

1                   **LOCAL LAND USE AND DEVELOPMENT REVISIONS**

2                                   2023 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Lincoln Fillmore**

5                                   House Sponsor: Stephen L. Whyte

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7 **LONG TITLE**

8 **General Description:**

9                   This bill amends provisions related to local land use and development.

10 **Highlighted Provisions:**

11                   This bill:

- 12                   ▶ amends the penalties for noncompliance with the requirements applicable to a
- 13 political subdivision's moderate income housing report;
- 14                   ▶ defines the circumstances under which a garage may be included in the definition of
- 15 an internal accessory dwelling unit;
- 16                   ▶ amends a political subdivision's authority with respect to restrictions and
- 17 requirements for internal accessory dwelling units;
- 18                   ▶ enacts a new process for subdivision review and approval; and
- 19                   ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21                   None

22 **Other Special Clauses:**

23                   None

24 **Utah Code Sections Affected:**

25 AMENDS:

26                   **10-9a-408**, as last amended by Laws of Utah 2022, Chapter 406

27                   **10-9a-530**, as enacted by Laws of Utah 2021, Chapter 102

28                   **10-9a-608**, as last amended by Laws of Utah 2022, Chapter 355

29                   **17-27a-408**, as last amended by Laws of Utah 2022, Chapter 406

30 [17-27a-526](#), as enacted by Laws of Utah 2021, Chapter 102  
 31 [17-27a-608](#), as last amended by Laws of Utah 2022, Chapter 355  
 32 [63I-2-210](#), as last amended by Laws of Utah 2022, Chapter 274  
 33 [63I-2-217](#), as last amended by Laws of Utah 2022, Chapter 123

34 ENACTS:

35 [10-9a-604.1](#), Utah Code Annotated 1953  
 36 [10-9a-604.2](#), Utah Code Annotated 1953  
 37 [10-9a-604.9](#), Utah Code Annotated 1953  
 38 [17-27a-604.1](#), Utah Code Annotated 1953  
 39 [17-27a-604.2](#), Utah Code Annotated 1953  
 40 [17-27a-604.9](#), Utah Code Annotated 1953



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

43 Section 1. Section **10-9a-408** is amended to read:

44 **10-9a-408. Moderate income housing report -- Contents -- Prioritization for**  
 45 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

46 (1) As used in this section:

47 (a) "Division" means the Housing and Community Development Division within the  
 48 Department of Workforce Services.

49 (b) "Implementation plan" means the implementation plan adopted as part of the  
 50 moderate income housing element of a specified municipality's general plan as provided in  
 51 Subsection [10-9a-403\(2\)\(c\)](#).

52 (c) "Moderate income housing report" or "report" means the report described in  
 53 Subsection (2)(a).

54 (d) "Moderate income housing strategy" means a strategy described in Subsection  
 55 [10-9a-403\(2\)\(b\)\(iii\)](#).

56 (e) "Specified municipality" means:

57 (i) a city of the first, second, third, or fourth class;

58 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located  
59 within a county of the first, second, or third class; or

60 (iii) a metro township with a population of 5,000 or more.

61 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative  
62 body of a specified municipality shall annually submit a written moderate income housing  
63 report to the division.

64 (b) The moderate income housing report submitted in 2022 shall include:

65 (i) a description of each moderate income housing strategy selected by the specified  
66 municipality for implementation; and

67 (ii) an implementation plan.

68 (c) The moderate income housing report submitted in each calendar year after 2022  
69 shall include:

70 (i) the information required under Subsection (2)(b);

71 (ii) a description of each action, whether one-time or ongoing, taken by the specified  
72 municipality during the previous fiscal year to implement the moderate income housing  
73 strategies selected by the specified municipality for implementation;

74 (iii) a description of each land use regulation or land use decision made by the  
75 specified municipality during the previous fiscal year to implement the moderate income  
76 housing strategies, including an explanation of how the land use regulation or land use decision  
77 supports the specified municipality's efforts to implement the moderate income housing  
78 strategies;

79 (iv) a description of any barriers encountered by the specified municipality in the  
80 previous fiscal year in implementing the moderate income housing strategies;

81 (v) information regarding the number of internal and external or detached accessory  
82 dwelling units located within the specified municipality for which the specified municipality:

83 (A) issued a building permit to construct; or

84 (B) issued a business license to rent;

85 (vi) a description of how the market has responded to the selected moderate income

86 housing strategies, including the number of entitled moderate income housing units or other  
87 relevant data; and

88 (vii) any recommendations on how the state can support the specified municipality in  
89 implementing the moderate income housing strategies.

90 (d) The moderate income housing report shall be in a form:

91 (i) approved by the division; and

92 (ii) made available by the division on or before July 1 of the year in which the report is  
93 required.

94 (3) Within 90 days after the day on which the division receives a specified  
95 municipality's moderate income housing report, the division shall:

96 (a) post the report on the division's website;

97 (b) send a copy of the report to the Department of Transportation, the Governor's  
98 Office of Planning and Budget, the association of governments in which the specified  
99 municipality is located, and, if the specified municipality is located within the boundaries of a  
100 metropolitan planning organization, the appropriate metropolitan planning organization; and

101 (c) subject to Subsection (4), review the report to determine compliance with  
102 Subsection (2).

103 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the  
104 report:

105 (i) includes the information required under Subsection (2)(b);

106 (ii) demonstrates to the division that the specified municipality made plans to  
107 implement:

108 (A) three or more moderate income housing strategies if the specified municipality  
109 does not have a fixed guideway public transit station; or

110 (B) subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income housing  
111 strategies if the specified municipality has a fixed guideway public transit station; and

112 (iii) is in a form approved by the division.

113 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the

114 report:

115 (i) includes the information required under Subsection (2)(c);

116 (ii) demonstrates to the division that the specified municipality made plans to

117 implement:

118 (A) three or more moderate income housing strategies if the specified municipality

119 does not have a fixed guideway public transit station; or

120 (B) four or more moderate income housing strategies if the specified municipality has a

121 fixed guideway public transit station;

122 (iii) is in a form approved by the division; and

123 (iv) provides sufficient information for the division to:

124 (A) assess the specified municipality's progress in implementing the moderate income

125 housing strategies;

126 (B) monitor compliance with the specified municipality's implementation plan;

127 (C) identify a clear correlation between the specified municipality's land use

128 regulations and land use decisions and the specified municipality's efforts to implement the

129 moderate income housing strategies; and

130 (D) identify how the market has responded to the specified municipality's selected

131 moderate income housing strategies.

132 (5) (a) A specified municipality qualifies for priority consideration under this

133 Subsection (5) if the specified municipality's moderate income housing report:

134 (i) complies with Subsection (2); and

135 (ii) demonstrates to the division that the specified municipality made plans to

136 implement:

137 (A) five or more moderate income housing strategies if the specified municipality does

138 not have a fixed guideway public transit station; or

139 (B) six or more moderate income housing strategies if the specified municipality has a

140 fixed guideway public transit station.

141 ~~[(b) The following apply to a specified municipality described in Subsection (5)(a)~~

142 ~~during the fiscal year immediately following the fiscal year in which the report is required:]~~

143 ~~[(i) the Transportation Commission may give priority consideration to transportation~~  
144 ~~projects located within the boundaries of the specified municipality in accordance with~~  
145 ~~Subsection 72-1-304(3)(c); and]~~

146 ~~[(ii) the Governor's Office of Planning and Budget may give priority consideration for~~  
147 ~~awarding financial grants to the specified municipality under the COVID-19 Local Assistance~~  
148 ~~Matching Grant Program in accordance with Subsection 63J-4-802(6).]~~

149 (b) The Transportation Commission may give priority consideration to transportation  
150 projects located within the boundaries of a specified municipality described in Subsection  
151 (5)(a) during the fiscal year immediately following the fiscal year in which the report is  
152 required, in accordance with Subsection 72-1-304(3)(c).

