

1 **LAND USE AND DEVELOPMENT AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Logan Wilde**

5 Senate Sponsor: Kirk A. Cullimore

6

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Municipal Land Use, Development, and
10 Management Act and the County Land Use, Development, and Management Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ addresses local authority to adopt local land use requirements and regulations;
- 15 ▶ amends the process to vacate a public street;
- 16 ▶ clarifies local authority regarding a planning commission;
- 17 ▶ amends the authority of a local legislative body regarding zoning;
- 18 ▶ provides that a local legislative body may, by ordinance, consider a planning
19 commission's failure to make a certain timely recommendation as a negative
20 recommendation;
- 21 ▶ requires a legislative body to classify each allowed use in a zoning district;
- 22 ▶ prohibits a municipality from withholding the issuance of a certificate of occupancy
23 in certain circumstances;
- 24 ▶ imposes a time limit for final action on certain applications;
- 25 ▶ prohibits a county recorder from recording a subdivision plat unless the relevant
26 municipality or county has approved and signed the plat;
- 27 ▶ requires a municipality and county to establish two acceptable forms of completion
28 assurance and adds elements for which the municipality or county may not require

- 29 completion assurance;
- 30 ▶ amends provisions regarding exemptions from the plat requirement;
- 31 ▶ amends a provision regarding municipal or county liability for the dedication of a
- 32 street;
- 33 ▶ allows for a separate process to vacate a public street through a petition;
- 34 ▶ repeals provisions regarding a historic preservation appeal authority;
- 35 ▶ allows a legislative body to act as an appeal authority to review a land use decision
- 36 in certain circumstances;
- 37 ▶ provides for a court to review a land use application denial and remand the matter in
- 38 certain circumstances;
- 39 ▶ allows a court to award attorney fees if the court makes a certain determination of
- 40 bad faith challenge to a land use application decision;
- 41 ▶ requires a boundary line agreement operating as a quitclaim deed to meet certain
- 42 standards;
- 43 ▶ amends provisions regarding boundary line agreements, including elements, status,
- 44 and exemptions; and
- 45 ▶ makes technical and conforming changes.

46 **Money Appropriated in this Bill:**

47 None

48 **Other Special Clauses:**

49 This bill provides a coordination clause.

50 **Utah Code Sections Affected:**

51 AMENDS:

- 52 **10-9a-102**, as last amended by Laws of Utah 2018, Chapter 460
- 53 **10-9a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415
- 54 **10-9a-104**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 55 **10-9a-208**, as last amended by Laws of Utah 2010, Chapter 90

- 56 **10-9a-302**, as last amended by Laws of Utah 2017, Chapter 84
- 57 **10-9a-501**, as last amended by Laws of Utah 2017, Chapter 84
- 58 **10-9a-502**, as last amended by Laws of Utah 2017, Chapter 84
- 59 **10-9a-503**, as last amended by Laws of Utah 2017, Chapters 17, 79, and 84
- 60 **10-9a-507**, as last amended by Laws of Utah 2018, Chapter 339
- 61 **10-9a-509**, as last amended by Laws of Utah 2018, Chapter 339
- 62 **10-9a-509.5**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 63 **10-9a-601**, as renumbered and amended by Laws of Utah 2005, Chapter 254
- 64 **10-9a-602**, as renumbered and amended by Laws of Utah 2005, Chapter 254
- 65 **10-9a-603**, as last amended by Laws of Utah 2017, Chapters 410 and 428
- 66 **10-9a-604.5**, as last amended by Laws of Utah 2018, Chapter 339
- 67 **10-9a-605**, as last amended by Laws of Utah 2010, Chapter 381
- 68 **10-9a-607**, as last amended by Laws of Utah 2010, Chapter 381
- 69 **10-9a-608**, as last amended by Laws of Utah 2014, Chapter 136
- 70 **10-9a-609**, as last amended by Laws of Utah 2014, Chapter 136
- 71 **10-9a-609.5**, as last amended by Laws of Utah 2010, Chapter 381
- 72 **10-9a-701**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 73 **10-9a-707**, as last amended by Laws of Utah 2017, Chapter 84
- 74 **10-9a-801**, as last amended by Laws of Utah 2018, Chapter 339
- 75 **10-9a-802**, as last amended by Laws of Utah 2018, Chapter 339
- 76 **17-27a-102**, as last amended by Laws of Utah 2018, Chapter 460
- 77 **17-27a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415
- 78 **17-27a-104**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 79 **17-27a-208**, as last amended by Laws of Utah 2010, Chapter 90
- 80 **17-27a-302**, as last amended by Laws of Utah 2017, Chapter 84
- 81 **17-27a-501**, as last amended by Laws of Utah 2017, Chapter 84
- 82 **17-27a-502**, as last amended by Laws of Utah 2017, Chapter 84

- 83 **17-27a-503**, as last amended by Laws of Utah 2017, Chapter 84
- 84 **17-27a-506**, as last amended by Laws of Utah 2018, Chapter 339
- 85 **17-27a-508**, as last amended by Laws of Utah 2018, Chapter 339
- 86 **17-27a-509.5**, as last amended by Laws of Utah 2008, Chapter 112
- 87 **17-27a-601**, as renumbered and amended by Laws of Utah 2005, Chapter 254
- 88 **17-27a-602**, as last amended by Laws of Utah 2015, Chapter 465
- 89 **17-27a-603**, as last amended by Laws of Utah 2017, Chapters 410 and 428
- 90 **17-27a-604.5**, as last amended by Laws of Utah 2018, Chapter 339
- 91 **17-27a-605**, as last amended by Laws of Utah 2016, Chapter 147
- 92 **17-27a-607**, as last amended by Laws of Utah 2010, Chapter 381
- 93 **17-27a-608**, as last amended by Laws of Utah 2014, Chapter 136
- 94 **17-27a-609**, as last amended by Laws of Utah 2014, Chapter 136
- 95 **17-27a-609.5**, as last amended by Laws of Utah 2010, Chapter 381
- 96 **17-27a-707**, as last amended by Laws of Utah 2017, Chapter 84
- 97 **17-27a-801**, as last amended by Laws of Utah 2018, Chapter 339
- 98 **17-27a-802**, as last amended by Laws of Utah 2018, Chapter 339
- 99 **57-1-13**, as last amended by Laws of Utah 2011, Chapter 88
- 100 **57-1-45**, as last amended by Laws of Utah 2011, Chapter 88
- 101 **63I-2-217**, as last amended by Laws of Utah 2018, Chapter 68 and further amended by
- 102 Revisor Instructions, Laws of Utah 2018, Chapter 456
- 103 **Utah Code Sections Affected by Coordination Clause:**
- 104 **10-9a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415
- 105 **10-9a-509**, as last amended by Laws of Utah 2018, Chapter 339
- 106 **17-27a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415
- 107 **17-27a-509**, as last amended by Laws of Utah 2013, Chapter 200
- 108 **63I-2-217**, as last amended by Laws of Utah 2018, Chapter 68 and further amended by
- 109 Revisor Instructions, Laws of Utah 2018, Chapter 456

110

111 *Be it enacted by the Legislature of the state of Utah:*112 Section 1. Section **10-9a-102** is amended to read:113 **10-9a-102. Purposes -- General land use authority.**

114 (1) The purposes of this chapter are to:

115 (a) provide for the health, safety, and welfare~~[, and]~~;116 (b) promote the prosperity~~;~~;117 (c) improve the morals, peace ~~[and]~~, good order, comfort, convenience, and aesthetics118 of each municipality and ~~[its]~~ each municipality's present and future inhabitants and119 businesses~~[, to]~~;120 (d) protect the tax base~~[, to]~~;121 (e) secure economy in governmental expenditures~~[, to]~~;122 (f) foster the state's agricultural and other industries~~[, to]~~;123 (g) protect both urban and nonurban development~~[, to]~~;124 (h) protect and ensure access to sunlight for solar energy devices~~[, to]~~;125 (i) provide fundamental fairness in land use regulation~~[, and to]~~;126 (j) facilitate orderly growth and allow growth in a variety of housing types; and

127 (k) protect property values.

128 (2) To accomplish the purposes of this chapter, ~~[municipalities]~~ a municipality may
129 enact all ordinances, resolutions, and rules and may enter into other forms of land use controls
130 and development agreements that ~~[they consider]~~ the municipality considers necessary or
131 appropriate for the use and development of land within the municipality, including ordinances,
132 resolutions, rules, restrictive covenants, easements, and development agreements governing:

133 (a) uses~~;~~;134 (b) density~~;~~;135 (c) open spaces~~;~~;136 (d) structures~~;~~;

- 137 (e) buildings[;];
- 138 (f) energy efficiency[;];
- 139 (g) light and air[;];
- 140 (h) air quality[;];
- 141 (i) transportation and public or alternative transportation[;];
- 142 (j) infrastructure[;];
- 143 (k) street and building orientation [~~and~~];
- 144 (l) width requirements[;];
- 145 (m) public facilities[;];
- 146 (n) fundamental fairness in land use regulation[;]; and
- 147 (o) considerations of surrounding land uses [~~and the~~] to balance [of] the foregoing
- 148 purposes with a landowner's private property interests[; ~~height and location of vegetation, trees,~~
- 149 ~~and landscaping, unless expressly prohibited by law]~~ and associated statutory and constitutional
- 150 protections.

151 (3) (a) Any ordinance, resolution, or rule enacted by a municipality pursuant to its
 152 authority under this chapter shall comply with the state's exclusive jurisdiction to regulate oil
 153 and gas activity, as described in Section 40-6-2.5.

154 (b) A municipality may enact an ordinance, resolution, or rule that regulates surface
 155 activity incident to an oil and gas activity if the municipality demonstrates that the regulation:
 156 (i) is necessary for the purposes of this chapter;
 157 (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and
 158 (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas
 159 activity, as described in Section 40-6-2.5.

160 Section 2. Section 10-9a-103 is amended to read:

161 **10-9a-103. Definitions.**

162 As used in this chapter:

163 (1) "Affected entity" means a county, municipality, local district, special service

164 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
165 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
166 public utility, property owner, property owners association, or the Utah Department of
167 Transportation, if:

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

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

172 (c) the entity has filed with the municipality a request for notice during the same
173 calendar year and before the municipality provides notice to an affected entity in compliance
174 with a requirement imposed under this chapter.

175 (2) "Appeal authority" means the person, board, commission, agency, or other body
176 designated by ordinance to decide an appeal of a decision of a land use application or a
177 variance.

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

181 (4) (a) "Charter school" means:

182 (i) an operating charter school;

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

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

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

188 (5) "Conditional use" means a land use that, because of its unique characteristics or
189 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be
190 compatible in some areas or may be compatible only if certain conditions are required that

191 mitigate or eliminate the detrimental impacts.

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

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

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

196 (7) "Culinary water authority" means the department, agency, or public entity with
197 responsibility to review and approve the feasibility of the culinary water system and sources for
198 the subject property.

199 (8) "Development activity" means:

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

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

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

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

209 (b) "Disability" does not include current illegal use of, or addiction to, any federally
210 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
211 802.

212 (10) "Educational facility":

213 (a) means:

214 (i) a school district's building at which pupils assemble to receive instruction in a
215 program for any combination of grades from preschool through grade 12, including

216 kindergarten and a program for children with disabilities;

217 (ii) a structure or facility:

218 (A) located on the same property as a building described in Subsection (10)(a)(i); and

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

220 (iii) a building to provide office and related space to a school district's administrative

221 personnel; and

222 (b) does not include:

223 (i) land or a structure, including land or a structure for inventory storage, equipment

224 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

225 (A) not located on the same property as a building described in Subsection (10)(a)(i);

226 and

227 (B) used in support of the purposes of a building described in Subsection (10)(a)(i); or

228 (ii) a therapeutic school.

229 (11) "Fire authority" means the department, agency, or public entity with responsibility

230 to review and approve the feasibility of fire protection and suppression services for the subject

231 property.

232 (12) "Flood plain" means land that:

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

234 Management Agency; or

235 (b) has not been studied or designated by the Federal Emergency Management Agency

236 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

237 the land has characteristics that are similar to those of a 100-year flood plain designated by the

238 Federal Emergency Management Agency.

239 (13) "General plan" means a document that a municipality adopts that sets forth general

240 guidelines for proposed future development of the land within the municipality.

241 (14) "Geologic hazard" means:

242 (a) a surface fault rupture;

243 (b) shallow groundwater;

244 (c) liquefaction;

- 245 (d) a landslide;
- 246 (e) a debris flow;
- 247 (f) unstable soil;
- 248 (g) a rock fall; or
- 249 (h) any other geologic condition that presents a risk:
- 250 (i) to life;
- 251 (ii) of substantial loss of real property; or
- 252 (iii) of substantial damage to real property.
- 253 (15) "Historic preservation authority" means a person, board, commission, or other
- 254 body designated by a legislative body to:
 - 255 (a) recommend land use regulations to preserve local historic districts or areas; and
 - 256 (b) administer local historic preservation land use regulations within a local historic
 - 257 district or area.
- 258 (16) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 259 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 260 utility system.
- 261 (17) "Identical plans" means building plans submitted to a municipality that:
 - 262 (a) are clearly marked as "identical plans";
 - 263 (b) are substantially identical to building plans that were previously submitted to and
 - 264 reviewed and approved by the municipality; and
 - 265 (c) describe a building that:
 - 266 (i) is located on land zoned the same as the land on which the building described in the
 - 267 previously approved plans is located;
 - 268 (ii) is subject to the same geological and meteorological conditions and the same law
 - 269 as the building described in the previously approved plans;
 - 270 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
 - 271 and approved by the municipality; and

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

273 (18) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
274 Impact Fees Act.

275 (19) "Improvement completion assurance" means a surety bond, letter of credit,
276 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
277 by a municipality to guaranty the proper completion of landscaping or an infrastructure
278 improvement required as a condition precedent to:

279 (a) recording a subdivision plat; or

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

281 (20) "Improvement warranty" means an applicant's unconditional warranty that the
282 applicant's installed and accepted landscaping or infrastructure improvement:

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

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

287 (21) "Improvement warranty period" means a period:

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

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

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

293 (ii) has substantial evidence, on record:

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

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

297 (22) "Infrastructure improvement" means permanent infrastructure that is essential for
298 the public health and safety or that:

299 (a) is required for human occupation; and
300 (b) an applicant must install:
301 ~~[(a)]~~ (i) [pursuant to] in accordance with published installation and inspection
302 specifications for public improvements; and
303 ~~[(b)]~~ (ii) whether the improvement is public or private, as a condition of:
304 ~~[(i)]~~ (A) recording a subdivision plat; [or]
305 (B) obtaining a building permit; or
306 ~~[(ii)]~~ (C) development of a commercial, industrial, mixed use, condominium, or
307 multifamily project.
308 (23) "Internal lot restriction" means a platted note, platted demarcation, or platted
309 designation that:
310 (a) runs with the land; and
311 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
312 the plat; or
313 (ii) designates a development condition that is enclosed within the perimeter of a lot
314 described on the plat.
315 (24) "Land use applicant" means a property owner, or the property owner's designee,
316 who submits a land use application regarding the property owner's land.
317 (25) "Land use application":
318 (a) means an application that is:
319 (i) required by a municipality; and
320 (ii) submitted by a land use applicant to obtain a land use decision; and
321 (b) does not mean an application to enact, amend, or repeal a land use regulation.
322 (26) "Land use authority" means:
323 (a) a person, board, commission, agency, or body, including the local legislative body,
324 designated by the local legislative body to act upon a land use application; or
325 (b) if the local legislative body has not designated a person, board, commission,

326 agency, or body, the local legislative body.

327 (27) "Land use decision" means an administrative decision of a land use authority or
328 appeal authority regarding:

329 (a) a land use permit;

330 (b) a land use application; or

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

333 (28) "Land use permit" means a permit issued by a land use authority.

334 (29) "Land use regulation":

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

337 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;

338 and

339 (c) does not include:

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

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

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

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

346 (30) "Legislative body" means the municipal council.

347 (31) "Local district" means an entity under Title 17B, Limited Purpose Local
348 Government Entities - Local Districts, and any other governmental or quasi-governmental
349 entity that is not a county, municipality, school district, or the state.

350 (32) "Local historic district or area" means a geographically definable area that:

351 (a) contains any combination of buildings, structures, sites, objects, landscape features,
352 archeological sites, or works of art that contribute to the historic preservation goals of a

353 legislative body; and

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

356 (33) "Lot" means a tract of land, regardless of any label, that is created by and shown
357 on a subdivision plat that has been recorded in the office of the county recorder.

358 [~~(33)~~] (34) (a) "Lot line adjustment" means [the] a relocation of [the property] a lot line
359 boundary [line in a subdivision] between [two] adjoining lots or parcels, whether or not the lots
360 are located in the same subdivision, in accordance with Section [10-9a-608](#), with the consent of
361 the owners of record.

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

363 (i) creates an additional lot; or

364 (ii) constitutes a subdivision.

365 [~~(34)~~] (35) "Moderate income housing" means housing occupied or reserved for
366 occupancy by households with a gross household income equal to or less than 80% of the
367 median gross income for households of the same size in the county in which the city is located.

368 (36) "Municipal utility easement" means an easement that:

369 (a) a plat recorded in a county recorder's office described as a municipal utility
370 easement or otherwise as a utility easement;

371 (b) is not a protected utility easement or a public utility easement as defined in Section
372 [54-3-27](#);

373 (c) the municipality or the municipality's affiliated governmental entity owns or
374 creates; and

375 (d) (i) either:

376 (A) no person uses or occupies; or

377 (B) the municipality or the municipality's affiliated governmental entity uses and
378 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
379 water, or communications or data lines; or

380 (ii) a person uses or occupies with or without an authorized franchise or other
381 agreement with the municipality.

382 ~~[(35)]~~ (37) "Nominal fee" means a fee that reasonably reimburses a municipality only
383 for time spent and expenses incurred in:

- 384 (a) verifying that building plans are identical plans; and
- 385 (b) reviewing and approving those minor aspects of identical plans that differ from the
386 previously reviewed and approved building plans.

387 ~~[(36)]~~ (38) "Noncomplying structure" means a structure that:

- 388 (a) legally existed before its current land use designation; and
- 389 (b) because of one or more subsequent land use ordinance changes, does not conform
390 to the setback, height restrictions, or other regulations, excluding those regulations, which
391 govern the use of land.

392 ~~[(37)]~~ (39) "Nonconforming use" means a use of land that:

- 393 (a) legally existed before its current land use designation;
- 394 (b) has been maintained continuously since the time the land use ordinance governing
395 the land changed; and
- 396 (c) because of one or more subsequent land use ordinance changes, does not conform
397 to the regulations that now govern the use of the land.

398 ~~[(38)]~~ (40) "Official map" means a map drawn by municipal authorities and recorded in
399 a county recorder's office that:

- 400 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
401 highways and other transportation facilities;
- 402 (b) provides a basis for restricting development in designated rights-of-way or between
403 designated setbacks to allow the government authorities time to purchase or otherwise reserve
404 the land; and
- 405 (c) has been adopted as an element of the municipality's general plan.

406 (41) "Parcel" means any real property that is not a lot created by and shown on a

407 subdivision plat recorded in the office of the county recorder.

408 ~~[(39)]~~ (42) (a) "Parcel boundary adjustment" means a recorded agreement between
409 owners of adjoining ~~[properties]~~ parcels adjusting ~~[their]~~ the mutual boundary, either by deed
410 or by a boundary line agreement in accordance with Section 57-1-45, if~~[-(a)]~~ no additional
411 parcel is created~~[-]~~ and;

412 ~~[(b)]~~ (i) ~~[each]~~ none of the property identified in the agreement is ~~[unsubdivided land;~~
413 ~~including a remainder of]~~ subdivided land~~[-]~~; or

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

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

417 (i) creates an additional parcel; or

418 (ii) constitutes a subdivision.

419 ~~[(40)]~~ (43) "Person" means an individual, corporation, partnership, organization,
420 association, trust, governmental agency, or any other legal entity.

