

Senator Scott D. Sandall proposes the following substitute bill:

OUTDOOR ADVERTISING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to billboard and other signage and electronic or mechanical changeable message signs.

Highlighted Provisions:

This bill:

- ▶ defines terms related to electronic and mechanical changeable message signs;
- ▶ allows the upgrade of certain existing signs to electronic or mechanical changeable message signs in certain circumstances;
- ▶ allows a municipality for county to prohibit the upgrade to electronic or mechanical changeable message signs along certain types of highways;
- ▶ allows a municipality or county to impose a curfew or other restrictions on the operation of certain signs;
- ▶ amends provisions related to brightness of electronic changeable message signs; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **10-9a-103**, as last amended by Laws of Utah 2020, Chapter 434

29 **10-9a-511**, as last amended by Laws of Utah 2018, Chapter 239

30 **10-9a-529**, as enacted by Laws of Utah 2020, Chapter 434

31 **17-27a-103**, as last amended by Laws of Utah 2020, Chapter 434

32 **17-27a-510**, as last amended by Laws of Utah 2018, Chapter 239

33 **63I-2-217**, as last amended by Laws of Utah 2020, Chapters 47, 114, and 434

34 **72-7-505**, as last amended by Laws of Utah 2015, Chapter 402



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

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

38 **10-9a-103. Definitions.**

39 As used in this chapter:

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

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

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

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

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

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

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

56 (c) the entity has filed with the municipality a request for notice during the same

57 calendar year and before the municipality provides notice to an affected entity in compliance
58 with a requirement imposed under this chapter.

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

60 (a) a single project;

61 (b) the subject of a land use approval that sponsors of a referendum timely challenged
62 in accordance with Subsection 20A-7-601(5)(a); and

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

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

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

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

71 (i) an operating charter school;

72 (ii) a charter school applicant that has its application approved by a charter school
73 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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

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

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

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

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

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

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

88 (11) "Development activity" means:

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

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

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

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

98 (b) "Disability" does not include current illegal use of, or addiction to, any federally
99 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
100 802.

101 (13) "Educational facility":

102 (a) means:

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

106 (ii) a structure or facility:

107 (A) located on the same property as a building described in Subsection (13)(a)(i); and

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

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

111 (b) does not include:

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

114 (A) not located on the same property as a building described in Subsection (13)(a)(i);
115 and

116 (B) used in support of the purposes of a building described in Subsection (13)(a)(i); or

117 (ii) a therapeutic school.

118 (14) "Electronic changeable message sign" or "electronic message sign" means a sign

119 on which the display is changed periodically by changing the internal illumination of the sign
120 face.

121 [~~14~~] (15) "Fire authority" means the department, agency, or public entity with
122 responsibility to review and approve the feasibility of fire protection and suppression services
123 for the subject property.

124 [~~15~~] (16) "Flood plain" means land that:

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

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

131 [~~16~~] (17) "General plan" means a document that a municipality adopts that sets forth
132 general guidelines for proposed future development of the land within the municipality.

133 [~~17~~] (18) "Geologic hazard" means:

134 (a) a surface fault rupture;

135 (b) shallow groundwater;

136 (c) liquefaction;

137 (d) a landslide;

138 (e) a debris flow;

139 (f) unstable soil;

140 (g) a rock fall; or

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

142 (i) to life;

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

144 (iii) of substantial damage to real property.

145 [~~18~~] (19) "Historic preservation authority" means a person, board, commission, or
146 other body designated by a legislative body to:

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

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

150 [~~(19)~~] (20) "Hookup fee" means a fee for the installation and inspection of any pipe,
151 line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or
152 other utility system.

153 [~~(20)~~] (21) "Identical plans" means building plans submitted to a municipality that:

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

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

157 (c) describe a building that:

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

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

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

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

165 [~~(21)~~] (22) "Impact fee" means a payment of money imposed under Title 11, Chapter
166 36a, Impact Fees Act.

167 [~~(22)~~] (23) "Improvement completion assurance" means a surety bond, letter of credit,
168 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
169 by a municipality to guaranty the proper completion of landscaping or an infrastructure
170 improvement required as a condition precedent to:

171 (a) recording a subdivision plat; or

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

173 [~~(23)~~] (24) "Improvement warranty" means an applicant's unconditional warranty that
174 the applicant's installed and accepted landscaping or infrastructure improvement:

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

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

179 [~~(24)~~] (25) "Improvement warranty period" means a period:

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

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

183 (i) determines for good cause that a one-year period would be inadequate to protect the
184 public health, safety, and welfare; and

185 (ii) has substantial evidence, on record:

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

187 (B) that the area upon which the infrastructure will be constructed contains suspect soil
188 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

189 ~~[(25)]~~ (26) "Infrastructure improvement" means permanent infrastructure that is
190 essential for the public health and safety or that:

191 (a) is required for human occupation; and

192 (b) an applicant must install:

193 (i) in accordance with published installation and inspection specifications for public
194 improvements; and

195 (ii) whether the improvement is public or private, as a condition of:

196 (A) recording a subdivision plat;

197 (B) obtaining a building permit; or

198 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
199 project.

200 ~~[(26)]~~ (27) "Internal lot restriction" means a platted note, platted demarcation, or
201 platted designation that:

202 (a) runs with the land; and

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

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

207 ~~[(27)]~~ (28) "Land use applicant" means a property owner, or the property owner's
208 designee, who submits a land use application regarding the property owner's land.

209 ~~[(28)]~~ (29) "Land use application":

210 (a) means an application that is:

211 (i) required by a municipality; and

212 (ii) submitted by a land use applicant to obtain a land use decision; and
213 (b) does not mean an application to enact, amend, or repeal a land use regulation.
214 ~~[(29)]~~ (30) "Land use authority" means:
215 (a) a person, board, commission, agency, or body, including the local legislative body,
216 designated by the local legislative body to act upon a land use application; or
217 (b) if the local legislative body has not designated a person, board, commission,
218 agency, or body, the local legislative body.
219 ~~[(30)]~~ (31) "Land use decision" means an administrative decision of a land use
220 authority or appeal authority regarding:
221 (a) a land use permit;
222 (b) a land use application; or
223 (c) the enforcement of a land use regulation, land use permit, or development
224 agreement.
225 ~~[(31)]~~ (32) "Land use permit" means a permit issued by a land use authority.
226 ~~[(32)]~~ (33) "Land use regulation":
227 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
228 specification, fee, or rule that governs the use or development of land;
229 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
230 and
231 (c) does not include:
232 (i) a land use decision of the legislative body acting as the land use authority, even if
233 the decision is expressed in a resolution or ordinance; or
234 (ii) a temporary revision to an engineering specification that does not materially:
235 (A) increase a land use applicant's cost of development compared to the existing
236 specification; or
237 (B) impact a land use applicant's use of land.
238 ~~[(33)]~~ (34) "Legislative body" means the municipal council.
239 ~~[(34)]~~ (35) "Local district" means an entity under Title 17B, Limited Purpose Local
240 Government Entities - Local Districts, and any other governmental or quasi-governmental
241 entity that is not a county, municipality, school district, or the state.
242 ~~[(35)]~~ (36) "Local historic district or area" means a geographically definable area that:

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

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

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

250 ~~[(37)]~~ (38) (a) "Lot line adjustment" means a relocation of a lot line boundary between
251 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in
252 accordance with Section 10-9a-608, with the consent of the owners of record.