153 (c) Upon determining that a specified municipality qualifies for priority consideration  
154 under this Subsection (5), the division shall send a notice of prioritization to the legislative  
155 body of the specified municipality[;] and the Department of Transportation[; ~~and the~~  
156 ~~Governor's Office of Planning and Budget].~~

157 (d) The notice described in Subsection (5)(c) shall:

158 (i) name the specified municipality that qualifies for priority consideration;

159 (ii) describe the funds or projects for which the specified municipality qualifies to  
160 receive priority consideration;

161 (iii) specify the fiscal year during which the specified municipality qualifies for priority  
162 consideration; and

163 (iv) state the basis for the division's determination that the specified municipality  
164 qualifies for priority consideration.

165 (6) (a) If the division, after reviewing a specified municipality's moderate income  
166 housing report, determines that the report does not comply with Subsection (2), the division  
167 shall send a notice of noncompliance to the legislative body of the specified municipality.

168 (b) The notice described in Subsection (6)(a) shall:

169 (i) describe each deficiency in the report and the actions needed to cure each

170 deficiency;

171 (ii) state that the specified municipality has an opportunity to cure the deficiencies  
172 within 90 days after the day on which the notice is sent; and

173 (iii) state that failure to cure the deficiencies within 90 days after the day on which the  
174 notice is sent will result in ineligibility for funds and fees owed under Subsection (7).

175 (7) (a) A specified municipality is ineligible for funds and owes a fee under this  
176 Subsection (7) if the specified municipality:

177 (i) fails to submit a moderate income housing report to the division; or

178 (ii) fails to cure the deficiencies in the specified municipality's moderate income  
179 housing report within 90 days after the day on which the division sent to the specified  
180 municipality a notice of noncompliance under Subsection (6).

181 (b) The following apply to a specified municipality described in Subsection (7)(a)  
182 during the fiscal year immediately following the fiscal year in which the report is required:

183 (i) the executive director of the Department of Transportation may not program funds  
184 from the Transportation Investment Fund of 2005, including the Transit Transportation  
185 Investment Fund, to projects located within the boundaries of the specified municipality in  
186 accordance with Subsection [72-2-124\(5\)](#); ~~and~~

187 ~~[(ii) the Governor's Office of Planning and Budget may not award financial grants to~~  
188 ~~the specified municipality under the COVID-19 Local Assistance Matching Grant Program in~~  
189 ~~accordance with Subsection [63J-4-802\(7\)](#).]~~

190 (ii) beginning with a report submitted in 2024, the specified municipality shall pay a  
191 fee to the Olene Walker Housing Loan Fund in the amount of \$250 per day that the specified  
192 municipality:

193 (A) fails to submit the report to the division in accordance with this section, beginning  
194 the day after the day on which the report was due; or

195 (B) fails to cure the deficiencies in the report, beginning the day after the day by which  
196 the cure was required to occur as described in the notice of noncompliance under Subsection  
197 (6); and

198 (iii) beginning with the report submitted in 2025, the specified municipality shall pay a  
199 fee to the Olene Walker Housing Loan Fund in the amount of \$500 per day that the specified  
200 municipality, in a consecutive year:

201 (A) fails to submit the report to the division in accordance with this section, beginning  
202 the day after the day on which the report was due; or

203 (B) fails to cure the deficiencies in the report, beginning the day after the day by which  
204 the cure was required to occur as described in the notice of noncompliance under Subsection  
205 (6).

206 (c) Upon determining that a specified municipality is ineligible for funds under this  
207 Subsection (7), and is required to pay a fee under Subsection (7)(b), if applicable, the division  
208 shall send a notice of ineligibility to the legislative body of the specified municipality, the  
209 Department of Transportation, and the Governor's Office of Planning and Budget.

210 (d) The notice described in Subsection (7)(c) shall:

211 (i) name the specified municipality that is ineligible for funds;

212 (ii) describe the funds for which the specified municipality is ineligible to receive;

213 (iii) describe the fee the specified municipality is required to pay under Subsection  
214 (7)(b), if applicable;

215 ~~[(iii)]~~ (iv) specify the fiscal year during which the specified municipality is ineligible  
216 for funds; and

217 ~~[(iv)]~~ (v) state the basis for the division's determination that the specified municipality  
218 is ineligible for funds.

219 (e) The division may not determine that a specified municipality that is required to pay  
220 a fee under Subsection (7)(b) is in compliance with the reporting requirements of this section  
221 until the specified municipality pays all outstanding fees required under Subsection (7)(b) to  
222 the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene  
223 Walker Housing Loan Fund.

224 (8) In a civil action seeking enforcement or claiming a violation of this section or of  
225 Subsection 10-9a-404(4)(c), a plaintiff may not recover damages but may be awarded only



226 injunctive or other equitable relief.

227 Section 2. Section **10-9a-530** is amended to read:

228 **10-9a-530. Internal accessory dwelling units.**

229 (1) As used in this section:

230 (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

231 (i) within a primary dwelling;

232 (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the  
233 time the internal accessory dwelling unit is created; and

234 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

235 (b) (i) "Primary dwelling" means a single-family dwelling that:

236 ~~[(†)]~~ (A) is detached; and

237 ~~[(†)]~~ (B) is occupied as the primary residence of the owner of record.

238 (ii) "Primary dwelling" includes a garage if the garage:

239 (A) is a habitable space; and

240 (B) is connected to the primary dwelling by a common wall.

241 (2) In any area zoned primarily for residential use:

242 (a) the use of an internal accessory dwelling unit is a permitted use; ~~[and]~~

243 (b) except as provided in Subsections (3) and (4), a municipality may not establish any  
244 restrictions or requirements for the construction or use of one internal accessory dwelling unit  
245 within a primary dwelling, including a restriction or requirement governing:

246 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

247 (ii) total lot size; ~~[or]~~

248 (iii) street frontage~~[-];~~ or

249 (iv) internal connectivity; and

250 (c) a municipality's regulation of architectural elements for internal accessory dwelling  
251 units shall be consistent with the regulation of single-family units, including single-family units  
252 located in historic districts.

253 (3) An internal accessory dwelling unit shall comply with all applicable building,

254 health, and fire codes.

255 (4) A municipality may:

256 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling  
257 unit;

258 (b) require that an internal accessory dwelling unit be designed in a manner that does  
259 not change the appearance of the primary dwelling as a single-family dwelling;

260 (c) require a primary dwelling:

261 (i) regardless of whether the primary dwelling is existing or new construction, to  
262 include one additional on-site parking space for an internal accessory dwelling unit, [~~regardless~~  
263 ~~of whether the primary dwelling is existing or new construction~~] in addition to the parking  
264 spaces required under the municipality's land use regulation, except that if the municipality's  
265 land use ordinance requires four off-street parking spaces, the municipality may not require the  
266 additional space contemplated under this Subsection (4)(c)(i); and

267 (ii) to replace any parking spaces contained within a garage or carport if an internal  
268 accessory dwelling unit is created within the garage or carport and is a habitable space;

269 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as  
270 defined in Section 57-16-3;

271 (e) require the owner of a primary dwelling to obtain a permit or license for renting an  
272 internal accessory dwelling unit;

273 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district  
274 covering an area that is equivalent to:

275 (i) 25% or less of the total area in the municipality that is zoned primarily for  
276 residential use, except that the municipality may not prohibit newly constructed internal  
277 accessory dwelling units that:

278 (A) have a final plat approval dated on or after October 1, 2021; and

279 (B) comply with applicable land use regulations; or

280 (ii) 67% or less of the total area in the municipality that is zoned primarily for  
281 residential use, if the main campus of a state or private university with a student population of

282 10,000 or more is located within the municipality;

283 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling  
284 is served by a failing septic tank;

285 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the  
286 primary dwelling is 6,000 square feet or less in size;

287 (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a  
288 period of less than 30 consecutive days;

289 (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory  
290 dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;

291 (k) hold a lien against a property that contains an internal accessory dwelling unit in  
292 accordance with Subsection (5); and

293 (l) record a notice for an internal accessory dwelling unit in accordance with  
294 Subsection (6).