421 ~~[(41)]~~ (44) "Plan for moderate income housing" means a written document adopted by
422 a city legislative body that includes:

423 (a) an estimate of the existing supply of moderate income housing located within the
424 city;

425 (b) an estimate of the need for moderate income housing in the city for the next five
426 years as revised biennially;

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

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

430 (e) a description of the city's program to encourage an adequate supply of moderate
431 income housing.

432 ~~[(42)]~~ (45) "Plat" means a map or other graphical representation of lands ~~[being laid~~
433 ~~out and prepared]~~ that a licensed professional land surveyor makes and prepares in accordance

434 with Section [10-9a-603](#)~~[, [17-23-17](#);~~ or [57-8-13](#).

435 ~~[(43)]~~ (46) "Potential geologic hazard area" means an area that:

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

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

442 ~~[(44)]~~ (47) "Public agency" means:

443 (a) the federal government;

444 (b) the state;

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

447 (d) a charter school.

448 ~~[(45)]~~ (48) "Public hearing" means a hearing at which members of the public are
449 provided a reasonable opportunity to comment on the subject of the hearing.

450 ~~[(46)]~~ (49) "Public meeting" means a meeting that is required to be open to the public
451 under Title 52, Chapter 4, Open and Public Meetings Act.

452 (50) "Public street" means a public right-of-way, including a public highway, public
453 avenue, public boulevard, public parkway, public road, public lane, public trail or walk, public
454 alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public
455 transportation easement, or other public way.

456 ~~[(47)]~~ (51) "Receiving zone" means an area of a municipality that the municipality
457 designates, by ordinance, as an area in which an owner of land may receive a transferable
458 development right.

459 ~~[(48)]~~ (52) "Record of survey map" means a map of a survey of land prepared in
460 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

461 ~~[(49)]~~ (53) "Residential facility for persons with a disability" means a residence:

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

463 (b) (i) which is licensed or certified by the Department of Human Services under Title
464 62A, Chapter 2, Licensure of Programs and Facilities; or

465 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
466 21, Health Care Facility Licensing and Inspection Act.

467 ~~[(50)]~~ (54) "Rules of order and procedure" means a set of rules that govern and
468 prescribe in a public meeting:

469 (a) parliamentary order and procedure;

470 (b) ethical behavior; and

471 (c) civil discourse.

472 ~~[(51)]~~ (55) "Sanitary sewer authority" means the department, agency, or public entity
473 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
474 wastewater systems.

475 ~~[(52)]~~ (56) "Sending zone" means an area of a municipality that the municipality
476 designates, by ordinance, as an area from which an owner of land may transfer a transferable
477 development right.

478 ~~[(53)]~~ (57) "Specified public agency" means:

479 (a) the state;

480 (b) a school district; or

481 (c) a charter school.

482 ~~[(54)]~~ (58) "Specified public utility" means an electrical corporation, gas corporation,
483 or telephone corporation, as those terms are defined in Section [54-2-1](#).

484 ~~[(55)]~~ (59) "State" includes any department, division, or agency of the state.

485 ~~[(56)]~~ "Street" means a public right-of-way, including a highway, avenue, boulevard,
486 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other
487 way.]

488 (60) "Subdivided land" means the land, tract, or lot described in a recorded subdivision
489 plat.

490 [~~(57)~~] (61) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
491 to be divided into two or more lots[~~-, parcels, sites, units, plots,~~] or other division of land for the
492 purpose, whether immediate or future, for offer, sale, lease, or development either on the
493 installment plan or upon any and all other plans, terms, and conditions.

494 (b) "Subdivision" includes:

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

498 (ii) except as provided in Subsection [~~(57)~~] (61)(c), divisions of land for residential and
499 nonresidential uses, including land used or to be used for commercial, agricultural, and
500 industrial purposes.

501 (c) "Subdivision" does not include:

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

506 (ii) [~~a recorded~~] an agreement recorded with the county recorder's office between
507 owners of adjoining unsubdivided properties adjusting [~~their~~] the mutual boundary by a
508 boundary line agreement in accordance with Section [57-1-45](#) if:

509 (A) no new lot is created; and

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

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

512 (A) revising the legal description of more than one contiguous [~~unsubdivided~~] parcel of
513 property that is not subdivided land into one legal description encompassing all such parcels of
514 property; or

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

517 (iv) ~~[a recorded]~~ an agreement between owners of adjoining subdivided properties
518 adjusting ~~[their]~~ the mutual lot line boundary in accordance with Section 10-9a-603 if:

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

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

521 (v) a bona fide division or partition of land by deed or other instrument where the land
522 use authority expressly approves in writing the division in anticipation of further land use
523 approvals on the parcel or parcels; ~~[or]~~

524 (vi) a parcel boundary adjustment~~[:]~~;

525 (vii) a lot line adjustment;

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

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

528 (d) The joining of a subdivided parcel of property to another parcel of property that has
529 not been subdivided does not constitute a subdivision under this Subsection (57) as to the
530 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
531 subdivision ordinance.

532 ~~[(58)]~~ (62) "Suspect soil" means soil that has:

533 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
534 3% swell potential;

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

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

538 ~~[(59)]~~ (63) "Therapeutic school" means a residential group living facility:

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

540 (i) the owner of the facility; or

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

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

543 (i) at home;

544 (ii) in a public school; or

545 (iii) in a nonresidential private school; and

546 (c) that offers:

547 (i) room and board; and

548 (ii) an academic education integrated with:

549 (A) specialized structure and supervision; or

550 (B) services or treatment related to a disability, an emotional development, a

551 behavioral development, a familial development, or a social development.

552 ~~[(60)]~~ (64) "Transferable development right" means a right to develop and use land that
553 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
554 land use rights from a designated sending zone to a designated receiving zone.

555 ~~[(61)]~~ (65) "Unincorporated" means the area outside of the incorporated area of a city
556 or town.

557 ~~[(62)]~~ (66) "Water interest" means any right to the beneficial use of water, including:

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

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

560 (i) a contract; or

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

562 ~~[(63)]~~ (67) "Zoning map" means a map, adopted as part of a land use ordinance, that
563 depicts land use zones, overlays, or districts.

564 Section 3. Section 10-9a-104 is amended to read:

565 **10-9a-104. Municipal standards.**

566 (1) ~~[Except as provided in Subsection (2), a municipality may enact a land use
567 regulation imposing stricter requirements or higher standards than are required by this chapter.]~~

568 This chapter does not prohibit a municipality from adopting the municipality's own land use

569 standards.

570 (2) [~~A~~] Notwithstanding Subsection (1), a municipality may not impose a requirement,
571 regulation, condition, or standard that conflicts with a provision of this chapter, other state law,
572 or federal law.

573 Section 4. Section **10-9a-208** is amended to read:

574 **10-9a-208. Hearing and notice for petition to vacate a public street.**

575 (1) For any [~~proposal~~] petition to vacate some or all of a public street[~~, right-of-way,~~]
576 or municipality utility easement[~~;~~] the legislative body shall:

577 (a) hold a public hearing; and

578 (b) give notice of the date, place, and time of the hearing, as provided in Subsection

579 (2).

580 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative
581 body shall ensure that the notice required under Subsection (1)(b) [~~shall be~~] is:

582 (a) mailed to the record owner of each parcel that is accessed by the public street[~~;~~
583 ~~right-of-way,~~] or municipal utility easement;

584 (b) mailed to each affected entity;

585 (c) posted on or near the public street[~~, right-of-way,~~] or municipal utility easement in a
586 manner that is calculated to alert the public; and

587 (d) (i) published [~~in a newspaper of general circulation in~~] on the website of the
588 municipality in which the land subject to the petition is located until the public hearing
589 concludes; and

590 (ii) published on the Utah Public Notice Website created in Section [63F-1-701](#).

591 Section 5. Section **10-9a-302** is amended to read:

592 **10-9a-302. Planning commission powers and duties.**

593 (1) The planning commission shall make a recommendation to the legislative body for:

594 [(+)] (a) a general plan and amendments to the general plan;

595 [(2)] (b) land use regulations;

596 ~~[(3)]~~ (c) an appropriate delegation of power to at least one designated land use
597 authority to hear and act on a land use application;

598 ~~[(4)]~~ (d) an appropriate delegation of power to at least one appeal authority to hear and
599 act on an appeal from a decision of the land use authority; and

600 ~~[(5)]~~ (e) application processes that:

601 ~~[(a)]~~ (i) may include a designation of routine land use matters that, upon application
602 and proper notice, will receive informal streamlined review and action if the application is
603 uncontested; and

604 ~~[(b)]~~ (ii) shall protect the right of each:

605 ~~[(i)]~~ (A) applicant and third party to require formal consideration of any application by
606 a land use authority;

607 ~~[(ii)]~~ (B) applicant, adversely affected party, or municipal officer or employee to appeal
608 a land use authority's decision to a separate appeal authority; and

609 ~~[(iii)]~~ (C) participant to be heard in each public hearing on a contested application.

610 (2) Nothing in this section limits the right of a municipality to initiate or propose the
611 actions described in this section.

612 Section 6. Section **10-9a-501** is amended to read:

613 **10-9a-501. Enactment of land use regulation.**

614 (1) Only a legislative body, as the body authorized to weigh policy considerations, may
615 enact a land use regulation.

616 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use
617 regulation only by ordinance.

618 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that
619 imposes a fee.

620 (3) A legislative body shall ensure that a land use regulation ~~[shall be]~~ is consistent
621 with the purposes set forth in this chapter.

622 (4) (a) A legislative body shall adopt a land use regulation to:

- 623 (i) create or amend a zoning district under Subsection 10-9a-503(1)(a); and
- 624 (ii) designate general uses allowed in each zoning district.
- 625 (b) A land use authority may establish or modify other restrictions or requirements
- 626 other than those described in Subsection (4)(a), including the configuration or modification of
- 627 uses or density, through a land use decision that applies criteria or policy elements that a land
- 628 use regulation establishes or describes.

629 Section 7. Section **10-9a-502** is amended to read:

630 **10-9a-502. Preparation and adoption of land use regulation.**

631 (1) ~~[The]~~ A planning commission shall:

632 (a) provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable,

633 Subsection 10-9a-205(4);

634 (b) hold a public hearing on a proposed land use regulation;

635 (c) if applicable, consider each written objection filed in accordance with Subsection

636 10-9a-205(4) prior to the public hearing; and

637 (d) (i) ~~[prepare]~~ review and recommend to the legislative body a proposed land use

638 regulation that represents the planning commission's recommendation for regulating the use

639 and development of land within all or any part of the area of the municipality; and

640 (ii) forward to the legislative body all objections filed in accordance with Subsection

641 10-9a-205(4).

642 (2) (a) ~~[The]~~ A legislative body shall consider each proposed land use regulation

643 ~~[recommended to the legislative body by]~~ that the planning commission~~[-, and, after]~~

644 recommends to the legislative body.

645 (b) After providing notice as required by Subsection 10-9a-205(1)(b) and holding a

646 public meeting, the legislative body may adopt or reject the land use regulation ~~[either]~~

647 described in Subsection (2)(a):

648 (i) as proposed by the planning commission; or

649 (ii) after making any revision the legislative body considers appropriate.

650 (c) A legislative body may consider a planning commission's failure to make a timely
651 recommendation as a negative recommendation if the legislative body has provided for that
652 consideration by ordinance.

653 Section 8. Section **10-9a-503** is amended to read:

654 **10-9a-503. Land use ordinance or zoning map amendments -- Historic district or**
655 **area.**

656 (1) Only a legislative body may amend:

- 657 (a) the number, shape, boundaries, ~~[or]~~ area, or general uses of any zoning district;
- 658 (b) any regulation of or within the zoning district; or
- 659 (c) any other provision of a land use regulation.

660 (2) ~~[The]~~ A legislative body may not make any amendment authorized by this section
661 unless the legislative body first submits the amendment ~~[was proposed by the planning~~
662 ~~commission or was first submitted]~~ to the planning commission for ~~[its]~~ the planning
663 commission's recommendation.

664 (3) ~~[The]~~ A legislative body shall comply with the procedure specified in Section
665 **10-9a-502** in preparing and adopting an amendment to a land use regulation.

666 (4) (a) As used in this Subsection (4):

667 (i) "Citizen-led process" means a process established by a municipality to create a local
668 historic district or area that requires:

669 (A) a petition signed by a minimum number of property owners within the boundaries
670 of the proposed local historic district or area; or

671 (B) a vote of the property owners within the boundaries of the proposed local historic
672 district or area.

673 (ii) "Condominium project" means the same as that term is defined in Section **57-8-3**.

674 (iii) "Unit" means the same as that term is defined in Section **57-8-3**.

675 (b) If a municipality provides a citizen-led process, the process shall require that:

676 (i) more than 33% of the property owners within the boundaries of the proposed local

677 historic district or area agree in writing to the creation of the proposed local historic district or
678 area;

679 (ii) before any property owner agrees to the creation of a proposed local historic district
680 or area under Subsection (4)(b)(i), the municipality prepare and distribute, to each property
681 owner within the boundaries of the proposed local historic district or area, a neutral
682 information pamphlet that:

683 (A) describes the process to create a local historic district or area; and

684 (B) lists the pros and cons of a local historic district or area;

685 (iii) after the property owners satisfy the requirement described in Subsection (4)(b)(i),
686 for each parcel or, if the parcel contains a condominium project, each unit, within the
687 boundaries of the proposed local historic district or area, the municipality provide:

688 (A) a second copy of the neutral information pamphlet described in Subsection
689 (4)(b)(ii); and

690 (B) one public support ballot that, subject to Subsection (4)(c), allows the owner or
691 owners of record to vote in favor of or against the creation of the proposed local historic district
692 or area;

693 (iv) in a vote described in Subsection (4)(b)(iii)(B), the returned public support ballots
694 that reflect a vote in favor of the creation of the proposed local historic district or area:

695 (A) equal at least two-thirds of the returned public support ballots; and

696 (B) represent more than 50% of the parcels and units within the proposed local historic
697 district or area;

698 (v) if a local historic district or area proposal fails in a vote described in Subsection
699 (4)(b)(iii)(B), the legislative body may override the vote and create the proposed local historic
700 district or area with an affirmative vote of two-thirds of the members of the legislative body;
701 and

702 (vi) if a local historic district or area proposal fails in a vote described in Subsection
703 (4)(b)(iii)(B) and the legislative body does not override the vote under Subsection (4)(b)(v), a

704 resident may not initiate the creation of a local historic district or area that includes more than
705 50% of the same property as the failed local historic district or area proposal for four years after
706 the day on which the public support ballots for the vote are due.

707 (c) In a vote described in Subsection (4)(b)(iii)(B):

708 (i) a property owner is eligible to vote regardless of whether the property owner is an
709 individual, a private entity, or a public entity;

710 (ii) the municipality shall count no more than one public support ballot for:

711 (A) each parcel within the boundaries of the proposed local historic district or area; or

712 (B) if the parcel contains a condominium project, each unit within the boundaries of
713 the proposed local historic district or area; and

714 (iii) if a parcel or unit has more than one owner of record, the municipality shall count
715 a public support ballot for the parcel or unit only if the public support ballot reflects the vote of
716 the property owners who own at least a 50% interest in the parcel or unit.

717 (d) The requirements described in Subsection (4)(b)(iv) apply to the creation of a local
718 historic district or area that is:

719 (i) initiated in accordance with a municipal process described in Subsection (4)(b); and

720 (ii) not complete on or before January 1, 2016.

721 (e) A vote described in Subsection (4)(b)(iii)(B) is not subject to Title 20A, Election
722 Code.

723 Section 9. Section **10-9a-507** is amended to read:

724 **10-9a-507. Conditional uses.**

725 (1) (a) A municipality may adopt a land use ordinance that includes conditional uses
726 and provisions for conditional uses that require compliance with standards set forth in an
727 applicable ordinance.

728 (b) A municipality may not impose a requirement or standard on a conditional use that
729 conflicts with a provision of this chapter or other state or federal law.

730 (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions

731 are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of
732 the proposed use in accordance with applicable standards.

733 (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate
734 anticipated detrimental effects of the proposed conditional use does not require elimination of
735 the detrimental effects.

736 (b) If a land use authority proposes reasonable conditions on a proposed conditional
737 use, the land use authority shall ensure that the conditions are stated on the record and
738 reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

739 (c) If the reasonably anticipated detrimental effects of a proposed conditional use
740 cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to
741 achieve compliance with applicable standards, the land use authority may deny the conditional
742 use.

743 (3) A land use authority's decision to approve or deny conditional use is an
744 administrative land use decision.

745 (4) A legislative body shall classify any use that a land use regulation allows in a
746 zoning district as either a permitted or conditional use under this chapter.

747 Section 10. Section **10-9a-509** is amended to read:

748 **10-9a-509. Applicant's entitlement to land use application approval --**
749 **Municipality's requirements and limitations -- Vesting upon submission of development**
750 **plan and schedule.**

751 (1) (a) (i) An applicant who has submitted a complete land use application as described
752 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive
753 review of the application under the land use regulations:

754 (A) in effect on the date that the application is complete; and

755 (B) applicable to the application or to the information shown on the application.

756 (ii) An applicant is entitled to approval of a land use application if the application
757 conforms to the requirements of the applicable land use regulations, land use decisions, and

758 development standards in effect when the applicant submits a complete application and pays
759 application fees, unless:

760 (A) the land use authority, on the record, formally finds that a compelling,
761 countervailing public interest would be jeopardized by approving the application and specifies
762 the compelling, countervailing public interest in writing; or

763 (B) in the manner provided by local ordinance and before the applicant submits the
764 application, the municipality formally initiates proceedings to amend the municipality's land
765 use regulations in a manner that would prohibit approval of the application as submitted.

766 (b) The municipality shall process an application without regard to proceedings the
767 municipality initiated to amend the municipality's ordinances as described in Subsection
768 (1)(a)(ii)(B) if:

769 (i) 180 days have passed since the municipality initiated the proceedings; and

770 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
771 application as submitted.

772 (c) A land use application is considered submitted and complete when the applicant
773 provides the application in a form that complies with the requirements of applicable ordinances
774 and pays all applicable fees.

775 (d) The continuing validity of an approval of a land use application is conditioned upon
776 the applicant proceeding after approval to implement the approval with reasonable diligence.

777 (e) A municipality may not impose on an applicant who has submitted a complete
778 application [~~for preliminary subdivision approval~~] a requirement that is not expressed in:

779 (i) this chapter;

780 (ii) a municipal ordinance; or

781 (iii) a municipal specification for public improvements applicable to a subdivision or
782 development that is in effect on the date that the applicant submits an application.

783 (f) A municipality may not impose on a holder of an issued land use permit or a final,
784 unexpired subdivision plat a requirement that is not expressed:

- 785 (i) in a land use permit;
- 786 (ii) on the subdivision plat;
- 787 (iii) in a document on which the land use permit or subdivision plat is based;
- 788 (iv) in the written record evidencing approval of the land use permit or subdivision
- 789 plat;
- 790 (v) in this chapter; or
- 791 (vi) in a municipal ordinance.
- 792 (g) ~~[A]~~ Except as provided in Subsection (1)(h), a municipality may not withhold
- 793 issuance of a certificate of occupancy or acceptance of subdivision improvements because of an
- 794 applicant's failure to comply with a requirement that is not expressed:
- 795 (i) in the building permit or subdivision plat, documents on which the building permit
- 796 or subdivision plat is based, or the written record evidencing approval of the land use permit or
- 797 subdivision plat; or
- 798 (ii) in this chapter or the municipality's ordinances.
- 799 (h) A municipality may not unreasonably withhold issuance of a certificate of
- 800 occupancy where an applicant has met all requirements essential for the public health, public
- 801 safety, and general welfare of the occupants, in accordance with this chapter, unless:
- 802 (i) the applicant and the municipality have agreed in a written document to the
- 803 withholding of a certificate of occupancy; or
- 804 (ii) the applicant has not provided a financial assurance for required and uncompleted
- 805 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
- 806 legislative body adopts under this chapter.
- 807 (2) A municipality is bound by the terms and standards of applicable land use
- 808 regulations and shall comply with mandatory provisions of those regulations.
- 809 (3) A municipality may not, as a condition of land use application approval, require a
- 810 person filing a land use application to obtain documentation regarding a school district's
- 811 willingness, capacity, or ability to serve the development proposed in the land use application.

