

Part 6 Subdivisions

17-27a-601 Enactment of subdivision ordinance.

- (1) The legislative body of a county may enact ordinances requiring that a subdivision plat comply with the provisions of the county's ordinances and this part before:
 - (a) the subdivision plat may be filed and recorded in the county recorder's office; and
 - (b) lots may be sold.
- (2) If the legislative body fails to enact a subdivision ordinance, the county may regulate subdivisions only as provided in this part.
- (3) The joining of a lot or lots to a parcel does not constitute a subdivision as to the parcel or subject the parcel to the county's subdivision ordinance.
- (4) A legislative body may adopt a land use regulation that specifies that combining lots does not require a subdivision plat amendment.

Amended by Chapter 355, 2022 General Session

17-27a-602 Planning commission preparation and recommendation of subdivision ordinance -- Adoption or rejection by legislative body.

- (1) A planning commission shall:
 - (a) review and provide a recommendation to the legislative body on any proposed ordinance that regulates the subdivision of land in the county;
 - (b) review and make a recommendation to the legislative body on any proposed ordinance that amends the regulation of the subdivision of the unincorporated land in the county or, in the case of a mountainous planning district, the mountainous planning district;
 - (c) provide notice consistent with Section 17-27a-205; and
 - (d) hold a public hearing on the proposed ordinance before making the planning commission's final recommendation to the legislative body.
- (2)
 - (a) A legislative body may adopt, modify, revise, or reject an ordinance described in Subsection (1) that the planning commission recommends.
 - (b) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.

Amended by Chapter 354, 2020 General Session

17-27a-603 Plat required when land is subdivided -- Approval of plat -- Owner acknowledgment, surveyor certification, and verification of plat -- Recording plat.

- (1) As used in this section:
 - (a)
 - (i) "Facility owner" means the same as that term is defined in Section 73-1-15.5.
 - (ii) "Facility owner" includes a canal owner or associated canal operator contact described in:
 - (A) Section 17-27a-211;
 - (B) Subsection 73-5-7(3); or
 - (C) Subsection (6)(c).
 - (b) "Local health department" means the same as that term is defined in Section 26A-1-102.

- (c) "State engineer's inventory of canals" means the state engineer's inventory of water conveyance systems established in Section 73-5-7.
 - (d) "Underground facility" means the same as that term is defined in Section 54-8a-2.
 - (e) "Water conveyance facility" means the same as that term is defined in Section 73-1-15.5.
- (2) Unless exempt under Section 17-27a-605 or excluded from the definition of subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of the land shall provide to the county in which the land is located an accurate plat that describes or specifies:
- (a) a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;
 - (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;
 - (c) the lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale;
 - (d) every existing right-of-way and recorded easement located within the plat for:
 - (i) an underground facility;
 - (ii) a water conveyance facility; or
 - (iii) any other utility facility; and
 - (e) any water conveyance facility located, entirely or partially, within the plat that:
 - (i) is not recorded; and
 - (ii) of which the owner of the land has actual or constructive knowledge, including from information made available to the owner of the land:
 - (A) in the state engineer's inventory of canals; or
 - (B) from a surveyor under Subsection (6)(c).
- (3)
- (a) Subject to Subsections (4), (6), and (7), if the plat conforms to the county's ordinances and this part and has been approved by the culinary water authority, the sanitary sewer authority, and the local health department, if the local health department and the county consider the local health department's approval necessary, the county shall approve the plat.
 - (b) Counties are encouraged to receive a recommendation from the fire authority and the public safety answering point before approving a plat.
 - (c) A county may not require that a plat be approved or signed by a person or entity who:
 - (i) is not an employee or agent of the county; or
 - (ii) does not:
 - (A) have a legal or equitable interest in the property within the proposed subdivision;
 - (B) provide a utility or other service directly to a lot within the subdivision;
 - (C) own an easement or right-of-way adjacent to the proposed subdivision who signs for the purpose of confirming the accuracy of the location of the easement or right-of-way in relation to the plat; or
 - (D) provide culinary public water service whose source protection zone designated as provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.
 - (d) A county shall:
 - (i) within 20 days after the day on which an owner of land submits to the county a complete subdivision plat land use application, mail written notice of the proposed subdivision to the

facility owner of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision plat, as determined using information made available to the county:

