



UTAH LEAGUE OF
CITIES AND TOWNS

2025

Spring Training

APA Utah Spring Conference *Legislative Update*

More bills, more problems...

959

bills introduced

134 more bills than prior 9-year average

1,110

Substitutes & amendments adopted

6 fewer than last year, 118 above prior 9-yr average

279

bills tracked

61 more bills than prior 3-yr average

582

bills passed

9 fewer than last year, 2nd highest number



Transportation

SB 195 Transportation Amendments

W. Harper

Transportation & Circulation Element Update

- Applies to cities in MPO boundaries
- Deadline: July 1, 2027
- Cities must identify **priority connections** that remedy physical impediments that would improve circulation, enhance vehicle, transit, bicycle, or pedestrian access to significant priority destinations.
- WFRC + MAG
- For each priority connection, identify:
 - Cost estimates
 - Potential funding sources
 - Impediments to construction

SB 195 Transportation Amendments

W. Harper

Station Area Plan implementation

- Cities with SAPs must report to their MPO every 5 years (up to 15 years):
 - Status of advancing SAP objectives (e.g., SAP implementation plan)
 - Identify potential actions over next 5 years to advance objectives
- Cities with multiple SAPs may consolidate those reports.



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Economic Development

FHIZ Overview

- Objective: mixed-density tool to facilitate centered development.
- Zoning req's: At least 51% of the FHIZ must allow at least 30 housing units/acre. Extraterritorial FHIZ housing units may be counted towards the minimum density in the FHIZ center. ET units must be at least 6 units/acre.
- Income targets: $\geq 25\%$ of the housing units in FHIZ center must be affordable (80% AMI/median price) and owner occupied ($\geq 12\%$ of owner occupied and $\geq 12\%$ of rental homes). 20% of ET homes must be affordable and owner occupied.
- Process: FHIZ created by resolution of city council.
- Funding: Tax increment funds may be used for project costs, system improvement costs, and administrative costs ($\leq 3\%$ HOPZ revenue).

HTRZ Recap

- Objective: high-intensity, mixed use development oriented around transit
- Zoning req's: 51% of developable area ≥ 50 units/acre near fixed rail OR ≥ 39 units/acre near BRT
- Income targets: at least 12% of total units must be affordable (9% at $\leq 80\%$ AMI, 3% at $\leq 60\%$ AMI)
- Process: HTRZ committee approval
- Funding: Tax increment funds may be used for income targeted housing, structured parking, property acquisition costs, enhanced development costs, horizontal or vertical construction, utility work, etc.

HOPZ Recap

- Objective: flexible tool ranging from small scale infill, to suburban development, to rural.
- Zoning req's: area must be ≤ 10 contiguous acres and zoning allows for at least 6 residential units/acre. The area cannot have any active residential building permits.
- Income targets: 60% of homes must be offered for sale at $\leq 80\%$ AMI and all homes in the area must be deed restricted for at least 5 years.
- Process: FHIZ requires HTRZ committee approval.
- Funding: Tax increment funds may be used for project costs, system improvement costs, and administrative costs ($\leq 2\%$ FHIZ revenue).

SB 23 First Home Investment Zone Amendments

W. Harper

- Clarifies definition of “developable area”
- Clarifies definition of “affordable housing”
 - Rental homes \leq 80% AMI
 - For-sale homes priced at \leq 80% of county median or zip code home price (if different from county median)
- Does not change minimum density requirement (30 units/acre) but addresses the calculation
- States that at least 50% of the FHIZ homes must be owner-occupied.

SB 26 Housing and Transit Reinvestment Zone Amendments

W. Harper

- Clarifies definition of “affordable housing”
- Allows a certain convention center to create a PID
- Creates a Convention Center Reinvestment Zone
(specialized HTRZ only allowed in certain circumstances)
 - Only applies to SLC

SB 241 Limited Purpose Local Government Amendments

J. Stevenson

- Allows a local entity to levy and enforce a tax assessment against federal property if the federal property consents in writing to the assessment.
- Authorizes an eligible basic districts to convert to public infrastructure district (PID)
- Provides more flexibility for PID governing document board designation
- Redefines “public infrastructure and improvements: in PID code to include:
 - Infrastructure, utilities, improvements, facilities, buildings or remediation that:
 - benefit the public and are owned by a public entity or public/private utility,
 - Benefit the public and are publicly maintained or operated,
 - Are privately owned and are permitted to be acquired or financed by the public infrastructure district’s governing document or an agreement.
- Other technical PID changes
- **If your city allows PIDs, you should review these changes.**

SB 241 Limited Purpose Local Government Amendments (Cont'd)

J. Stevenson

- Clarifies that PID 100% surface property owner consent requirement does not apply to public entity, utility provider, or owner's association interest if it is limited to an easement, right of way, or a public/utility improvement.
- PIDs no longer require approval of 100% of registered voters, just property owners.
- PIDs may qualify for an impact fee offset, credit, or refund (per the Impact Fees Act)

SB 250 Community Development Modifications

K. Cullimore

- Authorizes Utah Inland Port Authority (UIPA) to provide tax increment to a non-profit to provide housing within a 15-mile radius of a project.
- Authorizes a CRA to pay all the agency's housing allocation to a nonprofit housing fund for use in assisting individuals or families to achieve or retain homeownership.
- Requires CRA participation agreements to have a provision authorizing the agency of use funding that would otherwise be provided to the participant to pay a participant's delinquent property tax or privilege tax or resolve a political subdivision lien against the participant.
- Requires an agency to confirm with their respective county that a participant is not delinquent on property or privilege tax before providing the participant with funding.
- Authorizes a county treasurer to use funding that would be distributed to a participant to resolve past-due taxes or pay a lien.