295 (5) (a) In addition to any other legal or equitable remedies available to a municipality, a  
296 municipality may hold a lien against a property that contains an internal accessory dwelling  
297 unit if:

298 (i) the owner of the property violates any of the provisions of this section or any  
299 ordinance adopted under Subsection (4);

300 (ii) the municipality provides a written notice of violation in accordance with  
301 Subsection (5)(b);

302 (iii) the municipality holds a hearing and determines that the violation has occurred in  
303 accordance with Subsection (5)(d), if the owner files a written objection in accordance with  
304 Subsection (5)(b)(iv);

305 (iv) the owner fails to cure the violation within the time period prescribed in the  
306 written notice of violation under Subsection (5)(b);

307 (v) the municipality provides a written notice of lien in accordance with Subsection  
308 (5)(c); and

309 (vi) the municipality records a copy of the written notice of lien described in

310 Subsection [~~(5)(a)(iv)~~] (5)(a)(v) with the county recorder of the county in which the property is  
311 located.

312 (b) The written notice of violation shall:

313 (i) describe the specific violation;

314 (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity  
315 to cure the violation that is:

316 (A) no less than 14 days after the day on which the municipality sends the written  
317 notice of violation, if the violation results from the owner renting or offering to rent the internal  
318 accessory dwelling unit for a period of less than 30 consecutive days; or

319 (B) no less than 30 days after the day on which the municipality sends the written  
320 notice of violation, for any other violation;

321 (iii) state that if the owner of the property fails to cure the violation within the time  
322 period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property  
323 in an amount of up to \$100 for each day of violation after the day on which the opportunity to  
324 cure the violation expires;

325 (iv) notify the owner of the property:

326 (A) that the owner may file a written objection to the violation within 14 days after the  
327 day on which the written notice of violation is post-marked or posted on the property; and

328 (B) of the name and address of the municipal office where the owner may file the  
329 written objection;

330 (v) be mailed to:

331 (A) the property's owner of record; and

332 (B) any other individual designated to receive notice in the owner's license or permit  
333 records; and

334 (vi) be posted on the property.

335 (c) The written notice of lien shall:

336 (i) comply with the requirements of Section [38-12-102](#);

337 (ii) state that the property is subject to a lien;

338 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after  
339 the day on which the opportunity to cure the violation expires;

340 (iv) be mailed to:

341 (A) the property's owner of record; and

342 (B) any other individual designated to receive notice in the owner's license or permit  
343 records; and

344 (v) be posted on the property.

345 (d) (i) If an owner of property files a written objection in accordance with Subsection  
346 (5)(b)(iv), the municipality shall:

347 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings  
348 Act, to conduct a review and determine whether the specific violation described in the written  
349 notice of violation under Subsection (5)(b) has occurred; and

350 (B) notify the owner in writing of the date, time, and location of the hearing described  
351 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.

352 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a  
353 municipality may not record a lien under this Subsection (5) until the municipality holds a  
354 hearing and determines that the specific violation has occurred.

355 (iii) If the municipality determines at the hearing that the specific violation has  
356 occurred, the municipality may impose a lien in an amount of up to \$100 for each day of  
357 violation after the day on which the opportunity to cure the violation expires, regardless of  
358 whether the hearing is held after the day on which the opportunity to cure the violation has  
359 expired.

360 (e) If an owner cures a violation within the time period prescribed in the written notice  
361 of violation under Subsection (5)(b), the municipality may not hold a lien against the property,  
362 or impose any penalty or fee on the owner, in relation to the specific violation described in the  
363 written notice of violation under Subsection (5)(b).

364 (6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an  
365 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to

366 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a  
367 notice in the office of the recorder of the county in which the primary dwelling is located.

368 (b) The notice described in Subsection (6)(a) shall include:

369 (i) a description of the primary dwelling;

370 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

371 and

372 (iii) a statement that the internal accessory dwelling unit may only be used in  
373 accordance with the municipality's land use regulations.

374 (c) The municipality shall, upon recording the notice described in Subsection (6)(a),  
375 deliver a copy of the notice to the owner of the internal accessory dwelling unit.

376 Section 3. Section **10-9a-604.1** is enacted to read:

377 **10-9a-604.1. Process for subdivision review and approval.**

378 (1) (a) As used in this section, an "administrative land use authority" means an  
379 individual, board, or commission, appointed or employed by a municipality, including  
380 municipal staff or a municipal planning commission.

381 (b) "Administrative land use authority" does not include a municipal legislative body  
382 or a member of a municipal legislative body.

383 (2) (a) This section applies to land use decisions arising from subdivision applications  
384 for single-family dwellings, two-family dwellings, or townhomes.

385 (b) This section does not apply to land use regulations adopted, approved, or agreed  
386 upon by a legislative body exercising land use authority in the review of land use applications  
387 for zoning or other land use regulation approvals.

388 (3) A municipal ordinance governing the subdivision of land shall:

389 (a) comply with this section, and establish a standard method and form of application  
390 for preliminary subdivision applications and final subdivision applications; and

391 (b) (i) designate a single administrative land use authority for the review of preliminary  
392 applications to subdivide land; or

393 (ii) if the municipality has adopted an ordinance that establishes a separate procedure

394 for the review and approval of subdivisions under Section 10-9a-605, the municipality may  
395 designate a different and separate administrative land use authority for the approval of  
396 subdivisions under Section 10-9a-605.

397 (4) (a) If an applicant requests a pre-application meeting, the municipality shall, within  
398 15 business days after the request, schedule the meeting to review the concept plan and give  
399 initial feedback.

400 (b) At the pre-application meeting, the municipal staff shall provide or have available  
401 on the municipal website the following:

- 402 (i) copies of applicable land use regulations;
- 403 (ii) a complete list of standards required for the project;
- 404 (iii) preliminary and final application checklists; and
- 405 (iv) feedback on the concept plan.

406 (5) A preliminary subdivision application shall comply with all applicable municipal  
407 ordinances and requirements of this section.

408 (6) An administrative land use authority may complete a preliminary subdivision  
409 application review in a public meeting or at a municipal staff level.

410 (7) With respect to a preliminary application to subdivide land, an administrative land  
411 use authority may:

- 412 (a) receive public comment; and
- 413 (b) hold no more than one public hearing.

414 (8) If a preliminary subdivision application complies with the applicable municipal  
415 ordinances and the requirements of this section, the administrative land use authority shall  
416 approve the preliminary subdivision application.

417 (9) A municipality shall review and approve or deny a final subdivision plat  
418 application in accordance with the provisions of this section and municipal ordinances, which:

- 419 (a) may permit concurrent processing of the final subdivision plat application with the  
420 preliminary subdivision plat application; and
- 421 (b) may not require planning commission or city council approval.

422 (10) If a final subdivision application complies with the requirements of this section,  
423 the applicable municipal ordinances, and the preliminary subdivision approval granted under  
424 Subsection (9)(a), a municipality shall approve the final subdivision application.

425 Section 4. Section **10-9a-604.2** is enacted to read:

426 **10-9a-604.2. Review of subdivision land use applications and subdivision**  
427 **improvement plans.**

428 (1) As used in this section:

429 (a) "Review cycle" means the occurrence of:

430 (i) the applicant's submittal of a complete subdivision land use application;

431 (ii) the municipality's review of that subdivision land use application;

432 (iii) the municipality's response to that subdivision land use application, in accordance  
433 with this section; and

434 (iv) the applicant's reply to the municipality's response that addresses each of the  
435 municipality's required modifications or requests for additional information.

436 (b) "Subdivision improvement plans" means the civil engineering plans associated with  
437 required infrastructure and municipally controlled utilities required for a subdivision.

438 (c) "Subdivision ordinance review" means review by a municipality to verify that a  
439 subdivision land use application meets the criteria of the municipality's subdivision ordinances.

440 (d) "Subdivision plan review" means a review of the applicant's subdivision  
441 improvement plans and other aspects of the subdivision land use application to verify that the  
442 application complies with municipal ordinances and applicable standards and specifications.

443 (2) The review cycle restrictions and requirements of this section do not apply to the  
444 review of subdivision applications affecting property within identified geological hazard areas.

