection; and

(ii) submits the inspection report to the local regulator.

(b) The local regulator shall promptly issue the certificate of occupancy or letter of completion after the third-party inspection firm submits the final inspection report to the local regulator as described in Subsection (3)(a)(ii).

(4) A local regulator is not liable for any inspection performed by a third-party inspection firm.

Section 147. Section **15A-3-203** is amended to read:

15A-3-203 (Effective 11/06/25). Amendments to Chapters 6 through 15 of IRC.

(1) IRC, Section R609.4.1, is deleted.

(2) In IRC, Section N1101.4 (R102.1.1), a new section N1101.4.1 (R102.1.1) is added as follows: "N1101.4.1 National Green Building Standard. Buildings complying with ICC 700-2020 National Green Building Standard and achieving the Gold rating level for the energy efficiency category shall be deemed to exceed the energy efficiency required by this code. The building shall also meet the requirements identified in table N1105.2 and the building thermal envelope efficiency is greater than or equal to levels of efficiency and solar heat gain coefficients (SHGC) in Tables N1102.2.2 and N1102.1.3 of the 2009 IRC."

(3) In IRC, Section N1101.5 (R103.2), all words after the words "herein governed." are deleted and replaced with the following: "Construction documents include all documentation required for building permits shall include only those items specified in Subsection [~~10-9a-542(8)~~] 10-20-909(12) or [~~17-27a-537(8)~~] 17-79-810(12) of the Utah Code."

(4) In IRC, Section N1101.10.3 (R303.1.3) the following changes are made:

(a) The following is added at the end of the first sentence "or EN 14351-1:2006+A1:2010."

(b) The word "accredited" is replaced with "approved" in the third sentence.

(c) The following sentence is added after the third sentence: "A conversion factor of 5.678 shall be used to convert from U values expressed in SI units: ()/53678=."

(d) After "NFRC 200" the following words are added: "or EN 14351-1:2006+A1:2010," and in the sentence the word "accredited" is replaced with the word "approved."

(e) The following new sentence shall be inserted immediately [~~prior to~~] before the last sentence: "Total Energy Transmittance values may be substituted for SHGC, and Luminous Transmission values may be substituted for VT."

(5) In IRC, Section N1101.12 (R303.3), all wording after the first sentence is deleted.

(6) In IRC, Section N1101.13 (R401.2), in the first sentence, the words "Section N1101.13.5 and" are deleted.

(7) In IRC, Section N1101.13.5 (R401.2.5) is deleted.

(8) In IRC, Section N1101.14 (R401.3) Number 7, the words "and the compliance path used" are deleted.

(9) In IRC, Table N1102.1.2 (R402.1.2):

(a) in the column titled Fenestration U-Factor the following changes are made:

(i) in the row titled "Climate Zone 3" delete 0.30 and replace it with 0.32;

(ii) in the row titled "Climate Zone 5 and Marine 4" delete 0.30 and replace it with 0.32; and

(iii) in the row titled "Climate Zone 6" delete 0.30 and replace it with 0.32;

(b) in the column titled "Glazed Fenestration SHGC", the following change is made: in the row titled "Climate Zone 3" delete 0.25 and replace it with 0.35;

(c) in the column titled "Ceiling U-Factor" the following changes are made:

(i) in the row titled "Climate Zone 3" delete 0.026 and replace it with 0.030;

(ii) in the row titled "Climate Zone 5 and Marine 4" delete 0.024 and replace it with 0.026; and

(iii) in the row titled "Climate Zone 6" delete 0.024 and replace it with 0.026;

(d) in the column titled "Wood Frame Wall U Factor", the following changes are made:

(i) in the row titled "Climate Zone 3" delete 0.060 and replace it with 0.060;

(ii) in the row titled "Climate Zone 5 and Marine 4" delete 0.045 and replace it with 0.060; and

(iii) in the row titled "Climate Zone 6" delete 0.045 and replace it with 0.060;

(e) in the column titled "Basement Wall U-Factor" the following changes are made:

(i) in the row titled "Climate Zone 5 and Marine 4" delete 0.050 and replace it with 0.075; and

(ii) in the row titled "Climate Zone 6" delete 0.50 and replace it with 0.065; and

(f) in the column titled "Crawl Space Wall U-Factor" the following changes are made:

(i) in the row titled "Climate Zone 5 and Marine 4" delete 0.055 and replace it with 0.078; and

(ii) in the row titled "Climate Zone 6" delete 0.55 and replace it with 0.065.

(10) In IRC, Table N1102.1.3 (R402.1.3), the following changes are made:

(a) in the column titled "Wood Frame Walls R-Value" a new footnote indicator "j" is

added and at the bottom of the footnotes the following footnote "j" is added: "j. In climate zone 3B and 5B, an R-15, and in climate zone 6, an R-20 shall be acceptable where air-impermeable insulation is installed in the cavity space, exterior continuous insulation, or some combination thereof; and the tested house air leakage is a maximum of 2.0 ACH50"; and

(b) add a new footnote "k" as follows: "k. Log walls complying with ICC400 and with a minimum average wall thickness of 5 inches or greater shall be permitted in Zones 5 through 8 when overall window glazing has 0.30 U-factor or lower, minimum heating equipment efficiency is for gas 95 AFUE, or for oil, 84 AFUE, and all other components requirements are met."

(11) In IRC, Table N1102.1.3 (R402.1.3) the following changes are made:

(a) in the column titled "Fenestration U-Factor" the following changes are made:

(i) in the row titled "Climate Zone 3" delete 0.30 and replace it with 0.32;

(ii) in the row titled "Climate Zone 5 and Marine 4" delete 0.30 and replace it with 0.32; and

(iii) in the row titled "Climate Zone 6" delete 0.30 and replace it with 0.32;

(b) in the column titled "Glazed Fenestration SHGC" the following change is made: in the row titled "Climate Zone 3" delete 0.25 and replace it with 0.35;

(c) in the Column R-Value the following changes are made:

(i) in the row titled "Climate Zone 3" delete 49 and replace it with 38;

(ii) in the row titled "Climate Zone 5 and Marine 4" delete 60 and replace it with 49; and

(iii) in the row titled "Climate Zone 6" delete 60 and replace it with 49;

(d) in the Column titled "Wood Frame Wall R-Value" the following changes are made:

(i) in the row titled "Climate Zone 3" delete all values and replace with 20+Oci or 13+5ci or 015ci;

(ii) in the row titled "Climate Zone 5 or Marine 4" delete all values and replace with 21+Oci or 15+5ci or 0+15ci; and

(iii) in the row titled "Climate Zone 6" delete all values and replace with 21+Oci or 15+5ci or 0+15ci;

(e) in the column titled "Basement Wall R Value" the following changes are made:

(i) in the row titled "Climate Zone 5 or Marine 4" delete all values and replace with 15+Oci or 0+11ci or 11+5ci; and

(ii) in the row titled "Climate Zone 6" delete all values and replace with 19+Oci or

0+13ci or 11+5ci;

(f) in the column titled "Slab R Value and Depth" the following changes are made:

(i) in the row titled "Climate Zone 3" delete 10ci. 2 ft and replace it with NR; and

(ii) in the row titled "Climate Zone 5 & Marine 4" delete 4 ft and replace it with 2 ft; and

(g) in the column titled "Crawl Space Wall R-Value" the following changes are made:

(i) in the row titled "Climate Zone 5 or Marine 4" delete all values and replace with 15+Oci or 0+11ci or 11+5ci; and

(ii) in the row titled "Climate Zone 6" delete all values and replace with 19+Oci or 0+13ci or 0+11+5ci.

(12) In IRC, a new subsection N1102.1.5.1 (R402.1.5.1) is added as follows: "1102.1.5.1 (R402.1.5.1) RESCheck 2012 Utah Energy Conservation Code. Compliance with section N1102.1.5 (R402.1.5) may be satisfied using the software RESCheck 2012 Utah Energy Conservation Code, which shall satisfy the R-value and U-factor requirements of N1102.1, N1102.2, and N1102.3, provided the following conditions are met:

(a) in "Climate Zone 5 and 6" the software result shall show 5% better than code; and

(b) in "Climate Zone 3", the software result shall show 5% better than code when software inputs for window U-factor .65 and window SHGC=0.40, notwithstanding actual windows installed shall conform to requirements of Tables N1102.1.2 (R402.1.2) and N1102.1.3 (R402.1.3)."

(13) In IRC, Sections N1102.2.1 (R402.2.1), a new Section N1102.2.1.1 is added as follows:

"N1102.2.1.1. Unvented attic and unvented enclosed rafter assemblies. Unvented attic and unvented enclosed rafter assemblies conforming to Section R806.5 shall be provided with an R-value of R-22 (maximum U-Factor of 0.045) in Climate Zone 3-B or an R-value of R-26 (maximum U-factor of 0.038) in Climate Zones 5-B and 6-B shall be permitted provided all the following conditions are met:

1. The unvented attic assembly complies with the requirements of the International Residential Code, R806.5.

2. The house shall attain a blower door test result 2.5ACH 50.

3. The house shall require a whole house mechanical ventilation system that does not rely solely on a negative pressure strategy (must be positive, balanced or hybrid).

4. Where insulation is installed below the roof deck and the exposed portion of roof rafters are not already covered by the R-20 depth of the air-impermeable insulation, the exposed portion of the roof rafters shall be wrapped (covered) by minimum R-3 unless directly

covered by drywall/finished ceiling. Roof rafters are not required to be covered by minimum R-3 if a continuous insulation is installed above the roof deck.

5. Indoor heating, cooling and ventilation equipment (including ductwork) shall be inside the building thermal envelope."

(14) In IRC, Section N1102.2.9.1 (R402.2.9.1) the numeral (i) is added before the words "cut at a 45 degree" and the following is added after the words "exterior wall": "or (ii) lowered from top of slab 4" when a 4" thermal break material such as, but not limited to, felt or asphalt impregnated fiber board, with a minimum thickness of 1/4" is installed at the upper 4" of slab".

(15) In IRC, Section N1102.4.1 (R402.4.1), in the first sentence, the word "and" is deleted and replaced with the word "or."

(16) In IRC, Section N1102.4.1.1 (R402.4.1.1), the last sentence is deleted and replaced with the following: "Where allowed by the code official, the builder may certify compliance to components criteria for items which may not be inspected during regularly scheduled inspections."

(17) In IRC, Table N1102.4.1.1 (R402.4.1.1) in the column titled "COMPONENT, the following changes are made:

(a) In the row "Rim Joists" the word "exterior" in the first sentence is deleted, and the second sentence is deleted.

(b) In the row "Electrical/phone box on the exterior walls" the last sentence is deleted and replaced with: "Alternatively, close cell foam, caulking or gaskets may be used, or air sealed boxes may be installed."

(18) In IRC, Section N1102.4.1.2 (R402.4.1.2), the following changes are made:

(a) In the fourth sentence, the word "third" is deleted.

(b) The following sentence is added after the fourth sentence: "The following parties shall be approved to conduct testing: Parties certified by BPI or RESNET, or licensed contractors who have completed training provided by Blower Door Test equipment manufacturers or other comparable training."

(c) In the first Exception the second sentence is deleted.

(19) IRC, Section N1103.3.3 (R403.3.3), is deleted.

(20) IRC Section N1103.3.3.1 (R403.3.3.1) is deleted.

(21) In IRC, Section N1103.3.5 (R403.3.5), the following changes are made:

(a) a second Exception is added as follows: "A duct leakage test shall not be required for any system designed such that no air handlers or ducts are located within

unconditioned attics."; and

(b) the following is added at the end of the section: "The following parties shall be approved to conduct testing:

(i) Parties certified by BPT or RESNET; and

(ii) Licensed contractors who have completed training provided by Duct Test equipment manufacturers or other comparable training."

(22) In IRC, Section N1103.3.6 (R403.3.6) the following changes are made:

(a) in Subsection 1:

(i) the number 4.0 is changed to 6.0;

(ii) the number 113.3 is changed to 170;

(iii) the number 3.0 is changed to 5.0; and

(iv) the number 85 is changed to 141;

(b) in Subsection 2:

(i) the number 4.0 is changed to 5.0; and

(ii) the number 113.3 is changed to 141; and

(c) Subsection 3 is deleted.

(23) In IRC, Section N1103.3.7 (R403.3.7) the words "or plenums" are deleted.

(24) In IRC, Section N1103.5.1.1 (R403.5.1.1) the words "Where installed" are added at the beginning of the first sentence.

(25) In IRC, Section N1103.5.2 (R403.5.2) the following change is made, Subsections 5 and 6 are deleted and Subsection 7 is renumbered to 5.

(26) IRC, Section N1103.6.2 (R403.6.2), is deleted and replaced with the following: "N1103.6.2 (R403.6.2) Whole-house mechanical ventilation system fan efficacy. Fans used to provide whole-house mechanical ventilation shall meet the efficacy requirements of Table N1103.6.2 (R403.6.2).

Exception: Where an air handler that is integral to tested and listed HVAC equipment is used to provide whole-house mechanical ventilation, the air handler shall be powered by an electronically commutated motor."

(27) In IRC, Section N1103.6.2 (R403.6.2), the table is deleted and replaced with the following:

"TABLE N1103.6.2 (R403.6.2)",

MECHANICAL VENTILATION SYSTEM FAN EFFICACY

FAN LOCATION	AIR FLOW RATE MINIMUM (CFM)	MINIMUM EFFICACY (CFM/WATT)	AIR FLOW RATE MAXIMUM (CFM)
HRV or ERV	Any	1.2 cfm/watt	Any
Range hoods	Any	2.8 cfm/watt	Any
In-line fan	Any	2.8 cfm/watt	Any
Bathroom, utility room	10	1.4 cfm/watt	90
Bathroom, utility room	90	2.8 cfm/watt	Any"

(28) IRC, Section N1103.6.3 (R403.6.3) is deleted.

(29) In IRC, Section N1103.7 (R403.7) the word "approved" is deleted in the first sentence and the following is added after the word "methodologies": "complying with N1103.7.1 (R403.7.1)".

(30) A new IRC, Section N1103.7.1 (R403.7.1) is added as follows: "N1103.7.1 Qualifications. An individual performing load calculations shall be qualified by completing HVAC training from one of the following:

1. HVAC load calculation education from ACCA;
2. A recognized educational institution;
3. HVAC equipment manufacturer's training; or
4. Other recognized industry certification."

(31) In IRC, Section N1104.1 (R404.1), the word "All" is replaced with "Not less than 90 percent of the lamps in".

(32) IRC, Section N1104.1.1 (R404.1.1) is deleted.

(33) IRC, Section N1104.2 (R404.2) is deleted.

(34) IRC, Section N1104.3 (R404.3) is deleted.

(35) In IRC, section N1105.2 (R405.2) the following changes are made:

(a) In Subsection 3, the words "approved by the code official" are deleted; and

(b) In Subsection 3, the following words are added at the end of the sentence: "when applicable and readily available".

(36) In IRC, Section N1106.3 (R406.3) "Building thermal envelope" is deleted, and replaced with "Building thermal envelope and on-site renewables. The proposed total building thermal envelope UA, which is the sum of U-factor times assembly area, shall be less than or equal to the building thermal envelope UA using the prescriptive U-factors from Table N1102.1.2 multiplied by 1.15 in accordance with Equation 11-4.

The area-weighted maximum fenestration SHGC permitted in Climate Zones 0 through 3 shall be: 0.30.UAProposed design =1.15xUAPrescriptive reference design (Equation 11-4)."

(37) In IRC, Section N1106.3.1 (R406.3.1) is deleted.

(38) In IRC, Section N1106.3.2 (R403.3.2) is deleted.

(39) In IRC, Section N1106.4 (R406.4) the following changes are made:

(a) In the first sentence, the words "in accordance with Equation 11-5" are deleted and replaced with: "permitted to be calculated using the minimum total air exchange rate for the rated home (Qtot) and for the index adjustment factor in accordance with Equation 11.5.";

(b) In equation 11-5, the words "Ventilation rate, CFM" are deleted and replaced with: "Qtot"; and

(c) In the last sentence the number "5" is deleted and replaced with "15".

(40) In IRC N1106.5, in the column titled "ENERGY RATING INDEX" of Table R406.5, the following changes are made:

(a) In the row for "Climate Zone 3", "51" is deleted and replaced with "65";

(b) In the row for "Climate Zone 5", "55" is deleted and replaced with "69"; and

(c) In the row for "Climate Zone 6", "54" is deleted and replaced with "68".

(41) In IRC, Section N1108 (R408) is deleted.

(42) In IRC, Section M1401.3 the word "approved" is deleted in the first sentence and the following is added after the word methodologies ", complying with M1401.3.1".

(43) A new IRC, Section M1401.3.1, is added as follows: "M1401.3.1 Qualifications. An individual performing load calculations shall be qualified by completing HVAC training from one of the following:

1. HVAC load calculation education from ACCA;

2. A recognized educational institution;

3. HVAC equipment manufacturer's training; or

4. Other recognized industry certification."

(44) In IRC, Section M1402.1, the following is added at the end of the second sentence: "or UL/CSA 60335-2-40."

(45) In IRC, Section M1403.1, the characters "/ANCE" are deleted.

(46) IRC, Section M1411.9, is deleted.

(47) In IRC, Section M1412.1, the characters "/ANCE" are deleted.

(48) In IRC, Section M1413.1, the characters "/ANCE" are deleted.

Section 148. Section **15A-5-202** is amended to read:

15A-5-202 (Effective 11/06/25). Amendments and additions to IFC related to administration, permits, definitions, and general and emergency planning.

(1) For IFC, Chapter 1, Scope and Administration:

(a) IFC, Chapter 1, Section 102.5, is deleted and rewritten as follows:

"102.5 Application of residential code.

If a structure is designed and constructed in accordance with the International Residential Code, the provisions of this code apply only as follows:

1. The construction and design provisions of this code apply only to premises identification, fire apparatus access, fire hydrants and water supplies, and construction permits required by Section 105.7.

2. This code does not supersede the land use, subdivision, or development standards established by a local jurisdiction.

3. The administrative, operational, and maintenance provisions of this code apply."

(b) IFC, Chapter 1, Section 102.9, is deleted and rewritten as follows:

"102.9 Matters not provided for.

Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this code, shall be determined by the fire code official on an emergency basis if:

(a) the facts known to the fire code official show that an immediate and significant danger to the public health, safety, or welfare exists; and

(b) the threat requires immediate action by the fire code official.

102.9.1 Limitation of emergency order.

In issuing its emergency order, the fire code official shall:

(a) limit the order to require only the action necessary to prevent or avoid the danger to the public health, safety, or welfare; and

(b) give immediate notice to the persons who are required to comply with the order, that includes a brief statement of the reasons for the fire code official's order.

101.9.2 Right to appeal emergency order.

If the emergency order issued under this section will result in the continued infringement or impairment of any legal right or interest of any party, the party shall have a right to appeal the fire code official's order in accordance with IFC, Chapter 1, Section 109."

(c) IFC, Chapter 1, Section 106.1, Submittals, is amended to add the following after the last

sentence:

"Fire sprinkler system layout shall be prepared and submitted by a person certified by the National Institute for Certification in Engineering Technologies at level III or IV in Water-Based System Layout. Fire alarm system layout shall be prepared and submitted by a person certified by the National Institute for Certification in Engineering Technologies at level III or IV in Fire Alarm Systems."

(d) IFC, Chapter 1, Section 105.5.18, Flammable and combustible liquids, is amended to add the following section: "12. The owner of an underground tank that is out of service for longer than one year shall receive a Temporary Closure Notice from the Department of Environmental Quality and a copy shall be given to the AHJ."

(e) In IFC, Chapter 1, Section 102.5, a new subsection 3. is added as follows:

"3. For development regulated by a local jurisdiction's land use authority, the fire code official's interpretation of this code is subject to the advisory opinion process described in Utah Code, Section 13-43-205, and to a land use appeal authority appointed under Utah Code, Section [~~10-9a-701~~] 10-20-1101 or [~~17-27a-701~~] 17-79-1001."

(f) In IFC, Chapter 1, Section 111, a new Section 111.5, Notice of right to appeal, is added as follows: "At the time a fire code official makes an order, decision, or determination that relates to the application or interpretation of this chapter, the fire code official shall inform the person affected by the order, decision, or determination of the person's right to appeal under this section. Upon request, the fire code official shall provide a person affected by an order, decision, or determination that relates to the application or interpretation of this chapter a written notice that describes the person's right to appeal under this section."

(2) For IFC, Chapter 2, Definitions:

(a) In IFC, Chapter 2, Section 202, General Definitions, the following definition is added for Ambulatory Surgical Center: "AMBULATORY SURGICAL CENTER. A building or portion of a building licensed by the Department of Health and Human Services where procedures are performed that may render patients incapable of self preservation where care is less than 24 hours. See Utah Administrative Code, R432-13, Freestanding Ambulatory Surgical Center Construction Rule."

(b) In IFC, Chapter 2, Section 202, General Definitions, APPROVED is modified by adding the words "or independent third-party licensed engineer or licensed architect and submitted to the fire code official" after the word "official."

(c) In IFC, Chapter 2, Section 202, General Definitions, the following definition is added for

Assisted Living Facility, Residential Treatment and Support: "ASSISTED LIVING FACILITY, RESIDENTIAL TREATMENT AND SUPPORT. A residential facility that provides a group living environment for four or more residents licensed by the Department of Health and Human Services and provides a protected living arrangement for ambulatory, non-restrained persons who are capable of achieving mobility sufficient to exit the facility without the physical assistance of another person.

ASSISTED LIVING FACILITY, TYPE I. A residential facility licensed by the Department of Health and Human Services that provides a protected living arrangement, assistance with activities of daily living and social care to two or more ambulatory, non-restrained persons who are capable of mobility sufficient to exit the facility without the assistance of another person.

ASSISTED LIVING FACILITY, TYPE II. A residential facility licensed by the Department of Health and Human Services that provides an array of coordinated supportive personal and health care services to two or more residents who are:

A. Physically disabled but able to direct his or her own care; or

B. Cognitively impaired or physically disabled but able to evacuate from the facility, or to a zone or area of safety, with the physical assistance of one person.

Subcategories are:

ASSISTED LIVING FACILITY, LIMITED CAPACITY: A Type I or Type II assisted living facility having two to five residents.

ASSISTED LIVING FACILITY, SMALL: A Type I or Type II assisted living facility having six to sixteen residents.

ASSISTED LIVING FACILITY, LARGE: A Type I or Type II assisted living facility having more than sixteen residents."

(d) In IFC, Chapter 2, Section 202, General Definitions, the definition for Child Care Facility is added as follows: "CHILD CARE FACILITY: A facility where care and supervision is provided for four or more children for less than 24 hours a day and for direct or indirect compensation in place of care ordinarily provided in their home."

(e) In IFC, Chapter 2, Section 202, General Definitions, the definition for Independent Third-Party is added as follows: "INDEPENDENT THIRD-PARTY. An engineer or architect licensed in the State of Utah, who is not affiliated with the jurisdiction or the project owner, developer, architect, or engineer, and is agreeable to all parties. The independent third-party will provide unbiased assessments, opinions, or services based on their expertise and professional standards in their respective fields."

(f) IFC, Chapter 2, Section 202, General Definitions, OCCUPANCY CLASSIFICATION, Educational Group E, Group E, day care facilities, is deleted and replaced with the following:

"Group E, Child Care Facilities. This group includes buildings and structures or portions thereof occupied by four or more children 2 years of age or older who receive educational, supervision, child care services or personal care services for fewer than 24 hours per day. See Section 429, Day Care, for special requirements for day care.

Within Places of Religious Worship. Rooms and spaces within places of religious worship providing such day care during religious functions shall be classified as part of the primary occupancy.

Four or Fewer Children. A facility having four or fewer children receiving such day care shall be classified as part of the primary occupancy.

Four or Fewer Children in a Dwelling Unit. A facility such as the above within a dwelling unit and having four or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

Child Day Care - Residential Child Care Certificate or a License. Areas used for child day care purposes with a residential child care certificate, as described in Utah Administrative Code, R430-50, Residential Certificate Child Care, or a residential child care license, as described in Utah Administrative Code, R430-90, Licensed Family Child Care, may be located in a Group R-2 or R-3 occupancy as provided in the International Building Code, Sections 310.3 and 310.4, or shall comply with the International Residential Code, Section R101.2.

Child Care Centers. Each of the following areas may be classified as accessory occupancies, if the area complies with the International Building Code, Section 508.2:

1. Hourly child care center, as described in Utah Administrative Code, R381-60, Hourly Child Care Centers;

2. Child care centers, as described in Utah Administrative Code, R381-100, Child Care Centers;

3. Out-of-school-time programs, as described in Utah Administrative Code, R381-70, Out of School Time Child Care Programs; and

4. Commercial preschools, as described in Utah Administrative Code, R381-40, Commercial Preschool Programs."

(g) In IFC, Chapter 2, Section 202, General Definitions, OCCUPANCY CLASSIFICATION, Institutional Group I-1, is amended as follows: In the list of items under "This group shall include," the words "Type-I Large and Type-II Small, see the International Building Code, Section 308.2.5" are added after "Assisted living

facilities."

(h) In IFC, Chapter 2, Section 202, General Definitions, OCCUPANCY CLASSIFICATION, Institutional Group I-1, Five or fewer persons receiving custodial care is amended as follows: On line four after "International Residential Code" the rest of the section is deleted.

(i) IFC, Chapter 2, Section 202, General Definitions, OCCUPANCY CLASSIFICATION, Institutional Group I-2, is deleted and replaced with the following:

"Institutional Group I-2. Institutional Group I-2 occupancy shall include buildings and structures used for medical care on a 24-hour basis for more than four persons who are incapable of self-preservation. This group shall include, but not be limited to the following:

Assisted living facilities, Type-II Large, see Section 308.3.3

Child care facilities

Foster care facilities

Detoxification facilities

Hospitals

Nursing homes (both intermediate care facilities and skilled nursing facilities)

Psychiatric hospitals."

(j) In IFC, Chapter 2, Section 202, General Definitions, OCCUPANCY CLASSIFICATION, Institutional Group I-2, a new section is added as follows:

"Assisted Living Facilities. A Type I, Large assisted living facility is classified as occupancy Group I-1, Condition 1. A Type II, Small assisted living facility is classified as occupancy Group I-1, Condition 2. See Section 202 for definitions."

(k) IFC, Chapter 2, Section 202, General Definitions, OCCUPANCY CLASSIFICATION, Institutional Group I-4, day care facilities, Classification as Group E, Five or fewer persons receiving care, and Five or fewer occupants receiving care in a dwelling unit are deleted and replaced with the following:

"Classification as Group E. A child day care facility that provides care for five or more but not more than 100 children under two years of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as a Group E. See the International Building Code, Section 429 for special requirements for Day Care.

Four or Fewer Persons Receiving Care. A facility having four or fewer persons receiving custodial care shall be classified as part of the primary occupancy. See the International Building Code, Section 429, for special requirements for Day Care.

Four or Fewer Persons Receiving Care in a Dwelling Unit. A facility such as the above within a dwelling unit and having four or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. See the International Building Code, Section 429, for special requirements for Day Care."

(l) IFC, Chapter 2, Section 202, General Definitions, OCCUPANCY CLASSIFICATION, Residential Group R-3, is deleted and replaced with the following:

"Residential Group R-3. Residential Group R-3 occupancies and single family dwellings complying with the International Residential Code where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, or I occupancies, including:

Assisted Living Facilities, Type-I, limited capacity, see Section 310.5.3

Buildings that do not contain more than two dwellings

Care facilities, other than child care, that provide accommodations for five or fewer persons receiving care

Congregate living facilities (nontransient) with 16 or fewer occupants

Boarding houses (nontransient)

Convents

Dormitories

Fraternities and sororities

Monasteries

Congregate living facilities (transient) with 10 or fewer occupants

Boarding houses (transient)

Lodging houses (transient) with five or fewer guest rooms and 10 or fewer occupants"

(m) IFC, Chapter 2, Section 202, General Definitions, OCCUPANCY CLASSIFICATION, Residential Group R-3, Care facilities within a dwelling, is deleted and replaced with the following: "Care Facilities within a Dwelling. Care facilities, other than child care, for five or fewer persons receiving care that are within a single family dwelling are permitted to comply with the International Residential Code. See the International Building Code, Section 429, for special requirements for Child Day Care."

(n) In IFC, Chapter 2, Section 202, General Definitions, OCCUPANCY CLASSIFICATION, Residential Group R-3, a new section is added as follows: "Child Care. Areas used for child care purposes may be located in a residential dwelling unit when all of the following conditions are met:

1. Compliance with Utah Administrative Code, R710-8, Day Care Rules, as enacted

under the authority of the Utah Fire Prevention Board;

2. Use is approved by the Department of Health and Human Services under the authority of Utah Code, Title 26B, Chapter 2, Part 4, Child Care Licensing, and in any of the following categories:

1.1. Utah Administrative Code, R430-50, Residential Certificate Child Care; or

1.2. Utah Administrative Code, R430-90, Licensed Family Child Care; and

1.3 Compliance with all zoning regulations of the local regulator."

(o) In IFC, Chapter 2, Section 202, General Definitions, OCCUPANCY CLASSIFICATION, Residential Group R-3, a new section is added as follows:

"Assisted Living Facilities. Type I assisted living facilities with two to five residents are Limited Capacity facilities classified as a Residential Group R-3 occupancy or are permitted to comply with the International Residential Code. See Section 202 for definitions."

(p) In IFC, Chapter 2, Section 202, General Definitions, OCCUPANCY CLASSIFICATION, Residential Group R-4, the words "Type II Limited Capacity and Type I Small, see R-4 Assisted Living Facility Occupancy Groups" are added after the words "Assisted Living Facilities."

(q) In IFC, Chapter 2, Section 202, General Definitions, OCCUPANCY CLASSIFICATION, Residential Group R-4, a new section is added as follows: "Group R-4 - Assisted Living Facility Occupancy Groups. The following occupancy groups shall apply to Assisted Living Facilities:

Type II Assisted Living Facilities with two to five residents are Limited Capacity Facilities classified as a Residential Group R-4, Condition 2 occupancy.

Type I assisted living facilities with six to sixteen residents are Small Facilities classified as Residential Group R-4, Condition 1 occupancies. See Section 202 for definitions."

Section 149. Section **15A-5-205.6** is amended to read:

15A-5-205.6 (Effective 11/06/25). Amendments and additions to Chapter 33 of IFC.

(1) IFC, Chapter 33, Section 3311.1, Required access, is deleted and rewritten as follows:

"3311.1 Required access.

3311.1.1 Approved vehicle access. Approved vehicle access for fire fighting shall be provided as described in Chapter 5 of this code to all construction or demolition sites.

3311.1.2 Fire department connections. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections.

3311.1.3 Type of access. Vehicle access shall be provided by either temporary or

permanent roads.

3311.3.1 Temporary road requirements. Temporary roads shall be constructed with a minimum of site specific required structural fill for permanent roads and road base, or other approved material complying with local standards.

3311.3.2 Reports. Compaction reports may be required. An engineer's review and certification of a temporary fire department access road is not required.

3311.3.3 Local jurisdictions. A local jurisdiction may not require:

(a) permanent roads, or asphalt or concrete on temporary roads before final approval of the structure served by the road; or

(b) permanent roads, or asphalt and concrete on temporary roads, during construction of the structure served by the road.

3311.1.4 Maintenance. Temporary roads shall be maintained until permanent fire apparatus access roads are available.

3311.1.5 Time line. Temporary or permanent fire department access roads shall be functional before construction above the foundation begins and before an appreciable amount of combustible construction materials are on site."

(2) IFC, Chapter 33, Section 3311.2, Key boxes, is deleted.

(3) Notwithstanding IFC 3311.3.1, a temporary road that meets the requirements of Section [~~10-9a-802~~] 10-20-1001 or [~~17-27a-802~~] 17-79-901, and any local regulation adopted in accordance with Section [~~10-9a-802~~] 10-20-1001 or [~~17-27a-802~~] 17-79-901, may be constructed.

Section 150. Section **15A-6-301** is amended to read:

15A-6-301 (Effective 11/06/25). Tower crane operation.

(1) As used in this section:

(a) "Affected land" means the same as that term is defined in Section [~~10-9a-539~~] 10-20-622.

(b) "Airspace approval" means the same as that term is defined in Section [~~10-9a-539~~] 10-20-622.

(c) "Jib" means the part of a tower crane that:

(i) extends horizontally or almost horizontally from the main vertical component of the tower crane; and

(ii) carries the live load.

(d) "Live load" means the same as that term is defined in Section [~~10-9a-539~~] 10-20-622.

(e) "Minimum hook height" means the distance that, measured from the lowest point of

a hook suspended from a jib, is:

(i) 50 feet above the ground level of affected land; or

(ii) 20 feet above a building on affected land.

(f) "Tower crane" means the same as that term is defined in Section [~~10-9a-539~~] 10-20-622.

(2) An operator of a tower crane shall operate the tower crane in accordance with the requirements of the manufacturer of the tower crane.

(3)(a) A live load may travel over affected land at the minimum hook height with airspace approval.

(b) A jib, but not a live load, may travel over the affected land at the minimum hook height without airspace approval.

(4) The functioning of a tower crane in accordance with Subsection (3) does not constitute a trespass on affected land.

Section 151. Section **17-27a-403** is amended to read:

17-27a-403 (Effective 11/06/25). General plan preparation.

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

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

(i) the unincorporated area within the county; or

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

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

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

(2)(a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's

recommendations for the following plan elements:

(i) a land use element that:

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

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

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

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

(ii) a transportation and traffic circulation element that:

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

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

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

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

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

(B) selects three or more moderate income housing strategies described in Subsections (2)(b)(ii)(A) through (V), or one moderate income housing strategy described in Subsections (2)(b)(ii)(W) through (BB), for implementation; and

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

(iv) a resource management plan detailing the findings, objectives, and policies

required by Subsection 17-27a-401(3); and

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

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

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

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

(D) opportunities for the county to modify the county's operations to eliminate practices or conditions that waste water.

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

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

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

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

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

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

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

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

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

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

(F) zone or rezone for higher density or moderate income residential development

in commercial or mixed-use zones, commercial centers, or employment centers;

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

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

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

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

(K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund;

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

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

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

(O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

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

(Q) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section [~~10-9a-530~~] 10-21-303;

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

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

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

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

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

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

(X) create a home ownership investment zone in accordance with Part 12, Home Ownership Promotion Zone for Counties;

(Y) create a first home investment zone in accordance with Title 63N, Chapter 3, Part 16, First Home Investment Zone Act;

(Z) approve a project that receives funding from, or qualifies to receive funding from, the Utah Homes Investment Program created in Title 51, Chapter 12, Utah Homes Investment Program;

(AA) adopt or approve an affordable home ownership density bonus for single-family residential units, as described in Section 17-27a-403.1; and

(BB) adopt or approve an affordable home ownership density bonus for multi-family residential units, as described in Section 17-27a-403.2.

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

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

(i) identify and consider each agriculture protection area within the unincorporated

area of the county or mountainous planning district;

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

(iii) consider and coordinate with any station area plans adopted by municipalities located within the county under Section [~~10-9a-403.1~~] 10-21-203.

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

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

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

(ii) consider and coordinate with any station area plans adopted by municipalities located within the county under Section [~~10-9a-403.1~~] 10-21-203.

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

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

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

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

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

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

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

(iii) shall notify the community water systems serving drinking water within the unincorporated portion of the county and request feedback from the community

water systems about how implementation of the land use element and water use and preservation element may affect:

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

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

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

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

(vi) shall notify an irrigation or canal company located in the county so that the irrigation or canal company can be involved in the protection and integrity of the irrigation or canal company's delivery systems;

(vii) shall include a recommendation for:

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

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

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

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

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

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

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

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

(E) reduction of yard waste; and

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

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

including:

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

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

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

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

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

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

(A) commercial, industrial, or institutional development;

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

(C) multifamily housing project.

(3) The proposed general plan may include:

(a) an environmental element that addresses:

(i) to the extent not covered by the county's resource management plan, the protection, conservation, development, and use of natural resources, including the quality of:

(A) air;

(B) forests;

(C) soils;

(D) rivers;

(E) groundwater and other waters;

(F) harbors;

(G) fisheries;

(H) wildlife;

(I) minerals; and

(J) other natural resources; and

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

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

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

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

(E) the mapping of known geologic hazards;

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

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

(i) historic preservation;

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

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

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

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

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

(g) any other element the county considers appropriate.

Section 152. Section **17-27a-403.1** is amended to read:

17-27a-403.1 (Effective 11/06/25). Affordable home ownership density bonus for single-family residential units.

(1) As used in this section:

(a) "Affordable housing" means the same as that term is defined in Section [~~10-9a-403.2~~] 10-21-401.

(b) "Owner-occupier" means the same as that term is defined in Section [~~10-9a-403.2~~] 10-21-401.

(c) "Qualifying affordable home ownership single-family density bonus" means:

(i) for an area with an underlying zoning density of less than six residential units per acre, county approval of a density at least six residential units per acre; or

(ii) for an area with an underlying zoning density of six residential units per acre or more, county approval of a density at least 0.5 residential units per acre greater than the underlying zoning density for the area.

(2) If a county approves a qualifying affordable home ownership single-family density bonus, either through a zoning ordinance or a development agreement, the county may adopt requirements for the qualifying affordable home ownership single-family density bonus area to ensure:

(a) at least 60% of the total single-family residential units be deed-restricted to owner-occupancy for at least five years;

(b) at least 25% of the total single-family residential units qualify as affordable housing;

(c) at least 25% of the single-family residential units per acre to be no larger than 1,600 square feet; or

(d) the applicant creates a preferential qualifying buyer program in which a single-family residential unit is initially offered for sale, for up to 30 days, to a category of preferred qualifying buyers established by the county, in accordance with provisions of the Fair Housing Act, 42 U.S.C. Sec. 3601.

(3) A county may offer additional incentives in a qualifying affordable home ownership single-family density bonus area approved for single-family residential units to promote owner-occupied, affordable housing.

Section 153. Section **17-27a-403.2** is amended to read:

17-27a-403.2 (Effective 11/06/25). Affordable home ownership density bonus for multi-family residential units.

(1) As used in this section:

(a) "Affordable housing" means the same as that term is defined in Section [~~10-9a-403.2~~] 10-21-401.

(b) "Owner-occupier" means the same as that term is defined in Section [~~10-9a-403.2~~] 10-21-401.

(c) "Qualifying affordable home ownership multi-family density bonus" means county approval of a density of at least 20 residential units per acre.

(2) If a county approves a qualifying affordable home ownership multi-family density bonus, either through a zoning ordinance or a development agreement, the county may

adopt requirements for the qualifying affordable home ownership multi-family density bonus area to ensure:

(a) at least 20% more residential units per acre than are otherwise allowed in the area;

(b) at least 60% of the total units in the multi-family residential building be deed-restricted to owner-occupancy for at least five years;

(c) at least 25% of the total units in the multi-family residential building qualify as affordable housing;

(d) at least 25% of the total units in a multi-family residential building to be no larger than 1,600 square feet; or

(e) the applicant creates a preferential qualifying buyer program in which a unit in a multi-family residential building is initially offered for sale, for up to 30 days, to a category of preferred qualifying buyers established by the county, in accordance with provisions of the Fair Housing Act, 42 U.S.C. Sec. 3601.

(3) A county may offer additional incentives in a qualifying affordable home ownership multi-family density bonus area for multi-family residential units to promote owner-occupied, affordable housing.

Section 154. Section **17-27a-509.5** is amended to read:

17-27a-509.5 (Effective 11/06/25). Review for application completeness -- Substantive application review -- Reasonable diligence required for determination of whether improvements or warranty work meets standards -- Money damages claim prohibited.

(1)(a) Each county shall, in a timely manner, determine whether a land use application is complete for the purposes of subsequent, substantive land use authority review.

(b) After a reasonable period of time to allow the county diligently to evaluate whether all objective ordinance-based application criteria have been met, if application fees have been paid, the applicant may in writing request that the county provide a written determination either that the application is:

(i) complete for the purposes of allowing subsequent, substantive land use authority review; or

(ii) deficient with respect to a specific, objective, ordinance-based application requirement.

(c) Within 30 days of receipt of an applicant's request under this section, the county shall either:

(i) mail a written notice to the applicant advising that the application is deficient with

respect to a specified, objective, ordinance-based criterion, and stating that the application must be supplemented by specific additional information identified in the notice; or

(ii) accept the application as complete for the purposes of further substantive processing by the land use authority.

(d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application shall be considered complete, for purposes of further substantive land use authority review.

(e)(i) The applicant may raise and resolve in a single appeal any determination made under this Subsection (1) to the appeal authority, including an allegation that a reasonable period of time has elapsed under Subsection (1)(a).

(ii) The appeal authority shall issue a written decision for any appeal requested under this Subsection (1)(e).

(f)(i) The applicant may appeal to district court the decision of the appeal authority made under Subsection (1)(e).

(ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of the written decision.

(2)(a) Each land use authority shall substantively review a complete application and an application considered complete under Subsection (1)(d), and shall approve or deny each application with reasonable diligence.

(b) After a reasonable period of time to allow the land use authority to consider an application, the applicant may in writing request that the land use authority take final action within 45 days from date of service of the written request.

(c) Within 45 days from the date of service of the written request described in Subsection (2)(b):

(i) except as provided in Subsection (2)(c)(ii), the land use authority shall take final action, approving or denying the application; and

(ii) if a landowner petitions for a land use regulation, a legislative body shall take final action by approving or denying the petition.