- (A) from the facility owner under Section 10-9a-211, using mapping-grade global positioning satellite units or digitized data from the most recent aerial photo available to the facility owner;
- (B) in the state engineer's inventory of canals; or
- (C) from a surveyor under Subsection (6)(c); and
- (ii) not approve the subdivision plat for at least 20 days after the day on which the county mails to each facility owner the notice under Subsection (3)(d)(i) in order to receive any comments from each facility owner regarding:
 - (A) access to the water conveyance facility;
 - (B) maintenance of the water conveyance facility;
 - (C) protection of the water conveyance facility integrity;
 - (D) safety of the water conveyance facility; or
 - (E) any other issue related to water conveyance facility operations.
- (e) When applicable, the owner of the land seeking subdivision plat approval shall comply with Section 73-1-15.5.
- (f) A facility owner's failure to provide comments to a county in accordance with Subsection (3)(d)(ii) does not affect or impair the county's authority to approve the subdivision plat.
- (4) The county may withhold an otherwise valid plat approval until the owner of the land provides the legislative body with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.
- (5)
 - (a) Within 30 days after approving a final plat under this section, a county shall submit to the Utah Geospatial Resource Center, created in Section 63A-16-505, for inclusion in the unified statewide 911 emergency service database described in Subsection 63H-7a-304(4)(b):
 - (i) an electronic copy of the approved final plat; or
 - (ii) preliminary geospatial data that depict any new streets and situs addresses proposed for construction within the bounds of the approved plat.
 - (b) If requested by the Utah Geospatial Resource Center, a county that approves a final plat under this section shall:
 - (i) coordinate with the Utah Geospatial Resource Center to validate the information described in Subsection (5)(a); and
 - (ii) assist the Utah Geospatial Resource Center in creating electronic files that contain the information described in Subsection (5)(a) for inclusion in the unified statewide 911 emergency service database.
- (6)
 - (a) A county recorder may not record a plat unless, subject to Subsection 17-27a-604(1):
 - (i) prior to recordation, the county has approved and signed the plat;
 - (ii) each owner of record of land described on the plat has signed the owner's dedication as shown on the plat; and
 - (iii) the signature of each owner described in Subsection (6)(a)(ii) is acknowledged as provided by law.
 - (b) A surveyor who prepares the plat shall certify that the surveyor:
 - (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - (ii)

- (A) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; or
 - (B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - (iii) has placed monuments as represented on the plat.
- (c)
- (i) To the extent possible, the surveyor shall consult with the owner or operator, or a representative designated by the owner or operator, of an existing water conveyance facility located within the proposed subdivision, or an existing or proposed underground facility or utility facility located within the proposed subdivision, to verify the accuracy of the surveyor's depiction of the:
 - (A) boundary, course, dimensions, and intended use of the public rights-of-way, a public or private easement, or grants of record;
 - (B) location of the existing water conveyance facility, or the existing or proposed underground facility or utility facility; and
 - (C) physical restrictions governing the location of the existing or proposed underground facility or utility facility.
 - (ii) The cooperation of an owner or operator of a water conveyance facility, underground facility, or utility facility under Subsection (6)(c)(i):
 - (A) indicates only that the plat approximates the location of the existing facilities but does not warrant or verify their precise location; and
 - (B) does not affect a right that the owner or operator has under Title 54, Chapter 8a, Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law applicable to prescriptive rights, or any other provision of law.
- (7)
- (a) Except as provided in Subsection (6)(c), after the plat has been acknowledged, certified, and approved, the owner of the land seeking to record the plat shall, within the time period and manner designated by ordinance, record the plat in the county recorder's office in the county in which the lands platted and laid out are situated.
 - (b) A failure to record a plat within the time period designated by ordinance renders the plat voidable by the county.
- (8) A county acting as a land use authority shall approve a condominium plat that complies with the requirements of Section 57-8-13 unless the condominium plat violates a land use regulation of the county.