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

254 (i) creates an additional lot; or

255 (ii) constitutes a subdivision.

256 ~~[(38)]~~ (39) "Major transit investment corridor" means public transit service that uses or
257 occupies:

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

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

260 or

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

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

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

265 (40) "Mechanical changeable message sign" or "mechanical message sign" means a
266 sign on which the display is changed periodically by a contained mechanism within the sign
267 structure that alters the physical components of the sign face and alter the sign.

268 ~~[(39)]~~ (41) "Moderate income housing" means housing occupied or reserved for
269 occupancy by households with a gross household income equal to or less than 80% of the
270 median gross income for households of the same size in the county in which the city is located.

271 ~~[(40)]~~ (42) "Municipal utility easement" means an easement that:

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

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

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

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

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

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

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

285 ~~[(41)]~~ (43) "Nominal fee" means a fee that reasonably reimburses a municipality only
286 for time spent and expenses incurred in:

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

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

290 ~~[(42)]~~ (44) "Noncomplying structure" means a structure that:

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

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

295 ~~[(43)]~~ (45) "Nonconforming use" means a use of land that:

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

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

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

301 ~~[(44)]~~ (46) "Official map" means a map drawn by municipal authorities and recorded in
302 a county recorder's office that:

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

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

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

309 ~~[(45)]~~ (47) "Parcel" means any real property that is not a lot created by and shown on a
310 subdivision plat recorded in the office of the county recorder.

311 ~~[(46)]~~ (48) (a) "Parcel boundary adjustment" means a recorded agreement between
312 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
313 line agreement in accordance with Section 57-1-45, if no additional parcel is created and:

314 (i) none of the property identified in the agreement is subdivided land; or

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

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

318 (i) creates an additional parcel; or

319 (ii) constitutes a subdivision.

320 ~~[(47)]~~ (49) "Person" means an individual, corporation, partnership, organization,
321 association, trust, governmental agency, or any other legal entity.

322 ~~[(48)]~~ (50) "Plan for moderate income housing" means a written document adopted by
323 a municipality's legislative body that includes:

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

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

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

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

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

333 ~~[(49)]~~ (51) "Plat" means a map or other graphical representation of lands that a licensed
334 professional land surveyor makes and prepares in accordance with Section 10-9a-603 or
335 57-8-13.

336 [~~(50)~~] (52) "Potential geologic hazard area" means an area that:

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

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

343 [~~(51)~~] (53) "Public agency" means:

344 (a) the federal government;

345 (b) the state;

346 (c) a county, municipality, school district, local district, special service district, or other
347 political subdivision of the state; or

348 (d) a charter school.

349 [~~(52)~~] (54) "Public hearing" means a hearing at which members of the public are
350 provided a reasonable opportunity to comment on the subject of the hearing.

351 [~~(53)~~] (55) "Public meeting" means a meeting that is required to be open to the public
352 under Title 52, Chapter 4, Open and Public Meetings Act.

353 [~~(54)~~] (56) "Public street" means a public right-of-way, including a public highway,
354 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
355 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
356 easement, or other public way.

357 [~~(55)~~] (57) "Receiving zone" means an area of a municipality that the municipality
358 designates, by ordinance, as an area in which an owner of land may receive a transferable
359 development right.

360 [~~(56)~~] (58) "Record of survey map" means a map of a survey of land prepared in
361 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

362 [~~(57)~~] (59) "Residential facility for persons with a disability" means a residence:

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

364 (b) (i) which is licensed or certified by the Department of Human Services under Title
365 62A, Chapter 2, Licensure of Programs and Facilities; or

366 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter

367 21, Health Care Facility Licensing and Inspection Act.

368 [~~(58)~~] (60) "Rules of order and procedure" means a set of rules that govern and
369 prescribe in a public meeting:

370 (a) parliamentary order and procedure;

371 (b) ethical behavior; and

372 (c) civil discourse.

373 [~~(59)~~] (61) "Sanitary sewer authority" means the department, agency, or public entity
374 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
375 wastewater systems.

376 [~~(60)~~] (62) "Sending zone" means an area of a municipality that the municipality
377 designates, by ordinance, as an area from which an owner of land may transfer a transferable
378 development right.

379 [~~(61)~~] (63) "Specified public agency" means:

380 (a) the state;

381 (b) a school district; or

382 (c) a charter school.

383 [~~(62)~~] (64) "Specified public utility" means an electrical corporation, gas corporation,
384 or telephone corporation, as those terms are defined in Section 54-2-1.

385 [~~(63)~~] (65) "State" includes any department, division, or agency of the state.

386 [~~(64)~~] (66) "Subdivided land" means the land, tract, or lot described in a recorded
387 subdivision plat.

388 [~~(65)~~] (67) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
389 to be divided into two or more lots or other division of land for the purpose, whether
390 immediate or future, for offer, sale, lease, or development either on the installment plan or
391 upon any and all other plans, terms, and conditions.

392 (b) "Subdivision" includes:

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

396 (ii) except as provided in Subsection [~~(65)~~] (67)(c), divisions of land for residential and
397 nonresidential uses, including land used or to be used for commercial, agricultural, and

398 industrial purposes.

399 (c) "Subdivision" does not include:

400 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
401 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
402 neither the resulting combined parcel nor the parcel remaining from the division or partition
403 violates an applicable land use ordinance;

404 (ii) an agreement recorded with the county recorder's office between owners of
405 adjoining unsubdivided properties adjusting the mutual boundary by a boundary line agreement
406 in accordance with Section 57-1-45 if:

407 (A) no new lot is created; and

408 (B) the adjustment does not violate applicable land use ordinances;

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

410 (A) revising the legal description of more than one contiguous parcel of property that is
411 not subdivided land into one legal description encompassing all such parcels of property; or

412 (B) joining a subdivided parcel of property to another parcel of property that has not
413 been subdivided, if the joinder does not violate applicable land use ordinances;

414 (iv) an agreement between owners of adjoining subdivided properties adjusting the
415 mutual lot line boundary in accordance with Section 10-9a-603 if:

416 (A) no new dwelling lot or housing unit will result from the adjustment; and

417 (B) the adjustment will not violate any applicable land use ordinance;

418 (v) a bona fide division or partition of land by deed or other instrument where the land
419 use authority expressly approves in writing the division in anticipation of further land use
420 approvals on the parcel or parcels;

421 (vi) a parcel boundary adjustment;

422 (vii) a lot line adjustment;

423 (viii) a road, street, or highway dedication plat; or

424 (ix) a deed or easement for a road, street, or highway purpose.

