

**BILL SUMMARY**  
1<sup>st</sup> Session of the 59<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB2089</b>
<b>Version:</b>	<b>Introduced</b>
<b>Request Number:</b>	<b>6069</b>
<b>Author:</b>	<b>Rep. Echols</b>
<b>Date:</b>	<b>2/24/2023</b>
<b>Impact:</b>	<b>\$0</b>

**Research Analysis**

HB 2089 requires municipal governing bodies with jurisdiction over comprehensive master plans, zoning classifications and planned unit developments to base their decision making upon objective, relevant and basic physical facts of the property and the surrounding area. When a rezoning or land use application conforms to the property's land use designation under a comprehensive plan or master plan, there is a rebuttable presumption that a proposed zoning land use is an appropriate classification for the property unless objective facts pertaining to the property and surrounding area shows that the proposed changes would be harmful to the health, safety and welfare of the public. While the measure makes no changes to the public notice and hearing requirements for proceedings to discuss a proposed rezoning application, governing bodies are prohibited from basing their decision making upon the presence, number or magnitude of opposition or protest to the application. If a proposed rezoning application is denied, the measure requires the governing body to provide its basis for denial and allows the court to award reimbursements for legal and other expenses in the event of a successful appeal. The measure also makes these same standards for decision making, denials and appeals applicable to preliminary or final plats and subdivision applications.

Prepared By: Keana Swadley

**Fiscal Analysis**

HB 2089 in its current form modifies regulation related to zoning by political subdivisions. The measure has no direct fiscal impact on the state budget or appropriations.

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**Other Considerations**

None.