

**Land Use Regulation Revisions**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jill Koford**

Senate Sponsor:

**LONG TITLE****General Description:**

This bill modifies provisions related to land use.

**Highlighted Provisions:**

This bill:

- amends requirements for a modified feasibility request related to a proposed municipal incorporation;
- modifies requirements for an ordinance establishing a planning commission;
- modifies planning commission powers and duties;
- modifies the requirement to place certain infrastructure completion assurances in an interest-bearing account;
- requires a specified municipality to allow a detached accessory dwelling unit as a permitted use in certain zones;
- clarifies notice requirements for a proposed county land use ordinance that is ministerial in nature;
- modifies a county's authority to deny an applicant a building permit or certificate of occupancy if the applicant has not completed an infrastructure improvement; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

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

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

**10-20-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,

First Special Session, Chapter 15

31 **10-20-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
 32 First Special Session, Chapter 15

33 **10-20-507 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
 34 First Special Session, Chapter 15

35 **10-20-807 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
 36 First Special Session, Chapter 15

37 **10-21-101 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
 38 First Special Session, Chapter 15

39 **17-79-205 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
 40 First Special Session, Chapter 14

41 **17-79-301 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
 42 First Special Session, Chapter 14

43 **17-79-302 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
 44 First Special Session, Chapter 14

45 **17-79-507 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
 46 First Special Session, Chapter 14

47 **17-79-707 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
 48 First Special Session, Chapter 14

49 **17-79-901 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 2025,  
 50 First Special Session, Chapter 14

51 ENACTS:

52 **10-21-304 (Effective 10/01/26)**, Utah Code Annotated 1953

53

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

55 Section 1. Section **10-2a-206** is amended to read:

56 **10-2a-206 (Effective 05/06/26). Modified feasibility request -- Supplemental**  
 57 **feasibility study.**

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

60 [(+)] (2)(a) The sponsors of a feasibility request may modify the request to alter the  
 61 boundaries of the proposed municipality and refile the modified feasibility request  
 62 with the county clerk if:

63 (i) the results of the feasibility study do not comply with Subsection 10-2a-205(5)(a);

64 or

- 65 (ii)(A) the feasibility request complies with Subsection 10-2a-201.5(4)(b);
- 66 (B) the annexation petition described in Subsection 10-2a-201.5(4)(b) that
- 67 proposed the annexation of an area that is part of the area proposed for
- 68 incorporation has been denied; and
- 69 (C) an incorporation petition based on the feasibility request has not been filed.
- 70 (b)(i) The sponsors of a feasibility request may not file a modified request under
- 71 Subsection ~~[(1)(a)(i)]~~ (2)(a)(i) more than 90 days after the day on which the
- 72 feasibility consultant submits the final results of the feasibility study under
- 73 Subsection 10-2a-205(2)(c)(iii).
- 74 (ii) The sponsors of a feasibility request may not file a modified request under
- 75 Subsection ~~[(1)(a)(ii)]~~ (2)(a)(ii) more than 18 months after filing the original
- 76 feasibility request under Section 10-2a-202.
- 77 (c)(i) Subject to Subsection ~~[(1)(e)(ii)]~~ (2)(c)(ii), each modified feasibility request
- 78 under Subsection ~~[(1)(a)]~~ (2)(a) shall comply with Subsections 10-2a-202(1), (3),
- 79 (4), and (5) and Subsection 10-2a-201.5(4).
- 80 (ii) Notwithstanding Subsection ~~[(1)(e)(i)]~~ (2)(c)(i), a signature on a feasibility request
- 81 filed under Section 10-2a-202 may be used toward fulfilling the signature
- 82 requirement of Subsection 10-2a-202(1)(a) for the feasibility request as modified
- 83 under Subsection ~~[(1)(a)]~~ (2)(a), unless the modified feasibility request proposes
- 84 the incorporation of an area that is more than 20% larger or smaller than the area
- 85 described by the original feasibility request in terms of:
- 86 (A) private land area; or
- 87 (B) assessed fair market value of private real property, as of January 1 of the
- 88 current year.
- 89 (d) Within 20 days after the day on which the county clerk receives the modified
- 90 request, the county clerk and the lieutenant governor shall follow the same procedure
- 91 described in Subsections 10-2a-204(1) through (6) for the modified feasibility request
- 92 as for an original feasibility request.
- 93 (e)(i) If a sponsor files a modified feasibility request that includes an area of land that
- 94 was not included in the original feasibility request, the county clerk shall, within
- 95 seven days after the day on which the sponsor files the modified feasibility request
- 96 with the lieutenant governor, identify any new specified landowners located
- 97 within the added area of land and mail written notice to each of the new specified
- 98 landowners.

99 (ii) The notice described in Subsection (2)(e)(i) shall:  
 100 (A) describe the added area of land; and  
 101 (B) state that a specified landowner who owns land within the added area may  
 102 request exclusion of the land from the proposed incorporation boundaries by  
 103 filing a request for exclusion with the county clerk within 30 days after the day  
 104 on which the county clerk mails the notice.

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

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

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

120 (i) estimate the cost of a supplemental feasibility study under this section; and  
 121 (ii) provide the estimated cost to the feasibility request sponsors.

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

126 [(2)] (3) The timely filing of a modified feasibility request under Subsection [(1)] (2) gives  
 127 the modified feasibility request the same processing priority under Subsection  
 128 10-2a-204(7) as the original feasibility request if the feasibility request sponsors pay the  
 129 estimated cost of the supplemental feasibility study as required in Subsection [(1)(e)]  
 130 (2)(e).

131 [(3)] (4) [Within] Except as provided in Subsection (5), within 10 days after the day on  
 132 which the lieutenant governor receives payment of the estimated supplemental

133 feasibility study cost, the lieutenant governor shall commission the feasibility consultant  
 134 who conducted the feasibility study to conduct a supplemental feasibility study that  
 135 accounts for the modified feasibility request.

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

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

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

143 [(4)] (6) The lieutenant governor shall require the feasibility consultant to:

144 (a) submit a draft of the supplemental feasibility study to each applicable person with  
 145 whom the feasibility consultant is required to consult under Subsection  
 146 10-2a-205(3)(c) within 30 days after the day on which the feasibility consultant is  
 147 engaged to conduct the supplemental study;

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

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

153 (i) the lieutenant governor;

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

155 (iii) the contact sponsor; and

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

158 [(5)] (7) If the results of the supplemental feasibility study do not comply with Subsection  
 159 10-2a-205(5)(a):

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

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

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

167           **10-2a-220 (Effective 05/06/26). Costs of incorporation -- Fees established by**  
168 **lieutenant governor.**

- 169 (1)(a) There is created an expendable special revenue fund known as the "Municipal  
170 Incorporation Expendable Special Revenue Fund."  
171 (b) The fund shall consist of:  
172       (i) appropriations from the Legislature;  
173       (ii) payments that feasibility request sponsors make to the lieutenant governor under  
174           Subsections 10-2a-205(1)(b) and 10-2a-206(1)(f); and  
175       (iii) fees the lieutenant governor collects and remits to the fund under this section.  
176 (c) The lieutenant governor shall deposit all money collected under this section into the  
177 fund.
- 178 (2)(a) The lieutenant governor shall establish a fee in accordance with Section 63J-1-504  
179 for a cost incurred by the lieutenant governor or the county for an incorporation  
180 proceeding, including:  
181       (i) a request certification;  
182       (ii) a petition certification;  
183       (iii) publication of notices;  
184       (iv) public hearings;  
185       (v) all other incorporation activities occurring after the elections; and  
186       (vi) any other cost incurred by the lieutenant governor or county in relation to an  
187 incorporation proceeding.  
188 (b) A cost under Subsection (2)(a) does not include a cost incurred by a county for  
189 holding an election under Section 10-2a-210.
- 190 (3) Subject to Subsections 10-2a-205(1)(b) and [~~10-2a-206(1)(f)~~] 10-2a-206(2)(h), the  
191 lieutenant governor shall pay for a cost described in Subsection (2)(a) using funds from  
192 the Municipal Incorporation Expendable Special Revenue Fund.
- 193 (4)(a) A newly incorporated municipality shall:  
194       (i) pay to the lieutenant governor each fee established under Subsection (2) for each  
195           cost described in Subsection (2)(a) incurred by the lieutenant governor or the  
196           county;  
197       (ii) pay the county for a cost described in Subsection (2)(b); and  
198       (iii) reimburse feasibility request sponsors the cost the feasibility request sponsors  
199           paid for:  
200           (A) a feasibility study under Section 10-2a-205; and