(d) If the land use authority denies an application processed under the mandates of Subsection (2)(b), or if the applicant has requested a written decision in the application, the land use authority shall include its reasons for denial in writing, on the record, which may include the official minutes of the meeting in which the decision was rendered.

(e) If the land use authority fails to comply with Subsection (2)(c), the applicant may appeal this failure to district court within 30 days of the date on which the land use authority should have taken final action under Subsection (2)(c).

(3)(a) As used in this Subsection (3), an "infrastructure improvement category" includes a:

(i) culinary water system;

(ii) sanitary sewer system;

(iii) storm water system;

(iv) transportation system;

(v) secondary and irrigation water system;

(vi) public landscaping; or

(vii) public parks, trails, or open space.

(b) With reasonable diligence, each land use authority shall determine whether the installation of required subdivision improvements or the performance of warranty work meets the county's adopted standards.

(c)(i) An applicant may in writing request the land use authority to accept or reject the applicant's installation of required subdivision improvements or performance of warranty work.

(ii) The land use authority shall accept or reject subdivision improvements within 15 days after receiving an applicant's written request under Subsection (3)(c)(i), or as soon as practicable after that 15-day period if inspection of the subdivision improvements is impeded by winter weather conditions.

(iii) Except as provided in Subsection (3)(c)(iv), (3)(d), or (3)(e), the land use authority shall accept or reject the performance of warranty work within:

(A) for a county of a first, second, or third class, 15 days after the day on which the land use authority receives an applicant's written request under Subsection (3)(c)(i); and

(B) for a county of the fourth, fifth, or sixth class, 30 days after the day on which the land use authority receives an applicant's written request under Subsection (3)(c)(i).

(iv) If winter weather conditions do not reasonably permit a full and complete inspection of warranty work within the time periods described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) so the land use authority is able to accept or reject the warranty work, the land use authority shall:

(A) notify the applicant in writing before the end of the applicable time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of winter weather conditions, the land use authority will require additional time to accept or reject the performance of warranty work; and

(B) complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection as soon as practicable.

(d) If a land use authority rejects an applicant's performance of warranty work three times, the county may take 15 days in addition to the relevant time period described in Subsection (3)(c)(iii) for subsequent inspections of the applicant's warranty work.

(e)(i) If extraordinary circumstances do not permit a land use authority to complete inspection of warranty work within the relevant time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) so the land use authority is able to accept or reject the warranty work, the land use authority shall:

(A) notify the applicant in writing before the end of the applicable time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of the extraordinary circumstances, the land use authority will require additional time to accept or reject the performance of warranty work; and

(B) complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection within 30 days after the day on which the relevant time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) ends.

(ii) The following situations constitute extraordinary circumstances for purposes of Subsection (3)(e)(i):

(A) the land use authority is processing a request for inspection that substantially exceeds the normal scope of inspection the county is customarily required to perform;

(B) the applicant has provided two or more written requests described in Subsection (3)(c)(i) within the same 30-day time period; or

(C) the land use authority is processing an unusually large number of written requests described in Subsection (3)(c)(i) to accept or reject subdivision improvements or performance of warranty work.

(f)(i) If a land use authority determines that the installation of required subdivision improvements or the performance of warranty work does not meet the county's adopted standards, the land use authority shall, within 15 days of the day on which

the land use authority makes the determination, comprehensively and with specificity list the reasons for the land use authority's determination.

(ii) If the land use authority fails to provide an applicant with the list described in Subsection (3)(f)(i) within the required time period:

(A) the applicant may send written notice to the land use authority requesting the list within five days; and

(B) if the applicant does not receive the list within five days from the day on which the applicant provides the land use authority with written notice as described in Subsection (3)(f)(ii)(A), the applicant may demand, and the land use authority shall provide, a reimbursement equal to 20% of the applicant's improvement completion assurance or security for the warranty work within each infrastructure improvement category.

(g) Subject to the provisions of Section [~~10-9a-604.5~~] 17-79-707:

(i) within 15 days of the day on which the land use authority determines that an infrastructure improvement within a certain infrastructure improvement category, as described in Subsection (3)(a), meets the county's adopted standards for that category of infrastructure improvement and an applicant submits complete as-built drawings to the land use authority, whichever occurs later, the land use authority shall return to the applicant 90% of the applicant's improvement completion assurance allocated toward that infrastructure improvement category; and

(ii) within 15 days of the day on which the warranty period expires and the land use authority determines that an infrastructure improvement within a certain infrastructure improvement category, as described in Subsection (3)(a), meets the county's adopted standards for that category of infrastructure improvement, the land use authority shall return to the applicant the remaining 10% of the applicant's improvement completion assurance allocated toward that infrastructure improvement category, plus any remaining portion of a bond described in Subsection [~~10-9a-604.5(5)(b)~~] 17-79-707(5)(b).

(h) The following acts under this Subsection (3) are administrative acts:

(i) a county's return of an applicant's improvement completion assurance, or any portion of an improvement completion assurance, within a category of infrastructure improvements, to the applicant; and

(ii) a county's return of an applicant's security for an improvement warranty, or any portion of security for an improvement warranty, within a category of

infrastructure improvements, to the applicant.

(4) Subject to Section 17-27a-508, nothing in this section and no action or inaction of the land use authority relieves an applicant's duty to comply with all applicable substantive ordinances and regulations.

(5) There shall be no money damages remedy arising from a claim under this section.

Section 155. Section **17-27a-535** is amended to read:

17-27a-535 (Effective 11/06/25). Operation of a tower crane.

(1) As used in this section:

(a) "Affected land" means the same as that term is defined in Section [~~10-9a-539~~] 10-20-622.

(b) "Airspace approval" means the same as that term is defined in Section [~~10-9a-539~~] 10-20-622.

(c) "Live load" means the same as that term is defined in Section [~~10-9a-539~~] 10-20-622.

(d) "Permit period" means the same as that term is defined in Section [~~10-9a-539~~] 10-20-622.

(e) "Tower crane" means the same as that term is defined in Section [~~10-9a-539~~] 10-20-622.

(2) Except as provided in Subsection (3), a county may not require airspace approval as a condition for the county's:

(a) approval of a building permit; or

(b) authorization of a development activity.

(3) A county may require airspace approval relating to affected land as a condition for the county's approval of a building permit or for the county's authorization of a development activity if:

(a) the tower crane will, during the permit period or development activity, carry a live load over the affected land; or

(b) the affected land is within:

(i) an airport overlay zone; or

(ii) another zone designated to protect the airspace around an airport.

Section 156. Section **17-27a-536** is amended to read:

17-27a-536 (Effective 11/06/25). Identical plan review -- Process -- Indexing of plans -- Prohibitions.

(1) As used in this section:

(a) "Business day" means Monday, Tuesday, Wednesday, Thursday, or Friday, unless

the day falls on a federal, state, or county holiday.

(b) "Nonidentical plan" means a plan that does not meet the definition of an identical plan in Section 17-27a-103.

(c) "Original plan" means the same as that term is defined in Section [~~10-9a-541~~] 10-20-908.

(2) An applicant may submit, and a county shall review, an identical plan as described in this section.

(3) At the time of submitting an identical plan for review to a county, an applicant shall:

(a) mark the floor plan as "identical plans";

(b) identify in writing:

(i) the building permit number the county issued for the original plan:

(A) that was previously approved by the county; and

(B) to which the submitted floor plan qualifies as an identical plan; or

(ii) the identifying index number assigned by the county to the original plan, as described in Subsection (5)(b); and

(c) identify the site on which the applicant intends to implement the identical plan.

(4) Beginning May 7, 2025, an applicant that intends to submit an identical plan for review to a county shall:

(a) indicate, at the time of submitting an original plan to the county for review and approval, that the applicant intends to use the original plan as the basis for submitting a future identical plan if the original plan is approved by the county; and

(b) identify:

(i) the name or other identifier of the original plan; and

(ii) the zone the building will be located in, if the county approves the original plan.

(5) Upon approving an original plan and receiving the information described in Subsection (4), a county shall:

(a) file and index the original plan for future reference against an identical plan later submitted under Subsection (2); and

(b) provide the applicant with an identifying index number for the original plan.

(6) A county that receives a submission under Subsection (2) shall review and compare the submitted identical plan to the original plan to ensure:

(a) the identical plan and original plan are substantially identical; and

(b) no structural changes have been made from the original plan.

(7) Nothing in this section prohibits a county from conducting a site review and requiring

geological analysis of the proposed site identified by the applicant under Subsection (3)(c).

(8) A county shall:

(a) review a submitted identical plan for compliance with this section; and

(b) approve or reject the identical plan within five business days after the day on which the identical plan was submitted under Subsection (2).

(9) An applicant that submits a nonidentical plan to a county as an identical plan, with knowledge that the nonidentical plan does not qualify as an identical plan and with intent to deceive the county:

(a) may be fined by the county receiving the submission of the nonidentical plan:

(i) in an amount not to exceed three times the building permit fee, if the county approved the nonidentical plan as an identical plan before discovering the submission did not qualify as an identical plan; or

(ii) in an amount equal to the building permit fee that would have been issued for the nonidentical plan, if the county did not approve the nonidentical plan before discovering the submission did not qualify as an identical plan; and

(b) is prohibited from submitting an identical plan for review and approval under this section for a period of two years from the day on which the county discovers the nonidentical plan identified as an identical plan in the applicant's submission did not qualify as an identical plan.

(10) A county may impose a criminal penalty, as described in Section 17-53-223, for an applicant that knowingly violates the prohibition described in Subsection (9)(b).

Section 157. Section **17-27a-603** is amended to read:

17-27a-603 (Effective 11/06/25). Plat required when land is subdivided -- Approval of plat -- Owner acknowledgment, surveyor certification, and verification of plat -- Recording plat.

(1) As used in this section:

(a)(i) "Facility owner" means the same as that term is defined in Section 73-1-15.5.

(ii) "Facility owner" includes a canal owner or associated canal operator contact described in:

(A) Section 17-27a-211;

(B) Subsection 73-5-7(3); or

(C) Subsection (6)(c).

(b) "Local health department" means the same as that term is defined in Section

26A-1-102.

(c) "State engineer's inventory of canals" means the state engineer's inventory of water conveyance systems established in Section 73-5-7.

(d) "Underground facility" means the same as that term is defined in Section 54-8a-2.

(e) "Water conveyance facility" means the same as that term is defined in Section 73-1-15.5.

(2) Unless exempt under Section 17-27a-605 or excluded from the definition of subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of the land shall provide to the county in which the land is located an accurate plat that describes or specifies:

(a) a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;

(b) the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;

(c) the lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale;

(d) every existing right-of-way and recorded easement located within the plat for:

(i) an underground facility;

(ii) a water conveyance facility; or

(iii) any other utility facility; and

(e) any water conveyance facility located, entirely or partially, within the plat that:

(i) is not recorded; and

(ii) of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land:

(A) in the state engineer's inventory of canals; or

(B) from a surveyor under Subsection (6)(c).

(3)(a) Subject to Subsections (4), (6), and (7), if the plat conforms to the county's ordinances and this part and has been approved by the culinary water authority, the sanitary sewer authority, and the local health department, if the local health department and the county consider the local health department's approval necessary, the county shall approve the plat.

(b) Counties are encouraged to receive a recommendation from the fire authority and the public safety answering point before approving a plat.

(c) A county may not require that a plat be approved or signed by a person or entity who:

(i) is not an employee or agent of the county; or

(ii) does not:

(A) have a legal or equitable interest in the property within the proposed subdivision;

(B) provide a utility or other service directly to a lot within the subdivision;

(C) own an easement or right-of-way adjacent to the proposed subdivision who signs for the purpose of confirming the accuracy of the location of the easement or right-of-way in relation to the plat; or

(D) provide culinary public water service whose source protection zone designated as provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.

(d) A county shall:

(i) within 20 days after the day on which an owner of land submits to the county a complete subdivision plat land use application, mail written notice of the proposed subdivision to the facility owner of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat, as determined using information made available to the county:

(A) from the facility owner under Section [~~10-9a-211~~] 17-79-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;

(B) in the state engineer's inventory of canals; or

(C) from a surveyor under Subsection (6)(c); and

(ii) not approve the subdivision plat for at least 20 days after the day on which the county mails to each facility owner the notice under Subsection (3)(d)(i) in order to receive any comments from each facility owner regarding:

(A) access to the water conveyance facility;

(B) maintenance of the water conveyance facility;

(C) protection of the water conveyance facility integrity;

(D) safety of the water conveyance facility; or

(E) any other issue related to water conveyance facility operations.

(e) When applicable, the owner of the land seeking subdivision plat approval shall

comply with Section 73-1-15.5.

(f) A facility owner's failure to provide comments to a county in accordance with Subsection (3)(d)(ii) does not affect or impair the county's authority to approve the subdivision plat.

(4) The county may withhold an otherwise valid plat approval until the owner of the land provides the legislative body with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(5)(a) Within 30 days after approving a final plat under this section, a county shall submit to the Utah Geospatial Resource Center, created in Section 63A-16-505, for inclusion in the unified statewide 911 emergency service database described in Subsection 63H-7a-304(4)(b):

(i) an electronic copy of the approved final plat; or

(ii) preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.

(b) If requested by the Utah Geospatial Resource Center, a county that approves a final plat under this section shall:

(i) coordinate with the Utah Geospatial Resource Center to validate the information described in Subsection (5)(a); and

(ii) assist the Utah Geospatial Resource Center in creating electronic files that contain the information described in Subsection (5)(a) for inclusion in the unified statewide 911 emergency service database.

(6)(a) A county recorder may not record a plat unless, subject to Subsection 17-27a-604(1):

(i) prior to recordation, the county has approved and signed the plat;

(ii) each owner of record of land described on the plat has signed the owner's dedication as shown on the plat; and

(iii) the signature of each owner described in Subsection (6)(a)(ii) is acknowledged as provided by law.

(b) A surveyor who prepares the plat shall certify that the surveyor:

(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(ii)(A) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; or

(B) has referenced a record of survey map of the existing property boundaries

shown on the plat and verified the locations of the boundaries; and

(iii) has placed monuments as represented on the plat.

(c)(i) To the extent possible, the surveyor shall consult with the owner or operator, or a representative designated by the owner or operator, of an existing water conveyance facility located within the proposed subdivision, or an existing or proposed underground facility or utility facility located within the proposed subdivision, to verify the accuracy of the surveyor's depiction of the:

(A) boundary, course, dimensions, and intended use of the public rights-of-way, a public or private easement, or grants of record;

(B) location of the existing water conveyance facility, or the existing or proposed underground facility or utility facility; and

(C) physical restrictions governing the location of the existing or proposed underground facility or utility facility.

(ii) The cooperation of an owner or operator of a water conveyance facility, underground facility, or utility facility under Subsection (6)(c)(i):

(A) indicates only that the plat approximates the location of the existing facilities but does not warrant or verify their precise location; and

(B) does not affect a right that the owner or operator has under Title 54, Chapter 8a, Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law applicable to prescriptive rights, or any other provision of law.

(7)(a) Except as provided in Subsection (6)(c), after the plat has been acknowledged, certified, and approved, the owner of the land seeking to record the plat shall, within the time period and manner designated by ordinance, record the plat in the county recorder's office in the county in which the lands platted and laid out are situated.

(b) A failure to record a plat within the time period designated by ordinance renders the plat voidable by the county.

(8) A county acting as a land use authority shall approve a condominium plat that complies with the requirements of Section 57-8-13 unless the condominium plat violates a land use regulation of the county.

Section 158. Section **17-27a-604.5** is amended to read:

17-27a-604.5 (Effective 11/06/25). 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;

(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) if a county accepts cash deposits as a form of completion assurance and an applicant elects to post a 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 17-27a-802 based on the installation of public landscaping improvements or infrastructure improvements.

(d) A county may not require an applicant to post an improvement completion assurance for:

(i) public landscaping improvements or infrastructure improvements that the county has previously inspected and accepted;

(ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation;

(iii) in a county where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the county requires to be private;

(iv) landscaping improvements that are not public landscaping improvements, unless the landscaping improvements and completion assurance are required under the terms of a development agreement;

(v) a private landscaping plan;

(vi) landscaping improvements or infrastructure improvements that an applicant elects to install at the applicant's own risk:

(A) before the plat is recorded;

(B) pursuant to inspections required by the county for the infrastructure improvement; and

(C) pursuant to final civil engineering plan approval by the county; or

(vii) any individual public landscaping improvement or individual infrastructure improvement when the individual public landscaping improvement or individual infrastructure improvement is also included as part of a separate improvement completion assurance.

(e)(i) A county may not:

(A) prohibit an applicant from installing a public landscaping improvement or an infrastructure improvement when the municipality has approved final civil engineering plans for the development activity or plat for which the public landscaping improvement or infrastructure improvement is required; or

(B) require an applicant to sign an agreement, release, or other document inconsistent with this chapter as a condition of posting an improvement completion assurance, security for an improvement warranty, or receiving a building permit.

(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 county in accordance with the county's adopted inspection standards.

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

(ii) Subject to Section [~~10-9a-509.5~~] 17-79-803, if an applicant has posted a form of security with a county for more than one infrastructure improvement or public landscaping improvement, the county 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 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 17-27a-509.5, 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 building code and fire code.

(8) A county 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.

Section 159. Section **17-41-402** is amended to read:

17-41-402 (Effective 11/06/25). Limitations on local regulations.

(1) A political subdivision within which an agriculture protection area, industrial protection area, or critical infrastructure materials protection area is created or with a mining protection area within its boundary shall encourage the continuity, development, and viability of agriculture use, industrial use, critical infrastructure materials operations, or mining use, within the relevant protection area by not enacting a local law, ordinance, or regulation that, unless the law, ordinance, or regulation bears a direct relationship to public health or safety, would unreasonably restrict:

(a) in the case of an agriculture protection area, a farm structure or farm practice;

(b) in the case of an industrial protection area, an industrial use of the land within the area;

(c) in the case of a critical infrastructure materials protection area, critical infrastructure materials operations; or

(d) in the case of a mining protection area, a mining use within the protection area.

(2) A political subdivision may not change the zoning designation of or a zoning regulation affecting land within an agriculture protection area unless the political subdivision receives written approval for the change from all the landowners within the agriculture protection area affected by the change.

(3) Except as provided by Section 19-4-113, a political subdivision may not change the zoning designation of or a zoning regulation affecting land within an industrial protection area unless the political subdivision receives written approval for the change from all the landowners within the industrial protection area affected by the change.

(4) A political subdivision may not change the zoning designation of or a zoning regulation affecting land within a critical infrastructure materials protection area unless the political subdivision receives written approval for the change from each critical infrastructure materials operator within the relevant area.

(5) A political subdivision may not change the zoning designation of or a zoning regulation affecting land within a mining protection area unless the political subdivision receives written approval for the change from each mine operator within the area.

(6) A county, city, or town may not:

(a) adopt, enact, or amend an existing land use regulation, ordinance, or regulation that would prohibit, restrict, regulate, or otherwise limit critical infrastructure materials operationswith a vested critical infrastructure materials use as defined in Section [~~10-9a-901~~] 10-20-701 or 17-27a-1001; or

(b) initiate proceedings to amend the county's, city's, or town's land use ordinances as

described in Subsection [~~10-9a-509(1)(a)(ii)~~] 10-20-902(1)(a)(ii) or 17-27a-508(1)(a)(ii) as it regards the rights of a critical infrastructure materials operator with a vested critical infrastructure materials use.

Section 160. Section **17-41-502** is amended to read:

17-41-502 (Effective 11/06/25). Rights of a mine operator with a vested mining use -- Expanding vested mining use.

(1) Notwithstanding a political subdivision's prohibition, restriction, or other limitation on a mining use adopted after the establishment of the mining use, the rights of a mine operator with a vested mining use include the rights to:

(a) progress, extend, enlarge, grow, or expand the vested mining use to any surface or subsurface land or mineral estate that the mine operator owns or controls;

(b) expand the vested mining use to any new land that:

(i) is contiguous and related in mineralization to surface or subsurface land or a mineral estate that the mine operator already owns or controls;

(ii) contains minerals that are part of the same mineral trend as the minerals that the mine operator already owns or controls; or

(iii) is a geologic offshoot to surface or subsurface land or a mineral estate that the mine operator already owns or controls;

(c) use, operate, construct, reconstruct, restore, extend, expand, maintain, repair, alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and buildings on any surface or subsurface land or mineral estate that the mine operator owns or controls;

(d) increase production or volume, alter the method of mining or processing, and mine or process a different or additional mineral than previously mined or owned on any surface or subsurface land or mineral estate that the mine operator owns or controls; and

(e) discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily or permanently, all or any part of the mining use.

(2)(a) As used in this Subsection (2), "applicable legislative body" means the legislative body of each:

(i) county in whose unincorporated area the new land to be included in the vested mining use is located; and

(ii) municipality in which the new land to be included in the vested mining use is located.

(b) A mine operator with a vested mining use is presumed to have a right to expand the vested mining use to new land.

(c) Before expanding a vested mining use to new land, a mine operator shall provide written notice:

(i) of the mine operator's intent to expand the vested mining use; and

(ii) to each applicable legislative body.

(d)(i) An applicable legislative body shall:

(A) hold a public meeting or hearing at its next available meeting that is more than 10 days after receiving the notice under Subsection (2)(c); and

(B) provide reasonable, advance, written notice:

(I) of:

(Aa) the intended expansion of the vested mining use; and

(Bb) the public meeting or hearing; and

(II) to each owner of the surface estate of the new land.

(ii) A public meeting or hearing under Subsection (2)(d)(i) serves to provide sufficient public notice of the mine operator's intent to expand the vested mining use to the new land.

(e) After the public meeting or hearing under Subsection (2)(d)(ii), a mine operator may expand a vested mining use to new land without any action by an applicable legislative body, unless the applicable legislative body finds that there is clear and convincing evidence in the record that the expansion to new land will imminently endanger the public health, safety, and welfare. If the applicable legislative body makes the finding of endangerment described in this Subsection (2)(e), Subsection (4) applies.

(3) If a mine operator expands a vested mining use to new land, as authorized under this section:

(a) the mine operator's rights under the vested mining use with respect to land on which the vested mining use occurs apply with equal force after the expansion to the new land; and

(b) the mining protection area that includes land on which the vested mining use occurs is expanded to include the new land.

(4)(a) If the applicable legislative body makes the finding of endangerment described in Subsection (2)(e):

(i) the mining operator shall submit to the applicable legislative body the mining

operator's plan for expansion under this section;

(ii) by no later than 30 days after receipt of the plan for expansion described in Subsection (4)(a)(i), the applicable legislative body shall notify the operator of:

(A) evidence that the expansion to new land will endanger the public health, safety, and welfare; and

(B) proposed measures to mitigate the endangerment of the public health, safety, and welfare; and

(iii) the applicable legislative body shall hold a public hearing by no later than 30 days after the date the applicable legislative body complies with Subsection (4)(a)(ii) to present mitigation measures proposed under Subsection (4)(a)(ii).

(b) The applicable legislative body may impose mitigation measures under this Subsection (4) that are reasonable and do not exceed requirements imposed by permits issued by a state agency such as an air quality permit.

(c) A political subdivision may not prohibit the expansion of a vested mining use if the mining operator agrees to comply with the mitigation measures described in Subsection (4)(b).

(d) The process under this Subsection (4) is not a land use application or conditional use application under [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act, or Chapter 27a, County Land Use, Development, and Management Act.

Section 161. Section **17-50-338** is amended to read:

17-50-338 (Effective 11/06/25). Ordinances regarding short-term rentals -- Prohibition on ordinances restricting speech on short-term rental websites -- Evidence of short-term rental -- Removing a listing.

(1) As used in this section:

(a) "Internal accessory dwelling unit" means the same as that term is defined in Section [~~10-9a-511.5~~] 10-20-606.

(b) "Permit number" means a unique identifier issued by a county and may include a business license number.

(c) "Request" means a formal inquiry made by a county to a short-term rental website that is not a legal requirement.

(d) "Residential unit" means a residential structure or any portion of a residential structure that is occupied as a residence.

(e) "Short-term rental" means a residential unit or any portion of a residential unit that the owner of record or the lessee of the residential unit offers for occupancy for fewer than 30 consecutive days.

(f) "Short-term rental website" means a website or other digital platform that:

(i) allows a person to offer a short-term rental to one or more prospective renters; and

(ii) facilitates the renting of, and payment for, a short-term rental.

(g) "URL" means uniform resource locater.

(2) Notwithstanding Section 17-27a-501 or Subsection 17-27a-503(1), a legislative body may not:

(a) enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or

(b) use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website.

(3) If a county regulates short-term rentals, Subsection (2)(b) does not prevent the county from using a listing or offering of a short-term rental on a short-term rental website as evidence that a short-term rental took place so long as the county has additional information to support the position that a property owner or lessee violated a county ordinance.

(4) A county may adopt an ordinance requiring the owner or lessee of a short-term rental to obtain a business license or other permit from the county before operating a short-term rental within an unincorporated area of the county.

(5)(a) A county may not regulate a short-term rental website.

(b) If a county allows short-term rentals within a portion of or all residential or commercial unincorporated zones in the county, the legislative body of a county may only request a short-term rental website to remove a short-term rental listing or offering from the short-term rental website after notice from the county, as described in Subsection [~~(5)~~] (6), only if the short-term rental is operating in violation of business license requirements or zoning requirements.

(6) A county that provides a notice to a short-term rental website that a short-term rental within the unincorporated county is in violation of the county's business licensing requirements or zoning requirements shall identify in the notice:

(a) the listing or offering to be removed by the listing's or offering's URL; and

(b) the reason for the requested removal.

(7) If a legislative body imposes transient room tax on the rental of rooms in hotels, motels, inns, trailer courts, campgrounds, tourist homes, and similar accommodations for stays of less than 30 consecutive days as authorized by Section 59-12-301:

(a) the county may utilize a listing or offering of a short-term rental on a short-term rental website as evidence that the owner or lessee of a short-term rental may be subject to the transient room tax; and

(b) the county auditor may utilize the listing or offering of a short-term rental on a short-term rental website when making a referral to the State Tax Commission, as described in Section 59-12-302.

(8) Subsection (2) does not apply to an individual who lists or offers an internal accessory dwelling unit as a short-term rental on a short-term rental website if the county records a notice for the internal accessory dwelling unit under Subsection 17-27a-526(6).

Section 162. Section **17B-2a-802** is amended to read:

17B-2a-802 (Effective 11/06/25). Definitions.

As used in this part:

(1) "Affordable housing" means housing occupied or reserved for occupancy by households that meet certain gross household income requirements based on the area median income for households of the same size.

(a) "Affordable housing" may include housing occupied or reserved for occupancy by households that meet specific area median income targets or ranges of area median income targets.

(b) "Affordable housing" does not include housing occupied or reserved for occupancy by households with gross household incomes that are more than 60% of the area median income for households of the same size.

(2) "Appointing entity" means the person, county, unincorporated area of a county, or municipality appointing a member to a public transit district board of trustees.

(3)(a) "Chief executive officer" means a person appointed by the board of trustees of a small public transit district to serve as chief executive officer.

(b) "Chief executive officer" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 and includes all rights, duties, and responsibilities assigned to the general manager but prescribed by the board of trustees to be fulfilled by the chief executive officer.

(4) "Confidential employee" means a person who, in the regular course of the person's duties:

(a) assists in and acts in a confidential capacity in relation to other persons who formulate, determine, and effectuate management policies regarding labor relations; or

(b) has authorized access to information relating to effectuating or reviewing the employer's collective bargaining policies.

(5) "Council of governments" means a decision-making body in each county composed of membership including the county governing body and the mayors of each municipality in the county.

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

(7) "Executive director" means a person appointed by the board of trustees of a large public transit district to serve as executive director.

(8) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

(9) "Fixed guideway capital development" means the same as that term is defined in Section 72-1-102.

(10)(a) "General manager" means a person appointed by the board of trustees of a small public transit district to serve as general manager.

(b) "General manager" shall enjoy all the rights, duties, and responsibilities defined in Sections 17B-2a-810 and 17B-2a-811 prescribed by the board of trustees of a small public transit district.

(11) "Large public transit district" means a public transit district that provides public transit to an area that includes:

(a) more than 65% of the population of the state based on:

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

(ii) if the Utah Population Committee estimate is not available for each county, municipality, and unincorporated area that comprise the district, the most recent official census or census estimate of the United States Bureau of the Census; and

(b) two or more counties.

(12) "Local advisory council" means the local advisory council created in accordance with Section 17B-2a-808.2.

(13)(a) "Locally elected public official" means a person who holds an elected position with a county or municipality.

(b) "Locally elected public official" does not include a person who holds an elected position if the elected position is not with a county or municipality.

(14) "Managerial employee" means a person who is:

(a) engaged in executive and management functions; and

(b) charged with the responsibility of directing, overseeing, or implementing the effectuation of management policies and practices.

(15) "Metropolitan planning organization" means the same as that term is defined in Section 72-1-208.5.

(16) "Multicounty district" means a public transit district located in more than one county.

(17) "Operator" means a public entity or other person engaged in the transportation of passengers for hire.

(18)(a) "Public transit" means regular, continuing, shared-ride, surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.

(b) "Public transit" does not include transportation services provided by:

(i) chartered bus;

(ii) sightseeing bus;

(iii) taxi;

(iv) school bus service;

(v) courtesy shuttle service for patrons of one or more specific establishments; or

(vi) intra-terminal or intra-facility shuttle services.

(19) "Public transit district" means a special district that provides public transit services.

(20) "Public transit innovation grant" means the same as that term is defined in Section 72-2-401.

(21) "Small public transit district" means any public transit district that is not a large public transit district.

(22) "Station area plan" means a plan developed and adopted by a municipality in accordance with Section [~~10-9a-403.1~~] 10-21-203.

(23)(a) "Supervisor" means a person who has authority, in the interest of the employer, to:

(i) hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees; or

(ii) adjust another employee's grievance or recommend action to adjust another employee's grievance.

(b) "Supervisor" does not include a person whose exercise of the authority described in Subsection (23)(a):

(i) is of a merely routine or clerical nature; and

(ii) does not require the person to use independent judgment.

(24) "Transit facility" means a transit vehicle, transit station, depot, passenger loading or unloading zone, parking lot, or other facility:

(a) leased by or operated by or on behalf of a public transit district; and

(b) related to the public transit services provided by the district, including:

(i) railway or other right-of-way;

(ii) railway line; and

(iii) a reasonable area immediately adjacent to a designated stop on a route traveled by a transit vehicle.

(25) "Transit vehicle" means a passenger bus, coach, railcar, van, or other vehicle operated as public transportation by a public transit district.

(26) "Transit-oriented development" means a mixed use residential or commercial area that is designed to maximize access to public transit and includes the development of land owned by a large public transit district.

(27) "Transit-supportive development" means a mixed use residential or commercial area that is designed to maximize access to public transit and does not include the development of land owned by a large public transit district.

Section 163. Section **17B-2a-804** is amended to read:

17B-2a-804 (Effective 11/06/25). Additional public transit district powers.

(1) In addition to the powers conferred on a public transit district under Section 17B-1-103, a public transit district may:

(a) provide a public transit system for the transportation of passengers and their incidental baggage;

(b) notwithstanding Subsection 17B-1-103(2)(g) and subject to Section 17B-2a-817, levy and collect property taxes only for the purpose of paying:

(i) principal and interest of bonded indebtedness of the public transit district; or

(ii) a final judgment against the public transit district if:

(A) the amount of the judgment exceeds the amount of any collectable insurance or indemnity policy; and

(B) the district is required by a final court order to levy a tax to pay the judgment;

(c) insure against:

(i) loss of revenues from damage to or destruction of some or all of a public transit system from any cause;

(ii) public liability;

(iii) property damage; or

(iv) any other type of event, act, or omission;

(d) subject to Section 72-1-203 pertaining to fixed guideway capital development within a large public transit district, acquire, contract for, lease, construct, own, operate, control, or use:

(i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal, parking lot, or any other facility necessary or convenient for public transit service; or

(ii) any structure necessary for access by persons and vehicles;

(e)(i) hire, lease, or contract for the supplying or management of a facility, operation, equipment, service, employee, or management staff of an operator; and

(ii) provide for a sublease or subcontract by the operator upon terms that are in the public interest;

(f) operate feeder bus lines and other feeder or ridesharing services as necessary;

(g) accept a grant, contribution, or loan, directly through the sale of securities or equipment trust certificates or otherwise, from the United States, or from a department, instrumentality, or agency of the United States;

(h) study and plan transit facilities in accordance with any legislation passed by Congress;

(i) cooperate with and enter into an agreement with the state or an agency of the state or otherwise contract to finance to establish transit facilities and equipment or to study or plan transit facilities;

(j) subject to Subsection 17B-2a-808.1(4), issue bonds as provided in and subject to Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the district;

(k) from bond proceeds or any other available funds, reimburse the state or an agency of the state for an advance or contribution from the state or state agency;

(l) do anything necessary to avail itself of any aid, assistance, or cooperation available under federal law, including complying with labor standards and making arrangements for employees required by the United States or a department, instrumentality, or agency of the United States;

(m) sell or lease property;

(n) except as provided in Subsection (2)(b), assist in or operate transit-oriented or transit-supportive developments;

(o) subject to Subsections (2) and (3), establish, finance, participate as a limited partner

or member in a development with limited liabilities in accordance with Subsection (1)(p), construct, improve, maintain, or operate transit facilities, equipment, and, in accordance with Subsection (3), transit-oriented developments or transit-supportive developments; and

(p) subject to the restrictions and requirements in Subsections (2) and (3), assist in a transit-oriented development or a transit-supportive development in connection with project area development as defined in Section 17C-1-102 by:

(i) investing in a project as a limited partner or a member, with limited liabilities; or

(ii) subordinating an ownership interest in real property owned by the public transit district.

(2)(a) A public transit district may only assist in the development of areas under Subsection (1)(p) that have been approved by the board of trustees, and in the manners described in Subsection (1)(p).

(b) A public transit district may not invest in a transit-oriented development or transit-supportive development as a limited partner or other limited liability entity under the provisions of Subsection (1)(p)(i), unless the partners, developer, or other investor in the entity, makes an equity contribution equal to no less than 25% of the appraised value of the property to be contributed by the public transit district.

(c)(i) For transit-oriented development projects, a public transit district shall adopt transit-oriented development policies and guidelines that include provisions on affordable housing.

(ii) For transit-supportive development projects, a public transit district shall work with the metropolitan planning organization and city and county governments where the project is located to collaboratively seek to create joint plans for the areas within one-half mile of transit stations, including plans for affordable housing.

(d) A current board member of a public transit district to which the board member is appointed may not have any interest in the transactions engaged in by the public transit district [~~pursuant to~~] in accordance with Subsection (1)(p)(i) or (ii), except as may be required by the board member's fiduciary duty as a board member.

(3) For any transit-oriented development or transit-supportive development authorized in this section, the public transit district shall:

(a) perform a cost-benefit analysis of the monetary investment and expenditures of the development, including effect on:

(i) service and ridership;

(ii) regional plans made by the metropolitan planning agency;

(iii) the local economy;

(iv) the environment and air quality;

(v) affordable housing; and

(vi) integration with other modes of transportation;

(b) provide evidence to the public of a quantifiable positive return on investment, including improvements to public transit service; and

(c) coordinate with the Department of Transportation in accordance with Section 72-1-203 pertaining to fixed guideway capital development and associated parking facilities within a station area plan for a transit oriented development within a large public transit district.

(4) For any fixed guideway capital development project with oversight by the Department of Transportation as described in Section 72-1-203, a large public transit district shall coordinate with the Department of Transportation in all aspects of the project, including planning, project development, outreach, programming, environmental studies and impact statements, impacts on public transit operations, and construction.

(5) A public transit district may participate in a transit-oriented development only if:

(a) for a transit-oriented development involving a municipality:

(i) the relevant municipality has developed and adopted a station area plan; and

(ii) the municipality is in compliance with Sections [~~10-9a-403~~] 10-21-201 and [~~10-9a-408~~] 10-21-202 regarding the inclusion of moderate income housing in the general plan and the required reporting requirements; or

(b) for a transit-oriented development involving property in an unincorporated area of a county, the county is in compliance with Sections [~~17-27a-403~~] 17-79-403 and [~~17-27a-408~~] 17-80-202 regarding inclusion of moderate income housing in the general plan and required reporting requirements.

(6) A public transit district may be funded from any combination of federal, state, local, or private funds.

(7) A public transit district may not acquire property by eminent domain.

Section 164. Section **17B-2a-1305** is amended to read:

17B-2a-1305 (Effective 11/06/25). Relationship with other local entities.

(1) The applicability of local land use regulations under [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land

Use, Development, and Management Act, or [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act, is not affected by:

(a) the creation or operation of an infrastructure financing district; or

(b) the infrastructure financing district's provision of funding for the development of infrastructure within the infrastructure financing district boundary.

(2) The boundary of an infrastructure financing district is not affected by:

(a) a municipality's annexation of an unincorporated area of a county; or

(b) the adjustment of a boundary shared by more than one municipality.

(3) A debt, obligation, or other financial burden of an infrastructure financing district, including any liability of or claim or judgment against an infrastructure financing district:

(a) is borne solely by the infrastructure financing district; and

(b) is not the debt, obligation, or other financial burden of any other political subdivision of the state or of the state.

(4)(a) Nothing in this part affects the requirement for infrastructure for which an infrastructure financing district provides funding to comply with all applicable standards and design, inspection, and other requirements of the county, municipality, special district, or special service district that will own and operate the infrastructure after the infrastructure is completed.

(b) Upon the completion of infrastructure for which an infrastructure financing district has provided funding, the infrastructure shall be conveyed:

(i) to the county, municipality, special district, or special service district that will operate the infrastructure; and

(ii) at no cost to the county, municipality, special district, or special service district.

Section 165. Section **17C-1-104** is amended to read:

17C-1-104 (Effective 11/06/25). Actions not subject to land use laws.

(1) An action taken under this title is not subject to [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act or [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act.

(2) An ordinance or resolution adopted under this title is not a land use regulation as defined in [~~Sections 10-9a-103~~] Section 10-20-102 [~~and~~] or [~~17-27a-103~~] 17-79-102.

Section 166. Section **17C-2-102** is amended to read:

17C-2-102 (Effective 11/06/25). Process for adopting urban renewal project area plan -- Prerequisites -- Restrictions.

(1)(a) In order to adopt an urban renewal project area plan, after adopting a resolution under Subsection 17C-2-101.5(1) the agency shall:

(i) unless a development impediment determination is based on a determination made under Subsection 17C-2-303(1)(b) relating to an inactive industrial site or inactive airport site:

(A) cause a development impediment study to be conducted within the survey area as provided in Section 17C-2-301;

(B) provide notice of a development impediment hearing as required under Chapter 1, Part 8, Hearing and Notice Requirements; and

(C) hold a development impediment hearing as described in Section 17C-2-302;

(ii) after the development impediment hearing has been held or, if no development impediment hearing is required under Subsection (1)(a)(i), after adopting a resolution under Subsection 17C-2-101.5(1), hold a board meeting at which the board shall:

(A) consider:

(I) the evidence and information relating to the existence or nonexistence of a development impediment; and

(II) whether adoption of one or more urban renewal project area plans should be pursued; and

(B) by resolution:

(I) make a determination regarding the existence of a development impediment in the proposed urban renewal project area;

(II) select one or more project areas comprising part or all of the survey area; and

(III) authorize the preparation of a proposed project area plan for each project area;

(iii) prepare a proposed project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;

(iv) make the proposed project area plan available to the public at the agency's offices during normal business hours;

(v) provide notice of the plan hearing in accordance with Sections 17C-1-806 and

17C-1-808;

(vi) hold a plan hearing on the proposed project area plan and, at the plan hearing:

(A) allow public comment on:

(I) the proposed project area plan; and

(II) whether the proposed project area plan should be revised, approved, or rejected; and

(B) receive all written and hear all oral objections to the proposed project area plan;

(vii) before holding the plan hearing, provide an opportunity for the State Board of Education and each taxing entity that levies a tax on property within the proposed project area to consult with the agency regarding the proposed project area plan;

(viii) if applicable, hold the election required under Subsection 17C-2-105(3);

(ix) after holding the plan hearing, at the same meeting or at a subsequent meeting consider:

(A) the oral and written objections to the proposed project area plan and evidence and testimony for and against adoption of the proposed project area plan; and

(B) whether to revise, approve, or reject the proposed project area plan;

(x) approve the proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-2-106; and

(xi) submit the project area plan to the community legislative body for adoption.

(b)(i) If an agency makes a determination under Subsection (1)(a)(ii)(B) that a development impediment exists in the proposed urban renewal project area, the agency may not adopt the project area plan until the taxing entity committee approves the development impediment determination.

(ii)(A) A taxing entity committee may not disapprove an agency's development impediment determination unless the committee demonstrates that the conditions the agency found to exist in the urban renewal project area that support the agency's development impediment determination under Section 17C-2-303:

(I) do not exist; or

(II) do not constitute a development impediment.

(B)(I) If the taxing entity committee questions or disputes the existence of some or all of the development impediment conditions that the agency determined to exist in the urban renewal project area or that those

conditions constitute a development impediment, the taxing entity committee may hire a consultant, mutually agreed upon by the taxing entity committee and the agency, with the necessary expertise to assist the taxing entity committee to make a determination as to the existence of the questioned or disputed development impediment conditions.

