

1 **LOCAL GOVERNMENT PLAN REVIEW AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mike Schultz**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses the review of construction project plans by local governments.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ removes repeal dates related to construction project plan reviews;
- 14 ▶ clarifies the scope of a plan review;
- 15 ▶ allows an applicant to waive a plan review time requirement;
- 16 ▶ under certain circumstances, prohibits a local government from requiring an
- 17 applicant to redraft a plan; and
- 18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **10-5-132**, as last amended by Laws of Utah 2017, Chapter 313

26 **10-6-160**, as last amended by Laws of Utah 2017, Chapter 313

27 **17-36-55**, as last amended by Laws of Utah 2017, Chapter 313

28 **63I-1-210**, as last amended by Laws of Utah 2017, Chapter 313

29 **63I-1-217**, as enacted by Laws of Utah 2017, Chapter 313

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

Section 1. Section **10-5-132** is amended to read:

10-5-132. Fees collected for construction approval -- Approval of plans.

(1) As used in this section:

(a) "Construction project" means the same as that term is defined in Section [38-1a-102](#).

(b) "Lodging establishment" means a place providing temporary sleeping accommodations to the public, including any of the following:

(i) a bed and breakfast establishment;

(ii) a boarding house;

(iii) a dormitory;

(iv) a hotel;

(v) an inn;

(vi) a lodging house;

(vii) a motel;

(viii) a resort; or

(ix) a rooming house.

(c) "Planning review" means a review to verify that a town has approved the following elements of a construction project:

(i) zoning;

(ii) lot sizes;

(iii) setbacks;

(iv) easements;

(v) curb and gutter elevations;

(vi) grades and slopes;

(vii) utilities;

(viii) street names;

(ix) defensible space provisions and elevations, if required by the Utah Wildland Urban

58 Interface Code adopted under Section 15A-2-103; and

59 (x) subdivision.

60 ~~[(b)]~~ (d) (i) "~~Initial plan~~ Plan review" means all of the reviews and approvals of a
61 plan that ~~[are required by]~~ a town requires to obtain a building permit from the town~~[-]~~ with a
62 scope that may not exceed a review to verify:

63 (A) that the construction project complies with the provisions of the State Construction
64 Code under Title 15A, State Construction and Fire Codes Act;

65 (B) that the construction project complies with the energy code adopted under Section
66 15A-2-103;

67 (C) that the construction project received a planning review;

68 (D) that the applicant paid any required fees;

69 (E) that the applicant obtained final approvals from any other required reviewing
70 agencies;

71 (F) that the construction project complies with federal, state, and local storm water
72 protection laws;

73 (G) that the construction project received a structural review;

74 (H) the total square footage for each building level of finished, garage, and unfinished
75 space; and

76 (I) that the plans include a printed statement indicating that the actual construction will
77 comply with applicable local ordinances and the state construction codes.

78 ~~[(ii) "Initial plan]~~ (ii) "Plan review" does not mean a review of a document:

79 (A) required to be re-submitted for additional modifications or substantive changes
80 identified by the plan review;

81 (B) submitted as part of a deferred submittal when requested by the applicant and
82 approved by the building official; or

83 (C) that, due to the document's technical nature or on the request of the applicant, is
84 reviewed by a third party.

85 ~~[(c) "Lodging establishment"~~ means a place providing temporary sleeping

86 accommodations to the public, including any of the following:]

87 [~~(i) a bed and breakfast establishment;~~]

88 [~~(ii) a boarding house;~~]

89 [~~(iii) a hotel;~~]

90 [~~(iv) an inn;~~]

91 [~~(v) a lodging house;~~]

92 [~~(vi) a motel;~~]

93 [~~(vii) a resort; or]~~

94 [~~(viii) a rooming house.~~]

95 (e) "Structural review" means:

96 (i) a review that verifies that a construction project complies with the following:

97 (A) footing size and bar placement;

98 (B) foundation thickness and bar placement;

99 (C) beam and header sizes;

100 (D) nailing patterns;

101 (E) bearing points;

102 (F) structural member size and span; and

103 (G) sheathing; or

104 (ii) if the review exceeds the scope of the review described in Subsection (1)(e)(i), a
105 review that a licensed engineer conducts.

106 (f) "Technical nature" means a characteristic that places an item outside the training
107 and expertise of an individual who regularly performs plan reviews.

108 (2) (a) If a town collects a fee for the inspection of a construction project, the town
109 shall ensure that the construction project receives a prompt inspection.

110 (b) If a town cannot provide a building inspection within a reasonable time, the town
111 shall promptly engage an independent inspector with fees collected from the applicant.

112 (3) (a) A town shall complete [~~an initial~~] a plan review of a construction project for a
113 one to two family dwelling or townhome by no later than 14 business days after the day on

114 which the plan is submitted to the town.