Amended by Chapter 355, 2022 General Session

17-27a-604 Subdivision plat approval procedure -- Effect of not complying.

- (1) A person may not submit a subdivision plat to the county recorder's office for recording unless:
 - (a) the person has complied with the requirements of Subsection 17-27a-603(6)(a);
 - (b) the plat has been approved by:
 - (i) the land use authority of the:
 - (A) county in whose unincorporated area the land described in the plat is located; or
 - (B) mountainous planning district in whose area the land described in the plat is located; and
 - (ii) other officers that the county designates in its ordinance;
 - (c) all approvals described in Subsection (1)(b) are entered in writing on the plat by designated officers; and

- (d) if the person submitting the plat intends the plat to be or if the plat is part of a community association subject to Title 57, Chapter 8a, Community Association Act, the plat includes language conveying to the association, as that term is defined in Section 57-8a-102, all common areas, as that term is defined in Section 57-8a-102.
- (2) An owner of a platted lot is the owner of record sufficient to re-subdivide the lot if the owner's platted lot is not part of a community association subject to Title 57, Chapter 8a, Community Association Act.
- (3) A plat recorded without the signatures required under this section is void.
- (4) A transfer of land pursuant to a void plat is voidable by the land use authority.

Amended by Chapter 47, 2021 General Session

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

- (1)
 - (a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a county, including county staff or a county planning commission.
 - (b) "Administrative land use authority" does not include a county legislative body or a member of a county legislative body.
- (2)
 - (a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.
 - (b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.
- (3) A county ordinance governing the subdivision of land shall:
 - (a) comply with this section and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and
 - (b)
 - (i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or
 - (ii) if the county has adopted an ordinance that establishes a separate procedure for the review and approval of subdivisions under Section 17-27a-605, the county may designate a different and separate administrative land use authority for the approval of subdivisions under Section 17-27a-605.
- (4)
 - (a) If an applicant requests a pre-application meeting, the county shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.
 - (b) At the pre-application meeting, the county staff shall provide or have available on the county website the following:
 - (i) copies of applicable land use regulations;
 - (ii) a complete list of standards required for the project;
 - (iii) preliminary and final application checklists; and
 - (iv) feedback on the concept plan.
- (5) A preliminary subdivision application shall comply with all applicable county ordinances and requirements of this section.
- (6) An administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a county staff level.

- (7) With respect to a preliminary application to subdivide land, an administrative land use authority may:
 - (a) receive public comment; and
 - (b) hold no more than one public hearing.
- (8) If a preliminary subdivision application complies with the applicable county ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application.
- (9) A county shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and county ordinances, which:
 - (a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and
 - (b) may not require planning commission or county legislative body approval.
- (10) If a final subdivision application complies with the requirements of this section, the applicable county ordinances, and the preliminary subdivision approval granted under Subsection (9)(a), a county shall approve the final subdivision application.

Enacted by Chapter 501, 2023 General Session

Superseded 11/1/2024

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

- (1) As used in this section:
 - (a) "Review cycle" means the occurrence of:
 - (i) the applicant's submittal of a complete subdivision land use application;
 - (ii) the county's review of that subdivision land use application;
 - (iii) the county's response to that subdivision land use application, in accordance with this section; and
 - (iv) the applicant's reply to the county's response that addresses each of the county's required modifications or requests for additional information.
 - (b) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and county-controlled utilities required for a subdivision.
 - (c) "Subdivision ordinance review" means review by a county to verify that a subdivision land use application meets the criteria of the county's subdivision ordinances.
 - (d) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with county ordinances and applicable standards and specifications.
- (2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
- (3)
 - (a) No later than 15 business days after the day on which an applicant submits a complete preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the county shall complete the initial review of the application, including subdivision improvement plans.
 - (b) A county shall maintain and publish a list of the items comprising the complete preliminary subdivision land use application, including:
 - (i) the application;
 - (ii) the owner's affidavit;
 - (iii) an electronic copy of all plans in PDF format;

