

**Representative Gay Lynn Bennion** proposes the following substitute bill:

**RIPARIAN AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gay Lynn Bennion**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to general plans and riparian areas.

**Highlighted Provisions:**

This bill:

- ▶ revises definition provisions;
- ▶ permits a riparian area element to be part of a municipal general plan and to align with elements of a county general plan;
- ▶ provides for technical assistance from the Division of Water Resources (division);
- ▶ directs the appointment of a state position related to riparian areas with a sunset date on the position;
- ▶ directs the creation of a repository where geographic layers useful for delineating riparian areas can be publicly accessed;
- ▶ requires the division to create a program to recognize local government efforts related to riparian areas; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **10-9a-103**, as last amended by Laws of Utah 2023, Chapters 16, 327 and 478

30 **10-9a-403**, as last amended by Laws of Utah 2023, Chapters 88, 219 and 238

31 **17-27a-103**, as last amended by Laws of Utah 2023, Chapters 15, 327 and 478

32 **17-27a-401**, as last amended by Laws of Utah 2023, Chapters 34, 88

33 **17-27a-403**, as last amended by Laws of Utah 2023, Chapters 88, 238

34 **63I-1-273**, as last amended by Laws of Utah 2023, Chapters 205, 261

35 **73-10-36**, as last amended by Laws of Utah 2023, Chapter 238



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

38 Section 1. Section **10-9a-103** is amended to read:

39 **10-9a-103. Definitions.**

40 As used in this chapter:

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

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

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

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

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

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

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

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

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

61 (a) a single project;

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

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

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

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

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

72 (i) an operating charter school;

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

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

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

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

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

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

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

86 (10) "Culinary water authority" means the department, agency, or public entity with  
87 responsibility to review and approve the feasibility of the culinary water system and sources for

88 the subject property.

89 (11) "Development activity" means:

90 (a) any construction or expansion of a building, structure, or use that creates additional  
91 demand and need for public facilities;

92 (b) any change in use of a building or structure that creates additional demand and need  
93 for public facilities; or

94 (c) any change in the use of land that creates additional demand and need for public  
95 facilities.

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

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

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

103 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
104 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
105 802.

106 (14) "Educational facility":

107 (a) means:

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

111 (ii) a structure or facility:

112 (A) located on the same property as a building described in Subsection (14)(a)(i); and

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

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

116 (b) does not include:

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

119 (A) not located on the same property as a building described in Subsection (14)(a)(i);  
120 and

121 (B) used in support of the purposes of a building described in Subsection (14)(a)(i); or  
122 (ii) a therapeutic school.

123 (15) "Fire authority" means the department, agency, or public entity with responsibility  
124 to review and approve the feasibility of fire protection and suppression services for the subject  
125 property.

126 (16) "Flood plain" means land that:

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

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

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

135 (18) "Geologic hazard" means:

136 (a) a surface fault rupture;

137 (b) shallow groundwater;

138 (c) liquefaction;

139 (d) a landslide;

140 (e) a debris flow;

141 (f) unstable soil;

142 (g) a rock fall; or

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

144 (i) to life;

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

146 (iii) of substantial damage to real property.

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

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

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

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

155 (21) "Identical plans" means building plans submitted to a municipality that:

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

157 (b) are substantially identical to building plans that were previously submitted to and  
158 reviewed and approved by the municipality; and

159 (c) describe a building that:

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

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

164 (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
165 and approved by the municipality; and

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

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

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

173 (a) recording a subdivision plat; or

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

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

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

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

- 181 (25) "Improvement warranty period" means a period:
- 182 (a) no later than one year after a municipality's acceptance of required landscaping; or
- 183 (b) no later than one year after a municipality's acceptance of required infrastructure,
- 184 unless the municipality:
- 185 (i) determines for good cause that a one-year period would be inadequate to protect the
- 186 public health, safety, and welfare; and
- 187 (ii) has substantial evidence, on record:
- 188 (A) of prior poor performance by the applicant; or
- 189 (B) that the area upon which the infrastructure will be constructed contains suspect soil
- 190 and the municipality has not otherwise required the applicant to mitigate the suspect soil.
- 191 (26) "Infrastructure improvement" means permanent infrastructure that is essential for
- 192 the public health and safety or that:
- 193 (a) is required for human occupation; and
- 194 (b) an applicant must install:
- 195 (i) in accordance with published installation and inspection specifications for public
- 196 improvements; and
- 197 (ii) whether the improvement is public or private, as a condition of:
- 198 (A) recording a subdivision plat;
- 199 (B) obtaining a building permit; or
- 200 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
- 201 project.
- 202 (27) "Intermittent" means surface water is present in a river, stream, or creek channel
- 203 for a portion of the year, but excludes flows resulting only from ephemeral rain events, such as
- 204 in arroyos.
- 205 [~~(27)~~] (28) "Internal lot restriction" means a platted note, platted demarcation, or
- 206 platted designation that:
- 207 (a) runs with the land; and
- 208 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
- 209 the plat; or
- 210 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 211 described on the plat.

212            [~~(28)~~] (29) "Land use applicant" means a property owner, or the property owner's  
213 designee, who submits a land use application regarding the property owner's land.

214            [~~(29)~~] (30) "Land use application":

215            (a) means an application that is:

216            (i) required by a municipality; and

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

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

219            [~~(30)~~] (31) "Land use authority" means:

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

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

224            [~~(31)~~] (32) "Land use decision" means an administrative decision of a land use  
225 authority or appeal authority regarding:

226            (a) a land use permit; or

227            (b) a land use application.

228            [~~(32)~~] (33) "Land use permit" means a permit issued by a land use authority.

229            [~~(33)~~] (34) "Land use regulation":

230            (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
231 specification, fee, or rule that governs the use or development of land;

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

234            (c) does not include:

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

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

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

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

241            [~~(34)~~] (35) "Legislative body" means the municipal council.

242            [~~(35)~~] (36) "Local historic district or area" means a geographically definable area that:



243 (a) contains any combination of buildings, structures, sites, objects, landscape features,  
244 archeological sites, or works of art that contribute to the historic preservation goals of a  
245 legislative body; and

246 (b) is subject to land use regulations to preserve the historic significance of the local  
247 historic district or area.

248 ~~[(36)]~~ (37) "Lot" means a tract of land, regardless of any label, that is created by and  
249 shown on a subdivision plat that has been recorded in the office of the county recorder.

250 ~~[(37)]~~ (38) (a) "Lot line adjustment" means a relocation of a lot line boundary between  
251 adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:

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

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

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

255 (i) creates an additional lot; or

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

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

259 ~~[(38)]~~ (39) "Major transit investment corridor" means public transit service that uses or  
260 occupies:

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

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

263 or

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

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

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

268 ~~[(39)]~~ (40) "Moderate income housing" means housing occupied or reserved for  
269 occupancy by households with a gross household income equal to or less than 80% of the  
270 median gross income for households of the same size in the county in which the city is located.

271 ~~[(40)]~~ (41) "Municipal utility easement" means an easement that:

272 (a) is created or depicted on a plat recorded in a county recorder's office and is  
273 described as a municipal utility easement granted for public use;

274 (b) is not a protected utility easement or a public utility easement as defined in Section  
275 54-3-27;

276 (c) the municipality or the municipality's affiliated governmental entity uses and  
277 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm  
278 water, or communications or data lines;

279 (d) is used or occupied with the consent of the municipality in accordance with an  
280 authorized franchise or other agreement;

281 (e) (i) is used or occupied by a specified public utility in accordance with an authorized  
282 franchise or other agreement; and

283 (ii) is located in a utility easement granted for public use; or

284 (f) is described in Section 10-9a-529 and is used by a specified public utility.

285 ~~[(41)]~~ (42) "Nominal fee" means a fee that reasonably reimburses a municipality only  
286 for time spent and expenses incurred in:

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

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

290 ~~[(42)]~~ (43) "Noncomplying structure" means a structure that:

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

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

295 ~~[(43)]~~ (44) "Nonconforming use" means a use of land that:

296 (a) legally existed before its current land use designation;

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

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

301 ~~[(44)]~~ (45) "Official map" means a map drawn by municipal authorities and recorded in  
302 a county recorder's office that:

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

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

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

309 [~~45~~] (46) "Parcel" means any real property that is not a lot.

310 [~~46~~] (47) (a) "Parcel boundary adjustment" means a recorded agreement between  
311 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary  
312 line agreement in accordance with Section 10-9a-524, if no additional parcel is created and:

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

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

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

317 (i) creates an additional parcel; or

318 (ii) constitutes a subdivision.

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

321 (48) "Perennial" means surface water is present in a stream, river, or creek channel  
322 throughout the year.

323 [~~47~~] (49) "Person" means an individual, corporation, partnership, organization,  
324 association, trust, governmental agency, or any other legal entity.

325 [~~48~~] (50) "Plan for moderate income housing" means a written document adopted by  
326 a municipality's legislative body that includes:

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

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

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

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

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

336            [~~(49)~~] (51) "Plat" means an instrument subdividing property into lots as depicted on a  
337 map or other graphical representation of lands that a licensed professional land surveyor makes  
338 and prepares in accordance with Section 10-9a-603 or 57-8-13.

339            [~~(50)~~] (52) "Potential geologic hazard area" means an area that:

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

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

346            [~~(51)~~] (53) "Public agency" means:

347            (a) the federal government;

348            (b) the state;

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

351            (d) a charter school.

352            [~~(52)~~] (54) "Public hearing" means a hearing at which members of the public are  
353 provided a reasonable opportunity to comment on the subject of the hearing.

354            [~~(53)~~] (55) "Public meeting" means a meeting that is required to be open to the public  
355 under Title 52, Chapter 4, Open and Public Meetings Act.