425 (d) The joining of a subdivided parcel of property to another parcel of property that has
426 not been subdivided does not constitute a subdivision under this Subsection (65) as to the
427 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
428 subdivision ordinance.

429 [~~(66)~~] (68) "Subdivision amendment" means an amendment to a recorded subdivision
430 in accordance with Section 10-9a-608 that:

- 431 (a) vacates all or a portion of the subdivision;
- 432 (b) alters the outside boundary of the subdivision;
- 433 (c) changes the number of lots within the subdivision;
- 434 (d) alters a public right-of-way, a public easement, or public infrastructure within the
435 subdivision; or
- 436 (e) alters a common area or other common amenity within the subdivision.

437 [~~(67)~~] (69) "Suspect soil" means soil that has:

- 438 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
439 3% swell potential;
- 440 (b) bedrock units with high shrink or swell susceptibility; or
- 441 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
442 commonly associated with dissolution and collapse features.

443 [~~(68)~~] (70) "Therapeutic school" means a residential group living facility:

- 444 (a) for four or more individuals who are not related to:
 - 445 (i) the owner of the facility; or
 - 446 (ii) the primary service provider of the facility;
- 447 (b) that serves students who have a history of failing to function:
 - 448 (i) at home;
 - 449 (ii) in a public school; or
 - 450 (iii) in a nonresidential private school; and
- 451 (c) that offers:
 - 452 (i) room and board; and
 - 453 (ii) an academic education integrated with:
 - 454 (A) specialized structure and supervision; or
 - 455 (B) services or treatment related to a disability, an emotional development, a
456 behavioral development, a familial development, or a social development.

457 [~~(69)~~] (71) "Transferable development right" means a right to develop and use land that
458 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
459 land use rights from a designated sending zone to a designated receiving zone.

460 [~~(70)~~] (72) "Unincorporated" means the area outside of the incorporated area of a city
461 or town.

462 [~~(71)~~] (73) "Water interest" means any right to the beneficial use of water, including:

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

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

465 (i) a contract; or

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

467 [~~(72)~~] (74) "Zoning map" means a map, adopted as part of a land use ordinance, that
468 depicts land use zones, overlays, or districts.

469 Section 2. Section 10-9a-511 is amended to read:

470 **10-9a-511. Nonconforming uses and noncomplying structures.**

471 (1) (a) Except as provided in this section, a nonconforming use or noncomplying
472 structure may be continued by the present or a future property owner.

473 (b) A nonconforming use may be extended through the same building, provided no
474 structural alteration of the building is proposed or made for the purpose of the extension.

475 (c) For purposes of this Subsection (1), the addition of a solar energy device to a
476 building is not a structural alteration.

477 (2) The legislative body may provide for:

478 (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or
479 substitution of nonconforming uses upon the terms and conditions set forth in the land use
480 ordinance;

481 (b) the termination of all nonconforming uses, except billboards, by providing a
482 formula establishing a reasonable time period during which the owner can recover or amortize
483 the amount of his investment in the nonconforming use, if any; and

484 (c) the termination of a nonconforming use due to its abandonment.

485 (3) (a) A municipality may not prohibit the reconstruction or restoration of a
486 noncomplying structure or terminate the nonconforming use of a structure that is involuntarily
487 destroyed in whole or in part due to fire or other calamity unless the structure or use has been
488 abandoned.

489 (b) A municipality may prohibit the reconstruction or restoration of a noncomplying
490 structure or terminate the nonconforming use of a structure if:

491 (i) the structure is allowed to deteriorate to a condition that the structure is rendered
492 uninhabitable and is not repaired or restored within six months after the day on which written
493 notice is served to the property owner that the structure is uninhabitable and that the
494 noncomplying structure or nonconforming use will be lost if the structure is not repaired or
495 restored within six months; or

496 (ii) the property owner has voluntarily demolished a majority of the noncomplying
497 structure or the building that houses the nonconforming use.

498 (c) (i) Notwithstanding a prohibition in the municipality's zoning ordinance, a
499 municipality may permit a billboard owner to relocate the billboard within the municipality's
500 boundaries to a location that is mutually acceptable to the municipality and the billboard
501 owner.

502 (ii) If the municipality and billboard owner cannot agree to a mutually acceptable
503 location within 180 days after the day on which the owner submits a written request to relocate
504 the billboard, the billboard owner may relocate the billboard in accordance with Subsection
505 [10-9a-513\(2\)](#).

506 (d) Except as provided in Subsection (3)(e), if a municipal zoning ordinance that was
507 in effect on or after January 1, 2021, authorizes an electronic changeable message sign or a
508 mechanical changeable message sign adjacent to a right-of-way, the municipality shall allow an
509 existing nonconforming or conforming off-premise sign or a relocated nonconforming or
510 conforming off-premise sign to upgrade to:

511 (i) an electronic changeable message off-premise sign if:

512 (A) the interval between message changes is not more frequent than eight seconds; and

513 (B) the actual message rotation process does not exceed one-quarter of one second;

514 (ii) a mechanical changeable message off-premise sign if:

515 (A) the interval between message changes is not more frequent than eight seconds; and

516 (B) the actual message rotation process does not exceed three seconds; or

517 (iii) a combination of Subsections (3)(d)(i) and (ii).

518 (e) A municipality may enact or enforce an ordinance that prevents an owner of a
519 billboard from upgrading a billboard to an electronic or mechanical changeable message
520 off-premise sign for any billboard:

521 (i) located on a property immediately adjacent to a State Scenic Byway, National

522 Scenic Byway, or All-American Road as designated pursuant to Title 72, Chapter 4, Part 3,
523 Utah State Scenic Byway Program; or

524 (ii) in any area that, on January 1, 2021, was zoned exclusively for residential use.

525 (f) (i) For an electronic changeable message sign located in an area described in

526 Subsection (3)(f)(ii), a municipality may:

527 (A) subject to Subsection (3)(f)(iii) impose a curfew on the operation of the electronic
528 changeable message sign; or

529 (B) require the use of an electronic changeable message sign that is designed and
530 manufactured with physical light-trespass mitigation that blocks the displays light output from
531 substantially reaching an existing residential dwelling structure.

532 (ii) A municipality may impose the restrictions described in Subsection (3)(f)(i) for an
533 electronic changeable message sign if the face of the electronic changeable message sign is:

534 (A) located outside of an area subject to the Highway Beautification Act of 1965, Pub.
535 L. No. 89-285, 79 Stat.1028, or the Utah-Federal Agreement, as defined in Section [72-7-515](#);

536 (B) located within 300 feet of the outer edge of an existing residential dwelling
537 structure that is legally occupied and located on property zoned primarily for residential
538 purposes; and

539 (C) oriented toward the structure described in Subsection (3)(f)(ii)(B).