- (iv) the preliminary subdivision plat drawings; and
 - (v) a breakdown of fees due upon approval of the application.
- (4)
- (a) A county shall publish a list of the items that comprise a complete final subdivision land use application.
 - (b) No later than 20 business days after the day on which an applicant submits a plat, the county shall complete a review of the applicant's final subdivision land use application for single-family dwellings, two-family dwellings, or townhomes, including all subdivision plan reviews.
- (5)
- (a) In reviewing a subdivision land use application, a county may require:
 - (i) additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specifications for construction of public improvements; and
 - (ii) modifications to plans that do not meet current ordinances, applicable standards, or specifications or do not contain complete information.
 - (b) A county's request for additional information or modifications to plans under Subsections (5)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.
 - (c) A county may not require more than four review cycles.
 - (d)
 - (i) Subject to Subsection (5)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a county's plan review is waived.
 - (ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
 - (iii) If an applicant makes a material change to a plan set, the county has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.
 - (e) If an applicant does not submit a revised plan within 20 business days after the county requires a modification or correction, the county shall have an additional 20 business days to respond to the plans.
- (6) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the county's previous review cycle, the county may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- (7)
- (a) In addition to revised plans, an applicant shall provide a written explanation in response to the county's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
 - (b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
 - (c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.
- (8)

- (a) If, on the fourth or final review, a county fails to respond within 20 business days, the county shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
 - (i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 17-27a-507(5)(d) to review and approve or deny the final revised set of plans; or
 - (ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Enacted by Chapter 501, 2023 General Session

Effective 11/1/2024

17-27a-604.2 Review of subdivision applications and subdivision improvement plans.

- (1) As used in this section:
 - (a) "Review cycle" means the occurrence of:
 - (i) the applicant's submittal of a complete subdivision application;
 - (ii) the county's review of that subdivision application;
 - (iii) the county's response to that subdivision application, in accordance with this section; and
 - (iv) the applicant's reply to the county's response that addresses each of the county's required modifications or requests for additional information.
 - (b) "Subdivision application" means a land use application for the subdivision of land located within the unincorporated area of a county.
 - (c) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure improvements and county-controlled utilities required for a subdivision.
 - (d) "Subdivision ordinance review" means review by a county to verify that a subdivision application meets the criteria of the county's ordinances.
 - (e) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision application to verify that the application complies with county ordinances and applicable installation standards and inspection specifications for infrastructure improvements.
- (2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.
- (3)
 - (a) A county may require a subdivision improvement plan to be submitted with a subdivision application.
 - (b) A county may not require a subdivision improvement plan to be submitted with both a preliminary subdivision application and a final subdivision application.
- (4)
 - (a) The review cycle requirements of this section apply:
 - (i) to the review of a preliminary subdivision application, if the county requires a subdivision improvement plan to be submitted with a preliminary subdivision application; or
 - (ii) to the review of a final subdivision application, if the county requires a subdivision improvement plan to be submitted with a final subdivision application.
 - (b) A county may not, outside the review cycle, engage in a substantive review of required infrastructure improvements or a county controlled utility.
- (5)