- 201 (B) any supplemental feasibility study under Section 10-2a-206.
- 202 (b) The lieutenant governor shall execute a payback agreement with each new  
203 municipality for the new municipality to pay the fees described in Subsection (4)(a)  
204 over a period that, except as provided in Subsection (4)(c), may not exceed five years.
- 205 (c) If necessary, the lieutenant governor may extend a fee payment deadline beyond the  
206 deadline described in Subsection (4)(b) by amending the payback agreement  
207 described in Subsection (4)(b).
- 208 (d) The lieutenant governor shall deposit each fee the lieutenant governor collects under  
209 Subsection (4)(a)(i) into the Municipal Incorporation Expendable Special Revenue  
210 Fund.
- 211 (5) If the lieutenant governor expends funds from the Municipal Incorporation Expendable  
212 Special Revenue Fund that are not repaid to the lieutenant governor under Subsection  
213 (4)(a)(i) because an area did not incorporate as a municipality, the Legislature shall  
214 appropriate money to the fund in an amount equal to the funds that are not repaid.

215 Section 3. Section **10-20-301** is amended to read:

216 **10-20-301 (Effective 05/06/26). Ordinance establishing planning commission**  
217 **required -- Ordinance requirements -- Compensation.**

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

219 (b) The ordinance shall [define]:

- 220 (i) include the number and terms of the planning commission members and, if the  
221 municipality chooses, alternate members;
- 222 (ii) [the mode of appointment] provide procedures for appointing a planning  
223 commission member;
- 224 (iii) [the] provide procedures for filling vacancies[and] on the planning commission;
- 225 (iv) [removal from office;] provide procedures for removing a planning commission  
226 member from the planning commission and specify that:
- 227 (A) in a form of government described in Section 10-3b-301 or 10-3b-401, the  
228 legislative body may remove a planning commission member; or
- 229 (B) in a form of government described in Section 10-3b-202, the chief executive  
230 may remove a planning commission member;
- 231 (v) except as provided in Subsection (1)(b)(vi), describe the causes for which a  
232 planning commission member may be removed from the planning commission,  
233 which shall include:
- 234 (A) using public funds for a political purpose under Title 20A, Chapter 11, Part 12,

- 235 Political Activities of Public Entities Act;  
 236 (B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and  
 237 Employees' Ethics Act; and  
 238 (C) acting with the intent to influence a land use decision or an appeal of a  
 239 pending land use application in a manner that creates actual impermissible bias  
 240 or an unacceptable risk of impermissible bias in the planning commission  
 241 member's administrative or quasi-judicial duties;  
 242 (vi) provide that a planning commission member deliberating about a specific  
 243 pending land use application in a planning commission meeting with municipal  
 244 staff, an elected official, or the land use applicant is not cause for removing a  
 245 planning commission member from the planning commission;  
 246 [(iv)] (vii) define the authority of the planning commission;  
 247 [(v)] (viii) subject to Subsection (1)(c), [the] direct the municipality to adopt rules of  
 248 order and procedure for use by the planning commission in a public meeting; and  
 249 [(vi)] (ix) include other details relating to the organization and procedures of the  
 250 planning commission.  
 251 (c) Subsection [(1)(b)(v)] (1)(b)(viii) does not affect the planning commission's duty to  
 252 comply with Title 52, Chapter 4, Open and Public Meetings Act.  
 253 (2) The legislative body may authorize a member to receive per diem and travel expenses  
 254 for meetings actually attended, in accordance with Section 11-55-103.  
 255 Section 4. Section **10-20-302** is amended to read:  
 256 **10-20-302 (Effective 05/06/26). Planning commission powers and duties --**  
 257 **Training requirements.**  
 258 (1) The planning commission shall review and make a recommendation to the legislative  
 259 body for:  
 260 (a) a general plan and amendments to the general plan;  
 261 (b) land use regulations, including:  
 262 (i) ordinances regarding the subdivision of land within the municipality; and  
 263 (ii) amendments to existing land use regulations;  
 264 (c) an appropriate delegation of power to at least one designated land use authority to  
 265 hear and act on a land use application;  
 266 (d) an appropriate delegation of power to at least one appeal authority to hear and act on  
 267 an appeal from a decision of the land use authority; and  
 268 (e) application processes that:

- 269 (i) may include a designation of routine land use matters that, upon application and  
 270 proper notice, will receive informal streamlined review and action if the  
 271 application is uncontested; and
- 272 (ii) shall protect the right of each:
- 273 (A) land use applicant and adversely affected party to require formal consideration  
 274 of any application by a land use authority; and
- 275 (B) land use applicant or adversely affected party to appeal a land use authority's  
 276 decision to a separate appeal authority[; ~~and~~] .
- 277 [~~(C) participant to be heard in each public hearing on a contested application.~~]
- 278 (2) Before making a recommendation to a legislative body on an item described in  
 279 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in  
 280 accordance with Section 10-20-405.
- 281 (3) A legislative body may adopt, modify, or reject a planning commission's  
 282 recommendation to the legislative body under this section.
- 283 (4) A legislative body may consider a planning commission's failure to make a timely  
 284 recommendation as a negative recommendation.
- 285 (5) Nothing in this section limits the right of a municipality to initiate or propose the actions  
 286 described in this section.
- 287 (6)(a)(i) This Subsection (6) applies to:
- 288 (A) a city of the first, second, third, or fourth class; and
- 289 (B) a city of the fifth class with a population of 5,000 or more, if the city is located  
 290 within a county of the first, second, or third class.
- 291 (ii) The population for each city described in Subsection (6)(a)(i) shall be derived  
 292 from:
- 293 (A) an estimate of the Utah Population Committee created in Section 63C-20-103;  
 294 or
- 295 (B) if the Utah Population Committee estimate is not available, the most recent  
 296 official census or census estimate of the United States [~~Bureau of the~~]Census  
 297 Bureau.
- 298 (b) A municipality described in Subsection (6)(a)(i) shall ensure that each member of the  
 299 municipality's planning commission completes four hours of annual land use training  
 300 as follows:
- 301 (i) one hour of annual training on general powers and duties, including the role of the  
 302 planning commission in administrative, legislative, and quasi-judicial functions

- 303 under this chapter; and
- 304 (ii) three hours of annual training on land use or ethics, which may include:
- 305 (A) appeals and variances;
- 306 (B) conditional use permits;
- 307 (C) exactions;
- 308 (D) impact fees;
- 309 (E) vested rights;
- 310 (F) subdivision regulations and improvement guarantees;
- 311 (G) land use referenda;
- 312 (H) property rights;
- 313 (I) real estate procedures and financing;
- 314 (J) zoning, including use-based and form-based; ~~and~~
- 315 (K) drafting ordinances and code that complies with statute[-] ;
- 316 (L) ex parte communication; and
- 317 (M) conflict of interest.
- 318 (c) A newly appointed planning commission member may not participate in a public
- 319 meeting as an appointed member until the member completes the training described
- 320 in Subsection (6)(b)(i).
- 321 (d) A planning commission member may qualify for one completed hour of training
- 322 required under Subsection (6)(b)(ii) if the member attends, as an appointed member,
- 323 12 public meetings of the planning commission within a calendar year.
- 324 (e) A municipality shall provide the training described in Subsection (6)(b) through:
- 325 (i) municipal staff;
- 326 (ii) the Utah League of Cities and Towns; or
- 327 (iii) a list of training courses selected by:
- 328 (A) the Utah League of Cities and Towns; or
- 329 (B) the Division of Real Estate created in Section 61-2-201.
- 330 (f) A municipality shall, for each planning commission member:
- 331 (i) monitor compliance with the training requirements in Subsection (6)(b); and
- 332 (ii) maintain a record of training completion at the end of each calendar year.
- 333 Section 5. Section **10-20-507** is amended to read:
- 334 **10-20-507 (Effective 05/06/26). Classification of new and unlisted business uses.**
- 335 (1) As used in this section:
- 336 (a) "Classification request" means a request to determine whether a proposed business