812 (4) Upon a specified public agency's submission of a development plan and schedule as
813 required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the
814 specified public agency vests in the municipality's applicable land use maps, zoning map,
815 hookup fees, impact fees, other applicable development fees, and land use regulations in effect
816 on the date of submission.

817 Section 11. Section 10-9a-509.5 is amended to read:

818 **10-9a-509.5. Review for application completeness -- Substantive application**
819 **review -- Reasonable diligence required for determination of whether improvements or**
820 **warranty work meets standards -- Money damages claim prohibited.**

821 (1) (a) Each municipality shall, in a timely manner, determine whether ~~[an]~~ a land use
822 application is complete for the purposes of subsequent, substantive land use authority review.

823 (b) After a reasonable period of time to allow the municipality diligently to evaluate
824 whether all objective ordinance-based application criteria have been met, if application fees
825 have been paid, the applicant may in writing request that the municipality provide a written
826 determination either that the application is:

827 (i) complete for the purposes of allowing subsequent, substantive land use authority
828 review; or

829 (ii) deficient with respect to a specific, objective, ordinance-based application
830 requirement.

831 (c) Within 30 days of receipt of an applicant's request under this section, the
832 municipality shall either:

833 (i) mail a written notice to the applicant advising that the application is deficient with
834 respect to a specified, objective, ordinance-based criterion, and stating that the application shall
835 be supplemented by specific additional information identified in the notice; or

836 (ii) accept the application as complete for the purposes of further substantive
837 processing by the land use authority.

838 (d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application

839 shall be considered complete, for purposes of further substantive land use authority review.

840 (e) (i) The applicant may raise and resolve in a single appeal any determination made
841 under this Subsection (1) to the appeal authority, including an allegation that a reasonable
842 period of time has elapsed under Subsection (1)(a).

843 (ii) The appeal authority shall issue a written decision for any appeal requested under
844 this Subsection (1)(e).

845 (f) (i) The applicant may appeal to district court the decision of the appeal authority
846 made under Subsection (1)(e).

847 (ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of
848 the written decision.

849 (2) (a) Each land use authority shall substantively review a complete application and an
850 application considered complete under Subsection (1)(d), and shall approve or deny each
851 application with reasonable diligence, subject to the time limit under Subsection
852 11-58-402.5(2) for an inland port use application, as defined in Section 11-58-401.

853 (b) After a reasonable period of time to allow the land use authority to consider an
854 application, the applicant may in writing request that the land use authority take final action
855 within 45 days from date of service of the written request.

856 (c) Within 45 days from the date of service of the written request described in
857 Subsection (2)(b):

858 (i) [The] except as provided in Subsection (2)(c)(ii), the land use authority shall take
859 final action, approving or denying the application [within 45 days of the written request.]; and

860 (ii) if a landowner petitions for a land use regulation, a legislative body shall take final
861 action by approving or denying the petition.

862 (d) If the land use authority denies an application processed under the mandates of
863 Subsection (2)(b), or if the applicant has requested a written decision in the application, the
864 land use authority shall include its reasons for denial in writing, on the record, which may
865 include the official minutes of the meeting in which the decision was rendered.

866 (e) If the land use authority fails to comply with Subsection (2)(c), the applicant may
867 appeal this failure to district court within 30 days of the date on which the land use authority is
868 required to take final action under Subsection (2)(c).

869 (3) (a) With reasonable diligence, each land use authority shall determine whether the
870 installation of required subdivision improvements or the performance of warranty work meets
871 the municipality's adopted standards.

872 (b) (i) An applicant may in writing request the land use authority to accept or reject the
873 applicant's installation of required subdivision improvements or performance of warranty work.

874 (ii) The land use authority shall accept or reject subdivision improvements within 15
875 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as
876 practicable after that 15-day period if inspection of the subdivision improvements is impeded
877 by winter weather conditions.

878 (iii) The land use authority shall accept or reject the performance of warranty work
879 within 45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as
880 soon as practicable after that 45-day period if inspection of the warranty work is impeded by
881 winter weather conditions.

882 (c) If a land use authority determines that the installation of required subdivision
883 improvements or the performance of warranty work does not meet the municipality's adopted
884 standards, the land use authority shall comprehensively and with specificity list the reasons for
885 [its] the land use authority's determination.

886 (4) Subject to Section 10-9a-509, nothing in this section and no action or inaction of
887 the land use authority relieves an applicant's duty to comply with all applicable substantive
888 ordinances and regulations.

889 (5) There shall be no money damages remedy arising from a claim under this section.

890 Section 12. Section 10-9a-601 is amended to read:

891 **10-9a-601. Enactment of subdivision ordinance.**

892 (1) The legislative body of a municipality may enact ordinances requiring that a

893 subdivision plat comply with the provisions of the [~~ordinance~~] municipality's ordinances and
894 this part before:

895 (a) [~~it~~] the subdivision plat may be filed [~~or~~] and recorded in the county recorder's
896 office; and

897 (b) lots may be sold.

898 (2) If the legislative body fails to enact a subdivision ordinance, the municipality may
899 regulate subdivisions only to the extent provided in this part.

900 Section 13. Section **10-9a-602** is amended to read:

901 **10-9a-602. Planning commission preparation and recommendation of subdivision**
902 **ordinance -- Adoption or rejection by legislative body.**

903 (1) [~~The~~] A planning commission shall:

904 (a) [~~prepare and recommend a~~] review and provide a recommendation to the legislative
905 body on any proposed ordinance [~~to the legislative body~~] that regulates the subdivision of land
906 in the municipality;

907 (b) [~~prepare and recommend or consider and recommend a~~] review and make a
908 recommendation to the legislative body on any proposed ordinance that amends the regulation
909 of the subdivision of the land in the municipality;

910 (c) provide notice consistent with Section **10-9a-205**; and

911 (d) hold a public hearing on the proposed ordinance before making [~~its~~] the planning
912 commission's final recommendation to the legislative body.

913 (2) (a) [~~The municipal~~] A legislative body may adopt, modify, revise, or reject [~~the~~] an
914 ordinance [~~either as proposed by~~] described in Subsection (1) that the planning commission [~~or~~
915 ~~after making any revision the legislative body considers appropriate~~] recommends.

916 (b) A legislative body may consider a planning commission's failure to make a timely
917 recommendation as a negative recommendation if the legislative body has provided for that
918 consideration by ordinance.

919 Section 14. Section **10-9a-603** is amended to read:

920 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
921 **acknowledgment, surveyor certification, and underground utility facility owner**
922 **verification of plat -- Recording plat.**

923 (1) Unless exempt under Section 10-9a-605 or excluded from the definition of
924 subdivision under Section 10-9a-103, whenever any land is laid out and platted, the owner of
925 the land shall provide an accurate plat that describes or specifies:

926 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
927 the county recorder's office;

928 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
929 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
930 intended to be used as a street or for any other public use, and whether any such area is
931 reserved or proposed for dedication for a public purpose;

932 (c) the lot or unit reference, block or building reference, street or site address, street
933 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
934 and width of the blocks and lots intended for sale; and

935 (d) every existing right-of-way and easement grant of record for an underground
936 facility, as defined in Section 54-8a-2, and for any other utility facility.

937 (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the municipality's
938 ordinances and this part and has been approved by the culinary water authority, the sanitary
939 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local
940 health department and the municipality consider the local health department's approval
941 necessary, the municipality shall approve the plat.

942 (b) Municipalities are encouraged to receive a recommendation from the fire authority
943 before approving a plat.

944 (c) A municipality may not require that a plat be approved or signed by a person or
945 entity who:

946 (i) is not an employee or agent of the municipality; or

- 947 (ii) does not:
- 948 (A) have a legal or equitable interest in the property within the proposed subdivision;
- 949 (B) provide a utility or other service directly to a lot within the subdivision;
- 950 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs
- 951 for the purpose of confirming the accuracy of the location of the easement or right-of-way in
- 952 relation to the plat; or
- 953 (D) provide culinary public water service whose source protection zone designated as
- 954 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.
- 955 (d) For a subdivision application that includes land located within a notification zone,
- 956 as determined under Subsection [~~(2)(e)~~] (2)(f), the land use authority shall:
- 957 (i) within 20 days after the day on which a complete subdivision application is filed,
- 958 provide written notice of the application to the canal owner or associated canal operator contact
- 959 described in:
- 960 (A) Section 10-9a-211;
- 961 (B) Subsection 73-5-7(2); or
- 962 (C) Subsection (4)(c); and
- 963 (ii) wait to approve or reject the subdivision application for at least 20 days after the
- 964 day on which the land use authority mails the notice described in Subsection (2)(d)(i) in order
- 965 to receive input from the canal owner or associated canal operator, including input regarding:
- 966 (A) access to the canal;
- 967 (B) maintenance of the canal;
- 968 (C) canal protection; and
- 969 (D) canal safety.
- 970 (e) When applicable, the subdivision applicant shall comply with Section 73-1-15.5.
- 971 [~~(e)~~] (f) The land use authority shall provide the notice described in Subsection (2)(d)
- 972 to a canal owner or associated canal operator if:
- 973 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and

- 974 (ii) the centerline alignment is available to the land use authority:
- 975 (A) from information provided by the canal company under Section 10-9a-211, using
- 976 mapping-grade global positioning satellite units or digitized data from the most recent aerial
- 977 photo available to the canal owner or associated canal operator;
- 978 (B) using the state engineer's inventory of canals under Section 73-5-7; or
- 979 (C) from information provided by a surveyor under Subsection (4)(c).
- 980 (3) The municipality may withhold an otherwise valid plat approval until the owner of
- 981 the land provides the legislative body with a tax clearance indicating that all taxes, interest, and
- 982 penalties owing on the land have been paid.
- 983 (4) (a) A ~~[plat may not be submitted to a]~~ county recorder ~~[for recording]~~ may not
- 984 record a plat unless:
- 985 (i) prior to recordation, the municipality has approved and signed the plat;
- 986 (ii) each owner of record of land described on the plat has signed the owner's
- 987 dedication as shown on the plat; and
- 988 ~~[(ii)]~~ (iii) the signature of each owner described in Subsection ~~[(4)(a)(i)]~~ (4)(a)(ii) is
- 989 acknowledged as provided by law.
- 990 (b) The surveyor making the plat shall certify that the surveyor:
- 991 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
- 992 Professional Land Surveyors Licensing Act;
- 993 (ii) has completed a survey of the property described on the plat in accordance with
- 994 Section 17-23-17 and has verified all measurements; and
- 995 (iii) has placed monuments as represented on the plat.
- 996 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of
- 997 an existing or proposed underground facility or utility facility within the proposed subdivision,
- 998 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's
- 999 depiction of the:
- 1000 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a

1001 public or private easement, or grants of record;

1002 (B) location of an existing underground facility and utility facility; and

1003 (C) physical restrictions governing the location of the underground facility and utility
1004 facility within the subdivision.

1005 (ii) The cooperation of an owner or operator under Subsection (4)(c)(i):

1006 (A) indicates only that the plat approximates the location of the existing underground
1007 and utility facilities but does not warrant or verify their precise location; and

1008 (B) does not affect a right that the owner or operator has under~~[(I)]~~ Title 54, Chapter
1009 8a, Damage to Underground Utility Facilities~~[(H)]~~, a recorded easement or right-of-way~~[(I)]~~
1010 ~~[(H)]~~, the law applicable to prescriptive rights~~[(IV)]~~, or any other provision of law.

1011 (5) (a) ~~After~~ Except as provided in Subsection (4)(c), after the plat has been
1012 acknowledged, certified, and approved, the [owner of the land] individual seeking to record the
1013 plat shall, within the time period and manner designated by ordinance, record the plat in the
1014 county recorder's office in the county in which the lands platted and laid out are situated.

1015 (b) ~~An owner's~~ A failure to record a plat within the time period designated by
1016 ordinance renders the plat voidable.

1017 Section 15. Section **10-9a-604.5** is amended to read:

1018 **10-9a-604.5. Subdivision plat recording or development activity before required**
1019 **infrastructure is completed -- Improvement completion assurance -- Improvement**
1020 **warranty.**

1021 (1) A land use authority shall establish objective inspection standards for acceptance of
1022 a landscaping or infrastructure improvement that the land use authority requires.

1023 (2) (a) Before an applicant conducts any development activity or records a plat, the
1024 applicant shall:

1025 (i) complete any required landscaping or infrastructure improvements; or

1026 (ii) post an improvement completion assurance for any required landscaping or
1027 infrastructure improvements.

1028 (b) If an applicant elects to post an improvement completion assurance, the applicant
1029 shall ~~[ensure that the]~~ provide completion assurance for:

1030 (i) ~~[provides for]~~ completion of 100% of the required landscaping or infrastructure
1031 improvements; or

1032 (ii) if the municipality has inspected and accepted a portion of the landscaping or
1033 infrastructure improvements, ~~[provides for completion of]~~ 100% of the incomplete or
1034 unaccepted landscaping or infrastructure improvements.

1035 (c) A municipality shall:

1036 (i) establish a minimum of two acceptable forms of completion assurance;

1037 ~~[(i)]~~ (ii) if an applicant elects to post an improvement completion assurance, allow the
1038 applicant to post an assurance that meets the conditions of this title, and any local ordinances;

1039 ~~[(i)]~~ (iii) establish a system for the partial release of an improvement completion
1040 assurance as portions of required landscaping or infrastructure improvements are completed
1041 and accepted in accordance with local ordinance; and

1042 ~~[(iii)]~~ (iv) issue or deny a building permit in accordance with Section 10-9a-802 based
1043 on the installation of landscaping or infrastructure improvements.

1044 (d) A municipality may not require an applicant to post an improvement completion
1045 assurance for:

1046 (i) landscaping or an infrastructure improvement that the municipality has previously
1047 inspected and accepted[-];

1048 (ii) infrastructure improvements that are private and not essential or required to meet
1049 the building code, fire code, flood or storm water management provisions, street and access
1050 requirements, or other essential necessary public safety improvements adopted in a land use
1051 regulation; or

1052 (iii) in a municipality where ordinances require all infrastructure improvements within
1053 the area to be private, infrastructure improvements within a development that the municipality
1054 requires to be private.

1055 (3) At any time before a municipality accepts a landscaping or infrastructure
1056 improvement, and for the duration of each improvement warranty period, the municipality may
1057 require the applicant to:

1058 (a) execute an improvement warranty for the improvement warranty period; and

1059 (b) post a cash deposit, surety bond, letter of credit, or other similar security, as
1060 required by the municipality, in the amount of up to 10% of the lesser of the:

1061 (i) municipal engineer's original estimated cost of completion; or

1062 (ii) applicant's reasonable proven cost of completion.

1063 (4) When a municipality accepts an improvement completion assurance for
1064 landscaping or infrastructure improvements for a development in accordance with Subsection
1065 (2)(c)[(†)](ii), the municipality may not deny an applicant a building permit if the development
1066 meets the requirements for the issuance of a building permit under the building code and fire
1067 code.

1068 (5) The provisions of this section do not supersede the terms of a valid development
1069 agreement, an adopted phasing plan, or the state construction code.

1070 Section 16. Section **10-9a-605** is amended to read:

1071 **10-9a-605. Exemptions from plat requirement.**

1072 (1) Notwithstanding Sections 10-9a-603 and 10-9a-604, ~~[the land use authority]~~ a
1073 municipality may establish a process to approve an administrative land use decision for a
1074 subdivision of 10 lots or less without a plat, by certifying in writing that:

1075 (a) the municipality has provided notice as required by ordinance; and

1076 (b) the proposed subdivision:

1077 (i) is not traversed by the mapped lines of a proposed street as shown in the general
1078 ~~plan [and does not require the dedication of any land for street or other]~~ unless the municipality
1079 has approved the location and dedication of any public street, municipal utility easement, any
1080 other easement, or any other land for public purposes as the municipality's ordinance requires;

1081 (ii) has been approved by the culinary water authority and the sanitary sewer authority;

1082 (iii) is located in a zoned area; and
1083 (iv) conforms to all applicable land use ordinances or has properly received a variance
1084 from the requirements of an otherwise conflicting and applicable land use ordinance.
1085 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural
1086 land is exempt from the plat requirements of Section 10-9a-603 if the lot or parcel:
1087 (i) qualifies as land in agricultural use under Section 59-2-502;
1088 (ii) meets the minimum size requirement of applicable land use ordinances; and
1089 (iii) is not used and will not be used for any nonagricultural purpose.
1090 (b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be
1091 graphically illustrated on a record of survey map that, after receiving the same approvals as are
1092 required for a plat under Section 10-9a-604, shall be recorded with the county recorder.
1093 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
1094 purpose, the municipality may require the lot or parcel to comply with the requirements of
1095 Section 10-9a-603.
1096 (3) (a) Documents recorded in the county recorder's office that divide property by a
1097 metes and bounds description do not create an approved subdivision allowed by this part unless
1098 the land use authority's certificate of written approval required by Subsection (1) is attached to
1099 the document.
1100 (b) The absence of the certificate or written approval required by Subsection (1) does
1101 not:
1102 (i) prohibit the county recorder from recording a document; or
1103 (ii) affect the validity of a recorded document.
1104 (c) A document which does not meet the requirements of Subsection (1) may be
1105 corrected by the recording of an affidavit to which the required certificate or written approval is
1106 attached [~~in accordance~~] and that complies with Section 57-3-106.
1107 Section 17. Section 10-9a-607 is amended to read:
1108 **10-9a-607. Dedication by plat of public streets and other public places.**

1109 (1) A plat that is signed, dedicated, and acknowledged by each owner of record, and
1110 approved according to the procedures specified in this part, operates, when recorded, as a
1111 dedication of all public streets and other public places, and vests the fee of those parcels of land
1112 in the municipality for the public for the uses named or intended in the plat.

1113 (2) The dedication established by this section does not impose liability upon the
1114 municipality for public streets and other public places that are dedicated in this manner but are
1115 unimproved unless:

1116 (a) adequate financial assurance has been provided in accordance with this chapter; and

1117 (b) the municipality has accepted the dedication.

1118 Section 18. Section **10-9a-608** is amended to read:

1119 **10-9a-608. Vacating, altering, or amending a subdivision plat.**

1120 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
1121 subdivision that has been laid out and platted as provided in this part may file a written petition
1122 with the land use authority to have some or all of the plat vacated or amended.

1123 (b) If a petition is filed under Subsection (1)(a), the land use authority shall provide
1124 notice of the petition by mail, email, or other effective means to each affected entity that
1125 provides a service to an owner of record of the portion of the plat that is being vacated or
1126 amended at least 10 calendar days before the land use authority may approve the vacation or
1127 amendment of the plat.

1128 (c) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
1129 public hearing within 45 days after the day on which the petition is filed if:

1130 (i) any owner within the plat notifies the municipality of the owner's objection in
1131 writing within 10 days of mailed notification; or

1132 (ii) a public hearing is required because all of the owners in the subdivision have not
1133 signed the revised plat.

1134 (2) Unless a local ordinance provides otherwise, the public hearing requirement of
1135 Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an

1136 owner's petition to vacate or amend a subdivision plat if:

1137 (a) the petition seeks to:

1138 (i) join two or more of the petitioner fee owner's contiguous lots;

1139 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
1140 result in a violation of a land use ordinance or a development condition;

1141 (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the
1142 adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located
1143 in the same subdivision;

1144 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
1145 imposed by the local political subdivision; or

1146 (v) alter the plat in a manner that does not change existing boundaries or other
1147 attributes of lots within the subdivision that are not:

1148 (A) owned by the petitioner; or

1149 (B) designated as a common area; and

1150 (b) notice has been given to adjacent property owners in accordance with any
1151 applicable local ordinance.

1152 (3) Each request to vacate or amend a plat that contains a request to vacate or amend a
1153 public street~~[, right-of-way,]~~ or municipal utility easement is also subject to Section
1154 [10-9a-609.5](#).