540 (iii) A municipality may not enact a curfew on the operation of an electronic
541 changeable message sign except between the hours of midnight and 6 a.m.

542 (g) (i) Except as provided in Subsection (3)(g)(ii), a municipality may not, as a
543 condition of upgrading in accordance with Subsection (3)(d), enact or enforce an ordinance that
544 requires a billboard owner to install additional landscaping or aesthetic embellishments.

545 (ii) Subsection (3)(g)(i) does not apply to a municipal ordinance that restricts the paint
546 color of a sign structure.

547 (h) A municipality may not, as a condition of upgrading or building in accordance with
548 Subsection 3(d), enact or enforce an ordinance that requires a billboard owner to forfeit another
549 billboard or any associated right.

550 (4) (a) Unless the municipality establishes, by ordinance, a uniform presumption of
551 legal existence for nonconforming uses, the property owner shall have the burden of
552 establishing the legal existence of a noncomplying structure or nonconforming use.

553 (b) Any party claiming that a nonconforming use has been abandoned shall have the
554 burden of establishing the abandonment.

555 (c) Abandonment may be presumed to have occurred if:

556 (i) a majority of the primary structure associated with the nonconforming use has been
557 voluntarily demolished without prior written agreement with the municipality regarding an
558 extension of the nonconforming use;

559 (ii) the use has been discontinued for a minimum of one year; or

560 (iii) the primary structure associated with the nonconforming use remains vacant for a
561 period of one year.

562 (d) The property owner may rebut the presumption of abandonment under Subsection
563 (4)(c), and has the burden of establishing that any claimed abandonment under Subsection
564 (4)(b) has not occurred.

565 (5) A municipality may terminate the nonconforming status of a school district or
566 charter school use or structure when the property associated with the school district or charter
567 school use or structure ceases to be used for school district or charter school purposes for a
568 period established by ordinance.

569 Section 3. Section **10-9a-529** is amended to read:

570 **10-9a-529. Specified public utility located in a municipal utility easement.**

571 A specified public utility may exercise each power of a public utility under Section
572 [54-3-27](#) if the specified public utility uses an easement:

573 (1) with the consent of a municipality; and

574 (2) that is located within a municipal utility easement described in Subsection

575 [10-9a-103](#)~~[(40)]~~[(42)](a) through (e).

576 Section 4. Section **17-27a-103** is amended to read:

577 **17-27a-103. Definitions.**

578 As used in this chapter:

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

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

582 (a) owns real property adjoining the property that is the subject of a land use

583 application or land use decision; or

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

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

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

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

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

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

599 (a) a single project;

600 (b) the subject of a land use approval that sponsors of a referendum timely challenged
601 in accordance with Subsection [20A-7-601\(5\)\(a\)](#); and

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

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

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

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

610 (i) an operating charter school;

611 (ii) a charter school applicant that has its application approved by a charter school
612 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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

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

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

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

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

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

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

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

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

629 (b) is not a protected utility easement or a public utility easement as defined in Section
630 [54-3-27](#);

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

632 (d) (i) either:

633 (A) no person uses or occupies; or

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

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

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

642 (13) "Development activity" means:

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

645 (b) any change in use of a building or structure that creates additional demand and need

646 for public facilities; or

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

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

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

655 (15) "Educational facility":

656 (a) means:

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

660 (ii) a structure or facility:

661 (A) located on the same property as a building described in Subsection (15)(a)(i); and

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

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

665 (b) does not include:

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

668 (A) not located on the same property as a building described in Subsection (15)(a)(i);

669 and

670 (B) used in support of the purposes of a building described in Subsection (15)(a)(i); or

671 (ii) a therapeutic school.

672 (16) "Electronic changeable message sign" or "electronic message sign" means the
673 same as that term is defined in Section [10-9a-103](#).

674 ~~[(16)]~~ (17) "Fire authority" means the department, agency, or public entity with
675 responsibility to review and approve the feasibility of fire protection and suppression services
676 for the subject property.

677 [~~(17)~~] (18) "Flood plain" means land that:

678 (a) is within the 100-year flood plain designated by the Federal Emergency

679 Management Agency; or

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

684 [~~(18)~~] (19) "Gas corporation" has the same meaning as defined in Section 54-2-1.

685 [~~(19)~~] (20) "General plan" means a document that a county adopts that sets forth
686 general guidelines for proposed future development of:

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

688 (b) for a mountainous planning district, the land within the mountainous planning
689 district.

690 [~~(20)~~] (21) "Geologic hazard" means:

691 (a) a surface fault rupture;

692 (b) shallow groundwater;

693 (c) liquefaction;

694 (d) a landslide;

695 (e) a debris flow;

696 (f) unstable soil;

697 (g) a rock fall; or

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

699 (i) to life;

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

701 (iii) of substantial damage to real property.

702 [~~(21)~~] (22) "Hookup fee" means a fee for the installation and inspection of any pipe,
703 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
704 utility system.

705 [~~(22)~~] (23) "Identical plans" means building plans submitted to a county that:

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

707 (b) are substantially identical building plans that were previously submitted to and

708 reviewed and approved by the county; and

709 (c) describe a building that:

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

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

714 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
715 and approved by the county; and

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

717 [~~23~~] (24) "Impact fee" means a payment of money imposed under Title 11, Chapter
718 36a, Impact Fees Act.

719 [~~24~~] (25) "Improvement completion assurance" means a surety bond, letter of credit,
720 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
721 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
722 required as a condition precedent to:

723 (a) recording a subdivision plat; or

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

725 [~~25~~] (26) "Improvement warranty" means an applicant's unconditional warranty that
726 the applicant's installed and accepted landscaping or infrastructure improvement:

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

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

731 [~~26~~] (27) "Improvement warranty period" means a period:

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

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

735 (i) determines for good cause that a one-year period would be inadequate to protect the
736 public health, safety, and welfare; and

737 (ii) has substantial evidence, on record:

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

739 (B) that the area upon which the infrastructure will be constructed contains suspect soil
740 and the county has not otherwise required the applicant to mitigate the suspect soil.

741 ~~[(27)]~~ (28) "Infrastructure improvement" means permanent infrastructure that is
742 essential for the public health and safety or that:

743 (a) is required for human consumption; and

744 (b) an applicant must install:

745 (i) in accordance with published installation and inspection specifications for public
746 improvements; and

747 (ii) as a condition of:

748 (A) recording a subdivision plat;

749 (B) obtaining a building permit; or

750 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
751 project.

