

Representative Steve Waldrip proposes the following substitute bill:

MUNICIPAL AND COUNTY LAND USE AND DEVELOPMENT

REVISIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Waldrip

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill revises provisions related to municipal and county land use development and management.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes certain annual training requirements for a municipal or county planning commission;
- ▶ requires a local land use authority to establish objective standards for conditional uses;
- ▶ prohibits a municipality or county from imposing certain land use regulations on specified building permit applicants;
- ▶ establishes certain requirements governing municipal and county development agreements;
- ▶ prohibits a municipality or county from imposing certain requirements related to the installation of pavement for specified infrastructure improvements involving roadways;



- 26 ▶ requires a municipality or county to establish by ordinance certain standards for
- 27 infrastructure improvements involving roadways;
- 28 ▶ modifies provisions related to property boundary adjustments, subdivision
- 29 amendments, and public street vacations;
- 30 ▶ prohibits a municipal or county land use appeal authority from hearing an appeal
- 31 from the enactment of a land use regulation; and
- 32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

- 39 10-9a-103, as last amended by Laws of Utah 2020, Chapter 434
- 40 10-9a-302, as last amended by Laws of Utah 2020, Chapter 434
- 41 10-9a-507, as last amended by Laws of Utah 2019, Chapter 384
- 42 10-9a-509, as last amended by Laws of Utah 2020, Chapter 434
- 43 10-9a-523, as enacted by Laws of Utah 2013, Chapter 334
- 44 10-9a-524, as enacted by Laws of Utah 2013, Chapter 334
- 45 10-9a-529, as enacted by Laws of Utah 2020, Chapter 434
- 46 10-9a-601, as last amended by Laws of Utah 2019, Chapter 384
- 47 10-9a-608, as last amended by Laws of Utah 2020, Chapter 434
- 48 10-9a-609.5, as last amended by Laws of Utah 2020, Chapter 434
- 49 10-9a-701, as last amended by Laws of Utah 2020, Chapters 126 and 434
- 50 10-9a-801, as last amended by Laws of Utah 2020, Chapter 434
- 51 17-27a-103, as last amended by Laws of Utah 2020, Chapter 434
- 52 17-27a-302, as last amended by Laws of Utah 2020, Chapter 434
- 53 17-27a-506, as last amended by Laws of Utah 2019, Chapter 384
- 54 17-27a-508, as last amended by Laws of Utah 2019, Chapter 384 and last amended by
- 55 Coordination Clause, Laws of Utah 2019, Chapter 384
- 56 17-27a-522, as enacted by Laws of Utah 2013, Chapter 334

- 57 [17-27a-523](#), as enacted by Laws of Utah 2013, Chapter 334
- 58 [17-27a-601](#), as last amended by Laws of Utah 2019, Chapter 384
- 59 [17-27a-608](#), as last amended by Laws of Utah 2020, Chapter 434
- 60 [17-27a-609.5](#), as last amended by Laws of Utah 2020, Chapter 434
- 61 [17-27a-701](#), as last amended by Laws of Utah 2020, Chapter 434
- 62 [17-27a-801](#), as last amended by Laws of Utah 2020, Chapter 434
- 63 [57-1-13](#), as last amended by Laws of Utah 2019, Chapter 384
- 64 [57-1-45](#), as last amended by Laws of Utah 2019, Chapter 384
- 65 [63I-2-217](#), as last amended by Laws of Utah 2020, Chapters 47, 114, and 434

66 ENACTS:

- 67 [10-9a-530](#), Utah Code Annotated 1953
- 68 [10-9a-531](#), Utah Code Annotated 1953
- 69 [17-27a-526](#), Utah Code Annotated 1953
- 70 [17-27a-527](#), Utah Code Annotated 1953



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

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

74 **10-9a-103. Definitions.**

75 As used in this chapter:

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

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

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

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

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

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

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

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

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

96 (a) a single project;

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

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

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

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

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

107 (i) an operating charter school;

108 (ii) a charter school applicant that ~~[has its application approved by]~~ a charter school
109 authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School
110 Authorization; or

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

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

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

118 (9) "Constitutional taking" means a governmental action that results in a taking of

119 private property so that compensation to the owner of the property is required by the:

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

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

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

125 (11) "Development activity" means:

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

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

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

132 (12) (a) "Development agreement" means a written agreement or amendment to a
133 written agreement between a municipality and one or more parties that regulates or controls the
134 use or development of a specific area of land.

135 (b) "Development agreement" does not include an improvement completion assurance.

136 ~~[(12)]~~ (13) (a) "Disability" means a physical or mental impairment that substantially
137 limits one or more of a person's major life activities, including a person having a record of such
138 an impairment or being regarded as having such an impairment.

139 (b) "Disability" does not include current illegal use of, or addiction to, any federally
140 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
141 802.

142 ~~[(13)]~~ (14) "Educational facility":

143 (a) means:

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

147 (ii) a structure or facility:

148 (A) located on the same property as a building described in Subsection ~~[(13)]~~

149 (14)(a)(i); and

150 (B) used in support of the use of that building; and
151 (iii) a building to provide office and related space to a school district's administrative
152 personnel; and

153 (b) does not include:

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

156 (A) not located on the same property as a building described in Subsection [~~(13)~~]
157 (14)(a)(i); and

158 (B) used in support of the purposes of a building described in Subsection [~~(13)~~]
159 (14)(a)(i); or

160 (ii) a therapeutic school.

161 [~~(14)~~] (15) "Fire authority" means the department, agency, or public entity with
162 responsibility to review and approve the feasibility of fire protection and suppression services
163 for the subject property.

164 [~~(15)~~] (16) "Flood plain" means land that:

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

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

171 [~~(16)~~] (17) "General plan" means a document that a municipality adopts that sets forth
172 general guidelines for proposed future development of the land within the municipality.

173 [~~(17)~~] (18) "Geologic hazard" means:

174 (a) a surface fault rupture;

175 (b) shallow groundwater;

176 (c) liquefaction;

177 (d) a landslide;

178 (e) a debris flow;

179 (f) unstable soil;

180 (g) a rock fall; or

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

182 (i) to life;

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

184 (iii) of substantial damage to real property.

185 [~~18~~] (19) "Historic preservation authority" means a person, board, commission, or
186 other body designated by a legislative body to:

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

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

190 [~~19~~] (20) "Hookup fee" means a fee for the installation and inspection of any pipe,
191 line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or
192 other utility system.

193 [~~20~~] (21) "Identical plans" means building plans submitted to a municipality that:

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

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

197 (c) describe a building that:

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

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

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

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

205 [~~21~~] (22) "Impact fee" means a payment of money imposed under Title 11, Chapter
206 36a, Impact Fees Act.

207 [~~22~~] (23) "Improvement completion assurance" means a surety bond, letter of credit,
208 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
209 by a municipality to guaranty the proper completion of landscaping or an infrastructure
210 improvement required as a condition precedent to:

211 (a) recording a subdivision plat; or

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

213 [~~(23)~~] (24) "Improvement warranty" means an applicant's unconditional warranty that
214 the applicant's installed and accepted landscaping or infrastructure improvement:

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

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

219 [~~(24)~~] (25) "Improvement warranty period" means a period:

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

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

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

225 (ii) has substantial evidence, on record:

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

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

229 [~~(25)~~] (26) "Infrastructure improvement" means permanent infrastructure that is
230 essential for the public health and safety or that:

231 (a) is required for human occupation; and

232 (b) an applicant must install:

233 (i) in accordance with published installation and inspection specifications for public
234 improvements; and

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

236 (A) recording a subdivision plat;

237 (B) obtaining a building permit; or

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

240 [~~(26)~~] (27) "Internal lot restriction" means a platted note, platted demarcation, or
241 platted designation that:

242 (a) runs with the land; and

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

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

247 ~~[(27)]~~ (28) "Land use applicant" means a property owner, or the property owner's
248 designee, who submits a land use application regarding the property owner's land.

249 ~~[(28)]~~ (29) "Land use application":

250 (a) means an application that is:

251 (i) required by a municipality; and

252 (ii) submitted by a land use applicant to obtain a land use decision; and

253 (b) does not mean an application to enact, amend, or repeal a land use regulation.

254 ~~[(29)]~~ (30) "Land use authority" means:

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

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

259 ~~[(30)]~~ (31) "Land use decision" means an administrative decision of a land use
260 authority or appeal authority regarding:

261 (a) a land use permit;

262 (b) a land use application; or

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

265 ~~[(31)]~~ (32) "Land use permit" means a permit issued by a land use authority.

266 ~~[(32)]~~ (33) "Land use regulation":

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

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

271 (c) does not include:

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

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

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

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

278 ~~[(33)]~~ (34) "Legislative body" means the municipal council.

279 ~~[(34)]~~ (35) "Local district" means an entity under Title 17B, Limited Purpose Local
280 Government Entities - Local Districts, and any other governmental or quasi-governmental
281 entity that is not a county, municipality, school district, or the state.

282 ~~[(35)]~~ (36) "Local historic district or area" means a geographically definable area that:

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

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

288 ~~[(36)]~~ (37) "Lot" means a tract of land, regardless of any label, that is created by and
289 shown on a subdivision plat that has been recorded in the office of the county recorder.

290 ~~[(37)]~~ (38) (a) "Lot line adjustment" means a relocation of a lot line boundary between
291 adjoining lots or between a lot and adjoining parcels~~;~~ in accordance with Section 10-9a-608:

292 (i) whether or not the lots are located in the same subdivision~~;~~ ~~in accordance with~~
293 Section 10-9a-608~~;~~; and

294 (ii) with the consent of the owners of record.

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

296 (i) creates an additional lot; or

297 (ii) constitutes a subdivision.

298 ~~[(38)]~~ (39) "Major transit investment corridor" means public transit service that uses or
299 occupies:

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

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

302 or

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

- 305 (i) a public transit district as defined in Section 17B-2a-802; or
306 (ii) an eligible political subdivision as defined in Section 59-12-2219.
- 307 ~~[(39)]~~ (40) "Moderate income housing" means housing occupied or reserved for
308 occupancy by households with a gross household income equal to or less than 80% of the
309 median gross income for households of the same size in the county in which the city is located.
- 310 ~~[(40)]~~ (41) "Municipal utility easement" means an easement that:
311 (a) is created or depicted on a plat recorded in a county recorder's office and is
312 described as a municipal utility easement granted for public use;
313 (b) is not a protected utility easement or a public utility easement as defined in Section
314 54-3-27;
315 (c) the municipality or the municipality's affiliated governmental entity uses and
316 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
317 water, or communications or data lines;
318 (d) is used or occupied with the consent of the municipality in accordance with an
319 authorized franchise or other agreement;
320 (e) (i) is used or occupied by a specified public utility in accordance with an authorized
321 franchise or other agreement; and
322 (ii) is located in a utility easement granted for public use; or
323 (f) is described in Section 10-9a-529 and is used by a specified public utility.
- 324 ~~[(41)]~~ (42) "Nominal fee" means a fee that reasonably reimburses a municipality only
325 for time spent and expenses incurred in:
326 (a) verifying that building plans are identical plans; and
327 (b) reviewing and approving those minor aspects of identical plans that differ from the
328 previously reviewed and approved building plans.
- 329 ~~[(42)]~~ (43) "Noncomplying structure" means a structure that:
330 (a) legally existed before ~~[its]~~ the structure's current land use designation; and
331 (b) because of one or more subsequent land use ordinance changes, does not conform
332 to the setback, height restrictions, or other regulations, excluding those regulations, which
333 govern the use of land.
- 334 ~~[(43)]~~ (44) "Nonconforming use" means a use of land that:
335 (a) legally existed before its current land use designation;

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

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

340 [(44)] (45) "Official map" means a map drawn by municipal authorities and recorded in
341 a county recorder's office that:

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

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

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

348 [(45)] (46) "Parcel" means any real property that is not a lot [~~created by and shown on a~~
349 ~~subdivision plat recorded in the office of the county recorder~~].

350 [(46)] (47) (a) "Parcel boundary adjustment" means a recorded agreement between
351 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
352 line agreement in accordance with Section [~~57-1-45~~] [10-9a-524](#), if no additional parcel is
353 created and:

354 (i) none of the property identified in the agreement is [~~subdivided land~~] a lot; or

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

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

358 (i) creates an additional parcel; or

359 (ii) constitutes a subdivision.

360 [(47)] (48) "Person" means an individual, corporation, partnership, organization,
361 association, trust, governmental agency, or any other legal entity.

362 [(48)] (49) "Plan for moderate income housing" means a written document adopted by
363 a municipality's legislative body that includes:

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

366 (b) an estimate of the need for moderate income housing in the municipality for the

367 next five years;

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

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

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

373 [~~(49)~~] (50) "Plat" means an instrument subdividing property into lots as depicted on a
374 map or other graphical representation of lands that a licensed professional land surveyor makes
375 and prepares in accordance with Section 10-9a-603 or 57-8-13.

376 [~~(50)~~] (51) "Potential geologic hazard area" means an area that:

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

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

383 [~~(51)~~] (52) "Public agency" means:

384 (a) the federal government;

385 (b) the state;

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

388 (d) a charter school.

389 [~~(52)~~] (53) "Public hearing" means a hearing at which members of the public are
390 provided a reasonable opportunity to comment on the subject of the hearing.

391 [~~(53)~~] (54) "Public meeting" means a meeting that is required to be open to the public
392 under Title 52, Chapter 4, Open and Public Meetings Act.

393 [~~(54)~~] (55) "Public street" means a public right-of-way, including a public highway,
394 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
395 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
396 easement, or other public way.

397 [~~(55)~~] (56) "Receiving zone" means an area of a municipality that the municipality

398 designates, by ordinance, as an area in which an owner of land may receive a transferable
399 development right.

400 ~~[(56)]~~ (57) "Record of survey map" means a map of a survey of land prepared in
401 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

402 ~~[(57)]~~ (58) "Residential facility for persons with a disability" means a residence:

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

404 (b) (i) which is licensed or certified by the Department of Human Services under Title
405 62A, Chapter 2, Licensure of Programs and Facilities; or

406 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
407 21, Health Care Facility Licensing and Inspection Act.

408 ~~[(58)]~~ (59) "Rules of order and procedure" means a set of rules that govern and
409 prescribe in a public meeting:

410 (a) parliamentary order and procedure;

411 (b) ethical behavior; and

412 (c) civil discourse.

413 ~~[(59)]~~ (60) "Sanitary sewer authority" means the department, agency, or public entity
414 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
415 wastewater systems.

416 ~~[(60)]~~ (61) "Sending zone" means an area of a municipality that the municipality
417 designates, by ordinance, as an area from which an owner of land may transfer a transferable
418 development right.