445 (3) (a) No later than 15 business days after the day on which an applicant submits a  
446 complete preliminary subdivision land use application for a residential subdivision for  
447 single-family dwellings, two-family dwellings, or townhomes, the municipality shall complete  
448 the initial review of the application, including subdivision improvement plans.

449 (b) A municipality shall maintain and publish a list of the items comprising the



450 complete preliminary subdivision land use application, including:

451 (i) the application;

452 (ii) the owner's affidavit;

453 (iii) an electronic copy of all plans in PDF format;

454 (iv) the preliminary subdivision plat drawings; and

455 (v) a breakdown of fees due upon approval of the application.

456 (4) (a) A municipality shall publish a list of the items that comprise a complete final  
457 subdivision land use application.

458 (b) No later than 20 business days after the day on which an applicant submits a plat,  
459 the municipality shall complete a review of the applicant's final subdivision land use  
460 application for a residential subdivision for single-family dwellings, two-family dwellings, or  
461 townhomes, including all subdivision plan reviews.

462 (5) (a) In reviewing a subdivision land use application, a municipality may require:

463 (i) additional information relating to an applicant's plans to ensure compliance with  
464 municipal ordinances and approved standards and specifications for construction of public  
465 improvements; and

466 (ii) modifications to plans that do not meet current ordinances, applicable standards or  
467 specifications, or do not contain complete information.

468 (b) A municipality's request for additional information or modifications to plans under  
469 Subsection (5)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or  
470 specifications that require the modifications to plans, and shall be logged in an index of  
471 requested modifications or additions.

472 (c) A municipality may not require more than four review cycles.

473 (d) (i) Subject to Subsection (5)(d)(ii), unless the change or correction is necessitated  
474 by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the  
475 infrastructure needed for the specific development, a change or correction not addressed or  
476 referenced in a municipality's plan review is waived.

477 (ii) A modification or correction necessary to protect public health and safety or to

478 enforce state or federal law may not be waived.

479 (iii) If an applicant makes a material change to a plan set, the municipality has the  
480 discretion to restart the review process at the first review of the final application, but only with  
481 respect to the portion of the plan set that the material change substantively effects.

482 (e) If an applicant does not submit a revised plan within 20 business days after the  
483 municipality requires a modification or correction, the municipality shall have an additional 20  
484 business days to respond to the plans.

485 (6) After the applicant has responded to the final review cycle, and the applicant has  
486 complied with each modification requested in the municipality's previous review cycle, the  
487 municipality may not require additional revisions if the applicant has not materially changed  
488 the plan, other than changes that were in response to requested modifications or corrections.

489 (7) (a) In addition to revised plans, an applicant shall provide a written explanation in  
490 response to the municipality's review comments, identifying and explaining the applicant's  
491 revisions and reasons for declining to make revisions, if any.

492 (b) The applicant's written explanation shall be comprehensive and specific, including  
493 citations to applicable standards and ordinances for the design and an index of requested  
494 revisions or additions for each required correction.

495 (c) If an applicant fails to address a review comment in the response, the review cycle  
496 is not complete and the subsequent review cycle may not begin until all comments are  
497 addressed.

498 (8) (a) If, on the fourth or final review, a municipality fails to respond within 20  
499 business days, the municipality shall, upon request of the property owner, and within 10  
500 business days after the day on which the request is received:

501 (i) for a dispute arising from the subdivision improvement plans, assemble an appeal  
502 panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final  
503 revised set of plans; or

504 (ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in  
505 writing, of the deficiency in the application and of the right to appeal the determination to a

506 designated appeal authority.

507 Section 5. Section **10-9a-604.9** is enacted to read:

508 **10-9a-604.9. Effective dates of Sections 10-9a-604.1 and 10-9a-604.2.**

509 (1) Except as provided in Subsection (2), Sections 10-9a-604.1 and 10-9a-604.2 do not  
510 apply until December 31, 2024.

511 (2) For a specified municipality, as defined in Section 10-9a-408, Sections 10-9a-604.1  
512 and 10-9a-604.2 do not apply until February 1, 2024.

513 Section 6. Section **10-9a-608** is amended to read:

514 **10-9a-608. Subdivision amendments.**

515 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a  
516 subdivision that has been laid out and platted as provided in this part may file a written petition  
517 with the land use authority to request a subdivision amendment.

518 (b) Upon filing a written petition to request a subdivision amendment under Subsection  
519 (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in  
520 accordance with Section 10-9a-603 that:

- 521 (i) depicts only the portion of the subdivision that is proposed to be amended;
- 522 (ii) includes a plat name distinguishing the amended plat from the original plat;
- 523 (iii) describes the differences between the amended plat and the original plat; and
- 524 (iv) includes references to the original plat.

525 (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide  
526 notice of the petition by mail, email, or other effective means to each affected entity that  
527 provides a service to an owner of record of the portion of the plat that is being vacated or  
528 amended at least 10 calendar days before the land use authority may approve the petition for a  
529 subdivision amendment.

530 (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a  
531 public hearing within 45 days after the day on which the petition is filed if:

- 532 (i) any owner within the plat notifies the municipality of the owner's objection in  
533 writing within 10 days of mailed notification; or

534 (ii) a public hearing is required because all of the owners in the subdivision have not  
535 signed the revised plat.

536 (e) A land use authority may not approve a petition for a subdivision amendment under  
537 this section unless the amendment identifies and preserves any easements owned by a culinary  
538 water authority and sanitary sewer authority for existing facilities located within the  
539 subdivision.

540 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use  
541 authority may consider at a public meeting an owner's petition for a subdivision amendment if:

542 (a) the petition seeks to:

543 (i) join two or more of the petitioner fee owner's contiguous lots;

544 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not  
545 result in a violation of a land use ordinance or a development condition;

546 (iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the  
547 fee owners of each of the adjoining properties join in the petition, regardless of whether the  
548 properties are located in the same subdivision;

549 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction  
550 imposed by the local political subdivision; or

551 (v) alter the plat in a manner that does not change existing boundaries or other  
552 attributes of lots within the subdivision that are not:

553 (A) owned by the petitioner; or

554 (B) designated as a common area; and

555 (b) notice has been given to adjoining property owners in accordance with any  
556 applicable local ordinance.

557 (3) A petition under Subsection (1)(a) that contains a request to amend a public street  
558 or municipal utility easement is also subject to Section [10-9a-609.5](#).

559 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or  
560 a portion of a plat shall include:

561 (a) the name and address of each owner of record of the land contained in the entire

562 plat or on that portion of the plat described in the petition; and

563 (b) the signature of each owner described in Subsection (4)(a) who consents to the  
564 petition.

565 (5) (a) The owners of record of adjoining properties where one or more of the  
566 properties is a lot may exchange title to portions of those [~~parcels~~] properties if the exchange of  
567 title is approved by the land use authority as a lot line adjustment in accordance with  
568 Subsection (5)(b).

569 (b) The land use authority shall approve [~~an exchange of title~~] a lot line adjustment  
570 under Subsection (5)(a) if the exchange of title will not result in a violation of any land use  
571 ordinance.

572 (c) If [~~an exchange of title~~] a lot line adjustment is approved under Subsection (5)(b):

573 (i) a notice of lot line adjustment approval shall be recorded in the office of the county  
574 recorder which:

575 (A) is [~~executed~~] approved by [~~each owner included in the exchange and by~~] the land  
576 use authority; and

577 [~~(B) contains an acknowledgment for each party executing the notice in accordance~~  
578 ~~with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and]~~

579 [(~~C~~)] (B) recites the legal descriptions of both the original properties and the properties  
580 resulting from the exchange of title; and

581 (ii) a document of conveyance shall be recorded in the office of the county recorder  
582 [~~with an amended plat~~].

583 (d) A notice of approval recorded under this Subsection (5) does not act as a  
584 conveyance of title to real property and is not required in order to record a document conveying  
585 title to real property.

586 (6) (a) The name of a recorded subdivision may be changed by recording an amended  
587 plat making that change, as provided in this section and subject to Subsection (6)(c).