356            [~~(54)~~] (56) "Public street" means a public right-of-way, including a public highway,  
357 public avenue, public boulevard, public parkway, public road, public lane, public alley, public  
358 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation  
359 easement, or other public way.

360            [~~(55)~~] (57) "Receiving zone" means an area of a municipality that the municipality  
361 designates, by ordinance, as an area in which an owner of land may receive a transferable  
362 development right.

363            [~~(56)~~] (58) "Record of survey map" means a map of a survey of land prepared in  
364 accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

365            [~~(57)~~] (59) "Residential facility for persons with a disability" means a residence:

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

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

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

371 [~~58~~] (60) "Residential roadway" means a public local residential road that:

372 (a) will serve primarily to provide access to adjacent primarily residential areas and  
373 property;

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

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

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

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

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

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

385 (61) "Riparian area" means land representing a transition between aquatic and upland  
386 habitats with a plant community that:

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

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

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

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

393 [~~59~~] (62) "Rules of order and procedure" means a set of rules that govern and  
394 prescribe in a public meeting:

395 (a) parliamentary order and procedure;

396 (b) ethical behavior; and

397 (c) civil discourse.

398           ~~[(60)]~~ (63) "Sanitary sewer authority" means the department, agency, or public entity  
399 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
400 wastewater systems.

401           ~~[(61)]~~ (64) "Sending zone" means an area of a municipality that the municipality  
402 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
403 development right.

404           ~~[(62)]~~ (65) "Special district" means an entity under Title 17B, Limited Purpose Local  
405 Government Entities - Special Districts, and any other governmental or quasi-governmental  
406 entity that is not a county, municipality, school district, or the state.

407           ~~[(63)]~~ (66) "Specified public agency" means:

- 408           (a) the state;
- 409           (b) a school district; or
- 410           (c) a charter school.

411           ~~[(64)]~~ (67) "Specified public utility" means an electrical corporation, gas corporation,  
412 or telephone corporation, as those terms are defined in Section [54-2-1](#).

413           ~~[(65)]~~ (68) "State" includes any department, division, or agency of the state.

414           ~~[(66)]~~ (69) (a) "Subdivision" means any land that is divided, resubdivided, or proposed  
415 to be divided into two or more lots or other division of land for the purpose, whether  
416 immediate or future, for offer, sale, lease, or development either on the installment plan or  
417 upon any and all other plans, terms, and conditions.

418           (b) "Subdivision" includes:

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

422           (ii) except as provided in Subsection ~~[(65)(c)]~~ (69)(c), divisions of land for residential  
423 and nonresidential uses, including land used or to be used for commercial, agricultural, and  
424 industrial purposes.

425           (c) "Subdivision" does not include:

426           (i) a bona fide division or partition of agricultural land for the purpose of joining one of  
427 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if  
428 neither the resulting combined parcel nor the parcel remaining from the division or partition

- 429 violates an applicable land use ordinance;
- 430 (ii) a boundary line agreement recorded with the county recorder's office between  
431 owners of adjoining parcels adjusting the mutual boundary in accordance with Section  
432 10-9a-524 if no new parcel is created;
- 433 (iii) a recorded document, executed by the owner of record:
- 434 (A) revising the legal descriptions of multiple parcels into one legal description  
435 encompassing all such parcels; or
- 436 (B) joining a lot to a parcel;
- 437 (iv) a boundary line agreement between owners of adjoining subdivided properties  
438 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:
- 439 (A) no new dwelling lot or housing unit will result from the adjustment; and  
440 (B) the adjustment will not violate any applicable land use ordinance;
- 441 (v) a bona fide division of land by deed or other instrument if the deed or other  
442 instrument states in writing that the division:
- 443 (A) is in anticipation of future land use approvals on the parcel or parcels;  
444 (B) does not confer any land use approvals; and  
445 (C) has not been approved by the land use authority;
- 446 (vi) a parcel boundary adjustment;
- 447 (vii) a lot line adjustment;
- 448 (viii) a road, street, or highway dedication plat;
- 449 (ix) a deed or easement for a road, street, or highway purpose; or  
450 (x) any other division of land authorized by law.
- 451 [(67)] (70) (a) "Subdivision amendment" means an amendment to a recorded  
452 subdivision in accordance with Section 10-9a-608 that:
- 453 (i) vacates all or a portion of the subdivision;  
454 (ii) alters the outside boundary of the subdivision;  
455 (iii) changes the number of lots within the subdivision;  
456 (iv) alters a public right-of-way, a public easement, or public infrastructure within the  
457 subdivision; or
- 458 (v) alters a common area or other common amenity within the subdivision.
- 459 (b) "Subdivision amendment" does not include a lot line adjustment, between a single

460 lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

461 [~~(68)~~] (71) "Substantial evidence" means evidence that:

462 (a) is beyond a scintilla; and

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

464 [~~(69)~~] (72) "Suspect soil" means soil that has:

465 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
466 3% swell potential;

467 (b) bedrock units with high shrink or swell susceptibility; or

468 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
469 commonly associated with dissolution and collapse features.

470 [~~(70)~~] (73) "Therapeutic school" means a residential group living facility:

471 (a) for four or more individuals who are not related to:

472 (i) the owner of the facility; or

473 (ii) the primary service provider of the facility;

474 (b) that serves students who have a history of failing to function:

475 (i) at home;

476 (ii) in a public school; or

477 (iii) in a nonresidential private school; and

478 (c) that offers:

479 (i) room and board; and

480 (ii) an academic education integrated with:

481 (A) specialized structure and supervision; or

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

484 [~~(71)~~] (74) "Transferable development right" means a right to develop and use land that  
485 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
486 land use rights from a designated sending zone to a designated receiving zone.

487 [~~(72)~~] (75) "Unincorporated" means the area outside of the incorporated area of a city  
488 or town.

489 [~~(73)~~] (76) "Water interest" means any right to the beneficial use of water, including:

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



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

492 (i) a contract; or

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

494 [~~74~~] (77) "Zoning map" means a map, adopted as part of a land use ordinance, that  
495 depicts land use zones, overlays, or districts.

496 Section 2. Section 10-9a-403 is amended to read:

497 **10-9a-403. General plan preparation.**

498 (1) (a) The planning commission shall provide notice, as provided in Section  
499 10-9a-203, of the planning commission's intent to make a recommendation to the municipal  
500 legislative body for a general plan or a comprehensive general plan amendment when the  
501 planning commission initiates the process of preparing the planning commission's  
502 recommendation.

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

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

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

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

515 (i) a land use element that:

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

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

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

524 (D) except for a city of the fifth class or a town, accounts for the effect of land use  
525 categories and land uses on water demand;

526 (ii) a transportation and traffic circulation element that:

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

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

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

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

540 (iii) a moderate income housing element that:

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

543 (B) for a town, may include a recommendation to implement three or more of the  
544 moderate income housing strategies described in Subsection (2)(b)(iii);

545 (C) for a specified municipality, as defined in Section 10-9a-408, that does not have a  
546 fixed guideway public transit station, shall include a recommendation to implement three or  
547 more of the moderate income housing strategies described in Subsection (2)(b)(iii);

548 (D) for a specified municipality, as defined in Section 10-9a-408, that has a fixed  
549 guideway public transit station, shall include a recommendation to implement five or more of  
550 the moderate income housing strategies described in Subsection (2)(b)(iii), of which one shall  
551 be the moderate income housing strategy described in Subsection (2)(b)(iii)(V), and one shall  
552 be a moderate income housing strategy described in Subsection (2)(b)(iii)(G), (H), or (Q); and

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

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

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

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

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

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

565 (b) In drafting the moderate income housing element, the planning commission:

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

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

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

572 (ii) for a town, may include, and for a specified municipality as defined in Section  
573 10-9a-408, shall include, an analysis of how the municipality will provide a realistic  
574 opportunity for the development of moderate income housing within the next five years;

575 (iii) for a town, may include, and for a specified municipality as defined in Section  
576 10-9a-408, shall include a recommendation to implement the required number of any of the  
577 following moderate income housing strategies as specified in Subsection (2)(a)(iii):

578 (A) rezone for densities necessary to facilitate the production of moderate income  
579 housing;

580 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that  
581 facilitates the construction of moderate income housing;

582 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing  
583 stock into moderate income housing;

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

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

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

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

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

599 (I) amend land use regulations to allow for single room occupancy developments;

600 (J) implement zoning incentives for moderate income units in new developments;

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

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

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

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

610 (O) apply for or partner with an entity that applies for state or federal funds or tax  
611 incentives to promote the construction of moderate income housing, an entity that applies for  
612 programs offered by the Utah Housing Corporation within that agency's funding capacity, an  
613 entity that applies for affordable housing programs administered by the Department of  
614 Workforce Services, an entity that applies for affordable housing programs administered by an

615 association of governments established by an interlocal agreement under Title 11, Chapter 13,  
616 Interlocal Cooperation Act, an entity that applies for services provided by a public housing  
617 authority to preserve and create moderate income housing, or any other entity that applies for  
618 programs or services that promote the construction or preservation of moderate income  
619 housing;

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

623 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,  
624 Part 6, Housing and Transit Reinvestment Zone Act;

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

627 (S) create a program to transfer development rights for moderate income housing;

628 (T) ratify a joint acquisition agreement with another local political subdivision for the  
629 purpose of combining resources to acquire property for moderate income housing;

630 (U) develop a moderate income housing project for residents who are disabled or 55  
631 years old or older;

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

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

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

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

644 (c) (i) In drafting the implementation plan portion of the moderate income housing  
645 element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to

646 the legislative body the establishment of a five-year timeline for implementing each of the  
647 moderate income housing strategies selected by the municipality for implementation.