419 ~~[(61)]~~ (62) "Specified public agency" means:

420 (a) the state;

421 (b) a school district; or

422 (c) a charter school.

423 ~~[(62)]~~ (63) "Specified public utility" means an electrical corporation, gas corporation,
424 or telephone corporation, as those terms are defined in Section [54-2-1](#).

425 ~~[(63)]~~ (64) "State" includes any department, division, or agency of the state.

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

428 (65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be

429 divided into two or more lots or other division of land for the purpose, whether immediate or
 430 future, for offer, sale, lease, or development either on the installment plan or upon any and all
 431 other plans, terms, and conditions.

432 (b) "Subdivision" includes:

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

436 (ii) except as provided in Subsection (65)(c), divisions of land for residential and
 437 nonresidential uses, including land used or to be used for commercial, agricultural, and
 438 industrial purposes.

439 (c) "Subdivision" does not include:

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

444 (ii) ~~[an] a boundary line agreement recorded with the county recorder's office between~~
 445 ~~owners of adjoining [unsubdivided properties] parcels adjusting the mutual boundary [by a~~
 446 ~~boundary line agreement]~~ in accordance with Section ~~[57-1-45 if:]~~ 10-9a-524 if no new parcel
 447 is created;

448 ~~[(A) no new lot is created; and]~~

449 ~~[(B) the adjustment does not violate applicable land use ordinances;]~~

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

451 (A) revising the legal ~~[description of more than one contiguous parcel of property that~~
 452 ~~is not subdivided land]~~ descriptions of multiple parcels into one legal description
 453 encompassing all such parcels ~~[of property];~~ or

454 (B) joining a ~~[subdivided parcel of property to another parcel of property that has not~~
 455 ~~been subdivided, if the joinder does not violate applicable land use ordinances]~~ lot to a parcel;

456 (iv) ~~[an] a boundary line agreement between owners of adjoining subdivided properties~~
 457 adjusting the mutual lot line boundary in accordance with ~~[Section 10-9a-603]~~ Sections
 458 10-9a-524 and 10-9a-608 if:

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

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

461 (v) a bona fide division [~~or partition~~] of land by deed or other instrument [~~where the~~
462 ~~land use authority expressly approves~~] if the deed or other instrument states in writing that the
463 division:

464 (A) [~~in writing the division~~] is in anticipation of [~~further~~] future land use approvals on
465 the parcel or parcels;

466 (B) does not confer any land use approvals; and

467 (C) has not been approved by the land use authority;

468 (vi) a parcel boundary adjustment;

469 (vii) a lot line adjustment;

470 (viii) a road, street, or highway dedication plat; [~~or~~]

471 (ix) a deed or easement for a road, street, or highway purpose[~~:-~~]; or

472 (x) any other division of land authorized by law.

473 [~~(d) The joining of a subdivided parcel of property to another parcel of property that~~
474 ~~has not been subdivided does not constitute a subdivision under this Subsection (65) as to the~~
475 ~~unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's~~
476 ~~subdivision ordinance.]~~

477 (66) "Subdivision amendment" means an amendment to a recorded subdivision in
478 accordance with Section ~~10-9a-608~~ that:

479 (a) vacates all or a portion of the subdivision;

480 (b) alters the outside boundary of the subdivision;

481 (c) changes the number of lots within the subdivision;

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

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

485 (67) "Substantial evidence" means evidence that:

486 (a) is beyond a scintilla; and

487 (b) a reasonable mind would accept as adequate to support a conclusion.

488 [(67)] (68) "Suspect soil" means soil that has:

489 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
490 3% swell potential;

491 (b) bedrock units with high shrink or swell susceptibility; or
492 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
493 commonly associated with dissolution and collapse features.

494 [~~(68)~~] (69) "Therapeutic school" means a residential group living facility:

495 (a) for four or more individuals who are not related to:
496 (i) the owner of the facility; or
497 (ii) the primary service provider of the facility;
498 (b) that serves students who have a history of failing to function:

499 (i) at home;
500 (ii) in a public school; or
501 (iii) in a nonresidential private school; and

502 (c) that offers:
503 (i) room and board; and
504 (ii) an academic education integrated with:
505 (A) specialized structure and supervision; or

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

508 [~~(69)~~] (70) "Transferable development right" means a right to develop and use land that
509 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
510 land use rights from a designated sending zone to a designated receiving zone.

511 [~~(70)~~] (71) "Unincorporated" means the area outside of the incorporated area of a city
512 or town.

513 [~~(71)~~] (72) "Water interest" means any right to the beneficial use of water, including:

514 (a) each of the rights listed in Section 73-1-11; and
515 (b) an ownership interest in the right to the beneficial use of water represented by:
516 (i) a contract; or
517 (ii) a share in a water company, as defined in Section 73-3-3.5.

518 [~~(72)~~] (73) "Zoning map" means a map, adopted as part of a land use ordinance, that
519 depicts land use zones, overlays, or districts.

520 Section 2. Section 10-9a-302 is amended to read:

521 **10-9a-302. Planning commission powers and duties -- Training requirements.**

- 522 (1) The planning commission shall review and make a recommendation to the
523 legislative body for:
- 524 (a) a general plan and amendments to the general plan;
 - 525 (b) land use regulations, including:
 - 526 (i) ordinances regarding the subdivision of land within the municipality; and
 - 527 (ii) amendments to existing land use regulations;
 - 528 (c) an appropriate delegation of power to at least one designated land use authority to
529 hear and act on a land use application;
 - 530 (d) an appropriate delegation of power to at least one appeal authority to hear and act
531 on an appeal from a decision of the land use authority; and
 - 532 (e) application processes that:
 - 533 (i) may include a designation of routine land use matters that, upon application and
534 proper notice, will receive informal streamlined review and action if the application is
535 uncontested; and
 - 536 (ii) shall protect the right of each:
 - 537 (A) land use applicant and adversely affected party to require formal consideration of
538 any application by a land use authority;
 - 539 (B) land use applicant or adversely affected party to appeal a land use authority's
540 decision to a separate appeal authority; and
 - 541 (C) participant to be heard in each public hearing on a contested application.
- 542 (2) Before making a recommendation to a legislative body on an item described in
543 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance
544 with Section [10-9a-404](#).
- 545 (3) A legislative body may adopt, modify, or reject a planning commission's
546 recommendation to the legislative body under this section.
- 547 (4) A legislative body may consider a planning commission's failure to make a timely
548 recommendation as a negative recommendation.
- 549 (5) Nothing in this section limits the right of a municipality to initiate or propose the
550 actions described in this section.
- 551 (6) (a) (i) This Subsection (6) applies to:
- 552 (A) a city of the first, second, third, or fourth class;

553 (B) a city of the fifth class with a population of 5,000 or more, if the city is located
554 within in a county of the first, second, or third class; and

555 (C) a metro township with a population of 5,000 or more.

556 (ii) The population figures described in Subsections (6)(a)(i) shall be derived from:

557 (A) the most recent official census or census estimate of the United States Census
558 Bureau; or

559 (B) if a population figure is not available under Subsection (6)(a)(ii)(A), an estimate of
560 the Utah Population Committee.

561 (b) A municipality described in Subsection (6)(a)(i) shall ensure that each member of
562 the municipality's planning commission completes four hours of annual land use training as
563 follows:

564 (i) one hour of annual training on general powers and duties under Title 10, Chapter 9a,
565 Municipal Land Use, Development, and Management Act; and

566 (ii) three hours of annual training on land use, which may include:

567 (A) appeals and variances;

568 (B) conditional use permits;

569 (C) exactions;

570 (D) impact fees;

571 (E) vested rights;

572 (F) subdivision regulations and improvement guarantees;

573 (G) land use referenda;

574 (H) property rights;

575 (I) real estate procedures and financing;

576 (J) zoning, including use-based and form-based; and

577 (K) drafting ordinances and code that complies with statute.

578 (c) A newly appointed planning commission member may not participate in a public
579 meeting as an appointed member until the member completes the training described in
580 Subsection (6)(b)(i).

581 (d) A planning commission member may qualify for one completed hour of training
582 required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public
583 meetings of the planning commission within a calendar year.

- 584 (e) A municipality shall provide the training described in Subsection (6)(b) through:
- 585 (i) municipal staff;
- 586 (ii) the Utah League of Cities and Towns; or
- 587 (iii) a list of training courses selected by:
- 588 (A) the Utah League of Cities and Towns; or
- 589 (B) the Division of Real Estate created in Section [61-2-201](#).
- 590 (f) A municipality shall, for each planning commission member:
- 591 (i) monitor compliance with the training requirements in Subsection (6)(b); and
- 592 (ii) maintain a record of training completion at the end of each calendar year.

593 Section 3. Section **10-9a-507** is amended to read:

594 **10-9a-507. Conditional uses.**

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

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

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

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

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

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

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

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

617 Section 4. Section **10-9a-509** is amended to read:

618 **10-9a-509. Applicant's entitlement to land use application approval --**
619 **Municipality's requirements and limitations -- Vesting upon submission of development**
620 **plan and schedule.**

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

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

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

626 (ii) An applicant is entitled to approval of a land use application if the application
627 conforms to the requirements of the applicable land use regulations, land use decisions, and
628 development standards in effect when the applicant submits a complete application and pays
629 application fees, unless:

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

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

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

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

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

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

645 (d) A subsequent incorporation of a municipality or a petition that proposes the

646 incorporation of a municipality does not affect a land use application approved by a county in
647 accordance with Section 17-27a-508.

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

650 (f) A municipality may not impose on an applicant who has submitted a complete
651 application a requirement that is not expressed in:

652 (i) this chapter;

653 (ii) a municipal ordinance; or

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

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

658 (i) in a land use permit;

659 (ii) on the subdivision plat;

660 (iii) in a document on which the land use permit or subdivision plat is based;

661 (iv) in the written record evidencing approval of the land use permit or subdivision
662 plat;

663 (v) in this chapter; or

664 (vi) in a municipal ordinance.

665 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance
666 of a certificate of occupancy or acceptance of subdivision improvements because of an
667 applicant's failure to comply with a requirement that is not expressed:

668 (i) in the building permit or subdivision plat, documents on which the building permit
669 or subdivision plat is based, or the written record evidencing approval of the land use permit or
670 subdivision plat; or

671 (ii) in this chapter or the municipality's ordinances.

672 (i) A municipality may not unreasonably withhold issuance of a certificate of
673 occupancy where an applicant has met all requirements essential for the public health, public
674 safety, and general welfare of the occupants, in accordance with this chapter, unless:

675 (i) the applicant and the municipality have agreed in a written document to the
676 withholding of a certificate of occupancy; or

677 (ii) the applicant has not provided a financial assurance for required and uncompleted
678 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
679 legislative body adopts under this chapter.

680 (2) A municipality is bound by the terms and standards of applicable land use
681 regulations and shall comply with mandatory provisions of those regulations.

682 (3) A municipality may not, as a condition of land use application approval, require a
683 person filing a land use application to obtain documentation regarding a school district's
684 willingness, capacity, or ability to serve the development proposed in the land use application.

685 (4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on
686 which a subdivision plat is recorded, a municipality may not impose on a building permit
687 applicant for a single-family dwelling located within the subdivision any land use regulation
688 that is enacted within 10 years after the day on which the subdivision plat is recorded.

689 (b) Subsection (4)(a) does not apply to any changes in the requirements of the
690 applicable building code, health code, or fire code, or other similar regulations.

691 [~~4~~] (5) Upon a specified public agency's submission of a development plan and
692 schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that
693 subsection, the specified public agency vests in the municipality's applicable land use maps,
694 zoning map, hookup fees, impact fees, other applicable development fees, and land use
695 regulations in effect on the date of submission.

696 [~~5~~] (6) (a) If sponsors of a referendum timely challenge a project in accordance with
697 Subsection 20A-7-601(5)(a), the project's affected owner may rescind the project's land use
698 approval by delivering a written notice:

699 (i) to the local clerk as defined in Section 20A-7-101; and

700 (ii) no later than seven days after the day on which a petition for a referendum is
701 determined sufficient under Section 20A-7-607(5).

702 (b) Upon delivery of a written notice described in Subsection [~~5~~] (6)(a) the following
703 are rescinded and are of no further force or effect:

704 (i) the relevant land use approval; and

705 (ii) any land use regulation enacted specifically in relation to the land use approval.

706 Section 5. Section 10-9a-523 is amended to read:

707 **10-9a-523. Property boundary adjustment.**

708 ~~[(1) A property owner:]~~
709 ~~[(a) may execute a parcel boundary adjustment by quitclaim deed or by a boundary line~~
710 ~~agreement as described in Section [57-1-45](#); and]~~
711 ~~[(b) shall record the quitclaim deed or boundary line agreement in the office of the~~
712 ~~county recorder.]~~
713 ~~[(2) A parcel boundary adjustment is not subject to the review of a land use authority.]~~
714 (1) To make a parcel boundary adjustment, a property owner shall:
715 (a) execute a boundary adjustment through:
716 (i) a quitclaim deed; or
717 (ii) a boundary line agreement under Section [10-9a-524](#); and
718 (b) record the quitclaim deed or boundary line agreement described in Subsection
719 (1)(a) in the office of the county recorder of the county in which each property is located.
720 (2) To make a lot line adjustment, a property owner shall:
721 (a) obtain approval of the boundary adjustment under Section [10-9a-608](#);
722 (b) execute a boundary adjustment through:
723 (i) a quitclaim deed; or
724 (ii) a boundary line agreement under Section [10-9a-524](#); and
725 (c) record the quitclaim deed or boundary line agreement described in Subsection
726 (2)(b) in the office of the county recorder of the county in which each property is located.
727 (3) A parcel boundary adjustment under Subsection (1) is not subject to review of a
728 land use authority unless:
729 (a) the parcel includes a dwelling; and
730 (b) the land use authority's approval is required under Subsection [10-9a-524\(5\)](#).
731 (4) The recording of a boundary line agreement or other document used to adjust a
732 mutual boundary line that is not subject to review of a land use authority:
733 (a) does not constitute a land use approval; and
734 (b) does not affect the validity of the boundary line agreement or other document used
735 to adjust a mutual boundary line.
736 (5) A municipality may withhold approval of a land use application for property that is
737 subject to a recorded boundary line agreement or other document used to adjust a mutual
738 boundary line if the municipality determines that the lots or parcels, as adjusted by the

739 boundary line agreement or other document used to adjust the mutual boundary line, are not in
 740 compliance with the municipality's land use regulations in effect on the day on which the
 741 boundary line agreement or other document used to adjust the mutual boundary line is
 742 recorded.