115 (b) A town shall complete ~~[an initial]~~ a plan review of a construction project for a
116 residential structure built under the International Building Code, not including a lodging
117 establishment, by no later than 21 business days after the day on which the plan is submitted to
118 the town.

119 (c) (i) Subject to Subsection (3)(c)(ii), if a town does not complete a plan review before
120 the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the
121 town complete the plan review.

122 (ii) If an applicant makes a request under Subsection (3)(c)(i), the town shall perform
123 the plan review no later than:

124 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
125 applicant makes the request; or

126 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
127 applicant makes the request.

128 (d) An applicant may:

129 (i) waive the plan review time requirements described in this Subsection (3); or

130 (ii) with the town's consent, establish an alternative plan review time requirement.

131 ~~[(c)]~~ (4) (a) A town may not enforce a requirement to have ~~[an initial plan reviewed by~~
132 the town] a plan review if:

133 (i) the town does not complete the ~~[initial]~~ plan review within the time period
134 described in Subsection (3)(a) or (b); and

135 (ii) ~~[the plan is stamped by]~~ a licensed architect or structural engineer[-], or both when
136 required by law, stamps the plan.

137 (b) A town may attach to a reviewed plan a list that includes:

138 (i) items with which the town is concerned and may enforce during construction; and

139 (ii) building code violations found in the plan.

140 (c) A town may not require an applicant to redraft a plan if the town requests minor
141 changes to the plan that the list described in Subsection (4)(b) identifies.

142 Section 2. Section **10-6-160** is amended to read:

143 **10-6-160. Fees collected for construction approval -- Approval of plans.**

144 (1) As used in this section:

145 (a) "Construction project" means the same as that term is defined in Section [38-1a-102](#).

146 (b) "Lodging establishment" means a place providing temporary sleeping
147 accommodations to the public, including any of the following:

148 (i) a bed and breakfast establishment;

149 (ii) a boarding house;

150 (iii) a dormitory;

151 (iv) a hotel;

152 (v) an inn;

153 (vi) a lodging house;

154 (vii) a motel;

155 (viii) a resort; or

156 (ix) a rooming house.

157 (c) "Planning review" means a review to verify that a city has approved the following
158 elements of a construction project:

159 (i) zoning;

160 (ii) lot sizes;

161 (iii) setbacks;

162 (iv) easements;

163 (v) curb and gutter elevations;

164 (vi) grades and slopes;

165 (vii) utilities;

166 (viii) street names;

167 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
168 Interface Code adopted under Section [15A-2-103](#); and

169 (x) subdivision.

170 ~~[(b)]~~ (d) (i) "~~Initial plan~~ Plan review" means all of the reviews and approvals of a
171 plan that ~~[are required by]~~ a city requires to obtain a building permit from the city~~[-]~~ with a
172 scope that may not exceed a review to verify:

173 (A) that the construction project complies with the provisions of the State Construction
174 Code under Title 15A, State Construction and Fire Codes Act;

175 (B) that the construction project complies with the energy code adopted under Section
176 15A-2-103;

177 (C) that the construction project received a planning review;

178 (D) that the applicant paid any required fees;

179 (E) that the applicant obtained final approvals from any other required reviewing
180 agencies;

181 (F) that the construction project complies with federal, state, and local storm water
182 protection laws;

183 (G) that the construction project received a structural review; and

184 (H) the total square footage for each building level of finished, garage, and unfinished
185 space.

186 ~~[(i) "Initial plan]~~ (ii) "Plan review" does not mean a review of a document:

187 (A) required to be re-submitted for additional modifications or substantive changes
188 identified by the plan review;

189 (B) submitted as part of a deferred submittal when requested by the applicant and
190 approved by the building official; or

191 (C) that, due to the document's technical nature or on the request of the applicant, is
192 reviewed by a third party.

193 ~~[(c) "Lodging establishment" means a place providing temporary sleeping~~
194 ~~accommodations to the public, including any of the following:]~~

195 ~~[(i) a bed and breakfast establishment;]~~

196 ~~[(ii) a boarding house;]~~

197 ~~[(iii) a hotel;]~~

198 [~~(iv) an inn;~~]

199 [~~(v) a lodging house;~~]

200 [~~(vi) a motel;~~]

201 [~~(vii) a resort; or~~]

202 [~~(viii) a rooming house.~~]

203 (e) "Structural review" means:

204 (i) a review that verifies that a construction project complies with the following:

205 (A) footing size and bar placement;

206 (B) foundation thickness and bar placement;

207 (C) beam and header sizes;

208 (D) nailing patterns;

209 (E) bearing points;

210 (F) structural member size and span; and

211 (G) sheathing; or

212 (ii) if the review exceeds the scope of the review described in Subsection (1)(e)(i), a
213 review that a licensed engineer conducts.