588 (b) The surveyor preparing the amended plat shall certify that the surveyor:

589 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and

590 Professional Land Surveyors Licensing Act;

591 (ii) (A) has completed a survey of the property described on the plat in accordance with  
592 Section 17-23-17 and has verified all measurements; or

593 (B) has referenced a record of survey map of the existing property boundaries shown  
594 on the plat and verified the locations of the boundaries; and

595 (iii) has placed monuments as represented on the plat.

596 (c) An owner of land may not submit for recording an amended plat that gives the  
597 subdivision described in the amended plat the same name as a subdivision in a plat already  
598 recorded in the county recorder's office.

599 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other  
600 document that purports to change the name of a recorded plat is void.

601 Section 7. Section 17-27a-408 is amended to read:

602 **17-27a-408. Moderate income housing report -- Contents -- Prioritization for**  
603 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

604 (1) As used in this section:

605 (a) "Division" means the Housing and Community Development Division within the  
606 Department of Workforce Services.

607 (b) "Implementation plan" means the implementation plan adopted as part of the  
608 moderate income housing element of a specified county's general plan as provided in  
609 Subsection [~~10-9a-403(2)(c)~~] 17-27a-401(3)(a).

610 (c) "Moderate income housing report" or "report" means the report described in  
611 Subsection (2)(a).

612 (d) "Moderate income housing strategy" means a strategy described in Subsection  
613 17-27a-403(2)(b)(ii).

614 (e) "Specified county" means a county of the first, second, or third class, which has a  
615 population of more than 5,000 in the county's unincorporated areas.

616 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative  
617 body of a specified county shall annually submit a written moderate income housing report to

618 the division.

619 (b) The moderate income housing report submitted in 2022 shall include:

620 (i) a description of each moderate income housing strategy selected by the specified  
621 county for implementation; and

622 (ii) an implementation plan.

623 (c) The moderate income housing report submitted in each calendar year after 2022  
624 shall include:

625 (i) the information required under Subsection (2)(b);

626 (ii) a description of each action, whether one-time or ongoing, taken by the specified  
627 county during the previous fiscal year to implement the moderate income housing strategies  
628 selected by the specified county for implementation;

629 (iii) a description of each land use regulation or land use decision made by the  
630 specified county during the previous fiscal year to implement the moderate income housing  
631 strategies, including an explanation of how the land use regulation or land use decision  
632 supports the specified county's efforts to implement the moderate income housing strategies;

633 (iv) a description of any barriers encountered by the specified county in the previous  
634 fiscal year in implementing the moderate income housing strategies; and

635 (v) information regarding the number of internal and external or detached accessory  
636 dwelling units located within the specified county for which the specified county:

637 (A) issued a building permit to construct; or

638 (B) issued a business license to rent;

639 (vi) a description of how the market has responded to the selected moderate income  
640 housing strategies, including the number of entitled moderate income housing units or other  
641 relevant data; and

642 (vii) any recommendations on how the state can support the specified county in  
643 implementing the moderate income housing strategies.

644 (d) The moderate income housing report shall be in a form:

645 (i) approved by the division; and

646 (ii) made available by the division on or before July 1 of the year in which the report is  
647 required.

648 (3) Within 90 days after the day on which the division receives a specified county's  
649 moderate income housing report, the division shall:

650 (a) post the report on the division's website;

651 (b) send a copy of the report to the Department of Transportation, the Governor's  
652 Office of Planning and Budget, the association of governments in which the specified county is  
653 located, and, if the unincorporated area of the specified county is located within the boundaries  
654 of a metropolitan planning organization, the appropriate metropolitan planning organization;  
655 and

656 (c) subject to Subsection (4), review the report to determine compliance with  
657 Subsection (2).

658 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the  
659 report:

660 (i) includes the information required under Subsection (2)(b);

661 (ii) demonstrates to the division that the specified county made plans to implement  
662 three or more moderate income housing strategies; and

663 (iii) is in a form approved by the division.

664 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the  
665 report:

666 (i) includes the information required under Subsection (2)(c);

667 (ii) demonstrates to the division that the specified county made plans to implement  
668 three or more moderate income housing strategies;

669 (iii) is in a form approved by the division; and

670 (iv) provides sufficient information for the division to:

671 (A) assess the specified county's progress in implementing the moderate income  
672 housing strategies;

673 (B) monitor compliance with the specified county's implementation plan;



674 (C) identify a clear correlation between the specified county's land use decisions and  
675 efforts to implement the moderate income housing strategies; and

676 (D) identify how the market has responded to the specified county's selected moderate  
677 income housing strategies.

678 (5) (a) A specified county qualifies for priority consideration under this Subsection (5)  
679 if the specified county's moderate income housing report:

680 (i) complies with Subsection (2); and

681 (ii) demonstrates to the division that the specified county made plans to implement five  
682 or more moderate income housing strategies.

683 ~~[(b) The following apply to a specified county described in Subsection (5)(a) during the~~  
684 ~~fiscal year immediately following the fiscal year in which the report is required:]~~

685 ~~[(i) the Transportation Commission may give priority consideration to transportation~~  
686 ~~projects located within the unincorporated areas of the specified county in accordance with~~  
687 ~~Subsection 72-1-304(3)(c); and]~~

688 ~~[(ii) the Governor's Office of Planning and Budget may give priority consideration for~~  
689 ~~awarding financial grants to the specified county under the COVID-19 Local Assistance~~  
690 ~~Matching Grant Program in accordance with Subsection 63J-4-802(6).]~~

691 (b) The Transportation Commission may give priority consideration to transportation  
692 projects located within the boundaries of a specified county described in Subsection (5)(a)  
693 during the fiscal year immediately following the fiscal year in which the report is required, in  
694 accordance with Subsection 72-1-304(3)(c).

695 (c) Upon determining that a specified county qualifies for priority consideration under  
696 this Subsection (5), the division shall send a notice of prioritization to the legislative body of  
697 the specified county[;] and the Department of Transportation[; ~~and the Governor's Office of~~  
698 ~~Planning and Budget].~~

699 (d) The notice described in Subsection (5)(c) shall:

700 (i) name the specified county that qualifies for priority consideration;

701 (ii) describe the funds or projects for which the specified county qualifies to receive

702 priority consideration;

703 (iii) specify the fiscal year during which the specified county qualifies for priority  
704 consideration; and

705 (iv) state the basis for the division's determination that the specified county qualifies  
706 for priority consideration.

707 (6) (a) If the division, after reviewing a specified county's moderate income housing  
708 report, determines that the report does not comply with Subsection (2), the division shall send a  
709 notice of noncompliance to the legislative body of the specified county.

710 (b) The notice described in Subsection (6)(a) shall:

711 (i) describe each deficiency in the report and the actions needed to cure each  
712 deficiency;

713 (ii) state that the specified county has an opportunity to cure the deficiencies within 90  
714 days after the day on which the notice is sent; and

715 (iii) state that failure to cure the deficiencies within 90 days after the day on which the  
716 notice is sent will result in ineligibility for funds and fees owed under Subsection (7).

717 (7) (a) A specified county is ineligible for funds and owes a fee under this Subsection  
718 (7) if the specified county:

719 (i) fails to submit a moderate income housing report to the division; or

720 (ii) fails to cure the deficiencies in the specified county's moderate income housing  
721 report within 90 days after the day on which the division sent to the specified county a notice of  
722 noncompliance under Subsection (6).

723 (b) The following apply to a specified county described in Subsection (7)(a) during the  
724 fiscal year immediately following the fiscal year in which the report is required:

725 (i) the executive director of the Department of Transportation may not program funds  
726 from the Transportation Investment Fund of 2005, including the Transit Transportation  
727 Investment Fund, to projects located within the unincorporated areas of the specified county in  
728 accordance with Subsection 72-2-124(6); and

729 ~~[(ii) the Governor's Office of Planning and Budget may not award financial grants to~~

730 the specified county under the COVID-19 Local Assistance Matching Grant Program in  
731 accordance with Subsection ~~63J-4-802(7)~~]

732 (ii) beginning with the report submitted in 2024, the specified county shall pay a fee to  
733 the Olene Walker Housing Loan Fund in the amount of \$250 per day that the specified county:

734 (A) fails to submit the report to the division in accordance with this section, beginning  
735 the day after the day on which the report was due; or

736 (B) fails to cure the deficiencies in the report, beginning the day after the day by which  
737 the cure was required to occur as described in the notice of noncompliance under Subsection  
738 (6)[-]; and

739 (iii) beginning with the report submitted in 2025, the specified county shall pay a fee to  
740 the Olene Walker Housing Loan Fund in the amount of \$500 per day that the specified county,  
741 for a consecutive year:

742 (A) fails to submit the report to the division in accordance with this section, beginning  
743 the day after the day on which the report was due; or

744 (B) fails to cure the deficiencies in the report, beginning the day after the day by which  
745 the cure was required to occur as described in the notice of noncompliance under Subsection  
746 (6).