1155 (4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:

1156 (a) the name and address of each owner of record of the land contained in the entire
1157 plat or on that portion of the plat described in the petition; and

1158 (b) the signature of each owner described in Subsection (4)(a) who consents to the
1159 petition.

1160 (5) (a) The owners of record of adjacent parcels that are described by either a metes
1161 and bounds description or by a recorded plat may exchange title to portions of those parcels if
1162 the exchange of title is approved by the land use authority in accordance with Subsection

1163 (5)(b).

1164 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
1165 the exchange of title will not result in a violation of any land use ordinance.

1166 (c) If an exchange of title is approved under Subsection (5)(b):

1167 (i) a notice of approval shall be recorded in the office of the county recorder which:

1168 (A) is executed by each owner included in the exchange and by the land use authority;

1169 (B) contains an acknowledgment for each party executing the notice in accordance with
1170 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

1171 (C) recites the descriptions of both the original parcels and the parcels created by the
1172 exchange of title; and

1173 (ii) a document of conveyance shall be recorded in the office of the county recorder.

1174 (d) A notice of approval recorded under this Subsection (5) does not act as a
1175 conveyance of title to real property and is not required in order to record a document conveying
1176 title to real property.

1177 (6) (a) The name of a recorded subdivision may be changed by recording an amended
1178 plat making that change, as provided in this section and subject to Subsection (6)(c).

1179 (b) The surveyor preparing the amended plat shall certify that the surveyor:

1180 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
1181 Professional Land Surveyors Licensing Act;

1182 (ii) has completed a survey of the property described on the plat in accordance with
1183 Section [17-23-17](#) and has verified all measurements; and

1184 (iii) has placed monuments as represented on the plat.

1185 (c) An owner of land may not submit for recording an amended plat that gives the
1186 subdivision described in the amended plat the same name as a subdivision in a plat already
1187 recorded in the county recorder's office.

1188 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
1189 document that purports to change the name of a recorded plat is void.

1190 Section 19. Section **10-9a-609** is amended to read:

1191 **10-9a-609. Land use authority approval of vacation or amendment of plat --**
1192 **Recording the amended plat.**

1193 (1) The land use authority may approve the vacation or amendment of a plat by signing
1194 an amended plat showing the vacation or amendment if the land use authority finds that:

- 1195 (a) there is good cause for the vacation or amendment; and
- 1196 (b) no public street~~[, right-of-way,]~~ or municipal utility easement has been vacated or
1197 amended.

1198 (2) (a) The land use authority shall ensure that the amended plat showing the vacation
1199 or amendment is recorded in the office of the county recorder in which the land is located.

1200 (b) If the amended plat is approved and recorded in accordance with this section, the
1201 recorded plat shall vacate, supersede, and replace any contrary provision in a previously
1202 recorded plat of the same land.

1203 (3) (a) A legislative body may vacate a subdivision or a portion of a subdivision by
1204 recording in the county recorder's office an ordinance describing the subdivision or the portion
1205 being vacated.

1206 (b) The recorded vacating ordinance shall replace a previously recorded plat described
1207 in the vacating ordinance.

1208 (4) An amended plat may not be submitted to the county recorder for recording unless
1209 it is:

- 1210 (a) signed by the land use authority; and
- 1211 (b) signed, acknowledged, and dedicated by each owner of record of the portion of the
1212 plat that is amended.

1213 (5) A management committee may sign and dedicate an amended plat as provided in
1214 Title 57, Chapter 8, Condominium Ownership Act.

1215 (6) A plat may be corrected as provided in Section [57-3-106](#).

1216 Section 20. Section **10-9a-609.5** is amended to read:

1217 **10-9a-609.5. Petition to vacate a public street.**

1218 (1) In lieu of vacating some or all of a public street through a plat or amended plat in
1219 accordance with Sections 10-9a-603 through 10-9a-609, a legislative body may approve a
1220 petition to vacate a public street in accordance with this section.

1221 ~~[(1)]~~ (2) A petition to vacate some or all of a public street~~[, right-of-way,]~~ or municipal
1222 utility easement shall include:

1223 (a) the name and address of each owner of record of land that is:

1224 (i) adjacent to the public street~~[, right-of-way,]~~ or municipal utility easement between
1225 the two nearest public street intersections; or

1226 (ii) accessed exclusively by or within 300 feet of the public street~~[, right-of-way,]~~ or
1227 municipal utility easement; ~~[and]~~

1228 (b) proof of written notice to operators of utilities located within the bounds of the
1229 public street or municipal utility easement sought to be vacated; and

1230 ~~[(b)]~~ (c) the signature of each owner under Subsection ~~[(1)]~~~~(a)~~ (2)(a) who consents to
1231 the vacation.

1232 ~~[(2)]~~ (3) If a petition is submitted containing a request to vacate some or all of a public
1233 street~~[, right-of-way,]~~ or municipal utility easement, the legislative body shall hold a public
1234 hearing in accordance with Section 10-9a-208 and determine whether:

1235 (a) good cause exists for the vacation; and

1236 (b) the public interest or any person will be materially injured by the proposed
1237 vacation.

1238 ~~[(3)]~~ (4) The legislative body may adopt an ordinance granting a petition to vacate
1239 some or all of a public street~~[, right-of-way,]~~ or municipal utility easement if the legislative
1240 body finds that:

1241 (a) good cause exists for the vacation; and

1242 (b) neither the public interest nor any person will be materially injured by the vacation.

1243 ~~[(4)]~~ (5) If the legislative body adopts an ordinance vacating some or all of a public

1244 street~~[-right-of-way,]~~ or municipal utility easement, the legislative body shall ensure that one
 1245 or both of the following is recorded in the office of the recorder of the county in which the land
 1246 is located:

- 1247 (a) a plat reflecting the vacation; or
- 1248 (b) (i) an ordinance described in Subsection ~~[(3)] (4); and~~
- 1249 (ii) a legal description of the public street to be vacated.

1250 ~~[(5)] (6)~~ The action of the legislative body vacating some or all of a public street~~[-~~
 1251 ~~right-of-way,]~~ or municipal utility easement that has been dedicated to public use:

1252 (a) operates to the extent to which it is vacated, upon the effective date of the recorded
 1253 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the
 1254 municipality's fee in the vacated public street~~[-right-of-way,]~~ or municipal utility easement;
 1255 and

- 1256 (b) may not be construed to impair:
- 1257 (i) any right-of-way or easement of any lot owner; or
- 1258 (ii) the ~~[franchise]~~ rights of any public utility.

1259 (7) (a) A municipality may submit a petition, in accordance with Subsection (2), and
 1260 initiate and complete a process to vacate some or all of a public street.

- 1261 (b) If a municipality submits a petition and initiates a process under Subsection (7)(a):
- 1262 (i) the legislative body shall hold a public hearing;
- 1263 (ii) the petition and process may not apply to or affect a public utility easement, except

1264 to the extent:

- 1265 (A) the easement is not a protected utility easement as defined in Section [54-3-27](#);
- 1266 (B) the easement is included within the public street; and
- 1267 (C) the notice to vacate the public street also contains a notice to vacate the easement;

1268 and

1269 (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating
 1270 a public street through a recorded plat or amended plat.

1271 Section 21. Section **10-9a-701** is amended to read:

1272 **10-9a-701. Appeal authority required -- Condition precedent to judicial review --**
1273 **Appeal authority duties.**

1274 (1) Each municipality adopting a land use ordinance shall, by ordinance, establish one
1275 or more appeal authorities to hear and decide:

1276 (a) requests for variances from the terms of the land use ordinances;

1277 (b) appeals from decisions applying the land use ordinances; and

1278 (c) appeals from a fee charged in accordance with Section **10-9a-510**.

1279 (2) As a condition precedent to judicial review, each adversely affected person shall
1280 timely and specifically challenge a land use authority's decision, in accordance with local
1281 ordinance.

1282 (3) An appeal authority:

1283 (a) shall:

1284 (i) act in a quasi-judicial manner; and

1285 (ii) serve as the final arbiter of issues involving the interpretation or application of land
1286 use ordinances, except as provided in Title 11, Chapter 58, Part 4, Appeals to Appeals Panel,
1287 for an appeal of an inland port use appeal decision, as defined in Section **11-58-401**; and

1288 (b) may not entertain an appeal of a matter in which the appeal authority, or any
1289 participating member, had first acted as the land use authority.

1290 (4) By ordinance, a municipality may:

1291 (a) designate a separate appeal authority to hear requests for variances than the appeal
1292 authority it designates to hear appeals;

1293 (b) designate one or more separate appeal authorities to hear distinct types of appeals
1294 of land use authority decisions;

1295 (c) require an adversely affected party to present to an appeal authority every theory of
1296 relief that it can raise in district court;

1297 (d) not require an adversely affected party to pursue duplicate or successive appeals

1298 before the same or separate appeal authorities as a condition of the adversely affected party's
1299 duty to exhaust administrative remedies; and

1300 (e) provide that specified types of land use decisions may be appealed directly to the
1301 district court.

1302 (5) If the municipality establishes or, prior to the effective date of this chapter, has
1303 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the
1304 board, body, or panel shall:

1305 (a) notify each of its members of any meeting or hearing of the board, body, or panel;

1306 (b) provide each of its members with the same information and access to municipal
1307 resources as any other member;

1308 (c) convene only if a quorum of its members is present; and

1309 (d) act only upon the vote of a majority of its convened members.

1310 [~~(6)(a) Each municipality that designates a historic preservation district or area shall,~~
1311 ~~by ordinance, establish or designate a historic preservation appeal authority.]~~

1312 [~~(b) A historic preservation appeal authority shall:]~~

1313 [~~(i) be comprised of the members of the governing body,]~~

1314 [~~(ii) exercise only administrative authority and act in a quasi-judicial manner, and]~~

1315 [~~(iii) hear and decide appeals from administrative decisions of the historic preservation~~
1316 ~~authority.]~~

1317 [~~(c) An applicant appealing an administrative decision of the historic preservation~~
1318 ~~authority may appeal to either:]~~

1319 [~~(i) the historic preservation appeal authority, or]~~

1320 [~~(ii) the land use appeal authority established under Subsection (1).]~~

1321 Section 22. Section **10-9a-707** is amended to read:

1322 **10-9a-707. Scope of review of factual matters on appeal -- Appeal authority**
1323 **requirements.**

1324 (1) A municipality may, by ordinance, designate the scope of review of factual matters

1325 for appeals of land use authority decisions.

1326 (2) If the municipality fails to designate a scope of review of factual matters, the appeal
1327 authority shall review the matter de novo, without deference to the land use authority's
1328 determination of factual matters.

1329 (3) If the scope of review of factual matters is on the record, the appeal authority shall
1330 determine whether the record on appeal includes substantial evidence for each essential finding
1331 of fact.

1332 (4) The appeal authority shall:

1333 (a) determine the correctness of the land use authority's interpretation and application
1334 of the plain meaning of the land use regulations; and

1335 (b) interpret and apply a land use regulation to favor a land use application unless the
1336 land use regulation plainly restricts the land use application.

1337 (5) (a) An appeal authority's land use decision is a quasi-judicial act~~[, even if the appeal~~
1338 ~~authority is the]~~.

1339 (b) A legislative body may act as an appeal authority unless both the legislative body
1340 and the appealing party agree to allow a third party to act as the appeal authority.

1341 (6) Only a decision in which a land use authority has applied a land use regulation to a
1342 particular land use application, person, or parcel may be appealed to an appeal authority.

1343 Section 23. Section **10-9a-801** is amended to read:

1344 **10-9a-801. No district court review until administrative remedies exhausted --**

1345 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**
1346 **-- Staying of decision.**

1347 (1) No person may challenge in district court a land use decision until that person has
1348 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
1349 Variances, if applicable.

1350 (2) (a) Any person adversely affected by a final decision made in the exercise of or in
1351 violation of the provisions of this chapter may file a petition for review of the decision with the

1352 district court within 30 days after the decision is final.

1353 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
1354 property owner files a request for arbitration of a constitutional taking issue with the property
1355 rights ombudsman under Section 13-43-204 until 30 days after:

1356 (A) the arbitrator issues a final award; or

1357 (B) the property rights ombudsman issues a written statement under Subsection
1358 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

1359 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
1360 taking issue that is the subject of the request for arbitration filed with the property rights
1361 ombudsman by a property owner.

1362 (iii) A request for arbitration filed with the property rights ombudsman after the time
1363 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

1364 (3) (a) A court shall:

1365 (i) presume that a land use regulation properly enacted under the authority of this
1366 chapter is valid; and

1367 (ii) determine only whether:

1368 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
1369 or federal law; and

1370 (B) it is reasonably debatable that the land use regulation is consistent with this
1371 chapter.

1372 (b) A court shall:

1373 (i) presume that a final decision of a land use authority or an appeal authority is valid;
1374 and

1375 (ii) uphold the decision unless the decision is:

1376 (A) arbitrary and capricious; or

1377 (B) illegal.

1378 (c) (i) A decision is arbitrary and capricious if the decision is not supported by

1379 substantial evidence in the record.

1380 (ii) A decision is illegal if the decision is:

1381 (A) based on an incorrect interpretation of a land use regulation; or

1382 (B) contrary to law.

1383 (d) (i) A court may affirm or reverse the decision of a land use authority.

1384 (ii) If the court reverses a land use authority's decision, the court shall remand the

1385 matter to the land use authority with instructions to issue a decision consistent with the court's

1386 ruling.

1387 (4) The provisions of Subsection (2)(a) apply from the date on which the municipality
1388 takes final action on a land use application for any adversely affected third party, if the
1389 municipality conformed with the notice provisions of Part 2, Notice, or for any person who had
1390 actual notice of the pending decision.

1391 (5) If the municipality has complied with Section 10-9a-205, a challenge to the
1392 enactment of a land use regulation or general plan may not be filed with the district court more
1393 than 30 days after the enactment.

1394 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
1395 days after the land use decision is final.

1396 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
1397 the reviewing court the record of its proceedings, including its minutes, findings, orders, and, if
1398 available, a true and correct transcript of its proceedings.

1399 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
1400 transcript for purposes of this Subsection (7).

1401 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
1402 by the land use authority or appeal authority, as the case may be.

1403 (ii) The court may not accept or consider any evidence outside the record of the land
1404 use authority or appeal authority, as the case may be, unless that evidence was offered to the
1405 land use authority or appeal authority, respectively, and the court determines that it was

1406 improperly excluded.

1407 (b) If there is no record, the court may call witnesses and take evidence.

1408 (9) (a) The filing of a petition does not stay the decision of the land use authority or
1409 authority appeal authority, as the case may be.

1410 (b) (i) Before filing a petition under this section or a request for mediation or
1411 arbitration of a constitutional taking issue under Section 13-43-204, the aggrieved party may
1412 petition the appeal authority to stay its decision.

1413 (ii) Upon receipt of a petition to stay, the appeal authority may order its decision stayed
1414 pending district court review if the appeal authority finds it to be in the best interest of the
1415 municipality.

1416 (iii) After a petition is filed under this section or a request for mediation or arbitration
1417 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
1418 injunction staying the appeal authority's decision.

1419 (10) If the court determines that a party initiated or pursued a challenge to the decision
1420 on a land use application in bad faith, the court may award attorney fees.

1421 Section 24. Section 10-9a-802 is amended to read:

1422 **10-9a-802. Enforcement.**

1423 (1) (a) A municipality or any adversely affected owner of real estate within the
1424 municipality in which violations of this chapter or ordinances enacted under the authority of
1425 this chapter occur or are about to occur may, in addition to other remedies provided by law,
1426 institute:

1427 (i) injunctions, mandamus, abatement, or any other appropriate actions; or

1428 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

1429 (b) A municipality need only establish the violation to obtain the injunction.

1430 (2) (a) A municipality may enforce the municipality's ordinance by withholding a
1431 building permit.

1432 (b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any

1433 building or other structure within a municipality without approval of a building permit.

1434 (c) A municipality may not issue a building permit unless the plans of and for the
1435 proposed erection, construction, reconstruction, alteration, or use fully conform to all
1436 regulations then in effect.

1437 (d) A municipality may not deny an applicant a building permit or certificate of
1438 occupancy because the applicant has not completed an infrastructure improvement:

1439 (i) that is not essential to meet the requirements for the issuance of a building permit or
1440 certificate of occupancy under the building code and fire code; and

1441 (ii) for which the municipality has accepted an improvement completion assurance for
1442 landscaping or infrastructure improvements for the development.

1443 Section 25. Section **17-27a-102** is amended to read:

1444 **17-27a-102. Purposes -- General land use authority.**

1445 (1) (a) The purposes of this chapter are to:

1446 (i) provide for the health, safety, and welfare~~[, and]~~;

1447 (ii) promote the prosperity~~[-]~~;

1448 (iii) improve the morals, peace ~~[and]~~, good order, comfort, convenience, and aesthetics
1449 of each county and ~~[its]~~ each county's present and future inhabitants and businesses~~[-, to]~~;

1450 (iv) protect the tax base~~[-, to]~~;

1451 (v) secure economy in governmental expenditures~~[-, to]~~;

1452 (vi) foster the state's agricultural and other industries~~[-, to]~~;

1453 (vii) protect both urban and nonurban development~~[-, to]~~;

1454 (viii) protect and ensure access to sunlight for solar energy devices~~[-, to]~~;

1455 (ix) provide fundamental fairness in land use regulation~~[-, and to]~~;

1456 (x) facilitate orderly growth and allow growth in a variety of housing types; and

1457 (xi) protect property values.

1458 (b) To accomplish the purposes of this chapter, ~~[counties]~~ a county may enact all
1459 ordinances, resolutions, and rules and may enter into other forms of land use controls and

1460 development agreements that ~~[they consider]~~ the county considers necessary or appropriate for
 1461 the use and development of land within the unincorporated area of the county or a designated
 1462 mountainous planning district, including ordinances, resolutions, rules, restrictive covenants,
 1463 easements, and development agreements governing:

- 1464 (i) uses[;];
- 1465 (ii) density[;];
- 1466 (iii) open spaces[;];
- 1467 (iv) structures[;];
- 1468 (v) buildings[;];
- 1469 (vi) energy-efficiency[;];
- 1470 (vii) light and air[;];
- 1471 (viii) air quality[;];
- 1472 (ix) transportation and public or alternative transportation[;];
- 1473 (x) infrastructure[;];
- 1474 (xi) street and building orientation and width requirements[;];
- 1475 (xii) public facilities[;];
- 1476 (xiii) fundamental fairness in land use regulation[;]; and
- 1477 (xiv) considerations of surrounding land uses ~~[and the]~~ to balance [of] the foregoing
 1478 purposes with a landowner's private property interests~~[, height and location of vegetation, trees,~~
 1479 ~~and landscaping, unless expressly prohibited by law]~~ and associated statutory and constitutional
 1480 protections.

1481 (2) Each county shall comply with the mandatory provisions of this part before any
 1482 agreement or contract to provide goods, services, or municipal-type services to any storage
 1483 facility or transfer facility for high-level nuclear waste, or greater than class C radioactive
 1484 waste, may be executed or implemented.

1485 (3) (a) Any ordinance, resolution, or rule enacted by a county pursuant to its authority
 1486 under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas

1487 activity, as described in Section 40-6-2.5.

1488 (b) A county may enact an ordinance, resolution, or rule that regulates surface activity
1489 incident to an oil and gas activity if the county demonstrates that the regulation:

1490 (i) is necessary for the purposes of this chapter;

1491 (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and

1492 (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas
1493 activity, as described in Section 40-6-2.5.

1494 Section 26. Section 17-27a-103 is amended to read:

1495 **17-27a-103. Definitions.**

1496 As used in this chapter:

1497 (1) "Affected entity" means a county, municipality, local district, special service
1498 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
1499 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
1500 property owner, property owners association, public utility, or the Utah Department of
1501 Transportation, if:

1502 (a) the entity's services or facilities are likely to require expansion or significant
1503 modification because of an intended use of land;

1504 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
1505 or

1506 (c) the entity has filed with the county a request for notice during the same calendar
1507 year and before the county provides notice to an affected entity in compliance with a
1508 requirement imposed under this chapter.