648 (ii) The timeline described in Subsection (2)(c)(i) shall:

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

651 (B) provide flexibility for the municipality to make adjustments as needed.

652 (d) In drafting the land use element, the planning commission shall:

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

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

656 (iii) consider and coordinate with any station area plans adopted by the municipality if  
657 required under Section 10-9a-403.1.

658 (e) In drafting the transportation and traffic circulation element, the planning  
659 commission shall:

660 (i) (A) consider and coordinate with the regional transportation plan developed by the  
661 municipality's region's metropolitan planning organization, if the municipality is within the  
662 boundaries of a metropolitan planning organization; or

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

666 (ii) consider and coordinate with any station area plans adopted by the municipality if  
667 required under Section 10-9a-403.1.

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

669 (i) shall consider:

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

672 (B) if Section 73-10-32 requires the municipality to adopt a water conservation plan  
673 pursuant to Section 73-10-32, the municipality's water conservation plan;

674 (ii) shall include a recommendation for:

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

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

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

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

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

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

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

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

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

688 (E) reduction of yard waste; and

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

691 (v) shall consult with the public water system or systems serving the municipality with  
692 drinking water regarding how implementation of the land use element and water use and  
693 preservation element may affect:

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

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

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

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

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

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

707 (C) providing one or more water reduction incentives for existing development such as

708 modification of existing landscapes and irrigation systems and installation of water fixtures or  
709 systems that minimize water demand;

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

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

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

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

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

718 (C) multifamily housing project.

719 (3) The proposed general plan may include:

720 (a) an environmental element that addresses:

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

723 (A) air;

724 (B) forests;

725 (C) soils;

726 (D) rivers;

727 (E) groundwater and other waters;

728 (F) harbors;

729 (G) fisheries;

730 (H) wildlife;

731 (I) minerals; and

732 (J) other natural resources; and

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

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

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

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



- 739 (E) the mapping of known geologic hazards;
- 740 (b) a public services and facilities element showing general plans for sewage, water,  
741 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,  
742 police and fire protection, and other public services;
- 743 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and  
744 programs for:
- 745 (i) historic preservation;
- 746 (ii) the diminution or elimination of a development impediment as defined in Section  
747 [17C-1-102](#); and
- 748 (iii) redevelopment of land, including housing sites, business and industrial sites, and  
749 public building sites;
- 750 (d) an economic element composed of appropriate studies and forecasts, as well as an  
751 economic development plan, which may include review of existing and projected municipal  
752 revenue and expenditures, revenue sources, identification of basic and secondary industry,  
753 primary and secondary market areas, employment, and retail sales activity;
- 754 (e) recommendations for implementing all or any portion of the general plan, including  
755 the adoption of land and water use ordinances, capital improvement plans, community  
756 development and promotion, and any other appropriate action;
- 757 (f) provisions addressing any of the matters listed in Subsection [10-9a-401\(2\)](#) or (3);  
758 ~~[and]~~
- 759 (g) a riparian area element that may:
- 760 (i) address the following that are applicable to the municipality's riparian area:
- 761 (A) preserving and enhancing natural stream functions for hydrologic conveyance and  
762 storage, including flood plains and wetlands;
- 763 (B) managing erosion, sedimentation, and flood control;
- 764 (C) minimizing flood and fire risk to property through development of buffer zones  
765 and removal of dead or diseased vegetation considered to represent excessive fuel loads;
- 766 (D) reducing water pollution, including by filtration;
- 767 (E) protecting fish and wildlife habitat;
- 768 (F) preserving or restoring vegetation while managing invasive plants, noxious weeds,  
769 and fuel loads; and

770 (G) preserving aesthetic and recreational values that are compatible with the items  
771 listed in this Subsection (3)(g)(i);  
772 (ii) establish a vision for the riparian area within the municipality and identifies  
773 strategies to implement the municipality's vision for the riparian area that includes:  
774 (A) recommendations to update the municipality's land use ordinances to support the  
775 riparian area vision as established in the planning process; and  
776 (B) other strategies as the municipality considers appropriate;  
777 (iii) address:  
778 (A) situations identified in Subsection (3)(g)(i) that warrant the implementation of  
779 innovative or established zoning and preservation tools to regulate development to achieve  
780 riparian area protections;  
781 (B) situations that consider the ecological function and integrity of features that cut  
782 across a riparian area adjacent to flowing water, including a stream, bank, wetland, flood plain,  
783 or upland;  
784 (C) situations calling for the protection of native riparian plants, including  
785 identification and management of invasive species in accordance with state and federal law;  
786 (D) situations calling for the protection of culturally significant landforms, historical  
787 flood plains, or other important features close to rivers, streams, and wetlands;  
788 (E) what constitutes best practices for the use of herbicides, pesticides, and fertilizer in  
789 accordance, where relevant, with applicable state and federal law for management of  
790 recognized listed species;  
791 (F) situations calling for specific permits, analysis, or requests for minor exceptions or  
792 reasonable use exceptions if no feasible alternative exists;  
793 (G) what circumstances necessitate an applicant with a proposed project in a riparian  
794 area to submit a resource inventory and impact analysis for the riparian area;  
795 (H) whether to allow use of heavy equipment for construction of amenities or for  
796 removal of debris;  
797 (I) situations calling for the maintenance of trees that pose a safety risk from treefall,  
798 fire, or flow conveyance during flooding, or calling for removal of diseased trees;  
799 (J) situations calling for the maintenance or installation of irrigation and flood control  
800 devices;

801 (K) how to account for activities approved by the United States Army Corps of  
802 Engineers or state engineer;  
803 (L) best practices in allowing public utility work;  
804 (M) the need to coordinate and cooperate with watershed councils, other governmental  
805 agencies, and jurisdictions to facilitate compatible regulation and protection of a riparian area  
806 and recognize the riparian and hydrologic functions that are regional in nature and that cross  
807 jurisdictional boundaries;  
808 (N) strategies to avoid, minimize, or mitigate negative impacts affecting a riparian  
809 area;  
810 (O) tools available for the management of a riparian area, such as tools published by  
811 the Division of Water Resources from federal, state, or local government agencies, including  
812 interlocal entities, and assistance provided under Section [73-10-36](#);  
813 (P) a repository with publicly accessible geographic data layers compiled by the Utah  
814 Geological Survey pursuant to Section [73-10-36](#) to facilitate delineation of riparian areas;  
815 (Q) the need for a process through which a landowner may modify riparian  
816 requirements to respond to unforeseen circumstances or to allow innovative development  
817 techniques that meet or exceed adopted standards; and  
818 (R) property rights and appropriate compensation or benefits for property owners; and  
819 (iv) provide for management of the riparian area as part of the regulation of  
820 environmentally sensitive areas under this Subsection (3); and  
821 [~~g~~] (h) any other element the municipality considers appropriate.  
822 (4) Notwithstanding Subsection (3)(g)(iii)(K), Subsection (3)(g) may not be interpreted  
823 to override, substitute, or modify a water right within the state or the role and authority of the  
824 state engineer.

825 Section 3. Section **17-27a-103** is amended to read:

826 **17-27a-103. Definitions.**

827 As used in this chapter:

- 828 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
829 detached from a primary single-family dwelling and contained on one lot.
- 830 (2) "Adversely affected party" means a person other than a land use applicant who:
- 831 (a) owns real property adjoining the property that is the subject of a land use

832 application or land use decision; or

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

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

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

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

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

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

848 (a) a single project;

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

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

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

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

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

859 (i) an operating charter school;

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

862 (iii) an entity that is working on behalf of a charter school or approved charter

863 applicant to develop or construct a charter school building.

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

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

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

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

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

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

875 (11) "County utility easement" means an easement that:

876 (a) a plat recorded in a county recorder's office described as a county utility easement  
877 or otherwise as a utility easement;

878 (b) is not a protected utility easement or a public utility easement as defined in Section  
879 [54-3-27](#);

880 (c) the county or the county's affiliated governmental entity owns or creates; and

881 (d) (i) either:

882 (A) no person uses or occupies; or

883 (B) the county or the county's affiliated governmental entity uses and occupies to  
884 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or  
885 communications or data lines; or

886 (ii) a person uses or occupies with or without an authorized franchise or other  
887 agreement with the county.

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

891 (13) "Development activity" means:

892 (a) any construction or expansion of a building, structure, or use that creates additional  
893 demand and need for public facilities;

894 (b) any change in use of a building or structure that creates additional demand and need  
895 for public facilities; or

896 (c) any change in the use of land that creates additional demand and need for public  
897 facilities.

898 (14) (a) "Development agreement" means a written agreement or amendment to a  
899 written agreement between a county and one or more parties that regulates or controls the use  
900 or development of a specific area of land.

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

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

905 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
906 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
907 Sec. 802.

908 (16) "Educational facility":

909 (a) means:

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

913 (ii) a structure or facility:

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

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

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

918 (b) does not include:

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

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

922 and

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

924 (ii) a therapeutic school.

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

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

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

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

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

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

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

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

941 (21) "Geologic hazard" means:

942 (a) a surface fault rupture;

943 (b) shallow groundwater;

944 (c) liquefaction;

945 (d) a landslide;

946 (e) a debris flow;

947 (f) unstable soil;

948 (g) a rock fall; or

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

950 (i) to life;

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

952 (iii) of substantial damage to real property.