SB 262 Housing Affordability Modifications

L. Fillmore

- Technical changes to HOPZ
 - Allows HOPZ funds to be used for water exaction, street lighting, or environmental remediation costs.
- Allows legislative bodies to settle litigation by consent agreements without approval from the board of adjustments.
- **Requires counties to comply with land use provisions for all pending and new applications.**
- Creates a shared equity mortgage program to assist new homebuyers

SB 280 Retail Facility Amendments

E. Vickers

- Clarifies retail incentive restriction definitions
 - defines “system improvements”.
 - States that housing can be within $\frac{1}{4}$ mile of the retail facility and count towards the mixed-use exception.
 - Moves retail incentive reporting date to August 1 (instead of June 30) to match municipal fiscal year.
 - States if GOEO does not reply to retail incentive reports within 6 months, the incentives are considered compliant.

SB 328 Alcohol Amendments

J. Stevenson

- Annual alcohol omnibus bill
- Competing substitutes would have addressed alcohol proximity requirements to enable redevelopment
 - Changes to alcohol proximity nearly sank the bill, those provisions were removed.

SB 333 Major Sporting Event Venue Financing

J. Stevenson

- Authorizes creation of Major Sporting Event Venue Zones (MSEVZ) and secondary project areas that can be created by jurisdictions (cities or counties) that have an approved venue.
 - Venue must be tied to Olympic games, professional, or international sports competition.
- Creating entity can impose:
 - Accommodations tax OR
 - Transient room tax, resort community sales tax, or additional resort community sales and use tax.
- Creating entity can use property and sales tax increment for the qualified area.
- Counties with an MSEVZ may impose the municipal energy and municipal telecoms tax within the zone.

SB 336 Utah Fairpark Area Investment and Restoration District Modifications

S. Sandall

- Only applies to the Fairpark District area in SLC.
- Expands permissive uses for land leased by the Fairpark District and authorizes tax imposition on additional accommodations and services.
- Creates a process for certain property owners to add land to the district
- Authorizes Fairpark District to create a PID to pay for a stadium and costs.
- Authorizes a property tax up to 0.015.
- Requires district to pay host city at least 25% of enhanced property tax revenue to reimburse city for services provided.
- Makes other technical changes to the district.

SB 337 Land Use and Development Amendments

K. Cullimore

Did not pass

- Would have overhauled state economic development policy.
- Would have created the Beehive Development Agency (BDA).
 - BDA could oversee Significant Community Impact Projects (SCIPs).
 - 1st substitute required local consent for SCIP creation.

Expect more interim conversations about facilitating significant economic development projects.



Housing- related Land Use

Moderate Income Housing Plans (Status Quo)

- Reporting requirement applies to cities of the 5th class or larger (population \geq 1,000) in counties of the 1st – 3rd class.
- Cities w/o fixed transit must have at least three strategies
- Cities w/ fixed guideway transit must have at least five strategies (two of which are from transit submenu, one must be station area plan)

HB 37 Utah Housing Amendments

J. Dunnigan

New Homeownership Submenu

- Strategies are optional – you can maintain your current MIHP
- Strategies are more objective (implementation vs. planning strategy)
- Strategies are more difficult, resource intensive
- Submenu strategies count as 3 strategies (transit submenu req's still apply to cities w/ fixed guideway)
- Adoption of strategies grant compliance for initial report + 2 subsequent reports

HB 37 Utah Housing Amendments

J. Dunnigan

New Homeownership Submenu

- Create a Housing and Transit Reinvestment Zone (X)
- Create a Home Ownership Promotion Zone (Y)
- Create a First Home Investment Zone (Z)
- Approve a Utah Homes Project (AA)
- Adopt a Qualifying Single Family Homeownership Density Bonus (BB)
- Adopt a Qualifying Multifamily Homeownership Density Bonus (CC)

HB 37 Utah Housing Amendments

J. Dunnigan

Single Family Density Bonus Overview

- Objective: flexible density bonus tool for local governments to facilitate additional affordable/owner-occupied single-family housing.
- Zoning req's: density bonus must allow at least 6 units/acre. If base zone already allows ≥ 6 units per acre, bonus must provide additional 0.5 units/acre.
- Income targets: city may adopt requirements that $\geq 60\%$ of units in bonus project are deed restricted to owner occupancy for at least 5 year; $\geq 25\%$ qualify as affordable housing (120% AMI for sale product, 80% AMI for rental product); $\geq 25\%$ units be no larger than 1,600 sq ft; preferential buyer program (e.g., public employees).
- Process: city can adopt program legislatively.
- Funding: no special revenue stream.