(II) The agency shall pay the fees and expenses of each consultant hired under Subsection (1)(b)(ii)(B)(I).

(III) The determination of a consultant under this Subsection (1)(b)(ii)(B) shall be binding on the taxing entity committee and the agency.

(2) An agency may not propose a project area plan under Subsection (1) unless the community in which the proposed project area is located:

(a) has a planning commission; and

(b) has adopted a general plan under:

(i) if the community is a municipality, [~~Title 10, Chapter 9a, Part 4, General Plan~~] Title 10, Chapter 20, Part 4, General Plan; or

(ii) if the community is a county, [~~Title 17, Chapter 27a, Part 4, General Plan~~] Title 17, Chapter 79, Part 4, General Plan.

(3)(a) Subject to Subsection (3)(b), a board may not approve a project area plan more than one year after adoption of a resolution making a development impediment determination under Subsection (1)(a)(ii)(B).

(b) If a project area plan is submitted to an election under Subsection 17C-2-105(3), the time between the plan hearing and the date of the election does not count for purposes of calculating the year period under Subsection (3)(a).

(4)(a) Except as provided in Subsection (4)(b), a proposed project area plan may not be modified to add real property to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Sections 17C-1-806 and 17C-1-808.

(b) The notice and hearing requirements under Subsection (4)(a) do not apply to a proposed project area plan being modified to add real property to the proposed project area if:

(i) the property is contiguous to the property already included in the proposed project area under the proposed project area plan;

(ii) the record owner of the property consents to adding the real property to the proposed project area; and

(iii) the property is located within the survey area.

Section 167. Section **17C-2-304** is amended to read:

17C-2-304 (Effective 11/06/25). Challenging a development impediment determination -- Time limit -- De novo review.

(1) If the board makes a development impediment determination under Subsection 17C-2-102(1)(a)(ii)(B) and that determination is approved by resolution adopted by the taxing entity committee, a record owner of property located within the proposed urban renewal project area may challenge the determination by bringing an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration.

(2) A person shall file a challenge under Subsection (1) within 30 days after the taxing entity committee approves the board's development impediment determination.

(3) In each action under this section, the court shall review the development impediment determination under the standards of review provided in [~~Subsection 10-9a-801(3)~~] Section 10-20-1109.

Section 168. Section **17C-3-102** is amended to read:

17C-3-102 (Effective 11/06/25). Process for adopting an economic development project area plan -- Prerequisites -- Restrictions.

(1) In order to adopt an economic development project area plan, after adopting a resolution under Subsection 17C-3-101.5(1) the agency shall:

(a) prepare a proposed economic development project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;

(b) make the proposed project area plan available to the public at the agency's offices during normal business hours;

(c) provide notice of the plan hearing as provided in Chapter 1, Part 8, Hearing and Notice Requirements;

(d) hold a public hearing on the proposed project area plan and, at that public hearing:

(i) allow public comment on:

(A) the proposed project area plan; and

(B) whether the proposed project area plan should be revised, approved, or rejected; and

(ii) receive all written and hear all oral objections to the proposed project area plan;

(e) before holding the plan hearing, provide an opportunity for the State Board of Education and each taxing entity within the proposed project area to consult with the

agency regarding the proposed project area plan;

(f) after holding the plan hearing, at the same meeting or at a subsequent meeting consider:

(i) the oral and written objections to the proposed project area plan and evidence and testimony for or against adoption of the proposed project area plan; and

(ii) whether to revise, approve, or reject the proposed project area plan;

(g) approve the proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-3-105; and

(h) submit the project area plan to the community legislative body for adoption.

(2) An agency may not propose a project area plan under Subsection (1) unless the community in which the proposed project area is located:

(a) has a planning commission; and

(b) has adopted a general plan under:

(i) if the community is a municipality, [~~Title 10, Chapter 9a, Part 4, General Plan~~] Title 10, Chapter 20, Part 4, General Plan; or

(ii) if the community is a county, [~~Title 17, Chapter 27a, Part 4, General Plan~~] Title 17, Chapter 79, Part 4, General Plan.

(3) A board may not approve a project area plan more than one year after the date of the plan hearing.

(4)(a) Except as provided in Subsection (4)(b), a proposed project area plan may not be modified to add one or more parcels to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Chapter 1, Part 8, Hearing and Notice Requirements.

(b) The notice and hearing requirements under Subsection (4)(a) do not apply to a proposed project area plan being modified to add one or more parcels to the proposed project area if:

(i) the parcel is contiguous to the parcels already included in the proposed project area under the proposed project area plan; and

(ii) the record owner of the property consents to adding the parcel to the proposed project area.

Section 169. Section **17C-4-102** is amended to read:

17C-4-102 (Effective 11/06/25). Process for adopting a community development project area plan -- Prerequisites -- Restrictions.

(1) In order to adopt a community development project area plan, after adopting a

resolution under Subsection 17C-4-101.5(1) the agency shall:

(a) prepare a proposed community development project area plan and conduct any examination, investigation, and negotiation regarding the project area plan that the agency considers appropriate;

(b) make the proposed project area plan available to the public at the agency's offices during normal business hours;

(c) provide notice of the plan hearing as described in Chapter 1, Part 8, Hearing and Notice Requirements;

(d) hold a public hearing on the proposed project area plan and, at that public hearing:

(i) allow public comment on:

(A) the proposed project area plan; and

(B) whether the proposed project area plan should be revised, approved, or rejected; and

(ii) receive all written and hear all oral objections to the proposed project area plan;

(e) after holding the plan hearing, at the same meeting or at one or more subsequent meetings consider:

(i) the oral and written objections to the proposed project area plan and evidence and testimony for or against adoption of the proposed project area plan; and

(ii) whether to revise, approve, or reject the proposed project area plan;

(f) approve the proposed project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-4-104; and

(g) submit the project area plan to the community legislative body for adoption.

(2) An agency may not propose a community development project area plan under Subsection (1) unless the community in which the proposed project area is located:

(a) has a planning commission; and

(b) has adopted a general plan under:

(i) if the community is a municipality, [~~Title 10, Chapter 9a, Part 4, General Plan~~] Title 10, Chapter 20, Part 4, General Plan; or

(ii) if the community is a county, [~~Title 17, Chapter 27a, Part 4, General Plan~~] Title 17, Chapter 79, Part 4, General Plan.

(3)(a) Except as provided in Subsection (3)(b), a proposed project area plan may not be modified to add a parcel to the proposed project area unless the board holds a plan hearing to consider the addition and gives notice of the plan hearing as required under Chapter 1, Part 8, Hearing and Notice Requirements.

(b) The notice and hearing requirements under Subsection (3)(a) do not apply to a proposed project area plan being modified to add a parcel to the proposed project area if:

(i) the parcel is contiguous to one or more parcels already included in the proposed project area under the proposed project area plan; and

(ii) the record owner of the property consents to adding the parcel to the proposed project area.

Section 170. Section **17C-5-104** is amended to read:

17C-5-104 (Effective 11/06/25). Process for adopting a community reinvestment project area plan -- Prerequisites -- Restrictions.

(1) An agency may not propose a community reinvestment project area plan unless the community in which the proposed community reinvestment project area plan is located:

(a) has a planning commission; and

(b) has adopted a general plan under:

(i) if the community is a municipality, [~~Title 10, Chapter 9a, Part 4, General Plan~~] Title 10, Chapter 20, Part 4, General Plan; or

(ii) if the community is a county, [~~Title 17, Chapter 27a, Part 4, General Plan~~] Title 17, Chapter 79, Part 4, General Plan.

(2)(a) Before an agency may adopt a proposed community reinvestment project area plan, the agency shall conduct a development impediment study and make a development impediment determination in accordance with Part 4, Development Impediment Determination in a Community Reinvestment Project Area, if the agency anticipates using eminent domain to acquire property within the proposed community reinvestment project area.

(b) If applicable, an agency may not approve a community reinvestment project area plan more than one year after the agency adopts a resolution making a development impediment determination under Section 17C-5-402.

(3) To adopt a community reinvestment project area plan, an agency shall:

(a) prepare a proposed community reinvestment project area plan in accordance with Section 17C-5-105;

(b) make the proposed community reinvestment project area plan available to the public at the agency's office during normal business hours for at least 30 days before the plan hearing described in Subsection (3)(e);

(c) before holding the plan hearing described in Subsection (3)(e), provide an

opportunity for the State Board of Education and each taxing entity that levies or imposes a tax within the proposed community reinvestment project area to consult with the agency regarding the proposed community reinvestment project area plan;

(d) provide notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements;

(e) hold a plan hearing on the proposed community reinvestment project area plan and, at the plan hearing:

(i) allow public comment on:

(A) the proposed community reinvestment project area plan; and

(B) whether the agency should revise, approve, or reject the proposed community reinvestment project area plan; and

(ii) receive all written and oral objections to the proposed community reinvestment project area plan; and

(f) following the plan hearing described in Subsection (3)(e), or at a subsequent agency meeting:

(i) consider:

(A) the oral and written objections to the proposed community reinvestment project area plan and evidence and testimony for and against adoption of the proposed community reinvestment project area plan; and

(B) whether to revise, approve, or reject the proposed community reinvestment project area plan;

(ii) adopt a resolution in accordance with Section 17C-5-108 that approves the proposed community reinvestment project area plan, with or without revisions, as the community reinvestment project area plan; and

(iii) submit the community reinvestment project area plan to the community legislative body for adoption.

(4)(a) Except as provided in Subsection (4)(b), an agency may not modify a proposed community reinvestment project area plan to add one or more parcels to the proposed community reinvestment project area unless the agency holds a plan hearing to consider the addition and gives notice of the plan hearing in accordance with Chapter 1, Part 8, Hearing and Notice Requirements.

(b) The notice and hearing requirements described in Subsection (4)(a) do not apply to a proposed community reinvestment project area plan being modified to add one or more parcels to the proposed community reinvestment project area if:

(i) each parcel is contiguous to one or more parcels already included in the proposed community reinvestment project area under the proposed community reinvestment project area plan;

(ii) the record owner of each parcel consents to adding the parcel to the proposed community reinvestment project area; and

(iii) each parcel is located within the survey area.

Section 171. Section **17C-5-406** is amended to read:

17C-5-406 (Effective 11/06/25). Challenging a finding of development impediment determination -- Time limit -- Standards governing court review.

(1) If a board makes a development impediment determination under Subsection 17C-5-402 (2)(c)(ii), a record owner of property located within the survey area may challenge the determination by bringing an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, no later than 30 days after the day on which the board makes the determination.

(2) In an action under this section:

(a) the agency shall transmit to the court the record of the agency's proceedings, including any minutes, findings, determinations, orders, or transcripts of the agency's proceedings;

(b) the court shall review the development impediment determination under the standards of review provided in Subsection [~~10-9a-801(3)~~] 10-20-1109(3); and

(c)(i) if there is a record:

(A) the court's review is limited to the record provided by the agency; and

(B) the court may not accept or consider any evidence outside the record of the agency, unless the evidence was offered to the agency and the district court determines that the agency improperly excluded the evidence; or

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

Section 172. Section **20A-7-601** is amended to read:

20A-7-601 (Effective 11/06/25). Referenda -- General signature requirements -- Signature requirements for land use laws, subjurisdictional laws, and transit area land use laws -- Time requirements.

(1) As used in this section:

(a) "Number of active voters" means the number of active voters in the county, city, or town on the immediately preceding January 1.

(b) "Qualifying county" means a county that has created a small public transit district, as

defined in Section 17B-2a-802, on or before January 1, 2022.

(c) "Qualifying transit area" means:

(i) a station area, as defined in Section [~~10-9a-403.1~~] 10-21-101, for which the municipality with jurisdiction over the station area has satisfied the requirements of Subsection [~~10-9a-403.1(2)(a)(i)~~] 10-21-203(1)(a)(i), as demonstrated by the adoption of a station area plan or resolution under Subsection [~~10-9a-403.1(2)~~] 10-21-203(1); or

(ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created within a qualifying county.

(d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

(e)(i) "Subjurisdictional law" means a local law or local obligation law passed by a local legislative body that imposes a tax or other payment obligation on property in an area that does not include all precincts and subprecincts under the jurisdiction of the county, city, or town.

(ii) "Subjurisdictional law" does not include a land use law.

(f) "Transit area land use law" means a land use law that relates to the use of land within a qualifying transit area.

(g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a) or (2)(b).

(2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a local law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures equal to:

(a) for a county of the first class:

(i) 7.75% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a city of the first class:

(i) 7.5% of the number of active voters in the city; and

(ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75% of the city's voter participation areas;

(c) for a county of the second class:

(i) 8% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75%

of the county's voter participation areas;

(d) for a city of the second class:

(i) 8.25% of the number of active voters in the city; and

(ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least 75% of the city's voter participation areas;

(e) for a county of the third class:

(i) 9.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75% of the county's voter participation areas;

(f) for a city of the third class:

(i) 10% of the number of active voters in the city; and

(ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75% of the city's voter participation areas;

(g) for a county of the fourth class:

(i) 11.5% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the county's voter participation areas;

(h) for a city of the fourth class:

(i) 11.5% of the number of active voters in the city; and

(ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least 75% of the city's voter participation areas;

(i) for a city of the fifth class or a county of the fifth class, 25% of the number of active voters in the city or county; or

(j) for a town or a county of the sixth class, 35% of the number of active voters in the town or county.

(3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use law or local obligation law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures equal to:

(a) for a county of the first, second, third, or fourth class:

(i) 16% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a county of the fifth or sixth class:

(i) 16% of the number of active voters in the county; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the county's voter participation areas;

(c) for a city of the first class:

(i) 15% of the number of active voters in the city; and

(ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75% of the city's voter participation areas;

(d) for or a city of the second class:

(i) 16% of the number of active voters in the city; and

(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75% of the city's voter participation areas;

(e) for a city of the third class:

(i) 27.5% of the number of active voters in the city; and

(ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least 75% of the city's voter participation areas;

(f) for a city of the fourth class:

(i) 29% of the number of active voters in the city; and

(ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75% of the city's voter participation areas;

(g) for a city of the fifth class, 35% of the number of active voters in the city; or

(h) for a town, 40% of the number of active voters in the town.

(4) A person seeking to have a subjurisdictional law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures of the residents in the subjurisdiction equal to:

(a) 10% of the number of active voters in the subjurisdiction if the number of active voters exceeds 25,000;

(b) 12.5% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 25,000 but is more than 10,000;

(c) 15% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 10,000 but is more than 2,500;

(d) 20% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 2,500 but is more than 500;

(e) 25% of the number of active voters in the subjurisdiction if the number of active voters does not exceed 500 but is more than 250; and

(f) 30% of the number of active voters in the subjurisdiction if the number of active

voters does not exceed 250.

(5) An eligible voter seeking to have a transit area land use law passed by the local legislative body submitted to a vote of the people shall, after filing a referendum application, obtain legal signatures equal to:

(a) for a county:

(i) 20% of the number of active voters in the county; and

(ii) 21% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a city of the first class:

(i) 20% of the number of active voters in the city; and

(ii) 20% of the number of active voters in at least 75% of the city's voter participation areas;

(c) for a city of the second class:

(i) 20% of the number of active voters in the city; and

(ii) 21% of the number of active voters in at least 75% of the city's voter participation areas;

(d) for a city of the third class:

(i) 34% of the number of active voters in the city; and

(ii) 34% of the number of active voters in at least 75% of the city's voter participation areas;

(e) for a city of the fourth class:

(i) 36% of the number of active voters in the city; and

(ii) 36% of the number of active voters in at least 75% of the city's voter participation areas; or

(f) for a city of the fifth class or a town, 40% of the number of active voters in the city or town.

(6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or (5), any local law passed by a local legislative body shall file the application no later than the first business day that is at least five days after the day on which the local law was passed.

(7) This section does not authorize a local legislative body to impose a tax or other payment obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.

Section 173. Section **23A-3-205** is amended to read:

23A-3-205 (Effective 11/06/25). Wildlife Conservation Fund.

(1) As used in this section:

(a) "Fund" means the Wildlife Conservation Fund created by this section.

(b) "Land use authority" means:

(i) a land use authority, as that term is defined in Section [~~10-9a-103~~] 10-20-102, of a municipality; or

(ii) a land use authority, as that term is defined in Section [~~17-27a-103~~] 17-79-102, of a county.

(c) "Wildlife conservation permit program" means a program under which the division issues permit opportunities to be sold by a conservation organization for auction to the highest bidder at a fund-raising event.

(d) "Wildlife exposition program" means a program under which the division allocates permits to a drawing administered by a selected conservation organization as part of a regional or national exposition for the purpose of generating revenue to fund wildlife conservation activities in Utah.

(2) There is created an expendable special revenue fund known as the "Wildlife Conservation Fund."

(3) The fund consists of:

(a) wildlife conservation permit program revenue transferred to the division [~~pursuant to~~] in accordance with rules, made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(b) wildlife exposition program revenue transferred to the division [~~pursuant to~~] in accordance with rules, made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

(c) money appropriated to the fund by the Legislature;

(d) contributions, grants, gifts, transfers, bequests, and donations to the fund accepted by the division and specifically directed to the fund; and

(e) interest and earnings on the fund.

(4)(a) The fund shall earn interest and other earnings.

(b) The interest and earnings described in Subsection (4)(a) shall be deposited into the fund.

(5)(a) The division shall use proceeds in the fund to carry out the purposes of the wildlife conservation permit program or wildlife exposition program.

(b) Deposits into and expenditures from the fund shall specifically identify the wildlife conservation permit program or wildlife exposition program to which the deposits

and expenditures apply.

(c) The division shall make expenditures from the fund consistent with the rules governing the applicable program.

(6)(a) Before the division may use or approve the use of money in the fund to purchase or acquire a grazing permit, the division shall obtain approval from:

(i) the land use authority for the land in which the grazing permit is located;

(ii) the Department of Natural Resources created in Section 79-2-201; and

(iii) the Department of Agriculture and Food created in Section 4-2-102.

(b) If a request to purchase or acquire a grazing permit under Subsection (6)(a) is not denied by a land use authority, the Department of Natural Resources, or the Department of Agriculture and Food within 60 days after the day on which the division submits the request, the division may consider the request as approved.

(c) An action of a land use authority under this Subsection (6) is not a land use decision subject to:

(i) [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act; or

(ii) [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act.

(7) The division shall annually report to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee regarding:

(a) the amount of money in the fund;

(b) the sources of money in the fund; and

(c) how the money is expended.

Section 174. Section **35A-8-202** is amended to read:

35A-8-202 (Effective 11/06/25). Powers and duties of division.

(1) The division shall:

(a) assist local governments and citizens in the planning, development, and maintenance of necessary public infrastructure and services;

(b) cooperate with, and provide technical assistance to, counties, cities, towns, regional planning commissions, area-wide clearinghouses, zoning commissions, parks or recreation boards, community development groups, community action agencies, and other agencies created for the purpose of aiding and encouraging an orderly, productive, and coordinated development of the state and its political subdivisions;

(c) assist the governor in coordinating the activities of state agencies which have an

impact on the solution of community development problems and the implementation of community plans;

(d) serve as a clearinghouse for information, data, and other materials which may be helpful to local governments in discharging their responsibilities and provide information on available federal and state financial and technical assistance;

(e) carry out continuing studies and analyses of the problems faced by communities within the state and develop such recommendations for administrative or legislative action as appear necessary;

(f) assist in funding affordable housing;

(g) support economic development activities through grants, loans, and direct programs financial assistance;

(h) certify project funding at the local level in conformance with federal, state, and other requirements;

(i) utilize the capabilities and facilities of public and private universities and colleges within the state in carrying out its functions; and

(j) assist and support local governments, community action agencies, and citizens in the planning, development, and maintenance of home weatherization, energy efficiency, and antipoverty activities.

(2) The division may:

(a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

(b) if any federal program requires the expenditure of state funds as a condition to participation by the state in any fund, property, or service, with the governor's approval, expend whatever funds are necessary out of the money provided by the Legislature for the use of the department;

(c) in accordance with Part 9, Domestic Violence Shelters, assist in developing, constructing, and improving shelters for victims of domestic violence, as described in Section 77-36-1, through loans and grants to nonprofit and governmental entities;

(d) assist, when requested by a county or municipality, in the development of accessible housing; and

(e) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the form and content of a moderate income housing report, as described in Sections [~~10-9a-408~~] 10-21-202 and [~~17-27a-408~~] 17-80-202, to:

(i) ensure consistency across reporting political subdivisions; and

(ii) promote better potential analysis of report data.

Section 175. Section **35A-8-803** is amended to read:

35A-8-803 (Effective 11/06/25). Division -- Functions.

(1) In addition to any other functions the governor or Legislature may assign:

(a) the division shall:

(i) provide a clearinghouse of information for federal, state, and local housing assistance programs;

(ii) establish, in cooperation with political subdivisions, model plans and management methods to encourage or provide for the development of affordable housing that may be adopted by political subdivisions by reference;

(iii) undertake, in cooperation with political subdivisions, a realistic assessment of problems relating to housing needs, such as:

(A) inadequate supply of dwellings;

(B) substandard dwellings; and

(C) inability of medium and low income families to obtain adequate housing;

(iv) provide the information obtained under Subsection (1)(a)(iii) to:

(A) political subdivisions;

(B) real estate developers;

(C) builders;

(D) lending institutions;

(E) affordable housing advocates; and

(F) others having use for the information;

(v) advise political subdivisions of serious housing problems existing within their jurisdiction that require concerted public action for solution;

(vi) assist political subdivisions in defining housing objectives and in preparing for adoption a plan of action covering a five-year period designed to accomplish housing objectives within their jurisdiction;

(vii) for municipalities or counties required to submit an annual moderate income housing report to the department as described in Section [~~10-9a-408~~] 10-21-202 or [~~17-27a-408~~] 17-80-202:

(A) assist in the creation of the reports; and

(B) review the reports to meet the requirements of Sections [~~10-9a-408~~] 10-21-202 and [~~17-27a-408~~] 17-80-202;

(viii) establish and maintain a database of moderate income housing units located

within the state; and

(ix) on or before December 1, 2022, develop and submit to the Commission on Housing Affordability a methodology for determining whether a municipality or county is taking sufficient measures to protect and promote moderate income housing in accordance with the provisions of Sections [~~10-9a-403~~] 10-21-201 and [~~17-27a-403~~] 17-80-201; and

(b) within legislative appropriations, the division may accept for and on behalf of, and bind the state to, any federal housing or homeless program in which the state is invited, permitted, or authorized to participate in the distribution, disbursement, or administration of any funds or service advanced, offered, or contributed in whole or in part by the federal government.

(2) The administration of any federal housing program in which the state is invited, permitted, or authorized to participate in distribution, disbursement, or administration of funds or services, except those administered by the Utah Housing Corporation, is governed by Sections 35A-8-501 through 35A-8-508.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules describing the review process for moderate income housing reports described in Subsection (1)(a)(vii).

Section 176. Section **35A-8-804** is amended to read:

35A-8-804 (Effective 11/06/25). Technical assistance to political subdivisions for housing plan.

(1) Within appropriations from the Legislature, the division shall establish a program to assist municipalities to comply with the moderate income housing requirements described in Section [~~10-9a-403~~] 10-21-201 and counties to comply with the moderate income housing requirements described in Section [~~17-27a-403~~] 17-80-201.

(2) Assistance under this section may include:

(a) financial assistance for the cost of developing a plan for low and moderate income housing;

(b) information on how to meet present and prospective needs for low and moderate income housing; and

(c) technical advice and consultation on how to facilitate the creation of low and moderate income housing.

(3) The division shall submit an annual report to the department regarding the scope, amount, and type of assistance provided to municipalities and counties under this

section, including the number of low and moderate income housing units constructed or rehabilitated within the state, for inclusion in the department's annual written report described in Section 35A-1-109.

Section 177. Section **38-9-102** is amended to read:

38-9-102 (Effective 11/06/25). Definitions.

As used in this chapter:

(1) "Affected person" means:

(a) a person who is a record interest holder of the real property that is the subject of a recorded nonconsensual common law document; or

(b) the person against whom a recorded nonconsensual common law document purports to reflect or establish a claim or obligation.

(2) "Document sponsor" means a person who, personally or through a designee, signs or submits for recording a document that is, or is alleged to be, a nonconsensual common law document.

(3) "Interest holder" means a person who holds or possesses a present, lawful property interest in certain real property, including an owner, title holder, mortgagee, trustee, or beneficial owner.

(4) "Lien claimant" means a person claiming an interest in real property who offers a document for recording or filing with any county recorder in the state asserting a lien, or notice of interest, or other claim of interest in certain real property.

(5) "Nonconsensual common law document" means a document that is submitted to a county recorder's office for recording against public official property that:

(a) purports to create a lien or encumbrance on or a notice of interest in the real property;

(b) at the time the document is recorded, is not:

(i) expressly authorized by this chapter or a state or federal statute;

(ii) authorized by or contained in an order or judgment of a court of competent jurisdiction; or

(iii) signed by or expressly authorized by a document signed by the owner of the real property; and

(c) is submitted in relation to the public official's status or capacity as a public official.

(6) "Owner" means a person who has a vested ownership interest in real property.

(7) "Political subdivision" means a county, city, town, school district, special improvement or taxing district, special district, special service district, or other governmental subdivision or public corporation.

(8) "Public official" means:

(a) a current or former:

(i) member of the Legislature;

(ii) member of Congress;

(iii) judge;

(iv) member of law enforcement;

(v) corrections officer;

(vi) active member of the Utah State Bar; or

(vii) member of the Board of Pardons and Parole;

(b) an individual currently or previously appointed or elected to an elected position in:

(i) the executive branch of state or federal government; or

(ii) a political subdivision;

(c) an individual currently or previously appointed to or employed in a position in a political subdivision, or state or federal government that:

(i) is a policymaking position; or

(ii) involves:

(A) purchasing or contracting decisions;

(B) drafting legislation or making rules;

(C) determining rates or fees; or

(D) making adjudicative decisions; or

(d) an immediate family member of a person described in Subsections (8)(a) through (c).

(9) "Public official property" means real property that has at least one record interest holder who is a public official.

(10)(a) "Record interest holder" means a person who holds or possesses a present, lawful property interest in real property, including an owner, titleholder, mortgagee, trustee, or beneficial owner, and whose name and interest in that real property appears in the county recorder's records for the county in which the property is located.

(b) "Record interest holder" includes any grantor in the chain of the title in real property.

(11) "Record owner" means an owner whose name and ownership interest in certain real property is recorded or filed in the county recorder's records for the county in which the property is located.

(12)(a) "Wrongful lien" means any document that purports to create a lien, notice of interest, or encumbrance on an owner's interest in certain real property and at the time it is recorded is not:

(i) expressly authorized by this chapter or another state or federal statute;

(ii) authorized by or contained in an order or judgment of a court of competent jurisdiction in the state; or

(iii) signed by or authorized [~~pursuant to~~] in accordance with a document signed by the owner of the real property.

(b) "Wrongful lien" includes a document recorded in violation of Subsection [~~10-9a-532 (2)(d)~~] 10-20-508(2)(d).

Section 178. Section **53E-3-706** is amended to read:

53E-3-706 (Effective 11/06/25). Enforcement of part by state superintendent -- Employment of personnel -- School districts and charter schools -- Certificate of inspection verification.

(1) Notwithstanding Subsections (4), (5), and (6), the state superintendent shall enforce this part.

(2) The state superintendent may employ architects or other qualified personnel, or contract with the Division of Facilities Construction and Management, the state fire marshal, the state security chief appointed under Section 53-22-102, or a local governmental entity to:

(a) examine the plans and specifications of any school building or alteration submitted under this part;

(b) verify the inspection of any school building during or following construction; and

(c) perform other functions necessary to ensure compliance with this part.

(3)(a) If a local school board uses the school district's building inspector under Subsection [~~10-9a-305(6)(a)(ii)~~] 10-20-304(6)(a)(ii) or [~~17-27a-305(6)(a)(ii)~~] 17-79-305(6)(a)(ii) and issues its own certificate authorizing permanent occupancy of the school building, the local school board shall file a certificate of inspection verification with the local governmental entity's building official and the state board, advising those entities that the school district has complied with the inspection provisions of this part.

(b) If a charter school uses a school district building inspector under Subsection [~~10-9a-305(6)(a)(ii)~~] 10-20-304(6)(a)(ii) or [~~17-27a-305(6)(a)(ii)~~] 17-79-305(6)(a)(ii) and the school district issues to the charter school a certificate authorizing permanent occupancy of the school building, the charter school shall file with the state board a certificate of inspection verification.

(c) If a local school board or charter school uses a local governmental entity's building inspector under Subsection [~~10-9a-305(6)(a)(i)~~] 10-20-304(6)(a)(i) or [~~17-27a-305~~

~~(6)(a)(i)~~] 17-79-305(6)(a)(i) and the local governmental entity issues the local school board or charter school a certificate authorizing permanent occupancy of the school building, the local school board or charter school shall file with the state board a certificate of inspection verification.

(d)(i) If a local school board or charter school uses an independent, certified building inspector under Subsection [~~10-9a-305(6)(a)(iii)~~] 10-20-304(6)(a)(iii) or [~~17-27a-305(6)(a)(iii)~~] 17-79-305(6)(a)(iii), the local school board or charter school shall, upon completion of all required inspections of the school building, file with the state board a certificate of inspection verification and a request for the issuance of a certificate authorizing permanent occupancy of the school building.

(ii) Upon the local school board's or charter school's filing of the certificate and request as provided in Subsection (3)(d)(i), the school district or charter school shall be entitled to temporary occupancy of the school building that is the subject of the request for a period of 90 days, beginning the date the request is filed, if the school district or charter school has complied with all applicable fire and life safety code requirements.

(iii) Within 30 days after the local school board or charter school files a request under Subsection (3)(d)(i) for a certificate authorizing permanent occupancy of the school building, the state superintendent shall:

(A) issue to the local school board or charter school a certificate authorizing permanent occupancy of the school building; or

(B) deliver to the local school board or charter school a written notice indicating deficiencies in the school district's or charter school's compliance with the inspection provisions of this part; and

(C) mail a copy of the certificate authorizing permanent occupancy or the notice of deficiency to the building official of the local governmental entity in which the school building is located.

(iv) Upon the local school board or charter school remedying the deficiencies indicated in the notice under Subsection (3)(d)(iii)(B) and notifying the state superintendent that the deficiencies have been remedied, the state superintendent shall issue a certificate authorizing permanent occupancy of the school building and mail a copy of the certificate to the building official of the local governmental entity in which the school building is located.

(v)(A) The state superintendent may charge the school district or charter school a

fee for an inspection that the state superintendent considers necessary to enable the state superintendent to issue a certificate authorizing permanent occupancy of the school building.

(B) A fee under Subsection (3)(d)(v)(A) may not exceed the actual cost of performing the inspection.

(e) For purposes of this Subsection (3):

(i) "local governmental entity" means either a municipality, for a school building located within a municipality, or a county, for a school building located within an unincorporated area in the county; and

(ii) "certificate of inspection verification" means a standard inspection form developed by the state superintendent in consultation with local school boards and charter schools to verify that inspections by qualified inspectors have occurred.

(4) The state security chief appointed under Section 53-22-102 shall establish:

(a) minimum safety and security standards for school construction and design projects, including buildings for private schools;

(b) a timeline for an LEA or private school to comply with the safety and security standards for school construction and design project requirements of this Subsection (4); and

(c) a process for an LEA or private school to seek alternative safety and security standards established under this Subsection (4).

(5) The county security chief appointed under Section 53-22-103 shall ensure a private school, local school district, or charter school shall adhere to all safety and security standards for a school construction or design project the state security chief creates.

(6) A building inspector described in this part shall coordinate with the relevant county security chief to ensure compliance described in Subsection (5) before issuing a certificate authorizing permanent occupancy for a school.

Section 179. Section **53E-3-710** is amended to read:

53E-3-710 (Effective 11/06/25). Notification to affected entities of intent to acquire school site or construction of school building -- Local government -- Negotiation of fees -- Confidentiality.

(1)(a) A school district or charter school shall notify the following without delay [~~prior to~~] before the acquisition of a school site or construction of a school building of the school district's or charter school's intent to acquire or construct:

(i) an affected local governmental entity;

(ii) the Department of Transportation; and

(iii) as defined in Section 54-2-1, an electrical corporation, gas corporation, or telephone corporation that provides service or maintains infrastructure within the immediate area of the proposed site.

(b)(i) Representatives of the local governmental entity, Department of Transportation, and the school district or charter school shall meet as soon as possible after the notification under Subsection (1)(a) takes place in order to:

(A) subject to Subsection (1)(b)(ii), review information provided by the school district or charter school about the proposed acquisition;

(B) discuss concerns that each may have, including potential community impacts and site safety;

(C) assess the availability of infrastructure for the site; and

(D) discuss any fees that might be charged by the local governmental entity in connection with a building project.

(ii) The school district or charter school shall provide for review under Subsection (1)(b)(i) the following information, if available, regarding the proposed acquisition:

(A) potential community impacts;

(B) approximate lot size;

(C) approximate building size and use;

(D) estimated student enrollment;

(E) proposals for ingress and egress, parking, and fire lane location; and

(F) building footprint and location.

(2)(a) After the purchase or an acquisition, but before construction begins:

(i) representatives of the local governmental entity and the school district or charter school shall meet as soon as possible to review a rough proposed site plan provided by the school district or charter school, review the information listed in Subsection (1)(b)(ii), and negotiate any fees that might be charged by the local governmental entity in connection with a building project;

(ii)(A) the school district or charter school shall submit the rough proposed site plan to the local governmental entity's design review committee for comments; and

(B) subject to the priority requirement of Subsection [~~10-9a-305(7)(b)~~] 10-20-304(7)(b), the local governmental entity's design review committee shall

provide comments on the rough proposed site plan to the school district or charter school no later than 30 days after the day that the plan is submitted to the design review committee in accordance with this Subsection (2)(a)(ii); and

(iii) the local governmental entity may require that the school district or charter school provide a traffic study by an independent third party qualified to perform the study if the local governmental entity determines that traffic flow, congestion, or other traffic concerns may require the study if otherwise permitted under Subsection [~~10-9a-305(3)(b)~~] 10-20-304(3)(b).

(b) A review conducted by or comment provided by a local governmental entity design review committee under Subsection (2)(a) may not be interpreted as an action that completes a land use application for the purpose of entitling the school district or charter school to a substantive land use review of a land use application under Section [~~10-9a-509~~] 10-20-902 or [~~17-27a-508~~] 17-79-803.

(3) A local governmental entity may not increase a previously agreed-upon fee after the district or charter school has signed contracts to begin construction.

(4) [~~Prior to~~] Before the filing of a formal application by the affected school district or charter school, a local governmental entity may not disclose information obtained from a school district or charter school regarding the district's or charter school's consideration of, or intent to, acquire a school site or construct a school building, without first obtaining the consent of the district or charter school.

(5) [~~Prior to~~] Before beginning construction on a school site, a school district or charter school shall submit to the Department of Transportation a child access routing plan as described in Section 53G-4-402.

Section 180. Section **54-18-102** is amended to read:

54-18-102 (Effective 11/06/25). Definitions.

As used in this chapter:

(1) "Affected entity" means [~~an entity as~~] the same as that term is defined in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102.

(2) "Affected landowner" means an owner of a property interest, as reflected in the most recent county or city tax records as receiving a property tax notice, whose property is located within a proposed corridor.

(3)(a) "Construction" means the excavation, construction, and installation of a high voltage electric power line or upgraded high voltage transmission line.

(b) "Construction" does not include:

(i) the temporary use of sites; or

(ii) studies and tests for:

(A) requirements of this chapter;

(B) state regulations;

(C) federal regulations;

(D) securing geological and survey data; or

(E) any other actions taken by a public utility reasonably necessary to determine the location of a target study area or proposed corridor.

(4) "High voltage power line" means:

(a) an electrical high voltage power line with a nominal voltage of 230 kilovolts or more; and

(b) an upgraded high voltage power line.

(5) "Land use application" has the same meaning as provided in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102.

(6) "Land use authority" has the same meaning as provided in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102.

(7) "Land use permit" has the same meaning as Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102.

(8) "Legislative body" has the same meaning as provided in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102.

(9) "Proposed corridor" means the transmission line route within a target study area selected by the public utility as the public utility's proposed alignment for a high voltage power line.

(10) "Proposed route" means the right-of-way needed for construction of the high voltage power line.

(11) "Public utility" has the same meaning as provided in Section 54-2-1.

(12) "Target study area" means the geographic area for a new high voltage transmission line or an upgraded high voltage power line as proposed by a public utility.

(13) "Upgraded high voltage power line" means increasing the voltage of an existing transmission line to 230 kilovolts or more.

Section 181. Section **54-18-303** is amended to read:

54-18-303 (Effective 11/06/25). Application for land use permit.

(1) Before a public utility may file a land use application for a proposed high voltage power line, the public utility shall, in accordance with Subsection (2), identify a proposed

corridor in the public utility's land use application after:

(a) providing a notice of intent in accordance with Section 54-18-301; and

(b) conducting the public workshops in accordance with Section 54-18-302.

(2) If a public utility files a land use application for a high voltage power line, the public utility shall comply with the land use application requirements created by a legislative body and land use authority in accordance with [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act, and [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act.

(3) A local government may request cost information for modifications to the utility's proposed corridor in accordance with the provisions of Title 54, Chapter 14, Utility Facility Review Board Act.

Section 182. Section **54-18-304** is amended to read:

54-18-304 (Effective 11/06/25). Review of land use application.

(1)(a) A land use authority shall grant or deny a public utility's land use permit within 60 days after filing in accordance with the provisions of [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act, and [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act.

(b) The Utility Facility Review Board may review a land use authority's land use permit decision in accordance with Title 54, Chapter 14, Part 3, Utility Facility Review Board.

(2) Notwithstanding Subsection (1), if a public utility does not satisfy the notice of intent requirements in accordance with Section 54-18-301 and public workshop requirements in accordance with Section 54-18-302, a land use authority may withhold a decision on a public utility's land use permit until the public utility satisfies the notification and public workshop requirements.

Section 183. Section **54-21-101** is amended to read:

54-21-101 (Effective 11/06/25). Definitions.

As used in this chapter:

(1) "Antenna" means communications equipment that transmits or receives an electromagnetic radio frequency signal used in the provision of a wireless service.

(2) "Applicable codes" means the International Building Code, the International Fire Code, the National Electrical Code, the International Plumbing Code, and the International Mechanical Code, as adopted and amended under Title 15A, State Construction and Fire Codes Act.

(3) "Applicable standards" means the structural standards for antenna supporting structures and antenna, known as ANSI/TIA-222, from the American National Standards Institute and the Telecommunications Industry Association.

(4) "Applicant" means a wireless provider who submits an application.

(5) "Application" means a request submitted by a wireless provider to an authority for a permit to:

(a) collocate a small wireless facility in a right-of-way; or

(b) install, modify, or replace a utility pole or a wireless support structure.

(6)(a) "Authority" means:

(i) the state;

(ii) a state agency;

(iii) a county;

(iv) a municipality;

(v) a town;

(vi) a metrotownship;

(vii) a subdivision of an entity described in Subsections (6)(a)(i) through (vi); or

(viii) a special district or entity established to provide a single public service within a specific geographic area, including:

(A) a public utility district; or

(B) an irrigation district.

(b) "Authority" does not include a state court having jurisdiction over an authority.

(7) "Authority pole" means a utility pole owned, managed, or operated by, or on behalf of, an authority.

(8) "Authority wireless support structure" means a wireless support structure owned, managed, or operated by, or on behalf of, an authority.

(9) "Category one authority" means a single authority with a population of 65,000 or greater.

(10) "Category two authority" means a single authority with a population of less than 65,000.

(11) "Collocate" means to install, mount, maintain, modify, operate, or replace a small

wireless facility:

(a) on a wireless support structure or utility pole; or

(b) for ground-mounted equipment, adjacent to a wireless support structure or utility pole.

(12) "Communications service" means:

(a) a cable service, as defined in 47 U.S.C. Sec. 522(6);

(b) a telecommunications service, as defined in 47 U.S.C. Sec. 153(53);

(c) an information service, as defined in 47 U.S.C. Sec. 153(24); or

(d) a wireless service.

(13) "Communications service provider" means:

(a) a cable operator, as defined in 47 U.S.C. Sec. 522(5);

(b) a provider of information service, as information service is defined in 47 U.S.C. Sec. 153(24);

(c) a telecommunications carrier, as defined in 47 U.S.C. Sec. 153(51); or

(d) a wireless provider.

(14) "Decorative pole" means an authority pole:

(a) that is specially designed and placed for an aesthetic purpose; and

(b)(i) on which a nondiscriminatory rule or code prohibits an appurtenance or attachment, other than:

(A) a small wireless facility;

(B) a specialty designed informational or directional sign; or

(C) a temporary holiday or special event attachment; or

(ii) on which no appurtenance or attachment has been placed, other than:

(A) a small wireless facility;

(B) a specialty designed informational or directional sign; or

(C) a temporary holiday or special event attachment.

(15) "Design district" means an area:

(a) that is zoned or otherwise designated by municipal ordinance or code; and

(b) for which the authority maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

(16) "FCC" means the Federal Communications Commission of the United States.

(17) "Fee" means a one-time, nonrecurring charge.

(18) "Gross revenue" means the same as gross receipts from telecommunications service is defined in Section 10-1-402.