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

- 956 (23) "Identical plans" means building plans submitted to a county that:
- 957 (a) are clearly marked as "identical plans";
- 958 (b) are substantially identical building plans that were previously submitted to and  
959 reviewed and approved by the county; and
- 960 (c) describe a building that:
- 961 (i) is located on land zoned the same as the land on which the building described in the  
962 previously approved plans is located;
- 963 (ii) is subject to the same geological and meteorological conditions and the same law  
964 as the building described in the previously approved plans;
- 965 (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
966 and approved by the county; and
- 967 (iv) does not require any additional engineering or analysis.
- 968 (24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,  
969 Impact Fees Act.
- 970 (25) "Improvement completion assurance" means a surety bond, letter of credit,  
971 financial institution bond, cash, assignment of rights, lien, or other equivalent security required  
972 by a county to guaranty the proper completion of landscaping or an infrastructure improvement  
973 required as a condition precedent to:
- 974 (a) recording a subdivision plat; or
- 975 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 976 (26) "Improvement warranty" means an applicant's unconditional warranty that the  
977 applicant's installed and accepted landscaping or infrastructure improvement:
- 978 (a) complies with the county's written standards for design, materials, and  
979 workmanship; and
- 980 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
981 within the improvement warranty period.
- 982 (27) "Improvement warranty period" means a period:
- 983 (a) no later than one year after a county's acceptance of required landscaping; or
- 984 (b) no later than one year after a county's acceptance of required infrastructure, unless  
985 the county:
- 986 (i) determines for good cause that a one-year period would be inadequate to protect the



987 public health, safety, and welfare; and

988 (ii) has substantial evidence, on record:

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

990 (B) that the area upon which the infrastructure will be constructed contains suspect soil

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

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

994 (a) is required for human consumption; and

995 (b) an applicant must install:

996 (i) in accordance with published installation and inspection specifications for public  
997 improvements; and

998 (ii) as a condition of:

999 (A) recording a subdivision plat;

1000 (B) obtaining a building permit; or

1001 (C) developing a commercial, industrial, mixed use, condominium, or multifamily  
1002 project.

1003 (29) "Intermittent" means surface water is present in a river, stream, or creek channel  
1004 for a portion of the year, but excludes flows resulting only from ephemeral rain events, such as  
1005 in arroyos.

1006 [~~(29)~~] (30) "Internal lot restriction" means a platted note, platted demarcation, or  
1007 platted designation that:

1008 (a) runs with the land; and

1009 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
1010 the plat; or

1011 (ii) designates a development condition that is enclosed within the perimeter of a lot  
1012 described on the plat.

1013 [~~(30)~~] (31) "Interstate pipeline company" means a person or entity engaged in natural  
1014 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission  
1015 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1016 [~~(31)~~] (32) "Intrastate pipeline company" means a person or entity engaged in natural  
1017 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory

1018 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1019 ~~[(32)]~~ (33) "Land use applicant" means a property owner, or the property owner's  
1020 designee, who submits a land use application regarding the property owner's land.

1021 ~~[(33)]~~ (34) "Land use application":

1022 (a) means an application that is:

1023 (i) required by a county; and

1024 (ii) submitted by a land use applicant to obtain a land use decision; and

1025 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1026 ~~[(34)]~~ (35) "Land use authority" means:

1027 (a) a person, board, commission, agency, or body, including the local legislative body,  
1028 designated by the local legislative body to act upon a land use application; or

1029 (b) if the local legislative body has not designated a person, board, commission,  
1030 agency, or body, the local legislative body.

1031 ~~[(35)]~~ (36) "Land use decision" means an administrative decision of a land use  
1032 authority or appeal authority regarding:

1033 (a) a land use permit;

1034 (b) a land use application; or

1035 (c) the enforcement of a land use regulation, land use permit, or development  
1036 agreement.

1037 ~~[(36)]~~ (37) "Land use permit" means a permit issued by a land use authority.

1038 ~~[(37)]~~ (38) "Land use regulation":

1039 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
1040 specification, fee, or rule that governs the use or development of land;

1041 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;  
1042 and

1043 (c) does not include:

1044 (i) a land use decision of the legislative body acting as the land use authority, even if  
1045 the decision is expressed in a resolution or ordinance; or

1046 (ii) a temporary revision to an engineering specification that does not materially:

1047 (A) increase a land use applicant's cost of development compared to the existing  
1048 specification; or

1049 (B) impact a land use applicant's use of land.

1050 [~~(38)~~] (39) "Legislative body" means the county legislative body, or for a county that  
1051 has adopted an alternative form of government, the body exercising legislative powers.

1052 [~~(39)~~] (40) "Lot" means a tract of land, regardless of any label, that is created by and  
1053 shown on a subdivision plat that has been recorded in the office of the county recorder.

1054 [~~(40)~~] (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between  
1055 adjoining lots or between a lot and adjoining parcels in accordance with Section 17-27a-608:

1056 (i) whether or not the lots are located in the same subdivision; and

1057 (ii) with the consent of the owners of record.

1058 (b) "Lot line adjustment" does not mean a new boundary line that:

1059 (i) creates an additional lot; or

1060 (ii) constitutes a subdivision or a subdivision amendment.

1061 (c) "Lot line adjustment" does not include a boundary line adjustment made by the  
1062 Department of Transportation.

1063 [~~(41)~~] (42) "Major transit investment corridor" means public transit service that uses or  
1064 occupies:

1065 (a) public transit rail right-of-way;

1066 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1067 or

1068 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
1069 municipality or county and:

1070 (i) a public transit district as defined in Section 17B-2a-802; or

1071 (ii) an eligible political subdivision as defined in Section 59-12-2219.

1072 [~~(42)~~] (43) "Moderate income housing" means housing occupied or reserved for  
1073 occupancy by households with a gross household income equal to or less than 80% of the  
1074 median gross income for households of the same size in the county in which the housing is  
1075 located.

1076 [~~(43)~~] (44) "Mountainous planning district" means an area designated by a county  
1077 legislative body in accordance with Section 17-27a-901.

1078 [~~(44)~~] (45) "Nominal fee" means a fee that reasonably reimburses a county only for  
1079 time spent and expenses incurred in:

1080 (a) verifying that building plans are identical plans; and  
1081 (b) reviewing and approving those minor aspects of identical plans that differ from the  
1082 previously reviewed and approved building plans.

1083 [~~(45)~~] (46) "Noncomplying structure" means a structure that:

1084 (a) legally existed before the structure's current land use designation; and  
1085 (b) because of one or more subsequent land use ordinance changes, does not conform  
1086 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
1087 the use of land.

1088 [~~(46)~~] (47) "Nonconforming use" means a use of land that:

1089 (a) legally existed before the current land use designation;  
1090 (b) has been maintained continuously since the time the land use ordinance regulation  
1091 governing the land changed; and  
1092 (c) because of one or more subsequent land use ordinance changes, does not conform  
1093 to the regulations that now govern the use of the land.

1094 [~~(47)~~] (48) "Official map" means a map drawn by county authorities and recorded in  
1095 the county recorder's office that:

1096 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
1097 highways and other transportation facilities;  
1098 (b) provides a basis for restricting development in designated rights-of-way or between  
1099 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
1100 the land; and  
1101 (c) has been adopted as an element of the county's general plan.

1102 [~~(48)~~] (49) "Parcel" means any real property that is not a lot.

1103 [~~(49)~~] (50) (a) "Parcel boundary adjustment" means a recorded agreement between  
1104 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary  
1105 line agreement in accordance with Section [17-27a-523](#), if no additional parcel is created and:

1106 (i) none of the property identified in the agreement is a lot; or  
1107 (ii) the adjustment is to the boundaries of a single person's parcels.

1108 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary  
1109 line that:

1110 (i) creates an additional parcel; or

1111 (ii) constitutes a subdivision.

1112 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by  
1113 the Department of Transportation.

1114 (51) "Perennial" means surface water is present in a stream, river, or creek channel  
1115 throughout the year.

1116 [~~(50)~~] (52) "Person" means an individual, corporation, partnership, organization,  
1117 association, trust, governmental agency, or any other legal entity.

1118 [~~(51)~~] (53) "Plan for moderate income housing" means a written document adopted by  
1119 a county legislative body that includes:

1120 (a) an estimate of the existing supply of moderate income housing located within the  
1121 county;

1122 (b) an estimate of the need for moderate income housing in the county for the next five  
1123 years;

1124 (c) a survey of total residential land use;

1125 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
1126 income housing; and

1127 (e) a description of the county's program to encourage an adequate supply of moderate  
1128 income housing.

1129 [~~(52)~~] (54) "Planning advisory area" means a contiguous, geographically defined  
1130 portion of the unincorporated area of a county established under this part with planning and  
1131 zoning functions as exercised through the planning advisory area planning commission, as  
1132 provided in this chapter, but with no legal or political identity separate from the county and no  
1133 taxing authority.

1134 [~~(53)~~] (55) "Plat" means an instrument subdividing property into lots as depicted on a  
1135 map or other graphical representation of lands that a licensed professional land surveyor makes  
1136 and prepares in accordance with Section [17-27a-603](#) or [57-8-13](#).

1137 [~~(54)~~] (56) "Potential geologic hazard area" means an area that:

1138 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
1139 relevant map or report as needing further study to determine the area's potential for geologic  
1140 hazard; or

1141 (b) has not been studied by the Utah Geological Survey or a county geologist but

1142 presents the potential of geologic hazard because the area has characteristics similar to those of  
1143 a designated geologic hazard area.

1144 [~~(55)~~] (57) "Public agency" means:

1145 (a) the federal government;

1146 (b) the state;

1147 (c) a county, municipality, school district, special district, special service district, or  
1148 other political subdivision of the state; or

1149 (d) a charter school.

1150 [~~(56)~~] (58) "Public hearing" means a hearing at which members of the public are  
1151 provided a reasonable opportunity to comment on the subject of the hearing.