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

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

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

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

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

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

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

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

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

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

354 (A) the applicant shall submit to the legislative body for review an application [~~for~~  
355 ~~approval of the new or unlisted business use to the legislative body for review~~]  
356 requesting that the legislative body modify the municipality's land use  
357 ordinances to add the new or unlisted business use as a permitted or conditional  
358 use;

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

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

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

370 (v) provide that if the legislative body denies [~~a proposed new or unlisted business use~~]

371 the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees  
 372 with the land use authority's classification of the proposed use, the legislative  
 373 body shall:

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

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

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

383 Section 6. Section **10-20-807** is amended to read:

384 **10-20-807 (Effective 05/06/26). Subdivision plat recording or development**  
 385 **activity before required landscaping or infrastructure is completed -- Improvement**  
 386 **completion assurance -- Improvement warranty.**

387 (1) As used in this section:

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

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

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

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

398 (2) A land use authority shall establish objective inspection standards for acceptance of a  
 399 public landscaping improvement or infrastructure improvement that the land use  
 400 authority requires.

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

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

- 405 (ii) post an improvement completion assurance for any required public landscaping  
406 improvements or infrastructure improvements.
- 407 (b) If an applicant elects to post an improvement completion assurance, the applicant  
408 shall, in accordance with Subsection (5), provide completion assurance for:
- 409 (i) completion of 100% of the required public landscaping improvements or  
410 infrastructure improvements; or
- 411 (ii) if the municipality has inspected and accepted a portion of the public landscaping  
412 improvements or infrastructure improvements, 100% of the incomplete or  
413 unaccepted public landscaping improvements or infrastructure improvements.
- 414 (c) A municipality shall:
- 415 (i) establish a minimum of two acceptable forms of completion assurance;
- 416 (ii)(A) if an applicant elects to post an improvement completion assurance, allow  
417 the applicant to post an assurance that meets the conditions of this chapter and  
418 any local ordinances; and
- 419 (B) beginning on May 7, 2025, if a municipality accepts cash deposits as a form of  
420 completion assurance and the applicant elects to post a cash deposit as a form  
421 of completion assurance, place the cash deposit in an interest-bearing account  
422 upon receipt and return any earned interest to the applicant with the return of  
423 the completion assurance according to the conditions of this chapter and any  
424 local ordinances;
- 425 (iii) establish a system for the partial release of an improvement completion  
426 assurance as portions of required public landscaping improvements or  
427 infrastructure improvements are completed and accepted in accordance with local  
428 ordinance; and
- 429 (iv) issue or deny a building permit in accordance with Section 10-20-1001 based on  
430 the installation of public landscaping improvements or infrastructure  
431 improvements.
- 432 (d) A municipality may not require an applicant to post an improvement completion  
433 assurance for:
- 434 (i) public landscaping improvements or an infrastructure improvement that the  
435 municipality has previously inspected and accepted;
- 436 (ii) infrastructure improvements that are private and not essential or required to meet  
437 the building code, fire code, flood or storm water management provisions, street  
438 and access requirements, or other essential necessary public safety improvements

- 439 adopted in a land use regulation;
- 440 (iii) in a municipality where ordinances require all infrastructure improvements  
441 within the area to be private, infrastructure improvements within a development  
442 that the municipality requires to be private;
- 443 (iv) landscaping improvements that are not public landscaping improvements, unless  
444 the landscaping improvements and completion assurance are required under the  
445 terms of a development agreement;
- 446 (v) a private landscaping plan;
- 447 (vi) landscaping improvements or infrastructure improvements that an applicant  
448 elects to install at the applicant's own risk:
- 449 (A) before the plat is recorded;
- 450 (B) in accordance with inspections required by the municipality for the  
451 infrastructure improvement; and
- 452 (C) in accordance with final civil engineering plan approval by the municipality; or
- 453 (vii) any individual public landscaping improvement or individual infrastructure  
454 improvement when the individual public landscaping improvement or individual  
455 infrastructure improvement is also included as part of a separate improvement  
456 completion assurance.
- 457 (e)(i) A municipality may not:
- 458 (A) prohibit an applicant from installing a public landscaping improvement or an  
459 infrastructure improvement when the municipality has approved final civil  
460 engineering plans for the development activity or plat for which the public  
461 landscaping improvement or infrastructure improvement is required; or
- 462 (B) require an applicant to sign an agreement, release, or other document  
463 inconsistent with this chapter as a condition of posting an improvement  
464 completion assurance, security for an improvement warranty, or receiving a  
465 building permit.
- 466 (ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and  
467 infrastructure improvements that are installed by an applicant are subject to  
468 inspection by the municipality in accordance with the municipality's adopted  
469 inspection standards.
- 470 (f)(i) Each improvement completion assurance and improvement warranty posted by  
471 an applicant with a municipality shall be independent of any other improvement  
472 completion assurance or improvement warranty posted by the same applicant with

- 473 the municipality.
- 474 (ii) Subject to Section 10-20-905, if an applicant has posted a form of security with a  
475 municipality for more than one infrastructure improvement or public landscaping  
476 improvement, the municipality may not withhold acceptance of an applicant's  
477 required subdivision improvements, public landscaping improvement,  
478 infrastructure improvements, or the performance of warranty work for the same  
479 applicant's failure to complete a separate subdivision improvement, public  
480 landscaping improvement, infrastructure improvement, or warranty work under a  
481 separate improvement completion assurance or improvement warranty.
- 482 (4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or  
483 other entitlement benefit not currently available under the existing zone, a  
484 municipality may require a completion assurance bond for landscaped amenities and  
485 common area that are dedicated to and maintained by a homeowners association.
- 486 (b) Any agreement regarding a completion assurance bond under Subsection (4)(a)  
487 between the applicant and the municipality shall be memorialized in a development  
488 agreement.
- 489 (c) A municipality may not require a completion assurance bond for or dictate who  
490 installs or is responsible for the cost of the landscaping of residential lots or the  
491 equivalent open space surrounding single-family attached homes, whether platted as  
492 lots or common area.
- 493 (5) The sum of the improvement completion assurance required under Subsections (3) and  
494 (4) may not exceed the sum of:
- 495 (a) 100% of the estimated cost of the public landscaping improvements or infrastructure  
496 improvements, as evidenced by an engineer's estimate or licensed contractor's bid;  
497 and
- 498 (b) 10% of the amount of the bond to cover administrative costs incurred by the  
499 municipality to complete the improvements, if necessary.
- 500 (6)(a) Upon an applicant's written request that the land use authority accept or reject the  
501 applicant's installation of required subdivision improvements or performance of  
502 warranty work as set forth in Section 10-20-905, and for the duration of each  
503 improvement warranty period, the municipality may require the applicant to:
- 504 (i) execute an improvement warranty for the improvement warranty period; and  
505 (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as  
506 required by the municipality, in the amount of up to 10% of the lesser of the:

- 507 (A) municipal engineer's original estimated cost of completion; or  
 508 (B) applicant's reasonable proven cost of completion.
- 509 (b) A municipality may not require the payment of the deposit of the improvement  
 510 warranty assurance described in Subsection (6)(a)(i) for an infrastructure  
 511 improvement or public landscaping improvement before the applicant indicates  
 512 through written request that the applicant has completed the infrastructure  
 513 improvement or public landscaping improvement.
- 514 (7) When a municipality accepts an improvement completion assurance for public  
 515 landscaping improvements or infrastructure improvements for a development in  
 516 accordance with Subsection (3)(c)(ii), the municipality may not deny an applicant a  
 517 building permit if the development meets the requirements for the issuance of a building  
 518 permit under the building code and fire code.
- 519 (8) A municipality may not require the submission of a private landscaping plan as part of  
 520 an application for a building permit.
- 521 (9) The provisions of this section do not supersede the terms of a valid development  
 522 agreement, an adopted phasing plan, or the ~~[state construction code]~~ State Construction  
 523 Code.