HB 37 Utah Housing Amendments

J. Dunnigan

Multifamily Density Bonus Overview

- Objective: flexible density bonus tool for local governments to facilitate additional affordable/owner-occupied multifamily housing (condos).
- Zoning req's: density bonus must allow at least 20 units/acre.
- Income targets: city may adopt requirements that $\geq 60\%$ of units in bonus project are deed restricted to owner occupancy for at least 5 year; $\geq 25\%$ qualify as affordable housing (120% AMI for sale product, 80% AMI for rental product); $\geq 25\%$ units be no larger than 1,600 sq ft; preferential buyer program (e.g., public employees).
- Process: city can adopt program legislatively.
- Funding: no special revenue stream.

HB 58 Building Inspector Amendments

T. Peterson

- New licensing requirements for chief building officials (not all building inspectors):
 - ≥ 6 years of combined experience as an architect, engineer, inspector, plan examiner, or superintendent of construction.
 - Actively licensed as a combination inspector.
 - Completed either 40 hours of management training or be a certified building official.
- UBCC shall collect, publish, and report data on building official interpretations and decisions.
- Cities without qualified CBO will need to train, hire, or contract with the county CBO by Jan 1, 2026

SB 181 Housing Affordability Amendments

L. Fillmore

- Defined parking stall sizes for new SFD, townhomes, 2-family housing units in MIHP cities
 - Stalls must be unobstructed
 - Covered: 10'x20'
 - Uncovered: 9'x20'
- Local governments cannot require garages (NOT off-street parking) for owner-occupied affordable housing units (5-yr deed restricted 80% AMI units)
- Removes development agreement restriction and placement of garage/parking

HB 368 Local Land Use Amendments

S. Whyte

Land Use Task Force omnibus bill

- Land use noticing
- Real property transfers
- Transferable development rights
- Development standards
- Land use appeals
- Annexation
- Processing identical plans
- Special districts
- Bonding
- Plan review timing
- Landscaping
- Fire access roads
- Private maintenance of public infrastructure



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HB 368

Identical Floor Plans

HB 368 Identical Floor Plans

(3775-3841; 2811-2832)

Purpose: Streamline building permit processes

- Reduce duplication of reviews
- Expedite floor plans that have already been reviewed and approved
- Reduce workload of plan examiners
- Clarify ambiguities within the law
- Collect fees commensurate with review time

HB 368 Identical Floor Plans

(3775-3841; 2811-2832)

Guardrails: Ensure that all other conditions remain the same

- Submitted within the same building code cycle
- Have **no structural** differences
- Building located on land within the same zone
- **Substantially** identical floor plan
- Does not require additional engineering or analysis beyond a review to confirm plans are substantially identical
- Includes floor plans oriented differently

HB 368 Identical Floor Plans

(3775-3841; 2811-2832)

Timelines: Already reviewed and should take less time

- Five business days (including Fridays for 4/10 cities) to complete all reviews to accept or reject for building permit
 - Includes site plan reviews*
 - Includes geotech reviews*
- *Suggestion: Perform site plan review and geotech review during subdivision approval

Fees: Less time should be less administrative costs

- Cannot exceed the lesser of:
 - 30% of the fee to review a plan; or
 - Remember: 65% of building permit fee or actual cost
 - Actual cost of the review

HB 368 Identical Floor Plans

(3775-3841; 2811-2832)

Applicant

- Indicate plan to be used later as an identical plan
- Indicate zone of original plan

Municipality

- File and index original plan for future reference
- Provide applicant with an index number for reference to the original plan

Applicant

- Mark the floor plan as “Identical Plan”
- Identify the building permit number and index number associated with the original plan
- Identify the site the identical plan is to be built

HB 368 Identical Floor Plans

(3775-3841; 2811-2832)

Penalty for Violation: To ensure Applicant only submits identical plans

- Standard:
 - “Knowingly” submits a plan that is not identical claiming that it is identical
 - Submits the nonidentical plan "with intent to deceive"
- Penalty:
 - If already approved: Not to exceed 3x building permit fee
 - If not already approved: Original permit fee amount
 - Automatically prohibited from submitting another identical plan for two years
 - Criminal penalty if attempt to submit an identical plan within two years
- **CAUTION: ONLY TO BE USED IN EGREGIOUS CASES!**



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HB 368

Building Permit Plan Review

HB 368 Building Permit Plan Review

(3840-4114)

- **Purpose:** To expedite the building process without sacrificing a municipality's ability to pause the process if applications are incomplete
- **Application Content:** Utah Code 10-9a-542 (was 10-6-160)
 - Cannot require SWPP permits be submitted as part of the application
 - Can require written statement indicating that before the disturbance of land and during the actual construction, the applicant will comply with all laws, including any storm water protection laws and ordinances
 - Check your ordinances to determine if they currently require compliance of federal, state, and local storm water protection laws at time of plan review
 - If so, please update your ordinances