752 ~~[(28)]~~ (29) "Internal lot restriction" means a platted note, platted demarcation, or
753 platted designation that:

754 (a) runs with the land; and

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

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

759 ~~[(29)]~~ (30) "Interstate pipeline company" means a person or entity engaged in natural
760 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
761 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

762 ~~[(30)]~~ (31) "Intrastate pipeline company" means a person or entity engaged in natural
763 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
764 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

765 ~~[(31)]~~ (32) "Land use applicant" means a property owner, or the property owner's
766 designee, who submits a land use application regarding the property owner's land.

767 ~~[(32)]~~ (33) "Land use application":

768 (a) means an application that is:

769 (i) required by a county; and

770 (ii) submitted by a land use applicant to obtain a land use decision; and
771 (b) does not mean an application to enact, amend, or repeal a land use regulation.

772 [~~33~~] (34) "Land use authority" means:

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

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

777 [~~34~~] (35) "Land use decision" means an administrative decision of a land use
778 authority or appeal authority regarding:

779 (a) a land use permit;

780 (b) a land use application; or

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

783 [~~35~~] (36) "Land use permit" means a permit issued by a land use authority.

784 [~~36~~] (37) "Land use regulation":

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

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

789 (c) does not include:

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

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

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

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

796 [~~37~~] (38) "Legislative body" means the county legislative body, or for a county that
797 has adopted an alternative form of government, the body exercising legislative powers.

798 [~~38~~] (39) "Local district" means any entity under Title 17B, Limited Purpose Local
799 Government Entities - Local Districts, and any other governmental or quasi-governmental
800 entity that is not a county, municipality, school district, or the state.

801 [~~(39)~~] (40) "Lot" means a tract of land, regardless of any label, that is created by and
802 shown on a subdivision plat that has been recorded in the office of the county recorder.

803 [~~(40)~~] (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between
804 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in
805 accordance with Section 17-27a-608, with the consent of the owners of record.

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

807 (i) creates an additional lot; or

808 (ii) constitutes a subdivision.

809 [~~(41)~~] (42) "Major transit investment corridor" means public transit service that uses or
810 occupies:

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

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

813 or

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

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

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

818 (43) "Mechanical changeable message sign" or "mechanical message sign" means the
819 same as that term is defined in Section 10-9a-103.

820 [~~(42)~~] (44) "Moderate income housing" means housing occupied or reserved for
821 occupancy by households with a gross household income equal to or less than 80% of the
822 median gross income for households of the same size in the county in which the housing is
823 located.

824 [~~(43)~~] (45) "Mountainous planning district" means an area:

825 (a) designated by a county legislative body in accordance with Section 17-27a-901; and

826 (b) that is not otherwise exempt under Section 10-9a-304.

827 [~~(44)~~] (46) "Nominal fee" means a fee that reasonably reimburses a county only for
828 time spent and expenses incurred in:

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

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

832 [~~(45)~~] (47) "Noncomplying structure" means a structure that:

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

834 (b) because of one or more subsequent land use ordinance changes, does not conform
835 to the setback, height restrictions, or other regulations, excluding those regulations that govern
836 the use of land.

837 [~~(46)~~] (48) "Nonconforming use" means a use of land that:

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

839 (b) has been maintained continuously since the time the land use ordinance regulation
840 governing the land changed; and

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

843 [~~(47)~~] (49) "Official map" means a map drawn by county authorities and recorded in
844 the county recorder's office that:

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

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

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

851 [~~(48)~~] (50) "Parcel" means any real property that is not a lot created by and shown on a
852 subdivision plat recorded in the office of the county recorder.

853 [~~(49)~~] (51) (a) "Parcel boundary adjustment" means a recorded agreement between
854 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
855 line agreement in accordance with Section 57-1-45, if no additional parcel is created and:

856 (i) none of the property identified in the agreement is subdivided land; or

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

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

860 (i) creates an additional parcel; or

861 (ii) constitutes a subdivision.

862 [~~(50)~~] (52) "Person" means an individual, corporation, partnership, organization,

863 association, trust, governmental agency, or any other legal entity.

864 ~~[(51)]~~ (53) "Plan for moderate income housing" means a written document adopted by
865 a county legislative body that includes:

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

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

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

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

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

875 ~~[(52)]~~ (54) "Planning advisory area" means a contiguous, geographically defined
876 portion of the unincorporated area of a county established under this part with planning and
877 zoning functions as exercised through the planning advisory area planning commission, as
878 provided in this chapter, but with no legal or political identity separate from the county and no
879 taxing authority.

880 ~~[(53)]~~ (55) "Plat" means a map or other graphical representation of lands that a licensed
881 professional land surveyor makes and prepares in accordance with Section [17-27a-603](#) or
882 [57-8-13](#).

883 ~~[(54)]~~ (56) "Potential geologic hazard area" means an area that:

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

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

890 ~~[(55)]~~ (57) "Public agency" means:

891 (a) the federal government;

892 (b) the state;

893 (c) a county, municipality, school district, local district, special service district, or other

894 political subdivision of the state; or

895 (d) a charter school.

896 ~~[(56)]~~ (58) "Public hearing" means a hearing at which members of the public are
897 provided a reasonable opportunity to comment on the subject of the hearing.

898 ~~[(57)]~~ (59) "Public meeting" means a meeting that is required to be open to the public
899 under Title 52, Chapter 4, Open and Public Meetings Act.

900 ~~[(58)]~~ (60) "Public street" means a public right-of-way, including a public highway,
901 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
902 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
903 easement, or other public way.

904 ~~[(59)]~~ (61) "Receiving zone" means an unincorporated area of a county that the county
905 designates, by ordinance, as an area in which an owner of land may receive a transferable
906 development right.

907 ~~[(60)]~~ (62) "Record of survey map" means a map of a survey of land prepared in
908 accordance with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.

909 ~~[(61)]~~ (63) "Residential facility for persons with a disability" means a residence:

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

911 (b) (i) which is licensed or certified by the Department of Human Services under Title
912 62A, Chapter 2, Licensure of Programs and Facilities; or

913 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
914 21, Health Care Facility Licensing and Inspection Act.

915 ~~[(62)]~~ (64) "Rules of order and procedure" means a set of rules that govern and
916 prescribe in a public meeting:

917 (a) parliamentary order and procedure;

918 (b) ethical behavior; and

919 (c) civil discourse.

920 ~~[(63)]~~ (65) "Sanitary sewer authority" means the department, agency, or public entity
921 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
922 wastewater systems.

923 ~~[(64)]~~ (66) "Sending zone" means an unincorporated area of a county that the county
924 designates, by ordinance, as an area from which an owner of land may transfer a transferable

925 development right.

926 ~~[(65)]~~ (67) "Site plan" means a document or map that may be required by a county
927 during a preliminary review preceding the issuance of a building permit to demonstrate that an
928 owner's or developer's proposed development activity meets a land use requirement.

929 ~~[(66)]~~ (68) "Specified public agency" means:

- 930 (a) the state;
- 931 (b) a school district; or
- 932 (c) a charter school.