524 Section 7. Section **10-21-101** is amended to read:

525 **10-21-101 (Effective 05/06/26). Definitions.**

526 As used in this part:

- 527 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or  
 528 detached from a single-family dwelling and contained on one lot or parcel.
- 529 (2) "Accessory structure" means a detached structure located on the same lot or parcel as a  
 530 principal structure and is incidental and subordinate to the size and use of the principal  
 531 structure.
- 532 (3) "Affordable housing" means housing offered for sale at 80% or less of the median  
 533 county home price for housing of that type.
- 534 ~~[(2)]~~ (4) "Agency" means the same as that term is defined in Section 17C-1-102.
- 535 ~~[(3)]~~ (5) "Applicable metropolitan planning organization" means the metropolitan planning  
 536 organization that has jurisdiction over the area in which a fixed guideway public transit  
 537 station is located.
- 538 ~~[(4)]~~ (6) "Applicable public transit district" means the public transit district, as defined in  
 539 Section 17B-2a-802, of which a fixed guideway public transit station is included.
- 540 ~~[(5)]~~ (7) "Base taxable value" means a property's taxable value as shown upon the

- 541 assessment roll last equalized during the base year.
- 542 [(6)] (8) "Base year" means, for a proposed home ownership promotion zone area, a year  
543 beginning the first day of the calendar quarter determined by the last equalized tax roll  
544 before the adoption of the home ownership promotion zone.
- 545 (9) "Detached accessory dwelling unit" means an accessory dwelling unit that is not  
546 attached to or within a detached single-family dwelling and located on the same lot or  
547 parcel as the detached single-family dwelling.
- 548 [(7)] (10) "Division" means the Housing and Community Development Division within the  
549 Department of Workforce Services.
- 550 [(8)] (11) "Existing fixed guideway public transit station" means a fixed guideway public  
551 transit station for which construction begins before June 1, 2022.
- 552 [(9)] (12) "Fixed guideway" means the same as that term is defined in Section 59-12-102.
- 553 [(10)] (13) "Home ownership promotion zone" means a home ownership promotion zone  
554 created in accordance with this part.
- 555 [(11)] (14) "Implementation plan" means the implementation plan adopted as part of the  
556 moderate income housing element of a specified municipality's general plan as provided  
557 in Subsection 10-21-201(4).
- 558 [(12)] (15) "Initial report" or "initial moderate income housing report" means the one-time  
559 report described in Subsection 10-21-202(1).
- 560 [(13)] (16) "Internal accessory dwelling unit" means an accessory dwelling unit created:  
561 (a) within a primary dwelling;  
562 (b) within the footprint of the primary dwelling described in [~~Subsection (13)(a)]~~  
563 Subsection (16)(a) at the time the internal accessory dwelling unit is created; and  
564 (c) for the purpose of offering a long-term rental of 30 consecutive days or longer.
- 565 [(14)] (17) "Moderate income housing strategy" means a strategy described in Subsection  
566 10-21-201(3)(a)(iii).
- 567 [(15)] (18) "New fixed guideway public transit station" means a fixed guideway public  
568 transit station for which construction begins on or after June 1, 2022.
- 569 [(16)] (19) "Participant" means the same as that term is defined in Section 17C-1-102.
- 570 [(17)] (20) "Participation agreement" means the same as that term is defined in Section  
571 17C-1-102.
- 572 [(18)] (21)(a) "Primary dwelling" means a single-family dwelling that:  
573 (i) is detached; and  
574 (ii) is occupied as the primary residence of the owner of record.

- 575 (b) "Primary dwelling" includes a garage if the garage:  
576 (i) is a habitable space; and  
577 (ii) is connected to the primary dwelling by a common wall.
- 578 [(19)] (22) "Project improvements" means the same as that term is defined in Section  
579 11-36a-102.
- 580 [(20)] (23) "Qualifying land use petition" means a petition:  
581 (a) that involves land located within a station area for an existing public transit station  
582 that provides rail services;  
583 (b) that involves land located within a station area for which the municipality has not yet  
584 satisfied the requirements of Subsection 10-21-203(1)(a);  
585 (c) that proposes the development of an area greater than five contiguous acres, with no  
586 less than 51% of the acreage within the station area;  
587 (d) that would require the municipality to amend the municipality's general plan or  
588 change a zoning designation for the land use application to be approved;  
589 (e) that would require a higher density than the density currently allowed by the  
590 municipality;  
591 (f) that proposes the construction of new residential units, at least 10% of which are  
592 dedicated to moderate income housing; and  
593 (g) for which the land use applicant requests the municipality to initiate the process of  
594 satisfying the requirements of Subsection 10-21-203(1)(a) for the station area in  
595 which the development is proposed, subject to Subsection 10-21-203(2)(d).
- 596 [(21)] (24) "Report" means an initial report or a subsequent progress report.
- 597 [(22)] (25) "Specified municipality" means:  
598 (a) a city of the first, second, third, or fourth class; or  
599 (b) a city of the fifth class with a population of 5,000 or more, if the city is located  
600 within a county of the first, second, or third class.
- 601 [(23)] (26)(a) "Station area" means:  
602 (i) for a fixed guideway public transit station that provides rail services, the area  
603 within a one-half mile radius of the center of the fixed guideway public transit  
604 station platform; or  
605 (ii) for a fixed guideway public transit station that provides bus services only, the  
606 area within a one-fourth mile radius of the center of the fixed guideway public  
607 transit station platform.  
608 (b) "Station area" includes any parcel bisected by the radius limitation described in [

- 609            ~~Subsection (a)(i)] Subsection (26)(a)(i) or (ii).~~
- 610    [(24)] (27) "Station area plan" means a plan that:
- 611            (a) establishes a vision, and the actions needed to implement that vision, for the
- 612            development of land within a station area; and
- 613            (b) is developed and adopted in accordance with this section.
- 614    [(25)] (28) "Subsequent progress report" means the annual report described in Subsection
- 615            10-21-202(2).
- 616    [(26)] (29) "System improvements" means the same as that term is defined in Section
- 617            11-36a-102.
- 618    [(27)] (30) "Tax commission" means the State Tax Commission created in Section 59-1-201.
- 619    [(28)] (31)(a) "Tax increment" means the difference between:
- 620            (i) the amount of property tax revenue generated each tax year by a taxing entity from
- 621            the area within a home ownership promotion zone, using the current assessed
- 622            value and each taxing entity's current certified tax rate as defined in Section
- 623            59-2-924; and
- 624            (ii) the amount of property tax revenue that would be generated from that same area
- 625            using the base taxable value and each taxing entity's current certified tax rate as
- 626            defined in Section 59-2-924.
- 627            (b) "Tax increment" does not include property revenue from:
- 628            (i) a multicounty assessing and collecting levy described in Subsection 59-2-1602(2);
- 629            or
- 630            (ii) a county additional property tax described in Subsection 59-2-1602(4).
- 631    [(29)] (32) "Taxing entity" means the same as that term is defined in Section 17C-1-102.
- 632            Section 8. Section **10-21-304** is enacted to read:
- 633            **10-21-304 (Effective 10/01/26). Detached accessory dwelling units.**
- 634            (1) A specified municipality shall adopt a land use regulation that permits a detached
- 635            accessory dwelling unit on any lot or parcel that contains a single-family dwelling, if the
- 636            single-family dwelling is a permitted use on the lot or parcel.
- 637            (2) A land use regulation described in Subsection (1) shall:
- 638            (a) require that a detached accessory dwelling unit comply with all applicable building,
- 639            health, and fire codes; and
- 640            (b) permit the owner of a legally constructed accessory structure to convert the accessory
- 641            structure to a detached accessory dwelling unit subject to applicable:
- 642            (i) building setback requirements; and