747 (c) Upon determining that a specified county is ineligible for funds under this  
748 Subsection (7), and is required to pay a fee under Subsection (7)(b), if applicable, the division  
749 shall send a notice of ineligibility to the legislative body of the specified county, the  
750 Department of Transportation, and the Governor's Office of Planning and Budget.

751 (d) The notice described in Subsection (7)(c) shall:

752 (i) name the specified county that is ineligible for funds;

753 (ii) describe the funds for which the specified county is ineligible to receive;

754 (iii) describe the fee the specified county is required to pay under Subsection (7)(b), if  
755 applicable;

756 ~~[(iii)]~~ (iv) specify the fiscal year during which the specified county is ineligible for  
757 funds; and

758            [(iv)] (v) state the basis for the division's determination that the specified county is  
759 ineligible for funds.

760            (e) The division may not determine that a specified county that is required to pay a fee  
761 under Subsection (7)(b) is in compliance with the reporting requirements of this section until  
762 the specified county pays all outstanding fees required under Subsection (7)(b) to the Olene  
763 Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene Walker Housing  
764 Loan Fund.

765            (8) In a civil action seeking enforcement or claiming a violation of this section or of  
766 Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only  
767 injunctive or other equitable relief.

768            Section 8. Section 17-27a-526 is amended to read:

769            **17-27a-526. Internal accessory dwelling units.**

770            (1) As used in this section:

771            (a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

772            (i) within a primary dwelling;

773            (ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the  
774 time the internal accessory dwelling unit is created; and

775            (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

776            (b) (i) "Primary dwelling" means a single-family dwelling that:

777            [(†)] (A) is detached; and

778            [(†)] (B) is occupied as the primary residence of the owner of record.

779            (ii) "Primary dwelling" includes a garage if the garage:

780            (A) is a habitable space; and

781            (B) is connected to the primary dwelling by a common wall.

782            (2) In any area zoned primarily for residential use:

783            (a) the use of an internal accessory dwelling unit is a permitted use; [~~and~~]

784            (b) except as provided in Subsections (3) and (4), a county may not establish any  
785 restrictions or requirements for the construction or use of one internal accessory dwelling unit

786 within a primary dwelling, including a restriction or requirement governing:

787 (i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

788 (ii) total lot size; ~~[or]~~

789 (iii) street frontage~~[-]; or~~

790 (iv) internal connectivity; and

791 (c) a county's regulation of architectural elements for internal accessory dwelling units

792 shall be consistent with the regulation of single-family units, including single-family units

793 located in historic districts.

794 (3) An internal accessory dwelling unit shall comply with all applicable building,  
795 health, and fire codes.

796 (4) A county may:

797 (a) prohibit the installation of a separate utility meter for an internal accessory dwelling  
798 unit;

799 (b) require that an internal accessory dwelling unit be designed in a manner that does  
800 not change the appearance of the primary dwelling as a single-family dwelling;

801 (c) require a primary dwelling:

802 (i) regardless of whether the primary dwelling is existing or new construction, to  
803 include one additional on-site parking space for an internal accessory dwelling unit, [~~regardless~~  
804 of whether the primary dwelling is existing or new construction] in addition to the parking  
805 spaces required under the county's land use ordinance, except that if the county's land use  
806 ordinance requires four off-street parking spaces, the county may not require the additional  
807 space contemplated under this Subsection (4)(c)(i); and

808 (ii) to replace any parking spaces contained within a garage or carport if an internal  
809 accessory dwelling unit is created within the garage or carport and is habitable space;

810 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as  
811 defined in Section [57-16-3](#);

812 (e) require the owner of a primary dwelling to obtain a permit or license for renting an  
813 internal accessory dwelling unit;

814 (f) prohibit the creation of an internal accessory dwelling unit within a zoning district  
815 covering an area that is equivalent to 25% or less of the total unincorporated area in the county  
816 that is zoned primarily for residential use[;], except that the county may not prohibit newly  
817 constructed internal accessory dwelling units that:

818 (i) have a final plat approval dated on or after October 1, 2021; and

819 (ii) comply with applicable land use regulations;

820 (g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling  
821 is served by a failing septic tank;

822 (h) prohibit the creation of an internal accessory dwelling unit if the lot containing the  
823 primary dwelling is 6,000 square feet or less in size;

824 (i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a  
825 period of less than 30 consecutive days;

826 (j) prohibit the rental of an internal accessory dwelling unit if the internal accessory  
827 dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;

828 (k) hold a lien against a property that contains an internal accessory dwelling unit in  
829 accordance with Subsection (5); and

830 (l) record a notice for an internal accessory dwelling unit in accordance with  
831 Subsection (6).

832 (5) (a) In addition to any other legal or equitable remedies available to a county, a  
833 county may hold a lien against a property that contains an internal accessory dwelling unit if:

834 (i) the owner of the property violates any of the provisions of this section or any  
835 ordinance adopted under Subsection (4);

836 (ii) the county provides a written notice of violation in accordance with Subsection  
837 (5)(b);

838 (iii) the county holds a hearing and determines that the violation has occurred in  
839 accordance with Subsection (5)(d), if the owner files a written objection in accordance with  
840 Subsection (5)(b)(iv);

841 (iv) the owner fails to cure the violation within the time period prescribed in the

842 written notice of violation under Subsection (5)(b);  
843 (v) the county provides a written notice of lien in accordance with Subsection (5)(c);  
844 and  
845 (vi) the county records a copy of the written notice of lien described in Subsection  
846 [~~(5)(a)(iv)~~] (5)(a)(v) with the county recorder of the county in which the property is located.  
847 (b) The written notice of violation shall:  
848 (i) describe the specific violation;  
849 (ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity  
850 to cure the violation that is:  
851 (A) no less than 14 days after the day on which the county sends the written notice of  
852 violation, if the violation results from the owner renting or offering to rent the internal  
853 accessory dwelling unit for a period of less than 30 consecutive days; or  
854 (B) no less than 30 days after the day on which the county sends the written notice of  
855 violation, for any other violation; [~~and~~]  
856 (iii) state that if the owner of the property fails to cure the violation within the time  
857 period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an  
858 amount of up to \$100 for each day of violation after the day on which the opportunity to cure  
859 the violation expires;  
860 (iv) notify the owner of the property:  
861 (A) that the owner may file a written objection to the violation within 14 days after the  
862 day on which the written notice of violation is post-marked or posted on the property; and  
863 (B) of the name and address of the county office where the owner may file the written  
864 objection;  
865 (v) be mailed to:  
866 (A) the property's owner of record; and  
867 (B) any other individual designated to receive notice in the owner's license or permit  
868 records; and  
869 (vi) be posted on the property.