743 Section 6. Section **10-9a-524** is amended to read:

744 **10-9a-524. Boundary line agreement.**

745 ~~[(1) As used in this section, "boundary line agreement" is an agreement described in~~
 746 ~~Section [57-1-45](#).]~~

747 ~~[(2) A property owner:]~~

748 ~~[(a) may execute a boundary line agreement; and]~~

749 ~~[(b) shall record a boundary line agreement in the office of the county recorder.]~~

750 ~~[(3) A boundary line agreement is not subject to the review of a land use authority.]~~

751 (1) If properly executed and acknowledged as required by law, an agreement between
 752 owners of adjoining property that designates the boundary line between the adjoining
 753 properties acts, upon recording in the office of the recorder of the county in which each
 754 property is located, as a quitclaim deed to convey all of each party's right, title, interest, and
 755 estate in property outside the agreed boundary line that had been the subject of the boundary
 756 line agreement or dispute that led to the boundary line agreement.

757 (2) Adjoining property owners executing a boundary line agreement described in
 758 Subsection (1) shall:

759 (a) ensure that the agreement includes:

760 (i) a legal description of the agreed upon boundary line and of each parcel or lot after
 761 the boundary line is changed;

762 (ii) the name and signature of each grantor that is party to the agreement;

763 (iii) a sufficient acknowledgment for each grantor's signature;

764 (iv) the address of each grantee for assessment purposes;

765 (v) a legal description of the parcel or lot each grantor owns before the boundary line is
 766 changed; and

767 (vi) the date of the agreement if the date is not included in the acknowledgment in a
 768 form substantially similar to a quitclaim deed as described in Section [57-1-13](#);

769 (b) if any of the property subject to the boundary line agreement is a lot, prepare an

770 amended plat in accordance with Section 10-9a-608 before executing the boundary line
771 agreement; and

772 (c) if none of the property subject to the boundary line agreement is a lot, ensure that
773 the boundary line agreement includes a statement citing the file number of a record of a survey
774 map in accordance with Section 17-23-17, unless the statement is exempted by the
775 municipality.

776 (3) A boundary line agreement described in Subsection (1) that complies with
777 Subsection (2) presumptively:

778 (a) has no detrimental effect on any easement on the property that is recorded before
779 the day on which the agreement is executed unless the owner of the property benefitting from
780 the easement specifically modifies the easement within the boundary line agreement or a
781 separate recorded easement modification or relinquishment document; and

782 (b) relocates the parties' common boundary line for an exchange of consideration.

783 (4) Notwithstanding Part 6, Subdivisions, or a municipality's ordinances or policies, a
784 boundary line agreement that only affects parcels is not subject to:

785 (a) any public notice, public hearing, or preliminary platting requirement;

786 (b) the review of a land use authority; or

787 (c) an engineering review or approval of the municipality, except as provided in
788 Subsection (5).

789 (5) (a) If a parcel that is the subject of a boundary line agreement contains a dwelling
790 unit, the municipality may require a review of the boundary line agreement if the municipality:

791 (i) adopts an ordinance that:

792 (A) requires review and approval for a boundary line agreement containing a dwelling
793 unit; and

794 (B) includes specific criteria for approval; and

795 (ii) completes the review within 14 days after the day on which the property owner
796 submits the boundary line agreement for review.

797 (b) (i) If a municipality, upon a review under Subsection (5)(a), determines that the
798 boundary line agreement is deficient or if the municipality requires additional information to
799 approve the boundary line agreement, the municipality shall send, within the time period
800 described in Subsection (5)(a)(ii), written notice to the property owner that:

801 (A) describes the specific deficiency or additional information that the municipality
802 requires to approve the boundary line agreement; and

803 (B) states that the municipality shall approve the boundary line agreement upon the
804 property owner's correction of the deficiency or submission of the additional information
805 described in Subsection (5)(b)(i)(A).

806 (ii) If a municipality, upon a review under Subsection (5)(a), approves the boundary
807 line agreement, the municipality shall send written notice of the boundary line agreement's
808 approval to the property owner within the time period described in Subsection (5)(a)(ii).

809 (c) If a municipality fails to send a written notice under Subsection (5)(b) within the
810 time period described in Subsection (5)(a)(ii), the property owner may record the boundary line
811 agreement as if no review under this Subsection (5) was required.

812 Section 7. Section **10-9a-529** is amended to read:

813 **10-9a-529. Specified public utility located in a municipal utility easement.**

814 A specified public utility may exercise each power of a public utility under Section
815 [54-3-27](#) if the specified public utility uses an easement:

- 816 (1) with the consent of a municipality; and
- 817 (2) that is located within a municipal utility easement described in [Subsection]
- 818 Subsections [10-9a-103](#)~~[(40)]~~(41)(a) through (e).

819 Section 8. Section **10-9a-530** is enacted to read:

820 **10-9a-530. Development agreements.**

821 (1) Subject to Subsection (2), a municipality may enter into a development agreement
822 containing any term that the municipality considers necessary or appropriate to accomplish the
823 purposes of this chapter.

824 (2) (a) A development agreement may not:

825 (i) limit a municipality's authority in the future to:

- 826 (A) enact a land use regulation; or
- 827 (B) take any action allowed under Section [10-8-84](#);

828 (ii) require a municipality to change the zoning designation of an area of land within
829 the municipality in the future; or

830 (iii) contain a term that conflicts with, or is different from, a standard set forth in an
831 existing land use regulation that governs the area subject to the development agreement, unless

832 the legislative body approves the development agreement in accordance with the same
833 procedures for enacting a land use regulation under Section 10-9a-502, including a review and
834 recommendation from the planning commission and a public hearing.

835 (b) A development agreement that requires the implementation of an existing land use
836 regulation as an administrative act does not require a legislative body's approval under Section
837 10-9a-502.

838 (c) A municipality may not require a development agreement as the only option for
839 developing land within the municipality.

840 (d) To the extent that a development agreement does not specifically address a matter
841 or concern related to land use or development, the matter or concern is governed by:

842 (i) this chapter; and

843 (ii) any applicable land use regulations.

844 Section 9. Section 10-9a-531 is enacted to read:

845 **10-9a-531. Infrastructure improvements involving roadways.**

846 (1) As used in this section:

847 (a) "Low impact development" means the same as that term is defined in Section
848 19-5-108.5.

849 (b) (i) "Pavement" means the bituminous or concrete surface of a roadway.

850 (ii) "Pavement" does not include a curb or gutter.

851 (c) "Residential street" means a public or private roadway that:

852 (i) currently serves or is projected to serve an area designated primarily for
853 single-family residential use;

854 (ii) requires at least two off-site parking spaces for each single-family residential
855 property abutting the roadway; and

856 (iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day,
857 based on findings contained in:

858 (A) a traffic impact study;

859 (B) the municipality's general plan under Section 10-9a-401;

860 (C) an adopted phasing plan; or

861 (D) a written plan or report on current or projected traffic usage.

862 (2) (a) Except as provided in Subsection (2)(b), a municipality may not, as part of an

863 infrastructure improvement, require the installation of pavement on a residential street at a
864 width in excess of 32 feet if the municipality requires low impact development for the area in
865 which the residential street is located.

866 (b) Subsection (2)(a) does not apply if a municipality requires the installation of
867 pavement:

868 (i) in a vehicle turnaround area; or

869 (ii) to address specific traffic flow constraints at an intersection or other area.

870 (3) (a) A municipality shall, by ordinance, establish any standards that the municipality
871 requires, as part of an infrastructure improvement, for fire department vehicle access and
872 turnaround on roadways.

873 (b) The municipality shall ensure that the standards established under Subsection (3)(a)
874 are consistent with the State Fire Code as defined in Section [15A-1-102](#).

875 Section 10. Section **10-9a-601** is amended to read:

876 **10-9a-601. Enactment of subdivision ordinance.**

877 (1) The legislative body of a municipality may enact ordinances requiring that a
878 subdivision plat comply with the provisions of the municipality's ordinances and this part
879 before:

880 (a) the subdivision plat may be filed and recorded in the county recorder's office; and

881 (b) lots may be sold.

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

884 (3) The joining of a lot or lots to a parcel does not constitute a subdivision as to the
885 parcel or subject the parcel to the municipality's subdivision ordinance.

886 Section 11. Section **10-9a-608** is amended to read:

887 **10-9a-608. Subdivision amendments.**

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

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

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

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

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

- 905 (i) any owner within the plat notifies the municipality of the owner's objection in
906 writing within 10 days of mailed notification; or
- 907 (ii) a public hearing is required because all of the owners in the subdivision have not
908 signed the revised plat.

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

913 (2) [~~Unless a local ordinance provides otherwise, the~~] The public hearing requirement
914 of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting
915 an owner's petition for a subdivision amendment if:

- 916 (a) the petition seeks to:
 - 917 (i) join two or more of the petitioner fee owner's contiguous lots;
 - 918 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
919 result in a violation of a land use ordinance or a development condition;
 - 920 (iii) adjust the lot lines of adjoining lots or [~~parcels~~] between a lot and an adjoining
921 parcel if the fee owners of each of the adjoining [~~lots or parcels~~] properties join in the petition,
922 regardless of whether the [~~lots or parcels~~] properties are located in the same subdivision;
 - 923 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
924 imposed by the local political subdivision; or

- 925 (v) alter the plat in a manner that does not change existing boundaries or other
926 attributes of lots within the subdivision that are not:
- 927 (A) owned by the petitioner; or
928 (B) designated as a common area; and
929 (b) notice has been given to [~~adjacent~~] adjoining property owners in accordance with
930 any applicable local ordinance.
- 931 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or
932 municipal utility easement is also subject to Section [10-9a-609.5](#).
- 933 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or
934 a portion of a plat shall include:
- 935 (a) the name and address of each owner of record of the land contained in the entire
936 plat or on that portion of the plat described in the petition; and
937 (b) the signature of each owner described in Subsection (4)(a) who consents to the
938 petition.
- 939 (5) (a) The owners of record of [~~adjacent parcels that are described by either a metes
940 and bounds description or by a recorded plat~~] adjoining properties where one or more of the
941 properties is a lot may exchange title to portions of those parcels if the exchange of title is
942 approved by the land use authority in accordance with Subsection (5)(b).
- 943 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
944 the exchange of title will not result in a violation of any land use ordinance.
- 945 (c) If an exchange of title is approved under Subsection (5)(b):
946 (i) a notice of approval shall be recorded in the office of the county recorder which:
947 (A) is executed by each owner included in the exchange and by the land use authority;
948 (B) contains an acknowledgment for each party executing the notice in accordance with
949 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
950 (C) recites the legal descriptions of both the original [~~parcels~~] properties and the
951 [~~parcels created by~~] properties resulting from the exchange of title; and
952 (ii) a document of conveyance shall be recorded in the office of the county recorder
953 with an amended plat.
- 954 (d) A notice of approval recorded under this Subsection (5) does not act as a
955 conveyance of title to real property and is not required in order to record a document conveying

956 title to real property.

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

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

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

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

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

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

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

970 Section 12. Section 10-9a-609.5 is amended to read:

971 **10-9a-609.5. Petition to vacate a public street.**

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

975 (2) A petition to vacate some or all of a public street or municipal utility easement shall
976 include:

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

978 (i) adjacent to the public street or municipal utility easement between the two nearest
979 public street intersections; or

980 (ii) accessed exclusively by or within 300 feet of the public street or municipal utility
981 easement;

982 (b) proof of written notice to operators of utilities and culinary water or sanitary sewer
983 facilities located within the bounds of the public street or municipal utility easement sought to
984 be vacated; and

985 (c) the signature of each owner under Subsection (2)(a) who consents to the vacation.

986 (3) If a petition is submitted containing a request to vacate some or all of a public street

987 or municipal utility easement, the legislative body shall hold a public hearing in accordance
988 with Section 10-9a-208 and determine whether:

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

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

992 (4) The legislative body may adopt an ordinance granting a petition to vacate some or
993 all of a public street or municipal utility easement if the legislative body finds that:

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

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

996 (5) If the legislative body adopts an ordinance vacating some or all of a public street or
997 municipal utility easement, the legislative body shall ensure that one or both of the following is
998 recorded in the office of the recorder of the county in which the land is located:

999 (a) a plat reflecting the vacation; or

1000 (b) (i) an ordinance described in Subsection (4); and

1001 (ii) a legal description of the public street to be vacated.

1002 (6) The action of the legislative body vacating some or all of a public street or
1003 municipal utility easement that has been dedicated to public use:

1004 (a) operates to the extent to which it is vacated, upon the effective date of the recorded
1005 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the
1006 municipality's fee in the vacated public street or municipal utility easement; and

1007 (b) may not be construed to impair:

1008 (i) any right-of-way or easement of any parcel or lot owner; [~~or~~]

1009 (ii) the rights of any public utility[~~;~~]; or

1010 (iii) the rights of a culinary water authority or sanitary sewer authority.

1011 (7) (a) A municipality may submit a petition, in accordance with Subsection (2), and
1012 initiate and complete a process to vacate some or all of a public street.

1013 (b) If a municipality submits a petition and initiates a process under Subsection (7)(a):

1014 (i) the legislative body shall hold a public hearing;

1015 (ii) the petition and process may not apply to or affect a public utility easement, except
1016 to the extent:

1017 (A) the easement is not a protected utility easement as defined in Section 54-3-27;

1018 (B) the easement is included within the public street; and
1019 (C) the notice to vacate the public street also contains a notice to vacate the easement;
1020 and
1021 (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating
1022 a public street through a recorded plat or amended plat.

1023 (8) A legislative body may not approve a petition to vacate a public street under this
1024 section unless the vacation identifies and preserves any easements owned by a culinary water
1025 authority and sanitary sewer authority for existing facilities located within the public street.

1026 Section 13. Section 10-9a-701 is amended to read:

1027 **10-9a-701. Appeal authority required -- Condition precedent to judicial review --**
1028 **Appeal authority duties.**

1029 (1) (a) Each municipality adopting a land use ordinance shall, by ordinance, establish
1030 one or more appeal authorities [~~to hear and decide~~].

1031 (b) An appeal authority described in Subsection (1)(a) shall hear and decide:

1032 [~~(a)~~] (i) requests for variances from the terms of [~~the~~] land use ordinances;
1033 [~~(b)~~] (ii) appeals from land use decisions applying [~~the~~] land use ordinances; and
1034 [~~(c)~~] (iii) appeals from a fee charged in accordance with Section 10-9a-510.

1035 (c) An appeal authority described in Subsection (1)(a) may not hear an appeal from the
1036 enactment of a land use regulation.

1037 (2) As a condition precedent to judicial review, each adversely affected party shall
1038 timely and specifically challenge a land use authority's land use decision, in accordance with
1039 local ordinance.