- 643           (ii) building, health, and fire codes.
- 644   (3) A land use regulation described in Subsection (1) may not:
- 645       (a) require a conditional use permit for a detached accessory dwelling unit if the
- 646           proposed detached accessory dwelling unit is located in a primarily residential zone;
- 647       (b) require building setbacks from a property line or a detached single-family dwelling
- 648           that unreasonably limits a property owner's ability to construct a detached accessory
- 649           dwelling unit;
- 650       (c) require more than two on-site parking spaces assigned to a detached accessory
- 651           dwelling unit that is 650 square feet or larger;
- 652       (d) require more than one on-site parking space assigned to a detached accessory
- 653           dwelling unit that is smaller than 650 square feet; or
- 654       (e) include design standards for a detached accessory dwelling unit that conflict with
- 655           Section 10-20-618.
- 656   (4) A land use regulation described in Subsection (1) may:
- 657       (a) require a detached accessory dwelling unit to:
- 658           (i) conform to applicable land use regulations that regulate structure size, dimension,
- 659           height, and maximum lot coverage; and
- 660           (ii) be designed consistent with the design of the single-family dwelling;
- 661       (b) prohibit a detached accessory dwelling unit from being:
- 662           (i) larger in size than the single-family dwelling located on the same lot or parcel;
- 663           (ii) located within a public utility easement or other recorded easement;
- 664           (iii) located in a front-yard area of a lot or parcel; or
- 665           (iv) rented for less than 90 consecutive days;
- 666       (c) require that the owner of a lot or parcel where a detached accessory dwelling unit is
- 667           located reside in the detached single-family dwelling or detached accessory dwelling
- 668           unit located on the lot or parcel;
- 669       (d) require that when a detached garage is converted to a detached accessory dwelling
- 670           unit, any parking spaces required for the single-family dwelling that were located
- 671           with the detached garage are replaced on-site;
- 672       (e) prohibit more than one accessory dwelling unit on a lot or parcel; and
- 673       (f) prohibit a detached accessory dwelling unit if:
- 674           (i) the detached accessory dwelling unit will not have adequate access to a required
- 675           utility service, including sanitary sewer, culinary water, electrical, or storm water;
- 676           or

677           (ii) a utility service, including sanitary sewer, culinary water, electrical, or storm  
 678           water, to which the detached accessory dwelling unit is required to connect does  
 679           not have sufficient capacity to support the addition of the detached accessory  
 680           dwelling unit to the utility service.

681   (5) This section does not supersede:

682           (a) a land use regulation that regulates a detached accessory building that is not a  
 683           detached accessory dwelling unit; or

684           (b) prohibitions or restrictions on detached accessory dwelling units in a development  
 685           agreement signed by a municipality on or before May 6, 2026.

686   Section 9. Section **17-79-205** is amended to read:

687           **17-79-205 (Effective 05/06/26). Notice of public hearings and public meetings on**  
 688   **adoption or modification of land use regulation.**

689   (1) Each county shall give:

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

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

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

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

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

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

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

705           (a) include:

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

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

- 711 (b) be provided to any person upon written request.
- 712 (4) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before  
713 the hearing and shall be published for the county, as a class A notice under Section  
714 63G-30-102, for at least 24 hours.
- 715 (5)(a) A county shall send a courtesy notice to each owner of private real property  
716 whose property is located entirely or partially within the proposed zoning map  
717 enactment or amendment at least 10 days before the scheduled day of the public  
718 hearing.
- 719 (b) The notice shall:
- 720 (i) identify with specificity each owner of record of real property that will be affected  
721 by the proposed zoning map or map amendments;
- 722 (ii) state the current zone in which the real property is located;
- 723 (iii) state the proposed new zone for the real property;
- 724 (iv) provide information regarding or a reference to the proposed regulations,  
725 prohibitions, and permitted uses that the property will be subject to if the zoning  
726 map or map amendment is adopted;
- 727 (v) state that the owner of real property may no later than 10 days after the day of the  
728 first public hearing file a written objection to the inclusion of the owner's property  
729 in the proposed zoning map or map amendment;
- 730 (vi) state the address where the property owner should file the protest;
- 731 (vii) notify the property owner that each written objection filed with the county will  
732 be provided to the county legislative body; and
- 733 (viii) state the location, date, and time of the public hearing described in Section  
734 17-79-502.
- 735 (c) If a county mails notice to a property owner under Subsection (2)(b)(i) for a public  
736 hearing on a zoning map or map amendment, the notice required in this Subsection  
737 (5) may be included in or part of the notice described in Subsection (2)(b)(i) rather  
738 than sent separately.
- 739 (6)(a) [A] For purposes of the notice requirements in Subsection (2)(b) only, a proposed  
740 land use ordinance is ministerial in nature if the proposed land use ordinance change  
741 is to:
- 742 (i) bring the county's land use ordinances into compliance with a state or federal law;  
743 (ii) adopt a county land use update that affects:
- 744 (A) an entire zoning district; or

- 745 (B) multiple zoning districts;
- 746 (iii) adopt a non-substantive, clerical text amendment to an existing land use  
747 ordinance;
- 748 (iv) recodify the county's existing land use ordinances; or
- 749 (v) designate or define an affected area for purposes of a boundary adjustment or  
750 annexation.
- 751 (b) A proposed land use ordinance may include more than one of the purposes described  
752 in Subsection (6)(a) and remain ministerial in nature.
- 753 (c) If a proposed land use ordinance includes an adoption or modification not described  
754 in Subsection (6)(a):
- 755 (i) the proposed land use ordinance is not ministerial in nature, even if the proposed  
756 land use ordinance also includes a change or modification described in Subsection  
757 (6)(a); and
- 758 (ii) the notice requirements of Subsection (2)(b)(i) apply.

759 Section 10. Section **17-79-301** is amended to read:

760 **17-79-301 (Effective 05/06/26). Ordinance establishing planning commission**  
761 **required -- Exception -- Ordinance requirements -- Planning advisory area planning**  
762 **commission -- Compensation.**

- 763 (1)(a) Except as provided in Subsection (1)(b), each county shall enact an ordinance  
764 establishing a countywide planning commission for the unincorporated areas of the  
765 county not within a planning advisory area.
- 766 (b) Subsection (1)(a) does not apply if all of the county is included within any  
767 combination of:
- 768 (i) municipalities;
- 769 (ii) planning advisory areas each with a separate planning commission; and
- 770 (iii) mountainous planning districts.
- 771 (c)(i) Notwithstanding Subsection (1)(a), a county that designates a mountainous  
772 planning district shall enact an ordinance, subject to Subsection (1)(c)(ii),  
773 establishing a planning commission that has jurisdiction over the entire  
774 mountainous planning district.
- 775 (ii) A planning commission described in Subsection (1)(c)(i) has jurisdiction subject  
776 to a local health department exercising the local health department's authority in  
777 accordance with Title 26A, Chapter 1, Local Health Departments, and a  
778 municipality exercising the municipality's authority in accordance with Section