214 (f) "Technical nature" means a characteristic that places an item outside the training
215 and expertise of an individual who regularly performs plan reviews.

216 (2) (a) If a city collects a fee for the inspection of a construction project, the city shall
217 ensure that the construction project receives a prompt inspection.

218 (b) If a city cannot provide a building inspection within three business days, the city
219 shall promptly engage an independent inspector with fees collected from the applicant.

220 (3) (a) A city shall complete [~~an initial~~] a plan review of a construction project for a
221 one to two family dwelling or townhome by no later than 14 business days after the day on
222 which the plan is submitted to the city.

223 (b) A city shall complete [~~an initial~~] a plan review of a construction project for a
224 residential structure built under the International Building Code, not including a lodging
225 establishment, by no later than 21 business days after the day on which the plan is submitted to

226 the city.

227 (c) (i) Subject to Subsection (3)(c)(ii), if a city does not complete a plan review before
228 the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the
229 city complete the plan review.

230 (ii) If an applicant makes a request under Subsection (3)(c)(i), the city shall perform the
231 plan review no later than:

232 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
233 applicant makes the request; or

234 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
235 applicant makes the request.

236 (d) An applicant may:

237 (i) waive the plan review time requirements described in this Subsection (3); or

238 (ii) with the city's consent, establish an alternative plan review time requirement.

239 ~~[(c)]~~ (4) (a) A city may not enforce a requirement to have [an initial plan reviewed by
240 the city] a plan review if:

241 (i) the city does not complete the [initial] plan review within the time period described
242 in Subsection (3)(a) or (b); and

243 (ii) [~~the plan is stamped by~~] a licensed architect or structural engineer[-], or both when
244 required by law, stamps the plan.

245 (b) A city may attach to a reviewed plan a list that includes:

246 (i) items with which the city is concerned and may enforce during construction; and

247 (ii) building code violations found in the plan.

248 (c) A city may not require an applicant to redraft a plan if the city requests minor
249 changes to the plan that the list described in Subsection (4)(b) identifies.

250 (5) An applicant shall ensure that each construction project plan submitted for a plan
251 review under this section has a statement indicating that actual construction will comply with
252 applicable local ordinances and building codes.

253 Section 3. Section **17-36-55** is amended to read:

254 **17-36-55. Fees collected for construction approval -- Approval of plans.**

255 (1) As used in this section:

256 (a) "Construction project" means the same as that term is defined in Section [38-1a-102](#).

257 (b) "Lodging establishment" means a place providing temporary sleeping

258 accommodations to the public, including any of the following:

259 (i) a bed and breakfast establishment;

260 (ii) a boarding house;

261 (iii) dormitory;

262 (iv) a hotel;

263 (v) an inn;

264 (vi) a lodging house;

265 (vii) a motel;

266 (viii) a resort; or

267 (ix) a rooming house.

268 (c) "Planning review" means a review to verify that a county has approved the

269 following elements of a construction project:

270 (i) zoning;

271 (ii) lot sizes;

272 (iii) setbacks;

273 (iv) easements;

274 (v) curb and gutter elevations;

275 (vi) grades and slopes;

276 (vii) utilities;

277 (viii) street names;

278 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban

279 Interface Code adopted under Section [15A-2-103](#); and

280 (x) subdivision.

281 ~~(b)~~ (d) (i) "[~~Initial plan~~] Plan review" means all of the reviews and approvals of a

282 plan that ~~[are required by]~~ a county requires to obtain a building permit from the county[-] with
283 a scope that may not exceed a review to verify:

284 (A) that the construction project complies with the provisions of the State Construction
285 Code under Title 15A, State Construction and Fire Codes Act;

286 (B) that the construction project complies with the energy code adopted under Section
287 15A-2-103;

288 (C) that the construction project received a planning review;

289 (D) that the applicant paid any required fees;

290 (E) that the applicant obtained final approvals from any other required reviewing
291 agencies;

292 (F) that the construction project complies with federal, state, and local storm water
293 protection laws;

294 (G) that the construction project received a structural review; and

295 (H) the total square footage for each building level of finished, garage, and unfinished
296 space.

297 ~~[(i)]~~ (ii) "[~~Initial plan~~] Plan review" does not mean a review of a document:

298 (A) required to be re-submitted for additional modifications or substantive changes
299 identified by the plan review;

300 (B) submitted as part of a deferred submittal when requested by the applicant and
301 approved by the building official; or

302 (C) that, due to the document's technical nature or on the request of the applicant, is
303 reviewed by a third party.