HB 368 Building Permit Plan Review

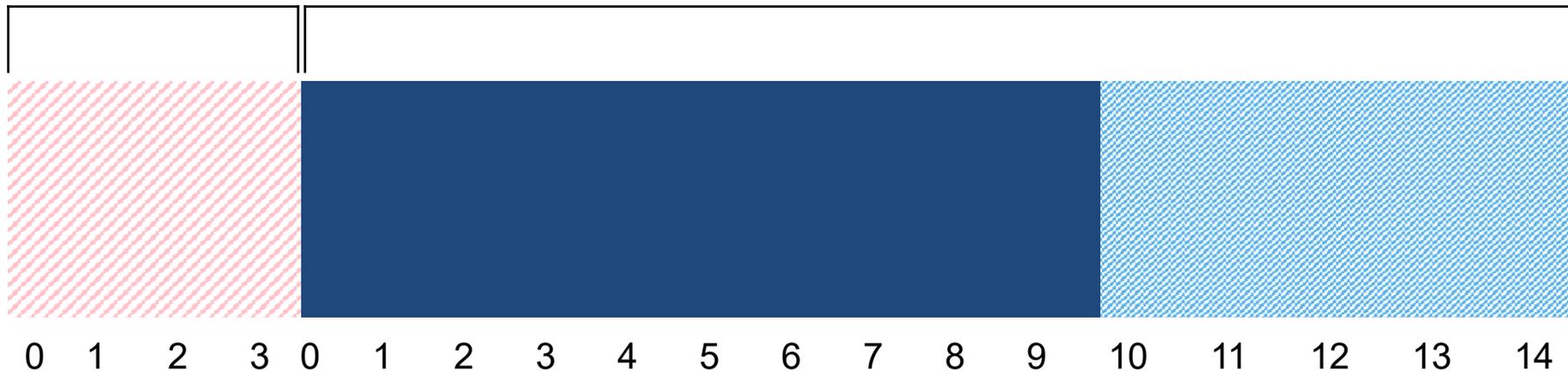
This new plan review process is intended to reduce plan review delays and decrease the number of incomplete applications.

3-Day Screening Period

Municipalities may pause the screening period anytime during these three days if they determine the application is incomplete.

14-Day Plan Review

After the 3-day screening period expires, if not otherwise paused, the municipality must proceed to perform the plan review with the documents that have been submitted. Municipalities must immediately notify the applicant of any missing documents at any time in the screening period and plan review period, but once the screening period expires, the only other time the municipality may pause the plan review period is if the municipality has notified the builder and is waiting for documents to be submitted. If the applicant submits the remaining documents between Day 10 and Day 14, the municipality must finish the plan review five days after the last document has been submitted. This ensures that municipalities are afforded the same amount of time it paused the plan review period during Days 10 through 14 to add on to the end of the plan review period.



HB 368 Building Permit Plan Review

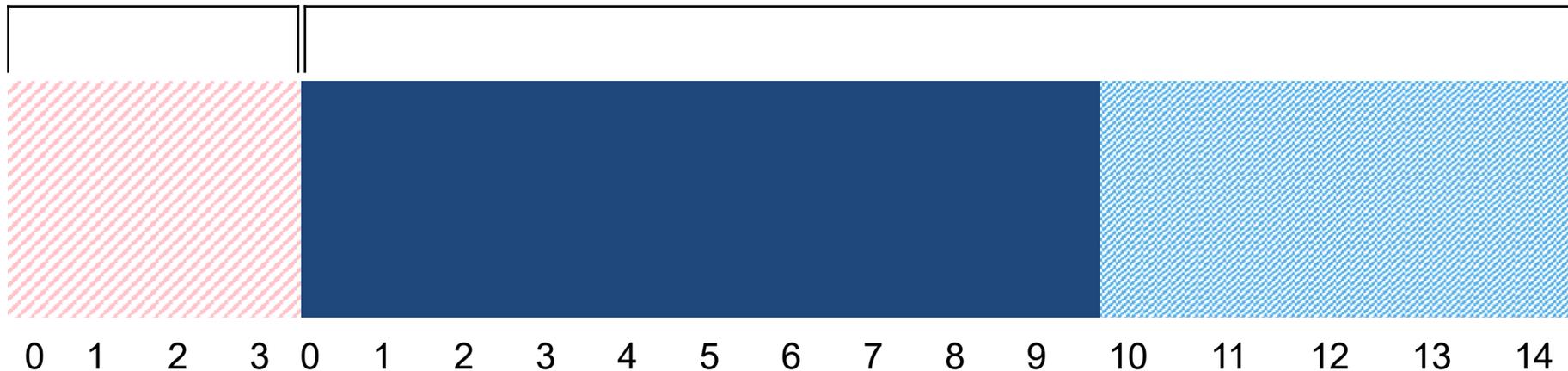
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Day 1: Determine application is incomplete