(19) "Historic district" means a group of buildings, properties, or sites that are:

(a) in accordance with 47 C.F.R. Part 1, Appendix C:

(i) listed in the National Register of Historic Places; or

(ii) formally determined eligible for listing in the National Register of Historic Places by the Keeper of the National Register; or

(b) in an historic district or area created under Section [~~10-9a-503~~] 10-20-601.

(20) "Nondiscriminatory" means treating similarly situated entities the same absent a reasonable, and competitively neutral basis, for different treatment.

(21) "Micro wireless facility" means a type of small wireless facility:

(a) that, not including any antenna, is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height;

(b) on which any exterior antenna is no longer than 11 inches; and

(c) that only provides Wi-Fi service.

(22) "Permit" means a written authorization an authority requires for a wireless provider to perform an action or initiate, continue, or complete a project.

(23) "Rate" means a recurring charge.

(24)(a) "Right-of-way" means the area on, below, or above a public:

(i) roadway;

(ii) highway;

(iii) street;

(iv) sidewalk;

(v) alley; or

(vi) property similar to property listed in Subsections (24)(a)(i) through (v).

(b) "Right-of-way" does not include:

(i) the area on, below, or above a federal interstate highway; or

(ii) a fixed guideway, as defined in Section 59-12-102.

(25) "Small wireless facility" means a type of wireless facility:

(a) on which each wireless provider's antenna could fit within an enclosure of no more than six cubic feet in volume; and

(b) for which all wireless equipment associated with the wireless facility, whether ground-mounted or pole-mounted, is cumulatively no more than 28 cubic feet in volume, not including any:

(i) electric meter;

(ii) concealment element;

(iii) telecommunications demarcation box;

(iv) grounding equipment;

(v) power transfer switch;

(vi) cut-off switch;

(vii) vertical cable run for the connection of power or other service;

(viii) wireless provider antenna; or

(ix) coaxial or fiber-optic cable that is immediately adjacent to or directly associated with a particular collocation, unless the cable is a wireline backhaul facility.

(26) "Substantial modification" means:

(a) a proposed modification or replacement to an existing wireless support structure that will substantially change the physical dimensions of the wireless support structure under the substantial change standard established in 47 C.F.R. Sec. 1.40001(7); or

(b) a proposed modification in excess of the site dimensions specified in 47 C.F.R. Part 1, Appendix C, Sec. III.B.

(27) "Technically feasible" means that by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility, or the small wireless facility's design or site location, can be implemented without a significant reduction or impairment to the functionality of the small wireless facility.

(28)(a) "Utility pole" means a pole or similar structure that:

(i) is in a right-of-way; and

(ii) is or may be used, in whole or in part, for:

(A) wireline communications;

(B) electric distribution;

(C) lighting;

(D) traffic control;

(E) signage;

(F) a similar function to a function described in Subsections (28)(a)(ii)(A) through (E); or

(G) the collocation of a small wireless facility.

(b) "Utility pole" does not include:

(i) a wireless support structure;

(ii) a structure that supports electric transmission lines; or

(iii) a municipally owned structure that supports electric lines used for the provision of municipal electric service.

(29)(a) "Wireless facility" means equipment at a fixed location that enables wireless communication between user equipment and a communications network, including:

(i) equipment associated with wireless communications; and

(ii) regardless of the technological configuration, a radio transceiver, an antenna, a coaxial or fiber-optic cable, a regular or backup power supply, or comparable equipment.

(b) "Wireless facility" does not include:

(i) the structure or an improvement on, under, or within which the equipment is collocated; or

(ii) a coaxial or fiber-optic cable that is:

(A) between wireless structures or utility poles;

(B) not immediately adjacent to or directly associated with a particular antenna; or

(C) a wireline backhaul facility.

(30)(a) "Wireless infrastructure provider" means a person that builds or installs wireless communication transmission equipment, a wireless facility, or a wireless support structure.

(b) "Wireless infrastructure provider" includes a person authorized to provide a telecommunications service in the state.

(c) "Wireless infrastructure provider" does not include a wireless service provider.

(31) "Wireless provider" means a wireless infrastructure provider or a wireless service provider.

(32)(a) "Wireless service" means any service using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public using a wireless facility.

(b) "Wireless service" includes the use of Wi-Fi.

(33) "Wireless service provider" means a person who provides a wireless service.

(34)(a) "Wireless support structure" means an existing or proposed structure that is:

(i) in a right-of-way; and

(ii) designed to support or capable of supporting a wireless facility, including a:

(A) monopole;

(B) tower, either guyed or self-supporting;

(C) billboard; or

(D) building.

(b) "Wireless support structure" does not include a:

(i) structure designed solely for the collocation of a small wireless facility;

(ii) utility pole;

(iii) municipally owned structure that supports electric lines used for the provision of municipal electric service; or

(iv) structure owned by an energy services interlocal entity, as described in Subsection 11-13-203(4), that uses electric lines that are used for the provision of electrical service.

(35) "Wireline backhaul facility" means a facility used to transport communications by wire from a wireless facility to a communications network.

(36)(a) "Written" or "in writing" means a tangible or electronic record of a communication or representation.

(b) "Written" or "in writing" includes a communication or representation that is handwritten, typewritten, printed, photostated, photographed, or electronic.

Section 184. Section **54-21-208** is amended to read:

54-21-208 (Effective 11/06/25). Historic and design districts.

(1) Subject to the permit process described in Section 54-21-302, an authority may require a reasonable, technically feasible, nondiscriminatory, or technologically neutral design or concealment measure in an historic district, unless the facility is excluded from evaluation for effects on historic properties under 47 C.F.R. Sec. 1.1307(a)(4).

(2) A design or concealment measure described in Subsection (1) may not:

(a) have the effect of prohibiting a provider's technology; or

(b) be considered a part of the small wireless facility for purposes of the size parameters in the definition of a small wireless facility.

(3)(a) A wireless provider shall obtain advance approval from an authority before collocating a new small wireless facility or installing a new utility pole in an area that is zoned or otherwise designated as an historic district or a design district.

(b) As a condition for approval of a new small wireless facility or a new utility pole in an historic district or a design district, an authority may require reasonable design or concealment measures for the new small wireless facility or the new utility pole.

(4) A wireless provider shall comply with an authority's reasonable and nondiscriminatory design and aesthetic standards requiring the use of certain camouflage measures in connection with a new small wireless facility in an historic district or a design district, if the camouflage measures are technically and economically feasible consistent with this chapter.

(5) This section does not limit an authority's ability to enforce historic preservation zoning

regulations consistent with:

(a) the preservation of local zoning authority under 47 U.S.C. Sec. 332(c)(7);

(b) the requirements for facility modifications under:

(i) 47 U.S.C. Sec. 1455(a); or

(ii) the National Historic Preservation Act of 1966, 16 U.S.C. Sec. 470 et seq.;

(c) the regulations adopted to implement the laws described in Subsections (5)(a) and (b); and

(d) Section [~~10-9a-503~~] 10-20-601.

Section 185. Section **57-1-45.5** is amended to read:

57-1-45.5 (Effective 11/06/25). Conveyance document for a boundary adjustment -- Form and effect.

(1) A conveyance document, as defined in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102, for a boundary adjustment shall comply with this section.

(2) A conveyance document shall include:

(a) the name and signature of each party to the conveyance document;

(b) the address of each party to the conveyance document for assessment purposes;

(c) a legal description of the parcel or lot owned by each party before the boundary adjustment;

(d) a legal description of the parcel or lot owned by each party after the boundary adjustment; and

(e) sufficient language to convey title from one party to another party, in conformity with the proposed boundary adjustment.

(3) In addition to the information required in Subsection (2), a conveyance document shall include as an exhibit, in a legible and recordable format:

(a) a visual or graphic of the proposed boundary adjustment and all properties affected by the proposed boundary adjustment, depicting:

(i) the former boundary location;

(ii) the new boundary location; and

(iii) the size, shape, and dimensions of each adjusted parcel or lot;

(b) if the property owners have conducted a survey, a reference to the record of the survey map, as defined in Section [~~17-23-17~~] 17-73-504, showing:

(i) existing dwellings, outbuildings, improvements, and other physical features;

(ii) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;

(iii) the former boundary location;

(iv) the new boundary location;

(v) the size, shape, and dimensions of each adjusted lot or adjusted parcel; and

(vi) other existing or proposed improvements that impact or are subject to land use regulations; and

(c) if the conveyance document addresses a boundary adjustment that requires an amendment to a subdivision plat under Section [~~10-9a-523~~] 10-20-906 or [~~17-27a-522~~] 17-79-806, the amendment to the subdivision plat.

(4)(a) A conveyance document is effective on the day it is recorded as part of a boundary adjustment.

(b) Before recording a conveyance document, a county recorder shall confirm that the conveyance document is:

(i) in a legible and recordable format, including any exhibit to the conveyance document; and

(ii) accompanied by a notice of consent to the boundary adjustment from a land use authority under Subsection [~~10-9a-523(3)~~] 10-20-906(3) or (6) or Subsection [~~17-27a-522(3)~~] 17-79-806(3) or (6).

(c) Upon receipt of a conveyance document, or any exhibit to a conveyance document, that is not in a legible and recordable format, a county recorder shall provide the person submitting the conveyance document with an explanation of the corrections necessary to record the conveyance document.

(5) The recording of a boundary adjustment presumptively:

(a) relocates an existing boundary by creating a new boundary between the adjoining properties;

(b) changes the size, shape, or configuration of two or more adjoining lots or parcels;

(c) does not affect any previously recorded easement unless the easement is expressly and properly modified by the boundary adjustment; and

(d) affixes the ownership of the adjoining parties to the adjusted boundary.

Section 186. Section **57-3-101** is amended to read:

57-3-101 (Effective 11/06/25). Certificate of acknowledgment, proof of execution, jurat, or other certificate required -- Notarial acts affecting real property -- Right to record documents unaffected by subdivision ordinances.

(1) A certificate of the acknowledgment of any document, or of the proof of the execution of any document, or a jurat as defined in Section 46-1-2, or other notarial certificate containing the words "subscribed and sworn" or their substantial equivalent, that is

signed and certified by the officer taking the acknowledgment, proof, or jurat, as provided in this title, entitles the document and the certificate to be recorded in the office of the recorder of the county where the real property is located.

(2) Notarial acts affecting real property in this state shall also be performed in conformance with Title 46, Chapter 1, Notaries Public Reform Act.

(3) Nothing in the provisions of [~~Title 10, Chapter 9a, Part 6, Subdivisions~~] Title 10, Chapter 20, Part 8, Subdivisions, and [~~Title 17, Chapter 27a, Part 6, Subdivisions~~] Title 17, Chapter 79, Part 7, Subdivisions, shall prohibit the recording of a document which is otherwise entitled to be recorded under the provisions of this chapter.

Section 187. Section **57-8-4.5** is amended to read:

57-8-4.5 (Effective 11/06/25). Removing or altering partition or creating aperture between adjoining units.

(1) Subject to the declaration, a unit owner may, after acquiring an adjoining unit that shares a common wall with the unit owner's unit:

(a) remove or alter a partition between the unit owner's unit and the acquired unit, even if the partition is entirely or partly common areas and facilities; or

(b) create an aperture to the adjoining unit or portion of a unit.

(2) A unit owner may not take an action under Subsection (1) if the action would:

(a) impair the structural integrity or mechanical systems of the building or either unit;

(b) reduce the support of any portion of the common areas and facilities or another unit; or

(c) constitute a violation of Section [~~10-9a-608~~] 10-20-811 or [~~17-27a-608~~] 17-79-711, as applicable, a local government land use ordinance, or a building code.

(3) The management committee may require a unit owner to submit, at the unit owner's expense, a registered professional engineer's or registered architect's opinion stating that a proposed change to the unit owner's unit will not:

(a) impair the structural integrity or mechanical systems of the building or either unit;

(b) reduce the support or integrity of common areas and facilities; or

(c) compromise structural components.

(4) The management committee may require a unit owner to pay all of the legal and other expenses of the association of unit owners related to a proposed alteration to the unit or building under this section.

(5) An action under Subsection (1) does not change an assessment or voting right attributable to the unit owner's unit or the acquired unit, unless the declaration provides

otherwise.

Section 188. Section **57-8-32** is amended to read:

57-8-32 (Effective 11/06/25). Sale of property and common areas and facilities.

(1) Subject to Subsection [~~10-9a-606(5)~~] 10-20-809(5) or [~~17-27a-606(5)~~] 17-79-709(5), unless otherwise provided in the declaration or bylaws, and notwithstanding the provisions of Sections 57-8-30 and 57-8-31, the unit owners may by an affirmative vote of at least 67% of unit owners, elect to sell, convey, transfer, or otherwise dispose of the property or all or part of the common areas and facilities.

(2) An affirmative vote described in Subsection (1) is binding upon all unit owners, and each unit owner shall execute and deliver the appropriate instruments and perform all acts as necessary to affect the sale, conveyance, transfer, or other disposition of the property or common areas and facilities.

(3) The general easement of ingress, egress, and use of the common areas and facilities granted to an association and unit owners through recorded governing documents is extinguished in any portion of the common areas and facilities the unit owners sell, convey, transfer, or otherwise dispose of, if:

(a) the unit owners, in selling, conveying, transferring, or otherwise disposing of the portion of the common areas and facilities, comply with:

(i) the provisions of this section; and

(ii) Section [~~10-9a-606~~] 10-20-809 or [~~17-27a-606~~] 17-79-709; and

(b) the sale, conveyance, transfer, or other disposition of the portion of the common areas and facilities results in a person other than the association owning the portion of the common areas and facilities.

(4) This section applies to an association of unit owners regardless of when the association of unit owners is created.

(5) A declarant may not sell any part of the common areas and facilities during the period of administrative control, except:

(a) as allowed for convertible land or convertible space within a condominium project; or

(b) as provided in Section [~~10-9a-606~~] 10-20-809 or [~~17-27a-606~~] 17-79-709.

(6) Unless otherwise prohibited by the association's declaration or bylaws, an authorized representative of the association may act as attorney-in-fact for the association's unit owners in executing a sale, conveyance, transfer, or other disposition of the common areas and facilities following an affirmative vote described in Subsection (1).

Section 189. Section **57-8-35** is amended to read:

57-8-35 (Effective 11/06/25). Effect of other laws -- Compliance with ordinances and codes -- Approval of projects by municipality or county.

(1) The provisions of this chapter shall be in addition and supplemental to all other provisions of law, statutory or judicially declared, provided that wherever the application of the provisions of this chapter conflict with the application of such other provisions, this chapter shall prevail: provided further, for purposes of Sections [~~10-9a-604~~] 10-20-804, [~~10-9a-611~~] 10-20-815, and [~~17-27a-603~~] 17-79-703 and provisions of similar import and any law or ordinance adopted pursuant thereto, a condominium project shall be considered to be a subdivision, and a condominium plat or supplement thereto prepared [~~pursuant to~~] in accordance with this chapter shall be considered to be a subdivision map or plat, only with respect to:

(a) such real property or improvements, if any, as are intended to be dedicated to the use of the public in connection with the creation of the condominium project or portion thereof concerned; and

(b) those units, if any, included in the condominium project or portion thereof concerned which are not contained in existing or proposed buildings.

(2) Nothing in this chapter shall be interpreted to state or imply that a condominium project, unit, association or unit owners, or management committee is exempt by this chapter from compliance with the zoning ordinance, building and sanitary codes, and similar development regulations which have been adopted by a municipality or county. No condominium project or any use within said project or any unit or parcel or parcel of land indicated as a separate unit or any structure within said project shall be permitted which is not in compliance with said ordinances and codes.

(3) From and after the time a municipality or county shall have established a planning commission, no condominium project or any condominium plat, declaration, or other material as required for recordation under this chapter shall be recorded in the office of the county recorder unless and until the following mentioned attributes of said condominium project shall have been approved by the municipality or county in which it is located. In order to more fully avail itself of this power, the legislative body of a municipality or county may provide by ordinance for the approval of condominium projects proposed within its limits. This ordinance may include and shall be limited to a procedure for approval of condominium projects, the standards and the criteria for the geographical layout of a condominium project, facilities for utility lines and roads which shall be constructed, the percentage of the project which must be devoted to common or

recreational use, and the content of the declaration with respect to the standards which must be adhered to concerning maintenance, upkeep, and operation of any roads, utility facilities, recreational areas, and open spaces included in the project.

(4) Any ordinance adopted by the legislative body of a municipality or county which outlines the procedures for approval of a condominium project shall provide for:

(a) a preliminary approval, which, among other things, will then authorize the developer of the condominium project to proceed with the project; and

(b) a final approval which will certify that all of the requirements set forth in the preliminary approval either have been accomplished or have been assured of accomplishment by bond or other appropriate means. No declaration or condominium plat shall be recorded in the office of the county recorder until a final approval has been granted.

Section 190. Section **57-8a-102** is amended to read:

57-8a-102 (Effective 11/06/25). Definitions.

As used in this chapter:

(1)(a) "Assessment" means a charge imposed or levied:

(i) by the association;

(ii) on or against a lot or a lot owner; and

(iii) [~~pursuant to~~] in accordance with a governing document recorded with the county recorder.

(b) "Assessment" includes:

(i) a common expense; and

(ii) an amount assessed against a lot owner under Subsection 57-8a-405(7).

(2)(a) Except as provided in Subsection (2)(b), "association" means a corporation or other legal entity, any member of which:

(i) is an owner of a residential lot located within the jurisdiction of the association, as described in the governing documents; and

(ii) by virtue of membership or ownership of a residential lot is obligated to pay:

(A) real property taxes;

(B) insurance premiums;

(C) maintenance costs; or

(D) for improvement of real property not owned by the member.

(b) "Association" or "homeowner association" does not include an association created under Chapter 8, Condominium Ownership Act.

(3) "Board meeting" means a gathering of a board, whether in person or by means of electronic communication, at which the board can take binding action.

(4) "Board of directors" or "board" means the entity, regardless of name, with primary authority to manage the affairs of the association.

(5) "Common areas" means property that the association:

(a) owns;

(b) maintains;

(c) repairs; or

(d) administers.

(6) "Common expense" means costs incurred by the association to exercise any of the powers provided for in the association's governing documents.

(7) "Declarant":

(a) means the person who executes a declaration and submits it for recording in the office of the recorder of the county in which the property described in the declaration is located; and

(b) includes the person's successor and assign.

(8) "Development right" means any right or combination of rights a declarant reserves in the declaration to:

(a) add real estate to an association;

(b) create lots, common elements, or limited common elements within an association;

(c) subdivide lots or convert lots into common elements; or

(d) withdraw real estate from an association.

(9) "Director" means a member of the board of directors.

(10) "Electrical corporation" means the same as that term is defined in Section 54-2-1.

(11) "Gas corporation" means the same as that term is defined in Section 54-2-1.

(12)(a) "Governing documents" means a written instrument by which the association may:

(i) exercise powers; or

(ii) manage, maintain, or otherwise affect the property under the jurisdiction of the association.

(b) "Governing documents" includes:

(i) articles of incorporation;

(ii) bylaws;

(iii) a plat;

(iv) a declaration of covenants, conditions, and restrictions; and

(v) rules of the association.

(13) "Independent third party" means a person that:

(a) is not related to the owner of the residential lot;

(b) shares no pecuniary interests with the owner of the residential lot; and

(c) purchases the residential lot in good faith and without the intent to defraud a current or future lienholder.

(14) "Judicial foreclosure" means a foreclosure of a lot:

(a) for the nonpayment of an assessment;

(b) in the manner provided by law for the foreclosure of a mortgage on real property; and

(c) as provided in Part 3, Collection of Assessments.

(15) "Lease" or "leasing" means regular, exclusive occupancy of a lot:

(a) by a person or persons other than the owner; and

(b) for which the owner receives a consideration or benefit, including a fee, service, gratuity, or emolument.

(16) "Limited common areas" means common areas described in the declaration and allocated for the exclusive use of one or more lot owners.

(17) "Lot" means:

(a) a lot, parcel, plot, or other division of land:

(i) designated for separate ownership or occupancy; and

(ii)(A) shown on a recorded subdivision plat; or

(B) the boundaries of which are described in a recorded governing document; or

(b)(i) a unit in a condominium association if the condominium association is a part of a development; or

(ii) a unit in a real estate cooperative if the real estate cooperative is part of a development.

(18)(a) "Means of electronic communication" means an electronic system that allows individuals to communicate orally in real time.

(b) "Means of electronic communication" includes:

(i) web conferencing;

(ii) video conferencing; and

(iii) telephone conferencing.

(19) "Mixed-use project" means a project under this chapter that has both residential and commercial lots in the project.

(20) "Nonjudicial foreclosure" means the sale of a lot:

(a) for the nonpayment of an assessment;

(b) in the same manner as the sale of trust property under Sections 57-1-19 through 57-1-34; and

(c) as provided in Part 3, Collection of Assessments.

(21) "Period of administrative control" means the period during which the person who filed the association's governing documents or the person's successor in interest retains authority to:

(a) appoint or remove members of the association's board of directors; or

(b) exercise power or authority assigned to the association under the association's governing documents.

(22) "Political sign" means any sign or document that advocates:

(a) the election or defeat of a candidate for public office; or

(b) the approval or defeat of a ballot proposition.

(23) "Protected area" means the same as that term is defined in Section 77-27-21.7.

(24) "Rentals" or "rental lot" means:

(a) a lot that:

(i) is not owned by an entity or trust; and

(ii) is occupied by an individual while the lot owner is not occupying the lot as the lot owner's primary residence;

(b) an occupied lot owned by an entity or trust, regardless of who occupies the lot; or

(c) an internal accessory dwelling unit as defined in Section [~~10-9a-530~~] 10-21-101 or [~~17-27a-526~~] 17-80-101.

(25) "Residential lot" means a lot, the use of which is limited by law, covenant, or otherwise to primarily residential or recreational purposes.

(26)(a) "Rule" means a policy, guideline, restriction, procedure, or regulation of an association that:

(i) is not set forth in a contract, easement, article of incorporation, bylaw, or declaration; and

(ii) governs:

(A) the conduct of persons; or

(B) the use, quality, type, design, or appearance of real property or personal property.

(b) "Rule" does not include the internal business operating procedures of a board.

(27) "Sex offender" means an individual who is a sex offender as described in Subsection 53-29-202(2)(b) if the offense that the individual committed that resulted in the individual being a sex offender was committed against an individual younger than 18 years old.

(28) "Solar energy system" means:

(a) a system that is used to produce electric energy from sunlight; and

(b) the components of the system described in Subsection (28)(a).

Section 191. Section **57-8a-209** is amended to read:

57-8a-209 (Effective 11/06/25). Rental restrictions.

(1)(a) Subject to Subsections (1)(b), (5), (6), and (10), an association may:

(i) create restrictions on the number and term of rentals in an association; or

(ii) prohibit rentals in the association.

(b) Except as provided in Subsection (1)(c), an association that creates a rental restriction or prohibition in accordance with Subsection (1)(a) shall create the rental restriction or prohibition in a recorded declaration of covenants, conditions, and restrictions, or by amending the recorded declaration of covenants, conditions, and restrictions.

(c) An association may establish, by rule, a minimum lease term of six months or less.

(2) If an association prohibits or imposes a restriction on the number and term of rentals or charges a fee described in Subsection (9)(c), the association shall:

(a) exempt the following from the prohibition, restriction, or fee:

(i) a lot owner in the military for the period of the lot owner's deployment;

(ii) a lot occupied by a lot owner's parent, child, or sibling;

(iii) a lot owner whose employer has relocated the lot owner for two years or less;

(iv) a lot owned by an entity that is occupied by an individual who:

(A) has voting rights under the entity's organizing documents; and

(B) has a 25% or greater share of ownership, control, and right to profits and losses of the entity; or

(v) a lot owned by a trust or other entity created for estate planning purposes if the trust or other estate planning entity was created for:

(A) the estate of a current resident of the lot; or

(B) the parent, child, or sibling of the current resident of the lot;

(b) allow a lot owner who has a rental in the association before the time the rental restriction described in Subsection (1)(a) is recorded with the county recorder of the

county in which the association is located to continue renting without a fee described in Subsection (9)(c) until:

(i) the lot owner occupies the lot;

(ii) an officer, owner, member, trustee, beneficiary, director, or person holding a similar position of ownership or control of an entity or trust that holds an ownership interest in the lot, occupies the lot; or

(iii) the lot is transferred; and

(c) create, by rule or resolution, procedures to:

(i) determine and track the number of rentals and lots in the association subject to the provisions described in Subsections (2)(a) and (b); and

(ii) ensure consistent administration and enforcement of any rental prohibition, restriction, or fee.

(3) For purposes of Subsection (2)(b)(iii), a transfer occurs when one or more of the following occur:

(a) the conveyance, sale, or other transfer of a lot by deed;

(b) the granting of a life estate in the lot; or

(c) if the lot is owned by a limited liability company, corporation, partnership, or other business entity, the sale or transfer of more than 75% of the business entity's share, stock, membership interests, or partnership interests in a 12-month period.

(4) This section does not limit or affect residency age requirements for an association that complies with the requirements of the Housing for Older Persons Act, 42 U.S.C. Sec. 3607.

(5) A declaration of covenants, conditions, and restrictions or amendments to the declaration of covenants, conditions, and restrictions recorded before the transfer of the first lot from the initial declarant may prohibit or restrict rentals without providing for the exceptions, provisions, and procedures required under Subsection (2).

(6)(a) Subsections (1) through (5) do not apply to:

(i) an association that contains a time period unit as defined in Section 57-8-3;

(ii) any other form of timeshare interest as defined in Section 57-19-2; or

(iii) subject to Subsection (6)(b), an association that is formed before May 12, 2009, unless, on or after May 12, 2015, the association:

(A) adopts a rental restriction or prohibition; or

(B) amends an existing rental restriction or prohibition.

(b) An association that adopts a rental restriction or amends an existing rental restriction

or prohibition before May 9, 2017, is not required to include the exemption described in Subsection (2)(a)(iv).

(7) Notwithstanding this section, an association may restrict or prohibit rentals without an exception described in Subsection (2) if:

(a) the restriction or prohibition receives unanimous approval by all lot owners; and

(b) when the restriction or prohibition requires an amendment to the association's recorded declaration of covenants, conditions, and restrictions, the association fulfills all other requirements for amending the recorded declaration of covenants, conditions, and restrictions described in the association's governing documents.

(8) Except as provided in Subsection (9), an association may not require a lot owner who owns a rental lot to:

(a) obtain the association's approval of a prospective renter;

(b) give the association:

(i) a copy of a rental application;

(ii) a copy of a renter's or prospective renter's credit information or credit report;

(iii) a copy of a renter's or prospective renter's background check; or

(iv) documentation to verify the renter's age;

(c) pay an additional assessment, fine, or fee because the lot is a rental lot;

(d) use a lease agreement provided by the association; or

(e) obtain the association's approval of a lease agreement.

(9)(a) A lot owner who owns a rental lot shall give an association the documents described in Subsection (8)(b) if the lot owner is required to provide the documents by court order or as part of discovery under the Utah Rules of Civil Procedure.

(b) If an association's declaration of covenants, conditions, and restrictions lawfully prohibits or restricts occupancy of the lots by a certain class of individuals, the association may require a lot owner who owns a rental lot to give the association the information described in Subsection (8)(b), if:

(i) the information helps the association determine whether the renter's occupancy of the lot complies with the association's declaration of covenants, conditions, and restrictions; and

(ii) the association uses the information to determine whether the renter's occupancy of the lot complies with the association's declaration of covenants, conditions, and restrictions.

(c) An association that permits at least 35% of the lots in the association to be rental lots

may charge a lot owner who owns a rental lot a fee of up to $200 once every 12 months to defray the association's additional administrative expenses directly related to a lot that is a rental lot, as detailed in a notice described in Subsection (12).

(d) An association may require a lot owner who owns a rental lot and the renter of the lot owner's rental lot to sign an addendum to a lease agreement provided by the association.

(e) Before an association may charge a fee described in Subsection (9)(c), an association shall:

(i) provide notice to each lot owner in the association of a board meeting described in Subsection (9)(e)(ii) 15 days before the day on which the association holds the board meeting;

(ii) hold a board meeting to discuss and allow lot members to publicly comment on:

(A) the new administrative expenses that the association intends to cover using the funds from the fee; and

(B) the circumstances that require the association to impose or increase the fee; and

(iii) ensure that during the board meeting described in Subsection (9)(e)(ii), the board approves the fee by a majority vote.

(10) Notwithstanding Subsection (1)(a), an association may not restrict or prohibit the rental of an internal accessory dwelling unit, as defined in Section [~~10-9a-530~~] 10-21-101 or [~~17-27a-526~~] 17-80-101, constructed within a lot owner's residential lot, if the internal accessory dwelling unit complies with all applicable:

(a) land use ordinances;

(b) building codes;

(c) health codes; and

(d) fire codes.

(11) The provisions of Subsections (8) through (10) apply to an association regardless of when the association is created.

(12) Within 30 days after the day on which the association imposes a fee described in Subsection (9)(c), an association shall provide to each lot owner impacted by the fee a notice describing:

(a) the new administrative expenses that the association intends to cover using the funds from the fee; and

(b) the circumstances that require the association to impose or increase the fee.

(13)(a) A lot owner may contest a fee described in Subsection (9)(c) by providing to the association a written request that the association waive the fee if:

(i) the association fails to provide the notice described in Subsection (12) within 30 days after the day on which the association imposes the fee; or

(ii) the notice the association provides to the lot owner does not contain the information required in Subsection (12).

(b) If a lot owner contests a fee under this Subsection (13) by submitting a written request, an association of lot owners shall waive the fee if:

(i) the association does not provide the notice described in Subsection (12) to the lot owner; or

(ii) a notice provided by the association does not contain the information required in Subsection (12).

(14)(a) A lot owner of a rental lot may designate, in a written notice to the association, a primary contact individual who is not the lot owner with whom the association may communicate as though the primary contact individual is the lot owner.

(b) If a lot owner designates a primary contact individual under this Subsection (14), the association shall provide the lot owner a written notice that confirms the association has changed the association's records to identify the primary contact individual designated by the lot owner.

Section 192. Section **57-8a-218** is amended to read:

57-8a-218 (Effective 11/06/25). Equal treatment by rules required -- Limits on association rules and design criteria.

(1)(a) Except as provided in Subsection (1)(b), a rule shall treat similarly situated lot owners similarly.

(b) A rule may:

(i) vary according to the level and type of service that the association provides to lot owners;

(ii) differ between residential and nonresidential uses; and

(iii) for a lot that an owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals who may use the common areas and facilities as guests of the lot tenant or lot owner.

(2)(a) Except as provided in Subsection (2)(b), if a lot owner owns a rental lot and is in compliance with the association's governing documents and any rule that the association adopts under Subsection (4), a rule may not treat the lot owner differently

because the lot owner owns a rental lot.

(b) A rule may:

(i) limit or prohibit a rental lot owner from using the common areas for purposes other than attending an association meeting or managing the rental lot;

(ii) if the rental lot owner retains the right to use the association's common areas, even occasionally:

(A) charge a rental lot owner a fee to use the common areas; or

(B) for a lot that an owner leases for a term of less than 30 days, impose a reasonable limit on the number of individuals who may use the common areas and facilities as guests of the lot tenant or lot owner; or

(iii) include a provision in the association's governing documents that:

(A) requires each tenant of a rental lot to abide by the terms of the governing documents; and

(B) holds the tenant and the rental lot owner jointly and severally liable for a violation of a provision of the governing documents.

(3)(a) Except as provided in Subsection (3)(b), a rule may not abridge the rights of a lot owner to display a religious or holiday sign, symbol, or decoration on:

(i) a lot;

(ii) the exterior of the dwelling, unless the association has an ownership interest in, or a maintenance, repair, or replacement obligation for, the exterior; or

(iii) the front yard of the dwelling, unless the association has an ownership interest in, or a maintenance, repair, or replacement obligation for, the yard.

(b) The association may adopt a reasonable time, place, and manner restriction with respect to a display that is:

(i) outside a dwelling on:

(A) a lot;

(B) the exterior of the dwelling; or

(C) the front yard of the dwelling; and

(ii) visible from outside the lot.

(4)(a) A rule may not prohibit a lot owner from displaying a political sign or flag on:

(i) a lot;

(ii) the exterior of the dwelling, regardless of whether the association has an ownership interest in the exterior; or

(iii) the front yard of the dwelling, regardless of whether the association has an

ownership interest in the yard.

(b) Except as provided in Subsection (4)(c), a rule may not regulate the content of a political sign or flag.

(c) A rule may restrict a political sign or flag that contains obscene, profane, or commercial content.

(d) A rule may reasonably regulate the time, place, and manner of posting a political sign or flag.

(e) An association design provision may not establish design criteria for a political sign or flag.

(5)(a) A rule may not prohibit a lot owner from displaying a for-sale sign on:

(i) a lot;

(ii) the exterior of the dwelling, regardless of whether the association has an ownership interest in the exterior; or

(iii) the front yard of the dwelling, regardless of whether the association has an ownership interest in the yard.

(b) A rule may reasonably regulate the time, place, and manner of posting a for-sale sign.

(6)(a) Except as provided in Subsection (6)(b), a rule may not interfere with the freedom of a lot owner to determine the composition of the lot owner's household.

(b) An association may:

(i) require that all occupants of a dwelling be members of a single housekeeping unit; or

(ii) limit the total number of occupants permitted in each residential dwelling on the basis of the residential dwelling's:

(A) size and facilities; and

(B) fair use of the common areas.

(7)(a) Except as provided in Subsection (7)(b), a rule may not interfere with a reasonable activity of a lot owner within the confines of a dwelling or lot, including backyard landscaping or amenities, to the extent that the activity is in compliance with local laws and ordinances, including nuisance laws and ordinances.

(b) A rule may prohibit an activity within the confines of a dwelling or lot, including backyard landscaping or amenities, if the activity:

(i) is not normally associated with a project restricted to residential use; or

(ii)(A) creates monetary costs for the association or other lot owners;

(B) creates a danger to the health or safety of occupants of other lots;

(C) generates excessive noise or traffic;

(D) creates unsightly conditions visible to an individual standing outside the dwelling;

(E) creates an unreasonable source of annoyance to persons outside the lot; or

(F) if there are attached dwellings, creates the potential for smoke to enter another lot owner's dwelling, the common areas, or limited common areas.

(c) If permitted by law, an association may adopt rules described in Subsection (7)(b) that affect the use of or behavior inside the dwelling.

(8)(a) A rule may not, to the detriment of a lot owner and over the lot owner's written objection to the board, alter the allocation of financial burdens among the various lots.

(b) An association may:

(i) change the common areas available to a lot owner;

(ii) adopt generally applicable rules for the use of common areas; or

(iii) deny use privileges to a lot owner who:

(A) is delinquent in paying assessments;

(B) abuses the common areas; or

(C) violates the governing documents.

(c) This Subsection (8) does not permit a rule that:

(i) alters the method of levying assessments; or

(ii) increases the amount of assessments as provided in the declaration.

(9) A rule may not:

(a) prohibit the transfer of a lot; or

(b) require the consent of the association or board to transfer a lot.

(10)(a) A rule may not require a lot owner to dispose of personal property that was in or on a lot before the adoption of the rule or design criteria if the personal property was in compliance with all rules and other governing documents previously in force.

(b) The exemption in Subsection (10)(a):

(i) applies during the period of the lot owner's ownership of the lot; and

(ii) does not apply to a subsequent lot owner who takes title to the lot after adoption of the rule described in Subsection (10)(a).

(11) A rule or action by the association or action by the board may not unreasonably impede a declarant's ability to satisfy existing development financing for community improvements and right to develop:

(a) the project; or

(b) other properties in the vicinity of the project.

(12) A rule or association or board action may not interfere with:

(a) the use or operation of an amenity that the association does not own or control; or

(b) the exercise of a right associated with an easement.

(13) A rule may not divest a lot owner of the right to proceed in accordance with a completed application for design review, or to proceed in accordance with another approval process, under the terms of the governing documents in existence at the time the completed application was submitted by the owner for review.

(14) Unless otherwise provided in the declaration, an association may by rule:

(a) regulate the use, maintenance, repair, replacement, and modification of common areas;

(b) impose and receive any payment, fee, or charge for:

(i) the use, rental, or operation of the common areas, except limited common areas; and

(ii) a service provided to a lot owner;

(c) impose a charge for a late payment of an assessment; or

(d) provide for the indemnification of the association's officers and board consistent with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

(15)(a) For any area for which one or more lot owners, but not the association, are responsible for landscape maintenance of any landscaping within the lot owner's lot or the common areas, the association shall adopt rules supporting water wise landscaping as defined in Section 57-8a-231 including:

(i) low water use requirements on lawns during drought conditions;

(ii) design criterion for water wise landscaping; and

(iii) limiting permissible plant material to specific water wise plant material.

(b) A rule may not:

(i) prohibit or restrict the conversion of a grass park strip to water wise landscaping as defined in Section 57-8a-231; or

(ii) prohibit low water use on lawns during drought conditions.

(16)(a) Except as provided in Subsection (16)(b), a rule may not prohibit the owner of a residential lot from constructing an internal accessory dwelling unit, as defined in Section [~~10-9a-530~~] 10-21-101 or [~~17-27a-526~~] 17-80-101, within the owner's residential lot.

(b) Subsection (16)(a) does not apply if the construction would violate:

(i) a local land use ordinance;

(ii) a building code;

(iii) a health code; or

(iv) a fire code.

(17)(a) Except as provided in Subsection (17)(b), a rule may not prohibit the owner of a residential lot from making modifications, consistent with industry standards, for radon mitigation.

(b) Subsection (17)(a) does not apply if the modifications would violate:

(i) a local land use ordinance;

(ii) a building code;

(iii) a health code; or

(iv) a fire code.

(c) A rule governing the placement or external appearance of modifications for radon mitigation does not apply to a lot owner's modifications if the rule would:

(i) unreasonably interfere with the modifications' functionality; or

(ii) add more than 40% of the modifications' original cost to the cost of installing the modifications.

(d) A rule may require that a lot owner making modifications related to radon mitigation:

(i) demonstrate or provide proof of radon contamination; and

(ii) provide proof that the modifications and any related construction will be performed by a licensed person.

(18) A rule may restrict a sex offender from accessing a protected area that is maintained, operated, or owned by the association, subject to the exceptions described in Subsection 53-29-306(3).

(19)(a) As used in this Subsection (19), "vegetable garden" means a plot of ground or elevated soil bed where vegetables, herbs, fruits, flowers, pollinator plants, leafy greens, or other edible plants are cultivated.

(b) A rule may not prohibit a vegetable garden on the rear yard of a lot on which the association does not have an ownership interest or a maintenance responsibility.

(c) A rule may:

(i) impose reasonable regulations that do not significantly increase the cost of cultivating a vegetable garden or significantly decrease the efficiency of cultivating a vegetable garden, including reasonable regulations on plant height, water use, fertilizer use, and weed maintenance; and

(ii) prohibit the cultivation of invasive or unlawful species.

(20)(a) Except as provided in Subsection (20)(b), a rule may not restrict an individual from parking an operable vehicle in a driveway where the vehicle has a legal right to park, unless the vehicle is:

(i) a commercial vehicle, as defined in Section 72-9-102;

(ii) a motor home, as defined in Section 13-20-2; or

(iii) a recreational vehicle trailer, as defined in Section 13-20-2.

(b) A rule may require that an individual park in a garage appurtenant to a dwelling before parking elsewhere.

(21)(a) Except as provided in Subsection (21)(b), a rule may not restrict an individual from operating a vehicle that is not a commercial vehicle, as defined in Section 72-9-102, in conformance with state traffic laws.

(b) A rule may enforce a reduced speed limit on a private roadway.

(22) A rule may not:

(a) prohibit a lot owner from installing a personal security camera immediately adjacent to the entryway, window, or other outside entry point of the owner's dwelling unit;

(b) impose a requirement or restriction on:

(i) a dwelling's interior, except as reasonably necessary for the safety of adjacent lots and the occupants of those lots; or

(ii) the use of a public street, as defined in Section [~~10-9a-103~~] 10-20-102;

(c) restrict an individual from:

(i) installing, displaying, or storing an item that the individual has a legal right to store if the item is not visible to an individual standing outside the lot;

(ii) installing or keeping a properly maintained basketball standard on the individual's driveway or property if the driveway or property where the basketball standard is located is:

(A) privately owned and maintained; and

(B) abutting a public street; or

(iii) hiring a contractor or worker solely because the contractor or worker:

(A) is not on the association's preferred vendor list; or

(B) does not have a professional or occupational license, unless the license is required by law; or

(d) be inconsistent with a provision of the association's declaration, bylaws, or articles of incorporation.

(23) A rule shall be reasonable.

(24) A declaration, or an amendment to a declaration, may vary any of the requirements of Subsections (1), (2), (6), and (8) through (14), except Subsection (1)(b)(ii).

(25) This section applies to an association regardless of when the association is created.

Section 193. Section **57-8a-222** is amended to read:

57-8a-222 (Effective 11/06/25). Removing or altering partition or creating aperture between dwelling units on adjoining lots.

(1) Subject to the declaration, a lot owner may, after acquiring an adjoining lot with a dwelling unit that shares a common wall with a dwelling unit on the lot owner's lot:

(a) remove or alter a partition between the lot owner's lot and the acquired lot, even if the partition is entirely or partly common areas; or

(b) create an aperture to the adjoining lot or portion.