304 ~~[(c) "Lodging establishment" means a place providing temporary sleeping~~
305 ~~accommodations to the public, including any of the following:]~~

306 ~~[(i) a bed and breakfast establishment;]~~

307 ~~[(ii) a boarding house;]~~

308 ~~[(iii) a hotel;]~~

309 ~~[(iv) an inn;]~~

310 [~~(v) a lodging house;~~]

311 [~~(vi) a motel;~~]

312 [~~(vii) a resort; or~~]

313 [~~(viii) a rooming house.~~]

314 (e) "Structural review" means:

315 (i) a review that verifies that a construction project complies with the following:

316 (A) footing size and bar placement;

317 (B) foundation thickness and bar placement;

318 (C) beam and header sizes;

319 (D) nailing patterns;

320 (E) bearing points;

321 (F) structural member size and span; and

322 (G) sheathing; or

323 (ii) if the review exceeds the scope of the review described in Subsection (1)(e)(i), a
324 review that a licensed engineer conducts.

325 (f) "Technical nature" means a characteristic that places an item outside the training
326 and expertise of an individual who regularly performs plan reviews.

327 (2) (a) If a county collects a fee for the inspection of a construction project, the county
328 shall ensure that the construction project receives a prompt inspection.

329 (b) If a county cannot provide a building inspection within three business days, the
330 county shall promptly engage an independent inspector with fees collected from the applicant.

331 (3) (a) A county shall complete [~~an initial~~] a plan review of a construction project for a
332 one to two family dwelling or townhome by no later than 14 business days after the day on
333 which the plan is submitted to the county.

334 (b) A county shall complete [~~an initial~~] a plan review of a construction project for a
335 residential structure built under the International Building Code, not including a lodging
336 establishment, by no later than 21 business days after the day on which the plan is submitted to
337 the county.

338 (c) (i) Subject to Subsection (3)(c)(ii), if a county does not complete a plan review
339 before the time period described in Subsection (3)(a) or (b) expires, an applicant may request
340 that the county complete the plan review.

341 (ii) If an applicant makes a request under Subsection (3)(c)(i), the county shall perform
342 the plan review no later than:

343 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
344 applicant makes the request; or

345 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
346 applicant makes the request.

347 (d) An applicant may:

348 (i) waive the plan review time requirements described in this Subsection (3); or

349 (ii) with the county's consent, establish an alternative plan review time requirement.

350 ~~[(e)]~~ (4) (a) A county may not enforce a requirement to have [an initial plan reviewed
351 by the county] a plan review if:

352 (i) the county does not complete the [initial] plan review within the time period
353 described in Subsection (3)(a) or (b); and

354 (ii) [the plan is stamped by] a licensed architect or structural engineer[-], or both when
355 required by law, stamps the plan.

356 (b) A county may attach to a reviewed plan a list that includes:

357 (i) items with which the county is concerned and may enforce during construction; and

358 (ii) building code violations found in the plan.

359 (c) A county may not require an applicant to redraft a plan if the county requests minor
360 changes to the plan that the list described in Subsection (4)(b) identifies.

361 (5) An applicant shall ensure that each construction project plan submitted for a plan
362 review under this section has a statement indicating that actual construction will comply with
363 applicable local ordinances and building codes.

364 Section 4. Section **63I-1-210** is amended to read:

365 **63I-1-210. Repeal dates, Title 10.**

366 ~~[(1) (a) Subsections 10-5-132(1)(b), (1)(c), and (3) are repealed July 1, 2018.]~~

367 ~~[(b) When repealing the subsections listed in Subsection (1)(a), the Office of~~
368 ~~Legislative Research and General Counsel shall, in addition to its authority under Subsection~~
369 ~~36-12-12(3), make other modifications necessary to ensure that the remaining subsections are~~
370 ~~complete sentences, grammatically correct, and have correct numbering and cross references to~~
371 ~~accurately reflect the office's perception of the Legislature's intent.]~~

372 ~~[(2) (a) Subsections 10-6-160(1)(b), (1)(c), and (3) are repealed July 1, 2018.]~~

373 ~~[(b) When repealing the subsections listed in Subsection (2)(a), the Office of~~
374 ~~Legislative Research and General Counsel shall, in addition to its authority under Subsection~~
375 ~~36-12-12(3), make other modifications necessary to ensure that the remaining subsections are~~
376 ~~complete sentences, grammatically correct, and have correct numbering and cross references to~~
377 ~~accurately reflect the office's perception of the Legislature's intent.]~~

378 ~~[(3)]~~ Section 10-9a-526 is repealed December 31, 2020.

379 Section 5. Section 63I-1-217 is amended to read:

380 **63I-1-217. Repeal dates, Title 17.**

381 ~~[(1) Subsections 17-36-55(1)(b), (1)(c), and (3) are repealed July 1, 2018.]~~

382 ~~[(2) When repealing the subsections listed in Subsection (1), the Office of Legislative~~
383 ~~Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3),~~
384 ~~make other modifications necessary to ensure that the remaining subsections are complete~~
385 ~~sentences, grammatically correct, and have correct numbering and cross references to~~
386 ~~accurately reflect the office's perception of the Legislature's intent.]~~