1040 (3) An appeal authority described in Subsection (1)(a):

1041 (a) shall:

1042 (i) act in a quasi-judicial manner; and
1043 (ii) serve as the final arbiter of issues involving the interpretation or application of land
1044 use ordinances; and

1045 (b) may not entertain an appeal of a matter in which the appeal authority, or any
1046 participating member, had first acted as the land use authority.

1047 (4) By ordinance, a municipality may:

1048 (a) designate a separate appeal authority to hear requests for variances than the appeal

1049 authority [it] the municipality designates to hear appeals;

1050 (b) designate one or more separate appeal authorities to hear distinct types of appeals
1051 of land use authority decisions;

1052 (c) require an adversely affected party to present to an appeal authority every theory of
1053 relief that [it] the adversely affected party can raise in district court;

1054 (d) not require a land use applicant or adversely affected party to pursue duplicate or
1055 successive appeals before the same or separate appeal authorities as a condition of an appealing
1056 party's duty to exhaust administrative remedies; and

1057 (e) provide that specified types of land use decisions may be appealed directly to the
1058 district court.

1059 (5) If the municipality establishes or, prior to the effective date of this chapter, has
1060 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the
1061 board, body, or panel shall:

1062 (a) notify each of [its] the members of the board, body, or panel of any meeting or
1063 hearing of the board, body, or panel;

1064 (b) provide each of [its] the members of the board, body, or panel with the same
1065 information and access to municipal resources as any other member;

1066 (c) convene only if a quorum of [its] the members of the board, body, or panel is
1067 present; and

1068 (d) act only upon the vote of a majority of [its] the convened members of the board,
1069 body, or panel.

1070 Section 14. Section **10-9a-801** is amended to read:

1071 **10-9a-801. No district court review until administrative remedies exhausted --**

1072 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**

1073 **-- Staying of decision.**

1074 (1) No person may challenge in district court a land use decision until that person has
1075 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
1076 Variances, if applicable.

1077 (2) (a) [A] Subject to Subsection (1), a land use applicant or adversely affected party
1078 may file a petition for review of [the] a land use decision with the district court within 30 days
1079 after the decision is final.

1080 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
1081 property owner files a request for arbitration of a constitutional taking issue with the property
1082 rights ombudsman under Section 13-43-204 until 30 days after:

- 1083 (A) the arbitrator issues a final award; or
- 1084 (B) the property rights ombudsman issues a written statement under Subsection
1085 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

1086 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
1087 taking issue that is the subject of the request for arbitration filed with the property rights
1088 ombudsman by a property owner.

1089 (iii) A request for arbitration filed with the property rights ombudsman after the time
1090 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

1091 (3) (a) A court shall:

1092 (i) presume that a land use regulation properly enacted under the authority of this
1093 chapter is valid; and

1094 (ii) determine only whether:

1095 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
1096 or federal law; and

1097 (B) it is reasonably debatable that the land use regulation is consistent with this
1098 chapter.

1099 (b) A court shall:

1100 (i) presume that a final land use decision of a land use authority or an appeal authority
1101 is valid; and

1102 (ii) uphold the land use decision unless the land use decision is:

1103 (A) arbitrary and capricious; or

1104 (B) illegal.

1105 (c) (i) A land use decision is arbitrary and capricious if the land use decision is not
1106 supported by substantial evidence in the record.

1107 (ii) A land use decision is illegal if the land use decision is:

1108 (A) based on an incorrect interpretation of a land use regulation; or

1109 (B) contrary to law.

1110 (d) (i) A court may affirm or reverse [~~the decision of a land use authority~~] a land use

1111 decision.

1112 (ii) If the court reverses a land use [authority's] decision, the court shall remand the
1113 matter to the land use authority with instructions to issue a land use decision consistent with
1114 the court's ruling.

1115 (4) The provisions of Subsection (2)(a) apply from the date on which the municipality
1116 takes final action on a land use application, if the municipality conformed with the notice
1117 provisions of Part 2, Notice, or for any person who had actual notice of the pending land use
1118 decision.

1119 (5) If the municipality has complied with Section 10-9a-205, a challenge to the
1120 enactment of a land use regulation or general plan may not be filed with the district court more
1121 than 30 days after the enactment.

1122 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
1123 days after the land use decision is final.

1124 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
1125 the reviewing court the record of [its] the proceedings of the land use authority or appeal
1126 authority, including [its] the minutes, findings, orders, and, if available, a true and correct
1127 transcript of [its] the proceedings.

1128 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
1129 transcript for purposes of this Subsection (7).

1130 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
1131 by the land use authority or appeal authority, as the case may be.

1132 (ii) The court may not accept or consider any evidence outside the record of the land
1133 use authority or appeal authority, as the case may be, unless that evidence was offered to the
1134 land use authority or appeal authority, respectively, and the court determines that [it] the
1135 evidence was improperly excluded.

1136 (b) If there is no record, the court may call witnesses and take evidence.

1137 (9) (a) The filing of a petition does not stay the land use decision of the land use
1138 authority or appeal authority, as the case may be.

1139 (b) (i) Before filing a petition under this section or a request for mediation or
1140 arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may
1141 petition the appeal authority to stay [its] the appeal authority's land use decision.

1142 (ii) Upon receipt of a petition to stay, the appeal authority may order [its] the appeal
1143 authority's land use decision stayed pending district court review if the appeal authority finds
1144 [~~it~~] the order to be in the best interest of the municipality.

1145 (iii) After a petition is filed under this section or a request for mediation or arbitration
1146 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
1147 injunction staying the appeal authority's land use decision.

1148 (10) If the court determines that a party initiated or pursued a challenge to [~~the~~] a land
1149 use decision on a land use application in bad faith, the court may award attorney fees.

1150 Section 15. Section 17-27a-103 is amended to read:

1151 **17-27a-103. Definitions.**

1152 As used in this chapter:

1153 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
1154 detached from a primary single-family dwelling and contained on one lot.

1155 (2) "Adversely affected party" means a person other than a land use applicant who:

1156 (a) owns real property adjoining the property that is the subject of a land use
1157 application or land use decision; or

1158 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
1159 general community as a result of the land use decision.

1160 (3) "Affected entity" means a county, municipality, local district, special service
1161 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
1162 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
1163 property owner, property owners association, public utility, or the Utah Department of
1164 Transportation, if:

1165 (a) the entity's services or facilities are likely to require expansion or significant
1166 modification because of an intended use of land;

1167 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
1168 or

1169 (c) the entity has filed with the county a request for notice during the same calendar
1170 year and before the county provides notice to an affected entity in compliance with a
1171 requirement imposed under this chapter.

1172 (4) "Affected owner" means the owner of real property that is:

- 1173 (a) a single project;
- 1174 (b) the subject of a land use approval that sponsors of a referendum timely challenged
1175 in accordance with Subsection 20A-7-601(5)(a); and
- 1176 (c) determined to be legally referable under Section 20A-7-602.8.
- 1177 (5) "Appeal authority" means the person, board, commission, agency, or other body
1178 designated by ordinance to decide an appeal of a decision of a land use application or a
1179 variance.
- 1180 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
1181 residential property if the sign is designed or intended to direct attention to a business, product,
1182 or service that is not sold, offered, or existing on the property where the sign is located.
- 1183 (7) (a) "Charter school" means:
- 1184 (i) an operating charter school;
- 1185 (ii) a charter school applicant that ~~[has its application approved by]~~ a charter school
1186 authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School
1187 Authorization; or
- 1188 (iii) an entity that is working on behalf of a charter school or approved charter
1189 applicant to develop or construct a charter school building.
- 1190 (b) "Charter school" does not include a therapeutic school.
- 1191 (8) "Chief executive officer" means the person or body that exercises the executive
1192 powers of the county.
- 1193 (9) "Conditional use" means a land use that, because of ~~[its]~~ the unique characteristics
1194 or potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,
1195 may not be compatible in some areas or may be compatible only if certain conditions are
1196 required that mitigate or eliminate the detrimental impacts.
- 1197 (10) "Constitutional taking" means a governmental action that results in a taking of
1198 private property so that compensation to the owner of the property is required by the:
- 1199 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 1200 (b) Utah Constitution, Article I, Section 22.
- 1201 (11) "County utility easement" means an easement that:
- 1202 (a) a plat recorded in a county recorder's office described as a county utility easement
1203 or otherwise as a utility easement;

1204 (b) is not a protected utility easement or a public utility easement as defined in Section
1205 54-3-27;

1206 (c) the county or the county's affiliated governmental entity owns or creates; and

1207 (d) (i) either:

1208 (A) no person uses or occupies; or

1209 (B) the county or the county's affiliated governmental entity uses and occupies to
1210 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
1211 communications or data lines; or

1212 (ii) a person uses or occupies with or without an authorized franchise or other
1213 agreement with the county.

1214 (12) "Culinary water authority" means the department, agency, or public entity with
1215 responsibility to review and approve the feasibility of the culinary water system and sources for
1216 the subject property.

1217 (13) "Development activity" means:

1218 (a) any construction or expansion of a building, structure, or use that creates additional
1219 demand and need for public facilities;

1220 (b) any change in use of a building or structure that creates additional demand and need
1221 for public facilities; or

1222 (c) any change in the use of land that creates additional demand and need for public
1223 facilities.

1224 (14) (a) "Development agreement" means a written agreement or amendment to a
1225 written agreement between a county and one or more parties that regulates or controls the use
1226 or development of a specific area of land.

1227 (b) "Development agreement" does not include an improvement completion assurance.

1228 [~~14~~] (15) (a) "Disability" means a physical or mental impairment that substantially
1229 limits one or more of a person's major life activities, including a person having a record of such
1230 an impairment or being regarded as having such an impairment.

1231 (b) "Disability" does not include current illegal use of, or addiction to, any federally
1232 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
1233 Sec. 802.

1234 [~~15~~] (16) "Educational facility":

1235 (a) means:

1236 (i) a school district's building at which pupils assemble to receive instruction in a

1237 program for any combination of grades from preschool through grade 12, including

1238 kindergarten and a program for children with disabilities;

1239 (ii) a structure or facility:

1240 (A) located on the same property as a building described in Subsection ~~[(15)]~~

1241 (16)(a)(i); and

1242 (B) used in support of the use of that building; and

1243 (iii) a building to provide office and related space to a school district's administrative

1244 personnel; and

1245 (b) does not include:

1246 (i) land or a structure, including land or a structure for inventory storage, equipment

1247 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1248 (A) not located on the same property as a building described in Subsection ~~[(15)]~~

1249 (16)(a)(i); and

1250 (B) used in support of the purposes of a building described in Subsection ~~[(15)]~~

1251 (16)(a)(i); or

1252 (ii) a therapeutic school.

1253 ~~[(16)]~~ (17) "Fire authority" means the department, agency, or public entity with

1254 responsibility to review and approve the feasibility of fire protection and suppression services

1255 for the subject property.

1256 ~~[(17)]~~ (18) "Flood plain" means land that:

1257 (a) is within the 100-year flood plain designated by the Federal Emergency

1258 Management Agency; or

1259 (b) has not been studied or designated by the Federal Emergency Management Agency

1260 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

1261 the land has characteristics that are similar to those of a 100-year flood plain designated by the

1262 Federal Emergency Management Agency.

1263 ~~[(18)]~~ (19) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

1264 ~~[(19)]~~ (20) "General plan" means a document that a county adopts that sets forth

1265 general guidelines for proposed future development of:

- 1266 (a) the unincorporated land within the county; or
- 1267 (b) for a mountainous planning district, the land within the mountainous planning
- 1268 district.
- 1269 [~~(20)~~] (21) "Geologic hazard" means:
- 1270 (a) a surface fault rupture;
- 1271 (b) shallow groundwater;
- 1272 (c) liquefaction;
- 1273 (d) a landslide;
- 1274 (e) a debris flow;
- 1275 (f) unstable soil;
- 1276 (g) a rock fall; or
- 1277 (h) any other geologic condition that presents a risk:
- 1278 (i) to life;
- 1279 (ii) of substantial loss of real property; or
- 1280 (iii) of substantial damage to real property.
- 1281 [~~(21)~~] (22) "Hookup fee" means a fee for the installation and inspection of any pipe,
- 1282 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
- 1283 utility system.
- 1284 [~~(22)~~] (23) "Identical plans" means building plans submitted to a county that:
- 1285 (a) are clearly marked as "identical plans";
- 1286 (b) are substantially identical building plans that were previously submitted to and
- 1287 reviewed and approved by the county; and
- 1288 (c) describe a building that:
- 1289 (i) is located on land zoned the same as the land on which the building described in the
- 1290 previously approved plans is located;
- 1291 (ii) is subject to the same geological and meteorological conditions and the same law
- 1292 as the building described in the previously approved plans;
- 1293 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 1294 and approved by the county; and
- 1295 (iv) does not require any additional engineering or analysis.
- 1296 [~~(23)~~] (24) "Impact fee" means a payment of money imposed under Title 11, Chapter

1297 36a, Impact Fees Act.

1298 ~~[(24)]~~ (25) "Improvement completion assurance" means a surety bond, letter of credit,
1299 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
1300 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
1301 required as a condition precedent to:

1302 (a) recording a subdivision plat; or

1303 (b) development of a commercial, industrial, mixed use, or multifamily project.

1304 ~~[(25)]~~ (26) "Improvement warranty" means an applicant's unconditional warranty that
1305 the applicant's installed and accepted landscaping or infrastructure improvement:

1306 (a) complies with the county's written standards for design, materials, and
1307 workmanship; and

1308 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1309 within the improvement warranty period.

1310 ~~[(26)]~~ (27) "Improvement warranty period" means a period:

1311 (a) no later than one year after a county's acceptance of required landscaping; or

1312 (b) no later than one year after a county's acceptance of required infrastructure, unless
1313 the county:

1314 (i) determines for good cause that a one-year period would be inadequate to protect the
1315 public health, safety, and welfare; and

1316 (ii) has substantial evidence, on record:

1317 (A) of prior poor performance by the applicant; or

1318 (B) that the area upon which the infrastructure will be constructed contains suspect soil
1319 and the county has not otherwise required the applicant to mitigate the suspect soil.