1509 (2) "Appeal authority" means the person, board, commission, agency, or other body
1510 designated by ordinance to decide an appeal of a decision of a land use application or a
1511 variance.

1512 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
1513 residential property if the sign is designed or intended to direct attention to a business, product,

1514 or service that is not sold, offered, or existing on the property where the sign is located.

1515 (4) (a) "Charter school" means:

1516 (i) an operating charter school;

1517 (ii) a charter school applicant that has its application approved by a charter school
1518 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

1519 (iii) an entity that is working on behalf of a charter school or approved charter
1520 applicant to develop or construct a charter school building.

1521 (b) "Charter school" does not include a therapeutic school.

1522 (5) "Chief executive officer" means the person or body that exercises the executive
1523 powers of the county.

1524 (6) "Conditional use" means a land use that, because of its unique characteristics or
1525 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
1526 compatible in some areas or may be compatible only if certain conditions are required that
1527 mitigate or eliminate the detrimental impacts.

1528 (7) "Constitutional taking" means a governmental action that results in a taking of
1529 private property so that compensation to the owner of the property is required by the:

1530 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

1531 (b) Utah Constitution, Article I, Section 22.

1532 (8) "County utility easement" means an easement that:

1533 (a) a plat recorded in a county recorder's office described as a county utility easement
1534 or otherwise as a utility easement;

1535 (b) is not a protected utility easement or a public utility easement as defined in Section
1536 54-3-27;

1537 (c) the county or the county's affiliated governmental entity owns or creates; and

1538 (d) (i) either:

1539 (A) no person uses or occupies; or

1540 (B) the county or the county's affiliated governmental entity uses and occupies to

1541 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
1542 communications or data lines; or

1543 (ii) a person uses or occupies with or without an authorized franchise or other
1544 agreement with the county.

1545 [~~(8)~~] (9) "Culinary water authority" means the department, agency, or public entity with
1546 responsibility to review and approve the feasibility of the culinary water system and sources for
1547 the subject property.

1548 [~~(9)~~] (10) "Development activity" means:

1549 (a) any construction or expansion of a building, structure, or use that creates additional
1550 demand and need for public facilities;

1551 (b) any change in use of a building or structure that creates additional demand and need
1552 for public facilities; or

1553 (c) any change in the use of land that creates additional demand and need for public
1554 facilities.

1555 [~~(10)~~] (11) (a) "Disability" means a physical or mental impairment that substantially
1556 limits one or more of a person's major life activities, including a person having a record of such
1557 an impairment or being regarded as having such an impairment.

1558 (b) "Disability" does not include current illegal use of, or addiction to, any federally
1559 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
1560 802.

1561 [~~(11)~~] (12) "Educational facility":

1562 (a) means:

1563 (i) a school district's building at which pupils assemble to receive instruction in a
1564 program for any combination of grades from preschool through grade 12, including
1565 kindergarten and a program for children with disabilities;

1566 (ii) a structure or facility:

1567 (A) located on the same property as a building described in Subsection [~~(11)~~](a)(i)

1568 (12)(a)(i); and
1569 (B) used in support of the use of that building; and
1570 (iii) a building to provide office and related space to a school district's administrative
1571 personnel; and
1572 (b) does not include:
1573 (i) land or a structure, including land or a structure for inventory storage, equipment
1574 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
1575 (A) not located on the same property as a building described in Subsection [~~(11)(a)(i)~~]
1576 (12)(a)(i); and
1577 (B) used in support of the purposes of a building described in Subsection [~~(11)(a)(i)~~]
1578 (12)(a)(i); or
1579 (ii) a therapeutic school.
1580 [~~(12)~~] (13) "Fire authority" means the department, agency, or public entity with
1581 responsibility to review and approve the feasibility of fire protection and suppression services
1582 for the subject property.
1583 [~~(13)~~] (14) "Flood plain" means land that:
1584 (a) is within the 100-year flood plain designated by the Federal Emergency
1585 Management Agency; or
1586 (b) has not been studied or designated by the Federal Emergency Management Agency
1587 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
1588 the land has characteristics that are similar to those of a 100-year flood plain designated by the
1589 Federal Emergency Management Agency.
1590 [~~(14)~~] (15) "Gas corporation" has the same meaning as defined in Section 54-2-1.
1591 [~~(15)~~] (16) "General plan" means a document that a county adopts that sets forth
1592 general guidelines for proposed future development of:
1593 (a) the unincorporated land within the county; or
1594 (b) for a mountainous planning district, the land within the mountainous planning

1595 district.

1596 [~~(16)~~] (17) "Geologic hazard" means:

1597 (a) a surface fault rupture;

1598 (b) shallow groundwater;

1599 (c) liquefaction;

1600 (d) a landslide;

1601 (e) a debris flow;

1602 (f) unstable soil;

1603 (g) a rock fall; or

1604 (h) any other geologic condition that presents a risk:

1605 (i) to life;

1606 (ii) of substantial loss of real property; or

1607 (iii) of substantial damage to real property.

1608 [~~(17)~~] (18) "Hookup fee" means a fee for the installation and inspection of any pipe,

1609 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other

1610 utility system.

1611 [~~(18)~~] (19) "Identical plans" means building plans submitted to a county that:

1612 (a) are clearly marked as "identical plans";

1613 (b) are substantially identical building plans that were previously submitted to and

1614 reviewed and approved by the county; and

1615 (c) describe a building that:

1616 (i) is located on land zoned the same as the land on which the building described in the

1617 previously approved plans is located;

1618 (ii) is subject to the same geological and meteorological conditions and the same law

1619 as the building described in the previously approved plans;

1620 (iii) has a floor plan identical to the building plan previously submitted to and reviewed

1621 and approved by the county; and

1622 (iv) does not require any additional engineering or analysis.

1623 [~~(19)~~] (20) "Impact fee" means a payment of money imposed under Title 11, Chapter
1624 36a, Impact Fees Act.

1625 [~~(20)~~] (21) "Improvement completion assurance" means a surety bond, letter of credit,
1626 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
1627 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
1628 required as a condition precedent to:

1629 (a) recording a subdivision plat; or

1630 (b) development of a commercial, industrial, mixed use, or multifamily project.

1631 [~~(21)~~] (22) "Improvement warranty" means an applicant's unconditional warranty that
1632 the applicant's installed and accepted landscaping or infrastructure improvement:

1633 (a) complies with the county's written standards for design, materials, and
1634 workmanship; and

1635 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1636 within the improvement warranty period.

1637 [~~(22)~~] (23) "Improvement warranty period" means a period:

1638 (a) no later than one year after a county's acceptance of required landscaping; or

1639 (b) no later than one year after a county's acceptance of required infrastructure, unless
1640 the county:

1641 (i) determines for good cause that a one-year period would be inadequate to protect the
1642 public health, safety, and welfare; and

1643 (ii) has substantial evidence, on record:

1644 (A) of prior poor performance by the applicant; or

1645 (B) that the area upon which the infrastructure will be constructed contains suspect soil
1646 and the county has not otherwise required the applicant to mitigate the suspect soil.

1647 [~~(23)~~] (24) "Infrastructure improvement" means permanent infrastructure that is
1648 essential for the public health and safety or that:

1649 (a) is required for human consumption; and
1650 (b) an applicant must install:
1651 ~~[(a)]~~ (i) [pursuant to] in accordance with published installation and inspection
1652 specifications for public improvements; and
1653 ~~[(b)]~~ (ii) as a condition of:
1654 ~~[(i)]~~ (A) recording a subdivision plat; [or]
1655 (B) obtaining a building permit; or
1656 ~~[(ii)]~~ (C) [development of] developing a commercial, industrial, mixed use,
1657 condominium, or multifamily project.
1658 ~~[(24)]~~ (25) "Internal lot restriction" means a platted note, platted demarcation, or
1659 platted designation that:
1660 (a) runs with the land; and
1661 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
1662 the plat; or
1663 (ii) designates a development condition that is enclosed within the perimeter of a lot
1664 described on the plat.
1665 ~~[(25)]~~ (26) "Interstate pipeline company" means a person or entity engaged in natural
1666 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
1667 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
1668 ~~[(26)]~~ (27) "Intrastate pipeline company" means a person or entity engaged in natural
1669 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1670 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
1671 ~~[(27)]~~ (28) "Land use applicant" means a property owner, or the property owner's
1672 designee, who submits a land use application regarding the property owner's land.
1673 ~~[(28)]~~ (29) "Land use application":
1674 (a) means an application that is:
1675 (i) required by a county; and

1676 (ii) submitted by a land use applicant to obtain a land use decision; and
1677 (b) does not mean an application to enact, amend, or repeal a land use regulation.
1678 [~~(29)~~] (30) "Land use authority" means:
1679 (a) a person, board, commission, agency, or body, including the local legislative body,
1680 designated by the local legislative body to act upon a land use application; or
1681 (b) if the local legislative body has not designated a person, board, commission,
1682 agency, or body, the local legislative body.
1683 [~~(30)~~] (31) "Land use decision" means an administrative decision of a land use
1684 authority or appeal authority regarding:
1685 (a) a land use permit;
1686 (b) a land use application; or
1687 (c) the enforcement of a land use regulation, land use permit, or development
1688 agreement.
1689 [~~(31)~~] (32) "Land use permit" means a permit issued by a land use authority.
1690 [~~(32)~~] (33) "Land use regulation":
1691 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1692 specification, fee, or rule that governs the use or development of land;
1693 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
1694 and
1695 (c) does not include:
1696 (i) a land use decision of the legislative body acting as the land use authority, even if
1697 the decision is expressed in a resolution or ordinance; or
1698 (ii) a temporary revision to an engineering specification that does not materially:
1699 (A) increase a land use applicant's cost of development compared to the existing
1700 specification; or
1701 (B) impact a land use applicant's use of land.
1702 [~~(33)~~] (34) "Legislative body" means the county legislative body, or for a county that

1703 has adopted an alternative form of government, the body exercising legislative powers.

1704 ~~[(34)]~~ (35) "Local district" means any entity under Title 17B, Limited Purpose Local
1705 Government Entities - Local Districts, and any other governmental or quasi-governmental
1706 entity that is not a county, municipality, school district, or the state.

1707 (36) "Lot" means a tract of land, regardless of any label, that is created by and shown
1708 on a subdivision plat that has been recorded in the office of the county recorder.

1709 ~~[(35)]~~ (37) (a) "Lot line adjustment" means ~~[the]~~ a relocation of ~~[the property]~~ a lot line
1710 boundary ~~[line in a subdivision]~~ between ~~[two]~~ adjoining lots or parcels, whether or not the lots
1711 are located in the same subdivision, in accordance with Section [17-27a-608](#), with the consent
1712 of the owners of record.

1713 (b) "Lot line adjustment" does not mean a new boundary line that:

1714 (i) creates an additional lot; or

1715 (ii) constitutes a subdivision.

1716 ~~[(36)]~~ (38) "Moderate income housing" means housing occupied or reserved for
1717 occupancy by households with a gross household income equal to or less than 80% of the
1718 median gross income for households of the same size in the county in which the housing is
1719 located.

1720 ~~[(37)]~~ (39) "Mountainous planning district" means an area:

1721 (a) designated by a county legislative body in accordance with Section [17-27a-901](#); and

1722 (b) that is not otherwise exempt under Section [10-9a-304](#).

1723 ~~[(38)]~~ (40) "Nominal fee" means a fee that reasonably reimburses a county only for
1724 time spent and expenses incurred in:

1725 (a) verifying that building plans are identical plans; and

1726 (b) reviewing and approving those minor aspects of identical plans that differ from the
1727 previously reviewed and approved building plans.

1728 ~~[(39)]~~ (41) "Noncomplying structure" means a structure that:

1729 (a) legally existed before its current land use designation; and

1730 (b) because of one or more subsequent land use ordinance changes, does not conform
1731 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1732 the use of land.

1733 ~~[(40)]~~ (42) "Nonconforming use" means a use of land that:

1734 (a) legally existed before its current land use designation;

1735 (b) has been maintained continuously since the time the land use ordinance regulation
1736 governing the land changed; and

1737 (c) because of one or more subsequent land use ordinance changes, does not conform
1738 to the regulations that now govern the use of the land.

1739 ~~[(41)]~~ (43) "Official map" means a map drawn by county authorities and recorded in
1740 the county recorder's office that:

1741 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1742 highways and other transportation facilities;

1743 (b) provides a basis for restricting development in designated rights-of-way or between
1744 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1745 the land; and

1746 (c) has been adopted as an element of the county's general plan.

1747 (44) "Parcel" means any real property that is not a lot created by and shown on a
1748 subdivision plat recorded in the office of the county recorder.

1749 ~~[(42)]~~ (45) (a) "Parcel boundary adjustment" means a recorded agreement between
1750 owners of adjoining ~~[properties]~~ parcels adjusting ~~[their]~~ the mutual boundary, either by deed
1751 or by a boundary line agreement in accordance with Section 57-1-45, if~~[-(a)-]~~ no additional
1752 parcel is created~~[-];~~ and:

1753 ~~[(b)]~~ (i) ~~[each]~~ none of the property identified in the agreement is ~~[unsubdivided land,~~
1754 ~~including a remainder of]~~ subdivided land~~[-];~~ or

1755 (ii) the adjustment is to the boundaries of a single person's parcels.

1756 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary

1757 line that:

1758 (i) creates an additional parcel; or

1759 (ii) constitutes a subdivision.

1760 ~~[(43)]~~ (46) "Person" means an individual, corporation, partnership, organization,
1761 association, trust, governmental agency, or any other legal entity.

1762 ~~[(44)]~~ (47) "Plan for moderate income housing" means a written document adopted by
1763 a county legislative body that includes:

1764 (a) an estimate of the existing supply of moderate income housing located within the
1765 county;

1766 (b) an estimate of the need for moderate income housing in the county for the next five
1767 years as revised biennially;

1768 (c) a survey of total residential land use;

1769 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1770 income housing; and

1771 (e) a description of the county's program to encourage an adequate supply of moderate
1772 income housing.

1773 ~~[(45)]~~ (48) "Planning advisory area" means a contiguous, geographically defined
1774 portion of the unincorporated area of a county established under this part with planning and
1775 zoning functions as exercised through the planning advisory area planning commission, as
1776 provided in this chapter, but with no legal or political identity separate from the county and no
1777 taxing authority.

1778 ~~[(46)]~~ (49) "Plat" means a map or other graphical representation of lands ~~[being laid~~
1779 ~~out and prepared]~~ that a licensed professional land surveyor makes and prepares in accordance
1780 with Section [17-27a-603](#)~~;~~[17-23-17](#) or [57-8-13](#).

1781 ~~[(47)]~~ (50) "Potential geologic hazard area" means an area that:

1782 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1783 relevant map or report as needing further study to determine the area's potential for geologic

1784 hazard; or

1785 (b) has not been studied by the Utah Geological Survey or a county geologist but
1786 presents the potential of geologic hazard because the area has characteristics similar to those of
1787 a designated geologic hazard area.

1788 ~~[(48)]~~ (51) "Public agency" means:

1789 (a) the federal government;

1790 (b) the state;

1791 (c) a county, municipality, school district, local district, special service district, or other
1792 political subdivision of the state; or

1793 (d) a charter school.

1794 ~~[(49)]~~ (52) "Public hearing" means a hearing at which members of the public are
1795 provided a reasonable opportunity to comment on the subject of the hearing.

1796 ~~[(50)]~~ (53) "Public meeting" means a meeting that is required to be open to the public
1797 under Title 52, Chapter 4, Open and Public Meetings Act.

1798 (54) "Public street" means a public right-of-way, including a public highway, public
1799 avenue, public boulevard, public parkway, public road, public lane, public trail or walk, public
1800 alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public
1801 transportation easement, or other public way.

1802 ~~[(51)]~~ (55) "Receiving zone" means an unincorporated area of a county that the county
1803 designates, by ordinance, as an area in which an owner of land may receive a transferable
1804 development right.

1805 ~~[(52)]~~ (56) "Record of survey map" means a map of a survey of land prepared in
1806 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1807 ~~[(53)]~~ (57) "Residential facility for persons with a disability" means a residence:

1808 (a) in which more than one person with a disability resides; and

1809 (b) (i) which is licensed or certified by the Department of Human Services under Title
1810 62A, Chapter 2, Licensure of Programs and Facilities; or

1811 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
1812 21, Health Care Facility Licensing and Inspection Act.

1813 ~~[(54)]~~ (58) "Rules of order and procedure" means a set of rules that govern and
1814 prescribe in a public meeting:

1815 (a) parliamentary order and procedure;

1816 (b) ethical behavior; and

1817 (c) civil discourse.

1818 ~~[(55)]~~ (59) "Sanitary sewer authority" means the department, agency, or public entity
1819 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1820 wastewater systems.

1821 ~~[(56)]~~ (60) "Sending zone" means an unincorporated area of a county that the county
1822 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1823 development right.

1824 ~~[(57)]~~ (61) "Site plan" means a document or map that may be required by a county
1825 during a preliminary review preceding the issuance of a building permit to demonstrate that an
1826 owner's or developer's proposed development activity meets a land use requirement.

1827 ~~[(58)]~~ (62) "Specified public agency" means:

1828 (a) the state;

1829 (b) a school district; or

1830 (c) a charter school.

1831 ~~[(59)]~~ (63) "Specified public utility" means an electrical corporation, gas corporation,
1832 or telephone corporation, as those terms are defined in Section 54-2-1.

1833 ~~[(60)]~~ (64) "State" includes any department, division, or agency of the state.

1834 ~~[(61)] "Street" means a public right-of-way, including a highway, avenue, boulevard,~~
1835 ~~parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other~~
1836 ~~way.]~~

1837 (65) "Subdivided land" means the land, tract, or lot described in a recorded subdivision

1838 plat.

1839 ~~[(62)]~~ (66) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
1840 to be divided into two or more lots~~[, parcels, sites, units, plots,]~~ or other division of land for the
1841 purpose, whether immediate or future, for offer, sale, lease, or development either on the
1842 installment plan or upon any and all other plans, terms, and conditions.

1843 (b) "Subdivision" includes:

1844 (i) the division or development of land whether by deed, metes and bounds description,
1845 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division
1846 includes all or a portion of a parcel or lot; and

1847 (ii) except as provided in Subsection ~~[(62)]~~ (66)(c), divisions of land for residential and
1848 nonresidential uses, including land used or to be used for commercial, agricultural, and
1849 industrial purposes.