- 870 (c) The written notice of lien shall:
- 871 (i) comply with the requirements of Section 38-12-102;
- 872 (ii) describe the specific violation;
- 873 (iii) specify the lien amount, in an amount of up to \$100 for each day of violation after  
874 the day on which the opportunity to cure the violation expires;
- 875 (iv) be mailed to:
- 876 (A) the property's owner of record; and
- 877 (B) any other individual designated to receive notice in the owner's license or permit  
878 records; and
- 879 (v) be posted on the property.
- 880 (d) (i) If an owner of property files a written objection in accordance with Subsection  
881 (5)(b)(iv), the county shall:
- 882 (A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings  
883 Act, to conduct a review and determine whether the specific violation described in the written  
884 notice of violation under Subsection (5)(b) has occurred; and
- 885 (B) notify the owner in writing of the date, time, and location of the hearing described  
886 in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
- 887 (ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a  
888 county may not record a lien under this Subsection (5) until the county holds a hearing and  
889 determines that the specific violation has occurred.
- 890 (iii) If the county determines at the hearing that the specific violation has occurred, the  
891 county may impose a lien in an amount of up to \$100 for each day of violation after the day on  
892 which the opportunity to cure the violation expires, regardless of whether the hearing is held  
893 after the day on which the opportunity to cure the violation has expired.
- 894 (e) If an owner cures a violation within the time period prescribed in the written notice  
895 of violation under Subsection (5)(b), the county may not hold a lien against the property, or  
896 impose any penalty or fee on the owner, in relation to the specific violation described in the  
897 written notice of violation under Subsection (5)(b).



898 (6) (a) A county that issues, on or after October 1, 2021, a permit or license to an  
899 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to  
900 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a  
901 notice in the office of the recorder of the county in which the primary dwelling is located.

902 (b) The notice described in Subsection (6)(a) shall include:

903 (i) a description of the primary dwelling;

904 (ii) a statement that the primary dwelling contains an internal accessory dwelling unit;

905 and

906 (iii) a statement that the internal accessory dwelling unit may only be used in  
907 accordance with the county's land use regulations.

908 (c) The county shall, upon recording the notice described in Subsection (6)(a), deliver a  
909 copy of the notice to the owner of the internal accessory dwelling unit.

910 Section 9. Section **17-27a-604.1** is enacted to read:

911 **17-27a-604.1. Process for subdivision review and approval.**

912 (1) (a) As used in this section, an "administrative land use authority" means an  
913 individual, board, or commission, appointed or employed by a county, including county staff or  
914 a county planning commission.

915 (b) "Administrative land use authority" does not include a county legislative body or a  
916 member of a county legislative body.

917 (2) (a) This section applies to land use decisions arising from subdivision applications  
918 for single-family dwellings, two-family dwellings, or townhomes.

919 (b) This section does not apply to land use regulations adopted, approved, or agreed  
920 upon by a legislative body exercising land use authority in the review of land use applications  
921 for zoning or other land use regulation approvals.

922 (3) A county ordinance governing the subdivision of land shall:

923 (a) comply with this section and establish a standard method and form of application  
924 for preliminary subdivision applications and final subdivision applications; and

925 (b) (i) designate a single administrative land use authority for the review of preliminary

926 applications to subdivide land; or

927 (ii) if the county has adopted an ordinance that establishes a separate procedure for the  
928 review and approval of subdivisions under Section 17-27a-605, the county may designate a  
929 different and separate administrative land use authority for the approval of subdivisions under  
930 Section 17-27a-605.

931 (4) (a) If an applicant requests a pre-application meeting, the county shall, within 15  
932 business days after the request, schedule the meeting to review the concept plan and give initial  
933 feedback.

934 (b) At the pre-application meeting, the county staff shall provide or have available on  
935 the county website the following:

- 936 (i) copies of applicable land use regulations;
- 937 (ii) a complete list of standards required for the project;
- 938 (iii) preliminary and final application checklists; and
- 939 (iv) feedback on the concept plan.

940 (5) A preliminary subdivision application shall comply with all applicable county  
941 ordinances and requirements of this section.

942 (6) An administrative land use authority may complete a preliminary subdivision  
943 application review in a public meeting or at a county staff level.

944 (7) With respect to a preliminary application to subdivide land, an administrative land  
945 use authority may:

- 946 (a) receive public comment; and
- 947 (b) hold no more than one public hearing.

948 (8) If a preliminary subdivision application complies with the applicable county  
949 ordinances and the requirements of this section, the administrative land use authority shall  
950 approve the preliminary subdivision application.

951 (9) A county shall review and approve or deny a final subdivision plat application in  
952 accordance with the provisions of this section and county ordinances, which:

- 953 (a) may permit concurrent processing of the final subdivision plat application with the

954 preliminary subdivision plat application; and

955 (b) may not require planning commission or county legislative body approval.

956 (10) If a final subdivision application complies with the requirements of this section,  
957 the applicable county ordinances, and the preliminary subdivision approval granted under  
958 Subsection (9)(a), a county shall approve the final subdivision application.

959 Section 10. Section **17-27a-604.2** is enacted to read:

960 **17-27a-604.2. Review of subdivision land use applications and subdivision**  
961 **improvement plans.**

962 (1) As used in this section:

963 (a) "Review cycle" means the occurrence of:

964 (i) the applicant's submittal of a complete subdivision land use application;

965 (ii) the county's review of that subdivision land use application;

966 (iii) the county's response to that subdivision land use application, in accordance with  
967 this section; and

968 (iv) the applicant's reply to the county's response that addresses each of the county's  
969 required modifications or requests for additional information.

970 (b) "Subdivision improvement plans" means the civil engineering plans associated with  
971 required infrastructure and county-controlled utilities required for a subdivision.

972 (c) "Subdivision ordinance review" means review by a county to verify that a  
973 subdivision land use application meets the criteria of the county's subdivision ordinances.

974 (d) "Subdivision plan review" means a review of the applicant's subdivision  
975 improvement plans and other aspects of the subdivision land use application to verify that the  
976 application complies with county ordinances and applicable standards and specifications.

977 (2) The review cycle restrictions and requirements of this section do not apply to the  
978 review of subdivision applications affecting property within identified geological hazard areas.

979 (3) (a) No later than 15 business days after the day on which an applicant submits a  
980 complete preliminary subdivision land use application for a residential subdivision for  
981 single-family dwellings, two-family dwellings, or townhomes, the county shall complete the

982 initial review of the application, including subdivision improvement plans.

983 (b) A county shall maintain and publish a list of the items comprising the complete  
984 preliminary subdivision land use application, including:

985 (i) the application;

986 (ii) the owner's affidavit;

987 (iii) an electronic copy of all plans in PDF format;

988 (iv) the preliminary subdivision plat drawings; and

989 (v) a breakdown of fees due upon approval of the application.

990 (4) (a) A county shall publish a list of the items that comprise a complete final  
991 subdivision land use application.

992 (b) No later than 20 business days after the day on which an applicant submits a plat,  
993 the county shall complete a review of the applicant's final subdivision land use application for  
994 single-family dwellings, two-family dwellings, or townhomes, including all subdivision plan  
995 reviews.

996 (5) (a) In reviewing a subdivision land use application, a county may require:

997 (i) additional information relating to an applicant's plans to ensure compliance with  
998 county ordinances and approved standards and specifications for construction of public  
999 improvements; and

1000 (ii) modifications to plans that do not meet current ordinances, applicable standards, or  
1001 specifications or do not contain complete information.

1002 (b) A county's request for additional information or modifications to plans under  
1003 Subsections (5)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or  
1004 specifications that require the modifications to plans, and shall be logged in an index of  
1005 requested modifications or additions.

1006 (c) A county may not require more than four review cycles.

1007 (d) (i) Subject to Subsection (5)(d)(ii), unless the change or correction is necessitated  
1008 by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the  
1009 infrastructure needed for the specific development, a change or correction not addressed or

1010 referenced in a county's plan review is waived.

1011 (ii) A modification or correction necessary to protect public health and safety or to  
1012 enforce state or federal law may not be waived.

1013 (iii) If an applicant makes a material change to a plan set, the county has the discretion  
1014 to restart the review process at the first review of the final application, but only with respect to  
1015 the portion of the plan set that the material change substantively effects.

1016 (e) If an applicant does not submit a revised plan within 20 business days after the  
1017 county requires a modification or correction, the county shall have an additional 20 business  
1018 days to respond to the plans.

1019 (6) After the applicant has responded to the final review cycle, and the applicant has  
1020 complied with each modification requested in the county's previous review cycle, the county  
1021 may not require additional revisions if the applicant has not materially changed the plan, other  
1022 than changes that were in response to requested modifications or corrections.

1023 (7) (a) In addition to revised plans, an applicant shall provide a written explanation in  
1024 response to the county's review comments, identifying and explaining the applicant's revisions  
1025 and reasons for declining to make revisions, if any.