933 ~~[(67)]~~ (69) "Specified public utility" means an electrical corporation, gas corporation,
934 or telephone corporation, as those terms are defined in Section 54-2-1.

935 ~~[(68)]~~ (70) "State" includes any department, division, or agency of the state.

936 ~~[(69)]~~ (71) "Subdivided land" means the land, tract, or lot described in a recorded
937 subdivision plat.

938 ~~[(70)]~~ (72) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
939 to be divided into two or more lots or other division of land for the purpose, whether
940 immediate or future, for offer, sale, lease, or development either on the installment plan or
941 upon any and all other plans, terms, and conditions.

942 (b) "Subdivision" includes:

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

946 (ii) except as provided in Subsection ~~[(70)]~~ (72)(c), divisions of land for residential and
947 nonresidential uses, including land used or to be used for commercial, agricultural, and
948 industrial purposes.

949 (c) "Subdivision" does not include:

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

951 (ii) an agreement recorded with the county recorder's office between owners of
952 adjoining properties adjusting the mutual boundary by a boundary line agreement in accordance
953 with Section 57-1-45 if:

954 (A) no new lot is created; and

955 (B) the adjustment does not violate applicable land use ordinances;

- 956 (iii) a recorded document, executed by the owner of record:
- 957 (A) revising the legal description of more than one contiguous parcel of property that is
- 958 not subdivided land into one legal description encompassing all such parcels of property; or
- 959 (B) joining a subdivided parcel of property to another parcel of property that has not
- 960 been subdivided, if the joinder does not violate applicable land use ordinances;
- 961 (iv) a bona fide division or partition of land in a county other than a first class county
- 962 for the purpose of siting, on one or more of the resulting separate parcels:
- 963 (A) an electrical transmission line or a substation;
- 964 (B) a natural gas pipeline or a regulation station; or
- 965 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 966 utility service regeneration, transformation, retransmission, or amplification facility;
- 967 (v) an agreement between owners of adjoining subdivided properties adjusting the
- 968 mutual lot line boundary in accordance with Section 10-9a-603 if:
- 969 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 970 (B) the adjustment will not violate any applicable land use ordinance;
- 971 (vi) a bona fide division or partition of land by deed or other instrument where the land
- 972 use authority expressly approves in writing the division in anticipation of further land use
- 973 approvals on the parcel or parcels;
- 974 (vii) a parcel boundary adjustment;
- 975 (viii) a lot line adjustment;
- 976 (ix) a road, street, or highway dedication plat; or
- 977 (x) a deed or easement for a road, street, or highway purpose.
- 978 (d) The joining of a subdivided parcel of property to another parcel of property that has
- 979 not been subdivided does not constitute a subdivision under this Subsection [~~(70)~~] (72) as to
- 980 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
- 981 subdivision ordinance.
- 982 [~~(71)~~] (73) "Subdivision amendment" means an amendment to a recorded subdivision
- 983 in accordance with Section 17-27a-608 that:
- 984 (a) vacates all or a portion of the subdivision;
- 985 (b) alters the outside boundary of the subdivision;
- 986 (c) changes the number of lots within the subdivision;

987 (d) alters a public right-of-way, a public easement, or public infrastructure within the
988 subdivision; or

989 (e) alters a common area or other common amenity within the subdivision.

990 [~~(72)~~] (74) "Suspect soil" means soil that has:

991 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
992 3% swell potential;

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

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

996 [~~(73)~~] (75) "Therapeutic school" means a residential group living facility:

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

998 (i) the owner of the facility; or

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

1000 (b) that serves students who have a history of failing to function:

1001 (i) at home;

1002 (ii) in a public school; or

1003 (iii) in a nonresidential private school; and

1004 (c) that offers:

1005 (i) room and board; and

1006 (ii) an academic education integrated with:

1007 (A) specialized structure and supervision; or

1008 (B) services or treatment related to a disability, an emotional development, a
1009 behavioral development, a familial development, or a social development.

1010 [~~(74)~~] (76) "Transferable development right" means a right to develop and use land that
1011 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
1012 land use rights from a designated sending zone to a designated receiving zone.

1013 [~~(75)~~] (77) "Unincorporated" means the area outside of the incorporated area of a
1014 municipality.

1015 [~~(76)~~] (78) "Water interest" means any right to the beneficial use of water, including:

1016 (a) each of the rights listed in Section 73-1-11; and

1017 (b) an ownership interest in the right to the beneficial use of water represented by:

1018 (i) a contract; or
1019 (ii) a share in a water company, as defined in Section 73-3-3.5.
1020 [(77)] (79) "Zoning map" means a map, adopted as part of a land use ordinance, that
1021 depicts land use zones, overlays, or districts.

1022 Section 5. Section 17-27a-510 is amended to read:

1023 **17-27a-510. Nonconforming uses and noncomplying structures.**

1024 (1) (a) Except as provided in this section, a nonconforming use or a noncomplying
1025 structure may be continued by the present or a future property owner.

1026 (b) A nonconforming use may be extended through the same building, provided no
1027 structural alteration of the building is proposed or made for the purpose of the extension.

1028 (c) For purposes of this Subsection (1), the addition of a solar energy device to a
1029 building is not a structural alteration.

1030 (2) The legislative body may provide for:

1031 (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or
1032 substitution of nonconforming uses upon the terms and conditions set forth in the land use
1033 ordinance;

1034 (b) the termination of all nonconforming uses, except billboards, by providing a
1035 formula establishing a reasonable time period during which the owner can recover or amortize
1036 the amount of his investment in the nonconforming use, if any; and

1037 (c) the termination of a nonconforming use due to its abandonment.

1038 (3) (a) A county may not prohibit the reconstruction or restoration of a noncomplying
1039 structure or terminate the nonconforming use of a structure that is involuntarily destroyed in
1040 whole or in part due to fire or other calamity unless the structure or use has been abandoned.

1041 (b) A county may prohibit the reconstruction or restoration of a noncomplying structure
1042 or terminate the nonconforming use of a structure if:

1043 (i) the structure is allowed to deteriorate to a condition that the structure is rendered
1044 uninhabitable and is not repaired or restored within six months after the day on which written
1045 notice is served to the property owner that the structure is uninhabitable and that the
1046 noncomplying structure or nonconforming use will be lost if the structure is not repaired or
1047 restored within six months; or

1048 (ii) the property owner has voluntarily demolished a majority of the noncomplying

1049 structure or the building that houses the nonconforming use.

1050 (c) (i) Notwithstanding a prohibition in the county's zoning ordinance, a county may
1051 permit a billboard owner to relocate the billboard within the county's unincorporated area to a
1052 location that is mutually acceptable to the county and the billboard owner.