1850 (c) "Subdivision" does not include:

1851 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1852 (ii) ~~[a recorded]~~ an agreement recorded with the county recorder's office between
1853 owners of adjoining properties adjusting ~~[their]~~ the mutual boundary by a boundary line
1854 agreement in accordance with Section [57-1-45](#) if:

1855 (A) no new lot is created; and

1856 (B) the adjustment does not violate applicable land use ordinances;

1857 (iii) a recorded document, executed by the owner of record:

1858 (A) revising the legal description of more than one contiguous ~~[unsubdivided]~~ parcel of
1859 property that is not subdivided land into one legal description encompassing all such parcels of
1860 property; or

1861 (B) joining a subdivided parcel of property to another parcel of property that has not
1862 been subdivided, if the joinder does not violate applicable land use ordinances;

1863 (iv) a bona fide division or partition of land in a county other than a first class county
1864 for the purpose of siting, on one or more of the resulting separate parcels:

- 1865 (A) an electrical transmission line or a substation;
- 1866 (B) a natural gas pipeline or a regulation station; or
- 1867 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 1868 utility service regeneration, transformation, retransmission, or amplification facility;
- 1869 (v) ~~[a recorded]~~ an agreement between owners of adjoining subdivided properties
- 1870 adjusting ~~[their]~~ the mutual lot line boundary in accordance with Section 10-9a-603 if:
- 1871 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1872 (B) the adjustment will not violate any applicable land use ordinance;
- 1873 (vi) a bona fide division or partition of land by deed or other instrument where the land
- 1874 use authority expressly approves in writing the division in anticipation of further land use
- 1875 approvals on the parcel or parcels; ~~[or]~~
- 1876 (vii) a parcel boundary adjustment~~[-:]~~;
- 1877 (viii) a lot line adjustment;
- 1878 (ix) a road, street, or highway dedication plat; or
- 1879 (x) a deed or easement for a road, street, or highway purpose.
- 1880 (d) The joining of a subdivided parcel of property to another parcel of property that has
- 1881 not been subdivided does not constitute a subdivision under this Subsection ~~[(62)]~~ (66) as to
- 1882 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
- 1883 subdivision ordinance.
- 1884 ~~[(63)]~~ (67) "Suspect soil" means soil that has:
- 1885 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1886 3% swell potential;
- 1887 (b) bedrock units with high shrink or swell susceptibility; or
- 1888 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1889 commonly associated with dissolution and collapse features.
- 1890 ~~[(64)]~~ (68) "Therapeutic school" means a residential group living facility:
- 1891 (a) for four or more individuals who are not related to:

- 1892 (i) the owner of the facility; or
- 1893 (ii) the primary service provider of the facility;
- 1894 (b) that serves students who have a history of failing to function:
- 1895 (i) at home;
- 1896 (ii) in a public school; or
- 1897 (iii) in a nonresidential private school; and
- 1898 (c) that offers:
- 1899 (i) room and board; and
- 1900 (ii) an academic education integrated with:
- 1901 (A) specialized structure and supervision; or
- 1902 (B) services or treatment related to a disability, an emotional development, a
- 1903 behavioral development, a familial development, or a social development.

1904 ~~[(65)]~~ (69) "Transferable development right" means a right to develop and use land that
 1905 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
 1906 land use rights from a designated sending zone to a designated receiving zone.

1907 ~~[(66)]~~ (70) "Unincorporated" means the area outside of the incorporated area of a
 1908 municipality.

1909 ~~[(67)]~~ (71) "Water interest" means any right to the beneficial use of water, including:
 1910 (a) each of the rights listed in Section 73-1-11; and
 1911 (b) an ownership interest in the right to the beneficial use of water represented by:
 1912 (i) a contract; or
 1913 (ii) a share in a water company, as defined in Section 73-3-3.5.

1914 ~~[(68)]~~ (72) "Zoning map" means a map, adopted as part of a land use ordinance, that
 1915 depicts land use zones, overlays, or districts.

1916 Section 27. Section 17-27a-104 is amended to read:

1917 **17-27a-104. County standards.**

1918 (1) ~~[Except as provided in Subsection (2), a county may enact a land use regulation~~

1919 ~~imposing stricter requirements or higher standards than are required by this chapter.] This~~
1920 chapter does not prohibit a county from adopting the county's own land use standards.

1921 (2) ~~[A]~~ Notwithstanding Subsection (1), a county may not impose a requirement,
1922 regulation, condition, or standard that conflicts with a provision of this chapter, other state law,
1923 or federal law.

1924 Section 28. Section ~~17-27a-208~~ is amended to read:

1925 **17-27a-208. Hearing and notice for petition to vacate a public street.**

1926 (1) For any ~~[proposal]~~ petition to vacate some or all of a public street~~[, right-of-way,]~~
1927 or county utility easement, the legislative body shall:

1928 (a) hold a public hearing; and

1929 (b) give notice of the date, place, and time of the hearing, as provided in Subsection

1930 (2).

1931 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative
1932 body shall ensure that the notice required under Subsection (1)(b) ~~[shall be]~~ is:

1933 (a) mailed to the record owner of each parcel that is accessed by the public street~~;~~
1934 ~~right-of-way,]~~ or county utility easement;

1935 (b) mailed to each affected entity;

1936 (c) posted on or near the public street~~[, right-of-way,]~~ or county utility easement in a
1937 manner that is calculated to alert the public; and

1938 (d) (i) published ~~[in a newspaper of general circulation in]~~ on the website of the county
1939 in which the land subject to the petition is located until the public hearing concludes; and

1940 (ii) published on the Utah Public Notice Website created in Section [63F-1-701](#).

1941 Section 29. Section ~~17-27a-302~~ is amended to read:

1942 **17-27a-302. Planning commission powers and duties.**

1943 (1) Each countywide planning advisory area or mountainous planning district planning
1944 commission shall, with respect to the unincorporated area of the county, the planning advisory
1945 area, or the mountainous planning district, make a recommendation to the county legislative

1946 body for:

1947 ~~[(1)]~~ (a) a general plan and amendments to the general plan;

1948 ~~[(2)]~~ (b) land use regulations;

1949 ~~[(3)]~~ (c) an appropriate delegation of power to at least one designated land use
1950 authority to hear and act on a land use application;

1951 ~~[(4)]~~ (d) an appropriate delegation of power to at least one appeal authority to hear and
1952 act on an appeal from a decision of the land use authority; and

1953 ~~[(5)]~~ (e) application processes that:

1954 ~~[(a)]~~ (i) may include a designation of routine land use matters that, upon application
1955 and proper notice, will receive informal streamlined review and action if the application is
1956 uncontested; and

1957 ~~[(b)]~~ (ii) shall protect the right of each:

1958 ~~[(i)]~~ (A) applicant and third party to require formal consideration of any application by
1959 a land use authority;

1960 ~~[(ii)]~~ (B) applicant, adversely affected party, or county officer or employee to appeal a
1961 land use authority's decision to a separate appeal authority; and

1962 ~~[(iii)]~~ (C) participant to be heard in each public hearing on a contested application.

1963 (2) Nothing in this section limits the right of a county to initiate or propose the actions
1964 described in this section.

1965 Section 30. Section **17-27a-501** is amended to read:

1966 **17-27a-501. Enactment of land use regulation.**

1967 (1) Only a legislative body, as the body authorized to weigh policy considerations, may
1968 enact a land use regulation.

1969 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use
1970 regulation only by ordinance.

1971 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that
1972 imposes a fee.

1973 (3) A land use regulation shall be consistent with the purposes set forth in this chapter.

1974 (4) (a) A legislative body shall adopt a land use regulation to:

1975 (i) create or amend a zoning district under Subsection 17-27a-503(1)(a); and

1976 (ii) designate general uses allowed in each zoning district.

1977 (b) A land use authority may establish or modify other restrictions or requirements

1978 other than those described in Subsection (4)(a), including the configuration or modification of

1979 uses or density, through a land use decision that applies criteria or policy elements that a land

1980 use regulation establishes or describes.

1981 Section 31. Section 17-27a-502 is amended to read:

1982 **17-27a-502. Preparation and adoption of land use regulation.**

1983 (1) ~~[The]~~ A planning commission shall:

1984 (a) provide notice as required by Subsection 17-27a-205(1)(a) and, if applicable,

1985 Subsection 17-27a-205(4);

1986 (b) hold a public hearing on a proposed land use regulation;

1987 (c) if applicable, consider each written objection filed in accordance with Subsection
1988 17-27a-205(4) prior to the public hearing; and

1989 (d) (i) ~~[prepare]~~ review and recommend to the legislative body a proposed land use
1990 regulation that represents the planning commission's recommendation for regulating the use
1991 and development of land within:

1992 (A) all or any part of the unincorporated area of the county; or

1993 (B) for a mountainous planning district, all or any part of the area in the mountainous
1994 planning district; and

1995 (ii) forward to the legislative body all objections filed in accordance with Subsection
1996 17-27a-205(4).

1997 (2) (a) The legislative body shall consider each proposed land use regulation

1998 ~~[recommended to the legislative body by]~~ that the planning commission~~[-, and, after]~~

1999 recommends to the legislative body.

2000 (b) After providing notice as required by Subsection 17-27a-205(1)(b) and holding a
2001 public meeting, the legislative body may adopt or reject the proposed land use regulation
2002 ~~[either]~~ described in Subsection (2)(a):

2003 (i) as proposed by the planning commission; or

2004 (ii) after making any revision the legislative body considers appropriate.

2005 (c) A legislative body may consider a planning commission's failure to make a timely
2006 recommendation as a negative recommendation if the legislative body has provided for that
2007 consideration by ordinance.

2008 Section 32. Section 17-27a-503 is amended to read:

2009 **17-27a-503. Zoning district or land use regulation amendments.**

2010 (1) Only a legislative body may amend:

2011 (a) the number, shape, boundaries, ~~[or]~~ area, or general uses of any zoning district;

2012 (b) any regulation of or within the zoning district; or

2013 (c) any other provision of a land use regulation.

2014 (2) ~~[The]~~ A legislative body may not make any amendment authorized by this section
2015 unless the legislative body first submits the amendment ~~[was proposed by the planning~~
2016 ~~commission or is first submitted]~~ to the planning commission for ~~[its]~~ the planning
2017 commission's recommendation.

2018 (3) ~~[The]~~ A legislative body shall comply with the procedure specified in Section
2019 17-27a-502 in preparing and adopting an amendment to a land use regulation.

2020 Section 33. Section 17-27a-506 is amended to read:

2021 **17-27a-506. Conditional uses.**

2022 (1) (a) A county may adopt a land use ordinance that includes conditional uses and
2023 provisions for conditional uses that require compliance with standards set forth in an applicable
2024 ordinance.

2025 (b) A county may not impose a requirement or standard on a conditional use that
2026 conflicts with a provision of this chapter or other state or federal law.

2027 (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions
2028 are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of
2029 the proposed use in accordance with applicable standards.

2030 (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate
2031 anticipated detrimental effects of the proposed conditional use does not require elimination of
2032 the detrimental effects.

2033 (b) If a land use authority proposes reasonable conditions on a proposed conditional
2034 use, the land use authority shall ensure that the conditions are stated on the record and
2035 reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

2036 (c) If the reasonably anticipated detrimental effects of a proposed conditional use
2037 cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to
2038 achieve compliance with applicable standards, the land use authority may deny the conditional
2039 use.

2040 (3) A land use authority's decision to approve or deny a conditional use is an
2041 administrative land use decision.

2042 (4) A legislative body shall classify any use that a land use regulation allows in a
2043 zoning district as either a permitted or conditional use under this chapter.

2044 Section 34. Section **17-27a-508** is amended to read:

2045 **17-27a-508. Applicant's entitlement to land use application approval --**
2046 **Application relating to land in a high priority transportation corridor -- County's**
2047 **requirements and limitations -- Vesting upon submission of development plan and**
2048 **schedule.**

2049 (1) (a) (i) An applicant who has submitted a complete land use application, including
2050 the payment of all application fees, is entitled to substantive review of the application under the
2051 land use regulations:

2052 (A) in effect on the date that the application is complete; and

2053 (B) applicable to the application or to the information shown on the submitted

2054 application.

2055 (ii) An applicant is entitled to approval of a land use application if the application
2056 conforms to the requirements of the applicable land use regulations, land use decisions, and
2057 development standards in effect when the applicant submits a complete application and pays all
2058 application fees, unless:

2059 (A) the land use authority, on the record, formally finds that a compelling,
2060 countervailing public interest would be jeopardized by approving the application and specifies
2061 the compelling, countervailing public interest in writing; or

2062 (B) in the manner provided by local ordinance and before the applicant submits the
2063 application, the county formally initiates proceedings to amend the county's land use
2064 regulations in a manner that would prohibit approval of the application as submitted.

2065 (b) The county shall process an application without regard to proceedings the county
2066 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

2067 (i) 180 days have passed since the county initiated the proceedings; and

2068 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
2069 application as submitted.

2070 (c) A land use application is considered submitted and complete when the applicant
2071 provides the application in a form that complies with the requirements of applicable ordinances
2072 and pays all applicable fees.

2073 (d) The continuing validity of an approval of a land use application is conditioned upon
2074 the applicant proceeding after approval to implement the approval with reasonable diligence.

2075 (e) A county may not impose on an applicant who has submitted a complete
2076 application [~~for preliminary subdivision approval~~] a requirement that is not expressed:

2077 (i) in this chapter;

2078 (ii) in a county ordinance; or

2079 (iii) in a county specification for public improvements applicable to a subdivision or
2080 development that is in effect on the date that the applicant submits an application.

- 2081 (f) A county may not impose on a holder of an issued land use permit or a final,
2082 unexpired subdivision plat a requirement that is not expressed:
- 2083 (i) in a land use permit;
 - 2084 (ii) on the subdivision plat;
 - 2085 (iii) in a document on which the land use permit or subdivision plat is based;
 - 2086 (iv) in the written record evidencing approval of the land use permit or subdivision
2087 plat;
 - 2088 (v) in this chapter; or
 - 2089 (vi) in a county ordinance.
- 2090 (g) ~~[A]~~ Except as provided in Subsection (1)(h), a county may not withhold issuance of
2091 a certificate of occupancy or acceptance of subdivision improvements because of an applicant's
2092 failure to comply with a requirement that is not expressed:
- 2093 (i) in the building permit or subdivision plat, documents on which the building permit
2094 or subdivision plat is based, or the written record evidencing approval of the building permit or
2095 subdivision plat; or
 - 2096 (ii) in this chapter or the county's ordinances.
- 2097 (h) A county may not unreasonably withhold issuance of a certificate of occupancy
2098 where an applicant has met all requirements essential for the public health, public safety, and
2099 general welfare of the occupants, in accordance with this chapter, unless:
- 2100 (i) the applicant and the county have agreed in a written document to the withholding
2101 of a certificate of occupancy; or
 - 2102 (ii) the applicant has not provided a financial assurance for required and uncompleted
2103 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
2104 legislative body adopts under this chapter.
- 2105 (2) A county is bound by the terms and standards of applicable land use regulations and
2106 shall comply with mandatory provisions of those regulations.
- 2107 (3) A county may not, as a condition of land use application approval, require a person

2108 filing a land use application to obtain documentation regarding a school district's willingness,
2109 capacity, or ability to serve the development proposed in the land use application.

2110 (4) Upon a specified public agency's submission of a development plan and schedule as
2111 required in Subsection 17-27a-305(8) that complies with the requirements of that subsection,
2112 the specified public agency vests in the county's applicable land use maps, zoning map, hookup
2113 fees, impact fees, other applicable development fees, and land use regulations in effect on the
2114 date of submission.

2115 Section 35. Section 17-27a-509.5 is amended to read:

2116 **17-27a-509.5. Review for application completeness -- Substantive application**
2117 **review -- Reasonable diligence required for determination of whether improvements or**
2118 **warranty work meets standards -- Money damages claim prohibited.**

2119 (1) (a) Each county shall, in a timely manner, determine whether ~~[an]~~ a land use
2120 application is complete for the purposes of subsequent, substantive land use authority review.

2121 (b) After a reasonable period of time to allow the county diligently to evaluate whether
2122 all objective ordinance-based application criteria have been met, if application fees have been
2123 paid, the applicant may in writing request that the county provide a written determination either
2124 that the application is:

2125 (i) complete for the purposes of allowing subsequent, substantive land use authority
2126 review; or

2127 (ii) deficient with respect to a specific, objective, ordinance-based application
2128 requirement.

2129 (c) Within 30 days of receipt of an applicant's request under this section, the county
2130 shall either:

2131 (i) mail a written notice to the applicant advising that the application is deficient with
2132 respect to a specified, objective, ordinance-based criterion, and stating that the application must
2133 be supplemented by specific additional information identified in the notice; or

2134 (ii) accept the application as complete for the purposes of further substantive

2135 processing by the land use authority.

2136 (d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application
2137 shall be considered complete, for purposes of further substantive land use authority review.

2138 (e) (i) The applicant may raise and resolve in a single appeal any determination made
2139 under this Subsection (1) to the appeal authority, including an allegation that a reasonable
2140 period of time has elapsed under Subsection (1)(a).

2141 (ii) The appeal authority shall issue a written decision for any appeal requested under
2142 this Subsection (1)(e).

2143 (f) (i) The applicant may appeal to district court the decision of the appeal authority
2144 made under Subsection (1)(e).

2145 (ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of
2146 the written decision.

2147 (2) (a) Each land use authority shall substantively review a complete application and an
2148 application considered complete under Subsection (1)(d), and shall approve or deny each
2149 application with reasonable diligence.

2150 (b) After a reasonable period of time to allow the land use authority to consider an
2151 application, the applicant may in writing request that the land use authority take final action
2152 within 45 days from date of service of the written request.

2153 (c) Within 45 days from the date of service of the written request described in
2154 Subsection (2)(b):

2155 (i) [The] except as provided in Subsection (2)(c)(ii), the land use authority shall take
2156 final action, approving or denying the application [within 45 days of the written request.]; and

2157 (ii) if a landowner petitions for a land use regulation, a legislative body shall take final
2158 action by approving or denying the petition.

2159 (d) If the land use authority denies an application processed under the mandates of
2160 Subsection (2)(b), or if the applicant has requested a written decision in the application, the
2161 land use authority shall include its reasons for denial in writing, on the record, which may

2162 include the official minutes of the meeting in which the decision was rendered.

2163 (e) If the land use authority fails to comply with Subsection (2)(c), the applicant may
2164 appeal this failure to district court within 30 days of the date on which the land use authority
2165 should have taken final action under Subsection (2)(c).

2166 (3) (a) With reasonable diligence, each land use authority shall determine whether the
2167 installation of required subdivision improvements or the performance of warranty work meets
2168 the county's adopted standards.

2169 (b) (i) An applicant may in writing request the land use authority to accept or reject the
2170 applicant's installation of required subdivision improvements or performance of warranty work.

2171 (ii) The land use authority shall accept or reject subdivision improvements within 15
2172 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as
2173 practicable after that 15-day period if inspection of the subdivision improvements is impeded
2174 by winter weather conditions.

2175 (iii) The land use authority shall accept or reject the performance of warranty work
2176 within 45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as
2177 soon as practicable after that 45-day period if inspection of the warranty work is impeded by
2178 winter weather conditions.

2179 (c) If a land use authority determines that the installation of required subdivision
2180 improvements or the performance of warranty work does not meet the county's adopted
2181 standards, the land use authority shall comprehensively and with specificity list the reasons for
2182 ~~its~~ the land use authority's determination.

2183 (4) Subject to Section 17-27a-508, nothing in this section and no action or inaction of
2184 the land use authority relieves an applicant's duty to comply with all applicable substantive
2185 ordinances and regulations.

2186 (5) There shall be no money damages remedy arising from a claim under this section.

2187 Section 36. Section 17-27a-601 is amended to read:

2188 **17-27a-601. Enactment of subdivision ordinance.**

2189 (1) The legislative body of a county may enact ordinances requiring that a subdivision
2190 plat comply with the provisions of the ~~[ordinance]~~ county's ordinances and this part before:

2191 (a) ~~[it]~~ the subdivision plat may be filed ~~[or]~~ and recorded in the county recorder's
2192 office; and

2193 (b) lots may be sold.

2194 (2) If the legislative body fails to enact a subdivision ordinance, the county may
2195 regulate subdivisions only as provided in this part.

2196 Section 37. Section **17-27a-602** is amended to read:

2197 **17-27a-602. Planning commission preparation and recommendation of**
2198 **subdivision ordinance -- Adoption or rejection by legislative body.**

2199 (1) ~~[The]~~ A planning commission shall:

2200 (a) ~~[prepare and recommend a]~~ review and provide a recommendation to the legislative
2201 body on any proposed ordinance ~~[to the legislative body]~~ that regulates the subdivision of land
2202 in the municipality;

2203 (b) ~~[prepare and recommend or consider and recommend a]~~ review and make a
2204 recommendation to the legislative body on any proposed ordinance that amends the regulation
2205 of the subdivision of the unincorporated land in the county or, in the case of a mountainous
2206 planning district, the mountainous planning district;

2207 (c) provide notice consistent with Section **17-27a-205**; and

2208 (d) hold a public hearing on the proposed ordinance before making ~~[its]~~ the planning
2209 commission's final recommendation to the legislative body.

2210 (2) (a) ~~[The county]~~ A legislative body may adopt, modify, revise, or reject ~~[the]~~ an
2211 ordinance ~~[either as proposed by]~~ described in Subsection (1) that the planning commission ~~[or~~
2212 ~~after making any revision the county legislative body considers appropriate]~~ recommends.