(2) A lot owner may not take an action under Subsection (1) if the action would:

(a) impair the structural integrity or mechanical systems of the building or either lot;

(b) reduce the support of any portion of the common areas or another lot; or

(c) constitute a violation of Section [~~10-9a-608~~] 10-20-811 or [~~17-27a-608~~] 17-79-711, as applicable, a local government land use ordinance, or a building code.

(3) The board may require a lot owner to submit, at the lot owner's expense, a registered professional engineer's or registered architect's opinion stating that a proposed change to the lot owner's lot will not:

(a) impair the structural integrity or mechanical systems of the building or either lot;

(b) reduce the support or integrity of common areas; or

(c) compromise structural components.

(4) The board may require a lot owner to pay all of the association's legal and other expenses related to a proposed alteration to the lot or building under this section.

(5) An action under Subsection (1) does not change an assessment or voting right attributable to the lot owner's lot or the acquired lot, unless the declaration provides otherwise.

Section 194. Section **57-8a-232** is amended to read:

57-8a-232 (Effective 11/06/25). Sale of common areas.

(1) Subject to Subsection [~~10-9a-606(5)~~] 10-20-809(5) or [~~17-27a-606(5)~~] 17-79-709(5), unless otherwise provided in the governing documents, an association may by an affirmative vote of at least 67% of the voting interests of the association, elect to sell, convey, transfer, or otherwise dispose of all or part of the common areas.

(2) An affirmative vote described in Subsection (1) is binding upon all lot owners, and each lot owner shall execute and deliver the appropriate instruments and perform all acts as necessary to effect the sale, conveyance, transfer, or other disposition of the common areas.

(3) The general easement of ingress, egress, and use of the common areas and facilities granted to an association and lot owners through recorded governing documents is extinguished in any portion of the common areas the association sells, conveys, transfers, or otherwise disposes of, if:

(a) the lot owners, in selling, conveying, transferring, or otherwise disposing of the portion of the common areas, comply with:

(i) the provisions of this section; and

(ii) Section [~~10-9a-606~~] 10-20-809 or [~~17-27a-606~~] 17-79-709; and

(b) the sale, conveyance, transfer, or other disposition of the portion of the common areas results in a person other than the association owning the portion of the common areas.

(4) This section applies to an association regardless of when the association is created.

(5) A declarant may not sell any part of the common areas during the period of administrative control, except as provided in Section [~~10-9a-606~~] 10-20-809 or [~~17-27a-606~~] 17-79-709.

(6) Unless otherwise prohibited by the association's governing documents, an authorized representative of the association may act as attorney-in-fact for the association's lot owners in executing a sale, conveyance, transfer, or other disposition of the common areas following an affirmative vote described in Subsection (1).

Section 195. Section **59-2-301.1** is amended to read:

59-2-301.1 (Effective 11/06/25). Assessment of property subject to a conservation easement -- Assessment of golf course or hunting club -- Assessment of common areas.

(1) In assessing the fair market value of property subject to a conservation easement under Title 57, Chapter 18, Land Conservation Easement Act, a county assessor shall consider factors relating to the property and neighboring property that affect the fair market value of the property being assessed, including:

(a) value that transfers to neighboring property because of the presence of a conservation easement on the property being assessed;

(b) practical and legal restrictions on the development potential of the property because of the presence of the conservation easement;

(c) the absence of neighboring property similarly subject to a conservation easement to provide a basis for comparing values between properties; and

(d) any other factor that causes the fair market value of the property to be affected because of the presence of a conservation easement.

(2)(a) In assessing the fair market value of a golf course or hunting club, a county assessor shall consider factors relating to the golf course or hunting club and neighboring property that affect the fair market value of the golf course or hunting club, including:

(i) value that transfers to neighboring property because of the presence of the golf course or hunting club;

(ii) practical and legal restrictions on the development potential of the golf course or hunting club; and

(iii) the history of operation of the golf course or hunting club and the likelihood that the present use will continue into the future.

(b) The valuation method a county assessor may use in determining the fair market value of a golf course or hunting club includes:

(i) the cost approach;

(ii) the income capitalization approach; and

(iii) the sales comparison approach.

(3) Except as otherwise provided by the plat or accompanying recorded document, a county assessor shall assess a common area and facility as defined in Section 57-8-3 or a common area as defined in Section 57-8a-102 consistent with the equal ownership interests described in Subsection [~~10-9a-606(4)~~] 10-20-809(4) or [~~17-27a-606(4)~~] 17-79-709(4) and may not assess the common area and facility or common area in a manner that reflects a different division of interest.

(4) In assessing the fair market value of property that is a common area or facility under Title 57, Chapter 8, Condominium Ownership Act, or a common area under Title 57, Chapter 8a, Community Association Act, a county assessor shall consider factors relating to the property and neighboring property that affect the fair market value of the property being assessed, including:

(a) value that transfers to neighboring property because the property is a common area or facility;

(b) practical and legal restrictions on the development potential of the property because the property is a common area or facility;

(c) the absence of neighboring property similarly situated as a common area or facility to provide a basis for comparing values between properties; and

(d) any other factor that causes the fair market value of the property to be affected because the property is a common area or facility.

Section 196. Section **59-2-301.2** is amended to read:

59-2-301.2 (Effective 11/06/25). Definitions -- Assessment of property subject to a minimum parcel size -- Other factors affecting fair market value.

(1) "Minimum parcel size" means the minimum size that a parcel of property may be divided into under a zoning ordinance adopted by a:

(a) county in accordance with [~~Title 17, Chapter 27a, Part 5, Land Use Regulations~~] Title 17, Chapter 79, Part 5, Land Use Regulations - General Processes; or

(b) city or town in accordance with [~~Title 10, Chapter 9a, Part 5, Land Use Regulations~~] Title 10, Chapter 20, Part 5, Land Use Regulations - General Processes.

(2) In assessing the fair market value of a parcel of property that is subject to a minimum parcel size of one acre or more, a county assessor shall include as part of the assessment:

(a) that the parcel of property may not be subdivided into parcels of property smaller than the minimum parcel size; and

(b) any effects Subsection (2)(a) may have on the fair market value of the parcel of property.

(3) This section does not prohibit a county assessor from including as part of an assessment of the fair market value of a parcel of property any other factor affecting the fair market value of the parcel of property.

Section 197. Section **59-2-301.6** is amended to read:

59-2-301.6 (Effective 11/06/25). Definition -- Assessment of property having a diminished productive value.

(1) As used in this section, "diminished productive value" means that property has no, or a significantly reduced, ability to generate income as a result of:

(a) a parcel size requirement established under a land use ordinance or zoning map adopted by a:

(i) city or town in accordance with [~~Title 10, Chapter 9a, Part 5, Land Use Regulations~~] Title 10, Chapter 20, Part 5, Land Use Regulations - General Processes; or

(ii) a county in accordance with [~~Title 17, Chapter 27a, Part 5, Land Use Regulations~~] Title 17, Chapter 79, Part 5, Land Use Regulations - General Processes; or

(b) one or more easements burdening the property.

(2) In assessing the fair market value of property, a county assessor shall consider as part of the determination of fair market value whether property has diminished productive value.

(3) This section does not prohibit a county assessor from including as part of a determination of the fair market value of property any other factor affecting the fair market value of the property.

Section 198. Section **59-2-502** is amended to read:

59-2-502 (Effective 11/06/25). Definitions.

As used in this part:

(1) "Actively devoted to agricultural use" means that the land in agricultural use produces in excess of 50% of the average agricultural production per acre:

(a) as determined under Section 59-2-503; and

(b) for:

(i) the given type of land; and

(ii) the given county or area.

(2) "Conservation easement rollback tax" means the tax imposed under Section 59-2-506.5.

(3) "Identical legal ownership" means legal ownership held by:

(a) identical legal parties; or

(b) identical legal entities.

(4) "Land in agricultural use" means:

(a) land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including:

(i) forages and sod crops;

(ii) grains and feed crops;

(iii) livestock as defined in Section 59-2-102;

(iv) trees and fruits; or

(v) vegetables, nursery, floral, and ornamental stock; or

(b) land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.

(5) "Other eligible acreage" means land that is:

(a) five or more contiguous acres;

(b) eligible for assessment under this part; and

(c)(i) located in the same county as land described in Subsection 59-2-503(1)(a); or

(ii) contiguous across county lines with land described in Subsection 59-2-503(1)(a) as provided in Section 59-2-512.

(6) "Platted" means land in which:

(a) parcels of ground are laid out and mapped by their boundaries, course, and extent; and

(b) the plat has been approved as provided in Section [~~10-9a-604~~] 10-20-804 or [~~17-27a-604~~] 17-79-704.

(7) "Rollback tax" means the tax imposed under Section 59-2-506.

(8) "Withdrawn from this part" means that land that has been assessed under this part is no longer assessed under this part or eligible for assessment under this part for any reason including that:

(a) an owner voluntarily requests that the land be withdrawn from this part;

(b) the land is no longer actively devoted to agricultural use;

(c)(i) the land has a change in ownership; and

(ii)(A) the new owner fails to apply for assessment under this part as required by Section 59-2-509; or

(B)(I) an owner applies for assessment under this part as required by Section 59-2-509; and

(II) the land does not meet the requirements of this part to be assessed under this part;

(d)(i) the legal description of the land changes; and

(ii)(A) an owner fails to apply for assessment under this part as required by Section 59-2-509; or

(B)(I) an owner applies for assessment under this part as required by Section 59-2-509; and

(II) the land does not meet the requirements of this part to be assessed under this part;

(e) if required by the county assessor, the owner of the land:

(i) fails to file a new application as provided in Subsection 59-2-508(5); or

(ii) fails to file a signed statement as provided in Subsection 59-2-508(5); or

(f) except as provided in Section 59-2-503, the land fails to meet a requirement of Section 59-2-503.

Section 199. Section **59-2-507** is amended to read:

59-2-507 (Effective 11/06/25). Land included as agricultural -- Site of residence

excluded -- Taxation of structures and site of residence.

(1)(a) Land under barns, sheds, silos, cribs, greenhouses and like structures, lakes, dams, ponds, streams, and irrigation ditches and like facilities is included in determining the total area of land actively devoted to agricultural use.

(b) Land that is under a residence and land used in connection with a residence is excluded from the determination described in Subsection (1)(a).

(2) The following shall be valued, assessed, and taxed using the same standards, methods, and procedures that apply to other taxable structures and other land in the county:

(a) a structure, except as provided in Subsection (3), that is located on land in agricultural use;

(b) a residence and the land on which the residence is located; and

(c) land used in connection with a residence.

(3) A high tunnel, as defined in Section [~~10-9a-525~~] 10-20-613, is exempt from assessment for taxation purposes.

Section 200. Section **59-2-924** is amended to read:

59-2-924 (Effective 11/06/25) (Superseded 01/01/26). Definitions -- Report of valuation of property to county auditor and commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the commission.

(1) As used in this section:

(a)(i) "Ad valorem property tax revenue" means revenue collected in accordance with this chapter.

(ii) "Ad valorem property tax revenue" does not include:

(A) interest;

(B) penalties;

(C) collections from redemptions; or

(D) revenue received by a taxing entity from personal property that is semiconductor manufacturing equipment assessed by a county assessor in accordance with Part 3, County Assessment.

(b) "Adjusted tax increment" means the same as that term is defined in Section 17C-1-102.

(c)(i) "Aggregate taxable value of all property taxed" means:

(A) the aggregate taxable value of all real property a county assessor assesses in accordance with Part 3, County Assessment, for the current year;

(B) the aggregate taxable value of all real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year; and

(C) the aggregate year end taxable value of all personal property a county assessor assesses in accordance with Part 3, County Assessment, contained on the prior year's tax rolls of the taxing entity.

(ii) "Aggregate taxable value of all property taxed" does not include the aggregate year end taxable value of personal property that is:

(A) semiconductor manufacturing equipment assessed by a county assessor in accordance with Part 3, County Assessment; and

(B) contained on the prior year's tax rolls of the taxing entity.

(d) "Base taxable value" means:

(i) for an authority created under Section 11-58-201, the same as that term is defined in Section 11-58-102;

(ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, the same as that term is defined in Section 11-59-207;

(iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the same as that term is defined in Section 11-70-101;

(iv) for an agency created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102;

(v) for an authority created under Section 63H-1-201, the same as that term is defined in Section 63H-1-102;

(vi) for a host local government, the same as that term is defined in Section 63N-2-502;

(vii) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, a property's taxable value as shown upon the assessment roll last equalized during the base year, as that term is defined in Section 63N-3-602;

(viii) for a home ownership promotion zone created under [~~Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities~~] Title 10, Chapter 21, Part 5, Home Ownership Promotion Zone for Municipalities, or [~~Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties~~] Title 17, Chapter 80, Part 5, Home Ownership Promotion Zone, a property's taxable value as shown upon the assessment roll last equalized during the base year, as that term is

defined in Section [~~10-9a-1001~~] 10-21-101 or Section [~~17-27a-1201~~] 17-80-101;

(ix) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, a property's taxable value as shown upon the assessment roll last equalized during the base year, as that term is defined in Section 63N-3-1601; or

(x) for an electrical energy development zone created under Section 79-6-1104, the value of the property within an electrical energy development zone, as shown on the assessment roll last equalized before the creation of the electrical development zone, as that term is defined in Section 79-6-1104.

(e) "Centrally assessed benchmark value" means an amount equal to the average year end taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous three calendar years, adjusted for taxable value attributable to:

(i) an annexation to a taxing entity;

(ii) an incorrect allocation of taxable value of real or personal property the commission assesses in accordance with Part 2, Assessment of Property; or

(iii) a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.

(f)(i) "Centrally assessed new growth" means the greater of:

(A) zero; or

(B) the amount calculated by subtracting the centrally assessed benchmark value adjusted for prior year end incremental value from the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year, adjusted for current year incremental value.

(ii) "Centrally assessed new growth" does not include a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.

(g) "Certified tax rate" means a tax rate that will provide the same ad valorem property tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.

(h) "Community reinvestment agency" means the same as that term is defined in Section 17C-1-102.

(i) "Eligible new growth" means the greater of:

(i) zero; or

(ii) the sum of:

(A) locally assessed new growth;

(B) centrally assessed new growth; and

(C) project area new growth or hotel property new growth.

(j) "Host local government" means the same as that term is defined in Section 63N-2-502.

(k) "Hotel property" means the same as that term is defined in Section 63N-2-502.

(l) "Hotel property new growth" means an amount equal to the incremental value that is no longer provided to a host local government as incremental property tax revenue.

(m) "Incremental property tax revenue" means the same as that term is defined in Section 63N-2-502.

(n) "Incremental value" means:

(i) for an authority created under Section 11-58-201, the amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property that is located within a project area and on which property tax differential is collected; and

(B) the number that represents the percentage of the property tax differential that is paid to the authority;

(ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, an amount calculated by multiplying:

(A) the difference between the current assessed value of the property and the base taxable value; and

(B) the number that represents the percentage of the property tax augmentation, as defined in Section 11-59-207, that is paid to the Point of the Mountain State Land Authority;

(iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the amount calculated by multiplying:

(A) the difference between the taxable value for the current year and the base taxable value of the property that is located within a project area; and

(B) the number that represents the percentage of enhanced property tax revenue, as defined in Section 11-70-101;

(iv) for an agency created under Section 17C-1-201.5, the amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property located within a project area and on which tax increment is collected; and

(B) the number that represents the adjusted tax increment from that project area that is paid to the agency;

(v) for an authority created under Section 63H-1-201, the amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property located within a project area and on which property tax allocation is collected; and

(B) the number that represents the percentage of the property tax allocation from that project area that is paid to the authority;

(vi) for a housing and transit reinvestment zone created [~~pursuant to~~] in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property that is located within a housing and transit reinvestment zone and on which tax increment is collected; and

(B) the number that represents the percentage of the tax increment that is paid to the housing and transit reinvestment zone;

(vii) for a host local government, an amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the hotel property on which incremental property tax revenue is collected; and

(B) the number that represents the percentage of the incremental property tax revenue from that hotel property that is paid to the host local government;

(viii) for a home ownership promotion zone created under [~~Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities~~] Title 10, Chapter 21, Part 5, Home Ownership Promotion Zone for Municipalities, or [~~Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties~~] Title 17, Chapter 80, Part 5, Home Ownership Promotion Zone, an amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property that is located within a home ownership promotion zone and on which tax increment is collected; and

(B) the number that represents the percentage of the tax increment that is paid to

the home ownership promotion zone;

(ix) for a first home investment zone created [~~pursuant to~~] in accordance with Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, an amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property that is located within a first home investment zone and on which tax increment is collected; and

(B) the number that represents the percentage of the tax increment that is paid to the first home investment zone; or

(x) for an electrical energy development zone created under Section 79-6-1104, the amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property that is located within the electrical energy developmental zone; and

(B) the number that represents the percentage of the tax increment that is paid to a community reinvestment agency and the Electrical Energy Development Investment Fund created in Section 79-6-1105.

(o)(i) "Locally assessed new growth" means the greater of:

(A) zero; or

(B) the amount calculated by subtracting the year end taxable value of real property the county assessor assesses in accordance with Part 3, County Assessment, for the previous year, adjusted for prior year end incremental value from the taxable value of real property the county assessor assesses in accordance with Part 3, County Assessment, for the current year, adjusted for current year incremental value.

(ii) "Locally assessed new growth" does not include a change in:

(A) value as a result of factoring in accordance with Section 59-2-704, reappraisal, or another adjustment;

(B) assessed value based on whether a property is allowed a residential exemption for a primary residence under Section 59-2-103;

(C) assessed value based on whether a property is assessed under Part 5, Farmland Assessment Act; or

(D) assessed value based on whether a property is assessed under Part 17, Urban Farming Assessment Act.

(p) "Project area" means:

(i) for an authority created under Section 11-58-201, the same as that term is defined in Section 11-58-102;

(ii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the same as that term is defined in Section 11-70-101;

(iii) for an agency created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102; or

(iv) for an authority created under Section 63H-1-201, the same as that term is defined in Section 63H-1-102.

(q) "Project area new growth" means:

(i) for an authority created under Section 11-58-201, an amount equal to the incremental value that is no longer provided to an authority as property tax differential;

(ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, an amount equal to the incremental value that is no longer provided to the Point of the Mountain State Land Authority as property tax augmentation, as defined in Section 11-59-207;

(iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, an amount equal to the incremental value that is no longer provided to the Utah Fairpark Area Investment and Restoration District;

(iv) for an agency created under Section 17C-1-201.5, an amount equal to the incremental value that is no longer provided to an agency as tax increment;

(v) for an authority created under Section 63H-1-201, an amount equal to the incremental value that is no longer provided to an authority as property tax allocation;

(vi) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount equal to the incremental value that is no longer provided to a housing and transit reinvestment zone as tax increment;

(vii) for a home ownership promotion zone created under [~~Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities~~] Title 10, Chapter 21, Part 5, Home Ownership Promotion Zone for Municipalities, or [~~Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties~~] Title 17, Chapter 80, Part 5, Home Ownership Promotion Zone, an amount equal to the incremental value that is no longer provided to a home ownership promotion zone as tax

increment; or

(viii) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, an amount equal to the incremental value that is no longer provided to a first home investment zone as tax increment.

(r) "Project area incremental revenue" means the same as that term is defined in Section 17C-1-1001.

(s) "Property tax allocation" means the same as that term is defined in Section 63H-1-102.

(t) "Property tax differential" means the same as that term is defined in Sections 11-58-102 and 79-6-1104.

(u) "Tax increment" means:

(i) for a project created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102;

(ii) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is defined in Section 63N-3-602;

(iii) for a home ownership promotion zone created under [~~Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities~~] Title 10, Chapter 21, Part 5, Home Ownership Promotion Zone for Municipalities, or [~~Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties~~] Title 17, Chapter 80, Part 5, Home Ownership Promotion Zone, the same as that term is defined in Section [~~10-9a-1001~~] 10-21-101 or Section [~~17-27a-1201~~] 17-80-101; or

(iv) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, the same as that term is defined in Section 63N-3-1601.

(2) Before June 1 of each year, each county assessor shall deliver to the county auditor and the commission the following statements:

(a) a statement containing the aggregate valuation of all taxable real property a county assessor assesses in accordance with Part 3, County Assessment, for each taxing entity; and

(b) a statement containing the taxable value of all personal property a county assessor assesses in accordance with Part 3, County Assessment, from the prior year end values.

(3) The county auditor shall, on or before June 8, transmit to the governing body of each taxing entity:

(a) the statements described in Subsections (2)(a) and (b);

(b) an estimate of the revenue from personal property;

(c) the certified tax rate; and

(d) all forms necessary to submit a tax levy request.

(4)(a) Except as otherwise provided in this section, the certified tax rate shall be calculated by dividing the ad valorem property tax revenue that a taxing entity budgeted for the prior year by the amount calculated under Subsection (4)(b).

(b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall calculate an amount as follows:

(i) calculate for the taxing entity the difference between:

(A) the aggregate taxable value of all property taxed; and

(B) any adjustments for current year incremental value;

(ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount determined by increasing or decreasing the amount calculated under Subsection (4)(b)(i) by the average of the percentage net change in the value of taxable property for the equalization period for the three calendar years immediately preceding the current calendar year;

(iii) after making the calculation required by Subsection (4)(b)(ii), calculate the product of:

(A) the amount calculated under Subsection (4)(b)(ii); and

(B) the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year; and

(iv) after making the calculation required by Subsection (4)(b)(iii), calculate an amount determined by:

(A) multiplying the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year by eligible new growth; and

(B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the amount calculated under Subsection (4)(b)(iii).

(5) A certified tax rate for a taxing entity described in this Subsection (5) shall be calculated as follows:

(a) except as provided in Subsection (5)(b) or (c), for a new taxing entity, the certified tax rate is zero;

(b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:

(i) in a county of the first, second, or third class, the levy imposed for municipal-type services under [~~Sections 17-34-1 and 17-36-9~~] Title 17, Chapter 78, Part 5, Provision of Municipal-Type Services to Unincorporated Areas; and

(ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county purposes and such other levies imposed solely for the municipal-type services identified in Section [~~17-34-1~~] 17-78-501 and Subsection [~~17-36-3(23)~~] 17-63-101(23);

(c) for a community reinvestment agency that received all or a portion of a taxing entity's project area incremental revenue in the prior year under Title 17C, Chapter 1, Part 10, Agency Taxing Authority, the certified tax rate is calculated as described in Subsection (4) except that the commission shall treat the total revenue transferred to the community reinvestment agency as ad valorem property tax revenue that the taxing entity budgeted for the prior year; and

(d) for debt service voted on by the public, the certified tax rate is the actual levy imposed by that section, except that a certified tax rate for the following levies shall be calculated in accordance with Section 59-2-913 and this section:

(i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and

(ii) a levy to pay for the costs of state legislative mandates or judicial or administrative orders under Section 59-2-1602.

(6)(a) A taxing entity may impose a judgment levy under Section 59-2-1328 or 59-2-1330 at a rate that is sufficient to generate only the revenue required to satisfy one or more eligible judgments.

(b) The ad valorem property tax revenue generated by a judgment levy described in Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate certified tax rate.

(7)(a) For the purpose of calculating the certified tax rate, the county auditor shall use:

(i) the taxable value of real property:

(A) the county assessor assesses in accordance with Part 3, County Assessment; and

(B) contained on the assessment roll;

(ii) the year end taxable value of personal property:

(A) a county assessor assesses in accordance with Part 3, County Assessment; and

(B) contained on the prior year's assessment roll; and

(iii) the taxable value of real and personal property the commission assesses in

accordance with Part 2, Assessment of Property.

(b) For purposes of Subsection (7)(a), taxable value does not include eligible new growth.

(8)(a) On or before June 30 of each year, a taxing entity shall adopt a tentative budget.

(b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall notify the county auditor of:

(i) the taxing entity's intent to exceed the certified tax rate; and

(ii) the amount by which the taxing entity proposes to exceed the certified tax rate.

(c) The county auditor shall notify property owners of any intent to levy a tax rate that exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.

(9)(a) Subject to Subsection (9)(d), the commission shall provide notice, through electronic means on or before July 31, to a taxing entity and the Revenue and Taxation Interim Committee if:

(i) the amount calculated under Subsection (9)(b) is 10% or more of the year end taxable value of the real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental value; and

(ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year end taxable value of the real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the previous year.

(b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by subtracting the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year, adjusted for current year incremental value, from the year end taxable value of the real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental value.

(c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by subtracting the total taxable value of real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the current year, from the total year end taxable value of the real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the previous year.

(d) The notification under Subsection (9)(a) shall include a list of taxpayers that meet the requirement under Subsection (9)(a)(ii).

Section 201. Section **59-2-924** is amended to read:

59-2-924 (Effective 01/01/26). Definitions -- Report of valuation of property to county auditor and commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the commission.

(1) As used in this section:

(a)(i) "Ad valorem property tax revenue" means revenue collected in accordance with this chapter.

(ii) "Ad valorem property tax revenue" does not include:

(A) interest;

(B) penalties;

(C) collections from redemptions; or

(D) revenue received by a taxing entity from personal property that is semiconductor manufacturing equipment assessed by a county assessor in accordance with Part 3, County Assessment.

(b) "Adjusted tax increment" means the same as that term is defined in Section 17C-1-102.

(c)(i) "Aggregate taxable value of all property taxed" means:

(A) the aggregate taxable value of all real property a county assessor assesses in accordance with Part 3, County Assessment, for the current year;

(B) the aggregate taxable value of all real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year; and

(C) the aggregate year end taxable value of all personal property a county assessor assesses in accordance with Part 3, County Assessment, contained on the prior year's tax rolls of the taxing entity.

(ii) "Aggregate taxable value of all property taxed" does not include the aggregate year end taxable value of personal property that is:

(A) semiconductor manufacturing equipment assessed by a county assessor in accordance with Part 3, County Assessment; and

(B) contained on the prior year's tax rolls of the taxing entity.

(d) "Base taxable value" means:

(i) for an authority created under Section 11-58-201, the same as that term is defined in Section 11-58-102;

(ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, the same as that term is defined in Section 11-59-207;

(iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the same as that term is defined in Section 11-70-101;

(iv) for an agency created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102;

(v) for an authority created under Section 63H-1-201, the same as that term is defined in Section 63H-1-102;

(vi) for a host local government, the same as that term is defined in Section 63N-2-502;

(vii) for a housing and transit reinvestment zone or convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is defined in Section 63N-3-602;

(viii) for a home ownership promotion zone created under [~~Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities~~] Title 10, Chapter 21, Part 5, Home Ownership Promotion Zone for Municipalities, or [~~Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties~~] Title 17, Chapter 80, Part 5, Home Ownership Promotion Zone, a property's taxable value as shown upon the assessment roll last equalized during the base year, as that term is defined in Section [~~10-9a-1001~~] 10-21-101 or Section [~~17-27a-1201~~] 17-80-101;

(ix) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, a property's taxable value as shown upon the assessment roll last equalized during the base year, as that term is defined in Section 63N-3-1601;

(x) for a major sporting event venue zone created under Title 63N, Chapter 3, Part 17, Major Sporting Event Venue Zone Act, a property's taxable value as shown upon the assessment roll last equalized during the property tax base year, as that term is defined in Section 63N-3-1701; or

(xi) for an electrical energy development zone created under Section 79-6-1104, the value of the property within an electrical energy development zone, as shown on the assessment roll last equalized before the creation of the electrical development zone, as that term is defined in Section 79-6-1104.

(e) "Centrally assessed benchmark value" means an amount equal to the average year end taxable value of real and personal property the commission assesses in

accordance with Part 2, Assessment of Property, for the previous three calendar years, adjusted for taxable value attributable to:

(i) an annexation to a taxing entity;

(ii) an incorrect allocation of taxable value of real or personal property the commission assesses in accordance with Part 2, Assessment of Property; or

(iii) a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.

(f) "Centrally assessed industry" means the following industry classes the commission assesses in accordance with Part 2, Assessment of Property:

(i) air carrier;

(ii) coal;

(iii) coal load out property;

(iv) electric generation;

(v) electric rural;

(vi) electric utility;

(vii) gas utility;

(viii) ground access property;

(ix) land only property;

(x) liquid pipeline;

(xi) metalliferous mining;

(xii) nonmetalliferous mining;

(xiii) oil and gas gathering;

(xiv) oil and gas production;

(xv) oil and gas water disposal;

(xvi) railroad;

(xvii) sand and gravel; and

(xviii) uranium.

(g)(i) "Centrally assessed new growth" means the greater of:

(A) for each centrally assessed industry, zero; or

(B) the amount calculated by subtracting the centrally assessed benchmark value for each centrally assessed industry, adjusted for prior year end incremental value, from the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for each centrally

assessed industry for the current year, adjusted for current year incremental value.

(ii) "Centrally assessed new growth" does not include a change in value for a centrally assessed industry as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.

(h) "Certified tax rate" means a tax rate that will provide the same ad valorem property tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.

(i) "Community reinvestment agency" means the same as that term is defined in Section 17C-1-102.

(j) "Eligible new growth" means the greater of:

(i) zero; or

(ii) the sum of:

(A) locally assessed new growth;

(B) centrally assessed new growth; and

(C) project area new growth or hotel property new growth.

(k) "Host local government" means the same as that term is defined in Section 63N-2-502.

(l) "Hotel property" means the same as that term is defined in Section 63N-2-502.

(m) "Hotel property new growth" means an amount equal to the incremental value that is no longer provided to a host local government as incremental property tax revenue.

(n) "Incremental property tax revenue" means the same as that term is defined in Section 63N-2-502.

(o) "Incremental value" means:

(i) for an authority created under Section 11-58-201, the amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property that is located within a project area and on which property tax differential is collected; and

(B) the number that represents the percentage of the property tax differential that is paid to the authority;

(ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, an amount calculated by multiplying:

(A) the difference between the current assessed value of the property and the base

taxable value; and

(B) the number that represents the percentage of the property tax augmentation, as defined in Section 11-59-207, that is paid to the Point of the Mountain State Land Authority;

(iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the amount calculated by multiplying:

(A) the difference between the taxable value for the current year and the base taxable value of the property that is located within a project area; and

(B) the number that represents the percentage of enhanced property tax revenue, as defined in Section 11-70-101;

(iv) for an agency created under Section 17C-1-201.5, the amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property located within a project area and on which tax increment is collected; and

(B) the number that represents the adjusted tax increment from that project area that is paid to the agency;

(v) for an authority created under Section 63H-1-201, the amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property located within a project area and on which property tax allocation is collected; and

(B) the number that represents the percentage of the property tax allocation from that project area that is paid to the authority;

(vi) for a housing and transit reinvestment zone or convention center reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property that is located within a housing and transit reinvestment zone or convention center reinvestment zone and on which tax increment is collected; and

(B) the number that represents the percentage of the tax increment that is paid to the housing and transit reinvestment zone or convention center reinvestment zone;

(vii) for a host local government, an amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the hotel property on which incremental property tax revenue is collected; and

(B) the number that represents the percentage of the incremental property tax revenue from that hotel property that is paid to the host local government;

(viii) for a home ownership promotion zone created under [~~Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities~~] Title 10, Chapter 21, Part 5, Home Ownership Promotion Zone for Municipalities, or [~~Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties~~] Title 17, Chapter 80, Part 5, Home Ownership Promotion Zone, an amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property that is located within a home ownership promotion zone and on which tax increment is collected; and

(B) the number that represents the percentage of the tax increment that is paid to the home ownership promotion zone;

(ix) for a first home investment zone created pursuant to Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, an amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property that is located within a first home investment zone and on which tax increment is collected; and

(B) the number that represents the percentage of the tax increment that is paid to the first home investment zone;

(x) for a major sporting event venue zone created pursuant to Title 63N, Chapter 3, Part 17, Major Sporting Event Venue Zone Act, an amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the property located within a qualified development zone for a major sporting event venue zone and upon which property tax increment is collected; and

(B) the number that represents the percentage of tax increment that is paid to the major sporting event venue zone, as approved by a major sporting event venue zone committee described in Section 63N-1a-1706; or

(xi) for an electrical energy development zone created under Section 79-6-1104, the amount calculated by multiplying:

(A) the difference between the taxable value and the base taxable value of the

property that is located within the electrical energy developmental zone; and

(B) the number that represents the percentage of the tax increment that is paid to a community reinvestment agency and the Electrical Energy Development Investment Fund created in Section 79-6-1105.

(p)(i) "Locally assessed new growth" means the greater of:

(A) zero; or

(B) the amount calculated by subtracting the year end taxable value of real property the county assessor assesses in accordance with Part 3, County Assessment, for the previous year, adjusted for prior year end incremental value from the taxable value of real property the county assessor assesses in accordance with Part 3, County Assessment, for the current year, adjusted for current year incremental value.

(ii) "Locally assessed new growth" does not include a change in:

(A) value as a result of factoring in accordance with Section 59-2-704, reappraisal, or another adjustment;

(B) assessed value based on whether a property is allowed a residential exemption for a primary residence under Section 59-2-103;

(C) assessed value based on whether a property is assessed under Part 5, Farmland Assessment Act; or

(D) assessed value based on whether a property is assessed under Part 17, Urban Farming Assessment Act.

(q) "Project area" means:

(i) for an authority created under Section 11-58-201, the same as that term is defined in Section 11-58-102;

(ii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the same as that term is defined in Section 11-70-101;

(iii) for an agency created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102;

(iv) for an authority created under Section 63H-1-201, the same as that term is defined in Section 63H-1-102;

(v) for a housing and transit reinvestment zone or convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is defined in Section 63N-3-602;

(vi) for a home ownership promotion zone created under [~~Title 10, Chapter 9a, Part~~

~~10, Home Ownership Promotion Zone for Municipalities~~] Title 10, Chapter 21, Part 5, Home Ownership Promotion Zone for Municipalities, or [~~Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties~~] Title 17, Chapter 80, Part 5, Home Ownership Promotion Zone, the same as that term is defined in Section [~~10-9a-1001~~] 10-21-101 or Section [~~17-27a-1201~~] 17-80-101;

(vii) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, the same as that term is defined in Section 63N-3-1601; or

(viii) for a major sporting event venue zone established under Title 63N, Chapter 3, Part 17, Major Sporting Event Venue Zone Act, the qualified development zone, as defined in Section 63N-3-1701.

(r) "Project area new growth" means:

(i) for an authority created under Section 11-58-201, an amount equal to the incremental value that is no longer provided to an authority as property tax differential;

(ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, an amount equal to the incremental value that is no longer provided to the Point of the Mountain State Land Authority as property tax augmentation, as defined in Section 11-59-207;

(iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, an amount equal to the incremental value that is no longer provided to the Utah Fairpark Area Investment and Restoration District;

(iv) for an agency created under Section 17C-1-201.5, an amount equal to the incremental value that is no longer provided to an agency as tax increment;

(v) for an authority created under Section 63H-1-201, an amount equal to the incremental value that is no longer provided to an authority as property tax allocation;

(vi) for a housing and transit reinvestment zone or convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount equal to the incremental value that is no longer provided to a housing and transit reinvestment zone or convention center reinvestment zone as tax increment;

(vii) for a home ownership promotion zone created under [~~Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities~~] Title 10, Chapter 21,

Part 5, Home Ownership Promotion Zone for Municipalities, or [~~Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties~~] Title 17, Chapter 80, Part 5, Home Ownership Promotion Zone, an amount equal to the incremental value that is no longer provided to a home ownership promotion zone as tax increment;

(viii) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, an amount equal to the incremental value that is no longer provided to a first home investment zone as tax increment; or

(ix) for a major sporting event venue zone created under Title 63N, Chapter 3, Part 17, Major Sporting Event Venue Zone Act, an amount equal to the incremental value that is no longer provided to the creating entity of a major sporting event venue zone as property tax increment.

(s) "Project area incremental revenue" means the same as that term is defined in Section 17C-1-1001.

(t) "Property tax allocation" means the same as that term is defined in Section 63H-1-102.

(u) "Property tax differential" means the same as that term is defined in Sections 11-58-102 and 79-6-1104.

(v) "Tax increment" means:

(i) for a project created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102;

(ii) for a housing and transit reinvestment zone or convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as the term "property tax increment" is defined in Section 63N-3-602;

(iii) for a home ownership promotion zone created under [~~Title 10, Chapter 9a, Part 10, Home Ownership Promotion Zone for Municipalities~~] Title 10, Chapter 21, Part 5, Home Ownership Promotion Zone for Municipalities, or [~~Title 17, Chapter 27a, Part 12, Home Ownership Promotion Zone for Counties~~] Title 17, Chapter 80, Part 5, Home Ownership Promotion Zone, the same as that term is defined in Section [~~10-9a-1001~~] 10-21-101 or Section [~~17-27a-1201~~] 17-80-101;

(iv) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, the same as that term is defined in Section 63N-3-1601; or

(v) for a major sporting event venue zone created under Title 63N, Chapter 3, Part

17, Major Sporting Event Venue Zone Act, property tax increment, as that term is defined in Section 63N-3-1701.

(2) Before June 1 of each year, each county assessor shall deliver to the county auditor and the commission the following statements:

(a) a statement containing the aggregate valuation of all taxable real property a county assessor assesses in accordance with Part 3, County Assessment, for each taxing entity; and

(b) a statement containing the taxable value of all personal property a county assessor assesses in accordance with Part 3, County Assessment, from the prior year end values.

(3) The county auditor shall, on or before June 8, transmit to the governing body of each taxing entity:

(a) the statements described in Subsections (2)(a) and (b);

(b) an estimate of the revenue from personal property;

(c) the certified tax rate; and

(d) all forms necessary to submit a tax levy request.

(4)(a) Except as otherwise provided in this section, the certified tax rate shall be calculated by dividing the ad valorem property tax revenue that a taxing entity budgeted for the prior year by the amount calculated under Subsection (4)(b).

(b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall calculate an amount as follows:

(i) calculate for the taxing entity the difference between:

(A) the aggregate taxable value of all property taxed; and

(B) any adjustments for current year incremental value;

(ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount determined by increasing or decreasing the amount calculated under Subsection (4)(b)(i) by the average of the percentage net change in the value of taxable property for the equalization period for the three calendar years immediately preceding the current calendar year;

(iii) after making the calculation required by Subsection (4)(b)(ii), calculate the product of:

(A) the amount calculated under Subsection (4)(b)(ii); and

(B) the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year; and

(iv) after making the calculation required by Subsection (4)(b)(iii), calculate an amount determined by:

(A) multiplying the percentage of property taxes collected for the five calendar years immediately preceding the current calendar year by eligible new growth; and

(B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the amount calculated under Subsection (4)(b)(iii).

(5) A certified tax rate for a taxing entity described in this Subsection (5) shall be calculated as follows:

(a) except as provided in Subsection (5)(b) or (c), for a new taxing entity, the certified tax rate is zero;

(b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:

(i) in a county of the first, second, or third class, the levy imposed for municipal-type services under [~~Sections 17-34-1 and 17-36-9~~] Title 17, Chapter 78, Part 5, Provision of Municipal-Type Services to Unincorporated Areas; and

(ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county purposes and such other levies imposed solely for the municipal-type services identified in Section [~~17-34-1~~] 17-78-501 and Subsection [~~17-36-3(23)~~] 17-63-101(23);

(c) for a community reinvestment agency that received all or a portion of a taxing entity's project area incremental revenue in the prior year under Title 17C, Chapter 1, Part 10, Agency Taxing Authority, the certified tax rate is calculated as described in Subsection (4) except that the commission shall treat the total revenue transferred to the community reinvestment agency as ad valorem property tax revenue that the taxing entity budgeted for the prior year; and

(d) for debt service voted on by the public, the certified tax rate is the actual levy imposed by that section, except that a certified tax rate for the following levies shall be calculated in accordance with Section 59-2-913 and this section:

(i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and

(ii) a levy to pay for the costs of state legislative mandates or judicial or administrative orders under Section 59-2-1602.

(6)(a) A taxing entity may impose a judgment levy under Section 59-2-1328 or 59-2-1330 at a rate that is sufficient to generate only the revenue required to satisfy one or more eligible judgments.

(b) The ad valorem property tax revenue generated by a judgment levy described in Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate certified tax rate.

(7)(a) For the purpose of calculating the certified tax rate, the county auditor shall use:

(i) the taxable value of real property:

(A) the county assessor assesses in accordance with Part 3, County Assessment; and

(B) contained on the assessment roll;

(ii) the year end taxable value of personal property:

(A) a county assessor assesses in accordance with Part 3, County Assessment; and

(B) contained on the prior year's assessment roll; and

(iii) the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property.

(b) For purposes of Subsection (7)(a), taxable value does not include eligible new growth.

(8)(a) On or before June 30 of each year, a taxing entity shall adopt a tentative budget.

(b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall notify the county auditor of:

(i) the taxing entity's intent to exceed the certified tax rate; and

(ii) the amount by which the taxing entity proposes to exceed the certified tax rate.

(c) The county auditor shall notify property owners of any intent to levy a tax rate that exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.

(9)(a) Subject to Subsection (9)(d), the commission shall provide notice, through electronic means on or before July 31, to a taxing entity and the Revenue and Taxation Interim Committee if:

(i) the amount calculated under Subsection (9)(b) is 10% or more of the year end taxable value of the real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental value; and

(ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year end taxable value of the real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the previous year.

(b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by subtracting the taxable value of real and personal property the commission assesses

in accordance with Part 2, Assessment of Property, for the current year, adjusted for current year incremental value, from the year end taxable value of the real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental value.

(c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by subtracting the total taxable value of real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the current year, from the total year end taxable value of the real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the previous year.

