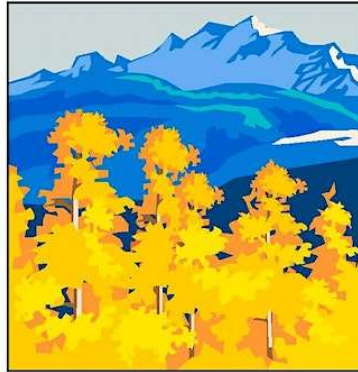


2023 Legislative Update



THE UTAH
LAND USE
INSTITUTE

Utah Land Use Institute
2023 Spring Conference
St. George, Utah
April 7, 2023

So Many Bills!!



- Local Land Use Planning & Administration
 - 35 bills introduced, 19 passed
 - 388 lines of code added to LUDMA (400 in county LUDMA)

Zoning Reform

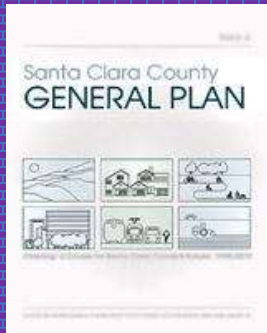
- Most states had legislation
 - Usually state-imposed “reforms”
 - Utah has been more collaborative



Moderate Income Housing Element



- Compliance requirement date changed to Aug. 1 (HB364)
- Modifies requirements for adopting number of strategies (HB364)
- Specifies 5-year implementation timeline (HB364)
- Makes a number of revisions to MIH reporting (HB364)
- Modifies provisions for MIH compliance (HB364)
- Establishes appeal process for determination of non-compliance (HB364)
- Modifies incentives and penalties for MIH non-compliance (SB174)



General Plan Modifications

- Some modifications to provisions for transit station-area plans (SB27)
- Consultation required with Div. Water Rights in preparation of water use and preservation element (SB76)
- Counties require additional consultation with water providers and agricultural interests (SB76)
- Requires submittal of comprehensive general plan amendments to AOG within 45 days of adoption (SB27)

Subdivision Approval Process (SB174)

- New LUDMA Section 604.1 – Process for subdivision review and approval
- Designate “administrative land use authority”
- Only applies to subs for 1- or 2-family dwellings, townhomes
- Preliminary and final plats only
- Applicant may request pre-application meeting
- ALUA may complete preliminary plat review by staff, or in public meeting; may hold one public hearing
- Final plat cannot be reviewed by Council or PC



Subdivision Review Process (SB174)

- New LUDMA Section 604.2 – Review of subdivision land use applications and subdivision improvement plans
- Initial review of preliminary plat to be completed within 15 days of receiving application
- Review of final plat to be completed within 20 days of receiving application
- Maximum of 4 review cycles permitted
- Applicant must respond to required changes he/she disagrees with in writing
- Lot line adjustment changes (HB406, SB174)
- For most larger cities and counties, subdivision process must be in place by Feb. 1, 2024; all others by Dec. 31, 2024

Development Standards

- “Residential roadway” limited to 32 ft. pavement width, with exceptions (HB406)
- Methodology for determining water rights exactions to be based on state standards and 5 years of actual usage data (SB158)
- Allows smaller towns and counties to establish drinking water source protection zones (SB158)
- Bonding for landscaping only for that on public property or to be dedicated, adjacent to trails, or to be maintained by HOA (HB406)



Specialized Land Use Provisions

- Airport Overlay and Influence Zoning required within 5,000 ft. of airport runways (HB206)
- Military Land Compatible Use “Plan” required within 5,000 ft of military facilities (HB265)
- Regulation of mobile businesses standardized (including food trucks) (HB408)
- HTRZ modifications (SB84)
 - Kimball Junction property entitlement



Other Land Use Provisions



- IADU provisions for attached garages, parking (SB174)
- Clarifies use of “moratoriums” (HB406)
- Clarifies use of development agreements (HB406)
- “Working animals” and “animal enterprises” (cities only) (SB113)
- Define “urban farming” (HB169)
- Referenda on land use regulations prohibited if: (SB199)
 - Adopted by unanimous vote
 - Transit station area regulations, by two-thirds vote
- Prohibit regulation of “co-owned” homes differently (SB271)

Public Noticing (SB43)