2213 (b) A legislative body may consider a planning commission's failure to make a timely
2214 recommendation as a negative recommendation if the legislative body has provided for that
2215 consideration by ordinance.

2216 Section 38. Section 17-27a-603 is amended to read:

2217 **17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
2218 **acknowledgment, surveyor certification, and underground utility facility owner**
2219 **verification of plat -- Recording plat.**

2220 (1) Unless exempt under Section 17-27a-605 or excluded from the definition of
2221 subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of
2222 the land shall provide an accurate plat that describes or specifies:

2223 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
2224 the county recorder's office;

2225 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
2226 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
2227 intended to be used as a street or for any other public use, and whether any such area is
2228 reserved or proposed for dedication for a public purpose;

2229 (c) the lot or unit reference, block or building reference, street or site address, street
2230 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
2231 and width of the blocks and lots intended for sale; and

2232 (d) every existing right-of-way and easement grant of record for an underground
2233 facility, as defined in Section 54-8a-2, and for any other utility facility.

2234 (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's
2235 ordinances and this part and has been approved by the culinary water authority, the sanitary
2236 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local
2237 health department and the county consider the local health department's approval necessary, the
2238 county shall approve the plat.

2239 (b) Counties are encouraged to receive a recommendation from the fire authority before
2240 approving a plat.

2241 (c) A county may not require that a plat be approved or signed by a person or entity
2242 who:

2243 (i) is not an employee or agent of the county; or
2244 (ii) does not:
2245 (A) have a legal or equitable interest in the property within the proposed subdivision;
2246 (B) provide a utility or other service directly to a lot within the subdivision;
2247 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs
2248 for the purpose of confirming the accuracy of the location of the easement or right-of-way in
2249 relation to the plat; or
2250 (D) provide culinary public water service whose source protection zone designated as
2251 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.
2252 (d) For a subdivision application that includes land located within a notification zone,
2253 as determined under Subsection (2)~~(e)~~(f), the land use authority shall:
2254 (i) within 20 days after the day on which a complete subdivision application is filed,
2255 provide written notice of the application to the canal owner or associated canal operator contact
2256 described in:
2257 (A) Section 17-27a-211;
2258 (B) Subsection 73-5-7(2); or
2259 (C) Subsection (4)(c); and
2260 (ii) wait to approve or reject the subdivision application for at least 20 days after the
2261 day on which the land use authority mails the notice under Subsection (2)(d)(i) in order to
2262 receive input from the canal owner or associated canal operator, including input regarding:
2263 (A) access to the canal;
2264 (B) maintenance of the canal;
2265 (C) canal protection; and
2266 (D) canal safety.
2267 (e) When applicable, the subdivision applicant shall comply with Section 73-1-15.5.
2268 ~~(e)~~ (f) The land use authority shall provide the notice described in Subsection (2)(d)
2269 to a canal owner or associated canal operator if:

2270 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and
2271 (ii) the centerline alignment is available to the land use authority:
2272 (A) from information provided by the canal company under Section 17-27a-211 using
2273 mapping-grade global positioning satellite units or digitized data from the most recent aerial
2274 photo available to the canal owner or canal operator;
2275 (B) using the state engineer's inventory of canals under Section 73-5-7; or
2276 (C) from information provided by a surveyor under Subsection (4)(c).
2277 (3) The county may withhold an otherwise valid plat approval until the owner of the
2278 land provides the legislative body with a tax clearance indicating that all taxes, interest, and
2279 penalties owing on the land have been paid.
2280 (4) (a) A ~~[plat may not be submitted to a]~~ county recorder ~~[for recording]~~ may not
2281 record a plat unless, subject to Subsection 17-27a-604(2):
2282 (i) prior to recordation, the county has approved and signed the plat;
2283 (ii) each owner of record of land described on the plat has signed the owner's
2284 dedication as shown on the plat; and
2285 ~~[(ii)]~~ (iii) the signature of each owner described in Subsection ~~[(4)(a)(i)]~~ (4)(a)(ii) is
2286 acknowledged as provided by law.
2287 (b) The surveyor making the plat shall certify that the surveyor:
2288 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
2289 Professional Land Surveyors Licensing Act;
2290 (ii) has completed a survey of the property described on the plat in accordance with
2291 Section 17-23-17 and has verified all measurements; and
2292 (iii) has placed monuments as represented on the plat.
2293 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of
2294 an existing or proposed underground facility or utility facility within the proposed subdivision,
2295 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's
2296 depiction of the:

2297 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a
2298 public or private easement, or grants of record;

2299 (B) location of an existing underground facility and utility facility; and

2300 (C) physical restrictions governing the location of the underground facility and utility
2301 facility within the subdivision.

2302 (ii) The cooperation of an owner or operator under Subsection (4)(c)(i):

2303 (A) indicates only that the plat approximates the location of the existing underground
2304 and utility facilities but does not warrant or verify their precise location; and

2305 (B) does not affect a right that the owner or operator has under~~[(F)]~~ Title 54, Chapter
2306 8a, Damage to Underground Utility Facilities~~[(H)]~~, a recorded easement or right-of-way~~[(H)]~~,
2307 ~~[(H)]~~, the law applicable to prescriptive rights~~[(IV)]~~, or any other provision of law.

2308 (5) (a) ~~After~~ Except as provided in Subsection (4)(c), after the plat has been
2309 acknowledged, certified, and approved, the ~~owner of the land~~ individual seeking to record the
2310 plat shall, within the time period and manner designated by ordinance, record the plat in the
2311 county recorder's office in the county in which the lands platted and laid out are situated.

2312 (b) ~~An owner's~~ A failure to record a plat within the time period designated by
2313 ordinance renders the plat voidable.

2314 Section 39. Section **17-27a-604.5** is amended to read:

2315 **17-27a-604.5. Subdivision plat recording or development activity before required**
2316 **infrastructure is completed -- Improvement completion assurance -- Improvement**
2317 **warranty.**

2318 (1) A land use authority shall establish objective inspection standards for acceptance of
2319 a required landscaping or infrastructure improvement.

2320 (2) (a) Before an applicant conducts any development activity or records a plat, the
2321 applicant shall:

2322 (i) complete any required landscaping or infrastructure improvements; or

2323 (ii) post an improvement completion assurance for any required landscaping or

2324 infrastructure improvements.

2325 (b) If an applicant elects to post an improvement completion assurance, the applicant
2326 shall ~~[ensure that the]~~ provide completion assurance for:

2327 (i) ~~[provides for]~~ completion of 100% of the required landscaping or infrastructure
2328 improvements; or

2329 (ii) if the county has inspected and accepted a portion of the landscaping or
2330 infrastructure improvements, ~~[provides for completion of]~~ 100% of the incomplete or
2331 unaccepted landscaping or infrastructure improvements.

2332 (c) A county shall:

2333 (i) establish a minimum of two acceptable forms of completion assurance;

2334 ~~[(i)]~~ (ii) if an applicant elects to post an improvement completion assurance, allow the
2335 applicant to post an assurance that meets the conditions of this title, and any local ordinances;

2336 ~~[(i)]~~ (iii) establish a system for the partial release of an improvement completion
2337 assurance as portions of required landscaping or infrastructure improvements are completed
2338 and accepted in accordance with local ordinance; and

2339 ~~[(iii)]~~ (iv) issue or deny a building permit in accordance with Section 17-27a-802 based
2340 on the installation of landscaping or infrastructure improvements.

2341 (d) A county may not require an applicant to post an improvement completion
2342 assurance for:

2343 (i) landscaping or an infrastructure improvement that the county has previously
2344 inspected and accepted~~[-];~~

2345 (ii) infrastructure improvements that are private and not essential or required to meet
2346 the building code, fire code, flood or storm water management provisions, street and access
2347 requirements, or other essential necessary public safety improvements adopted in a land use
2348 regulation; or

2349 (iii) in a municipality where ordinances require all infrastructure improvements within
2350 the area to be private, infrastructure improvements within a development that the municipality

2351 requires to be private.

2352 (3) At any time before a county accepts a landscaping or infrastructure improvement,
2353 and for the duration of each improvement warranty period, the land use authority may require
2354 the applicant to:

2355 (a) execute an improvement warranty for the improvement warranty period; and

2356 (b) post a cash deposit, surety bond, letter of credit, or other similar security, as
2357 required by the county, in the amount of up to 10% of the lesser of the:

2358 (i) county engineer's original estimated cost of completion; or

2359 (ii) applicant's reasonable proven cost of completion.

2360 (4) When a county accepts an improvement completion assurance for landscaping or
2361 infrastructure improvements for a development in accordance with Subsection (2)(c)~~(f)~~(ii),
2362 the county may not deny an applicant a building permit if the development meets the
2363 requirements for the issuance of a building permit under the building code and fire code.

2364 (5) The provisions of this section do not supersede the terms of a valid development
2365 agreement, an adopted phasing plan, or the state construction code.

2366 Section 40. Section **17-27a-605** is amended to read:

2367 **17-27a-605. Exemptions from plat requirement.**

2368 (1) Notwithstanding Sections **17-27a-603** and **17-27a-604**, ~~[the land use authority]~~ a
2369 county may establish a process to approve an administrative land use decision for the
2370 subdivision of unincorporated land or mountainous planning district land into 10 lots or less
2371 without a plat, by certifying in writing that:

2372 (a) the county has provided notice as required by ordinance; and

2373 (b) the proposed subdivision:

2374 (i) is not traversed by the mapped lines of a proposed street as shown in the general
2375 plan [and does not require the dedication of any land for street or other] unless the county has
2376 approved the location and dedication of any public street, county utility easement, any other
2377 easement, or any other land for public purposes as the county's ordinance requires;

2378 (ii) has been approved by the culinary water authority and the sanitary sewer authority;

2379 (iii) is located in a zoned area; and

2380 (iv) conforms to all applicable land use ordinances or has properly received a variance

2381 from the requirements of an otherwise conflicting and applicable land use ordinance.

2382 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural
2383 land is exempt from the plat requirements of Section 17-27a-603 if:

2384 (i) the lot or parcel:

2385 (A) qualifies as land in agricultural use under Section 59-2-502; and

2386 (B) is not used and will not be used for any nonagricultural purpose; and

2387 (ii) the new owner of record completes, signs, and records with the county recorder a
2388 notice:

2389 (A) describing the parcel by legal description; and

2390 (B) stating that the lot or parcel is created for agricultural purposes as defined in
2391 Section 59-2-502 and will remain so until a future zoning change permits other uses.

2392 (b) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
2393 purpose, the county shall require the lot or parcel to comply with the requirements of Section
2394 17-27a-603 and all applicable land use ordinance requirements.

2395 (3) (a) Except as provided in Subsection (4), a document recorded in the county
2396 recorder's office that divides property by a metes and bounds description does not create an
2397 approved subdivision allowed by this part unless the land use authority's certificate of written
2398 approval required by Subsection (1) is attached to the document.

2399 (b) The absence of the certificate or written approval required by Subsection (1) does
2400 not:

2401 (i) prohibit the county recorder from recording a document; or

2402 (ii) affect the validity of a recorded document.

2403 (c) A document which does not meet the requirements of Subsection (1) may be

2404 corrected by the recording of an affidavit to which the required certificate or written approval is

2405 attached [~~in accordance~~] and that complies with Section 57-3-106.

2406 (4) (a) As used in this Subsection (4):

2407 (i) "Divided land" means land that:

2408 (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and

2409 (B) has been divided by a minor subdivision.

2410 (ii) "Land to be divided" means land that is proposed to be divided by a minor
2411 subdivision.

2412 (iii) "Minor subdivision" means a division of at least 100 contiguous acres of
2413 agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that,
2414 after the division, is separate from the remainder of the original 100 or more contiguous acres
2415 of agricultural land.

2416 (iv) "Minor subdivision lot" means a lot created by a minor subdivision.

2417 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100
2418 contiguous acres of agricultural land may make a minor subdivision by submitting for
2419 recording in the office of the recorder of the county in which the land to be divided is located:

2420 (i) a recordable deed containing the legal description of the minor subdivision lot; and

2421 (ii) a notice:

2422 (A) indicating that the owner of the land to be divided is making a minor subdivision;

2423 (B) referring specifically to this section as the authority for making the minor
2424 subdivision; and

2425 (C) containing the legal description of:

2426 (I) the land to be divided; and

2427 (II) the minor subdivision lot.

2428 (c) A minor subdivision lot:

2429 (i) may not be less than one acre in size;

2430 (ii) may not be within 1,000 feet of another minor subdivision lot; and

2431 (iii) is not subject to the subdivision ordinance of the county in which the minor

2432 subdivision lot is located.

2433 (d) Land to be divided by a minor subdivision may not include divided land.

2434 (e) A county:

2435 (i) may not deny a building permit to an owner of a minor subdivision lot based on:

2436 (A) the lot's status as a minor subdivision lot; or

2437 (B) the absence of standards described in Subsection (4)(e)(ii); and

2438 (ii) may, in connection with the issuance of a building permit, subject a minor

2439 subdivision lot to reasonable health, safety, and access standards that the county has established

2440 and made public.

2441 (5) (a) Notwithstanding Sections 17-27a-603 and 17-27a-604, and subject to

2442 Subsection (1), the legislative body of a county may enact an ordinance allowing the

2443 subdivision of a parcel, without complying with the plat requirements of Section 17-27a-603,

2444 if:

2445 (i) the parcel contains an existing legal single family dwelling unit;

2446 (ii) the subdivision results in two parcels, one of which is agricultural land;

2447 (iii) the parcel of agricultural land:

2448 (A) qualifies as land in agricultural use under Section 59-2-502; and

2449 (B) is not used, and will not be used, for a nonagricultural purpose;

2450 (iv) both the parcel with an existing legal single family dwelling unit and the parcel of

2451 agricultural land meet the minimum area, width, frontage, and setback requirements of the

2452 applicable zoning designation in the applicable land use ordinance; and

2453 (v) the owner of record completes, signs, and records with the county recorder a notice:

2454 (A) describing the parcel of agricultural land by legal description; and

2455 (B) stating that the parcel of agricultural land is created as land in agricultural use, as

2456 defined in Section 59-2-502, and will remain as land in agricultural use until a future zoning

2457 change permits another use.

2458 (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a)

2459 is later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a) no
2460 longer applies, and the county shall require the owner of the parcel to:

2461 (i) retroactively comply with the subdivision plat requirements of Section 17-27a-603;

2462 and

2463 (ii) comply with all applicable land use ordinance requirements.

2464 Section 41. Section 17-27a-607 is amended to read:

2465 **17-27a-607. Dedication by plat of public streets and other public places.**

2466 (1) A plat that is signed, dedicated, and acknowledged by each owner of record, and
2467 approved according to the procedures specified in this part, operates, when recorded, as a
2468 dedication of all public streets and other public places, and vests the fee of those parcels of land
2469 in the county for the public for the uses named or intended in the plat.

2470 (2) The dedication established by this section does not impose liability upon the county
2471 for public streets and other public places that are dedicated in this manner but are unimproved
2472 unless:

2473 (a) adequate financial assurance has been provided in accordance with this chapter; and

2474 (b) the county has accepted the dedication.

2475 Section 42. Section 17-27a-608 is amended to read:

2476 **17-27a-608. Vacating or amending a subdivision plat.**

2477 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
2478 subdivision that has been laid out and platted as provided in this part may file a written petition
2479 with the land use authority to have some or all of the plat vacated or amended.

2480 (b) If a petition is filed under Subsection (1)(a), the land use authority shall provide
2481 notice of the petition by mail, email, or other effective means to each affected entity that
2482 provides a service to an owner of record of the portion of the plat that is being vacated or
2483 amended at least 10 calendar days before the land use authority may approve the vacation or
2484 amendment of the plat.

2485 (c) If a petition is filed under Subsection (1)(a), the land use authority shall hold a

2486 public hearing within 45 days after the day on which the petition is filed if:

2487 (i) any owner within the plat notifies the county of the owner's objection in writing
2488 within 10 days of mailed notification; or

2489 (ii) a public hearing is required because all of the owners in the subdivision have not
2490 signed the revised plat.

2491 (2) Unless a local ordinance provides otherwise, the public hearing requirement of
2492 Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an
2493 owner's petition to vacate or amend a subdivision plat if:

2494 (a) the petition seeks to:

2495 (i) join two or more of the petitioning fee owner's contiguous lots;

2496 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
2497 result in a violation of a land use ordinance or a development condition;

2498 (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the
2499 adjoining lots or parcels join the petition, regardless of whether the lots or parcels are located in
2500 the same subdivision;

2501 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
2502 imposed by the local political subdivision; or

2503 (v) alter the plat in a manner that does not change existing boundaries or other
2504 attributes of lots within the subdivision that are not:

2505 (A) owned by the petitioner; or

2506 (B) designated as a common area; and

2507 (b) notice has been given to adjacent property owners in accordance with any
2508 applicable local ordinance.

2509 (3) Each request to vacate or amend a plat that contains a request to vacate or amend a
2510 public street~~[, right-of-way,]~~ or county utility easement is also subject to Section [17-27a-609.5](#).

2511 (4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:

2512 (a) the name and address of each owner of record of the land contained in:

- 2513 (i) the entire plat; or
2514 (ii) that portion of the plan described in the petition; and
2515 (b) the signature of each owner who consents to the petition.
2516 (5) (a) The owners of record of adjacent parcels that are described by either a metes
2517 and bounds description or by a recorded plat may exchange title to portions of those parcels if
2518 the exchange of title is approved by the land use authority in accordance with Subsection
2519 (5)(b).
2520 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
2521 the exchange of title will not result in a violation of any land use ordinance.
2522 (c) If an exchange of title is approved under Subsection (5)(b):
2523 (i) a notice of approval shall be recorded in the office of the county recorder which:
2524 (A) is executed by each owner included in the exchange and by the land use authority;
2525 (B) contains an acknowledgment for each party executing the notice in accordance with
2526 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
2527 (C) recites the descriptions of both the original parcels and the parcels created by the
2528 exchange of title; and
2529 (ii) a document of conveyance of title reflecting the approved change shall be recorded
2530 in the office of the county recorder.
2531 (d) A notice of approval recorded under this Subsection (5) does not act as a
2532 conveyance of title to real property and is not required to record a document conveying title to
2533 real property.
2534 (6) (a) The name of a recorded subdivision may be changed by recording an amended
2535 plat making that change, as provided in this section and subject to Subsection (6)(c).
2536 (b) The surveyor preparing the amended plat shall certify that the surveyor:
2537 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
2538 Professional Land Surveyors Licensing Act;
2539 (ii) has completed a survey of the property described on the plat in accordance with

2540 Section 17-23-17 and has verified all measurements; and

2541 (iii) has placed monuments as represented on the plat.

2542 (c) An owner of land may not submit for recording an amended plat that gives the
2543 subdivision described in the amended plat the same name as a subdivision recorded in the
2544 county recorder's office.

2545 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
2546 document that purports to change the name of a recorded plat is void.

2547 Section 43. Section 17-27a-609 is amended to read:

2548 **17-27a-609. Land use authority approval of vacation or amendment of plat --**
2549 **Recording the amended plat.**

2550 (1) The land use authority may approve the vacation or amendment of a plat by signing
2551 an amended plat showing the vacation or amendment if the land use authority finds that:

2552 (a) there is good cause for the vacation or amendment; and

2553 (b) no public street~~[, right-of-way,]~~ or county utility easement has been vacated or
2554 amended.

2555 (2) (a) The land use authority shall ensure that the amended plat showing the vacation
2556 or amendment is recorded in the office of the county recorder in which the land is located.

2557 (b) If the amended plat is approved and recorded in accordance with this section, the
2558 recorded plat shall vacate, supersede, and replace any contrary provision in a previously
2559 recorded plat of the same land.

2560 (3) (a) A legislative body may vacate a subdivision or a portion of a subdivision by
2561 recording in the county recorder's office an ordinance describing the subdivision or the portion
2562 being vacated.

2563 (b) The recorded vacating ordinance shall replace a previously recorded plat described
2564 in the vacating ordinance.