1053 (ii) If the county and billboard owner cannot agree to a mutually acceptable location
1054 within 180 days after the day on which the owner submits a written request to relocate the
1055 billboard, the billboard owner may relocate the billboard in accordance with Subsection
1056 [17-27a-512\(2\)](#).

1057 (d) Except as provided in Subsection (3)(e), if a county zoning ordinance that was in
1058 effect on or after January 1, 2021, authorizes an electronic changeable message sign or a
1059 mechanical changeable message sign adjacent to a right-of-way, the county shall allow an
1060 existing nonconforming or conforming off-premise sign or a relocated nonconforming or
1061 conforming off-premise sign to upgrade to:

1062 (i) an electronic changeable message off-premise sign if:

1063 (A) the interval between message changes is not more frequent than eight seconds; and

1064 (B) the actual message rotation process does not exceed one-quarter of one second;

1065 (ii) a mechanical changeable message off-premise sign if:

1066 (A) the interval between message changes is not more frequent than eight seconds; and

1067 (B) the actual message rotation process does not exceed three seconds; or

1068 (iii) a combination of Subsections (3)(d)(i) and (ii).

1069 (e) A county may enact or enforce an ordinance that prevents an owner of a billboard
1070 from upgrading a billboard to an electronic or mechanical changeable message off-premise sign
1071 for any billboard:

1072 (i) located on a property immediately adjacent to a State Scenic Byway, National
1073 Scenic Byway, or All-American Road as designated pursuant to Title 72, Chapter 4, Part 3,
1074 Utah State Scenic Byway Program; or

1075 (ii) in any area that, on January 1, 2021, was zoned exclusively for residential use.

1076 (f) (i) For an electronic changeable message sign located in an area described in
1077 Subsection (3)(f)(ii), a county may:

1078 (A) subject to Subsection (3)(f)(iii) impose a curfew on the operation of the electronic
1079 changeable message sign; or

1080 (B) require the use of an electronic changeable message sign that is designed and
1081 manufactured with physical light-trespass mitigation that blocks the displays light output from
1082 substantially reaching an existing residential dwelling structure.

1083 (ii) A county may impose the restrictions described in Subsection (3)(f)(i) for an
1084 electronic changeable message sign if the face of the electronic changeable message sign is:

1085 (A) located outside of an area subject to the Highway Beautification Act of 1965, Pub.
1086 L. No. 89-285, 79 Stat.1028, or the Utah-Federal Agreement, as defined in Section [72-7-515](#);

1087 (B) located within 300 feet of the outer edge of an existing residential dwelling
1088 structure that is legally occupied and located on property zoned primarily for residential
1089 purposes; and

1090 (C) oriented toward the structure described in Subsection (3)(f)(ii)(B).

1091 (iii) A county may not enact a curfew on the operation of an electronic changeable
1092 message sign except between the hours of midnight and 6 a.m.

1093 (g) (i) Except as provided in Subsection (3)(g)(ii), a county may not, as a condition of
1094 upgrading in accordance with Subsection (3)(d), enact or enforce an ordinance that requires a
1095 billboard owner to install additional landscaping or aesthetic embellishments.

1096 (ii) Subsection (3)(g)(i) does not apply to a county ordinance that restricts the paint
1097 color of a sign structure.

1098 (h) A county may not, as a condition of upgrading or building in accordance with
1099 Subsection 3(d), enact or enforce an ordinance that requires a billboard owner to forfeit another
1100 billboard or any associated right.

1101 (4) (a) Unless the county establishes, by ordinance, a uniform presumption of legal
1102 existence for nonconforming uses, the property owner shall have the burden of establishing the
1103 legal existence of a noncomplying structure or nonconforming use.

1104 (b) Any party claiming that a nonconforming use has been abandoned shall have the
1105 burden of establishing the abandonment.

1106 (c) Abandonment may be presumed to have occurred if:

1107 (i) a majority of the primary structure associated with the nonconforming use has been
1108 voluntarily demolished without prior written agreement with the county regarding an extension
1109 of the nonconforming use;

1110 (ii) the use has been discontinued for a minimum of one year; or

1111 (iii) the primary structure associated with the nonconforming use remains vacant for a
1112 period of one year.

1113 (d) The property owner may rebut the presumption of abandonment under Subsection
1114 (4)(c), and has the burden of establishing that any claimed abandonment under Subsection
1115 (4)(c) has not occurred.

1116 (5) A county may terminate the nonconforming status of a school district or charter
1117 school use or structure when the property associated with the school district or charter school
1118 use or structure ceases to be used for school district or charter school purposes for a period
1119 established by ordinance.

1120 Section 6. Section **63I-2-217** is amended to read:

1121 **63I-2-217. Repeal dates -- Title 17.**

1122 (1) Section [17-22-32.2](#), regarding restitution reporting, is repealed January 1, 2021.

1123 (2) Section [17-22-32.3](#), regarding the Jail Incarceration and Transportation Costs Study
1124 Council, is repealed January 1, 2021.

1125 (3) Subsection [17-27a-102](#)(1)(b), the language that states "or a designated mountainous
1126 planning district" is repealed June 1, 2021.

1127 (4) (a) Subsection [17-27a-103](#)~~(18)~~(20)(b), regarding a mountainous planning district,
1128 is repealed June 1, 2021.

1129 (b) Subsection [17-27a-103](#)~~(42)~~(45), regarding a mountainous planning district, is
1130 repealed June 1, 2021.

1131 (5) Subsection [17-27a-210](#)(2)(a), the language that states "or the mountainous planning
1132 district area" is repealed June 1, 2021.

1133 (6) (a) Subsection [17-27a-301](#)(1)(b)(iii), regarding a mountainous planning district, is
1134 repealed June 1, 2021.

1135 (b) Subsection [17-27a-301](#)(1)(c), regarding a mountainous planning district, is repealed
1136 June 1, 2021.

1137 (c) Subsection [17-27a-301](#)(3)(a), the language that states " or (c)" is repealed June 1,
1138 2021.

1139 (7) Section [17-27a-302](#), the language that states ", or mountainous planning district"
1140 and "or the mountainous planning district," is repealed June 1, 2021.

1141 (8) Subsection [17-27a-305](#)(1)(a), the language that states "a mountainous planning

1142 district or" and ", as applicable" is repealed June 1, 2021.

1143 (9) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning district, is
1144 repealed June 1, 2021.

1145 (b) Subsection 17-27a-401(7), regarding a mountainous planning district, is repealed
1146 June 1, 2021.

1147 (10) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning district, is
1148 repealed June 1, 2021.

1149 (b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is
1150 repealed June 1, 2021.

1151 (c) Subsection 17-27a-403(2)(a)(iii), the language that states "or the mountainous
1152 planning district" is repealed June 1, 2021.

1153 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
1154 district" is repealed June 1, 2021.

1155 (11) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning district, is
1156 repealed June 1, 2021.

1157 (12) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning district, is
1158 repealed June 1, 2021.