- 779 10-8-15.
- 780 (iii) The ordinance shall require that members of the planning commission be  
 781 appointed by the county executive with the advice and consent of the county  
 782 legislative body.
- 783 (2)(a) Notwithstanding Subsection (1)(b), the county legislative body of a county of the  
 784 first or second class that includes more than one planning advisory area each with a  
 785 separate planning commission may enact an ordinance that:
- 786 (i) dissolves each planning commission within the county; and  
 787 (ii) establishes a countywide planning commission that has jurisdiction over:  
 788 (A) each planning advisory area within the county; and  
 789 (B) the unincorporated areas of the county not within a planning advisory area.
- 790 (b) A countywide planning commission established under Subsection (2)(a) shall assume  
 791 the duties of each dissolved planning commission.
- 792 (3)(a) The ordinance described in Subsection (1)(a), (1)(c), or (2)(a) shall ~~define~~:
- 793 (i) include the number and terms of the planning commission members and, if the  
 794 county chooses, alternate members;
- 795 (ii) ~~[the mode of appointment]~~ provide procedures for appointing a planning  
 796 commission member;
- 797 (iii) ~~[the]~~ provide procedures for filling vacancies on the planning commission;
- 798 (iv) ~~[-and removal from office]~~ provide procedures for removing a planning  
 799 commission member from the planning commission;
- 800 (v) except as provided in Subsection (3)(a)(vi), describe the causes for which a  
 801 planning commission member may be removed from the planning commission,  
 802 which shall include:
- 803 (A) using public funds for a political purpose under Title 20A, Chapter 11, Part 12,  
 804 Political Activities of Public Entities Act;
- 805 (B) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and  
 806 Employees' Ethics Act; and
- 807 (C) acting with the intent to influence a land use decision or an appeal of a  
 808 pending land use application in a manner that creates actual impermissible bias  
 809 or an unacceptable risk of impermissible bias in the planning commission  
 810 member's administrative or quasi-judicial duties;
- 811 (vi) provide that a planning commission member deliberating about a specific  
 812 pending land use application in a planning commission meeting with municipal

813 staff, an elected official, or the land use applicant is not cause for removing a  
814 planning commission member from the planning commission;

815 [~~(iv)~~] (vii) define the authority of the planning commission;

816 [~~(v)~~] (viii) subject to Subsection (3)(b), [~~the~~] direct the municipality to adopt rules of  
817 order and procedure for use by the planning commission in a public meeting; and

818 [~~(vi)~~] (ix) include other details relating to the organization and procedures of the  
819 planning commission.

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

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

824 (A) appointment procedures;

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

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

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

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

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

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

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

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

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

846 (d)(i) Each member of a planning advisory area planning commission shall be a

- 847 registered voter residing within the planning advisory area.
- 848 (ii) Subsection (4)(d)(i) does not apply to a member described in Subsection (5)(a) if
- 849 that member was, before May 12, 2015, authorized to reside outside of the
- 850 planning advisory area.
- 851 (5)(a) A member of a planning commission who was elected to and served on a planning
- 852 commission on May 12, 2015, shall serve out the term to which the member was
- 853 elected.
- 854 (b) Upon the expiration of an elected term described in Subsection (5)(a), the vacant seat
- 855 shall be filled by appointment in accordance with this section.
- 856 (6) Upon the appointment of all members of a planning advisory area planning commission,
- 857 each planning advisory area planning commission under this section shall begin to
- 858 exercise the powers and perform the duties provided in Section 17-79-302 with respect
- 859 to all matters then pending that previously had been under the jurisdiction of the
- 860 countywide planning commission or planning advisory area planning and zoning board.
- 861 (7) The legislative body may authorize a member of a planning commission to receive per
- 862 diem and travel expenses for meetings actually attended, in accordance with Section
- 863 11-55-103.

864 Section 11. Section **17-79-302** is amended to read:

865 **17-79-302 (Effective 05/06/26). Planning commission powers and duties --**

866 **Training requirements.**

- 867 (1) Each countywide, planning advisory area, or mountainous planning district planning
- 868 commission shall, with respect to the unincorporated area of the county, the planning
- 869 advisory area, or the mountainous planning district, review and make a recommendation
- 870 to the county legislative body for:
- 871 (a) a general plan and amendments to the general plan;
- 872 (b) land use regulations, including:
- 873 (i) ordinances regarding the subdivision of land within the county; and
- 874 (ii) amendments to existing land use regulations;
- 875 (c) an appropriate delegation of power to at least one designated land use authority to
- 876 hear and act on a land use application;
- 877 (d) an appropriate delegation of power to at least one appeal authority to hear and act on
- 878 an appeal from a decision of the land use authority; and
- 879 (e) application processes that:
- 880 (i) may include a designation of routine land use matters that, upon application and

- 881 proper notice, will receive informal streamlined review and action if the  
 882 application is uncontested; and
- 883 (ii) shall protect the right of each:
- 884 (A) land use applicant and adversely affected party to require formal consideration  
 885 of any application by a land use authority; and
- 886 (B) land use applicant or adversely affected party to appeal a land use authority's  
 887 decision to a separate appeal authority[; ~~and~~] .
- 888 [~~(C) participant to be heard in each public hearing on a contested application.~~]
- 889 (2) Before making a recommendation to a legislative body on an item described in  
 890 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in  
 891 accordance with Section 17-79-404.
- 892 (3) A legislative body may adopt, modify, or reject a planning commission's  
 893 recommendation to the legislative body under this section.
- 894 (4) A legislative body may consider a planning commission's failure to make a timely  
 895 recommendation as a negative recommendation.
- 896 (5) Nothing in this section limits the right of a county to initiate or propose the actions  
 897 described in this section.
- 898 (6)(a)(i) This Subsection (6) applies to a county that:
- 899 (A) is a county of the first, second, or third class; and
- 900 (B) has a population in the county's unincorporated areas of 5,000 or more.
- 901 (ii) The population for each county described in Subsection (6)(a)(i) shall be derived  
 902 from:
- 903 (A) an estimate of the Utah Population Committee created in Section 63C-20-103;  
 904 or
- 905 (B) if the Utah Population Committee estimate is not available, the most recent  
 906 official census or census estimate of the United States [~~Bureau of the~~] Census  
 907 Bureau.
- 908 (b) A county described in Subsection (6)(a)(i) shall ensure that each member of the  
 909 county's planning commission completes four hours of annual land use training as  
 910 follows:
- 911 (i) one hour of annual training on general powers and duties, including the role of the  
 912 planning commission in administrative, legislative, and quasi-judicial functions  
 913 under [Title 17, Chapter 27a, County Land Use, Development, and Management  
 914 Act] this chapter; and

- 915 (ii) three hours of annual training on land use or ethics, which may include:
- 916 (A) appeals and variances;
- 917 (B) conditional use permits;
- 918 (C) exactions;
- 919 (D) impact fees;
- 920 (E) vested rights;
- 921 (F) subdivision regulations and improvement guarantees;
- 922 (G) land use referenda;
- 923 (H) property rights;
- 924 (I) real estate procedures and financing;
- 925 (J) zoning, including use-based and form-based; ~~and~~
- 926 (K) drafting ordinances and code that complies with statute[-];
- 927 (L) ex parte communication; and
- 928 (M) conflicts of interest.
- 929 (c) A newly appointed planning commission member may not participate in a public
- 930 meeting as an appointed member until the member completes the training described
- 931 in Subsection (6)(b)(i).
- 932 (d) A planning commission member may qualify for one completed hour of training
- 933 required under Subsection (6)(b)(ii) if the member attends, as an appointed member,
- 934 12 public meetings of the planning commission within a calendar year.
- 935 (e) A county shall provide the training described in Subsection (6)(b) through:
- 936 (i) county staff;
- 937 (ii) the Utah Association of Counties; or
- 938 (iii) a list of training courses selected by:
- 939 (A) the Utah Association of Counties; or
- 940 (B) the Division of Real Estate created in Section 61-2-201.
- 941 (f) A county shall, for each planning commission member:
- 942 (i) monitor compliance with the training requirements in Subsection (6)(b); and
- 943 (ii) maintain a record of training completion at the end of each calendar year.
- 944 Section 12. Section **17-79-507** is amended to read:
- 945 **17-79-507 (Effective 05/06/26). Classification of new and unlisted business uses.**
- 946 (1) As used in this section:
- 947 (a) "Classification request" means a request to determine whether a proposed business
- 948 use aligns with an existing land use specified in a county's land use ordinances.