1320 ~~[(27)]~~ (28) "Infrastructure improvement" means permanent infrastructure that is
1321 essential for the public health and safety or that:

1322 (a) is required for human consumption; and

1323 (b) an applicant must install:

1324 (i) in accordance with published installation and inspection specifications for public
1325 improvements; and

1326 (ii) as a condition of:

1327 (A) recording a subdivision plat;

- 1328 (B) obtaining a building permit; or
- 1329 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
- 1330 project.
- 1331 ~~[(28)]~~ (29) "Internal lot restriction" means a platted note, platted demarcation, or
- 1332 platted designation that:
- 1333 (a) runs with the land; and
- 1334 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
- 1335 the plat; or
- 1336 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 1337 described on the plat.
- 1338 ~~[(29)]~~ (30) "Interstate pipeline company" means a person or entity engaged in natural
- 1339 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
- 1340 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 1341 ~~[(30)]~~ (31) "Intrastate pipeline company" means a person or entity engaged in natural
- 1342 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
- 1343 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 1344 ~~[(31)]~~ (32) "Land use applicant" means a property owner, or the property owner's
- 1345 designee, who submits a land use application regarding the property owner's land.
- 1346 ~~[(32)]~~ (33) "Land use application":
- 1347 (a) means an application that is:
- 1348 (i) required by a county; and
- 1349 (ii) submitted by a land use applicant to obtain a land use decision; and
- 1350 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 1351 ~~[(33)]~~ (34) "Land use authority" means:
- 1352 (a) a person, board, commission, agency, or body, including the local legislative body,
- 1353 designated by the local legislative body to act upon a land use application; or
- 1354 (b) if the local legislative body has not designated a person, board, commission,
- 1355 agency, or body, the local legislative body.
- 1356 ~~[(34)]~~ (35) "Land use decision" means an administrative decision of a land use
- 1357 authority or appeal authority regarding:
- 1358 (a) a land use permit;

- 1359 (b) a land use application; or
1360 (c) the enforcement of a land use regulation, land use permit, or development
1361 agreement.
- 1362 ~~[(35)]~~ (36) "Land use permit" means a permit issued by a land use authority.
1363 ~~[(36)]~~ (37) "Land use regulation":
1364 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1365 specification, fee, or rule that governs the use or development of land;
1366 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
1367 and
1368 (c) does not include:
1369 (i) a land use decision of the legislative body acting as the land use authority, even if
1370 the decision is expressed in a resolution or ordinance; or
1371 (ii) a temporary revision to an engineering specification that does not materially:
1372 (A) increase a land use applicant's cost of development compared to the existing
1373 specification; or
1374 (B) impact a land use applicant's use of land.
- 1375 ~~[(37)]~~ (38) "Legislative body" means the county legislative body, or for a county that
1376 has adopted an alternative form of government, the body exercising legislative powers.
1377 ~~[(38)]~~ (39) "Local district" means any entity under Title 17B, Limited Purpose Local
1378 Government Entities - Local Districts, and any other governmental or quasi-governmental
1379 entity that is not a county, municipality, school district, or the state.
- 1380 ~~[(39)]~~ (40) "Lot" means a tract of land, regardless of any label, that is created by and
1381 shown on a subdivision plat that has been recorded in the office of the county recorder.
- 1382 ~~[(40)]~~ (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between
1383 adjoining lots or between a lot and adjoining parcels[;] in accordance with Section 17-27a-608:
1384 (i) whether or not the lots are located in the same subdivision[;] ~~in accordance with~~
1385 ~~Section 17-27a-608;~~ and
1386 (ii) with the consent of the owners of record.
1387 (b) "Lot line adjustment" does not mean a new boundary line that:
1388 (i) creates an additional lot; or
1389 (ii) constitutes a subdivision.

1390 [~~(41)~~] (42) "Major transit investment corridor" means public transit service that uses or
1391 occupies:

1392 (a) public transit rail right-of-way;

1393 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1394 or

1395 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
1396 municipality or county and:

1397 (i) a public transit district as defined in Section 17B-2a-802; or

1398 (ii) an eligible political subdivision as defined in Section 59-12-2219.

1399 [~~(42)~~] (43) "Moderate income housing" means housing occupied or reserved for
1400 occupancy by households with a gross household income equal to or less than 80% of the
1401 median gross income for households of the same size in the county in which the housing is
1402 located.

1403 [~~(43)~~] (44) "Mountainous planning district" means an area:

1404 (a) designated by a county legislative body in accordance with Section 17-27a-901; and

1405 (b) that is not otherwise exempt under Section 10-9a-304.

1406 [~~(44)~~] (45) "Nominal fee" means a fee that reasonably reimburses a county only for
1407 time spent and expenses incurred in:

1408 (a) verifying that building plans are identical plans; and

1409 (b) reviewing and approving those minor aspects of identical plans that differ from the
1410 previously reviewed and approved building plans.

1411 [~~(45)~~] (46) "Noncomplying structure" means a structure that:

1412 (a) legally existed before [its] the structure's current land use designation; and

1413 (b) because of one or more subsequent land use ordinance changes, does not conform
1414 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1415 the use of land.

1416 [~~(46)~~] (47) "Nonconforming use" means a use of land that:

1417 (a) legally existed before its current land use designation;

1418 (b) has been maintained continuously since the time the land use ordinance regulation
1419 governing the land changed; and

1420 (c) because of one or more subsequent land use ordinance changes, does not conform

1421 to the regulations that now govern the use of the land.

1422 ~~[(47)]~~ (48) "Official map" means a map drawn by county authorities and recorded in
1423 the county recorder's office that:

1424 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1425 highways and other transportation facilities;

1426 (b) provides a basis for restricting development in designated rights-of-way or between
1427 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1428 the land; and

1429 (c) has been adopted as an element of the county's general plan.

1430 ~~[(48)]~~ (49) "Parcel" means any real property that is not a lot ~~[created by and shown on a~~
1431 ~~subdivision plat recorded in the office of the county recorder]~~.

1432 ~~[(49)]~~ (50) (a) "Parcel boundary adjustment" means a recorded agreement between
1433 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
1434 line agreement in accordance with Section ~~[57-1-45]~~ [17-27a-523](#), if no additional parcel is
1435 created and:

1436 (i) none of the property identified in the agreement is ~~[subdivided land]~~ a lot; or

1437 (ii) the adjustment is to the boundaries of a single person's parcels.

1438 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1439 line that:

1440 (i) creates an additional parcel; or

1441 (ii) constitutes a subdivision.

1442 ~~[(50)]~~ (51) "Person" means an individual, corporation, partnership, organization,
1443 association, trust, governmental agency, or any other legal entity.

1444 ~~[(51)]~~ (52) "Plan for moderate income housing" means a written document adopted by
1445 a county legislative body that includes:

1446 (a) an estimate of the existing supply of moderate income housing located within the
1447 county;

1448 (b) an estimate of the need for moderate income housing in the county for the next five
1449 years;

1450 (c) a survey of total residential land use;

1451 (d) an evaluation of how existing land uses and zones affect opportunities for moderate

1452 income housing; and

1453 (e) a description of the county's program to encourage an adequate supply of moderate
1454 income housing.

1455 [~~(52)~~] (53) "Planning advisory area" means a contiguous, geographically defined
1456 portion of the unincorporated area of a county established under this part with planning and
1457 zoning functions as exercised through the planning advisory area planning commission, as
1458 provided in this chapter, but with no legal or political identity separate from the county and no
1459 taxing authority.

1460 [~~(53)~~] (54) "Plat" means an instrument subdividing property into lots as depicted on a
1461 map or other graphical representation of lands that a licensed professional land surveyor makes
1462 and prepares in accordance with Section 17-27a-603 or 57-8-13.

1463 [~~(54)~~] (55) "Potential geologic hazard area" means an area that:

1464 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1465 relevant map or report as needing further study to determine the area's potential for geologic
1466 hazard; or

1467 (b) has not been studied by the Utah Geological Survey or a county geologist but
1468 presents the potential of geologic hazard because the area has characteristics similar to those of
1469 a designated geologic hazard area.

1470 [~~(55)~~] (56) "Public agency" means:

1471 (a) the federal government;

1472 (b) the state;

1473 (c) a county, municipality, school district, local district, special service district, or other
1474 political subdivision of the state; or

1475 (d) a charter school.

1476 [~~(56)~~] (57) "Public hearing" means a hearing at which members of the public are
1477 provided a reasonable opportunity to comment on the subject of the hearing.

1478 [~~(57)~~] (58) "Public meeting" means a meeting that is required to be open to the public
1479 under Title 52, Chapter 4, Open and Public Meetings Act.

1480 [~~(58)~~] (59) "Public street" means a public right-of-way, including a public highway,
1481 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
1482 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation

1483 easement, or other public way.

1484 ~~[(59)]~~ (60) "Receiving zone" means an unincorporated area of a county that the county
1485 designates, by ordinance, as an area in which an owner of land may receive a transferable
1486 development right.

1487 ~~[(60)]~~ (61) "Record of survey map" means a map of a survey of land prepared in
1488 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1489 ~~[(61)]~~ (62) "Residential facility for persons with a disability" means a residence:

1490 (a) in which more than one person with a disability resides; and

1491 (b) (i) which is licensed or certified by the Department of Human Services under Title
1492 62A, Chapter 2, Licensure of Programs and Facilities; or

1493 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
1494 21, Health Care Facility Licensing and Inspection Act.

1495 ~~[(62)]~~ (63) "Rules of order and procedure" means a set of rules that govern and
1496 prescribe in a public meeting:

1497 (a) parliamentary order and procedure;

1498 (b) ethical behavior; and

1499 (c) civil discourse.

1500 ~~[(63)]~~ (64) "Sanitary sewer authority" means the department, agency, or public entity
1501 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1502 wastewater systems.

1503 ~~[(64)]~~ (65) "Sending zone" means an unincorporated area of a county that the county
1504 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1505 development right.

1506 ~~[(65)]~~ (66) "Site plan" means a document or map that may be required by a county
1507 during a preliminary review preceding the issuance of a building permit to demonstrate that an
1508 owner's or developer's proposed development activity meets a land use requirement.

1509 ~~[(66)]~~ (67) "Specified public agency" means:

1510 (a) the state;

1511 (b) a school district; or

1512 (c) a charter school.

1513 ~~[(67)]~~ (68) "Specified public utility" means an electrical corporation, gas corporation,

1514 or telephone corporation, as those terms are defined in Section [54-2-1](#).

1515 ~~[(68)]~~ (69) "State" includes any department, division, or agency of the state.

1516 ~~[(69) "Subdivided land" means the land, tract, or lot described in a recorded~~
1517 ~~subdivision plat.]~~

1518 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
1519 divided into two or more lots or other division of land for the purpose, whether immediate or
1520 future, for offer, sale, lease, or development either on the installment plan or upon any and all
1521 other plans, terms, and conditions.

1522 (b) "Subdivision" includes:

1523 (i) the division or development of land, whether by deed, metes and bounds
1524 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
1525 the division includes all or a portion of a parcel or lot; and

1526 (ii) except as provided in Subsection (70)(c), divisions of land for residential and
1527 nonresidential uses, including land used or to be used for commercial, agricultural, and
1528 industrial purposes.

1529 (c) "Subdivision" does not include:

1530 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1531 (ii) ~~[an]~~ a boundary line agreement recorded with the county recorder's office between
1532 owners of adjoining ~~[properties]~~ parcels adjusting the mutual boundary ~~[by a boundary line~~
1533 ~~agreement]~~ in accordance with Section ~~[57-1-45 if:]~~ 17-27a-523 if no new lot is created;

1534 ~~[(A) no new lot is created; and]~~

1535 ~~[(B) the adjustment does not violate applicable land use ordinances;]~~

1536 (iii) a recorded document, executed by the owner of record:

1537 (A) revising the legal ~~[description of more than one contiguous parcel of property that~~
1538 ~~is not subdivided land]~~ descriptions of multiple parcels into one legal description
1539 encompassing all such parcels ~~[of property];~~ or

1540 (B) joining a ~~[subdivided parcel of property to another parcel of property that has not~~
1541 ~~been subdivided, if the joinder does not violate applicable land use ordinances]~~ lot to a parcel;

1542 (iv) a bona fide division or partition of land in a county other than a first class county
1543 for the purpose of siting, on one or more of the resulting separate parcels:

1544 (A) an electrical transmission line or a substation;

- 1545 (B) a natural gas pipeline or a regulation station; or
- 1546 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 1547 utility service regeneration, transformation, retransmission, or amplification facility;
- 1548 (v) ~~[an]~~ a boundary line agreement between owners of adjoining subdivided properties
- 1549 adjusting the mutual lot line boundary in accordance with ~~[Section 10-9a-603]~~ Sections
- 1550 17-27a-523 and 17-27a-608 if:
- 1551 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1552 (B) the adjustment will not violate any applicable land use ordinance;
- 1553 (vi) a bona fide division ~~[or partition]~~ of land by deed or other instrument ~~[where the~~
- 1554 ~~land use authority expressly approves]~~ if the deed or other instrument states in writing that the
- 1555 division:
- 1556 (A) ~~[in writing the division]~~ is in anticipation of ~~[further]~~ future land use approvals on
- 1557 the parcel or parcels;
- 1558 (B) does not confer any land use approvals; and
- 1559 (C) has not been approved by the land use authority;
- 1560 (vii) a parcel boundary adjustment;
- 1561 (viii) a lot line adjustment;
- 1562 (ix) a road, street, or highway dedication plat; ~~[or]~~
- 1563 (x) a deed or easement for a road, street, or highway purpose~~[-];~~ or
- 1564 (xi) any other division of land authorized by law.
- 1565 ~~[(d) The joining of a subdivided parcel of property to another parcel of property that~~
- 1566 ~~has not been subdivided does not constitute a subdivision under this Subsection (70) as to the~~
- 1567 ~~unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision~~
- 1568 ~~ordinance.]~~
- 1569 (71) "Subdivision amendment" means an amendment to a recorded subdivision in
- 1570 accordance with Section 17-27a-608 that:
- 1571 (a) vacates all or a portion of the subdivision;
- 1572 (b) alters the outside boundary of the subdivision;
- 1573 (c) changes the number of lots within the subdivision;
- 1574 (d) alters a public right-of-way, a public easement, or public infrastructure within the
- 1575 subdivision; or

- 1576 (e) alters a common area or other common amenity within the subdivision.
- 1577 (72) "Substantial evidence" means evidence that:
- 1578 (a) is beyond a scintilla; and
- 1579 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1580 [~~(72)~~] (73) "Suspect soil" means soil that has:
- 1581 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1582 3% swell potential;
- 1583 (b) bedrock units with high shrink or swell susceptibility; or
- 1584 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1585 commonly associated with dissolution and collapse features.
- 1586 [~~(73)~~] (74) "Therapeutic school" means a residential group living facility:
- 1587 (a) for four or more individuals who are not related to:
- 1588 (i) the owner of the facility; or
- 1589 (ii) the primary service provider of the facility;
- 1590 (b) that serves students who have a history of failing to function:
- 1591 (i) at home;
- 1592 (ii) in a public school; or
- 1593 (iii) in a nonresidential private school; and
- 1594 (c) that offers:
- 1595 (i) room and board; and
- 1596 (ii) an academic education integrated with:
- 1597 (A) specialized structure and supervision; or
- 1598 (B) services or treatment related to a disability, an emotional development, a
- 1599 behavioral development, a familial development, or a social development.
- 1600 [~~(74)~~] (75) "Transferable development right" means a right to develop and use land that
- 1601 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 1602 land use rights from a designated sending zone to a designated receiving zone.
- 1603 [~~(75)~~] (76) "Unincorporated" means the area outside of the incorporated area of a
- 1604 municipality.
- 1605 [~~(76)~~] (77) "Water interest" means any right to the beneficial use of water, including:
- 1606 (a) each of the rights listed in Section 73-1-11; and

1607 (b) an ownership interest in the right to the beneficial use of water represented by:

1608 (i) a contract; or

1609 (ii) a share in a water company, as defined in Section 73-3-3.5.