HB 368 Building Permit Plan Review

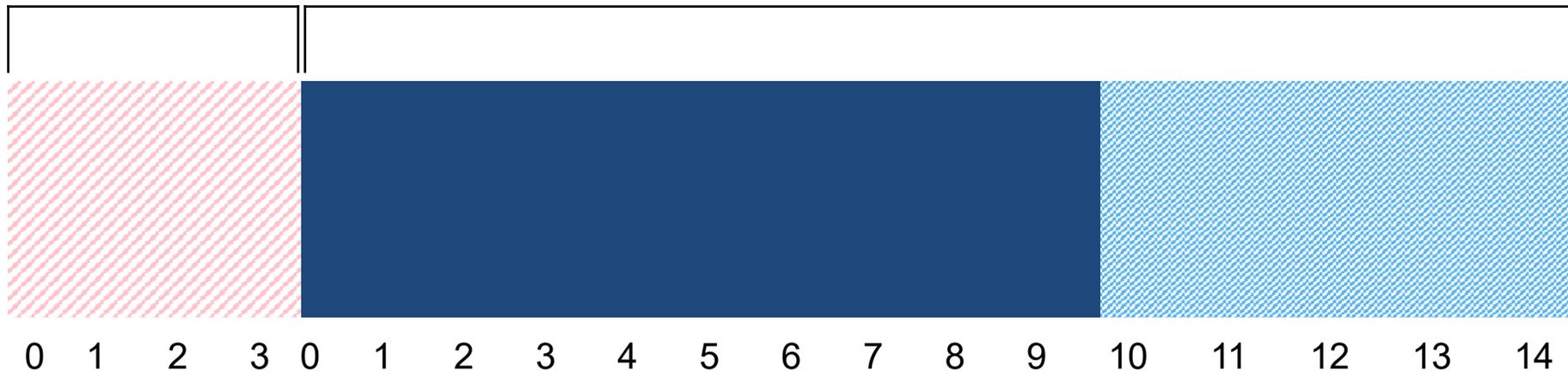
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Day 2: Determine application is complete

HB 368 Building Permit Plan Review

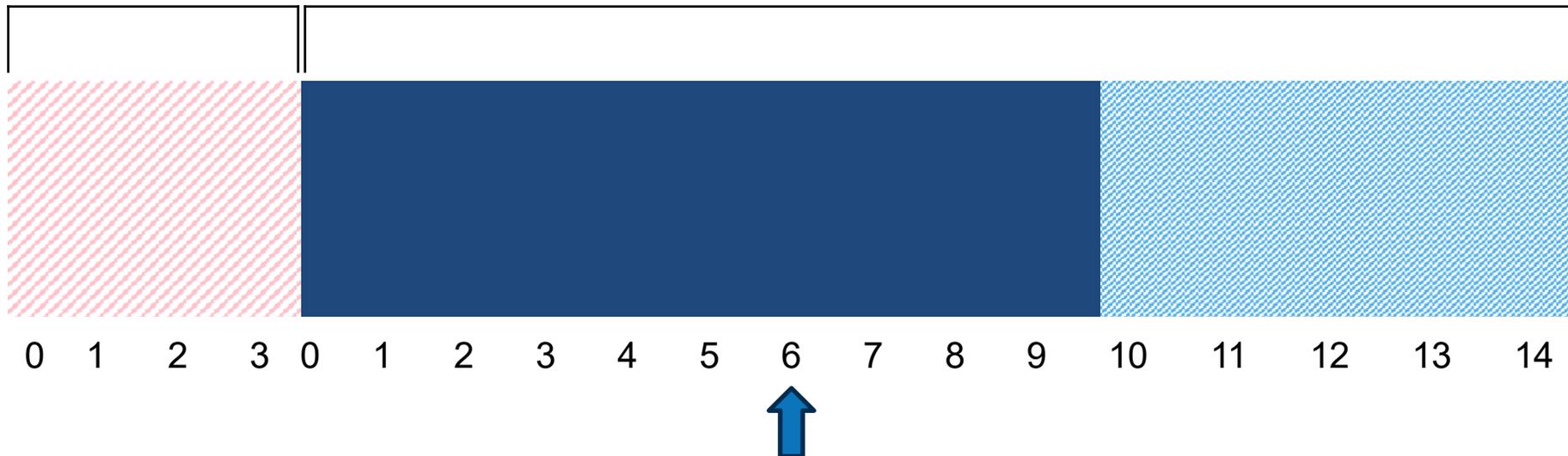
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3-Day Screening Period

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Day 6: Determine application is incomplete