1152 [~~(57)~~] (59) "Public meeting" means a meeting that is required to be open to the public  
1153 under Title 52, Chapter 4, Open and Public Meetings Act.

1154 [~~(58)~~] (60) "Public street" means a public right-of-way, including a public highway,  
1155 public avenue, public boulevard, public parkway, public road, public lane, public alley, public  
1156 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation  
1157 easement, or other public way.

1158 [~~(59)~~] (61) "Receiving zone" means an unincorporated area of a county that the county  
1159 designates, by ordinance, as an area in which an owner of land may receive a transferable  
1160 development right.

1161 [~~(60)~~] (62) "Record of survey map" means a map of a survey of land prepared in  
1162 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1163 [~~(61)~~] (63) "Residential facility for persons with a disability" means a residence:

1164 (a) in which more than one person with a disability resides; and

1165 (b) which is licensed or certified by the Department of Health and Human Services  
1166 under:

1167 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

1168 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

1169 [~~(62)~~] (64) "Residential roadway" means a public local residential road that:

1170 (a) will serve primarily to provide access to adjacent primarily residential areas and  
1171 property;

1172 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;

1173 (c) is not identified as a supplementary to a collector or other higher system classified  
1174 street in an approved municipal street or transportation master plan;

1175 (d) has a posted speed limit of 25 miles per hour or less;

1176 (e) does not have higher traffic volumes resulting from connecting previously separated  
1177 areas of the municipal road network;

1178 (f) cannot have a primary access, but can have a secondary access, and does not abut  
1179 lots intended for high volume traffic or community centers, including schools, recreation  
1180 centers, sports complexes, or libraries; and

1181 (g) primarily serves traffic within a neighborhood or limited residential area and is not  
1182 necessarily continuous through several residential areas.

1183 (65) "Riparian area" means land representing a transition between aquatic and upland  
1184 habitats with a plant community that:

1185 (a) is contiguous to and affected by surface and subsurface hydrologic features of  
1186 perennial or intermittent rivers, streams, or creeks; and

1187 (b) has one or both of the following characteristics:

1188 (i) distinctly different vegetative species than adjacent areas; or

1189 (ii) species similar to adjacent areas but exhibiting more vigorous or robust growth  
1190 forms.

1191 [~~63~~] (66) "Rules of order and procedure" means a set of rules that govern and  
1192 prescribe in a public meeting:

1193 (a) parliamentary order and procedure;

1194 (b) ethical behavior; and

1195 (c) civil discourse.

1196 [~~64~~] (67) "Sanitary sewer authority" means the department, agency, or public entity  
1197 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
1198 wastewater systems.

1199 [~~65~~] (68) "Sending zone" means an unincorporated area of a county that the county  
1200 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
1201 development right.

1202 [~~66~~] (69) "Site plan" means a document or map that may be required by a county  
1203 during a preliminary review preceding the issuance of a building permit to demonstrate that an

1204 owner's or developer's proposed development activity meets a land use requirement.

1205 ~~[(67)]~~ (70) (a) "Special district" means an entity under Title 17B, Limited Purpose  
1206 Local Government Entities - Special Districts.

1207 (b) "Special district" includes a governmental or quasi-governmental entity that is not a  
1208 county, municipality, school district, or the state.

1209 ~~[(68)]~~ (71) "Specified public agency" means:

1210 (a) the state;

1211 (b) a school district; or

1212 (c) a charter school.

1213 ~~[(69)]~~ (72) "Specified public utility" means an electrical corporation, gas corporation,  
1214 or telephone corporation, as those terms are defined in Section 54-2-1.

1215 ~~[(70)]~~ (73) "State" includes any department, division, or agency of the state.

1216 ~~[(71)]~~ (74) (a) "Subdivision" means any land that is divided, resubdivided, or proposed  
1217 to be divided into two or more lots or other division of land for the purpose, whether  
1218 immediate or future, for offer, sale, lease, or development either on the installment plan or  
1219 upon any and all other plans, terms, and conditions.

1220 (b) "Subdivision" includes:

1221 (i) the division or development of land, whether by deed, metes and bounds  
1222 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether  
1223 the division includes all or a portion of a parcel or lot; and

1224 (ii) except as provided in Subsection ~~[(70)(e)]~~, (74)(c), divisions of land for residential  
1225 and nonresidential uses, including land used or to be used for commercial, agricultural, and  
1226 industrial purposes.

1227 (c) "Subdivision" does not include:

1228 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1229 (ii) a boundary line agreement recorded with the county recorder's office between  
1230 owners of adjoining parcels adjusting the mutual boundary in accordance with Section  
1231 17-27a-523 if no new lot is created;

1232 (iii) a recorded document, executed by the owner of record:

1233 (A) revising the legal descriptions of multiple parcels into one legal description  
1234 encompassing all such parcels; or



- 1235 (B) joining a lot to a parcel;
- 1236 (iv) a bona fide division or partition of land in a county other than a first class county
- 1237 for the purpose of siting, on one or more of the resulting separate parcels:
- 1238 (A) an electrical transmission line or a substation;
- 1239 (B) a natural gas pipeline or a regulation station; or
- 1240 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 1241 utility service regeneration, transformation, retransmission, or amplification facility;
- 1242 (v) a boundary line agreement between owners of adjoining subdivided properties
- 1243 adjusting the mutual lot line boundary in accordance with Sections [17-27a-523](#) and [17-27a-608](#)
- 1244 if:
- 1245 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1246 (B) the adjustment will not violate any applicable land use ordinance;
- 1247 (vi) a bona fide division of land by deed or other instrument if the deed or other
- 1248 instrument states in writing that the division:
- 1249 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 1250 (B) does not confer any land use approvals; and
- 1251 (C) has not been approved by the land use authority;
- 1252 (vii) a parcel boundary adjustment;
- 1253 (viii) a lot line adjustment;
- 1254 (ix) a road, street, or highway dedication plat;
- 1255 (x) a deed or easement for a road, street, or highway purpose; or
- 1256 (xi) any other division of land authorized by law.
- 1257 [~~(72)~~] (75) (a) "Subdivision amendment" means an amendment to a recorded
- 1258 subdivision in accordance with Section [17-27a-608](#) that:
- 1259 (i) vacates all or a portion of the subdivision;
- 1260 (ii) alters the outside boundary of the subdivision;
- 1261 (iii) changes the number of lots within the subdivision;
- 1262 (iv) alters a public right-of-way, a public easement, or public infrastructure within the
- 1263 subdivision; or
- 1264 (v) alters a common area or other common amenity within the subdivision.
- 1265 (b) "Subdivision amendment" does not include a lot line adjustment, between a single

1266 lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

1267 [~~(73)~~] (76) "Substantial evidence" means evidence that:

1268 (a) is beyond a scintilla; and

1269 (b) a reasonable mind would accept as adequate to support a conclusion.

1270 [~~(74)~~] (77) "Suspect soil" means soil that has:

1271 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
1272 3% swell potential;

1273 (b) bedrock units with high shrink or swell susceptibility; or

1274 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
1275 commonly associated with dissolution and collapse features.

1276 [~~(75)~~] (78) "Therapeutic school" means a residential group living facility:

1277 (a) for four or more individuals who are not related to:

1278 (i) the owner of the facility; or

1279 (ii) the primary service provider of the facility;

1280 (b) that serves students who have a history of failing to function:

1281 (i) at home;

1282 (ii) in a public school; or

1283 (iii) in a nonresidential private school; and

1284 (c) that offers:

1285 (i) room and board; and

1286 (ii) an academic education integrated with:

1287 (A) specialized structure and supervision; or

1288 (B) services or treatment related to a disability, an emotional development, a  
1289 behavioral development, a familial development, or a social development.

1290 [~~(76)~~] (79) "Transferable development right" means a right to develop and use land that  
1291 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
1292 land use rights from a designated sending zone to a designated receiving zone.

1293 [~~(77)~~] (80) "Unincorporated" means the area outside of the incorporated area of a  
1294 municipality.

1295 [~~(78)~~] (81) "Water interest" means any right to the beneficial use of water, including:

1296 (a) each of the rights listed in Section 73-1-11; and

1297 (b) an ownership interest in the right to the beneficial use of water represented by:

1298 (i) a contract; or

1299 (ii) a share in a water company, as defined in Section 73-3-3.5.

1300 [(79)] (82) "Zoning map" means a map, adopted as part of a land use ordinance, that  
1301 depicts land use zones, overlays, or districts.

1302 Section 4. Section 17-27a-401 is amended to read:

1303 **17-27a-401. General plan required -- Content -- Resource management plan --**  
1304 **Provisions related to radioactive waste facility.**

1305 (1) To accomplish the purposes of this chapter, a county shall prepare and adopt a  
1306 comprehensive, long-range general plan:

1307 (a) for present and future needs of the county;

1308 (b) (i) for growth and development of all or any part of the land within the  
1309 unincorporated portions of the county; or

1310 (ii) if a county has designated a mountainous planning district, for growth and  
1311 development of all or any part of the land within the mountainous planning district; and

1312 (c) as a basis for communicating and coordinating with the federal government on land  
1313 and resource management issues.

1314 (2) To promote health, safety, and welfare, the general plan may provide for:

1315 (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic  
1316 activities, aesthetics, and recreational, educational, and cultural opportunities;

1317 (b) the reduction of the waste of physical, financial, or human resources that result  
1318 from either excessive congestion or excessive scattering of population;

1319 (c) the efficient and economical use, conservation, and production of the supply of:

1320 (i) food and water; and

1321 (ii) drainage, sanitary, and other facilities and resources;

1322 (d) the use of energy conservation and solar and renewable energy resources;

1323 (e) the protection of urban development;

1324 (f) the protection and promotion of air quality;

1325 (g) historic preservation;

1326 (h) identifying future uses of land that are likely to require an expansion or significant  
1327 modification of services or facilities provided by an affected entity; and

1328 (i) an official map.