1026 (b) The applicant's written explanation shall be comprehensive and specific, including  
1027 citations to applicable standards and ordinances for the design and an index of requested  
1028 revisions or additions for each required correction.

1029 (c) If an applicant fails to address a review comment in the response, the review cycle  
1030 is not complete and the subsequent review cycle may not begin until all comments are  
1031 addressed.

1032 (8) (a) If, on the fourth or final review, a county fails to respond within 20 business  
1033 days, the county shall, upon request of the property owner, and within 10 business days after  
1034 the day on which the request is received:

1035 (i) for a dispute arising from the subdivision improvement plans, assemble an appeal  
1036 panel in accordance with Subsection [17-27a-507\(5\)\(d\)](#) to review and approve or deny the final  
1037 revised set of plans; or

1038 (ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in  
1039 writing, of the deficiency in the application and of the right to appeal the determination to a  
1040 designated appeal authority.

1041 Section 11. Section **17-27a-604.9** is enacted to read:

1042 **17-27a-604.9. Effective dates of Sections 17-27a-604.1 and 17-27a-604.2.**

1043 (1) Except as provided in Subsection (2), Sections 17-27a-604.1 and 17-27a-604.2 do  
1044 not apply until December 31, 2024.

1045 (2) Sections 17-27a-604.1 and 17-27a-604.2 do not apply until February 1, 2024 for:

1046 (a) a specified county, as defined in Section 17-27a-408;

1047 (b) a county that is a voting member of the Wasatch Front Regional Council, including:

1048 (i) Davis County;

1049 (ii) Morgan County;

1050 (iii) Salt Lake County;

1051 (iv) Tooele County; and

1052 (v) Weber County; and

1053 (c) a county that is a member of the Mountainland Association of Governments,  
1054 including:

1055 (i) Summit County;

1056 (ii) Utah County; and

1057 (iii) Wasatch County.

1058 Section 12. Section **17-27a-608** is amended to read:

1059 **17-27a-608. Subdivision amendments.**

1060 (1) (a) A fee owner of a lot, as shown on the last county assessment roll, in a plat that  
1061 has been laid out and platted as provided in this part may file a written petition with the land  
1062 use authority to request a subdivision amendment.

1063 (b) Upon filing a written petition to request a subdivision amendment under Subsection  
1064 (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in  
1065 accordance with Section **17-27a-603** that:

- 1066 (i) depicts only the portion of the subdivision that is proposed to be amended;
- 1067 (ii) includes a plat name distinguishing the amended plat from the original plat;
- 1068 (iii) describes the differences between the amended plat and the original plat; and
- 1069 (iv) includes references to the original plat.
- 1070 (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide
- 1071 notice of the petition by mail, email, or other effective means to each affected entity that
- 1072 provides a service to an owner of record of the portion of the plat that is being amended at least
- 1073 10 calendar days before the land use authority may approve the petition for a subdivision
- 1074 amendment.
- 1075 (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
- 1076 public hearing within 45 days after the day on which the petition is filed if:
- 1077 (i) any owner within the plat notifies the county of the owner's objection in writing
- 1078 within 10 days of mailed notification; or
- 1079 (ii) a public hearing is required because all of the owners in the subdivision have not
- 1080 signed the revised plat.
- 1081 (e) A land use authority may not approve a petition for a subdivision amendment under
- 1082 this section unless the amendment identifies and preserves any easements owned by a culinary
- 1083 water authority and sanitary sewer authority for existing facilities located within the
- 1084 subdivision.
- 1085 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use
- 1086 authority may consider at a public meeting an owner's petition for a subdivision amendment if:
- 1087 (a) the petition seeks to:
- 1088 (i) join two or more of the petitioning fee owner's contiguous lots;
- 1089 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
- 1090 result in a violation of a land use ordinance or a development condition;
- 1091 (iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the
- 1092 fee owners of each of the adjoining properties join the petition, regardless of whether the
- 1093 properties are located in the same subdivision;

1094 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction  
1095 imposed by the local political subdivision; or

1096 (v) alter the plat in a manner that does not change existing boundaries or other  
1097 attributes of lots within the subdivision that are not:

1098 (A) owned by the petitioner; or

1099 (B) designated as a common area; and

1100 (b) notice has been given to adjoining property owners in accordance with any  
1101 applicable local ordinance.

1102 (3) A petition under Subsection (1)(a) that contains a request to amend a public street  
1103 or county utility easement is also subject to Section [17-27a-609.5](#).

1104 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or  
1105 a portion of a plat shall include:

1106 (a) the name and address of each owner of record of the land contained in:

1107 (i) the entire plat; or

1108 (ii) that portion of the plan described in the petition; and

1109 (b) the signature of each owner who consents to the petition.

1110 (5) (a) The owners of record of adjoining properties where one or more of the  
1111 properties is a lot may exchange title to portions of those properties if the exchange of title is  
1112 approved by the land use authority as a lot line adjustment in accordance with Subsection  
1113 (5)(b).

1114 (b) The land use authority shall approve ~~[an exchange of title]~~ a lot line adjustment  
1115 under Subsection (5)(a) if the exchange of title will not result in a violation of any land use  
1116 ordinance.

1117 (c) If ~~[an exchange of title]~~ a lot line adjustment is approved under Subsection (5)(b):

1118 (i) a notice of lot line adjustment approval shall be recorded in the office of the county  
1119 recorder which:

1120 (A) is ~~[executed]~~ approved by ~~[each owner included in the exchange and by]~~ the land  
1121 use authority; and



1122           ~~[(B) contains an acknowledgment for each party executing the notice in accordance~~  
1123 ~~with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act, and]~~

1124           ~~[(C)]~~ (B) recites the legal descriptions of both the properties and the properties  
1125 resulting from the exchange of title; and

1126           (ii) a document of conveyance of title reflecting the approved change shall be recorded  
1127 in the office of the county recorder ~~[with an amended plat].~~

1128           (d) A notice of approval recorded under this Subsection (5) does not act as a  
1129 conveyance of title to real property and is not required to record a document conveying title to  
1130 real property.

1131           (6) (a) The name of a recorded subdivision may be changed by recording an amended  
1132 plat making that change, as provided in this section and subject to Subsection (6)(c).

1133           (b) The surveyor preparing the amended plat shall certify that the surveyor:

1134           (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and  
1135 Professional Land Surveyors Licensing Act;

1136           (ii) (A) has completed a survey of the property described on the plat in accordance with  
1137 Section [17-23-17](#) and has verified all measurements; or

1138           (B) has referenced a record of survey map of the existing property boundaries shown  
1139 on the plat and verified the locations of the boundaries; and

1140           (iii) has placed monuments as represented on the plat.

1141           (c) An owner of land may not submit for recording an amended plat that gives the  
1142 subdivision described in the amended plat the same name as a subdivision recorded in the  
1143 county recorder's office.

1144           (d) Except as provided in Subsection (6)(a), the recording of a declaration or other  
1145 document that purports to change the name of a recorded plat is void.

1146           Section 13. Section **63I-2-210** is amended to read:

1147           **63I-2-210. Repeal dates: Title 10.**

1148           On January 1, 2025, Section [10-9a-604.9](#) is repealed.

1149           Section 14. Section **63I-2-217** is amended to read:

1150           **63I-2-217. Repeal dates: Title 17.**  
1151           ~~[(1) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed~~  
1152 ~~January 1, 2022.]~~  
1153           (1) On January 1, 2022, Title 17, Chapter 35b, Consolidation of Local Government  
1154 Units, is repealed.  
1155           ~~[(2) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to~~  
1156 ~~initiate a change of form of government process by July 1, 2018, is repealed.]~~  
1157           ~~[(3)]~~ (2) On June 1, 2022:  
1158           (a) Section 17-52a-104 is repealed;  
1159           (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision  
1160 described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and  
1161           (c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.  
1162           (3) On January 1, 2025, Section 17-27a-604.9 is repealed.  
1163           (4) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to initiate  
1164 a change of form of government process by July 1, 2018, is repealed.