1610 [~~(77)~~] (78) "Zoning map" means a map, adopted as part of a land use ordinance, that
1611 depicts land use zones, overlays, or districts.

1612 Section 16. Section 17-27a-302 is amended to read:

1613 **17-27a-302. Planning commission powers and duties -- Training requirements.**

1614 (1) Each countywide, planning advisory area, or mountainous planning district
1615 planning commission shall, with respect to the unincorporated area of the county, the planning
1616 advisory area, or the mountainous planning district, review and make a recommendation to the
1617 county legislative body for:

1618 (a) a general plan and amendments to the general plan;

1619 (b) land use regulations, including:

1620 (i) ordinances regarding the subdivision of land within the county; and

1621 (ii) amendments to existing land use regulations;

1622 (c) an appropriate delegation of power to at least one designated land use authority to
1623 hear and act on a land use application;

1624 (d) an appropriate delegation of power to at least one appeal authority to hear and act
1625 on an appeal from a decision of the land use authority; and

1626 (e) application processes that:

1627 (i) may include a designation of routine land use matters that, upon application and
1628 proper notice, will receive informal streamlined review and action if the application is
1629 uncontested; and

1630 (ii) shall protect the right of each:

1631 (A) land use applicant and adversely affected party to require formal consideration of
1632 any application by a land use authority;

1633 (B) land use applicant or adversely affected party to appeal a land use authority's
1634 decision to a separate appeal authority; and

1635 (C) participant to be heard in each public hearing on a contested application.

1636 (2) Before making a recommendation to a legislative body on an item described in
1637 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance

1638 with Section [17-27a-404](#).

1639 (3) A legislative body may adopt, modify, or reject a planning commission's
1640 recommendation to the legislative body under this section.

1641 (4) A legislative body may consider a planning commission's failure to make a timely
1642 recommendation as a negative recommendation.

1643 (5) Nothing in this section limits the right of a county to initiate or propose the actions
1644 described in this section.

1645 (6) (a) (i) This Subsection (6) applies to a county that:

1646 (A) is a county of the first, second, or third class; and

1647 (B) has a population in the county's unincorporated areas of 5,000 or more.

1648 (ii) The population figure described in Subsection (6)(a)(i) shall be derived from:

1649 (A) the most recent official census or census estimate of the United States Census

1650 Bureau; or

1651 (B) if a population figure is not available under Subsection (6)(a)(ii)(A), an estimate of
1652 the Utah Population Committee.

1653 (b) A county described in Subsection (6)(a)(i) shall ensure that each member of the
1654 county's planning commission completes four hours of annual land use training as follows:

1655 (i) one hour of annual training on general powers and duties under Title 17, Chapter
1656 27a, County Land Use, Development, and Management Act; and

1657 (ii) three hours of annual training on land use, which may include:

1658 (A) appeals and variances;

1659 (B) conditional use permits;

1660 (C) exactions;

1661 (D) impact fees;

1662 (E) vested rights;

1663 (F) subdivision regulations and improvement guarantees;

1664 (G) land use referenda;

1665 (H) property rights;

1666 (I) real estate procedures and financing;

1667 (J) zoning, including use-based and form-based; and

1668 (K) drafting ordinances and code that complies with statute.

1669 (c) A newly appointed planning commission member may not participate in a public
1670 meeting as an appointed member until the member completes the training described in
1671 Subsection (6)(b)(i).

1672 (d) A planning commission member may qualify for one completed hour of training
1673 required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public
1674 meetings of the planning commission within a calendar year.

1675 (e) A county shall provide the training described in Subsection (6)(b) through:

1676 (i) county staff;

1677 (ii) the Utah Association of Counties; or

1678 (iii) a list of training courses selected by:

1679 (A) the Utah Association of Counties; or

1680 (B) the Division of Real Estate created in Section [61-2-201](#).

1681 (f) A county shall, for each planning commission member:

1682 (i) monitor compliance with the training requirements in Subsection (6)(b); and

1683 (ii) maintain a record of training completion at the end of each calendar year.

1684 Section 17. Section **17-27a-506** is amended to read:

1685 **17-27a-506. Conditional uses.**

1686 (1) (a) A county may adopt a land use ordinance that includes conditional uses and
1687 provisions for conditional uses that require compliance with objective standards set forth in an
1688 applicable ordinance.

1689 (b) A county may not impose a requirement or standard on a conditional use that
1690 conflicts with a provision of this chapter or other state or federal law.

1691 (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions
1692 are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of
1693 the proposed use in accordance with applicable standards.

1694 (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate
1695 anticipated detrimental effects of the proposed conditional use does not require elimination of
1696 the detrimental effects.

1697 (b) If a land use authority proposes reasonable conditions on a proposed conditional
1698 use, the land use authority shall ensure that the conditions are stated on the record and
1699 reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

1700 (c) If the reasonably anticipated detrimental effects of a proposed conditional use
1701 cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to
1702 achieve compliance with applicable standards, the land use authority may deny the conditional
1703 use.

1704 (3) A land use authority's decision to approve or deny a conditional use is an
1705 administrative land use decision.

1706 (4) A legislative body shall classify any use that a land use regulation allows in a
1707 zoning district as either a permitted or conditional use under this chapter.

1708 Section 18. Section 17-27a-508 is amended to read:

1709 **17-27a-508. Applicant's entitlement to land use application approval --**
1710 **Application relating to land in a high priority transportation corridor -- County's**
1711 **requirements and limitations -- Vesting upon submission of development plan and**
1712 **schedule.**

1713 (1) (a) (i) An applicant who has submitted a complete land use application, including
1714 the payment of all application fees, is entitled to substantive review of the application under the
1715 land use regulations:

1716 (A) in effect on the date that the application is complete; and

1717 (B) applicable to the application or to the information shown on the submitted
1718 application.

1719 (ii) An applicant is entitled to approval of a land use application if the application
1720 conforms to the requirements of the applicable land use regulations, land use decisions, and
1721 development standards in effect when the applicant submits a complete application and pays all
1722 application fees, unless:

1723 (A) the land use authority, on the record, formally finds that a compelling,
1724 countervailing public interest would be jeopardized by approving the application and specifies
1725 the compelling, countervailing public interest in writing; or

1726 (B) in the manner provided by local ordinance and before the applicant submits the
1727 application, the county formally initiates proceedings to amend the county's land use
1728 regulations in a manner that would prohibit approval of the application as submitted.

1729 (b) The county shall process an application without regard to proceedings the county
1730 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

- 1731 (i) 180 days have passed since the county initiated the proceedings; and
1732 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
1733 application as submitted.
- 1734 (c) A land use application is considered submitted and complete when the applicant
1735 provides the application in a form that complies with the requirements of applicable ordinances
1736 and pays all applicable fees.
- 1737 (d) The continuing validity of an approval of a land use application is conditioned upon
1738 the applicant proceeding after approval to implement the approval with reasonable diligence.
- 1739 (e) A county may not impose on an applicant who has submitted a complete
1740 application a requirement that is not expressed:
- 1741 (i) in this chapter;
1742 (ii) in a county ordinance; or
1743 (iii) in a county specification for public improvements applicable to a subdivision or
1744 development that is in effect on the date that the applicant submits an application.
- 1745 (f) A county may not impose on a holder of an issued land use permit or a final,
1746 unexpired subdivision plat a requirement that is not expressed:
- 1747 (i) in a land use permit;
1748 (ii) on the subdivision plat;
1749 (iii) in a document on which the land use permit or subdivision plat is based;
1750 (iv) in the written record evidencing approval of the land use permit or subdivision
1751 plat;
- 1752 (v) in this chapter; or
1753 (vi) in a county ordinance.
- 1754 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a
1755 certificate of occupancy or acceptance of subdivision improvements because of an applicant's
1756 failure to comply with a requirement that is not expressed:
- 1757 (i) in the building permit or subdivision plat, documents on which the building permit
1758 or subdivision plat is based, or the written record evidencing approval of the building permit or
1759 subdivision plat; or
1760 (ii) in this chapter or the county's ordinances.
- 1761 (h) A county may not unreasonably withhold issuance of a certificate of occupancy

1762 where an applicant has met all requirements essential for the public health, public safety, and
1763 general welfare of the occupants, in accordance with this chapter, unless:

1764 (i) the applicant and the county have agreed in a written document to the withholding
1765 of a certificate of occupancy; or

1766 (ii) the applicant has not provided a financial assurance for required and uncompleted
1767 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
1768 legislative body adopts under this chapter.

1769 (2) A county is bound by the terms and standards of applicable land use regulations and
1770 shall comply with mandatory provisions of those regulations.

1771 (3) A county may not, as a condition of land use application approval, require a person
1772 filing a land use application to obtain documentation regarding a school district's willingness,
1773 capacity, or ability to serve the development proposed in the land use application.

1774 (4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on
1775 which a subdivision plat is recorded, a county may not impose on a building permit applicant
1776 for a single-family dwelling located within the subdivision any land use regulation that is
1777 enacted within 10 years after the day on which the subdivision plat is recorded.

1778 (b) Subsection (4)(a) does not apply to any changes in the requirements of the
1779 applicable building code, health code, or fire code, or other similar regulations.

1780 [~~4~~] (5) Upon a specified public agency's submission of a development plan and
1781 schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that
1782 subsection, the specified public agency vests in the county's applicable land use maps, zoning
1783 map, hookup fees, impact fees, other applicable development fees, and land use regulations in
1784 effect on the date of submission.

1785 [~~5~~] (6) (a) If sponsors of a referendum timely challenge a project in accordance with
1786 Subsection 20A-7-601(5)(a), the project's affected owner may rescind the project's land use
1787 approval by delivering a written notice:

1788 (i) to the local clerk as defined in Section 20A-7-101; and

1789 (ii) no later than seven days after the day on which a petition for a referendum is
1790 determined sufficient under Section 20A-7-607(5).

1791 (b) Upon delivery of a written notice described in Subsection [~~5~~] (6)(a) the following
1792 are rescinded and are of no further force or effect:

- 1793 (i) the relevant land use approval; and
- 1794 (ii) any land use regulation enacted specifically in relation to the land use approval.
- 1795 Section 19. Section **17-27a-522** is amended to read:
- 1796 **17-27a-522. Parcel boundary adjustment.**
- 1797 [~~(1) A property owner:~~]
- 1798 [~~(a) may execute a parcel boundary adjustment by quitclaim deed or by a boundary line~~
- 1799 ~~agreement as described in Section [57-1-45](#); and]~~
- 1800 [~~(b) shall record the quitclaim deed or boundary line agreement in the office of the~~
- 1801 ~~county recorder.]~~
- 1802 [~~(2) A parcel boundary adjustment is not subject to the review of a land use authority.]~~
- 1803 (1) To make a parcel line adjustment, a property owner shall:
- 1804 (a) execute a boundary adjustment through:
- 1805 (i) a quitclaim deed; or
- 1806 (ii) a boundary line agreement under Section [17-27a-523](#); and
- 1807 (b) record the quitclaim deed or boundary line agreement described in Subsection
- 1808 (1)(a) in the office of the county recorder of the county in which each property is located.
- 1809 (2) To make a lot line adjustment, a property owner shall:
- 1810 (a) obtain approval of the boundary adjustment under Section [17-27a-608](#);
- 1811 (b) execute a boundary adjustment through:
- 1812 (i) a quitclaim deed; or
- 1813 (ii) a boundary line agreement under Section [17-27a-523](#); and
- 1814 (c) record the quitclaim deed or boundary line agreement described in Subsection
- 1815 (2)(b) in the office of the county recorder of the county in which each property is located.
- 1816 (3) A parcel boundary adjustment under Subsection (1) is not subject to review of a
- 1817 land use authority unless:
- 1818 (a) the parcel includes a dwelling; and
- 1819 (b) the land use authority's approval is required under Subsection [17-27a-523\(5\)](#).
- 1820 (4) The recording of a boundary line agreement or other document used to adjust a
- 1821 mutual boundary line that is not subject to review of a land use authority:
- 1822 (a) does not constitute a land use approval; and
- 1823 (b) does not affect the validity of the boundary line agreement or other document used

1824 to adjust a mutual boundary line.

1825 (5) A county may withhold approval of a land use application for property that is
1826 subject to a recorded boundary line agreement or other document used to adjust a mutual
1827 boundary line if the municipality determines that the lots or parcels, as adjusted by the
1828 boundary line agreement or other document used to adjust the mutual boundary line, are not in
1829 compliance with the county's land use regulations in effect on the day on which the boundary
1830 line agreement or other document used to adjust the mutual boundary line is recorded.

1831 Section 20. Section **17-27a-523** is amended to read:

1832 **17-27a-523. Boundary line agreement.**

1833 ~~[(1) As used in this section, "boundary line agreement" is an agreement described in~~
1834 ~~Section 57-1-45.]~~

1835 ~~[(2) A property owner:]~~

1836 ~~[(a) may execute a boundary line agreement; and]~~

1837 ~~[(b) shall record a boundary line agreement in the office of the county recorder.]~~

1838 ~~[(3) A boundary line agreement is not subject to the review of a land use authority.]~~

1839 (1) If properly executed and acknowledged as required by law, an agreement between
1840 owners of adjoining property that designates the boundary line between the adjoining
1841 properties acts, upon recording in the office of the recorder of the county in which each
1842 property is located, as a quitclaim deed to convey all of each party's right, title, interest, and
1843 estate in property outside the agreed boundary line that had been the subject of the boundary
1844 line agreement or dispute that led to the boundary line agreement.