- 949 (b) "New or unlisted business use" means a business activity that does not align with an  
 950 existing land use specified in a county's land use ordinances.
- 951 (2)(a) Each county shall incorporate into the county's land use ordinances a process for  
 952 reviewing and approving a new or unlisted business use and designating an  
 953 appropriate zone or zones for an approved use.
- 954 (b) The process described in Subsection (2)(a) shall:
- 955 (i) detail how an applicant may submit a classification request;
- 956 (ii) establish a procedure for the county to review a classification request, including:
- 957 (A) providing a land use authority with criteria to determine whether a proposed  
 958 use aligns with an existing use; ~~and~~
- 959 (B) allowing an applicant to proceed under the regulations of an existing use if a  
 960 land use authority determines a proposed use aligns with that existing use; and
- 961 (C) providing the applicant an opportunity to appeal a land use authority's decision  
 962 to the land use appeal authority;
- 963 (iii) provide that if a use is determined to be a new or unlisted business use:
- 964 (A) the applicant shall submit to the legislative body for review an application [for  
 965 approval of the new or unlisted business use to the legislative body for review]  
 966 requesting that the legislative body adopt a land use ordinance that permits the  
 967 new or unlisted business as a permitted or conditional use;
- 968 (B) notwithstanding Subsection 17-79-503(2) or (3), the legislative body shall  
 969 consider and [determine whether to] approve or deny [the new or unlisted  
 970 business use] the application described in Subsection (2)(b)(iii)(A); and
- 971 (C) the legislative body shall approve or deny ~~[the new or unlisted business use]~~  
 972 the application described in Subsection (2)(b)(iii)(A), within a time frame the  
 973 legislative body establishes by ordinance, if the applicant responds to requests  
 974 for additional information within a time frame established by the county and  
 975 appears at required hearings;
- 976 (iv) provide that if the legislative body approves ~~[a proposed new or unlisted business~~  
 977 use] the application described in Subsection (2)(b)(iii)(A), the legislative body  
 978 shall designate an appropriate zone or zones for the approved use; and
- 979 (v) provide that if the legislative body denies ~~[a proposed new or unlisted business use]~~  
 980 the application described in Subsection (2)(b)(iii)(A), or if an applicant disagrees  
 981 with a land use authority's classification of the proposed use, the legislative body  
 982 shall:

- 983 (A) notify the applicant in writing of each reason for the classification or denial;  
 984 and  
 985 (B) ~~[offer the applicant an opportunity to challenge the classification or denial~~  
 986 ~~through an administrative appeal process established by the county]~~ notify the  
 987 applicant of the process for appealing the legislative body's decision in  
 988 accordance with Section 17-79-1009.

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

992 Section 13. Section **17-79-707** is amended to read:

993 **17-79-707 (Effective 05/06/26). Subdivision plat recording or development**  
 994 **activity before required infrastructure is completed -- Improvement completion**  
 995 **assurance -- Improvement warranty.**

- 996 (1) As used in this section:

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

- 998 (i) to install landscaping on a lot owned by a private individual or entity; and  
 999 (ii) submitted to a county by the private individual or entity, or on behalf of a private  
 1000 individual or entity, that owns the lot.

1001 (b) "Public landscaping improvement" means landscaping that an applicant is required to  
 1002 install to comply with published installation and inspection specifications for public  
 1003 improvements that:

- 1004 (i) will be dedicated to and maintained by the county; or  
 1005 (ii) are associated with and proximate to trail improvements that connect to planned  
 1006 or existing public infrastructure.

- 1007 (2) A land use authority shall establish objective inspection standards for acceptance of a  
 1008 required public landscaping improvement or infrastructure improvement.

- 1009 (3)(a) Except as provided in Subsection (3)(d) or (3)(e), before an applicant conducts  
 1010 any development activity or records a plat, the applicant shall:

- 1011 (i) complete any required public landscaping improvements or infrastructure  
 1012 improvements; or  
 1013 (ii) post an improvement completion assurance for any required public landscaping  
 1014 improvements or infrastructure improvements.

- 1015 (b) If an applicant elects to post an improvement completion assurance, the applicant  
 1016 shall, in accordance with Subsection (5), provide completion assurance for:

- 1017 (i) completion of 100% of the required public landscaping improvements or  
1018 infrastructure improvements; or
- 1019 (ii) if the county has inspected and accepted a portion of the public landscaping  
1020 improvements or infrastructure improvements, 100% of the incomplete or  
1021 unaccepted public landscaping improvements or infrastructure improvements.
- 1022 (c) A county shall:
- 1023 (i) establish a minimum of two acceptable forms of completion assurance;
- 1024 (ii)(A) if an applicant elects to post an improvement completion assurance, allow  
1025 the applicant to post an assurance that meets the conditions of this chapter and  
1026 any local ordinances; and
- 1027 (B) beginning on May 7, 2025, if a county accepts cash deposits as a form of  
1028 completion assurance and an applicant elects to post a cash deposit as a form of  
1029 completion assurance, place the cash deposit in an interest-bearing account  
1030 upon receipt and return any earned interest to the applicant with the return of  
1031 the completion assurance according to the conditions of this chapter and any  
1032 local ordinances;
- 1033 (iii) establish a system for the partial release of an improvement completion  
1034 assurance as portions of required public landscaping improvements or  
1035 infrastructure improvements are completed and accepted in accordance with local  
1036 ordinance; and
- 1037 (iv) issue or deny a building permit in accordance with Section 17-79-901 based on  
1038 the installation of public landscaping improvements or infrastructure  
1039 improvements.
- 1040 (d) A county may not require an applicant to post an improvement completion assurance  
1041 for:
- 1042 (i) public landscaping improvements or infrastructure improvements that the county  
1043 has previously inspected and accepted;
- 1044 (ii) infrastructure improvements that are private and not essential or required to meet  
1045 the building code, fire code, flood or storm water management provisions, street  
1046 and access requirements, or other essential necessary public safety improvements  
1047 adopted in a land use regulation;
- 1048 (iii) in a county where ordinances require all infrastructure improvements within the  
1049 area to be private, infrastructure improvements within a development that the  
1050 county requires to be private;

- 1051 (iv) landscaping improvements that are not public landscaping improvements, unless  
1052 the landscaping improvements and completion assurance are required under the  
1053 terms of a development agreement;
- 1054 (v) a private landscaping plan;
- 1055 (vi) landscaping improvements or infrastructure improvements that an applicant  
1056 elects to install at the applicant's own risk:
- 1057 (A) before the plat is recorded;
- 1058 (B) pursuant to inspections required by the county for the infrastructure  
1059 improvement; and
- 1060 (C) pursuant to final civil engineering plan approval by the county; or
- 1061 (vii) any individual public landscaping improvement or individual infrastructure  
1062 improvement when the individual public landscaping improvement or individual  
1063 infrastructure improvement is also included as part of a separate improvement  
1064 completion assurance.
- 1065 (e)(i) A county may not:
- 1066 (A) prohibit an applicant from installing a public landscaping improvement or an  
1067 infrastructure improvement when the municipality has approved final civil  
1068 engineering plans for the development activity or plat for which the public  
1069 landscaping improvement or infrastructure improvement is required; or
- 1070 (B) require an applicant to sign an agreement, release, or other document  
1071 inconsistent with this chapter as a condition of posting an improvement  
1072 completion assurance, security for an improvement warranty, or receiving a  
1073 building permit.
- 1074 (ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and  
1075 infrastructure improvements that are installed by an applicant are subject to  
1076 inspection by the county in accordance with the county's adopted inspection  
1077 standards.
- 1078 (f)(i) Each improvement completion assurance and improvement warranty posted by  
1079 an applicant with a county shall be independent of any other improvement  
1080 completion assurance or improvement warranty posted by the same applicant with  
1081 the county.
- 1082 (ii) Subject to Section 17-79-805, if an applicant has posted a form of security with a  
1083 county for more than one infrastructure improvement or public landscaping  
1084 improvement, the county may not withhold acceptance of an applicant's required

1085 subdivision improvements, public landscaping improvement, infrastructure  
1086 improvements, or the performance of warranty work for the same applicant's  
1087 failure to complete a separate subdivision improvement, public landscaping  
1088 improvement, infrastructure improvement, or warranty work under a separate  
1089 improvement completion assurance or improvement warranty.