1329 (3) (a) (i) The general plan of a specified county, as defined in Section 17-27a-408,  
1330 shall include a moderate income housing element that meets the requirements of Subsection  
1331 17-27a-403(2)(a)(iii).

1332 (ii) (A) This Subsection (3)(a)(ii) applies to a county that does not qualify as a  
1333 specified county as of January 1, 2023.

1334 (B) As of January 1, if a county described in Subsection (3)(a)(ii)(A) changes from one  
1335 class to another or grows in population to qualify as a specified county as defined in Section  
1336 17-27a-408, the county shall amend the county's general plan to comply with Subsection  
1337 (3)(a)(i) on or before August 1 of the first calendar year beginning on January 1 in which the  
1338 county qualifies as a specified county.

1339 (iii) A county described in Subsection (3)(a)(ii)(B) shall send a copy of the county's  
1340 amended general plan to the association of governments, established pursuant to an interlocal  
1341 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a  
1342 member.

1343 (b) The general plan shall contain a resource management plan for the public lands, as  
1344 defined in Section 63L-6-102, within the county.

1345 (c) The resource management plan described in Subsection (3)(b) shall address:

1346 (i) mining;

1347 (ii) land use;

1348 (iii) livestock and grazing;

1349 (iv) irrigation;

1350 (v) agriculture;

1351 (vi) fire management;

1352 (vii) noxious weeds;

1353 (viii) forest management;

1354 (ix) water rights;

1355 (x) ditches and canals;

1356 (xi) water quality and hydrology;

1357 (xii) flood plains and river terraces;

1358 (xiii) wetlands;

1359 (xiv) riparian areas, which requirement may be met by adopting a riparian area element  
1360 under Subsection 17-27a-403(3)(g);

1361 (xv) predator control;

1362 (xvi) wildlife;

1363 (xvii) fisheries;

1364 (xviii) recreation and tourism;

1365 (xix) energy resources;

1366 (xx) mineral resources;

1367 (xxi) cultural, historical, geological, and paleontological resources;

1368 (xxii) wilderness;

1369 (xxiii) wild and scenic rivers;

1370 (xxiv) threatened, endangered, and sensitive species;

1371 (xxv) land access;

1372 (xxvi) law enforcement;

1373 (xxvii) economic considerations; and

1374 (xxviii) air.

1375 (d) For each item listed under Subsection (3)(c), a county's resource management plan  
1376 shall:

1377 (i) establish findings pertaining to the item;

1378 (ii) establish defined objectives; and

1379 (iii) outline general policies and guidelines on how the objectives described in

1380 Subsection (3)(d)(ii) are to be accomplished.

1381 (4) (a) (i) The general plan shall include specific provisions related to an area within, or  
1382 partially within, the exterior boundaries of the county, or contiguous to the boundaries of a  
1383 county, which are proposed for the siting of a storage facility or transfer facility for the  
1384 placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as  
1385 these wastes are defined in Section 19-3-303.

1386 (ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the  
1387 proposed site upon the health and general welfare of citizens of the state, and shall provide:

1388 (A) the information identified in Section 19-3-305;

1389 (B) information supported by credible studies that demonstrates that Subsection

1390 19-3-307(2) has been satisfied; and

1391 (C) specific measures to mitigate the effects of high-level nuclear waste and greater  
1392 than class C radioactive waste and guarantee the health and safety of the citizens of the state.

1393 (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance  
1394 indicating that all proposals for the siting of a storage facility or transfer facility for the  
1395 placement of high-level nuclear waste or greater than class C radioactive waste wholly or  
1396 partially within the county are rejected.

1397 (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

1398 (d) The county shall send a certified copy of the ordinance described in Subsection  
1399 (4)(b) to the executive director of the Department of Environmental Quality by certified mail  
1400 within 30 days of enactment.

1401 (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:

1402 (i) comply with Subsection (4)(a) as soon as reasonably possible; and

1403 (ii) send a certified copy of the repeal to the executive director of the Department of  
1404 Environmental Quality by certified mail within 30 days after the repeal.

1405 (5) The general plan may define the county's local customs, local culture, and the  
1406 components necessary for the county's economic stability.

1407 (6) Subject to Subsection 17-27a-403(2), the county may determine the  
1408 comprehensiveness, extent, and format of the general plan.

1409 (7) If a county has designated a mountainous planning district, the general plan for the  
1410 mountainous planning district is the controlling plan.

1411 (8) Nothing in this part may be construed to limit the authority of the state to manage  
1412 and protect wildlife under Title 23A, Wildlife Resources Act.

1413 (9) On or before December 31, 2025, a county that has a general plan that does not  
1414 include a water use and preservation element that complies with Section 17-27a-403 shall  
1415 amend the county's general plan to comply with Section 17-27a-403.

1416 Section 5. Section 17-27a-403 is amended to read:

1417 **17-27a-403. Plan preparation.**

1418 (1) (a) The planning commission shall provide notice, as provided in Section  
1419 17-27a-203, of the planning commission's intent to make a recommendation to the county  
1420 legislative body for a general plan or a comprehensive general plan amendment when the

1421 planning commission initiates the process of preparing the planning commission's  
1422 recommendation.

1423 (b) The planning commission shall make and recommend to the legislative body a  
1424 proposed general plan for:

1425 (i) the unincorporated area within the county; or

1426 (ii) if the planning commission is a planning commission for a mountainous planning  
1427 district, the mountainous planning district.

1428 (c) (i) The plan may include planning for incorporated areas if, in the planning  
1429 commission's judgment, they are related to the planning of the unincorporated territory or of  
1430 the county as a whole.

1431 (ii) Elements of the county plan that address incorporated areas are not an official plan  
1432 or part of a municipal plan for any municipality, unless the county plan is recommended by the  
1433 municipal planning commission and adopted by the governing body of the municipality.

1434 (2) (a) At a minimum, the proposed general plan, with the accompanying maps, charts,  
1435 and descriptive and explanatory matter, shall include the planning commission's  
1436 recommendations for the following plan elements:

1437 (i) a land use element that:

1438 (A) designates the long-term goals and the proposed extent, general distribution, and  
1439 location of land for housing for residents of various income levels, business, industry,  
1440 agriculture, recreation, education, public buildings and grounds, open space, and other  
1441 categories of public and private uses of land as appropriate;

1442 (B) includes a statement of the projections for and standards of population density and  
1443 building intensity recommended for the various land use categories covered by the plan;

1444 (C) is coordinated to integrate the land use element with the water use and preservation  
1445 element; and

1446 (D) accounts for the effect of land use categories and land uses on water demand;

1447 (ii) a transportation and traffic circulation element that:

1448 (A) provides the general location and extent of existing and proposed freeways, arterial  
1449 and collector streets, public transit, active transportation facilities, and other modes of  
1450 transportation that the planning commission considers appropriate;

1451 (B) addresses the county's plan for residential and commercial development around

1452 major transit investment corridors to maintain and improve the connections between housing,  
1453 employment, education, recreation, and commerce; and

1454 (C) correlates with the population projections, the employment projections, and the  
1455 proposed land use element of the general plan;

1456 (iii) for a specified county as defined in Section 17-27a-408, a moderate income  
1457 housing element that:

1458 (A) provides a realistic opportunity to meet the need for additional moderate income  
1459 housing within the next five years;

1460 (B) selects three or more moderate income housing strategies described in Subsection  
1461 (2)(b)(ii) for implementation; and

1462 (C) includes an implementation plan as provided in Subsection (2)(e);

1463 (iv) a resource management plan detailing the findings, objectives, and policies  
1464 required by Subsection 17-27a-401(3); and

1465 (v) a water use and preservation element that addresses:

1466 (A) the effect of permitted development or patterns of development on water demand  
1467 and water infrastructure;

1468 (B) methods of reducing water demand and per capita consumption for future  
1469 development;

1470 (C) methods of reducing water demand and per capita consumption for existing  
1471 development; and

1472 (D) opportunities for the county to modify the county's operations to eliminate  
1473 practices or conditions that waste water.