(d) The notification under Subsection (9)(a) shall include a list of taxpayers that meet the requirement under Subsection (9)(a)(ii).

Section 202. Section **59-2-1101** is amended to read:

59-2-1101 (Effective 11/06/25). Definitions -- Exemption of certain property -- Proportional payments for certain property -- Exception -- County legislative body authority to adopt rules or ordinances.

(1) As used in this section:

(a) "Charitable purposes" means:

(i) for property used as a nonprofit hospital or a nursing home, the standards outlined in Howell v. County Board of Cache County ex rel. IHC Hospitals, Inc., 881 P.2d 880 (Utah 1994); and

(ii) for property other than property described in Subsection (1)(a)(i), providing a gift to the community.

(b) "Compliance period" means a period equal to 15 taxable years beginning with the first taxable year for which the taxpayer claims a tax credit under Section 42, Internal Revenue Code, or Section 59-7-607 or 59-10-1010.

(c)(i) "Educational purposes" means purposes carried on by an educational organization that normally:

(A) maintains a regular faculty and curriculum; and

(B) has a regularly enrolled body of pupils and students.

(ii) "Educational purposes" includes:

(A) the physical or mental teaching, training, or conditioning of competitive athletes by a national governing body of sport recognized by the United States Olympic Committee that qualifies as being tax exempt under Section

501(c)(3), Internal Revenue Code; and

(B) an activity in support of or incidental to the teaching, training, or conditioning described in this Subsection (1)(c)(ii).

(d) "Exclusive use exemption" means a property tax exemption under Subsection (3)(a)(iv), for property owned by a nonprofit entity used exclusively for one or more of the following purposes:

(i) religious purposes;

(ii) charitable purposes; or

(iii) educational purposes.

(e)(i) "Farm machinery and equipment" means tractors, milking equipment and storage and cooling facilities, feed handling equipment, irrigation equipment, harvesters, choppers, grain drills and planters, tillage tools, scales, combines, spreaders, sprayers, haying equipment, including balers and cubers, and any other machinery or equipment used primarily for agricultural purposes.

(ii) "Farm machinery and equipment" does not include vehicles required to be registered with the Motor Vehicle Division or vehicles or other equipment used for business purposes other than farming.

(f) "Gift to the community" means:

(i) the lessening of a government burden; or

(ii)(A) the provision of a significant service to others without immediate expectation of material reward;

(B) the use of the property is supported to a material degree by donations and gifts including volunteer service;

(C) the recipients of the charitable activities provided on the property are not required to pay for the assistance received, in whole or in part, except that if in part, to a material degree;

(D) the beneficiaries of the charitable activities provided on the property are unrestricted or, if restricted, the restriction bears a reasonable relationship to the charitable objectives of the nonprofit entity that owns the property; and

(E) any commercial activities provided on the property are subordinate or incidental to charitable activities provided on the property.

(g) "Government exemption" means a property tax exemption provided under Subsection (3)(a)(i), (ii), or (iii).

(h)(i) "Nonprofit entity" means an entity:

(A) that is organized on a nonprofit basis, that dedicates the entity's property to the entity's nonprofit purpose, and that makes no dividend or other form of financial benefit available to a private interest;

(B) for which, upon dissolution, the entity's assets are distributable only for exempt purposes under state law or to the government for a public purpose; and

(C) for which none of the net earnings or donations made to the entity inure to the benefit of private shareholders or other individuals, as the private inurement standard has been interpreted under Section 501(c)(3), Internal Revenue Code.

(ii) "Nonprofit entity" includes an entity:

(A) if the entity is treated as a disregarded entity for federal income tax purposes and wholly owned by, and controlled under the direction of, a nonprofit entity; and

(B) for which none of the net earnings and profits of the entity inure to the benefit of any person other than a nonprofit entity.

(iii) "Nonprofit entity" includes an entity that is not an entity described in Subsection (1)(h)(i) if the entity jointly owns a property that:

(A) is used for the purpose of providing permanent supportive housing;

(B) has an owner that is an entity described in Subsection (1)(h)(i) or that is a housing authority that operates the permanent supportive housing;

(C) has an owner that receives public funding from a federal, state, or local government entity to provide support services and rental subsidies to the permanent supportive housing;

(D) is intended to be transferred at or before the end of the compliance period to an entity described in Subsection (1)(h)(i) or a housing authority that will continue to operate the property as permanent supportive housing; and

(E) has been certified by the Utah Housing Corporation as meeting the requirements described in Subsections (1)(h)(iii)(A) through (D).

(iv) "Nonprofit entity" includes an entity that is not an entity described in Subsection (1)(h)(i) if:

(A) the entity is a housing organization as defined in Subsection 35A-8-2401(1)(a); and

(B) the entity is owned by an entity described in Subsection (1)(h)(i) or a housing authority.

(i) "Permanent supportive housing" means a housing facility that:

(i) provides supportive services;

(ii) makes a 15-year commitment to provide rent subsidies to tenants of the housing facility when the housing facility is placed in service;

(iii) receives an allocation of federal low-income housing tax credits in accordance with 26 U.S.C. Sec. 42; and

(iv) leases each unit to a tenant:

(A) who, immediately before leasing the housing, was homeless as defined in 24 C.F.R. 583.5; and

(B) whose rent is capped at no more than 30% of the tenant's household income.

(j)(i) "Property of" means property that an entity listed in Subsection (3)(a)(ii) or (iii) has a legal right to possess.

(ii) "Property of" includes a lease of real property if:

(A) the property is wholly leased to a state or political subdivision entity listed in Subsection (3)(a)(ii) or (iii) under a triple net lease; and

(B) the lease is in effect for the entire calendar year.

(k) "Supportive service" means a service that is an eligible cost under 24 C.F.R. 578.53.

(l) "Triple net lease" means a lease agreement under which the lessee is responsible for the real estate taxes, building insurance, and maintenance of the property separate from and in addition to the rental price.

(2)(a) Except as provided in Subsection (2)(b), an exemption under this part may be allowed only if the claimant is the owner of the property as of January 1 of the year the exemption is claimed.

(b) A claimant shall collect and pay a proportional tax based upon the length of time that the property was not owned by the claimant if:

(i) the claimant is a federal, state, or political subdivision entity described in Subsection (3)(a)(i), (ii), or (iii); or

(ii) [~~pursuant to~~] in accordance with Subsection (3)(a)(iv):

(A) the claimant is a nonprofit entity; and

(B) the property is used exclusively for religious, charitable, or educational purposes.

(3)(a) The following property is exempt from taxation:

(i) property exempt under the laws of the United States;

(ii) property of:

(A) the state;

(B) school districts; and

(C) public libraries;

(iii) except as provided in Title 11, Chapter 13, Interlocal Cooperation Act, property of:

(A) counties;

(B) cities;

(C) towns;

(D) special districts;

(E) special service districts; and

(F) all other political subdivisions of the state;

(iv) except as provided in Subsection (6) or (7), property owned by a nonprofit entity used exclusively for one or more of the following purposes:

(A) religious purposes;

(B) charitable purposes; or

(C) educational purposes;

(v) places of burial not held or used for private or corporate benefit;

(vi) farm machinery and equipment;

(vii) a high tunnel, as defined in Section [~~10-9a-525~~] 10-20-613;

(viii) intangible property; and

(ix) the ownership interest of an out-of-state public agency, as defined in Section 11-13-103:

(A) if that ownership interest is in property providing additional project capacity, as defined in Section 11-13-103; and

(B) on which a fee in lieu of ad valorem property tax is payable under Section 11-13-302.

(b) For purposes of a property tax exemption for property of school districts under Subsection (3)(a)(ii)(B), a charter school under Title 53G, Chapter 5, Charter Schools, is considered to be a school district.

(4) Subject to Subsection (5), if property that is allowed an exclusive use exemption or a government exemption ceases to qualify for the exemption because of a change in the ownership of the property:

(a) the new owner of the property shall pay a proportional tax based upon the period of time:

(i) beginning on the day that the new owner acquired the property; and

(ii) ending on the last day of the calendar year during which the new owner acquired the property; and

(b) the new owner of the property and the person from whom the new owner acquires the property shall notify the county assessor, in writing, of the change in ownership of the property within 30 days from the day that the new owner acquires the property.

(5) Notwithstanding Subsection (4)(a), the proportional tax described in Subsection (4)(a):

(a) is subject to any exclusive use exemption or government exemption that the property is entitled to under the new ownership of the property; and

(b) applies only to property that is acquired after December 31, 2005.

(6)(a) A property may not receive an exemption under Subsection (3)(a)(iv) if:

(i) the nonprofit entity that owns the property participates in or intervenes in any political campaign on behalf of or in opposition to any candidate for public office, including the publishing or distribution of statements; or

(ii) a substantial part of the activities of the nonprofit entity that owns the property consists of carrying on propaganda or otherwise attempting to influence legislation, except as provided under Subsection 501(h), Internal Revenue Code.

(b) Whether a nonprofit entity is engaged in an activity described in Subsection (6)(a) shall be determined using the standards described in Section 501, Internal Revenue Code.

(7) A property may not receive an exemption under Subsection (3)(a)(iv) if:

(a) the property is used for a purpose that is not religious, charitable, or educational; and

(b) the use for a purpose that is not religious, charitable, or educational is more than de minimis.

(8) A county legislative body may adopt rules or ordinances to:

(a) effectuate an exemption under this part; and

(b) designate one or more persons to perform the functions given to the county under this part.

(9) If a person is dissatisfied with an exemption decision made under designated decision-making authority as described in Subsection (8)(b), that person may appeal the decision to the commission under Section 59-2-1006.

Section 203. Section **59-12-2220** is amended to read:

59-12-2220 (Effective 11/06/25). County option sales and use tax to fund highways or a system for public transit -- Base -- Rate.

(1) Subject to the other provisions of this part and subject to the requirements of this

section, the following counties may impose a sales and use tax under this section:

(a) a county legislative body may impose the sales and use tax on the transactions described in Subsection 59-12-103(1) located within the county, including the cities and towns within the county if:

(i) the entire boundary of a county is annexed into a large public transit district; and

(ii) the maximum amount of sales and use tax authorizations allowed [~~pursuant to~~] in accordance with Section 59-12-2203 and authorized under the following sections has been imposed:

(A) Section 59-12-2213;

(B) Section 59-12-2214;

(C) Section 59-12-2215;

(D) Section 59-12-2216;

(E) Section 59-12-2217;

(F) Section 59-12-2218; and

(G) Section 59-12-2219;

(b) if the county is not annexed into a large public transit district, the county legislative body may impose the sales and use tax on the transactions described in Subsection 59-12-103(1) located within the county, including the cities and towns within the county if:

(i) the county is an eligible political subdivision; or

(ii) a city or town within the boundary of the county is an eligible political subdivision; or

(c) a county legislative body of a county not described in Subsection (1)(a) or (1)(b) may impose the sales and use tax on the transactions described in Subsection 59-12-103(1) located within the county, including the cities and towns within the county.

(2) For purposes of Subsection (1) and subject to the other provisions of this section, a county legislative body that imposes a sales and use tax under this section may impose the tax at a rate of .2%.

(3)(a) The commission shall distribute sales and use tax revenue collected under this section as determined by a county legislative body as described in Subsection (3)(b).

(b) If a county legislative body imposes a sales and use tax as described in this section, the county legislative body may elect to impose a sales and use tax revenue distribution as described in Subsection (4), (5), (6), or (7), depending on the class of county, and presence and type of a public transit provider in the county.

(4) Subject to Subsection (11), and after application of Subsection 59-12-2206(5), if a county legislative body imposes a sales and use tax as described in this section, and the entire boundary of the county is annexed into a large public transit district, and the county is a county of the first class, the commission shall distribute the sales and use tax revenue as follows:

(a) .10% to a public transit district as described in Subsection (11);

(b) .05% to the cities and towns as provided in Subsection (8); and

(c) .05% to the county legislative body.

(5) Subject to Subsection (11), if a county legislative body imposes a sales and use tax as described in this section and the entire boundary of the county is annexed into a large public transit district, and the county is a county not described in Subsection (4), the commission shall distribute the sales and use tax revenue as follows:

(a) .10% to a public transit district as described in Subsection (11);

(b) .05% to the cities and towns as provided in Subsection (8); and

(c) .05% to the county legislative body.

(6)(a) Except as provided in Subsection (14)(c), if the entire boundary of a county that imposes a sales and use tax as described in this section is not annexed into a single public transit district, but a city or town within the county is annexed into a single public transit district, or if the city or town is an eligible political subdivision, the commission shall distribute the sales and use tax revenue collected within the county as provided in Subsection (6)(b) or (c).

(b) For a city, town, or portion of the county described in Subsection (6)(a) that is annexed into the single public transit district, or an eligible political subdivision, the commission shall distribute the sales and use tax revenue collected within the portion of the county that is within a public transit district or eligible political subdivision as follows:

(i) .05% to a public transit provider as described in Subsection (11);

(ii) .075% to the cities and towns as provided in Subsection (8); and

(iii) .075% to the county legislative body.

(c) Except as provided in Subsection (14)(c), for a city, town, or portion of the county described in Subsection (6)(a) that is not annexed into a single public transit district or eligible political subdivision in the county, the commission shall distribute the sales and use tax revenue collected within that portion of the county as follows:

(i) .08% to the cities and towns as provided in Subsection (8); and

(ii) .12% to the county legislative body.

(7) For a county without a public transit service that imposes a sales and use tax as described in this section, the commission shall distribute the sales and use tax revenue collected within the county as follows:

(a) .08% to the cities and towns as provided in Subsection (8); and

(b) .12% to the county legislative body.

(8)(a) Subject to Subsections (8)(b) and (c), the commission shall make the distributions required by Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) as follows:

(i) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4) through (7) shall be distributed to the unincorporated areas, cities, and towns within those counties on the basis of the percentage that the population of each unincorporated area, city, or town bears to the total population of all of the counties that impose a tax under this section; and

(ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4) through (7) shall be distributed to the unincorporated areas, cities, and towns within those counties on the basis of the location of the transaction as determined under Sections 59-12-211 through 59-12-215.

(b)(i) Population for purposes of this Subsection (8) shall be based on, to the extent not otherwise required by federal law:

(A) the most recent estimate from the Utah Population Committee created in Section 63C-20-103; or

(B) if the Utah Population Committee estimate is not available for each municipality and unincorporated area, the adjusted sub-county population estimate provided by the Utah Population Committee in accordance with Section 63C-20-104.

(ii) If a needed population estimate is not available from the United States Census Bureau, population figures shall be derived from an estimate from the Utah Population Estimates Committee created by executive order of the governor.

(c)(i) Beginning on January 1, 2024, if the Housing and Community Development Division within the Department of Workforce Services determines that a city or town is ineligible for funds in accordance with Subsection [~~10-9a-408(7)~~] 10-21-202(6), beginning the first day of the calendar quarter after receiving 90

days' notice, the commission shall distribute the distribution that city or town would have received under Subsection (8)(a) to cities or towns to which Subsection [~~10-9a-408(7)~~] 10-21-202(6) does not apply.

(ii) Beginning on January 1, 2024, if the Housing and Community Development Division within the Department of Workforce Services determines that a county is ineligible for funds in accordance with Subsection [~~17-27a-408(7)~~] 17-80-202(6), beginning the first day of the calendar quarter after receiving 90 days' notice, the commission shall distribute the distribution that county would have received under Subsection (8)(a) to counties to which Subsection [~~17-27a-408(7)~~] 17-80-202(6) does not apply.

(9) If a public transit service is organized after the date a county legislative body first imposes a tax under this section, a change in a distribution required by this section may not take effect until the first distribution the commission makes under this section after a 90-day period that begins on the date the commission receives written notice from the public transit provider that the public transit service has been organized.

(10)(a) Except as provided in Subsections (10)(b) and (c), a county, city, or town that received distributions described in Subsections (4)(b), (4)(c), (5)(b), (5)(c), (6)(b)(ii), (6)(b)(iii), (6)(c), and (7) may only expend those funds for a purpose described in Section 59-12-2212.2.

(b) If a county described in Subsection (1)(a) that is a county of the first class imposes the sales and use tax authorized in this section, the county may also use funds distributed in accordance with Subsection (4)(c) for public safety purposes.

(c) In addition to the purposes described in Subsections (10)(a) and (b), for a city relevant to a project area, as that term is defined in Section 63N-3-1401, an allowable use of revenue from a sales and use tax under this section includes the revitalization of a convention center owned by the county within a city of the first class and surrounding revitalization projects related to the convention center.

(11)(a) Subject to Subsections (11)(b), (c), and (d), revenue designated for public transit as described in this section may be used for capital expenses and service delivery expenses of:

(i) a public transit district;

(ii) an eligible political subdivision; or

(iii) another entity providing a service for public transit or a transit facility within the relevant county, as those terms are defined in Section 17B-2a-802.

(b)(i)(A) If a county of the first class imposes a sales and use tax described in this section, beginning on the date on which the county imposes the sales and use tax under this section, and for a three-year period after at least three counties described in Subsections (4) and (5) have imposed a tax under this section, or until June 30, 2030, whichever comes first, revenue designated for public transit within a county of the first class as described in Subsection (4)(a) shall be transferred to the County of the First Class Highway Projects Fund created in Section 72-2-121.

(B) Revenue deposited into the County of the First Class Highway Projects Fund created in Section 72-2-121 as described in Subsection (11)(b)(i)(A) may be used for public transit innovation grants as provided in Title 72, Chapter 2, Part 4, Public Transit Innovation Grants.

(ii) If a county of the first class imposes a sales and use tax described in this section, beginning on the day three years after the date on which at least three counties described in Subsections (4) and (5) have imposed a tax under this section, or beginning on July 1, 2030, whichever comes first, for revenue designated for public transit as described in Subsection (4)(a):

(A) 50% of the revenue from a sales and use tax imposed under this section in a county of the first class shall be transferred to the County of the First Class Highway Projects Fund created in Section 72-2-121; and

(B) 50% of the revenue from a sales and use tax imposed under this section in a county of the first class shall be transferred to the Transit Transportation Investment Fund created in Subsection 72-2-124(9).

(c)(i) If a county that is not a county of the first class for which the entire boundary of the county is annexed into a large public transit district imposes a sales and use tax described in this section, beginning on the date on which the county imposes the sales and use tax under this section, and for a three-year period following the date on which at least three counties described in Subsections (4) and (5) have imposed a tax under this section, or until June 30, 2030, whichever comes first, revenue designated for public transit as described in Subsection (5)(a) shall be transferred to the relevant county legislative body to be used for a purpose described in Subsection (11)(a).

(ii) If a county that is not a county of the first class for which the entire boundary of the county is annexed into a large public transit district imposes a sales and use

tax described in this section, beginning on the day three years after the date on which at least three counties described in Subsections (4) and (5) have imposed a tax under this section, or beginning on July 1, 2030, whichever comes first, for the revenue that is designated for public transit in Subsection (5)(a):

(A) 50% shall be transferred to the Transit Transportation Investment Fund created in Subsection 72-2-124(9); and

(B) 50% shall be transferred to the relevant county legislative body to be used for a purpose described in Subsection (11)(a).

(d) Except as provided in Subsection (13)(c), for a county that imposes a sales and use tax under this section, for revenue designated for public transit as described in Subsection (6)(b)(i), the revenue shall be transferred to the relevant county legislative body to be used for a purpose described in Subsection (11)(a).

(12) A large public transit district shall send notice to the commission at least 90 days before the earlier of:

(a) the date that is three years after the date on which at least three counties described in Subsections (4) and (5) have imposed a tax under this section; or

(b) June 30, 2030.

(13) For a city described in Subsection (10)(c), during the bondable term of a revitalization project described in Subsection (10)(c), the city shall transfer at least 50%, and may transfer up to 100%, of any revenue the city receives from a distribution under Subsection (4)(b) to a convention center public infrastructure district created in accordance with Section 17D-4-202.1 for revitalization of a convention center owned by the county within a city of the first class and surrounding revitalization projects related to the convention center as permitted in Subsection (10)(c).

(14)(a) Notwithstanding Section 59-12-2208, a county legislative body may, but is not required to, submit an opinion question to the county's registered voters in accordance with Section 59-12-2208 to impose a sales and use tax under this section.

(b) If a county passes an ordinance to impose a sales and use tax as described in this section, the sales and use tax shall take effect on the first day of the calendar quarter after a 90-day period that begins on the date the commission receives written notice from the county of the passage of the ordinance.

(c) A county that imposed the local option sales and use tax described in this section before January 1, 2023, may maintain that county's distribution allocation in place as of January 1, 2023.

(15)(a) Revenue collected from a sales and use tax under this section may not be used to supplant existing General Fund appropriations that a county, city, or town budgeted for transportation or public transit as of the date the tax becomes effective for a county, city, or town.

(b) The limitation under Subsection (15)(a) does not apply to a designated transportation or public transit capital or reserve account a county, city, or town established before the date the tax becomes effective.

Section 204. Section **63A-5b-604** is amended to read:

63A-5b-604 (Effective 11/06/25). Construction, alteration, and repair of state facilities -- Powers of director -- Exceptions -- Expenditure of appropriations -- Compliance agency role.

(1)(a) Except as provided in this section and Section 63A-5b-1101, the director shall exercise direct supervision over the design and construction of all new facilities, and all alterations, repairs, and improvements to existing facilities, if the total project construction cost, regardless of the funding source, is greater than $100,000.

(b) A state entity may exercise direct supervision over the design and construction of all new facilities, and over all alterations, repairs, and improvements to existing facilities, if:

(i) the total project construction cost, regardless of the funding sources, is $100,000 or less; and

(ii) the state entity assures compliance with the division's forms and contracts and the division's design, construction, alteration, repair, improvement, and code inspection standards.

(2) The director may enter into a capital improvement partnering agreement with an institution of higher education that permits the institution of higher education to exercise direct supervision for a capital improvement project with oversight from the division.

(3)(a) Subject to Subsection (3)(b), the director may delegate control over design, construction, and other aspects of any project to entities of state government on a project-by-project basis.

(b) With respect to a delegation of control under Subsection (3)(a), the director may:

(i) impose terms and conditions on the delegation that the director considers necessary or advisable to protect the interests of the state; and

(ii) revoke the delegation and assume control of the design, construction, or other aspect of a delegated project if the director considers the revocation and

assumption of control to be necessary to protect the interests of the state.

(4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director may delegate control over design, construction, and all other aspects of any project to entities of state government on a categorical basis for projects within a particular dollar range and a particular project type.

(b) Rules adopted by the director under Subsection (4)(a) may:

(i) impose the terms and conditions on categorical delegation that the director considers necessary or advisable to protect the interests of the state;

(ii) provide for the revocation of the delegation on a categorical basis and for the division to assume control of the design, construction, or other aspect of a category of delegated projects or a specific delegated project if the director considers revocation of the delegation and assumption of control to be necessary to protect the interests of the state;

(iii) require that a categorical delegation be renewed by the director on an annual basis; and

(iv) require the division's oversight of delegated projects.

(5)(a) A state entity to which project control is delegated under this section shall:

(i) assume fiduciary control over project finances;

(ii) assume all responsibility for project budgets and expenditures; and

(iii) receive all funds appropriated for the project, including any contingency funds contained in the appropriated project budget.

(b) Notwithstanding a delegation of project control under this section, a state entity to which control is delegated is required to comply with the division's codes and guidelines for design and construction.

(c) A state entity to which project control is delegated under this section may not access, for the delegated project, the division's statewide contingency reserve and project reserve authorized in Section 63A-5b-609.

(d) For a facility that will be owned, operated, maintained, and repaired by an entity that is not an agency and that is located on property that the state owns or leases as a tenant, the director may authorize the facility's owner to administer the design and construction of the project relating to that facility.

(6)(a) A project for the construction of a new facility and a project for alterations, repairs, and improvements to an existing facility are not subject to Subsection (1) if the project:

(i) occurs on property under the jurisdiction of the State Capitol Preservation Board;

(ii) is within a designated research park at the University of Utah or Utah State University;

(iii) occurs within the boundaries of This is the Place State Park and is administered by This is the Place Foundation; or

(iv) is for the creation and installation of art under Title 9, Chapter 6, Part 4, Utah Percent-for-Art Act.

(b) Notwithstanding Subsection (6)(a)(iii), the This is the Place Foundation may request the director to administer the design and construction of a project within the boundaries of This is the Place State Park.

(7)(a) The role of compliance agency under Title 15A, State Construction and Fire Codes Act, shall be filled by:

(i) the director, for a project administered by the division;

(ii) the entity designated by the State Capitol Preservation Board, for a project under Subsection (6)(a)(i);

(iii) the local government, for a project that is:

(A) not subject to the division's administration under Subsection (6)(a)(ii); or

(B) administered by This is the Place Foundation under Subsection (6)(a)(iii);

(iv) the compliance agency designated by the director, for a project under Subsection (2), (3), (4), or (5)(d); and

(v) for the installation of art under Subsection (6)(a)(iv), the entity that is acting as the compliance officer for the balance of the project for which the art is being installed.

(b) A local government acting as the compliance agency under Subsection (7)(a)(iii) may:

(i) only review plans and inspect construction to enforce the state construction code or an approved code under Title 15A, State Construction and Fire Codes Act; and

(ii) charge a building permit fee of no more than the amount the local government could have charged if the land upon which the improvements are located were not owned by the state.

(8)(a) The zoning authority of a local government under [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act, or [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County

Land Use, Development, and Management Act, does not apply to the use of property that the state owns or any improvements constructed on property that the state owns, including improvements constructed by an entity other than a state entity.

(b) A state entity controlling the use of property that the state owns shall consider any input received from a local government in determining how the property is to be used.

Section 205. Section **63G-7-201** is amended to read:

63G-7-201 (Effective 11/06/25) (Superseded 01/01/26). Immunity of governmental entities and employees from suit.

(1) Except as otherwise provided in this chapter, each governmental entity and each employee of a governmental entity are immune from suit for any injury that results from the exercise of a governmental function.

(2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a governmental entity, its officers, and its employees are immune from suit:

(a) as provided in Section 78B-4-517; and

(b) for any injury or damage resulting from the implementation of or the failure to implement measures to:

(i) control the causes of epidemic and communicable diseases and other conditions significantly affecting the public health or necessary to protect the public health as set out in Title 26A, Chapter 1, Local Health Departments;

(ii) investigate and control suspected bioterrorism and disease as set out in Sections 26B-7-316 through 26B-7-324;

(iii) respond to a national, state, or local emergency, a public health emergency as defined in Section 26B-7-301, or a declaration by the President of the United States or other federal official requesting public health related activities, including the use, provision, operation, and management of:

(A) an emergency shelter;

(B) housing;

(C) a staging place; or

(D) a medical facility; and

(iv) adopt methods or measures, in accordance with Section 26B-1-202, for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals they serve.

(3)(a) A governmental entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury if the injury arises out of or in connection

with, or results from:

(i) a latent dangerous or latent defective condition of:

(A) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or viaduct; or

(B) another structure located on any of the items listed in Subsection (3)(a)(i); or

(ii) a latent dangerous or latent defective condition of any public building, structure, dam, reservoir, or other public improvement.

(b)(i) As used in this Subsection (3)(b):

(A) "Contaminated land" means the same as that term is defined in Section 11-58-102.

(B) "Contamination" means the condition of land that results from the placement, disposal, or release of hazardous matter on, in, or under the land, including any seeping or escaping of the hazardous matter from the land.

(C) "Damage" means any property damage, personal injury, or other injury or any loss of any kind, however denominated.

(D) "Environmentally compliant" means, as applicable, obtaining a certificate of completion from the Department of Environmental Quality under Section 19-8-111 following participation in a voluntary cleanup under Title 19, Chapter 8, Voluntary Cleanup Program, obtaining an administrative letter from the Department of Environmental Quality for a discrete phase of a voluntary cleanup that is conducted under a remedial action plan as defined in Section 11-58-605, or complying with the terms of an environmental covenant, as defined in Section 57-25-102, signed by an agency, as defined in Section 57-25-102, and duly recorded in the office of the recorder of the county in which the contaminated land is located.

(E) "Government owner" means a governmental entity, including an independent entity, as defined in Section 63E-1-102, that acquires an ownership interest in land that was contaminated land before the governmental entity or independent entity acquired an ownership interest in the land.

(F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302, hazardous substances, as defined in Section 19-6-302, or landfill material, as defined in Section 11-58-102.

(G) "Remediation" means the same as that term is defined in Section 11-58-102.

(ii)(A) A government owner and the government owner's officers and employees

are immune from suit, and immunity is not waived, for any claim for damage that arises out of or in connection with, or results from, contamination of contaminated land.

(B) A government owner's ownership of contaminated land may not be the basis of a claim against the government owner for damage that arises out of or in connection with, or results from, contamination of contaminated land.

(iii) Subsection (3)(b)(ii) does not limit or affect:

(A) the liability of a person that placed, disposed of, or released hazardous matter on, in, or under the land; or

(B) a worker compensation claim of an employee of an entity that conducts work on or related to contaminated land.

(iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's remediation of contaminated land if the government owner is environmentally compliant.

(4) A governmental entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment, if the injury arises out of or in connection with, or results from:

(a) the exercise or performance, or the failure to exercise or perform, a discretionary function, whether or not the discretion is abused;

(b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery, false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation of civil rights;

(c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization;

(d) a failure to make an inspection or making an inadequate or negligent inspection;

(e) the institution or prosecution of any judicial or administrative proceeding, even if malicious or without probable cause;

(f) a misrepresentation by an employee whether or not the misrepresentation is negligent or intentional;

(g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;

(h) the collection or assessment of taxes;

(i) an activity of the Utah National Guard;

(j) the incarceration of a person in a state prison, county or city jail, or other place of legal confinement;

(k) a natural condition on publicly owned or controlled land;

(l) a condition existing in connection with an abandoned mine or mining operation;

(m) an activity authorized by the School and Institutional Trust Lands Administration or the Division of Forestry, Fire, and State Lands;

(n) the operation or existence of a trail that is along a water facility, as defined in Section 73-1-8, stream, or river, regardless of ownership or operation of the water facility, stream, or river, if:

(i) the trail is designated under a general plan adopted by a municipality under Section [~~10-9a-401~~] 10-20-401 or by a county under Section [~~17-27a-401~~] 17-79-401;

(ii) the trail right-of-way or the right-of-way where the trail is located is open to public use as evidenced by a written agreement between:

(A) the owner or operator of the trail right-of-way or of the right-of-way where the trail is located; and

(B) the municipality or county where the trail is located; and

(iii) the written agreement:

(A) contains a plan for operation and maintenance of the trail; and

(B) provides that an owner or operator of the trail right-of-way or of the right-of-way where the trail is located has, at a minimum, the same level of immunity from suit as the governmental entity in connection with or resulting from the use of the trail;

(o) research or implementation of cloud management or seeding for the clearing of fog;

(p) the management of flood waters, earthquakes, or natural disasters;

(q) the construction, repair, or operation of flood or storm systems;

(r) the operation of an emergency vehicle, while being driven in accordance with the requirements of Section 41-6a-212;

(s) the activity of:

(i) providing emergency medical assistance;

(ii) fighting fire;

(iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;

(iv) an emergency evacuation;

(v) transporting or removing an injured person to a place where emergency medical assistance can be rendered or where the person can be transported by a licensed ambulance service; or

(vi) intervening during a dam emergency;

(t) the exercise or performance, or the failure to exercise or perform, any function [~~pursuant to~~] in accordance with Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;

(u) an unauthorized access to government records, data, or electronic information systems by any person or entity;

(v) an activity of wildlife, as defined in Section 23A-1-101, that arises during the use of a public or private road;

(w) a communication between employees of one or more law enforcement agencies related to the employment, disciplinary history, character, professional competence, or physical or mental health of a peace officer, or a former, current, or prospective employee of a law enforcement agency, including any communication made in accordance with Section 53-14-103; or

(x) providing or failing to provide information under Section 53-27-102 or Subsection 41-1a-213(6), (7), or (8), 53-3-207(4), or 53-3-805(5).

Section 206. Section **63G-7-201** is amended to read:

63G-7-201 (Effective 01/01/26). Immunity of governmental entities and employees from suit.

(1) Except as otherwise provided in this chapter, each governmental entity and each employee of a governmental entity are immune from suit for any injury that results from the exercise of a governmental function.

(2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a governmental entity, its officers, and its employees are immune from suit:

(a) as provided in Section 78B-4-517; and

(b) for any injury or damage resulting from the implementation of or the failure to implement measures to:

(i) control the causes of epidemic and communicable diseases and other conditions significantly affecting the public health or necessary to protect the public health as set out in Title 26A, Chapter 1, Local Health Departments;

(ii) investigate and control suspected bioterrorism and disease as set out in Sections 26B-7-316 through 26B-7-324;

(iii) respond to a national, state, or local emergency, a public health emergency as defined in Section 26B-7-301, or a declaration by the President of the United States or other federal official requesting public health related activities, including the use, provision, operation, and management of:

(A) an emergency shelter;

(B) housing;

(C) a staging place; or

(D) a medical facility; and

(iv) adopt methods or measures, in accordance with Section 26B-1-202, for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals they serve.

(3)(a) A governmental entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury if the injury arises out of or in connection with, or results from:

(i) a latent dangerous or latent defective condition of:

(A) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or viaduct; or

(B) another structure located on any of the items listed in this Subsection (3)(a)(i); or

(ii) a latent dangerous or latent defective condition of any public building, structure, dam, reservoir, or other public improvement.

(b)(i) As used in this Subsection (3)(b):

(A) "Contaminated land" means the same as that term is defined in Section 11-58-102.

(B) "Contamination" means the condition of land that results from the placement, disposal, or release of hazardous matter on, in, or under the land, including any seeping or escaping of the hazardous matter from the land.

(C) "Damage" means any property damage, personal injury, or other injury or any loss of any kind, however denominated.

(D) "Environmentally compliant" means, as applicable, obtaining a certificate of completion from the Department of Environmental Quality under Section 19-8-111 following participation in a voluntary cleanup under Title 19, Chapter 8, Voluntary Cleanup Program, obtaining an administrative letter from the Department of Environmental Quality for a discrete phase of a voluntary

cleanup that is conducted under a remedial action plan as defined in Section 11-58-605, or complying with the terms of an environmental covenant, as defined in Section 57-25-102, signed by an agency, as defined in Section 57-25-102, and duly recorded in the office of the recorder of the county in which the contaminated land is located.

(E) "Government owner" means a governmental entity, including an independent entity, as defined in Section 63E-1-102, that acquires an ownership interest in land that was contaminated land before the governmental entity or independent entity acquired an ownership interest in the land.

(F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302, hazardous substances, as defined in Section 19-6-302, or landfill material, as defined in Section 11-58-102.

(G) "Remediation" means the same as that term is defined in Section 11-58-102.

(ii)(A) A government owner and the government owner's officers and employees are immune from suit, and immunity is not waived, for any claim for damage that arises out of or in connection with, or results from, contamination of contaminated land.

(B) A government owner's ownership of contaminated land may not be the basis of a claim against the government owner for damage that arises out of or in connection with, or results from, contamination of contaminated land.

(iii) Subsection (3)(b)(ii) does not limit or affect:

(A) the liability of a person that placed, disposed of, or released hazardous matter on, in, or under the land; or

(B) a worker compensation claim of an employee of an entity that conducts work on or related to contaminated land.

(iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's remediation of contaminated land if the government owner is environmentally compliant.

(4) A governmental entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment, if the injury arises out of or in connection with, or results from:

(a) the exercise or performance, or the failure to exercise or perform, a discretionary function, whether or not the discretion is abused;

(b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery, false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation of civil rights;

(c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization;

(d) a failure to make an inspection or making an inadequate or negligent inspection;

(e) the institution or prosecution of any judicial or administrative proceeding, even if malicious or without probable cause;

(f) a misrepresentation by an employee whether or not the misrepresentation is negligent or intentional;

(g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;

(h) the collection or assessment of taxes;

(i) an activity of the Utah National Guard;

(j) the incarceration of a person in a state prison, county or city jail, or other place of legal confinement;

(k) a natural condition on publicly owned or controlled land;

(l) a condition existing in connection with an abandoned mine or mining operation;

(m) an activity authorized by the School and Institutional Trust Lands Administration or the Division of Forestry, Fire, and State Lands;

(n) the operation or existence of a trail that is along a water facility, as defined in Section 73-1-8, stream, or river, regardless of ownership or operation of the water facility, stream, or river, if:

(i) the trail is designated under a general plan adopted by a municipality under Section [~~10-9a-401~~] 10-20-401 or by a county under Section [~~17-27a-401~~] 17-79-401;

(ii) the trail right-of-way or the right-of-way where the trail is located is open to public use as evidenced by a written agreement between:

(A) the owner or operator of the trail right-of-way or of the right-of-way where the trail is located; and

(B) the municipality or county where the trail is located; and

(iii) the written agreement:

(A) contains a plan for operation and maintenance of the trail; and

(B) provides that an owner or operator of the trail right-of-way or of the right-of-way where the trail is located has, at a minimum, the same level of immunity from suit as the governmental entity in connection with or resulting from the use of the trail;

(o) research or implementation of cloud management or seeding for the clearing of fog;

(p) the management of flood waters, earthquakes, or natural disasters;

(q) the construction, repair, or operation of flood or storm systems;

(r) the operation of an emergency vehicle, while being driven in accordance with the requirements of Section 41-6a-212;

(s) the activity of:

(i) providing emergency medical assistance;

(ii) fighting fire;

(iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;

(iv) an emergency evacuation;

(v) transporting or removing an injured person to a place where emergency medical assistance can be rendered or where the person can be transported by a licensed ambulance service; or

(vi) intervening during a dam emergency;

(t) the exercise or performance, or the failure to exercise or perform, any function [~~pursuant to~~] in accordance with Title 73, Chapter 10, Board of Water Resources - Division of Water Resources;

(u) an unauthorized access to government records, data, or electronic information systems by any person or entity;

(v) an activity of wildlife, as defined in Section 23A-1-101, that arises during the use of a public or private road;

(w) a communication between employees of one or more law enforcement agencies related to the employment, disciplinary history, character, professional competence, or physical or mental health of a peace officer, or a former, current, or prospective employee of a law enforcement agency, including any communication made in accordance with Section 53-14-103; or

(x) providing or failing to provide information under Section 53-27-102 or Subsection 41-1a-213(6), (7), or (8), 53-3-207(4), or 53-3-805(5).

(5) The following are immune from suit, and immunity is not waived for an action or failure to act within the scope of duties or employment, if the injury arises out of, in

connection with, or results from the implementation of Section [~~17-16-22~~] 17E-7-401 to the extent it addresses evaluating and classifying high risk wildland urban interface property, Section 31A-22-1310, or Title 65A, Chapter 8, Part 4, Wildland Urban Interface Property:

(a) the Division of Forestry, Fire, and State Lands;

(b) an officer, employee, or consultant of the Division of Forestry, Fire, and State Lands;

(c) a county;

(d) a wildland urban interface coordinator, as defined in Section 65A-8-401;

(e) the Insurance Department; or

(f) an officer, employee, or consultant of the Insurance Department.

Section 207. Section **63H-1-202** is amended to read:

63H-1-202 (Effective 11/06/25). Applicability of other law.

(1) As used in this section:

(a) "Subsidiary" means an authority subsidiary that is a public body as defined in Section 52-4-103.

(b) "Subsidiary board" means the governing body of a subsidiary.

(2) The authority or land within a project area is not subject to:

(a) [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act;

(b) [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act;

(c) ordinances or regulations of a county or municipality, including those relating to land use, health, business license, or franchise; or

(d) the jurisdiction of a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act.

(3) The authority is subject to and governed by Sections 63E-2-106, 63E-2-107, 63E-2-108, 63E-2-109, 63E-2-110, and 63E-2-111, but is not otherwise subject to or governed by Title 63E, Independent Entities Code.

(4)(a) The definitions in Section 57-8-3 apply to this Subsection (4).

(b) Notwithstanding the provisions of Title 57, Chapter 8, Condominium Ownership Act, or any other provision of law:

(i) if the military is the owner of land in a project area on which a condominium project is constructed, the military is not required to sign, execute, or record a

declaration of a condominium project; and

(ii) if a condominium unit in a project area is owned by the military or owned by the authority and leased to the military for $1 or less per calendar year, not including any common charges that are reimbursements for actual expenses:

(A) the condominium unit is not subject to any liens under Title 57, Chapter 8, Condominium Ownership Act;

(B) condominium unit owners within the same building or commercial condominium project may agree on any method of allocation and payment of common area expenses, regardless of the size or par value of each unit; and

(C) the condominium project may not be dissolved without the consent of all the condominium unit owners.

(5) Notwithstanding any other provision, when a law requires the consent of a local government, the authority is the consenting entity for a project area.

(6)(a) A department, division, or other agency of the state and a political subdivision of the state shall cooperate with the authority to the fullest extent possible to provide whatever support, information, or other assistance the authority requests that is reasonably necessary to help the authority fulfill the authority's duties and responsibilities under this chapter.

(b) Subsection (6)(a) does not apply to a political subdivision that does not have any of a project area located within the boundary of the political subdivision.