1845 (2) Adjoining property owners executing a boundary line agreement described in
1846 Subsection (1) shall:

1847 (a) ensure that the agreement includes:

1848 (i) a legal description of the agreed upon boundary line and of each parcel or lot after
1849 the boundary line is changed;

1850 (ii) the name and signature of each grantor that is party to the agreement;

1851 (iii) a sufficient acknowledgment for each grantor's signature;

1852 (iv) the address of each grantee for assessment purposes;

1853 (v) a legal description of the parcel or lot each grantor owns before the boundary line is
1854 changed; and

1855 (vi) the date of the agreement if the date is not included in the acknowledgment in a
1856 form substantially similar to a quitclaim deed as described in Section 57-1-13;

1857 (b) if any of the property subject to the boundary line agreement is a lot, prepare an
1858 amended plat in accordance with Section 17-27a-608 before executing the boundary line
1859 agreement; and

1860 (c) if none of the property subject to the boundary line agreement is a lot, ensure that
1861 the boundary line agreement includes a statement citing the file number of a record of a survey
1862 map in accordance with Section 17-23-17, unless the statement is exempted by the county.

1863 (3) A boundary line agreement described in Subsection (1) that complies with
1864 Subsection (2) presumptively:

1865 (a) has no detrimental effect on any easement on the property that is recorded before
1866 the day on which the agreement is executed unless the owner of the property benefitting from
1867 the easement specifically modifies the easement within the boundary line agreement or a
1868 separate recorded easement modification or relinquishment document; and

1869 (b) relocates the parties' common boundary line for an exchange of consideration.

1870 (4) Notwithstanding Part 6, Subdivisions, or a county's ordinances or policies, a
1871 boundary line agreement that only affects parcels is not subject to:

1872 (a) any public notice, public hearing, or preliminary platting requirement;

1873 (b) the review of a land use authority; or

1874 (c) an engineering review or approval of the municipality, except as provided in
1875 Subsection (5).

1876 (5) (a) If a parcel that is the subject of a boundary line agreement contains a dwelling
1877 unit, the municipality may require a review of the boundary line agreement if the county:

1878 (i) adopts an ordinance that:

1879 (A) requires review and approval for a boundary line agreement containing a dwelling
1880 unit; and

1881 (B) includes specific criteria for approval; and

1882 (ii) completes the review within 14 days after the day on which the property owner
1883 submits the boundary line agreement for review.

1884 (b) (i) If a county, upon a review under Subsection (5)(a), determines that the boundary
1885 line agreement is deficient or if the county requires additional information to approve the

1886 boundary line agreement, the county shall send, within the time period described in Subsection
1887 (5)(a)(ii), written notice to the property owner that:

1888 (A) describes the specific deficiency or additional information that the county requires
1889 to approve the boundary line agreement; and

1890 (B) states that the county shall approve the boundary line agreement upon the property
1891 owner's correction of the deficiency or submission of the additional information described in
1892 Subsection (5)(b)(i)(A).

1893 (ii) If a county, upon a review under Subsection (5)(a), approves the boundary line
1894 agreement, the county shall send written notice of the boundary line agreement's approval to
1895 the property owner within the time period described in Subsection (5)(a)(ii).

1896 (c) If a county fails to send a written notice under Subsection (5)(b) within the time
1897 period described in Subsection (5)(a)(ii), the property owner may record the boundary line
1898 agreement as if no review under this Subsection (5) was required.

1899 Section 21. Section **17-27a-526** is enacted to read:

1900 **17-27a-526. Development agreements.**

1901 (1) Subject to Subsection (2), a county may enter into a development agreement
1902 containing any term that the county considers necessary or appropriate to accomplish the
1903 purposes of this chapter.

1904 (2) (a) A development agreement may not:

1905 (i) limit a county's authority in the future to:

1906 (A) enact a land use regulation; or

1907 (B) take any action allowed under Section [17-53-223](#);

1908 (ii) require a county to change the zoning designation of an area of land within the
1909 county in the future; or

1910 (iii) contain a term that conflicts with, or is different from, a standard set forth in an
1911 existing land use regulation that governs the area subject to the development agreement, unless
1912 the legislative body approves the development agreement in accordance with the same
1913 procedures for enacting a land use regulation under Section [17-27a-502](#), including a review and
1914 recommendation from the planning commission and a public hearing.

1915 (b) A development agreement that requires the implementation of an existing land use
1916 regulation as an administrative act does not require a legislative body's approval under Section

1917 [17-27a-502.](#)

1918 (c) A county may not require a development agreement as the only option for
1919 developing land within the county.

1920 (d) To the extent that a development agreement does not specifically address a matter
1921 or concern related to land use or development, the matter or concern is governed by:

1922 (i) this chapter; and

1923 (ii) any applicable land use regulations.

1924 Section 22. Section **17-27a-527** is enacted to read:

1925 **17-27a-527. Infrastructure improvements involving roadways.**

1926 (1) As used in this section:

1927 (a) "Low impact development" means the same as that term is defined in Section
1928 19-5-108.5.

1929 (b) (i) "Pavement" means the bituminous or concrete surface of a roadway.

1930 (ii) "Pavement" does not include a curb or gutter.

1931 (c) "Residential street" means a public or private roadway that:

1932 (i) currently serves or is projected to serve an area designated primarily for
1933 single-family residential use;

1934 (ii) requires at least two off-site parking spaces for each single-family residential
1935 property abutting the roadway; and

1936 (iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day,
1937 based on findings contained in:

1938 (A) a traffic impact study;

1939 (B) the county's general plan under Section [17-27a-401](#);

1940 (C) an adopted phasing plan; or

1941 (D) a written plan or report on current or projected traffic usage.

1942 (2) (a) Except as provided in Subsection (2)(b), a county may not, as part of an
1943 infrastructure improvement, require the installation of pavement on a residential street at a
1944 width in excess of 32 feet if the county requires low impact development for the area in which
1945 the residential street is located.

1946 (b) Subsection (2)(a) does not apply if a county requires the installation of pavement:

1947 (i) in a vehicle turnaround area; or

1948 (ii) to address specific traffic flow constraints at an intersection or other area.
 1949 (3) (a) A county shall, by ordinance, establish any standards that the county requires, as
 1950 part of an infrastructure improvement, for fire department vehicle access and turnaround on
 1951 roadways.

1952 (b) The county shall ensure that the standards established under Subsection (3)(a) are
 1953 consistent with the State Fire Code as defined in Section [15A-1-102](#).

1954 Section 23. Section **17-27a-601** is amended to read:

1955 **17-27a-601. Enactment of subdivision ordinance.**

1956 (1) The legislative body of a county may enact ordinances requiring that a subdivision
 1957 plat comply with the provisions of the county's ordinances and this part before:

- 1958 (a) the subdivision plat may be filed and recorded in the county recorder's office; and
- 1959 (b) lots may be sold.

1960 (2) If the legislative body fails to enact a subdivision ordinance, the county may
 1961 regulate subdivisions only as provided in this part.

1962 (3) The joining of a lot or lots to a parcel does not constitute a subdivision as to the
 1963 parcel or subject the parcel to the county's subdivision ordinance.

1964 Section 24. Section **17-27a-608** is amended to read:

1965 **17-27a-608. Subdivision amendments.**

1966 (1) (a) A fee owner of [~~land~~] a lot, as shown on the last county assessment roll, in a
 1967 [~~subdivision~~] plat that has been laid out and platted as provided in this part may file a written
 1968 petition with the land use authority to request a subdivision amendment.

1969 (b) Upon filing a written petition to request a subdivision amendment under Subsection
 1970 (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in
 1971 accordance with Section [17-27a-603](#) that:

- 1972 (i) depicts only the portion of the subdivision that is proposed to be amended;
- 1973 (ii) includes a plat name distinguishing the amended plat from the original plat;
- 1974 (iii) describes the differences between the amended plat and the original plat; and
- 1975 (iv) includes references to the original plat.

1976 (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide
 1977 notice of the petition by mail, email, or other effective means to each affected entity that
 1978 provides a service to an owner of record of the portion of the plat that is being amended at least

1979 10 calendar days before the land use authority may approve the petition for a subdivision
1980 amendment.

1981 (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
1982 public hearing within 45 days after the day on which the petition is filed if:

1983 (i) any owner within the plat notifies the county of the owner's objection in writing
1984 within 10 days of mailed notification; or

1985 (ii) a public hearing is required because all of the owners in the subdivision have not
1986 signed the revised plat.

1987 (e) A land use authority may not approve a petition for a subdivision amendment under
1988 this section unless the amendment identifies and preserves any easements owned by a culinary
1989 water authority and sanitary sewer authority for existing facilities located within the
1990 subdivision.

1991 (2) [~~Unless a local ordinance provides otherwise, the~~] The public hearing requirement
1992 of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting
1993 an owner's petition for a subdivision amendment if:

1994 (a) the petition seeks to:

1995 (i) join two or more of the petitioning fee owner's contiguous lots;

1996 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
1997 result in a violation of a land use ordinance or a development condition;

1998 (iii) adjust the lot lines of adjoining lots or [~~parcels~~] between a lot and an adjoining
1999 parcel if the fee owners of each of the adjoining [~~lots or parcels~~] properties join the petition,
2000 regardless of whether the [~~lots or parcels~~] properties are located in the same subdivision;

2001 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
2002 imposed by the local political subdivision; or

2003 (v) alter the plat in a manner that does not change existing boundaries or other
2004 attributes of lots within the subdivision that are not:

2005 (A) owned by the petitioner; or

2006 (B) designated as a common area; and

2007 (b) notice has been given to [~~adjacent~~] adjoining property owners in accordance with
2008 any applicable local ordinance.

2009 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or

2010 county utility easement is also subject to Section 17-27a-609.5.

2011 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or
2012 a portion of a plat shall include:

2013 (a) the name and address of each owner of record of the land contained in:

2014 (i) the entire plat; or

2015 (ii) that portion of the plan described in the petition; and

2016 (b) the signature of each owner who consents to the petition.

2017 (5) (a) The owners of record of ~~adjacent parcels that are described by either a metes~~
2018 ~~and bounds description or by a recorded plat~~ adjoining properties where one or more of the
2019 properties is a lot may exchange title to portions of those ~~parcels~~ properties if the exchange of
2020 title is approved by the land use authority in accordance with Subsection (5)(b).

2021 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
2022 the exchange of title will not result in a violation of any land use ordinance.

2023 (c) If an exchange of title is approved under Subsection (5)(b):

2024 (i) a notice of approval shall be recorded in the office of the county recorder which:

2025 (A) is executed by each owner included in the exchange and by the land use authority;

2026 (B) contains an acknowledgment for each party executing the notice in accordance with
2027 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

2028 (C) recites the legal descriptions of both the ~~original~~ properties parcels and the
2029 ~~parcels created by~~ properties resulting from the exchange of title; and

2030 (ii) a document of conveyance of title reflecting the approved change shall be recorded
2031 in the office of the county recorder with an amended plat.

2032 (d) A notice of approval recorded under this Subsection (5) does not act as a
2033 conveyance of title to real property and is not required to record a document conveying title to
2034 real property.

2035 (6) (a) The name of a recorded subdivision may be changed by recording an amended
2036 plat making that change, as provided in this section and subject to Subsection (6)(c).

2037 (b) The surveyor preparing the amended plat shall certify that the surveyor:

2038 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
2039 Professional Land Surveyors Licensing Act;

2040 (ii) has completed a survey of the property described on the plat in accordance with

2041 Section 17-23-17 and has verified all measurements; and

2042 (iii) has placed monuments as represented on the plat.

2043 (c) An owner of land may not submit for recording an amended plat that gives the
2044 subdivision described in the amended plat the same name as a subdivision recorded in the
2045 county recorder's office.

2046 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
2047 document that purports to change the name of a recorded plat is void.

2048 Section 25. Section 17-27a-609.5 is amended to read:

2049 **17-27a-609.5. Petition to vacate a public street.**

2050 (1) In lieu of vacating some or all of a public street through a plat or amended plat in
2051 accordance with Sections 17-27a-603 through 17-27a-609, a legislative body may approve a
2052 petition to vacate a public street in accordance with this section.

2053 (2) A petition to vacate some or all of a public street or county utility easement shall
2054 include:

2055 (a) the name and address of each owner of record of land that is:

2056 (i) adjacent to the public street or county utility easement between the two nearest
2057 public street intersections; or

2058 (ii) accessed exclusively by or within 300 feet of the public street or county utility
2059 easement;

2060 (b) proof of written notice to operators of utilities and culinary water or sanitary sewer
2061 facilities located within the bounds of the public street or county utility easement sought to be
2062 vacated; and

2063 (c) the signature of each owner under Subsection (2)(a) who consents to the vacation.

2064 (3) If a petition is submitted containing a request to vacate some or all of a public street
2065 or county utility easement, the legislative body shall hold a public hearing in accordance with
2066 Section 17-27a-208 and determine whether:

2067 (a) good cause exists for the vacation; and

2068 (b) the public interest or any person will be materially injured by the proposed
2069 vacation.

2070 (4) The legislative body may adopt an ordinance granting a petition to vacate some or
2071 all of a public street or county utility easement if the legislative body finds that:

2072 (a) good cause exists for the vacation; and
2073 (b) neither the public interest nor any person will be materially injured by the vacation.
2074 (5) If the legislative body adopts an ordinance vacating some or all of a public street or
2075 county utility easement, the legislative body shall ensure that one or both of the following is
2076 recorded in the office of the recorder of the county in which the land is located:
2077 (a) a plat reflecting the vacation; or
2078 (b) (i) an ordinance described in Subsection (4); and
2079 (ii) a legal description of the public street to be vacated.
2080 (6) The action of the legislative body vacating some or all of a public street or county
2081 utility easement that has been dedicated to public use:
2082 (a) operates to the extent to which it is vacated, upon the effective date of the recorded
2083 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the county's
2084 fee in the vacated street, right-of-way, or easement; and
2085 (b) may not be construed to impair:
2086 (i) any right-of-way or easement of any parcel or lot owner; [~~or~~]
2087 (ii) the rights of any public utility[-]; or
2088 (iii) the rights of a culinary water authority or sanitary sewer authority.
2089 (7) (a) A county may submit a petition, in accordance with Subsection (2), and initiate
2090 and complete a process to vacate some or all of a public street.
2091 (b) If a county submits a petition and initiates a process under Subsection (7)(a):
2092 (i) the legislative body shall hold a public hearing;
2093 (ii) the petition and process may not apply to or affect a public utility easement, except
2094 to the extent:
2095 (A) the easement is not a protected utility easement as defined in Section 54-3-27;
2096 (B) the easement is included within the public street; and
2097 (C) the notice to vacate the public street also contains a notice to vacate the easement;
2098 and
2099 (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating
2100 a public street through a recorded plat or amended plat.
2101 (8) A legislative body may not approve a petition to vacate a public street under this
2102 section unless the vacation identifies and preserves any easements owned by a culinary water

2103 authority and sanitary sewer authority for existing facilities located within the public street.