1474 (b) In drafting the moderate income housing element, the planning commission:

1475 (i) shall consider the Legislature's determination that counties should facilitate a  
1476 reasonable opportunity for a variety of housing, including moderate income housing:

1477 (A) to meet the needs of people of various income levels living, working, or desiring to  
1478 live or work in the community; and

1479 (B) to allow people with various incomes to benefit from and fully participate in all  
1480 aspects of neighborhood and community life; and

1481 (ii) shall include an analysis of how the county will provide a realistic opportunity for  
1482 the development of moderate income housing within the planning horizon, including a



- 1483 recommendation to implement three or more of the following moderate income housing  
1484 strategies:
- 1485 (A) rezone for densities necessary to facilitate the production of moderate income  
1486 housing;
  - 1487 (B) demonstrate investment in the rehabilitation or expansion of infrastructure that  
1488 facilitates the construction of moderate income housing;
  - 1489 (C) demonstrate investment in the rehabilitation of existing uninhabitable housing  
1490 stock into moderate income housing;
  - 1491 (D) identify and utilize county general fund subsidies or other sources of revenue to  
1492 waive construction related fees that are otherwise generally imposed by the county for the  
1493 construction or rehabilitation of moderate income housing;
  - 1494 (E) create or allow for, and reduce regulations related to, internal or detached accessory  
1495 dwelling units in residential zones;
  - 1496 (F) zone or rezone for higher density or moderate income residential development in  
1497 commercial or mixed-use zones, commercial centers, or employment centers;
  - 1498 (G) amend land use regulations to allow for higher density or new moderate income  
1499 residential development in commercial or mixed-use zones near major transit investment  
1500 corridors;
  - 1501 (H) amend land use regulations to eliminate or reduce parking requirements for  
1502 residential development where a resident is less likely to rely on the resident's own vehicle,  
1503 such as residential development near major transit investment corridors or senior living  
1504 facilities;
  - 1505 (I) amend land use regulations to allow for single room occupancy developments;
  - 1506 (J) implement zoning incentives for moderate income units in new developments;
  - 1507 (K) preserve existing and new moderate income housing and subsidized units by  
1508 utilizing a landlord incentive program, providing for deed restricted units through a grant  
1509 program, or establishing a housing loss mitigation fund;
  - 1510 (L) reduce, waive, or eliminate impact fees related to moderate income housing;
  - 1511 (M) demonstrate creation of, or participation in, a community land trust program for  
1512 moderate income housing;
  - 1513 (N) implement a mortgage assistance program for employees of the county, an

1514 employer that provides contracted services for the county, or any other public employer that  
1515 operates within the county;

1516 (O) apply for or partner with an entity that applies for state or federal funds or tax  
1517 incentives to promote the construction of moderate income housing, an entity that applies for  
1518 programs offered by the Utah Housing Corporation within that agency's funding capacity, an  
1519 entity that applies for affordable housing programs administered by the Department of  
1520 Workforce Services, an entity that applies for services provided by a public housing authority  
1521 to preserve and create moderate income housing, or any other entity that applies for programs  
1522 or services that promote the construction or preservation of moderate income housing;

1523 (P) demonstrate utilization of a moderate income housing set aside from a community  
1524 reinvestment agency, redevelopment agency, or community development and renewal agency  
1525 to create or subsidize moderate income housing;

1526 (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3,  
1527 Part 6, Housing and Transit Reinvestment Zone Act;

1528 (R) eliminate impact fees for any accessory dwelling unit that is not an internal  
1529 accessory dwelling unit as defined in Section [10-9a-530](#);

1530 (S) create a program to transfer development rights for moderate income housing;

1531 (T) ratify a joint acquisition agreement with another local political subdivision for the  
1532 purpose of combining resources to acquire property for moderate income housing;

1533 (U) develop a moderate income housing project for residents who are disabled or 55  
1534 years old or older;

1535 (V) create or allow for, and reduce regulations related to, multifamily residential  
1536 dwellings compatible in scale and form with detached single-family residential dwellings and  
1537 located in walkable communities within residential or mixed-use zones; and

1538 (W) demonstrate implementation of any other program or strategy to address the  
1539 housing needs of residents of the county who earn less than 80% of the area median income,  
1540 including the dedication of a local funding source to moderate income housing or the adoption  
1541 of a land use ordinance that requires 10% or more of new residential development in a  
1542 residential zone be dedicated to moderate income housing.

1543 (iii) If a specified county, as defined in Section [17-27a-408](#), has created a small public  
1544 transit district, as defined in Section [17B-2a-802](#), on or before January 1, 2022, the specified

1545 county shall include as part of the specified county's recommended strategies under Subsection  
1546 (2)(b)(ii) a recommendation to implement the strategy described in Subsection (2)(b)(ii)(Q).

1547 (iv) The planning commission shall identify each moderate income housing strategy  
1548 recommended to the legislative body for implementation by restating the exact language used  
1549 to describe the strategy in Subsection (2)(b)(ii).

1550 (c) In drafting the land use element, the planning commission shall:

1551 (i) identify and consider each agriculture protection area within the unincorporated area  
1552 of the county or mountainous planning district;

1553 (ii) avoid proposing a use of land within an agriculture protection area that is  
1554 inconsistent with or detrimental to the use of the land for agriculture; and

1555 (iii) consider and coordinate with any station area plans adopted by municipalities  
1556 located within the county under Section [10-9a-403.1](#).

1557 (d) In drafting the transportation and traffic circulation element, the planning  
1558 commission shall:

1559 (i) (A) consider and coordinate with the regional transportation plan developed by the  
1560 county's region's metropolitan planning organization, if the relevant areas of the county are  
1561 within the boundaries of a metropolitan planning organization; or

1562 (B) consider and coordinate with the long-range transportation plan developed by the  
1563 Department of Transportation, if the relevant areas of the county are not within the boundaries  
1564 of a metropolitan planning organization; and

1565 (ii) consider and coordinate with any station area plans adopted by municipalities  
1566 located within the county under Section [10-9a-403.1](#).

1567 (e) (i) In drafting the implementation plan portion of the moderate income housing  
1568 element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to  
1569 the legislative body the establishment of a five-year timeline for implementing each of the  
1570 moderate income housing strategies selected by the county for implementation.

1571 (ii) The timeline described in Subsection (2)(e)(i) shall:

1572 (A) identify specific measures and benchmarks for implementing each moderate  
1573 income housing strategy selected by the county; and

1574 (B) provide flexibility for the county to make adjustments as needed.

1575 (f) In drafting the water use and preservation element, the planning commission:

1576 (i) shall consider applicable regional water conservation goals recommended by the  
1577 Division of Water Resources;

1578 (ii) shall consult with the Division of Water Resources for information and technical  
1579 resources regarding regional water conservation goals, including how implementation of the  
1580 land use element and water use and preservation element may affect the Great Salt Lake;

1581 (iii) shall notify the community water systems serving drinking water within the  
1582 unincorporated portion of the county and request feedback from the community water systems  
1583 about how implementation of the land use element and water use and preservation element may  
1584 affect:

1585 (A) water supply planning, including drinking water source and storage capacity  
1586 consistent with Section 19-4-114; and

1587 (B) water distribution planning, including master plans, infrastructure asset  
1588 management programs and plans, infrastructure replacement plans, and impact fee facilities  
1589 plans;

1590 (iv) shall consider the potential opportunities and benefits of planning for  
1591 regionalization of public water systems;

1592 (v) shall consult with the Department of Agriculture and Food for information and  
1593 technical resources regarding the potential benefits of agriculture conservation easements and  
1594 potential implementation of agriculture water optimization projects that would support regional  
1595 water conservation goals;

1596 (vi) shall notify an irrigation or canal company located in the county so that the  
1597 irrigation or canal company can be involved in the protection and integrity of the irrigation or  
1598 canal company's delivery systems;

1599 (vii) shall include a recommendation for:

1600 (A) water conservation policies to be determined by the county; and

1601 (B) landscaping options within a public street for current and future development that  
1602 do not require the use of lawn or turf in a parkstrip;

1603 (viii) shall review the county's land use ordinances and include a recommendation for  
1604 changes to an ordinance that promotes the inefficient use of water;

1605 (ix) shall consider principles of sustainable landscaping, including the:

1606 (A) reduction or limitation of the use of lawn or turf;

- 1607 (B) promotion of site-specific landscape design that decreases stormwater runoff or
- 1608 runoff of water used for irrigation;
- 1609 (C) preservation and use of healthy trees that have a reasonable water requirement or
- 1610 are resistant to dry soil conditions;
- 1611 (D) elimination or regulation of ponds, pools, and other features that promote
- 1612 unnecessary water evaporation;
- 1613 (E) reduction of yard waste; and
- 1614 (F) use of an irrigation system, including drip irrigation, best adapted to provide the
- 1615 optimal amount of water to the plants being irrigated;
- 1616 (x) may include recommendations for additional water demand reduction strategies,
- 1617 including:
  - 1618 (A) creating a water budget associated with a particular type of development;
  - 1619 (B) adopting new or modified lot size, configuration, and landscaping standards that
  - 1620 will reduce water demand for new single family development;
  - 1621 (C) providing one or more water reduction incentives for existing landscapes and
  - 1622 irrigation systems and installation of water fixtures or systems that minimize water demand;
  - 1623 (D) discouraging incentives for economic development activities that do not adequately
  - 1624 account for water use or do not include strategies for reducing water demand; and
  - 1625 (E) adopting water concurrency standards requiring that adequate water supplies and
  - 1626 facilities are or will be in place for new development; and
  - 1627 (xi) shall include a recommendation for low water use landscaping standards for a new:
    - 1628 (A) commercial, industrial, or institutional development;
    - 1629 (B) common interest community, as defined in Section [57-25-102](#); or
    - 1630 (C) multifamily housing project.
- 1631 (3) The proposed general plan may include:
  - 1632 (a) an environmental element that addresses:
    - 1633 (i) to the extent not covered by the county's resource management plan, the protection,
    - 1634 conservation, development, and use of natural resources, including the quality of:
      - 1635 (A) air;
      - 1636 (B) forests;
      - 1637 (C) soils;

- 1638 (D) rivers;
- 1639 (E) groundwater and other waters;
- 1640 (F) harbors;
- 1641 (G) fisheries;
- 1642 (H) wildlife;
- 1643 (I) minerals; and
- 1644 (J) other natural resources; and
- 1645 (ii) (A) the reclamation of land, flood control, prevention and control of the pollution
- 1646 of streams and other waters;
- 1647 (B) the regulation of the use of land on hillsides, stream channels and other
- 1648 environmentally sensitive areas;
- 1649 (C) the prevention, control, and correction of the erosion of soils;
- 1650 (D) the preservation and enhancement of watersheds and wetlands; and
- 1651 (E) the mapping of known geologic hazards;
- 1652 (b) a public services and facilities element showing general plans for sewage, water,
- 1653 waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them,
- 1654 police and fire protection, and other public services;
- 1655 (c) a rehabilitation, redevelopment, and conservation element consisting of plans and
- 1656 programs for:
- 1657 (i) historic preservation;
- 1658 (ii) the diminution or elimination of a development impediment as defined in Section
- 1659 [17C-1-102](#); and
- 1660 (iii) redevelopment of land, including housing sites, business and industrial sites, and
- 1661 public building sites;
- 1662 (d) an economic element composed of appropriate studies and forecasts, as well as an
- 1663 economic development plan, which may include review of existing and projected county
- 1664 revenue and expenditures, revenue sources, identification of basic and secondary industry,
- 1665 primary and secondary market areas, employment, and retail sales activity;
- 1666 (e) recommendations for implementing all or any portion of the general plan, including
- 1667 the adoption of land and water use ordinances, capital improvement plans, community
- 1668 development and promotion, and any other appropriate action;