(7)(a) The authority and a subsidiary are subject to Title 52, Chapter 4, Open and Public Meetings Act, except that:

(i) notwithstanding Section 52-4-104, the timing and nature of training to authority board members or subsidiary board members on the requirements of Title 52, Chapter 4, Open and Public Meetings Act, may be determined by:

(A) the board chair, for the authority board; or

(B) the subsidiary board chair, for a subsidiary board;

(ii) authority staff may adopt a rule governing the use of electronic meetings under Section 52-4-207, if, under Subsection 63H-1-301(3), the board delegates to authority staff the power to adopt the rule; and

(iii) for an electronic meeting of the authority board or subsidiary board that otherwise complies with Section 52-4-207, the authority board or subsidiary board, respectively:

(A) is not required to establish an anchor location; and

(B) may convene and conduct the meeting without the determination otherwise required under Subsection 52-4-207(5)(a)(i).

(b) The authority and subsidiaries are not required to physically post notice notwithstanding any other provision of law.

(8) The authority and a subsidiary are subject to Title 63G, Chapter 2, Government Records Access and Management Act, except that:

(a) notwithstanding Section 63G-2-701:

(i) the authority may establish an appeals board consisting of at least three members;

(ii) an appeals board established under Subsection (8)(a)(i) shall include:

(A) one of the authority board members appointed by the governor;

(B) the authority board member appointed by the president of the Senate; and

(C) the authority board member appointed by the speaker of the House of Representatives; and

(iii) an appeal of a decision of an appeals board is to district court, as provided in Section 63G-2-404, except that the Government Records Office and the director of the Government Records Office are not parties; and

(b) a record created or retained by the authority or a subsidiary acting in the role of a facilitator under Subsection 63H-1-201(3)(v) is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act.

(9) The authority or a subsidiary acting in the role of a facilitator under Subsection 63H-1-201(3)(v) is not prohibited from receiving a benefit from a public-private partnership that results from the facilitator's work as a facilitator.

(10)(a)(i) A subsidiary created as a public infrastructure district under Title 17D, Chapter 4, Public Infrastructure District Act, may, subject to limitations of Title 17D, Chapter 4, Public Infrastructure District Act, levy a property tax for the operations and maintenance of the public infrastructure district's financed infrastructure and related improvements, subject to a maximum rate of .015.

(ii) A levy under Subsection (10)(a)(i) may be separate from a public infrastructure district property tax levy for a bond.

(b) If a subsidiary created as a public infrastructure district issues a bond:

(i) the subsidiary may:

(A) delay the effective date of the property tax levy for the bond until after the period of capitalized interest payments; and

(B) covenant with bondholders not to reduce or impair the property tax levy; and

(ii) notwithstanding a provision to the contrary in Title 17D, Chapter 4, Public Infrastructure District Act, the tax rate for the property tax levy for the bond may not exceed a rate that generates more revenue than required to pay the annual debt service of the bond plus administrative costs, subject to a maximum of .02.

(c)(i) A subsidiary created as a public infrastructure district under Title 17D, Chapter 4, Public Infrastructure District Act, may create tax areas, as defined in Section 59-2-102, within the public infrastructure district and apply a different property tax rate to each tax area, subject to the maximum rate limitations described in Subsections (10)(a)(i) and (10)(b)(ii).

(ii) If a subsidiary created by a public infrastructure district issues bonds, the subsidiary may issue bonds secured by property taxes from:

(A) the entire public infrastructure district; or

(B) one or more tax areas within the public infrastructure district.

(11)(a) Terms defined in Section 57-11-2 apply to this Subsection (11).

(b) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act, does not apply to an offer or disposition of an interest in land if the interest in land lies within the boundaries of the project area and the authority:

(i)(A) has a development review committee using at least one professional planner;

(B) enacts standards and guidelines that require approval of planning, land use, and plats, including the approval of plans for streets, culinary water, sanitary sewer, and flood control; and

(C) will have the improvements described in Subsection (11)(b)(i)(B) plus telecommunications and electricity; and

(ii) if at the time of the offer or disposition, the subdivider furnishes satisfactory assurance of completion of the improvements described in Subsection (11)(b)(i)(C).

(12)(a) As used in this Subsection (12), "officer" means the same as an officer within the meaning of the Utah Constitution, Article IV, Section 10.

(b) An official act of an officer may not be invalidated for the reason that the officer failed to take the oath of office.

Section 208. Section **63I-2-210** is amended to read:

63I-2-210 (Effective 11/06/25). 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 [~~10-9a-510(4)(c)~~] 10-20-904(4)(c), regarding an inspection fee on a qualified water conservancy district, is repealed July 1, 2026.

[~~(4) Section 10-9a-604.9, Effective dates of Sections 10-9a-604.1 and 10-9a-604.2, is repealed January 1, 2025.~~]

Section 209. Section **63J-4-402** is amended to read:

63J-4-402 (Effective 11/06/25). State housing plan.

(1) The office shall develop a state housing plan by December 31, 2025.

(2)(a) The office shall partner with the Legislature, municipal and county governments, the home building industry and related stakeholders, and the general public in the development of the state housing plan described in Subsection (1).

(b) In developing the state housing plan, the office may develop regional housing plans within the state housing plan.

(3) The state housing plan shall:

(a) prioritize collaboration over preemption and collaboration across private and public sectors;

(b) promote a holistic and regional approach to housing;

(c) enable connected communities and center-based development;

(d) acknowledge cross-issue policy alignment;

(e) maintain a long-range vision;

(f) promote opportunity and inclusivity;

(g) recognize complex market forces; and

(h) consider rural and urban contexts.

(4) The state housing plan shall include data and metrics:

(a) about actual and potential housing production;

(b) about actual and potential infrastructure capacity, maintenance, and development; and

(c) allowing the office to measure success of the state housing plan over time.

(5) In gathering data and developing metrics, the office may analyze moderate income housing reports received by the Division of Housing and Community Development and:

(a) determine which, if any, of the moderate income housing strategies described in [~~Subsections~~] Sections [~~10-9a-403(2)(b)(iii)~~] 10-21-201 and [~~17-27a-403(2)(b)(ii)~~] 17-80-201 are correlated with an increase in the supply of moderate income housing, either built or entitled to be built, in the political subdivision that implements the

moderate income housing strategy; and

(b) draw conclusions regarding any data trends identified by the office as meaningful or significant.

(6) By no later than October 1 of each year, the office shall provide a written report on the development and implementation of the state housing plan to the Political Subdivisions Interim Committee.

Section 210. Section **63L-10-104** is amended to read:

63L-10-104 (Effective 11/06/25). Policy statement.

(1) Except as provided in Subsection (2), state agencies and political subdivisions shall refer to and substantially conform with the statewide resource management plan when making plans for public lands or other public resources in the state.

(2)(a) The office shall, as funding allows, maintain a record of all state agency and political subdivision resource management plans and relevant documentation.

(b) On an ongoing basis, state agencies and political subdivisions shall keep the office informed of any substantive modifications to their resource management plans.

(c) On or before August 31 of each year, the office shall provide a report to the commission that includes the following:

(i) any modifications to the state agency or political subdivision resource management plans that are inconsistent with the statewide resource management plan;

(ii) a recommendation as to how an inconsistency identified under Subsection (2)(c)(i), if any, should be addressed; and

(iii) a recommendation:

(A) as to whether the statewide resource management plan should be modified to address any inconsistency identified under Subsection (2)(c)(i); or

(B) on any other modification to the statewide resource management plan the office determines is necessary.

(3)(a) Subject to Subsection (3)(b), nothing in this section preempts the authority granted to a political subdivision under:

(i) Title 10, Chapter 8, Powers and Duties of Municipalities, or [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act; or

(ii) [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act.

(b) Federal regulations state that, when state and local government policies, plans, and programs conflict, those of higher authority will normally be followed.

Section 211. Section **63N-3-603** is amended to read:

63N-3-603 (Effective 11/06/25). Applicability, requirements, and limitations on a housing and transit reinvestment zone.

(1) A housing and transit reinvestment zone proposal created under this part shall demonstrate how the proposal addresses the following objectives:

(a) higher utilization of public transit;

(b) increasing availability of housing, including affordable housing, and fulfillment of moderate income housing plans;

(c) promoting and encouraging development of owner-occupied housing;

(d) improving efficiencies in parking and transportation, including walkability of communities near public transit facilities;

(e) overcoming development impediments and market conditions that render a development cost prohibitive absent the proposal and incentives;

(f) conserving water resources through efficient land use;

(g) improving air quality by reducing fuel consumption and motor vehicle trips;

(h) encouraging transformative mixed-use development and investment in transportation and public transit infrastructure in strategic areas;

(i) strategic land use and municipal planning in major transit investment corridors as described in Subsection [~~10-9a-403(2)~~] 10-20-404(2);

(j) increasing access to employment and educational opportunities; and

(k) increasing access to child care.

(2)(a) In order to accomplish the objectives described in Subsection (1), a municipality or public transit county that initiates the process to create a housing and transit reinvestment zone as described in this part shall ensure that the proposal for a housing and transit reinvestment zone includes:

(i) except as provided in Subsection (3), at least 12% of the proposed dwelling units within the housing and transit reinvestment zone are affordable housing units, with:

(A) up to 9% of the proposed dwelling units occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the county median gross income for households of the same size; and

(B) at least 3% of the proposed dwelling units occupied or reserved for occupancy

by households with a gross household income equal to or less than 60% of the county median gross income for households of the same size;

(ii) except as provided in Subsection (2)(c), a housing and transit reinvestment zone shall include:

(A) at least 51% of the developable area within a housing and transit reinvestment zone as residential uses; and

(B) an average of at least 50 dwelling units per acre within the acreage of the housing and transit reinvestment zone dedicated to residential uses;

(iii) mixed-use development; and

(iv) a mix of dwelling units to ensure that at least 25% of the dwelling units have more than one bedroom.

(b)(i) If a housing and transit reinvestment zone is phased, a municipality or public transit county shall ensure that a housing and transit reinvestment zone is phased and developed to provide the required 12% of affordable housing units in each phase of development.

(ii) A municipality or public transit county may allow a housing and transit reinvestment zone to be phased and developed in a manner to provide more of the required affordable housing units in early phases of development.

(iii) A municipality or public transit county shall include in a housing and transit reinvestment zone proposal an affordable housing plan, which may include deed restrictions, to ensure the affordable housing required in the proposal will continue to meet the definition of affordable housing at least throughout the entire term of the housing and transit reinvestment zone.

(c) For a housing and transit reinvestment zone proposed by a public transit county at a public transit hub, or for a housing and transit reinvestment zone proposed by a municipality at a bus rapid transit station, the housing and transit reinvestment zone shall include:

(i) at least 51% of the developable area within a housing and transit reinvestment zone as residential uses; and

(ii) an average of at least 39 dwelling units per acre within the acreage of the housing and transit reinvestment zone dedicated to residential uses.

(3) A municipality or public transit county that, at the time the housing and transit reinvestment zone proposal is approved by the housing and transit reinvestment zone committee, meets the affordable housing guidelines of the United States Department of

Housing and Urban Development at 60% area median income is exempt from the requirement described in Subsection (2)(a).

(4)(a) A municipality may only propose a housing and transit reinvestment zone at a commuter rail station, and a public transit county may only propose a housing and transit reinvestment zone at a public transit hub, that:

(i) subject to Subsection (5)(a):

(A)(I) except as provided in Subsection (4)(a)(i)(A)(II), for a municipality, does not exceed a 1/3 mile radius of a commuter rail station;

(II) for a municipality that is a city of the first or second class that is within a county of the first or second class, with an opportunity zone created [~~pursuant to~~] in accordance with Section 1400Z-1, Internal Revenue Code, does not exceed a 1/2 mile radius of a commuter rail station located within the opportunity zone; or

(III) for a public transit county, does not exceed a 1/3 mile radius of a public transit hub; and

(B) has a total area of no more than 125 noncontiguous acres;

(ii) subject to Section 63N-3-607, proposes the capture of a maximum of 80% of each taxing entity's property tax increment above the base year for a term of no more than 25 consecutive years on each parcel within a 45-year period not to exceed the property tax increment amount approved in the housing and transit reinvestment zone proposal; and

(iii) the commencement of collection of property tax increment, for all or a portion of the housing and transit reinvestment zone project area, shall be triggered by providing notice as described in Subsection (6), but a housing and transit reinvestment zone proposal may not propose or include triggering more than three property tax increment collection periods for the same project during the applicable 45-year period.

(b) A municipality or public transit county may only propose a housing and transit reinvestment zone at a light rail station or bus rapid transit station that:

(i) subject to Subsection (5):

(A) does not exceed:

(I) except as provided in Subsection (4)(b)(i)(A)(II), (III), or (4)(e), a 1/4 mile radius of a bus rapid transit station or light rail station;

(II) for a municipality that is a city of the first class with a population greater than 150,000 that

is within a county of the first class, a 1/2 mile radius of a light rail station located in an opportunity zone created [~~pursuant to~~] in accordance with Section 1400Z-1, Internal Revenue Code; or

(III) a 1/2 mile radius of a light rail station located within a master-planned development of 500 acres or more; and

(B) has a total area of no more than 100 noncontiguous acres;

(ii) subject to Subsection (4)(c) and Section 63N-3-607, proposes the capture of a maximum of 80% of each taxing entity's property tax increment above the base year for a term of no more than 15 consecutive years on each parcel within a 30-year period not to exceed the property tax increment amount approved in the housing and transit reinvestment zone proposal; and

(iii) the commencement of collection of property tax increment, for all or a portion of the housing and transit reinvestment zone project area, shall be triggered by providing notice as described in Subsection (6), but a housing and transit reinvestment zone proposal may not propose or include triggering more than three property tax increment collection periods for the same project during the applicable 30-year period.

(c) For a housing and transit reinvestment zone proposed by a public transit county at a public transit hub, or for a housing and transit reinvestment zone proposed by a municipality at a bus rapid transit station, if the proposed housing density within the housing and transit reinvestment zone is between 39 and 49 dwelling units per acre, the maximum capture of each taxing entity's property tax increment above the base year is 60%.

(d) A municipality that is a city of the first class with a population greater than 150,000 in a county of the first class as described in Subsections (4)(a)(i)(A)(II) and (4)(b)(i)(A)(II) may only propose one housing and transit reinvestment zone within an opportunity zone.

(e)(i) Subject to Subsection (4)(e)(ii), the radius restrictions described in Subsection (4)(b)(i) do not apply, and a housing and transit reinvestment zone may extend to an area between two light rail stations located within a city of the third class if the two light rail stations are within a .95 mile distance on the same light rail line.

(ii) If a housing and transit reinvestment zone is extended to accommodate two light rail stations as described in Subsection (4)(e)(i):

(A) the housing and transit reinvestment zone is limited to a total area not to

exceed 100 noncontiguous acres; and

(B) the housing and transit reinvestment zone may not exceed a 1/4 mile radius from the light rail stations or any point on the light rail line between the two stations.

(f) If a parcel within the housing and transit reinvestment zone is included as an area that is part of a project area, as that term is defined in Section 17C-1-102, and created under Title 17C, Chapter 1, Agency Operations, that parcel may not be triggered for collection unless the project area funds collection period, as that term is defined in Section 17C-1-102, has expired.

(5)(a) For a housing and transit reinvestment zone for a commuter rail station, if a parcel is intersected by the relevant radius limitation, the full parcel may be included as part of the housing and transit reinvestment zone area and will not count against the limitations described in Subsection (4)(a)(i).

(b) For a housing and transit reinvestment zone for a light rail or bus rapid transit station, if a parcel is intersected by the relevant radius limitation, the full parcel may be included as part of the housing and transit reinvestment zone area and will not count against the limitations described in Subsection (4)(b)(i).

(c) A housing and transit reinvestment zone may not be smaller than 10 acres.

(6)(a) The notice of commencement of collection of property tax increment required in Subsection (4)(a)(iii) or (4)(b)(iii) shall be sent by mail or electronically to the following entities no later than December 31 of the year before the year for which the property tax increment collection is proposed to commence:

(i) the State Tax Commission;

(ii) the State Board of Education;

(iii) the state auditor;

(iv) the auditor of the county in which the housing and transit reinvestment zone is located;

(v) each taxing entity affected by the collection of property tax increment from the housing and transit reinvestment zone; and

(vi) the Governor's Office of Economic Opportunity.

(b) The notice described in Subsection (4)(a)(iii) or (4)(b)(iii) may not be triggered until the date on which the housing and transit reinvestment zone proposal is approved by the housing and transit reinvestment zone committee.

(7)(a) The maximum number of housing and transit reinvestment zones at light rail

stations, not including a convention center reinvestment zone, is eight in any given county.

(b) Within a county of the first class, the maximum number of housing and transit reinvestment zones at bus rapid transit stations is three.

(c) Within a county of the first class, the maximum total combined number of housing and transit reinvestment zones described in Subsections (7)(a) and (b) and first home investment zones created under Part 16, First Home Investment Zone Act, is 11.

(8)(a) For purposes of this Subsection (8), "entitlement agreement" means:

(i) a land use application;

(ii) a rezone petition; or

(iii) a request, petition, or application to:

(A) enact or approve a development agreement; or

(B) to amend or modify a development agreement.

(b) This Subsection (8) applies to a specified county, as defined in Section [~~17-27a-408~~] 17-80-101, that has created a small public transit district on or before January 1, 2022.

(c) To accomplish the objectives described in Subsection (1), an owner of undeveloped property within an unincorporated county shall have the right to develop and build a mixed-use development if:

(i) the owner has submitted an entitlement agreement to the county on or before December 31, 2022, and is within a 1/3 mile radius of a public transit hub in a county described in Subsection (8)(b), including parcels that are intersected by the 1/3 mile radius; and

(ii) the county described in Subsection (8)(b) has failed to approve the entitlement agreement described in Subsection (8)(c)(i) by ordinance before December 31, 2022.

(d) The mixed use development described in Subsection (8)(c) shall include the following:

(i)(A)(I) a maximum number of dwelling units equal to 30 multiplied by the total acres of developable area within the mixed-use development dedicated exclusively to residential use; or

(II) a maximum number of dwelling units equal to 15 multiplied by the total acres of the mixed-use development; and

(B) at least 33% of the dwelling units as affordable housing;

(ii) commercial uses, including office, retail, educational, and healthcare in support of

the mixed-use development constituting no more than 1/3 of the total planned gross building square footage of the subject parcels; and

(iii) any other infrastructure element necessary or reasonable to support the mixed-use development, including:

(A) parking infrastructure;

(B) streets;

(C) sidewalks;

(D) parks; and

(E) trails.

(e)(i) The mixed-use development described in this Subsection (8) may qualify for a housing and transit reinvestment zone described in Subsection (4)(a).

(ii) The county described in Subsection (8)(b) may propose a housing and transit reinvestment zone [~~pursuant to~~] in accordance with this part, if the housing and transit reinvestment zone includes:

(A)(I) an average of at least 30 dwelling units per acre within the acreage of the housing and transit reinvestment zone dedicated to residential use; or

(II) a minimum number of 14 dwelling units per acre on average within the acreage of the housing and transit reinvestment zone; and

(B) at least 33% of the dwelling units as affordable housing units.

(f) A county may not take an action or enforce an agreement, ordinance, regulation, or requirement that prevents or creates development impediments to the development of a mixed-use development as described in this Subsection (8).

(g) A county action to approve or implement the development of a mixed-use development as described in this Subsection (8) shall constitute an administrative action taken by the county and does not require county legislative action.

Section 212. Section **63N-3-1602** is amended to read:

63N-3-1602 (Effective 11/06/25). Applicability, requirements, and limitations on a first home investment zone.

(1) A first home investment zone created [~~pursuant to~~] in accordance with this part shall promote the following objectives:

(a) encouraging efficient development and opportunities for home ownership by providing a variety of housing options, including affordable housing and for sale, owner-occupied housing;

(b) improving availability of housing options;

(c) overcoming development impediments and market conditions that render a development cost prohibitive absent the proposal and incentives;

(d) conserving water resources through efficient land use;

(e) improving air quality by reducing fuel consumption and motor vehicle trips;

(f) encouraging transformative mixed-use development;

(g) strategic land use and municipal planning in major transit investment corridors as described in Subsection [~~10-9a-403(2)~~] 10-20-404(2);

(h) increasing access to employment and educational opportunities;

(i) increasing access to child care; and

(j) improving efficiencies in parking and transportation, including walkability of communities, street and path interconnectivity within the proposed development and connections to surrounding communities, and access to roadways, public transportation, and active transportation.

(2) In order to accomplish the objectives described in Subsection (1), a municipality or county that initiates the process to create a first home investment zone as described in this part shall ensure that the proposal for a first home investment zone includes:

(a) subject to Subsection (3), a minimum of 30 housing units per acre:

(i) in at least 51% of the developable area within the first home investment zone; and

(ii) of which 50% must be owner occupied;

(b) a mixed use development;

(c) a requirement that at least 25% of homes within the first home investment zone remain owner occupied for at least 25 years from the date of original purchase;

(d) for homes inside the first home investment zone, a requirement that at least 12% of the owner occupied homes and 12% of the homes that are not owner occupied are affordable housing;

(e) a requirement that at least 20% of the extraterritorial homes are affordable housing; and

(f) except for extraterritorial homes, the number of homes that result from multiplying the number of housing units described in Subsection (2)(a) by the developable area described in Subsection (2)(a)(i) may be intermingled with other mixed uses within the first home investment zone.

(3)(a) Subject to Subsection (3)(b), to satisfy the requirements described in Subsection (2)(a), a first home investment zone may include an extraterritorial home to count toward the required density and owner-occupancy of the first home investment zone

by:

(i) adding the total number of extraterritorial homes related to the first home investment zone to the total number of homes within the first home investment zone; and

(ii) dividing the sum described in Subsection (3)(a)(i) by a number equal to 51% of the total number of developable acres within the first home investment zone.

(b) Extraterritorial homes may account for no more than half of the total homes to calculate density within a first home investment zone.

(4)(a) If a municipality proposes a first home investment zone, the proposal shall comply with the limitations described in this Subsection (4).

(b) A first home investment zone may not be less than 10 acres and no more than 100 acres of developable area in size.

(c)(i) Except as provided in Subsection (4)(c)(ii), a first home investment zone is required to be one contiguous area.

(ii) While considering a first home investment zone proposal as described in Section 63N-3-1605, the housing and transit reinvestment zone committee may consider and approve a first home investment zone that is not one contiguous area if:

(A) the municipality provides evidence in the proposal showing that the deviation from the contiguity requirement will enhance the ability of the first home investment zone to achieve the objectives described in Subsection (1); and

(B) the housing and transit reinvestment zone committee determines that the deviation is reasonable and circumstances justify deviation from the contiguity requirement.

(iii) The first home investment zone area contiguity is not affected by roads or other rights-of-way.

(d)(i) A first home investment zone proposal may propose the capture of a maximum of 60% of each taxing entity's tax increment above the base year for a term of no more than 25 consecutive years within a 45-year period not to exceed the tax increment amount approved in the first home investment zone proposal.

(ii) A first home investment zone proposal may not propose or include triggering more than three tax increment collection periods during the applicable 25-year period.

(iii) Subject to Subsection (4)(d)(iv), a municipality shall ensure that the required affordable housing units are included proportionally in each phase of the first

home investment zone development.

(iv) A municipality may allow a first home investment zone to be phased and developed in a manner to provide more of the required affordable housing units in early phases of development.

(e) If a municipality proposes a first home investment zone, commencement of the collection of tax increment, for all or a portion of the first home investment zone, is triggered by providing notice as described in Subsection (5).

(f) A municipality may restrict homes within a first home investment zone and related extraterritorial homes from being used as a short-term rental.

(g) A municipality shall ensure that affordable housing within a first home investment zone and related extraterritorial homes that are reserved as affordable housing are spread throughout the overall development.

(h) A municipality shall ensure that at least 80% of extraterritorial homes included in a first home investment zone proposal are single-family detached homes.

(i) A municipality shall include in a first home investment zone proposal:

(i) an affordable housing plan, which may include deed restrictions, to ensure the affordable housing required in the proposal will continue to meet the definition of affordable housing at least throughout the entire term of the first home investment zone; and

(ii) an owner occupancy plan, which may include deed restrictions, to ensure the owner occupancy requirements in the proposal will continue to meet the definition of owner occupancy at least throughout the entire term of the first home investment zone.

(j) A municipality shall include in the first home investment zone proposal evidence to demonstrate how the first home investment zone proposal complies with the municipality's moderate income housing plan and general plan.

(5) Notice of commencement of collection of tax increment shall be sent by mail or electronically to the following entities no later than January 1 of the year for which the tax increment collection is proposed to commence:

(a) the State Tax Commission;

(b) the State Board of Education;

(c) the state auditor;

(d) the auditor of the county in which the first home investment zone is located;

(e) each taxing entity affected by the collection of tax increment from the first home

investment zone;

(f) the assessor of the county in which the first home investment zone is located; and

(g) the Governor's Office of Economic Opportunity.

(6) A first home investment zone proposal may not include a proposal to capture sales and use tax increment.

(7) A municipality may not propose a first home investment zone in a county of the first class if the limitation described in Subsection 63N-3-603(7)(c) has been reached.

(8) A municipality may not propose a first home investment zone in a location that is eligible for a housing and transit reinvestment zone.

(9) A municipality may not propose a first home investment zone if the municipality's community reinvestment agency, based on the most recent annual comprehensive financial report, retains cash and cash equivalent assets of more than 20% of ongoing and unencumbered annual community reinvestment agency revenue.

Section 213. Section **71A-1-201** is amended to read:

71A-1-201 (Effective 11/06/25). Department of Veterans and Military Affairs -- Creation -- Appointment of executive director -- Department responsibilities.

(1) There is created the Department of Veterans and Military Affairs.

(2) The governor shall appoint an executive director for the department who is subject to Senate confirmation.

(3) The executive director shall be a veteran.

(4) The department shall:

(a) conduct and supervise all veteran and military affairs activities as provided in this title;

(b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the provisions of this title;

(c) in accordance with Section 41-1a-418:

(i) determine which campaign or combat theater awards are eligible for a special group license plate;

(ii) verify that an applicant for a campaign or combat theater award special group license plate is qualified to receive it; and

(iii) provide an applicant that qualifies a form indicating the campaign or combat theater award special group license plate for which the applicant qualifies;

(d) maintain liaison with local, state, and federal veterans agencies and with Utah veterans organizations;

(e) provide current information to veterans, service members, their surviving spouses and family members, and Utah veterans and military organizations on benefits they are entitled to;

(f) assist veterans, service members, and their families in applying for benefits and services;

(g) cooperate with other state entities in the receipt of information to create and maintain a record of veterans in Utah;

(h) create and administer a veterans assistance registry in accordance with Chapter 5, Veterans Assistance Registry, with recommendations from the council, that provides contact information to the qualified donors of materials and labor for certain qualified recipients;

(i) identify military-related issues, challenges, and opportunities, and develop plans for addressing them;

(j) develop, coordinate, and maintain relationships with military leaders of Utah military installations, including the National Guard;

(k) develop and maintain relationships with military-related organizations in Utah;

(l) consult with municipalities and counties regarding compatible use plans as described in Sections [~~10-9a-537~~] 10-20-620 and [~~17-27a-533~~] 17-79-616;

(m) enforce a food delivery dead zone as described in Section 13-80-201;

(n) work in conjunction with the Utah Homeless Services Board to create best practices for helping veterans, as that term is defined in Section 68-3-12.5, avoid homelessness;

(o) provide services and benefits directly or indirectly to service members, veterans, and families of service members and veterans, including services and benefits related to claims, health care, employment, education, mental wellness, counseling, business, housing, recognition, camaraderie, and other functions; and

(p) serve as the State Approving Agency under United States Code, Title 38, Veterans Benefits.

(5)(a) The department may award grants for the purpose of supporting veteran and military outreach, employment, education, healthcare, homelessness prevention, and recognition events.

(b) The department may award a grant described in Subsection (5)(a) to:

(i) an institution of higher education listed in Section 53B-1-102;

(ii) a nonprofit organization involved in veterans or military-related activities; or

(iii) a political subdivision of the state.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the administration of grants, including establishing:

(i) the form and process for submitting an application to the department;

(ii) the method and criteria for selecting a grant recipient;

(iii) the method and formula for determining a grant amount; and

(iv) the reporting requirements of a grant recipient.

(6)(a) The department may:

(i) receive gifts, contributions, and donations to support service members, veterans, families of service members and veterans, and military missions, including tangible objects and real property, if the department uses the gifts, contributions, and donations for the benefit of, or in connection with, service members, veterans, families of service members and veterans, or military missions; and

(ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules related to the administration of gifts, contributions, and donations described in Subsection (6)(a).

(b) A gift, contribution, or donation received by the department as described in Subsection (6)(a), does not revert to the General Fund and is considered non-lapsing funds.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules related to:

(a) the consultation with municipalities and counties regarding compatible use plans as required in Subsection (4)(l); and

(b) criteria to evaluate whether a proposed land use is compatible with military operations.

(8) Nothing in this chapter alters or preempts any provisions of Title 39A, National Guard and Militia Act, as specifically related to the National Guard.

Section 214. Section **72-1-304** is amended to read:

72-1-304 (Effective 11/06/25). Written project prioritization process for new transportation capacity projects -- Rulemaking.

(1)(a) The Transportation Commission, in consultation with the department and the metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written prioritization process for the prioritization of:

(i) new transportation capacity projects that are or will be part of the state highway system under Chapter 4, Part 1, State Highways;

(ii) paved pedestrian or paved nonmotorized transportation projects described in Section 72-2-124;

(iii) public transit projects that directly add capacity to the public transit systems within the state, not including facilities ancillary to the public transit system; and

(iv) pedestrian or nonmotorized transportation projects that provide connection to a public transit system.

(b)(i) A local government or public transit district may nominate a project for prioritization in accordance with the process established by the commission in rule.

(ii) If a local government or public transit district nominates a project for prioritization by the commission, the local government or public transit district shall provide data and evidence to show that:

(A) the project will advance the purposes and goals described in Section 72-1-211;

(B) for a public transit project, the local government or public transit district has an ongoing funding source for operations and maintenance of the proposed development; and

(C) the local government or public transit district will provide the percentage of the costs for the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(10)(e).

(2) The following shall be included in the written prioritization process under Subsection (1):

(a) a description of how the strategic initiatives of the department adopted under Section 72-1-211 are advanced by the written prioritization process;

(b) a definition of the type of projects to which the written prioritization process applies;

(c) specification of a weighted criteria system that is used to rank proposed projects and how it will be used to determine which projects will be prioritized;

(d) specification of the data that is necessary to apply the weighted ranking criteria; and

(e) any other provisions the commission considers appropriate, which may include consideration of:

(i) regional and statewide economic development impacts, including improved local access to:

(A) employment;

(B) educational facilities;

(C) recreation;

(D) commerce; and

(E) residential areas, including moderate income housing as demonstrated in the

local government's or public transit district's general plan [~~pursuant to~~] in accordance with Section [~~10-9a-403~~] 10-20-404 or [~~17-27a-403~~] 17-79-403;

(ii) the extent to which local land use plans relevant to a project support and accomplish the strategic initiatives adopted under Section 72-1-211; and

(iii) any matching funds provided by a political subdivision or public transit district in addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(10)(e).

(3)(a) When prioritizing a public transit project that increases capacity, the commission:

(i) may give priority consideration to projects that are part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802; and

(ii) shall give priority consideration to projects that are within the boundaries of a housing and transit reinvestment zone created [~~pursuant to~~] in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

(b) When prioritizing a transportation project that increases capacity, the commission may give priority consideration to projects that are:

(i) part of a transportation reinvestment zone created under Section 11-13-227 if:

(A) the state is a participant in the transportation reinvestment zone; or

(B) the commission finds that the transportation reinvestment zone provides a benefit to the state transportation system; or

(ii) within the boundaries of a housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

(c) If the department receives a notice of prioritization for a municipality as described in Subsection [~~10-9a-408(6)~~] 10-21-202(5), or a notice of prioritization for a county as described in Subsection [~~17-27a-408(6)~~] 17-80-202(5), the commission may give priority consideration to transportation projects that are within the boundaries of the municipality or the unincorporated areas of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that the municipality or county no longer qualifies for prioritization under this Subsection (3)(c).

(d) When prioritizing a transportation project described in Subsection (1)(a)(ii) or (iv), the commission may give priority consideration to projects that improve connectivity [~~pursuant to~~] in accordance with Section 10-8-87.

(4) In developing the written prioritization process, the commission:

(a) shall seek and consider public comment by holding public meetings at locations throughout the state; and

(b) may not consider local matching dollars as provided under Section 72-2-123 unless the state provides an equal opportunity to raise local matching dollars for state highway improvements within each county.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Transportation Commission, in consultation with the department, shall make rules establishing the written prioritization process under Subsection (1).

(6) The commission shall submit the proposed rules under this section to the Transportation Interim Committee for review [~~prior to~~] before taking final action on the proposed rules or any proposed amendment to the rules described in Subsection (5).

Section 215. Section **72-2-124** is amended to read:

72-2-124 (Effective 11/06/25) (Superseded 07/01/26). Transportation Investment Fund of 2005.

(1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.

(2) The fund consists of money generated from the following sources:

(a) any voluntary contributions received for the maintenance, construction, reconstruction, or renovation of state and federal highways;

(b) appropriations made to the fund by the Legislature;

(c) registration fees designated under Section 41-1a-1201;

(d) the sales and use tax revenues deposited into the fund in accordance with Section 59-12-103;

(e) revenues transferred to the fund in accordance with Section 72-2-106;

(f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(l); and

(g) revenue from bond proceeds described in Section 63B-34-101.

(3)(a) The fund shall earn interest.

(b) All interest earned on fund money shall be deposited into the fund.

(4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund money to pay:

(i) the costs of maintenance, construction, reconstruction, or renovation to state and federal highways prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(ii) the costs of maintenance, construction, reconstruction, or renovation to the highway projects described in Subsections 63B-18-401(2), (3), and (4);

(iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in Section 72-5-401;

(iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 minus the costs paid from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(e);

(v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the debt service on $30,000,000 of the revenue bonds issued by Salt Lake County;

(vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects prioritized in accordance with Section 72-2-125;

(vii) for fiscal year 2015-16 only, to transfer $25,000,000 to the County of the First Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described in Section 72-2-121;

(viii) if a political subdivision provides a contribution equal to or greater than 40% of the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved nonmotorized transportation for projects that:

(A) mitigate traffic congestion on the state highway system;

(B) are part of an active transportation plan approved by the department; and

(C) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(ix) $705,000,000 for the costs of right-of-way acquisition, construction, reconstruction, or renovation of or improvement to the following projects:

(A) the connector road between Main Street and 1600 North in the city of Vineyard;

(B) Geneva Road from University Parkway to 1800 South;

(C) the SR-97 interchange at 5600 South on I-15;

(D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to South Jordan Parkway;

(E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

(F) improvements to 1600 North in Orem from 1200 West to State Street;

(G) widening I-15 between mileposts 6 and 8;

(H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

(I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in Spanish Fork Canyon;

(J) I-15 northbound between mileposts 43 and 56;

(K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43 and 45.1;

(L) east Zion SR-9 improvements;

(M) Toquerville Parkway;

(N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

(O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for construction of an interchange on Bangerter Highway at 13400 South; and

(P) an environmental impact study for Kimball Junction in Summit County;

(x) $28,000,000 as pass-through funds, to be distributed as necessary to pay project costs based upon a statement of cash flow that the local jurisdiction where the project is located provides to the department demonstrating the need for money for the project, for the following projects in the following amounts:

(A) $5,000,000 for Payson Main Street repair and replacement;

(B) $8,000,000 for a Bluffdale 14600 South railroad bypass;

(C) $5,000,000 for improvements to 4700 South in Taylorsville; and

(D) $10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile markers 7 and 10;

(xi) $13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way acquisition, construction, reconstruction, or renovation to connect Fingerhut Road over the railroad and to U.S. Highway 6;

(xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from revenue deposited into the fund in accordance with Section 59-12-103, for the following projects:

(A) $3,000,000 for the department to perform an environmental study for the I-15 Salem and Benjamin project; and

(B) $2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand Dunes Road project; and

(xiii) for a fiscal year beginning on July 1, 2025, up to $300,000,000 for the costs of right-of-way acquisition and construction for improvements on SR-89 in a county

of the first class.

(b) The executive director may use fund money to exchange for an equal or greater amount of federal transportation funds to be used as provided in Subsection (4)(a).

(c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may not commence until a right-of-way not owned by a federal agency that is required for the realignment and extension of U-111, as described in the department's 2023 environmental study related to the project, is dedicated to the department.

(ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the project as described in Subsection (4)(c)(i) on or before October 1, 2024, the department may proceed with the project, except that the project will be limited to two lanes on U-111 from Herriman Parkway to 11800 South.

(5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a municipality as described in Subsection [~~10-9a-408(9)~~] 10-21-202(8), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the municipality until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (5) no longer applies to the municipality.

(b) Within the boundaries of a municipality described in Subsection (5)(a), the executive director:

(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility or interchange connecting limited-access facilities;

(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;

(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and

(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of

ineligibility for a county as described in Subsection [~~17-27a-408(9)~~] 17-80-202(8), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (6) no longer applies to the county.

(b) Within the boundaries of the unincorporated area of a county described in Subsection (6)(a), the executive director:

(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility to a project prioritized by the commission under Section 72-1-304;

(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;

(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and

(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in any fiscal year, the department and the commission shall appear before the Executive Appropriations Committee of the Legislature and present the amount of bond proceeds that the department needs to provide funding for the projects identified in Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

(b) The Executive Appropriations Committee of the Legislature shall review and comment on the amount of bond proceeds needed to fund the projects.

(8) The Division of Finance shall, from money deposited into the fund, transfer the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or sinking fund.

(9) The executive director may only use money in the fund for corridor preservation as described in Subsection (4)(a)(iii):

(a) if the project has been prioritized by the commission, including the use of fund money for corridor preservation; or

(b) for a project that has not been prioritized by the commission, if the commission:

(i) approves the use of fund money for the corridor preservation; and

(ii) finds that the use of fund money for corridor preservation will not result in any delay to a project that has been prioritized by the commission.

(10)(a) There is created in the Transportation Investment Fund of 2005 the Transit Transportation Investment Fund.

(b) The fund shall be funded by:

(i) contributions deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

(iii) deposits of sales and use tax increment related to a housing and transit reinvestment zone as described in Section 63N-3-610;

(iv) transfers of local option sales and use tax revenue as described in Subsection 59-12-2220(11)(b) or (c);

(v) private contributions; and

(vi) donations or grants from public or private entities.

(c)(i) The fund shall earn interest.

(ii) All interest earned on fund money shall be deposited into the fund.

(d) Subject to Subsection (10)(e), the commission may prioritize money from the fund:

(i) for public transit capital development of new capacity projects and fixed guideway capital development projects to be used as prioritized by the commission through the prioritization process adopted under Section 72-1-304;

(ii) to the department for oversight of a fixed guideway capital development project for which the department has responsibility; or

(iii) up to $500,000 per year, to be used for a public transit study.

(e)(i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize money from the fund for a public transit capital development project or pedestrian or nonmotorized transportation project that provides connection to the public transit system if the public transit district or political subdivision provides funds of equal to or greater than 30% of the costs needed for the project.

(ii) A public transit district or political subdivision may use money derived from a

loan granted [~~pursuant to~~] in accordance with Part 2, State Infrastructure Bank Fund, to provide all or part of the 30% requirement described in Subsection (10)(e)(i) if:

(A) the loan is approved by the commission as required inPart 2, State Infrastructure Bank Fund; and

(B) the proposed capital project has been prioritized by the commission pursuant to Section 72-1-303.

(f) Before July 1, 2022, the department and a large public transit district shall enter into an agreement for a large public transit district to pay the department $5,000,000 per year for 15 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and trainsets for regional public transit rail systems.

(g) For any revenue transferred into the fund [~~pursuant to~~] in accordance with Subsection 59-12-2220(11)(b):

(i) the commission may prioritize money from the fund for public transit projects, operations, or maintenance within the county of the first class; and

(ii) Subsection (10)(e) does not apply.

(h) For any revenue transferred into the fund [~~pursuant to~~] in accordance with Subsection 59-12-2220(11)(c):

(i) the commission may prioritize public transit projects, operations, or maintenance in the county from which the revenue was generated; and

(ii) Subsection (10)(e) does not apply.

(i) The requirement to provide funds equal to or greater than 30% of the costs needed for the project described in Subsection (10)(e) does not apply to a public transit capital development project or pedestrian or nonmotorized transportation project that the department proposes.

(j) In accordance with Part 4, Public Transit Innovation Grants, the commission may prioritize money from the fund for public transit innovation grants, as defined in Section 72-2-401, for public transit capital development projects requested by a political subdivision within a public transit district.

(11)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood Canyons Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

(iii) private contributions; and

(iv) donations or grants from public or private entities.

(c)(i) The fund shall earn interest.

(ii) All interest earned on fund money shall be deposited into the fund.

(d) The Legislature may appropriate money from the fund for public transit or transportation projects in the Cottonwood Canyons of Salt Lake County.

(e) The department may use up to 2% of the revenue deposited into the account under Subsection 59-12-103(7)(b) to contract with local governments as necessary for public safety enforcement related to the Cottonwood Canyons of Salt Lake County.

(f) Beginning with fiscal year beginning on July 1, 2025, the department shall use any sales and use tax growth over sales and use tax collections during the 2025 fiscal year to fund projects to provide ingress and egress for a public transit hub, including construction of the public transit hub, in the Big Cottonwood Canyon area.

(12)(a) There is created in the Transportation Investment Fund of 2005 the Active Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature; and

(iii) donations or grants from public or private entities.