2104 Section 26. Section **17-27a-701** is amended to read:

2105 **17-27a-701. Appeal authority required -- Condition precedent to judicial review**
2106 **-- Appeal authority duties.**

2107 (1) (a) Each county adopting a land use ordinance shall, by ordinance, establish one or
2108 more appeal authorities [~~to hear and decide~~].

2109 (b) An appeal authority shall hear and decide:

2110 [~~(a)~~] (i) requests for variances from the terms of [~~the~~] land use ordinances;

2111 [~~(b)~~] (ii) appeals from land use decisions applying [~~the~~] land use ordinances; and

2112 [~~(c)~~] (iii) appeals from a fee charged in accordance with Section 17-27a-509.

2113 (c) An appeal authority may not hear an appeal from the enactment of a land use
2114 regulation.

2115 (2) As a condition precedent to judicial review, each adversely affected party shall
2116 timely and specifically challenge a land use authority's land use decision, in accordance with
2117 local ordinance.

2118 (3) An appeal authority described in Subsection (1)(a):

2119 (a) shall:

2120 (i) act in a quasi-judicial manner; and

2121 (ii) serve as the final arbiter of issues involving the interpretation or application of land
2122 use ordinances; and

2123 (b) may not entertain an appeal of a matter in which the appeal authority, or any
2124 participating member, had first acted as the land use authority.

2125 (4) By ordinance, a county may:

2126 (a) designate a separate appeal authority to hear requests for variances than the appeal
2127 authority [~~it~~] the county designates to hear appeals;

2128 (b) designate one or more separate appeal authorities to hear distinct types of appeals
2129 of land use authority decisions;

2130 (c) require an adversely affected party to present to an appeal authority every theory of
2131 relief that [~~it~~] the adversely affected party can raise in district court;

2132 (d) not require a land use applicant or adversely affected party to pursue duplicate or
2133 successive appeals before the same or separate appeal authorities as a condition of an appealing

2134 party's duty to exhaust administrative remedies; and

2135 (e) provide that specified types of land use decisions may be appealed directly to the
2136 district court.

2137 (5) If the county establishes or, prior to the effective date of this chapter, has
2138 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the
2139 board, body, or panel shall:

2140 (a) notify each of ~~[its]~~ the members of the board, body, or panel of any meeting or
2141 hearing of the board, body, or panel;

2142 (b) provide each of ~~[its]~~ the members of the board, body, or panel with the same
2143 information and access to municipal resources as any other member;

2144 (c) convene only if a quorum of ~~[its]~~ the members of the board, body, or panel is
2145 present; and

2146 (d) act only upon the vote of a majority of ~~[its]~~ the convened members of the board,
2147 body, or panel.

2148 Section 27. Section **17-27a-801** is amended to read:

2149 **17-27a-801. No district court review until administrative remedies exhausted --**
2150 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**
2151 **-- Staying of decision.**

2152 (1) No person may challenge in district court a land use decision until that person has
2153 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
2154 Variances, if applicable.

2155 (2) (a) ~~[A]~~ Subject to Subsection (1), a land use applicant or adversely affected party
2156 may file a petition for review of ~~[the]~~ a land use decision with the district court within 30 days
2157 after the decision is final.

2158 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
2159 property owner files a request for arbitration of a constitutional taking issue with the property
2160 rights ombudsman under Section [13-43-204](#) until 30 days after:

2161 (A) the arbitrator issues a final award; or

2162 (B) the property rights ombudsman issues a written statement under Subsection
2163 [13-43-204\(3\)\(b\)](#) declining to arbitrate or to appoint an arbitrator.

2164 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional

2165 taking issue that is the subject of the request for arbitration filed with the property rights
2166 ombudsman by a property owner.

2167 (iii) A request for arbitration filed with the property rights ombudsman after the time
2168 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

2169 (3) (a) A court shall:

2170 (i) presume that a land use regulation properly enacted under the authority of this
2171 chapter is valid; and

2172 (ii) determine only whether:

2173 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
2174 or federal law; and

2175 (B) it is reasonably debatable that the land use regulation is consistent with this
2176 chapter.

2177 (b) A court shall:

2178 (i) presume that a final land use decision of a land use authority or an appeal authority
2179 is valid; and

2180 (ii) uphold the land use decision unless the land use decision is:

2181 (A) arbitrary and capricious; or

2182 (B) illegal.

2183 (c) (i) A land use decision is arbitrary and capricious if the land use decision is not
2184 supported by substantial evidence in the record.

2185 (ii) A land use decision is illegal if the land use decision is:

2186 (A) based on an incorrect interpretation of a land use regulation; or

2187 (B) contrary to law.

2188 (d) (i) A court may affirm or reverse [~~the decision of a land use authority~~] a land use
2189 decision.

2190 (ii) If the court reverses a [~~denial of a land use application~~] land use decision, the court
2191 shall remand the matter to the land use authority with instructions to issue [~~an approval~~] a land
2192 use decision consistent with the court's decision.

2193 (4) The provisions of Subsection (2)(a) apply from the date on which the county takes
2194 final action on a land use application, if the county conformed with the notice provisions of
2195 Part 2, Notice, or for any person who had actual notice of the pending land use decision.

2196 (5) If the county has complied with Section 17-27a-205, a challenge to the enactment
2197 of a land use regulation or general plan may not be filed with the district court more than 30
2198 days after the enactment.

2199 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
2200 days after the land use decision is final.

2201 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
2202 the reviewing court the record of ~~[its]~~ the proceedings of the land use authority or appeal
2203 authority, including [its] the minutes, findings, orders and, if available, a true and correct
2204 transcript of [its] the proceedings.

2205 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
2206 transcript for purposes of this Subsection (7).

2207 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
2208 by the land use authority or appeal authority, as the case may be.

2209 (ii) The court may not accept or consider any evidence outside the record of the land
2210 use authority or appeal authority, as the case may be, unless that evidence was offered to the
2211 land use authority or appeal authority, respectively, and the court determines that ~~[it]~~ the
2212 evidence was improperly excluded.

2213 (b) If there is no record, the court may call witnesses and take evidence.

2214 (9) (a) The filing of a petition does not stay the land use decision of the land use
2215 authority or appeal authority, as the case may be.

2216 (b) (i) Before filing a petition under this section or a request for mediation or
2217 arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may
2218 petition the appeal authority to stay ~~[its]~~ the appeal authority's decision.

2219 (ii) Upon receipt of a petition to stay, the appeal authority may order ~~[its]~~ the appeal
2220 authority's decision stayed pending district court review if the appeal authority finds ~~[it]~~ the
2221 order to be in the best interest of the county.

2222 (iii) After a petition is filed under this section or a request for mediation or arbitration
2223 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
2224 injunction staying the appeal authority's land use decision.

2225 (10) If the court determines that a party initiated or pursued a challenge to ~~[the]~~ a land
2226 use decision on a land use application in bad faith, the court may award attorney fees.

2227 Section 28. Section 57-1-13 is amended to read:

2228 **57-1-13. Form of quitclaim deed -- Effect.**

2229 (1) A conveyance of land may also be substantially in the following form:

2230 "QUITCLAIM DEED

2231 ____ (here insert name), grantor, of ____ (insert place of residence), hereby quitclaims
2232 to ____ (insert name), grantee, of ____ (here insert place of residence), for the sum of ____
2233 dollars, the following described tract ____ of land in ____ County, Utah, to wit: (here describe
2234 the premises).

2235 Witness the hand of said grantor this ____ (month\day\year).

2236 A quitclaim deed when executed as required by law shall have the effect of a
2237 conveyance of all right, title, interest, and estate of the grantor in and to the premises therein
2238 described and all rights, privileges, and appurtenances thereunto belonging, at the date of the
2239 conveyance."

2240 (2) A boundary line agreement operating as a quitclaim deed shall meet the
2241 requirements described in Section ~~[57-1-45]~~ 10-9a-524 or 17-27a-523, as applicable.

2242 Section 29. Section 57-1-45 is amended to read:

2243 **57-1-45. Boundary line agreements.**

2244 ~~[(1) If properly executed and acknowledged as required under this chapter, and when
2245 recorded in the office of the recorder of the county in which the property is located, an
2246 agreement between adjoining property owners of land that designates the boundary line
2247 between the adjoining properties acts as a quitclaim deed to convey all of each party's right,
2248 title, interest, and estate in property outside the agreed boundary line that had been the subject
2249 of the boundary line agreement or dispute that led to the boundary line agreement.]~~

2250 ~~[(2) Adjoining property owners executing a boundary line agreement described in
2251 Subsection (1) shall:]~~

2252 ~~[(a) ensure that the agreement includes:]~~

2253 ~~[(i) a legal description of the agreed upon boundary line;]~~

2254 ~~[(ii) the name and signature of each grantor that is party to the agreement;]~~

2255 ~~[(iii) a sufficient acknowledgment for each grantor's signature;]~~

2256 ~~[(iv) the address of each grantee for assessment purposes;]~~

2257 ~~[(v) the parcel or lot each grantor owns before the boundary line is changed;]~~

2258 ~~[(vi) a statement citing the file number of a record of a survey map, as defined in~~
2259 ~~Sections 10-9a-103 and 17-27a-103, that the parties prepare and file, in accordance with~~
2260 ~~Section 17-23-17, in conjunction with the boundary line agreement; and]~~

2261 ~~[(vii) the date of the agreement if the date is not included in the acknowledgment in a~~
2262 ~~form substantially similar to a quitclaim deed as described in Section 57-1-13; and]~~

2263 ~~[(b) prepare an amended plat in accordance with Title 10, Chapter 9a, Part 6,~~
2264 ~~Subdivisions, or Title 17, Chapter 27a, Part 6, Subdivisions.]~~

2265 ~~[(3) A boundary line agreement described in Subsection (1) that complies with~~
2266 ~~Subsection (2) presumptively:]~~

2267 ~~[(a) has no detrimental effect on any easement on the property that is recorded before~~
2268 ~~the date on which the agreement is executed unless the owner of the property benefitting from~~
2269 ~~the easement specifically modifies the easement within the boundary line agreement or a~~
2270 ~~separate recorded easement modification or relinquishment document; and]~~

2271 ~~[(b) relocates the parties' common boundary line for an exchange of consideration.]~~

2272 ~~[(4) Notwithstanding Title 10, Chapter 9a, Part 6, Subdivisions, Title 17, Chapter 27a,~~
2273 ~~Part 6, Subdivisions, or the local entity's ordinances or policies, a boundary line agreement is~~
2274 ~~not subject to:]~~

2275 ~~[(a) any public notice, public hearing, or preliminary platting requirement;]~~

2276 ~~[(b) the local entity's planning commission review or recommendation; or]~~

2277 ~~[(c) an engineering review or approval of the local entity.]~~

2278 A boundary line agreement to adjust the boundaries of adjoining properties shall
2279 comply with Section 10-9a-524 or 17-27a-523, as applicable.

2280 Section 30. Section **63I-2-217** is amended to read:

2281 **63I-2-217. Repeal dates -- Title 17.**

2282 (1) Section 17-22-32.2, regarding restitution reporting, is repealed January 1, 2021.

2283 (2) Section 17-22-32.3, regarding the Jail Incarceration and Transportation Costs Study
2284 Council, is repealed January 1, 2021.

2285 (3) Subsection 17-27a-102(1)(b), the language that states "or a designated mountainous
2286 planning district" is repealed June 1, 2021.

2287 (4) (a) Subsection 17-27a-103~~[(18)]~~(20)(b), regarding a mountainous planning district,
2288 is repealed June 1, 2021.

- 2289 (b) Subsection 17-27a-103[(42)](44), regarding a mountainous planning district, is
2290 repealed June 1, 2021.
- 2291 (5) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning
2292 district area" is repealed June 1, 2021.
- 2293 (6) (a) Subsection 17-27a-301(1)(b)(iii), regarding a mountainous planning district, is
2294 repealed June 1, 2021.
- 2295 (b) Subsection 17-27a-301(1)(c), regarding a mountainous planning district, is repealed
2296 June 1, 2021.
- 2297 (c) Subsection 17-27a-301(3)(a), the language that states " or (c)" is repealed June 1,
2298 2021.
- 2299 (7) Section 17-27a-302, the language that states ", or mountainous planning district"
2300 and "or the mountainous planning district," is repealed June 1, 2021.
- 2301 (8) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning
2302 district or" and ", as applicable" is repealed June 1, 2021.
- 2303 (9) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning district, is
2304 repealed June 1, 2021.
- 2305 (b) Subsection 17-27a-401(7), regarding a mountainous planning district, is repealed
2306 June 1, 2021.
- 2307 (10) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning district, is
2308 repealed June 1, 2021.
- 2309 (b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is
2310 repealed June 1, 2021.
- 2311 (c) Subsection 17-27a-403(2)(a)(iii), the language that states "or the mountainous
2312 planning district" is repealed June 1, 2021.
- 2313 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
2314 district" is repealed June 1, 2021.
- 2315 (11) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning district, is
2316 repealed June 1, 2021.
- 2317 (12) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning district, is
2318 repealed June 1, 2021.
- 2319 (13) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a

2320 mountainous planning district, the mountainous planning district" is repealed June 1, 2021.

2321 (14) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning district, is
2322 repealed June 1, 2021.

2323 (15) Subsection 17-27a-605(1)(a), the language that states "or mountainous planning
2324 district land" is repealed June 1, 2021.

2325 (16) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
2326 2021.

2327 (17) On June 1, 2021, when making the changes in this section, the Office of
2328 Legislative Research and General Counsel shall:

2329 (a) in addition to its authority under Subsection 36-12-12(3):

2330 (i) make corrections necessary to ensure that sections and subsections identified in this
2331 section are complete sentences and accurately reflect the office's understanding of the
2332 Legislature's intent; and

2333 (ii) make necessary changes to subsection numbering and cross references; and

2334 (b) identify the text of the affected sections and subsections based upon the section and
2335 subsection numbers used in Laws of Utah 2017, Chapter 448.

2336 (18) Subsection 17-34-1(5)(d), regarding county funding of certain municipal services
2337 in a designated recreation area, is repealed June 1, 2021.

2338 (19) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed
2339 January 1, 2022.

2340 (20) On June 1, 2022:

2341 (a) Section 17-52a-104 is repealed;

2342 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
2343 described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and

2344 (c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.

2345 (21) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to
2346 initiate a change of form of government process by July 1, 2018, is repealed.