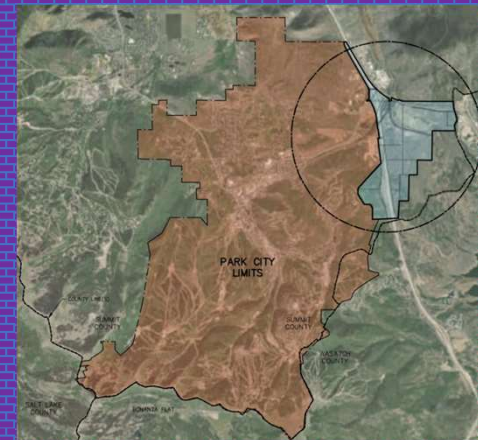
Notices Required				
63G-28-101 and 102				
	CLASS A	CLASS B	OPEN MTGS ACT	
Notice Required:	63G-28-102(1)	63G-28-102(2)	52-4-202(3)	
Public Notice Website (pmn.utah.gov)	x	x	x	
Notice to Newspaper			x	
Post at Principal Office or Meeting Location			x	
Local Public Body Website (\$250,000+ bud)	x	x		
Notice Posted in Affected Area	x	x		
Notice Within Designated Area		x		
Content of Notice Summary Statement:		63G-28-101(3)		
Title - Subject of Notice				
Name of Public Body or Government Official				
Clear Statement of the Matter				
General Description of Related Area				
Dates and Deadlines Applicable				
Where to Get a Copy of Complete Notice				
Website - pmn.utah.gov				
Website - Entity Publishing Notice				
Physical Address to Get Notice				
Telephone Number				
Public Location:		63G-28-101(5)		
Open to Public - Can Be Privately Owned				
Closed to Public - But Notice is Visible				
Must be Reasonably Likely to be Seen by Residents				
Notice within designated area:		63G-28-101(1)		
If the area is not described in the ordinance, the entire county or municipality is the area.				
Designated Area Notice - Use First Option Practical to Use:		63G-28-101(3)		
Mail or Deliver to Current Address, or				
Mail or Deliver to Last Known Address. Or				
Post on Property of Owner to be Noticed				
Note: Must verify that notice remains on property				
Particular Notice Requirements		63G-28-102(1)		
If Affected Area is a Street, on or near the Street.				
If Affected Area is an Easement, on or near the Easement.				
If Interlocal Area, within each jurisdiction				
Timeliness		63G-28-102(5)		
Post notice at or prior to the beginning of the period of time required				
Public body or official is not to remove notice during the required time period				
Public body or official verifies the notice remains through the time period and				
replaces the notice if it is removed or damaged.				
Mail notice before the beginning of the period of time.				

Public Noticing (SB43)

49									
50	Specific Notice Required								
51	Every Public Meeting					OPMA			24 hours
52	General Plan - Prepare					A			10 days
53	General Plan - Hearings to Adopt or Amend					A			10 days
54	General Plan - Meetings to Discuss Adopt or Amend					A			24 hours
55	Ordinance - Hearings to Adopt or Amend					B	"area directly affected"		10 days
56	Ordinance - Meetings to Discuss Adopt or Amend					A			10 days
57	Zoning Map - Hearings to Adopt or Amend					B	"area directly affected"		10 days
58	Zoning Map - Hearings to Adopt or Amend					*	"owner of affected property"		10 days
59	Vacate Street - Hearing					A			10 days
60	Planning Advisory Areas - Hearing to Establish					A			1 week
61	Planning Advisory Areas - Hearing to Withdraw Area					B	"area proposed to be withdrawn"		3 weeks
62	Planning Advisory Areas - Dissolve					A			3 weeks
63									
64	*Code requires separate written notice to each property owner - see statute for details.								
65									

Annexation (HB406)

- Modifies definition of “rural real property”
- Allows partial annexations of islands or peninsulas
- Allows governing body to reconsider vote
- In considering a protest, Boundary Commission to give weight to preference of petitioner and protestors



Coming Next Year?

- Short Term Rentals (STRs)
- Dedicated Infrastructure Districts (DIDs)
- Annexation Code Revision
- Gravel Pits
- Transportation Use Fees?
- More land use administrative processes?
- Zoning reform?