(c)(i) The fund shall earn interest.

(ii) All interest earned on fund money shall be deposited into the fund.

(d) The executive director may only use fund money to pay the costs needed for:

(i) the planning, design, construction, maintenance, reconstruction, or renovation of paved pedestrian or paved nonmotorized trail projects that:

(A) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(B) serve a regional purpose; and

(C) are part of an active transportation plan approved by the department or the plan described in Subsection (12)(d)(ii);

(ii) the development of a plan for a statewide network of paved pedestrian or paved nonmotorized trails that serve a regional purpose; and

(iii) the administration of the fund, including staff and overhead costs.

(13)(a) As used in this Subsection (13), "commuter rail" means the same as that term is defined in Section 63N-3-602.

(b) There is created in the Transit Transportation Investment Fund the Commuter Rail Subaccount.

(c) The subaccount shall be funded by:

(i) contributions deposited into the subaccount in accordance with Section 59-12-103;

(ii) appropriations into the subaccount by the Legislature;

(iii) private contributions; and

(iv) donations or grants from public or private entities.

(d)(i) The subaccount shall earn interest.

(ii) All interest earned on money in the subaccount shall be deposited into the subaccount.

(e) As prioritized by the commission through the prioritization process adopted under Section 72-1-304 or as directed by the Legislature, the department may only use money from the subaccount for projects that improve the state's commuter rail infrastructure, including the building or improvement of grade-separated crossings between commuter rail lines and public highways.

(f) Appropriations made in accordance with this section are nonlapsing in accordance with Section 63J-1-602.1.

Section 216. Section **72-2-124** is amended to read:

72-2-124 (Effective 07/01/26). Transportation Investment Fund of 2005.

(1) There is created a capital projects fund entitled the Transportation Investment Fund of 2005.

(2) The fund consists of money generated from the following sources:

(a) any voluntary contributions received for the maintenance, construction, reconstruction, or renovation of state and federal highways;

(b) appropriations made to the fund by the Legislature;

(c) registration fees designated under Section 41-1a-1201;

(d) the sales and use tax revenues deposited into the fund in accordance with Section 59-12-103;

(e) revenues transferred to the fund in accordance with Section 72-2-106;

(f) revenues transferred into the fund in accordance with Subsection 72-2-121(4)(l); and

(g) revenue from bond proceeds described in Section 63B-34-201.

(3)(a) The fund shall earn interest.

(b) All interest earned on fund money shall be deposited into the fund.

(4)(a) Except as provided in Subsection (4)(b), the executive director may only use fund

money to pay:

(i) the costs of maintenance, construction, reconstruction, or renovation to state and federal highways prioritized by the Transportation Commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(ii) the costs of maintenance, construction, reconstruction, or renovation to the highway projects described in Subsections 63B-18-401(2), (3), and (4);

(iii) subject to Subsection (9), costs of corridor preservation, as that term is defined in Section 72-5-401;

(iv) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 minus the costs paid from the County of the First Class Highway Projects Fund in accordance with Subsection 72-2-121(4)(e);

(v) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the debt service on $30,000,000 of the revenue bonds issued by Salt Lake County;

(vi) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101 for projects prioritized in accordance with Section 72-2-125;

(vii) for fiscal year 2015-16 only, to transfer $25,000,000 to the County of the First Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described in Section 72-2-121;

(viii) if a political subdivision provides a contribution equal to or greater than 40% of the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved nonmotorized transportation for projects that:

(A) mitigate traffic congestion on the state highway system;

(B) are part of an active transportation plan approved by the department; and

(C) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(ix) $705,000,000 for the costs of right-of-way acquisition, construction, reconstruction, or renovation of or improvement to the following projects:

(A) the connector road between Main Street and 1600 North in the city of Vineyard;

(B) Geneva Road from University Parkway to 1800 South;

(C) the SR-97 interchange at 5600 South on I-15;

(D) subject to Subsection (4)(c), two lanes on U-111 from Herriman Parkway to South Jordan Parkway;

(E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

(F) improvements to 1600 North in Orem from 1200 West to State Street;

(G) widening I-15 between mileposts 6 and 8;

(H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;

(I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in Spanish Fork Canyon;

(J) I-15 northbound between mileposts 43 and 56;

(K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43 and 45.1;

(L) east Zion SR-9 improvements;

(M) Toquerville Parkway;

(N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;

(O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for construction of an interchange on Bangerter Highway at 13400 South; and

(P) an environmental impact study for Kimball Junction in Summit County;

(x) $28,000,000 as pass-through funds, to be distributed as necessary to pay project costs based upon a statement of cash flow that the local jurisdiction where the project is located provides to the department demonstrating the need for money for the project, for the following projects in the following amounts:

(A) $5,000,000 for Payson Main Street repair and replacement;

(B) $8,000,000 for a Bluffdale 14600 South railroad bypass;

(C) $5,000,000 for improvements to 4700 South in Taylorsville; and

(D) $10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40 between mile markers 7 and 10;

(xi) $13,000,000 as pass-through funds to Spanish Fork for the costs of right-of-way acquisition, construction, reconstruction, or renovation to connect Fingerhut Road over the railroad and to U.S. Highway 6;

(xii) for a fiscal year beginning on July 1, 2025, only, as pass-through funds from revenue deposited into the fund in accordance with Section 59-12-103, for the following projects:

(A) $3,000,000 for the department to perform an environmental study for the I-15

Salem and Benjamin project; and

(B) $2,000,000, as pass-through funds, to Kane County for the Coral Pink Sand Dunes Road project; and

(xiii) for a fiscal year beginning on July 1, 2025, up to $300,000,000 for the costs of right-of-way acquisition and construction for improvements on SR-89 in a county of the first class.

(b) The executive director may use fund money to exchange for an equal or greater amount of federal transportation funds to be used as provided in Subsection (4)(a).

(c)(i) Construction related to the project described in Subsection (4)(a)(ix)(D) may not commence until a right-of-way not owned by a federal agency that is required for the realignment and extension of U-111, as described in the department's 2023 environmental study related to the project, is dedicated to the department.

(ii) Notwithstanding Subsection (4)(c)(i), if a right-of-way is not dedicated for the project as described in Subsection (4)(c)(i) on or before October 1, 2024, the department may proceed with the project, except that the project will be limited to two lanes on U-111 from Herriman Parkway to 11800 South.

(5)(a) Except as provided in Subsection (5)(b), if the department receives a notice of ineligibility for a municipality as described in Subsection [~~10-9a-408(9)~~] 10-21-202(8), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the municipality until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (5) no longer applies to the municipality.

(b) Within the boundaries of a municipality described in Subsection (5)(a), the executive director:

(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility or interchange connecting limited-access facilities;

(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;

(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and

(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed

guideway public transportation project.

(c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(6)(a) Except as provided in Subsection (6)(b), if the department receives a notice of ineligibility for a county as described in Subsection [~~17-27a-408(9)~~] 17-80-202(8), the executive director may not program fund money to a project prioritized by the commission under Section 72-1-304, including fund money from the Transit Transportation Investment Fund, within the boundaries of the unincorporated area of the county until the department receives notification from the Housing and Community Development Division within the Department of Workforce Services that ineligibility under this Subsection (6) no longer applies to the county.

(b) Within the boundaries of the unincorporated area of a county described in Subsection (6)(a), the executive director:

(i) may program fund money in accordance with Subsection (4)(a) for a limited-access facility to a project prioritized by the commission under Section 72-1-304;

(ii) may not program fund money for the construction, reconstruction, or renovation of an interchange on a limited-access facility;

(iii) may program Transit Transportation Investment Fund money for a multi-community fixed guideway public transportation project; and

(iv) may not program Transit Transportation Investment Fund money for the construction, reconstruction, or renovation of a station that is part of a fixed guideway public transportation project.

(c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive director before July 1, 2022, for projects prioritized by the commission under Section 72-1-304.

(7)(a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued in any fiscal year, the department and the commission shall appear before the Executive Appropriations Committee of the Legislature and present the amount of bond proceeds that the department needs to provide funding for the projects identified in Subsections 63B-18-401(2), (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

(b) The Executive Appropriations Committee of the Legislature shall review and

comment on the amount of bond proceeds needed to fund the projects.

(8) The Division of Finance shall, from money deposited into the fund, transfer the amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or sinking fund.

(9) The executive director may only use money in the fund for corridor preservation as described in Subsection (4)(a)(iii):

(a) if the project has been prioritized by the commission, including the use of fund money for corridor preservation; or

(b) for a project that has not been prioritized by the commission, if the commission:

(i) approves the use of fund money for the corridor preservation; and

(ii) finds that the use of fund money for corridor preservation will not result in any delay to a project that has been prioritized by the commission.

(10)(a) There is created in the Transportation Investment Fund of 2005 the Transit Transportation Investment Fund.

(b) The fund shall be funded by:

(i) contributions deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

(iii) deposits of sales and use tax increment related to a housing and transit reinvestment zone as described in Section 63N-3-610;

(iv) transfers of local option sales and use tax revenue as described in Subsection 59-12-2220(11)(b) or (c);

(v) private contributions; and

(vi) donations or grants from public or private entities.

(c)(i) The fund shall earn interest.

(ii) All interest earned on fund money shall be deposited into the fund.

(d) Subject to Subsection (10)(e), the commission may prioritize money from the fund:

(i) for public transit capital development of new capacity projects and fixed guideway capital development projects to be used as prioritized by the commission through the prioritization process adopted under Section 72-1-304;

(ii) to the department for oversight of a fixed guideway capital development project for which the department has responsibility; or

(iii) up to $500,000 per year, to be used for a public transit study.

(e)(i) Subject to Subsections (10)(g), (h), and (i), the commission may only prioritize

money from the fund for a public transit capital development project or pedestrian or nonmotorized transportation project that provides connection to the public transit system if the public transit district or political subdivision provides funds of equal to or greater than 30% of the costs needed for the project.

(ii) A public transit district or political subdivision may use money derived from a loan granted [~~pursuant to~~] in accordance with Part 2, State Infrastructure Bank Fund, to provide all or part of the 30% requirement described in Subsection (10)(e)(i) if:

(A) the loan is approved by the commission as required in Part 2, State Infrastructure Bank Fund; and

(B) the proposed capital project has been prioritized by the commission pursuant to Section 72-1-303.

(f) Before July 1, 2022, the department and a large public transit district shall enter into an agreement for a large public transit district to pay the department $5,000,000 per year for 15 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and trainsets for regional public transit rail systems.

(g) For any revenue transferred into the fund [~~pursuant to~~] in accordance with Subsection 59-12-2220(11)(b):

(i) the commission may prioritize money from the fund for public transit projects, operations, or maintenance within the county of the first class; and

(ii) Subsection (10)(e) does not apply.

(h) For any revenue transferred into the fund [~~pursuant to~~] in accordance with Subsection 59-12-2220(11)(c):

(i) the commission may prioritize public transit projects, operations, or maintenance in the county from which the revenue was generated; and

(ii) Subsection (10)(e) does not apply.

(i) The requirement to provide funds equal to or greater than 30% of the costs needed for the project described in Subsection (10)(e) does not apply to a public transit capital development project or pedestrian or nonmotorized transportation project that the department proposes.

(j) In accordance with Part 4, Public Transit Innovation Grants, the commission may prioritize money from the fund for public transit innovation grants, as defined in Section 72-2-401, for public transit capital development projects requested by a political subdivision within a public transit district.

(11)(a) There is created in the Transportation Investment Fund of 2005 the Cottonwood Canyons Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature;

(iii) private contributions; and

(iv) donations or grants from public or private entities.

(c)(i) The fund shall earn interest.

(ii) All interest earned on fund money shall be deposited into the fund.

(d) The Legislature may appropriate money from the fund for public transit or transportation projects in the Cottonwood Canyons of Salt Lake County.

(e) The department may use up to 2% of the revenue deposited into the account under Subsection 59-12-103(4)(f) to contract with local governments as necessary for public safety enforcement related to the Cottonwood Canyons of Salt Lake County.

(f) Beginning with fiscal year beginning on July 1, 2025, the department shall use any sales and use tax growth over sales and use tax collections during the 2025 fiscal year to fund projects to provide ingress and egress for a public transit hub, including construction of the public transit hub, in the Big Cottonwood Canyon area.

(12)(a) There is created in the Transportation Investment Fund of 2005 the Active Transportation Investment Fund.

(b) The fund shall be funded by:

(i) money deposited into the fund in accordance with Section 59-12-103;

(ii) appropriations into the account by the Legislature; and

(iii) donations or grants from public or private entities.

(c)(i) The fund shall earn interest.

(ii) All interest earned on fund money shall be deposited into the fund.

(d) The executive director may only use fund money to pay the costs needed for:

(i) the planning, design, construction, maintenance, reconstruction, or renovation of paved pedestrian or paved nonmotorized trail projects that:

(A) are prioritized by the commission through the prioritization process for new transportation capacity projects adopted under Section 72-1-304;

(B) serve a regional purpose; and

(C) are part of an active transportation plan approved by the department or the plan described in Subsection (12)(d)(ii);

(ii) the development of a plan for a statewide network of paved pedestrian or paved nonmotorized trails that serve a regional purpose; and

(iii) the administration of the fund, including staff and overhead costs.

(13)(a) As used in this Subsection (13), "commuter rail" means the same as that term is defined in Section 63N-3-602.

(b) There is created in the Transit Transportation Investment Fund the Commuter Rail Subaccount.

(c) The subaccount shall be funded by:

(i) contributions deposited into the subaccount in accordance with Section 59-12-103;

(ii) appropriations into the subaccount by the Legislature;

(iii) private contributions; and

(iv) donations or grants from public or private entities.

(d)(i) The subaccount shall earn interest.

(ii) All interest earned on money in the subaccount shall be deposited into the subaccount.

(e) As prioritized by the commission through the prioritization process adopted under Section 72-1-304 or as directed by the Legislature, the department may only use money from the subaccount for projects that improve the state's commuter rail infrastructure, including the building or improvement of grade-separated crossings between commuter rail lines and public highways.

(f) Appropriations made in accordance with this section are nonlapsing in accordance with Section 63J-1-602.1.

Section 217. Section **72-5-117** is amended to read:

72-5-117 (Effective 11/06/25). Rulemaking for sale of real property -- Licensed or certified appraisers -- Exceptions.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if the department buys, sells, or exchanges real property, the department shall make rules to ensure that the value of the real property is congruent with the proposed price and other terms of the purchase, sale, or exchange.

(2) The rules:

(a) shall establish procedures for determining the value of the real property;

(b) may provide that an appraisal, as defined under Section 61-2g-102, demonstrates the real property's value;

(c) may require that the appraisal be completed by a state-certified general appraiser, as

defined under Section 61-2g-102;

(d) may provide for the sale or exchange of real property, with or without charge, to a large public transit district if the executive director enters into an agreement with the large public transit district and determines that the real property:

(i) is within the boundaries of a station area that has a station area plan certified by a metropolitan planning organization in accordance with Section [~~10-9a-403.1~~] 10-21-203;

(ii) is part of a transit-oriented development or transit-supportive development as defined in Section 17B-2a-802;

(iii) is adjacent to a completed fixed guideway capital development that was overseen by the department; or

(iv) will only be used by the large public transit district in a manner that the executive director determines will provide a benefit to the state transportation system; and

(e) may provide for a sale of surplus real property to a state agency or an independent entity, as defined in Section 63E-1-102, that administers public interests in housing for a pre-entitlement appraised value the payment of which may be deferred until after the development of owner-occupied housing.

(3) Subsection (1) does not apply to the purchase, sale, or exchange of real property, or to an interest in real property:

(a) that is under a contract or other written agreement before May 5, 2008; or

(b) with a value of less than $100,000, as estimated by the state agency.

Section 218. Section **72-5-401** is amended to read:

72-5-401 (Effective 11/06/25). Definitions.

As used in this part:

(1) "Corridor preservation" means planning or acquisition processes intended to:

(a) protect or enhance the capacity of existing transportation corridors; and

(b) protect the availability of proposed transportation corridors in advance of the need for and the actual commencement of the transportation facility construction.

(2) "Development" means:

(a) the subdividing of land;

(b) the construction of improvements, expansions, or additions; or

(c) any other action that will appreciably increase the value of and the future acquisition cost of land.

(3) "Official map" means a map, drawn by government authorities and recorded in county

recording offices 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) for counties and municipalities may be adopted as an element of the general plan, [~~pursuant to~~] in accordance with [~~Title 17, Chapter 27a, Part 4, General Plan~~] Title 17, Chapter 79, Part 4, General Plan, or [~~Title 10, Chapter 9a, Part 4, General Plan~~] Title 10, Chapter 20, Part 4, General Plan.

(4) "Taking" means an act or regulation, either by exercise of eminent domain or other police power, whereby a government entity puts private property to public use or restrains use of private property for public purposes, and that requires compensation to be paid to private property owners.

Section 219. Section **72-5-403** is amended to read:

72-5-403 (Effective 11/06/25). Transportation corridor preservation powers.

(1) The department, counties, and municipalities may:

(a) act in cooperation with one another and other government entities to promote planning for and enhance the preservation of transportation corridors and to more effectively use the money available in the Marda Dillree Corridor Preservation Fund created in Section 72-2-117;

(b) undertake transportation corridor planning, review, and preservation processes; and

(c) acquire fee simple rights and other rights of less than fee simple, including easement and development rights, or the rights to limit development, including rights in alternative transportation corridors, and to make these acquisitions up to a projected 40 years in advance of using those rights in actual transportation facility construction.

(2) In addition to the powers described under Subsection (1), counties and municipalities may:

(a) limit development for transportation corridor preservation by land use regulation and by official maps; and

(b) by ordinance prescribe procedures for approving limited development in transportation corridors until the time transportation facility construction begins.

(3)(a) The department shall identify and the commission shall approve transportation corridors as high priority transportation corridors for transportation corridor

preservation.

(b) The department shall notify a county or municipality if the county or municipality has land within its boundaries that is located within the boundaries of a high priority transportation corridor.

(c) The department may, on a voluntary basis, acquire private property rights within the boundaries of a high priority transportation corridor for which a notification has been received in accordance with Section [~~10-9a-206~~] 10-20-206 or [~~17-27a-206~~] 17-79-206.

Section 220. Section **72-7-502** is amended to read:

72-7-502 (Effective 11/06/25). Definitions.

As used in this part:

(1) "Clearly visible" means capable of being read without obstruction by an occupant of a vehicle traveling on the main traveled way of a street or highway within the visibility area.

(2) "Commercial or industrial activities" means those activities generally recognized as commercial or industrial by zoning authorities in this state, except that none of the following are commercial or industrial activities:

(a) agricultural, forestry, grazing, farming, and related activities, including wayside fresh produce stands;

(b) transient or temporary activities;

(c) activities not visible from the main-traveled way;

(d) activities conducted in a building principally used as a residence; and

(e) railroad tracks and minor sidings.

(3)(a) "Commercial or industrial zone" means only:

(i) those areas within the boundaries of cities or towns that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;

(ii) those areas within the boundaries of urbanized counties that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations;

(iii) those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns that:

(A) are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under comprehensive local zoning ordinances or regulations or enabling state legislation; and

(B) are within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way; or

(iv) those areas outside the boundaries of urbanized counties and outside the boundaries of cities and towns and not within 8420 feet of an interstate highway exit, off-ramp, or turnoff as measured from the nearest point of the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way that are reserved for business, commerce, or trade under enabling state legislation or comprehensive local zoning ordinances or regulations, and are actually used for commercial or industrial purposes.

(b) "Commercial or industrial zone" does not mean areas zoned for the sole purpose of allowing outdoor advertising.

(4)(a) "Comprehensive local zoning ordinances or regulations" means a municipality's [~~comprehensive~~] general plan required by Section [~~10-9a-401~~] 10-20-401, the municipal zoning [~~plan~~] regulations authorized by Section [~~10-9a-501~~] 10-20-501, [~~and~~]the county [~~master~~] general plan authorized by [~~Sections 17-27a-401~~] Section 17-79-401, and [~~17-27a-501~~] county zoning regulations authorized by Section 17-79-501.

(b) Property that is rezoned by comprehensive local zoning ordinances or regulations is rebuttably presumed to have not been zoned for the sole purpose of allowing outdoor advertising.

(5) "Contiguous" means that a portion of one parcel of land is situated immediately adjacent to, and shares a common boundary with, a portion of another parcel of land.

(6) "Controlled route" means any route where outdoor advertising control is mandated by state or federal law, including under this part and under the Utah-Federal Agreements described in Section 72-7-501.

(7) "Directional signs" means signs containing information about public places owned or operated by federal, state, or local governments or their agencies, publicly or privately owned natural phenomena, historic, cultural, scientific, educational, or religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, that the department considers to be in the interest of the traveling public.

(8)(a) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being.

(b) "Erect" does not include any activities defined in Subsection (8)(a) if they are

performed incident to the change of an advertising message or customary maintenance of a sign.

(9) "Highway service zone" means a highway service area where the primary use of the land is used or reserved for commercial and roadside services other than outdoor advertising to serve the traveling public.

(10) "Information center" means an area or site established and maintained at rest areas for the purpose of informing the public of:

(a) places of interest within the state; or

(b) any other information that the department considers desirable.

(11) "Interchange or intersection" means those areas and their approaches where traffic is channeled off or onto an interstate route, excluding the deceleration lanes, acceleration lanes, or feeder systems, from or to another federal, state, county, city, or other route.

(12) "Maintain" means to allow to exist, subject to the provisions of this chapter.

(13) "Maintenance" means to repair, refurbish, repaint, or otherwise keep an existing sign structure safe and in a state suitable for use, including signs destroyed by vandalism or an act of God.

(14) "Main-traveled way" means the through traffic lanes, including auxiliary lanes, acceleration lanes, deceleration lanes, and feeder systems, exclusive of frontage roads and ramps. For a divided highway, there is a separate main-traveled way for the traffic in each direction.

(15) "Major sponsor" means a sponsor of a public assembly facility or of a team or event held at the facility where the amount paid by the sponsor to the owner of the facility, to the team, or for the event is at least $100,000 per year.

(16) "Official signs and notices" means signs and notices erected and maintained by public agencies within their territorial or zoning jurisdictions for the purpose of carrying out official duties or responsibilities in accordance with direction or authorization contained in federal, state, or local law.

(17) "Off-premise sign" means a sign located in an area zoned industrial, commercial, or H-1 and in an area determined by the department to be unzoned industrial or commercial that advertises an activity, service, event, person, or product located on premises other than the premises on which the sign is located.

(18) "On-premise sign" means a sign used to advertise the sale or lease of, or activities conducted on, the property on which the sign is located.

(19) "Outdoor advertising" means any outdoor advertising structure or outdoor structure

used in combination with an outdoor advertising sign or outdoor sign within the outdoor advertising corridor which is visible from a place on the main-traveled way of a controlled route.

(20) "Outdoor advertising corridor" means a strip of land 660 feet wide, measured perpendicular from the edge of a controlled highway right-of-way.

(21) "Outdoor advertising structure" or "outdoor structure" means any sign structure, including any necessary devices, supports, appurtenances, and lighting that is part of or supports an outdoor sign.

(22) "Point of widening" means the point of the gore or the point where the intersecting lane begins to parallel the other lanes of traffic, but the point of widening may never be greater than 2,640 feet from the center line of the intersecting highway of the interchange or intersection at grade.

(23) "Public assembly facility" means a convention facility as defined under Section 59-12-602 that:

(a) includes all contiguous interests in land, improvements, and utilities acquired, constructed, and used in connection with the operation of the public assembly facility, whether the interests are owned or held in fee title or a lease or easement for a term of at least 40 years, and regardless of whether the interests are owned or operated by separate governmental authorities or districts;

(b) is wholly or partially funded by public money;

(c) requires a person attending an event at the public assembly facility to purchase a ticket or that otherwise charges for the use of the public assembly facility as part of its regular operation; and

(d) has a minimum and permanent seating capacity of at least 10,000 people.

(24) "Public assembly facility sign" means a sign located on a public assembly facility that only advertises the public assembly facility, major sponsors, events, the sponsors of events held or teams playing at the facility, and products sold or services conducted at the facility.

(25) "Relocation" includes the removal of a sign from one situs together with the erection of a new sign upon another situs in a commercial or industrial zoned area as a substitute.

(26) "Relocation and replacement" means allowing all outdoor advertising signs or permits the right to maintain outdoor advertising along the interstate, federal aid primary highway existing as of June 1, 1991, and national highway system highways to be maintained in a commercial or industrial zoned area to accommodate the displacement,

remodeling, or widening of the highway systems.

(27) "Remodel" means the upgrading, changing, alteration, refurbishment, modification, or complete substitution of a new outdoor advertising structure for one permitted pursuant to this part and that is located in a commercial or industrial area.

(28) "Rest area" means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control for the convenience of the traveling public.

(29) "Scenic or natural area" means an area determined by the department to have aesthetic value.

(30) "Traveled way" means that portion of the roadway used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

(31)(a) "Unzoned commercial or industrial area" means:

(i) those areas not zoned by state law or local law, regulation, or ordinance that are occupied by one or more industrial or commercial activities other than outdoor advertising signs;

(ii) the lands along the highway for a distance of 600 feet immediately adjacent to those activities; and

(iii) lands covering the same dimensions that are directly opposite those activities on the other side of the highway, if the department determines that those lands on the opposite side of the highway do not have scenic or aesthetic value.

(b) In measuring the scope of the unzoned commercial or industrial area, all measurements shall be made from the outer edge of the regularly used buildings, parking lots, storage, or processing areas of the activities and shall be along or parallel to the edge of pavement of the highway.

(c) All signs located within an unzoned commercial or industrial area become nonconforming if the commercial or industrial activity used in defining the area ceases for a continuous period of 12 months.

(32) "Urbanized county" means a county with a population of at least 125,000 persons.

(33) "Visibility area" means the area on a street or highway that is:

(a) defined at one end by a line extending from the base of the billboard across all lanes of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

(b) defined on the other end by a line extending across all lanes of traffic of the street or highway in a plane that is:

(i) perpendicular to the street or highway; and

(ii) 500 feet from the base of the billboard.

Section 221. Section **72-7-510.5** is amended to read:

72-7-510.5 (Effective 11/06/25). Height adjustments for outdoor advertising signs.

(1) If the view and readability of an outdoor advertising sign, including a sign that is a nonconforming sign as defined in Section 72-7-510, a noncomplying structure as defined in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102, or a nonconforming use as defined in Sections [~~10-9a-103~~] 10-20-102 and [~~17-27a-103~~] 17-79-102 is obstructed due to a noise abatement or safety measure, grade change, construction, directional sign, highway widening, or aesthetic improvement made by an agency of this state, along an interstate, federal aid primary highway existing as of June 1, 1991, national highway systems highway, or state highway or by an improvement created on real property subsequent to the department's disposal of the property under Section 72-5-111, the owner of the sign may:

(a) adjust the height of the sign;

(b) if the sign is located along an interstate, federal aid primary highway existing as of June 1, 1991, or national highway systems highway, relocate the sign to either side of the same highway, within the same municipality or unincorporated county, if the sign complies with the spacing requirements under Section 72-7-505 and is in a commercial or industrial zone;

(c) if the sign is located along a state highway, relocate the sign to either side of the same highway, within the same municipality or unincorporated county, to a point within one mile of the sign's prior location, if the sign complies with the spacing requirements under Section 72-7-505 and is located in a commercial or industrial zone; or

(d) relocate the sign to a location that is mutually agreed upon by the owner and:

(i) the same municipality or unincorporated county in which the obstructed sign is located; or

(ii) any other municipality or unincorporated county.

(2) A height adjusted sign under this section does not constitute a substantial change to the sign.

(3) The county or municipality in which the obstructed sign is located or is to be relocated shall, if necessary, provide for the height adjustment or relocation by ordinance for a special exception to its zoning ordinance.

(4)(a) The height adjusted sign:

(i) may be erected:

(A) to a height to make the entire advertising content of the sign clearly visible; and

(B) to an angle to make the entire advertising content of the sign clearly visible; and

(ii) shall be the same size as the previous sign.

(b) The provisions of Subsection (4)(a) are an exception to the height requirements under Section 72-7-505.

Section 222. Section **72-10-403** is amended to read:

72-10-403 (Effective 11/06/25). Airport zoning regulations.

(1) Flight of aircraft over the lands and waters of the state is lawful, unless:

(a) at such a low altitude as to interfere with the existing use to which the owner has put the land, water, or the airspace over the land or water; or

(b) so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath.

(2) In order to prevent the creation or establishment of airport hazards, each political subdivision located within an airport influence area, shall adopt, administer, and enforce land use regulations for the airport influence area, including an airport overlay zone, under the police power and in the manner and upon the conditions prescribed:

(a) in this part;

(b) [~~Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act~~] Title 10, Chapter 20, Municipal Land Use, Development, and Management Act; and

(c) [~~Title 17, Chapter 27a, County Land Use, Development, and Management Act~~] Title 17, Chapter 79, County Land Use, Development, and Management Act.

(3)(a) Each political subdivision located within an airport influence area shall notify a person building on or developing land in an airport influence area, in writing, of aircraft overflights and associated noise.

(b) To promote the safe and efficient operation of the airport, a political subdivision located within an airport influence area:

(i) shall:

(A) adopt an airport overlay zone conforming to the requirements of this chapter and 14 C.F.R. Part 77; and

(B) require any proposed development within an airport influence area to conform

with 14 C.F.R. Part 77; and

(ii) may, as a condition to granting a building permit, subdivision plat, or a requested zoning change within an airport influence area, require a person building or developing land to grant or sell to the airport owner, at appraised fair market value, an avigation easement.

(4) If a political subdivision located within an airport influence area fails to adopt an airport overlay zone by December 31, 2024, then the following requirements shall apply in an airport influence area:

(a) each political subdivision located within an airport influence area shall notify a person building on or developing land within an airport influence area, in writing, of aircraft overflights and associated noise;

(b) as a condition to granting a building permit, subdivision plat, or a requested zoning change within an airport influence area, require the person building or developing land to grant or sell to the airport owner, at appraised fair market value, an avigation easement; and

(c) require a person building or developing land within an airport influence area conform to the requirements of this chapter and 14 C.F.R. Part 77.

Section 223. Section **73-1-8** is amended to read:

73-1-8 (Effective 11/06/25). Duties of owners or operators -- Bridges and trails -- Liability.

(1) As used in this section:

(a) "Water facility" means a dam, pipeline, culvert, flume, conduit, ditch, head gate, canal, reservoir, spring box, well, meter, weir, valve, casing, cap, or other facility used for the diversion, transportation, distribution, measurement, collection, containment, or storage of irrigation water.

(b) "Water facility" does not mean a facility used primarily as part of a:

(i) public water system as defined in Section 19-4-102; or

(ii) residential irrigation system.

(2) An owner or operator of a water facility shall:

(a) maintain the water facility to prevent waste of water, damage to property, or injury to others; and

(b) by bridge or otherwise, keep the water facility in good repair where the water facility crosses a public road or highway to prevent obstruction to travel or damage or overflow on the public road or highway.

(3) Subsection (2)(b) does not apply where a governmental entity maintains or elects to maintain a bridge or other device to prevent obstruction to travel or damage or overflow on the public road or highway.

(4) In addition to immunity if the conditions of Title 57, Chapter 14, Limitations on Landowner Liability, are met, an owner or operator of a water facility, stream, or river, is immune from suit if:

(a) the damage or personal injury arises out of, is in connection with, or results from the use of a trail that is located along a water facility, stream, or river, regardless of ownership or operation of the water facility, stream, or river;

(b) the trail is designated under a general plan adopted by a municipality under Section [~~10-9a-401~~] 10-20-401 or by a county under Section [~~17-27a-401~~] 17-79-401;

(c) the trail right-of-way or the right-of-way where the trail is located is open to public use as evidenced by a written agreement between the owner or operator of the trail right-of-way, or of the right-of-way where the trail is located, and the municipality or county where the trail is located; and

(d) the written agreement:

(i) contains a plan for operation and maintenance of the trail; and

(ii) provides that an owner or operator of the trail right-of-way, or of the right-of-way where the trail is located has, at minimum, the same level of immunity from suit as the governmental entity in connection with or resulting from use of the trail.

(5)(a) The duty under Subsection (2) requires only reasonable and ordinary care and may not be construed to impose strict liability or to otherwise increase the liability of the owner or operator of a water facility.

(b) An owner or operator of a water facility is not liable for damage or injury caused by:

(i) the diversion or discharge of water or another substance into the water facility by a third party beyond the control of the owner or operator of the water facility, including control exercised by the owner's or operator's employees or agents;

(ii) any other act or omission of a third party that is beyond the control of the owner or operator of the water facility, including control exercised by the owner's or operator's employees or agents; or

(iii) an act of God, including fire, earthquake, storm, flash floods, or similar natural occurrences.

(6) This section may not be interpreted to impair a defense that an owner or operator of a water facility may assert in a civil action.

Section 224. Section **73-10-36** is amended to read:

73-10-36 (Effective 11/06/25). Division to provide technical assistance in local government planning.

(1) As used in this section:

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

(b) "General plan":

(i) for a municipality, means the same as that term is defined in Section [~~10-9a-103~~] 10-20-102; and

(ii) for a county, means the same as that term is defined in Section [~~17-27a-103~~] 17-79-102.

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

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

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

(3) When consulted by a local government for information and technical resources regarding regional water conservation goals under Subsection [~~10-9a-403(2)(f)(vi)~~] 10-20-404(2)(d) or [~~17-27a-403(2)(e)(ii)~~] 17-79-403(2)(c), the division may seek input from the appropriate watershed council or councils.

Section 225. Section **73-10c-11** is amended to read:

73-10c-11 (Effective 11/06/25). Actions related to coordination of growth and conservation planning.

(1)(a) The council shall identify how different agencies may work together to assist the following in coordinating growth and conservation planning related to water:

(i) municipalities, as defined in Section 10-1-104;

(ii) counties;

(iii) water conservancy districts, as defined in Section 17B-1-102; and

(iv) public water systems, as defined in Section 19-4-102.

(b) To comply with Subsection (1)(a), the council shall consider Sections [~~10-9a-403~~] 10-20-404, [~~17-27a-403~~] 17-79-403, 19-4-114, and 73-10-32.

(2) The council shall identify incentives that are most effective to help the entities described in Subsection (1) to, where feasible:

(a) develop and implement conservation plans; and

(b) regionalize water systems.

Section 226. Section **78B-6-1101** is amended to read:

78B-6-1101 (Effective 11/06/25). Definitions -- Nuisance -- Agriculture operations.

(1) As used in this part:

(a) "Controlled substance" means the same as that term is defined in Section 58-37-2.

(b) "Critical infrastructure materials operations" means the same as the term "critical infrastructure materials use" is defined in Section [~~10-9a-901~~] 10-20-701.

(c) "Manufacturing facility" means a factory, plant, or other facility including its appurtenances, where the form of raw materials, processed materials, commodities, or other physical objects is converted or otherwise changed into other materials, commodities, or physical objects or where such materials, commodities, or physical objects are combined to form a new material, commodity, or physical object.

(d) "Nuisance" means anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

(e)(i) "Possession or use" means the joint or individual ownership, control, occupancy, holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection, or consumption, as distinguished from distribution, of a controlled substance, and includes individual, joint, or group possession or use of a controlled substance.

(ii) For a person to be a possessor or user of a controlled substance, it is not required that the person be shown to have individually possessed, used, or controlled the substance, but it is sufficient if it is shown that the person jointly participated with one or more persons in the use, possession, or control of a controlled substance with knowledge that the activity was occurring, or the controlled substance is found in a place or under circumstances indicating that the person had the ability and the intent to exercise dominion and control over it.

(2) A nuisance may be the subject of an action.

(3) A nuisance may include the following:

(a) drug houses and drug dealing as provided in Section 78B-6-1107;

(b) gambling as provided in Title 76, Chapter 9, Part 14, Gambling;

(c) criminal activity committed in concert with two or more individuals as provided in Section 76-3-203.1;

(d) criminal activity committed for the benefit of, at the direction of, or in association

with any criminal street gang as defined in Section 76-9-802;

(e) criminal activity committed to gain recognition, acceptance, membership, or increased status with a criminal street gang as defined in Section 76-9-802;

(f) party houses that frequently create conditions defined in Subsection (1)(d);

(g) prostitution as provided in Title 76, Chapter 5d, Prostitution; or

(h) the unlawful discharge of a firearm as provided in state or local law.

(4) A nuisance under this part includes:

(a) tobacco smoke that drifts into a residential unit a person rents, leases, or owns, from another residential or commercial unit and the smoke:

(i) drifts in more than once in each of two or more consecutive seven-day periods; and

(ii) creates any of the conditions described in Subsection (1)(d); or

(b) fumes resulting from the unlawful manufacturing or the unlawful possession or use of a controlled substance that drift into a residential unit a person rents, leases, or owns, from another residential or commercial unit.

(5) Subsection (4)(a) does not apply to:

(a) a residential rental unit available for temporary rental, such as for a vacation, or available for only 30 or fewer days at a time; or

(b) a hotel or motel room.

(6) Subsection (4)(a) does not apply to a unit that is part of a timeshare development, as defined in Section 57-19-2, or subject to a timeshare interest as defined in Section 57-19-2.

(7) An action for nuisance against an agricultural operation is governed by Title 4, Chapter 44, Agricultural Operations Nuisances Act.

Section 227. Section **79-3-202** is amended to read:

79-3-202 (Effective 11/06/25). Powers and duties of survey.

(1) The survey shall:

(a) assist and advise state and local agencies and state educational institutions on geologic, paleontologic, and mineralogic subjects;

(b) collect and distribute reliable information regarding the mineral industry and mineral resources, topography, paleontology, and geology of the state;

(c) survey the geology of the state, including mineral occurrences and the ores of metals, energy resources, industrial minerals and rocks, mineral-bearing waters, and surface and ground water resources, with special reference to their economic contents, values, uses, kind, and availability in order to facilitate their economic use;

(d) investigate the kind, amount, and availability of mineral substances contained in lands owned and controlled by the state, to contribute to the most effective and beneficial administration of these lands for the state;

(e) determine and investigate areas of geologic and topographic hazards that could affect the safety of, or cause economic loss to, the citizens of the state;

(f) assist local and state agencies in their planning, zoning, and building regulation functions by publishing maps, delineating appropriately wide special earthquake risk areas, and, at the request of state agencies or other governmental agencies, review the siting of critical facilities;

(g) cooperate with state agencies, political subdivisions of the state, quasi-governmental agencies, federal agencies, schools of higher education, and others in fields of mutual concern, which may include field investigations and preparation, publication, and distribution of reports and maps;

(h) collect and preserve data pertaining to mineral resource exploration and development programs and construction activities, such as claim maps, location of drill holes, location of surface and underground workings, geologic plans and sections, drill logs, and assay and sample maps, including the maintenance of a sample library of cores and cuttings;

(i) study and analyze other scientific, economic, or aesthetic problems as, in the judgment of the board, should be undertaken by the survey to serve the needs of the state and to support the development of natural resources and utilization of lands within the state;

(j) prepare, publish, distribute, and sell maps, reports, and bulletins, embodying the work accomplished by the survey, directly or in collaboration with others, and collect and prepare exhibits of the geological and mineral resources of this state and interpret their significance;

(k) collect, maintain, and preserve data and information in order to accomplish the purposes of this section and act as a repository for information concerning the geology of this state;

(l) stimulate research, study, and activities in the field of paleontology;

(m) mark, protect, and preserve critical paleontological sites;

(n) collect, preserve, and administer critical paleontological specimens until the specimens are placed in a repository or curation facility;

(o) administer critical paleontological site excavation records;

(p) edit and publish critical paleontological records and reports; and

(q) collect the land use permits described in Sections [~~10-9a-521~~] 10-20-611 and [~~17-27a-520~~] 17-79-608.

(2)(a) The survey may maintain as confidential, and not as a public record, information provided to the survey by any source.

(b) The board shall adopt rules in order to determine whether to accept the information described in Subsection (2)(a) and to maintain the confidentiality of the accepted information.

(c) The survey shall maintain information received from any source at the level of confidentiality assigned to it by the source.

(3) Upon approval of the board, the survey shall undertake other activities consistent with Subsection (1).

(4)(a) Subject to the authority granted to the department, the survey may enter into cooperative agreements with the entities specified in Subsection (1)(g), if approved by the board, and may accept or commit allocated or budgeted funds in connection with those agreements.

(b) The survey may undertake joint projects with private entities if:

(i) the action is approved by the board;

(ii) the projects are not inconsistent with the state's objectives; and

(iii) the results of the projects are available to the public.

Section 228. **Repealer.**

This bill repeals:

Section **10-9a-101, Title.**

Section 229. **Effective Date.**

(1) Except as provided in Subsections (2) and (3), this bill takes effect:

(a) except as provided in Subsection (1)(b), December 6, 2025; or

(b) if approved by two-thirds of all members elected to each house, the later of:

(i) November 6, 2025;

(ii) upon approval by the governor;

(iii) without the governor's approval, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or

(iv) with the governor's veto and a vote of the Legislature to override the veto, the date of veto override.

(2) The actions affecting the following sections take effect on January 1, 2026:

(a) Section 15A-1-105(Effective 01/01/26);

(b) Section 59-2-924(Effective 01/01/26); and

(c) Section 63G-7-201(Effective 01/01/26).

(3) The actions affecting Section 72-2-124 (Effective 07/01/26) take effect on July 1, 2026.