1090 (4)(a) Except as provided in Subsection (4)(c), as a condition for increased density or  
1091 other entitlement benefit not currently available under the existing zone, a county  
1092 may require a completion assurance bond for landscaped amenities and common area  
1093 that are dedicated to and maintained by a homeowners association.

1094 (b) Any agreement regarding a completion assurance bond under Subsection (4)(a)  
1095 between the applicant and the county shall be memorialized in a development  
1096 agreement.

1097 (c) A county may not require a completion assurance bond for or dictate who installs or  
1098 is responsible for the cost of the landscaping of residential lots or the equivalent open  
1099 space surrounding single-family attached homes, whether platted as lots or common  
1100 area.

1101 (5) The sum of the improvement completion assurance required under Subsections (3) and  
1102 (4) may not exceed the sum of:

1103 (a) 100% of the estimated cost of the public landscaping improvements or infrastructure  
1104 improvements, as evidenced by an engineer's estimate or licensed contractor's bid;  
1105 and

1106 (b) 10% of the amount of the bond to cover administrative costs incurred by the county  
1107 to complete the improvements, if necessary.

1108 (6)(a) Upon an applicant's written request that the land use authority accept or reject the  
1109 applicant's installation of required subdivision improvements or performance of  
1110 warranty work as set forth in Section 17-79-805, and for the duration of each  
1111 improvement warranty period, the land use authority may require the applicant to:

1112 (i) execute an improvement warranty for the improvement warranty period; and  
1113 (ii) post a cash deposit, surety bond, letter of credit, or other similar security, as  
1114 required by the county, in the amount of up to 10% of the lesser of the:  
1115 (A) county engineer's original estimated cost of completion; or  
1116 (B) applicant's reasonable proven cost of completion.

1117 (b) A county may not require the payment of the deposit of the improvement warranty  
1118 assurance described in Subsection (6)(a) for an infrastructure improvement or public

1119 landscaping improvement before the applicant indicates through written request that  
 1120 the applicant has completed the infrastructure improvement or public landscaping  
 1121 improvement.

1122 (7) When a county accepts an improvement completion assurance for public landscaping  
 1123 improvements or infrastructure improvements for a development in accordance with  
 1124 Subsection (3)(c)(ii)(A), the county may not deny an applicant a building permit if the  
 1125 development meets the requirements for the issuance of a building permit under the  
 1126 building code and fire code.

1127 (8) A county may not require the submission of a private landscaping plan as part of an  
 1128 application for a building permit.

1129 (9) The provisions of this section do not supersede the terms of a valid development  
 1130 agreement, an adopted phasing plan, or the [~~state construction code~~] State Construction  
 1131 Code.

1132 Section 14. Section **17-79-901** is amended to read:

1133 **17-79-901 (Effective 05/06/26). Enforcement -- Limitations on a county's ability**  
 1134 **to enforce an ordinance by withholding a permit or certificate.**

1135 (1)(a) A county or an adversely affected party may, in addition to other remedies  
 1136 provided by law, institute:

1137 (i) injunctions, mandamus, abatement, or any other appropriate actions; or

1138 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

1139 (b) A county need only establish the violation to obtain the injunction.

1140 (2)(a) Except as provided in Subsections (3) through (6), a county may enforce the  
 1141 county's ordinance by withholding a building permit or certificate of occupancy.

1142 (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building  
 1143 or other structure within a county without approval of a building permit.

1144 (c) The county may not issue a building permit unless the plans of and for the proposed  
 1145 erection, construction, reconstruction, alteration, or use fully conform to all  
 1146 regulations then in effect.

1147 (d) A county may require an applicant to install a permanent road, cover a temporary  
 1148 road with asphalt or concrete, or create another method for servicing a structure that  
 1149 is consistent with Appendix D of the International Fire Code, before receiving a  
 1150 certificate of occupancy for that structure.

1151 (e) A county may require an applicant to maintain and repair a temporary fire apparatus  
 1152 road during the construction of a structure accessed by the temporary fire apparatus

- 1153 road in accordance with the county's adopted standards.
- 1154 (f) A county may require temporary signs to be installed at each street intersection once  
1155 construction of new roadway allows passage by a motor vehicle.
- 1156 (g) A county may adopt and enforce any appendix of the International Fire Code, 2021  
1157 Edition.
- 1158 (3)(a) A county may not deny an applicant a building permit or certificate of occupancy  
1159 because the applicant has not completed an infrastructure improvement:
- 1160 (i) unless the infrastructure improvement is essential to meet the requirements for the  
1161 issuance of a building permit or certificate of occupancy under Title 15A, State  
1162 Construction and Fire Codes Act; and
- 1163 (ii) for which the county has accepted an improvement completion assurance for a  
1164 public landscaping improvement, as defined in Section 17-79-707, or an  
1165 infrastructure improvement for the development.
- 1166 (b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6,  
1167 infrastructure improvement that is essential means:
- 1168 (i) for a building permit:
- 1169 (A) operable fire hydrants installed in a manner that is consistent with the county's  
1170 adopted engineering standards; and
- 1171 [(ii)] (B) for temporary roads used during construction, a properly compacted road  
1172 base installed in a manner consistent with the county's adopted engineering  
1173 standards[-] ;
- 1174 (ii) for a certificate of occupancy, at the discretion of the county, at least one of the  
1175 following:
- 1176 (A) a permanent road;
- 1177 (B) a temporary road covered with asphalt or concrete; or
- 1178 (C) another method for accessing a structure consistent with Appendix D of the  
1179 International Fire Code; and
- 1180 (iii) public infrastructure necessary for the health, life, and safety of the occupant.
- 1181 (c) A county may not adopt an engineering standard that requires an applicant to install a  
1182 permanent road or a temporary road with asphalt or concrete before receiving a  
1183 building permit.
- 1184 (4) A county may not deny an applicant a building permit or certificate of occupancy for  
1185 failure to:
- 1186 (a) submit a private landscaping plan, as defined in Section 17-79-707; or

- 1187 (b) complete a landscaping improvement that is not a public landscaping improvement,  
1188 as defined in Section 17-79-707.
- 1189 (5) A county may not withhold a building permit based on the lack of completion of a  
1190 portion of a public sidewalk to be constructed within a public right-of-way serving a lot  
1191 where a single-family or two-family residence or town home is proposed in a building  
1192 permit application if an improvement completion assurance has been posted for the  
1193 incomplete portion of the public sidewalk.
- 1194 (6) A county may not prohibit the construction of a single-family or two-family residence  
1195 or town home, withhold recording a plat, or withhold acceptance of a public landscaping  
1196 improvement, as defined in Section 17-79-707, or an infrastructure improvement based  
1197 on the lack of installation of a public sidewalk if an improvement completion assurance  
1198 has been posted for the public sidewalk.
- 1199 (7) A county may not redeem an improvement completion assurance securing the  
1200 installation of a public sidewalk sooner than 18 months after the date the improvement  
1201 completion assurance is posted.
- 1202 (8) A county shall allow an applicant to post an improvement completion assurance for a  
1203 public sidewalk separate from an improvement completion assurance for:  
1204 (a) another infrastructure improvement; or  
1205 (b) a public landscaping improvement, as defined in Section 17-79-707.
- 1206 (9) A county may withhold a certificate of occupancy for a single-family or two-family  
1207 residence or town home until the portion of the public sidewalk to be constructed within  
1208 a public right-of-way and located immediately adjacent to the single-family or  
1209 two-family residence or town home is completed and accepted by the county.

1210 Section 15. **Effective Date.**

- 1211 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.
- 1212 (2) The actions affecting Section 10-21-304 (Effective 10/01/26) take effect on October 1,  
1213 2026.