1669 (f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or  
1670 (3)(a)(i); ~~and~~  
1671 (g) a riparian area element that may:  
1672 (i) address the following that are applicable to the county's riparian area:  
1673 (A) preserving and enhancing natural stream functions for hydrologic conveyance and  
1674 storage, including flood plains and wetlands;  
1675 (B) managing erosion, sedimentation, and flood control;  
1676 (C) minimizing flood and fire risk to property through development of buffer zones  
1677 and removal of dead or diseased vegetation considered to represent excessive fuel loads;  
1678 (D) reducing water pollution, including by filtration;  
1679 (E) protecting fish and wildlife habitat;  
1680 (F) preserving or restoring vegetation while managing invasive plants, noxious weeds,  
1681 and fuel loads; and  
1682 (G) preserving aesthetic and recreational values that are compatible with the items  
1683 listed in this Subsection (3)(g)(i);  
1684 (ii) establish a vision for the riparian area within the county and identifies strategies to  
1685 implement the county's vision for the riparian area that includes:  
1686 (A) recommendations to update the county's land use ordinances to support the riparian  
1687 area vision as established in the planning process; and  
1688 (B) other strategies as the county considers appropriate; and  
1689 (iii) address:  
1690 (A) situations identified in Subsection (3)(g)(i) that warrant the implementation of  
1691 innovative or established zoning and preservation tools to regulate development to achieve  
1692 riparian area protections;  
1693 (B) situations that consider the ecological function and integrity of features that cut  
1694 across a riparian area adjacent to flowing water, including a stream, bank, wetland, flood plain,  
1695 or upland;  
1696 (C) situations calling for the protection of native riparian plants, including  
1697 identification and management of invasive species in accordance with state and federal law;  
1698 (D) situations calling for the protection of culturally significant landforms, historical  
1699 flood plains, or other important features close to rivers, streams, and wetlands;

1700 (E) what constitutes best practices for the use of herbicides, pesticides, and fertilizer in  
1701 accordance, where relevant, with applicable state and federal law for management of  
1702 recognized listed species;

1703 (F) situations calling for specific permits, analysis, or requests for minor exceptions or  
1704 reasonable use exceptions if no feasible alternative exists;

1705 (G) what circumstances necessitate an applicant with a proposed project in a riparian  
1706 area to submit a resource inventory and impact analysis for the riparian area;

1707 (H) whether to allow use of heavy equipment for construction of amenities or for  
1708 removal of debris;

1709 (I) situations calling for the maintenance of trees that pose a safety risk from treefall,  
1710 fire, or flow conveyance during flooding, or calling for removal of diseased trees;

1711 (J) situations calling for the maintenance or installation of irrigation and flood control  
1712 devices;

1713 (K) how to account for activities approved by the United States Army Corps of  
1714 Engineers or state engineer;

1715 (L) best practices in allowing public utility work;

1716 (M) the need to coordinate and cooperate with watershed councils, other governmental  
1717 agencies, and jurisdictions to facilitate compatible regulation and protection of a riparian area  
1718 and recognize the riparian and hydrologic functions that are regional in nature and that cross  
1719 jurisdictional boundaries;

1720 (N) strategies to avoid, minimize, or mitigate negative impacts affecting a riparian  
1721 area;

1722 (O) tools available for the management of a riparian area, such as tools published by  
1723 the Division of Water Resources from federal, state, or local government agencies, including  
1724 interlocal entities, and assistance provided under Section [73-10-36](#);

1725 (P) a repository with publicly accessible geographic data layers compiled by the Utah  
1726 Geological Survey pursuant to Section [73-10-36](#) to facilitate delineation of riparian areas;

1727 (Q) the need for a process through which a landowner may modify riparian  
1728 requirements to respond to unforeseen circumstances or to allow innovative development  
1729 techniques that meet or exceed adopted standards; and

1730 (R) property rights and appropriate compensation or benefits for property owners; and



1731 (iv) provide for management of the riparian area as part of the regulation of  
 1732 environmentally sensitive areas under this Subsection (3); and  
 1733 ~~[(g)]~~ (h) any other element the county considers appropriate.  
 1734 (4) Notwithstanding Subsection (3)(g)(iii)(K), Subsection (3)(g) may not be interpreted  
 1735 to override, substitute, or modify a water right within the state or the role and authority of the  
 1736 state engineer.

1737 Section 6. Section **63I-1-273** is amended to read:

1738 **63I-1-273. Repeal dates: Title 73.**

1739 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed  
 1740 January 1, 2031.

1741 (2) Subsection 73-10-36(3), creating a position related to riparian area elements in  
 1742 general plans, is repealed July 1, 2029.

1743 ~~[(2)]~~ (3) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed  
 1744 July 1, 2028.

1745 ~~[(3)]~~ (4) Section 73-18-3.5, which authorizes the Division of Outdoor Recreation to  
 1746 appoint an advisory council that includes in the advisory council's duties advising on boating  
 1747 policies, is repealed July 1, 2024.

1748 ~~[(4)]~~ (5) In relation to Title 73, Chapter 31, Water Banking Act, on December 31,  
 1749 2030:

1750 (a) Subsection 73-1-4(2)(e)(xi) is repealed;

1751 (b) Subsection 73-10-4(1)(h) is repealed; and

1752 (c) Title 73, Chapter 31, Water Banking Act, is repealed.

1753 ~~[(5)]~~ (6) Sections 73-32-302 and 73-32-303, related to the Great Salt Lake Advisory  
 1754 Council, are repealed July 1, 2027.

1755 Section 7. Section **73-10-36** is amended to read:

1756 **73-10-36. Division to provide technical assistance in local government planning --**

1757 **Other divisions to provide expertise and knowledge -- Riparian map.**

1758 (1) As used in this section:

1759 (a) "Division" means the Division of Water Resources.

1760 (b) "General plan":

1761 (i) for a municipality, means the same as that term is defined in Section 10-9a-103; and

- 1762 (ii) for a county, means the same as that term is defined in Section [17-27a-103](#).
- 1763 (c) "Local government" means a county or a municipality, as defined in Section  
1764 [10-1-104](#).
- 1765 (d) "Watershed council" means a council created under Chapter 10g, Part 3, Watershed  
1766 Councils Act.
- 1767 (2) (a) The division shall provide technical assistance to a local government to support  
1768 the local government's adoption of a water use and preservation element or riparian area  
1769 element in a general plan.
- 1770 [~~3~~] (b) When consulted by a local government for information and technical  
1771 resources regarding regional water conservation goals under Subsection [10-9a-403\(2\)\(f\)\(vi\)](#) or  
1772 [17-27a-403\(2\)\(f\)\(ii\)](#), the division may seek input from the appropriate watershed council or  
1773 councils.
- 1774 (c) The division shall publish on a public website tools described in Subsection  
1775 [10-9a-403\(3\)\(g\)\(iii\)\(O\)](#) or [17-27a-403\(3\)\(g\)\(iii\)\(O\)](#).
- 1776 (3) (a) The Department of Natural Resources shall create a position that:
- 1777 (i) works with the Division of Forestry, Fire, and State Lands and the Utah Geological  
1778 Survey to provide expertise and specialized knowledge to local governments with regard to the  
1779 management and improvement of riparian areas; and
- 1780 (ii) coordinates with the division in providing technical assistance to a local  
1781 government related to a riparian area element in a general plan.
- 1782 (b) By no later than July 1, 2025, the Utah Geological Survey shall make publicly  
1783 accessible a compilation of geographic data layers that facilitate delineation of riparian areas  
1784 within the state.
- 1785 (4) (a) The division shall offer and manage a program, known as the "Healthy Water  
1786 Ways," to recognize local governments that adopt a riparian area vision:
- 1787 (i) as part of land use regulations;
- 1788 (ii) in a general plan that substantially meets the recommendations found in Subsection  
1789 [10-9a-403\(3\)\(g\)](#) or Subsection [17-27a-403\(3\)\(g\)](#); or
- 1790 (iii) in a master plan that substantially meets the recommendations found in Subsection  
1791 [10-9a-403\(3\)\(g\)](#) or Subsection [17-27a-403\(3\)\(g\)](#).
- 1792 (b) As part of the Healthy Water Ways program, the division may issue other awards

1793 recognizing accomplishments of local governments in relation to riparian areas.

1794 (c) The Healthy Water Ways program shall award recognition to one or more local  
1795 governments described in Subsection (4)(a) at least annually.

1796 (d) A local government may apply for recognition under the Healthy Water Ways  
1797 program by filing an application with the individual who holds the position described in  
1798 Subsection (3). The individual receiving the application shall assist the division in determining  
1799 which local governments should be recognized each year.

1800 (e) After determining award recipients under this Subsection (4), the division may  
1801 coordinate with associations for local governments in the distribution of those awards.

1802 Section 8. **Effective date.**

1803 This bill takes effect on May 1, 2024.