HB 368 Building Permit Plan Review

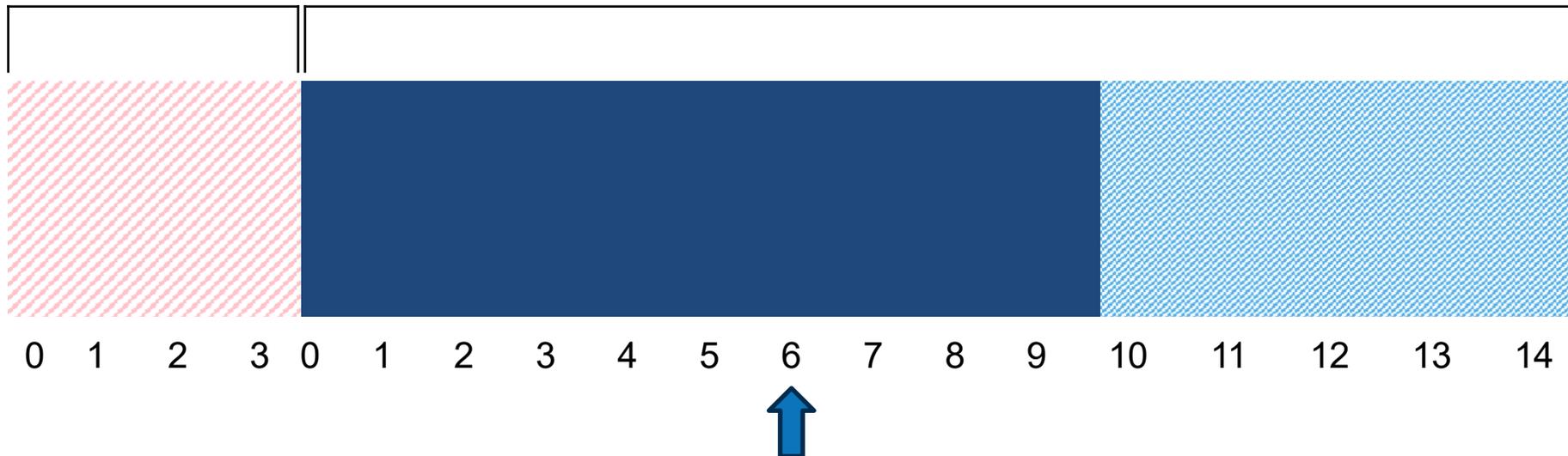
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Day 6: Determine application is incomplete

HB 368 Building Permit Plan Review

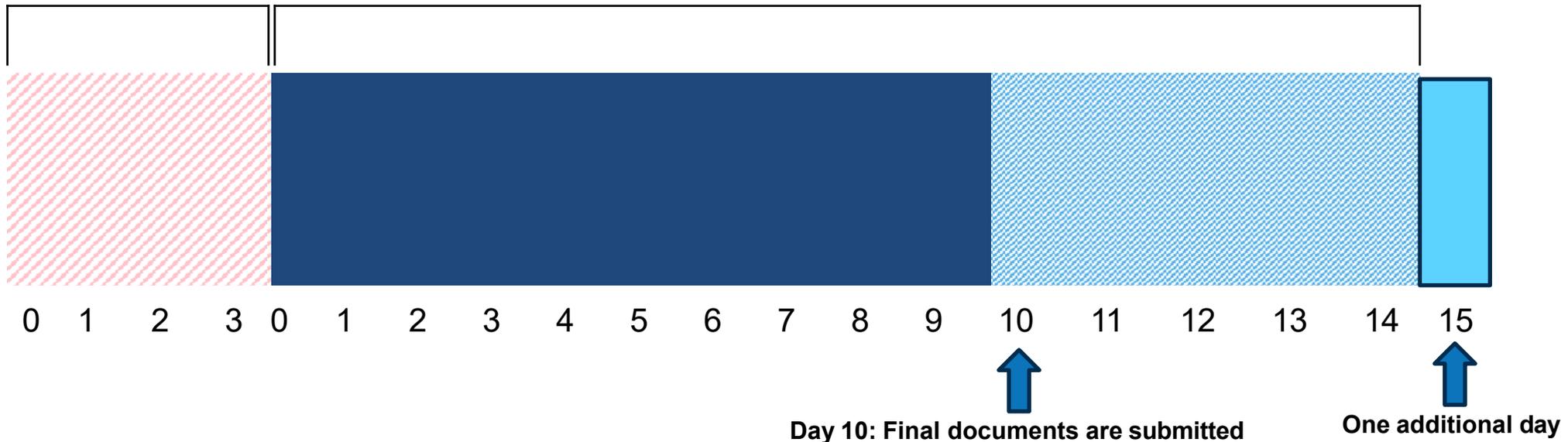
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HB 368 Building Permit Plan Review