1159 (13) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
1160 mountainous planning district, the mountainous planning district" is repealed June 1, 2021.

1161 (14) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning district, is
1162 repealed June 1, 2021.

1163 (15) Subsection 17-27a-605(1)(a), the language that states "or mountainous planning
1164 district land" is repealed June 1, 2021.

1165 (16) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
1166 2021.

1167 (17) On June 1, 2021, when making the changes in this section, the Office of
1168 Legislative Research and General Counsel shall:

1169 (a) in addition to its authority under Subsection 36-12-12(3):

1170 (i) make corrections necessary to ensure that sections and subsections identified in this
1171 section are complete sentences and accurately reflect the office's understanding of the
1172 Legislature's intent; and

1173 (ii) make necessary changes to subsection numbering and cross references; and
1174 (b) identify the text of the affected sections and subsections based upon the section and
1175 subsection numbers used in Laws of Utah 2017, Chapter 448.

1176 (18) Subsection 17-34-1(5)(d), regarding county funding of certain municipal services
1177 in a designated recreation area, is repealed June 1, 2021.

1178 (19) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed
1179 January 1, 2022.

1180 (20) On June 1, 2022:

1181 (a) Section 17-52a-104 is repealed;

1182 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
1183 described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and

1184 (c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.

1185 (21) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to
1186 initiate a change of form of government process by July 1, 2018, is repealed.

1187 Section 7. Section 72-7-505 is amended to read:

1188 **72-7-505. Sign size -- Sign spacing -- Location in outdoor advertising corridor --**
1189 **Limit on implementation.**

1190 (1) (a) Except as provided in Subsection (2), a sign face within the state may not
1191 exceed the following limits:

1192 (i) maximum area - 1,000 square feet;

1193 (ii) maximum length - 60 feet; and

1194 (iii) maximum height - 25 feet.

1195 (b) No more than two facings visible and readable from the same direction on the
1196 main-traveled way may be erected on any one sign structure. Whenever two facings are so
1197 positioned, neither shall exceed the maximum allowed square footage.

1198 (c) Two or more advertising messages on a sign face and double-faced, back-to-back,
1199 stacked, side-by-side, and V-type signs are permitted as a single sign or structure if both faces
1200 enjoy common ownership.

1201 (d) A changeable message sign is permitted if the interval between message changes is
1202 not more frequent than at least eight seconds and the actual message rotation process is
1203 accomplished in three seconds or less.

1204 (e) An illumination standard adopted by any jurisdiction shall be uniformly applied to
1205 all signs, public or private, on or off premise.

1206 (f) The illumination of an electronic changeable message sign may not be limited,
1207 except to prevent an electronic sign face from increasing ambient lighting levels by more than
1208 0.3 footcandles when measured:

1209 (i) after sunset and before sunrise;

1210 (ii) perpendicular to the sign face; and

1211 (iii) at a distance in linear feet calculated by taking the square root of the product of the
1212 following:

1213 (A) the area of the electronic changeable message sign face measured in square feet;

1214 and

1215 (B) 100.

1216 (2) (a) An outdoor sign structure located inside the unincorporated area of a
1217 nonurbanized county may have the maximum height allowed by the county for outdoor
1218 advertising structures in the commercial or industrial zone in which the sign is located. If no
1219 maximum height is provided for the location, the maximum sign height may be 65 feet above
1220 the ground or 25 feet above the grade of the main traveled way, whichever is greater.

1221 (b) An outdoor sign structure located inside an incorporated municipality or urbanized
1222 county may have the maximum height allowed by the municipality or urbanized county for
1223 outdoor advertising structures in the commercial or industrial zone in which the sign is located.
1224 If no maximum height is provided for the location, the maximum sign height may be 65 feet
1225 above the ground or 25 feet above the grade of the main traveled way, whichever is greater.

1226 (3) Except as provided in Section [72-7-509](#):

1227 (a) Any sign allowed to be erected by reason of the exceptions set forth in Subsection
1228 [72-7-504\(2\)](#) or in H-1 zones may not be closer than 500 feet to an existing off-premise sign
1229 adjacent to an interstate highway or limited access primary highway, except that signs may be
1230 erected closer than 500 feet if the signs on the same side of the interstate highway or limited
1231 access primary highway are not simultaneously visible.

1232 (b) Signs may not be located within 500 feet of any of the following which are adjacent
1233 to the highway, unless the signs are in an incorporated area:

1234 (i) public parks;

- 1235 (ii) public forests;
- 1236 (iii) public playgrounds;
- 1237 (iv) areas designated as scenic areas by the department or other state agency having and
- 1238 exercising this authority; or
- 1239 (v) cemeteries.

1240 (c) (i) (A) Except under Subsection (3)(c)(ii), signs may not be located on an interstate
1241 highway or limited access highway on the primary system within 500 feet of an interchange, or
1242 intersection at grade, or rest area measured along the interstate highway or freeway from the
1243 sign to the nearest point of the beginning or ending of pavement widening at the exit from or
1244 entrance to the main-traveled way.

1245 (B) Interchange and intersection distance limitations shall be measured separately for
1246 each direction of travel. A measurement for each direction of travel may not control or affect
1247 any other direction of travel.

1248 (ii) A sign may be placed closer than 500 feet from the nearest point of the beginning
1249 or ending of pavement widening at the exit from or entrance to the main-traveled way, if:

1250 (A) the sign is replacing an existing outdoor advertising use or structure which is being
1251 removed or displaced to accommodate the widening, construction, or reconstruction of an
1252 interstate, federal aid primary highway existing as of June 1, 1991, or national highway system
1253 highway; and

1254 (B) it is located in a commercial or industrial zoned area inside an urbanized county or
1255 an incorporated municipality.

1256 (d) The location of signs situated on nonlimited access primary highways in
1257 commercial, industrial, or H-1 zoned areas between streets, roads, or highways entering the
1258 primary highway shall not exceed the following minimum spacing criteria:

1259 (i) Where the distance between centerlines of intersecting streets, roads, or highways is
1260 less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted
1261 between the intersecting streets or highways.

1262 (ii) Where the distance between centerlines of intersecting streets, roads, or highways
1263 is 1,000 feet or more, minimum spacing between sign structures shall be 300 feet.

1264 (e) All outdoor advertising shall be erected and maintained within the outdoor
1265 advertising corridor.

1266 (4) Subsection (3)(c)(ii) may not be implemented until:
1267 (a) the Utah-Federal Agreement for carrying out national policy relative to control of
1268 outdoor advertising in areas adjacent to the national system of interstate and defense highways
1269 and the federal-aid primary system is modified to allow the sign placement specified in
1270 Subsection (3)(c)(ii); and
1271 (b) the modified agreement under Subsection (4)(a) is signed on behalf of both the state
1272 and the United States Secretary of Transportation.