2565 (4) An amended plat may not be submitted to the county recorder for recording unless
2566 it is:

2567 (a) signed by the land use authority; and
2568 (b) signed, acknowledged, and dedicated by each owner of record of the portion of the
2569 plat that is amended.

2570 (5) A management committee may sign and dedicate an amended plat as provided in
2571 Title 57, Chapter 8, Condominium Ownership Act.

2572 (6) A plat may be corrected as provided in Section 57-3-106.

2573 Section 44. Section 17-27a-609.5 is amended to read:

2574 **17-27a-609.5. Petition to vacate a public street.**

2575 (1) In lieu of vacating some or all of a public street through a plat or amended plat in
2576 accordance with Sections 17-27a-603 through 17-27a-609, a legislative body may approve a
2577 petition to vacate a public street in accordance with this section.

2578 ~~[(1)]~~ (2) A petition to vacate some or all of a public street~~[, right-of-way,]~~ or county
2579 utility easement shall include:

2580 (a) the name and address of each owner of record of land that is:

2581 (i) adjacent to the public street~~[, right-of-way,]~~ or county utility easement between the
2582 two nearest public street intersections; or

2583 (ii) accessed exclusively by or within 300 feet of the public street~~[, right-of-way,]~~ or
2584 county utility easement; ~~[and]~~

2585 (b) proof of written notice to operators of utilities located within the bounds of the
2586 public street or county utility easement sought to be vacated; and

2587 ~~[(b)]~~ (c) the signature of each owner under Subsection ~~[(1)]~~ (2)(a) who consents to the
2588 vacation.

2589 ~~[(2)]~~ (3) If a petition is submitted containing a request to vacate some or all of a public
2590 street~~[, right-of-way,]~~ or county utility easement, the legislative body shall hold a public
2591 hearing in accordance with Section 17-27a-208 and determine whether:

2592 (a) good cause exists for the vacation; and

2593 (b) the public interest or any person will be materially injured by the proposed

2594 vacation.

2595 ~~[(3)]~~ (4) The legislative body may adopt an ordinance granting a petition to vacate
2596 some or all of a public street~~[, right-of-way,]~~ or county utility easement if the legislative body
2597 finds that:

- 2598 (a) good cause exists for the vacation; and
- 2599 (b) neither the public interest nor any person will be materially injured by the vacation.

2600 ~~[(4)]~~ (5) If the legislative body adopts an ordinance vacating some or all of a public
2601 street~~[, right-of-way,]~~ or county utility easement, the legislative body shall ensure that one or
2602 both of the following is recorded in the office of the recorder of the county in which the land is
2603 located:

- 2604 (a) a plat reflecting the vacation; or
- 2605 (b) (i) an ordinance described in Subsection ~~[(3)]~~ (4); and
- 2606 (ii) a legal description of the public street to be vacated.

2607 ~~[(5)]~~ (6) The action of the legislative body vacating some or all of a public street~~;~~
2608 ~~right-of-way,]~~ or county utility easement that has been dedicated to public use:

- 2609 (a) operates to the extent to which it is vacated, upon the effective date of the recorded
2610 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the county's
2611 fee in the vacated street, right-of-way, or easement; and
- 2612 (b) may not be construed to impair:
 - 2613 (i) any right-of-way or easement of any lot owner; or
 - 2614 (ii) the ~~[franchise]~~ rights of any public utility.

2615 (7) (a) A county may submit a petition, in accordance with Subsection (2), and initiate
2616 and complete a process to vacate some or all of a public street.

2617 (b) If a county submits a petition and initiates a process under Subsection (7)(a):

- 2618 (i) the legislative body shall hold a public hearing;
- 2619 (ii) the petition and process may not apply to or affect a public utility easement, except
2620 to the extent:

- 2621 (A) the easement is not a protected utility easement as defined in Section 54-3-27;
- 2622 (B) the easement is included within the public street; and
- 2623 (C) the notice to vacate the public street also contains a notice to vacate the easement;
- 2624 and
- 2625 (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating
- 2626 a public street through a recorded plat or amended plat.

2627 Section 45. Section 17-27a-707 is amended to read:

2628 **17-27a-707. Scope of review of factual matters on appeal -- Appeal authority**
2629 **requirements.**

2630 (1) A county may, by ordinance, designate the scope of review of factual matters for
2631 appeals of land use authority decisions.

2632 (2) If the county fails to designate a scope of review of factual matters, the appeal
2633 authority shall review the matter de novo, without deference to the land use authority's
2634 determination of factual matters.

2635 (3) If the scope of review of factual matters is on the record, the appeal authority shall
2636 determine whether the record on appeal includes substantial evidence for each essential finding
2637 of fact.

2638 (4) The appeal authority shall:

2639 (a) determine the correctness of the land use authority's interpretation and application
2640 of the plain meaning of the land use regulations; and

2641 (b) interpret and apply a land use regulation to favor a land use application unless the
2642 land use regulation plainly restricts the land use application.

2643 (5) (a) An appeal authority's land use decision is a quasi-judicial act~~[, even if the appeal~~
2644 ~~authority is the]~~.

2645 (b) A legislative body may act as an appeal authority unless both the legislative body
2646 and the appealing party agree to allow a third party to act as the appeal authority.

2647 (6) Only a decision in which a land use authority has applied a land use regulation to a

2648 particular land use application, person, or parcel may be appealed to an appeal authority.

2649 Section 46. Section **17-27a-801** is amended to read:

2650 **17-27a-801. No district court review until administrative remedies exhausted --**

2651 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**

2652 **-- Staying of decision.**

2653 (1) No person may challenge in district court a land use decision until that person has
2654 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
2655 Variances, if applicable.

2656 (2) (a) Any person adversely affected by a final decision made in the exercise of or in
2657 violation of the provisions of this chapter may file a petition for review of the decision with the
2658 district court within 30 days after the decision is final.

2659 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
2660 property owner files a request for arbitration of a constitutional taking issue with the property
2661 rights ombudsman under Section [13-43-204](#) until 30 days after:

2662 (A) the arbitrator issues a final award; or

2663 (B) the property rights ombudsman issues a written statement under Subsection
2664 [13-43-204\(3\)\(b\)](#) declining to arbitrate or to appoint an arbitrator.

2665 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
2666 taking issue that is the subject of the request for arbitration filed with the property rights
2667 ombudsman by a property owner.

2668 (iii) A request for arbitration filed with the property rights ombudsman after the time
2669 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

2670 (3) (a) A court shall:

2671 (i) presume that a land use regulation properly enacted under the authority of this
2672 chapter is valid; and

2673 (ii) determine only whether:

2674 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state

2675 or federal law; and

2676 (B) it is reasonably debatable that the land use regulation is consistent with this
2677 chapter.

2678 (b) A court shall:

2679 (i) presume that a final decision of a land use authority or an appeal authority is valid;
2680 and

2681 (ii) uphold the decision unless the decision is:

2682 (A) arbitrary and capricious; or

2683 (B) illegal.

2684 (c) (i) A decision is arbitrary and capricious if the decision is not supported by
2685 substantial evidence in the record.

2686 (ii) A decision is illegal if the decision is:

2687 (A) based on an incorrect interpretation of a land use regulation; or

2688 (B) contrary to law.

2689 (d) (i) A court may affirm or reverse the decision of a land use authority.

2690 (ii) If the court reverses a denial of a land use application, the court shall remand the
2691 matter to the land use authority with instructions to issue an approval consistent with the court's
2692 decision.

2693 (4) The provisions of Subsection (2)(a) apply from the date on which the county takes
2694 final action on a land use application for any adversely affected third party, if the county
2695 conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice
2696 of the pending decision.

2697 (5) If the county has complied with Section 17-27a-205, a challenge to the enactment
2698 of a land use regulation or general plan may not be filed with the district court more than 30
2699 days after the enactment.

2700 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
2701 days after the land use decision is final.

2702 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
2703 the reviewing court the record of its proceedings, including its minutes, findings, orders and, if
2704 available, a true and correct transcript of its proceedings.

2705 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
2706 transcript for purposes of this Subsection (7).

2707 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
2708 by the land use authority or appeal authority, as the case may be.

2709 (ii) The court may not accept or consider any evidence outside the record of the land
2710 use authority or appeal authority, as the case may be, unless that evidence was offered to the
2711 land use authority or appeal authority, respectively, and the court determines that it was
2712 improperly excluded.

2713 (b) If there is no record, the court may call witnesses and take evidence.

2714 (9) (a) The filing of a petition does not stay the decision of the land use authority or
2715 appeal authority, as the case may be.

2716 (b) (i) Before filing a petition under this section or a request for mediation or
2717 arbitration of a constitutional taking issue under Section 13-43-204, the aggrieved party may
2718 petition the appeal authority to stay its decision.

2719 (ii) Upon receipt of a petition to stay, the appeal authority may order its decision stayed
2720 pending district court review if the appeal authority finds it to be in the best interest of the
2721 county.

2722 (iii) After a petition is filed under this section or a request for mediation or arbitration
2723 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
2724 injunction staying the appeal authority's decision.

2725 (10) If the court determines that a party initiated or pursued a challenge to the decision
2726 on a land use application in bad faith, the court may award attorney fees.

2727 Section 47. Section **17-27a-802** is amended to read:

2728 **17-27a-802. Enforcement.**

2729 (1) (a) A county or any adversely affected owner of real estate within the county in
2730 which violations of this chapter or ordinances enacted under the authority of this chapter occur
2731 or are about to occur may, in addition to other remedies provided by law, institute:

- 2732 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
- 2733 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
- 2734 (b) A county need only establish the violation to obtain the injunction.

2735 (2) (a) A county may enforce the county's ordinance by withholding a building permit.

2736 (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any
2737 building or other structure within a county without approval of a building permit.

2738 (c) The county may not issue a building permit unless the plans of and for the proposed
2739 erection, construction, reconstruction, alteration, or use fully conform to all regulations then in
2740 effect.

2741 (d) A county may not deny an applicant a building permit or certificate of occupancy
2742 because the applicant has not completed an infrastructure improvement:

2743 (i) that is not essential to meet the requirements for the issuance of a building permit or
2744 certificate of occupancy under the building code and fire code; and

2745 (ii) for which the county has accepted an improvement completion assurance for
2746 landscaping or infrastructure improvements for the development.

2747 Section 48. Section **57-1-13** is amended to read:

2748 **57-1-13. Form of quitclaim deed -- Effect.**

2749 (1) A conveyance of land may also be substantially in the following form:

2750 "QUITCLAIM DEED

2751 ____ (here insert name), grantor, of ____ (insert place of residence), hereby quitclaims
2752 to ____ (insert name), grantee, of ____ (here insert place of residence), for the sum of ____
2753 dollars, the following described tract ____ of land in ____ County, Utah, to wit: (here describe
2754 the premises).

2755 Witness the hand of said grantor this _____ (month\day\year).

2756 A quitclaim deed when executed as required by law shall have the effect of a
 2757 conveyance of all right, title, interest, and estate of the grantor in and to the premises therein
 2758 described and all rights, privileges, and appurtenances thereunto belonging, at the date of the
 2759 conveyance."

2760 (2) ~~[For a]~~ A boundary line agreement operating as a quitclaim deed ~~[as]~~ shall meet the
 2761 requirements described in Section ~~57-1-45~~, ~~the boundary line agreement shall include, in~~
 2762 ~~addition to a legal description of the agreed upon boundary line:~~.

2763 ~~[(a) the signature of each grantor;]~~

2764 ~~[(b) a sufficient acknowledgment for each grantor's signature; and]~~

2765 ~~[(c) the address of each grantee for assessment purposes.]~~

2766 Section 49. Section ~~57-1-45~~ is amended to read:

2767 **57-1-45. Boundary line agreements.**

2768 (1) If properly executed and acknowledged as required under this chapter, and when
 2769 recorded in the office of the recorder of the county in which the property is located, an
 2770 agreement between adjoining property owners ~~[designating]~~ of land that designates the
 2771 boundary line between ~~[their properties, when recorded in the office of the recorder of the~~
 2772 ~~county in which the property is located, shall act]~~ the adjoining properties acts as a quitclaim
 2773 deed ~~[and]~~ to convey all of each party's right, title, interest, and estate in property outside the
 2774 agreed boundary line that had been the subject of the boundary line agreement or dispute that
 2775 led to the boundary line agreement.

2776 (2) ~~[A]~~ Adjoining property owners executing a boundary line agreement described in
 2777 Subsection (1) shall ~~[include]~~:

2778 (a) ensure that the agreement includes:

2779 ~~[(a)]~~ (i) a legal description of the agreed upon boundary line;

2780 ~~[(b)]~~ (ii) the name and signature of each grantor that is party to the agreement;

2781 ~~[(c)]~~ (iii) a sufficient acknowledgment for each grantor's signature; ~~[and]~~

2782 ~~[(d)]~~ (iv) the address of each grantee for assessment purposes~~[-]~~;

2783 (v) the parcel or lot each grantor owns before the boundary line is changed;
2784 (vi) a statement citing the file number of a record of a survey map, as defined in
2785 Sections 10-9a-103 and 17-27a-103, that the parties prepare and file, in accordance with
2786 Section 17-23-17, in conjunction with the boundary line agreement; and
2787 (vii) the date of the agreement if the date is not included in the acknowledgment in a
2788 form substantially similar to a quitclaim deed as described in Section 57-1-13; and
2789 (b) prepare an amended plat in accordance with Title 10, Chapter 9a, Part 6,
2790 Subdivisions, or Title 17, Chapter 27a, Part 6, Subdivisions.
2791 (3) A boundary line agreement described in Subsection (1) that complies with
2792 Subsection (2) presumptively:
2793 (a) has no detrimental effect on any easement on the property that is recorded before
2794 the date on which the agreement is executed unless the owner of the property benefitting from
2795 the easement specifically modifies the easement within the boundary line agreement or a
2796 separate recorded easement modification or relinquishment document; and
2797 (b) relocates the parties' common boundary line for an exchange of consideration.
2798 (4) Notwithstanding Title 10, Chapter 9a, Part 6, Subdivisions, Title 17, Chapter 27a,
2799 Part 6, Subdivisions, or the local entity's ordinances or policies, a boundary line agreement is
2800 not subject to:
2801 (a) any public notice, public hearing, or preliminary platting requirement;
2802 (b) the local entity's planning commission review or recommendation; or
2803 (c) an engineering review or approval of the local entity.
2804 Section 50. Section 63I-2-217 is amended to read:
2805 **63I-2-217. Repeal dates -- Title 17.**
2806 (1) Subsection 17-27a-102(1)(b), the language that states "or a designated mountainous
2807 planning district" is repealed June 1, 2020.
2808 (2) (a) Subsection [~~17-27a-103(15)(b)~~] 17-27a-103(16)(b), regarding a mountainous
2809 planning district, is repealed June 1, 2020.

2810 (b) Subsection [~~17-27a-103(37)~~] 17-27a-103(39), regarding a mountainous planning
2811 district, is repealed June 1, 2020.

2812 (3) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning
2813 district area" is repealed June 1, 2020.

2814 (4) (a) Subsection 17-27a-301(1)(b)(iii), regarding a mountainous planning district, is
2815 repealed June 1, 2020.

2816 (b) Subsection 17-27a-301(1)(c), regarding a mountainous planning district, is repealed
2817 June 1, 2020.

2818 (c) Subsection 17-27a-301(2)(a), the language that states "described in Subsection
2819 (1)(a) or (c)" is repealed June 1, 2020.

2820 (5) Subsection 17-27a-302(1), the language that states ", or mountainous planning
2821 district" and "or the mountainous planning district," is repealed June 1, 2020.

2822 (6) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning
2823 district or" and ", as applicable" is repealed June 1, 2020.

2824 (7) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning district, is
2825 repealed June 1, 2020.

2826 (b) Subsection 17-27a-401(6), regarding a mountainous planning district, is repealed
2827 June 1, 2020.

2828 (8) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning district, is
2829 repealed June 1, 2020.

2830 (b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is
2831 repealed June 1, 2020.

2832 (c) Subsection (2)(a)(iii), the language that states "or the mountainous planning
2833 district" is repealed June 1, 2020.

2834 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
2835 district" is repealed June 1, 2020.

2836 (9) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning district, is

2837 repealed June 1, 2020.

2838 (10) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning district, is
2839 repealed June 1, 2020.

2840 (11) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
2841 mountainous planning district, the mountainous planning district" is repealed June 1, 2020.

2842 (12) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning district, is
2843 repealed June 1, 2020.

2844 (13) Subsection 17-27a-605(1), the language that states "or mountainous planning
2845 district land" is repealed June 1, 2020.

2846 (14) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
2847 2020.

2848 (15) On June 1, 2020, when making the changes in this section, the Office of
2849 Legislative Research and General Counsel shall:

2850 (a) in addition to its authority under Subsection 36-12-12(3), make corrections
2851 necessary to ensure that sections and subsections identified in this section are complete
2852 sentences and accurately reflect the office's understanding of the Legislature's intent; and

2853 (b) identify the text of the affected sections and subsections based upon the section and
2854 subsection numbers used in Laws of Utah 2017, Chapter 448.

2855 (16) On June 1, 2020:

2856 (a) Section 17-52a-104 is repealed;

2857 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
2858 described in Subsection 17-52a-104(2)," is repealed;

2859 (c) Subsection 17-52a-301(3)(a)(vi) is repealed;

2860 (d) in Subsection 17-52a-501(1), the language that states "or, for a county under a
2861 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was
2862 in effect on March 14, 2018," is repealed; and

2863 (e) in Subsection 17-52a-501(3)(a), the language that states "or, for a county under a

2864 pending process described in Section [17-52a-104](#), the attorney's report that is described in
2865 Section [17-52-204](#) as that section was in effect on March 14, 2018 and that contains a
2866 statement described in Subsection [17-52-204\(5\)](#) as that subsection was in effect on March 14,
2867 2018," is repealed.

2868 (17) On January 1, 2028, Subsection [17-52a-102\(3\)](#) is repealed.

2869 Section 51. **Coordinating H.B. 315 with H.B. 119 -- Substantive and technical**
2870 **amendments.**

2871 If this H.B. 315 and H.B. 119, Initiatives, Referenda, and Other Political Activities,
2872 both pass and become law, it is the intent of the Legislature that the Office of Legislative
2873 Research and General Counsel shall prepare the Utah Code database for publication by:

2874 (1) amending Sections [10-9a-103](#) and [17-27a-103](#) to:

2875 (a) add a new subsection as follows:

2876 "(2) "Affected owner" means the owner of real property that is:

2877 (a) a single project;

2878 (b) the subject of a land use approval that sponsors of a referendum timely challenged
2879 in accordance with Subsection [20A-7-601\(5\)\(a\)](#); and

2880 (c) determined to be legally referable under Section [20A-7-602.8](#)."; and

2881 (b) renumber the remaining subsections accordingly and make necessary changes to
2882 internal cross references;

2883 (2) amending Sections [10-9a-509](#) and [17-27a-509](#) to add a new subsection as follows:

2884 "(5) (a) If sponsors of a referendum timely challenge a project in accordance with
2885 Subsection [20A-7-601\(5\)\(a\)](#), the project's affected owner may rescind the project's land use
2886 approval by delivering a written notice:

2887 (i) to the local clerk as defined in Section [20A-7-101](#); and

2888 (ii) no later than seven days after the day on which a petition for a referendum is
2889 determined sufficient under Section [20A-7-607\(5\)](#).

2890 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are

2891 rescinded and are of no further force or effect:

2892 (i) the relevant land use approval; and

2893 (ii) any land use regulation enacted specifically in relation to the land use approval.";

2894 and

2895 (3) amending Subsection 63I-2-217(2) as follows:

2896 "(2) (a) Subsection [~~17-27a-103(15)(b)~~] ~~17-27a-103(17)(b)~~, regarding a mountainous
2897 planning district, is repealed June 1, 2020.

2898 (b) Subsection [~~17-27a-103(37)~~] ~~17-27a-103(40)~~, regarding a mountainous planning
2899 district, is repealed June 1, 2020."