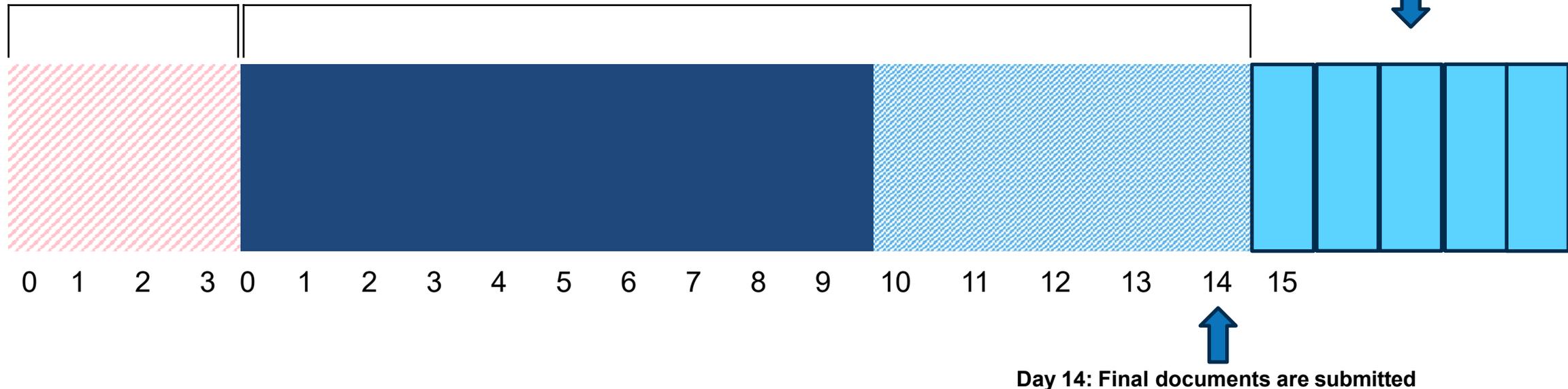
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HB 368 Building Permit Plan Review

(3840-4114)

- Key Points:
 - The 3-day screening period and 14-day plan review apply to all departments collectively. Individual departments do not have separate 3- and 14-day plan review periods.
 - Business day includes Fridays even if 4/10s
 - If do not meet plan review timelines, then the municipality is required to return plan review fee
 - Only require one resubmittal if deficiencies of the plan would affect the "site plan interaction or footprint of the design."
 - Municipality that doesn't require fees be paid up front, the municipality may require it to be paid before building permit is issued



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HB 368

Bonding for Public Improvements

HB 368 Bonding for Public Improvements

(3528-3631; 4150-4155; 4177-4212)

Purpose: To provide an organized, systematic release of public improvement infrastructure bonding

Public Improvement Categories:

- Culinary water system
- Sanitary sewer system
- Storm water system
- Transportation system
- Secondary and irrigation water system
- Public landscaping
- Public parks, trails, or open space

HB 368 Bonding for Public Improvements

(3528-3631; 4150-4155; 4177-4212)

Timing of Acceptance/Rejection of Warranty Work

- 15 Days*: 1st-4th class cities
- 30 Days*: 5th class and town

Exceptions for Acceptance/Rejection of Warranty Work:

- Winter weather conditions (requires written notification); Then ASAP
 - No reliance on whether concrete producers are producing concrete
- "Extraordinary circumstances" exist:
 - Current request that substantially exceeds the normal scope of inspection the municipality is customarily required to perform;
 - Applicant provided two or more written requests within the same 30-days
 - Processing an unusually large number of written requests to accept or reject improvements or warranty work
- Rejection of warranty work three times (after 2nd reinspection), then 15 days for each subsequent inspection of warranty work (penalty for wasting inspectors time)

HB 368 Bonding for Public Improvements

(3528-3631; 4150-4155; 4177-4212)

- Within 15 days of rejection of warranty work:
 - Give builder a "comprehensive and specific" list of reasons the municipality rejected public improvements or warranty work
- Penalty for Failing to Comply:
 - Applicant can send written notice demanding that a list be given within five days
 - If municipality fails again, the applicant may demand and the municipality **shall give a reimbursement equal to 20% of the applicant's improvement completion assurance for the warranty work within each infrastructure improvement category**

HB 368 Bonding for Public Improvements

(3528-3631; 4150-4155; 4177-4212)

Timing of Release of Assurance:

- For complete infrastructure category:
 - Within 15 days:
 - 90% for that infrastructure improvement category after determining it is complete
- For expiration of warranty period for infrastructure category:
 - Within 15 days:
 - 10% for the infrastructure improvement category after the warranty period expires AND
 - Any remaining portion of the 10% of remaining amount of bond to cover administrative costs; AND
- Interest Bearing Account: If cash bond used, interest accumulated on the amount of cash bond

HB 368 Local Land Use Amendments

Rep. S. Whyte

Bonding (3528-3631; 4150-4155; 4177-4212)

- Cannot withhold bond on one project because of poor performance on another project

No bonds may be required before submission of and for the purpose

- A private landscaping plan;
- Construct first, record later projects
 - Can require municipal inspections
 - Can require approval of final engineering plans
- Must provide two forms of security at all times



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HB 368

Land Use Noticing

HB 368 Local Land Use Amendments

Rep. S. Whyte

Land Use Noticing (3169-3181; 3207-3229)

Class B to Class A notice if "ministerial":

- Bring the municipality's land use ordinances into compliance with a state or federal law
- Adopt a municipal land use update that affects an entire zoning district or multiple zoning districts
- Non-substantive, clerical text amendment to an existing land use ordinance
- Recodify the municipality's existing land use ordinances
- Designate or define an affected area for purposes of a boundary adjustment or annexation
- A combination of the above

If ordinance includes one ministerial and one nonministerial, it will still require Class B notice

HB 368 Local Land Use Amendments

Rep. S. Whyte

Land Use Regulation Definition (2897)

- Clarifies that updating development and engineering standards is a legislative act, not an administrative one.
- Review your code to make sure it complies



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HB 368

Land Use Appeals

HB 368 Land Use Appeals

(4289-4290)

- "A municipality may **not** require a public hearing for a request for a variance or land use appeal."
- Public hearing does **not** mean a public meeting
- Please change your code if you currently require a public hearing



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HB 368

Private Maintenance of Public Improvements

HB 368 Private Maint. Of Pub. Improvement

(4289-4290)

Prohibits a municipality from requiring a private individual or entity including a community association or HOA for being required to maintain or be responsible for a public access amenity or water utility in perpetuity unless:

- Public access amenity is located adjacent to the private property and extends to the curb line of the street, park strips, sidewalks (already in code for maintaining weeds, snow, etc. to the curb);
- Water and sewer laterals and main water lines owned by a private property owner;
- Through development agreement



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HB 368

Real Property Transfers

HB 368 Real Property Transfers

(6896-6969)

- Prohibits transfers of real property to government entity without their consent via their signature on the deed or by attaching to the deed a public entity affidavit (specified in code of what the language should be).



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HB 368

Transfer of Development Rights

HB 368 Transfer of Development Rights

(3636-3655)

- Can transfer development rights to another city or county area if the other city or county agrees to the transfer
- Used primarily to secure important places in the community and shifting density regionally



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HB 368

Land Use Regulation Definition

HB 368 Local Land Use Amendments

(6369-6386)

- Special Districts are required to follow LUDMA and are always acting as a land use authority



Land Use - Other

HB 198 Highway Expansion Impacts on Signage Amendments

V. Peterson

- Creates provisions for billboard relocation caused by road reconstruction or obstruction.
- Billboard owner may move to:
 - Within the same city or unincorporated county
 - On the same highway, on the same property, or on an adjacent property, or
 - Within a different city or unincorporated county if mutually agreed upon by the owner and the different city or county
- Reimburse just compensation if city refuses
- Freeway (no limit except for city boundaries);
- State Highway (1 mile, but may not be beyond city boundaries)

HB 256 Municipal and County Zoning Amendments

N. Walter

- Clarifies listing site sole evidence restriction (does not change overall policy).
- Affirms local gov't business licensing authority on STRs.
- Restricts cities from regulating STR listing sites but creates a formal non-binding takedown request process.
- Listings can be a sole source of evidence for TRT compliance.

HB 320 Municipal Ordinance Amendments

L. Shepherd

Did not pass

Would have authorized additional civil or criminal penalties for certain repeat code violations.

- Only applies to parking, rental, or STR code violations
- If a city has imposed at least 3 civil or criminal penalties for code violations within 12 months, the city may impose a fine of up to \$2,500.
- If a city has imposed at least 4 civil or criminal penalties for code violations within 12 months, the city may impose a fine of up to \$5,000.

SB 179 Local Regulation of Business Entities Amendments

C. Musselman

- Requires local governments to adopt an ordinance governing how they will evaluate new and unlisted business uses.
 - “Classification process”: is the business addressed by current use table?
 - If business is not addressed by current use table, must have process for the applicant to request the council consider adding that use.
 - Council must have standards for determining whether to add new use
 - Council maintains ability to say yes or no.
- This ordinance must include a timeframe for determining whether the use shall be allowed or denied.

Reminder – water in general plan req.

Implementation deadline = Dec. 31

<https://water.utah.gov/water-general-plan/>

Legislative requirements Impacted communities **Outreach materials** Partners and programs

Outreach materials

The Division of Water Resources has created the following documents for communities to follow in integrating their water and land planning.

Integrating water and land planning overview : quick summary of required elements.
City water element checklist : all requirements for city water elements.
County water element checklist : all requirements for county water elements.
Integration guide : a how-to document for communities integrating their water and land planning.
Examples guide : examples from communities across the Intermountain West and Southwest that fit legislative requirements.

Documents originating from the Growing Water Smart program are on the [Growing Water Smart page](#), and may be used to further inform community efforts.

City and county planning team contact

The city and county planning team is here to help! Please feel free to reach out and let us know what questions you have or information, graphics, tips, plans or templates you'd like to see. Email CityCountyPlanning@utah.gov or reach out to an individual team member.

<p>Jay Olsen County Water and Land Conservation Manager <i>Department of Agriculture and Food</i> JayOlsen@utah.gov</p>	<p>Rick Webster Project Specialist <i>Division of Water Resources</i> RickWebster@utah.gov</p>
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Land Use -
Other



Join at
slido.com
#3713 099

**What changes to municipal code should ULCT look at pursuing
for next legislative session?**

Land Use -
Other



Join at
slido.com
#3713 099

**What sort of planning technical assistance does your city/town
need?**

Contact ULCT

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 cdiehl@ulct.org

**Justin Lee,
Deputy Director**

 jlee@ulct.org

**Karson Eilers,
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