- (a) A county shall complete the initial review of a complete subdivision application submitted for ordinance review for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:
 - (i) no later than 15 business days after the complete subdivision application is submitted, if the county has a population over 5,000; or
 - (ii) no later than 30 business days after the complete subdivision application is submitted, if the county has a population of 5,000 or less.
- (b) A county shall maintain and publish a list of the items comprising the complete subdivision application, including:
 - (i) the application;
 - (ii) the owner's affidavit;
 - (iii) an electronic copy of all plans in PDF format;
 - (iv) the preliminary subdivision plat drawings; and
 - (v) a breakdown of fees due upon approval of the application.
- (6) A county shall publish a list of the items that comprise a complete subdivision land use application.
- (7) A county shall complete a subdivision plan review of a subdivision improvement plan that is submitted with a complete subdivision application for a residential subdivision for single-family dwellings, two-family dwellings, or town homes:
 - (a) within 20 business days after the complete subdivision application is submitted, if the county has a population over 5,000; or
 - (b) within 40 business days after the complete subdivision application is submitted, if the county has a population of 5,000 or less.
- (8)
 - (a) In reviewing a subdivision application, a county may require:
 - (i) additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specifications for construction of public improvements; and
 - (ii) modifications to plans that do not meet current ordinances, applicable standards, or specifications or do not contain complete information.
 - (b) A county's request for additional information or modifications to plans under Subsection (8)(a) (i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to subdivision improvement plans, and shall be logged in an index of requested modifications or additions.
 - (c) A county may not require more than four review cycles for a subdivision improvement plan review.
 - (d)
 - (i) Subject to Subsection (8)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a subdivision improvement plan or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a county's subdivision improvement plan review is waived.
 - (ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.
 - (iii) If an applicant makes a material change to a subdivision improvement plan, the county has the discretion to restart the review process at the first review of the subdivision improvement plan review, but only with respect to the portion of the subdivision improvement plan that the material change substantively affects.
 - (e)

- (i) This Subsection (8) applies if an applicant does not submit a revised subdivision improvement plan within:
 - (A) 20 business days after the county requires a modification or correction, if the county has a population over 5,000; or
 - (B) 40 business days after the county requires a modification or correction, if the county has a population of 5,000 or less.
- (ii) If an applicant does not submit a revised subdivision improvement plan within the time specified in Subsection (8)(e)(i), a county has an additional 20 business days after the time specified in Subsection (7) to respond to a revised subdivision improvement plan.
- (9) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the county's previous review cycle, the county may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.
- (10)
 - (a) In addition to revised plans, an applicant shall provide a written explanation in response to the county's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
 - (b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
 - (c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.
- (11)
 - (a) If, on the fourth or final review, a county fails to respond within 20 business days, the county shall, upon request of the property owner, and within 10 business days after the day on which the request is received:
 - (i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 17-27a-507(5)(d) to review and approve or deny the final revised set of plans; or
 - (ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Amended by Chapter 415, 2024 General Session

Superseded 11/1/2024

17-27a-604.5 Subdivision plat recording or development activity before required infrastructure is completed -- Improvement completion assurance -- Improvement warranty.

- (1) As used in this section, "public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:
 - (a) will be dedicated to and maintained by the county; or
 - (b) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.
- (2) A land use authority shall establish objective inspection standards for acceptance of a required public landscaping improvement or infrastructure improvement.
- (3)
 - (a) Before an applicant conducts any development activity or records a plat, the applicant shall:

- (i) complete any required public landscaping improvements or infrastructure improvements; or
 - (ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.
 - (b) If an applicant elects to post an improvement completion assurance, the applicant shall provide completion assurance for:
 - (i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or
 - (ii) if the county has inspected and accepted a portion of the public landscaping improvements or infrastructure improvements, 100% of the incomplete or unaccepted public landscaping improvements or infrastructure improvements.
 - (c) A county shall:
 - (i) establish a minimum of two acceptable forms of completion assurance;
 - (ii) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this title, and any local ordinances;
 - (iii) establish a system for the partial release of an improvement completion assurance as portions of required public landscaping improvements or infrastructure improvements are completed and accepted in accordance with local ordinance; and
 - (iv) issue or deny a building permit in accordance with Section 17-27a-802 based on the installation of public landscaping improvements or infrastructure improvements.
 - (d) A county may not require an applicant to post an improvement completion assurance for:
 - (i) public landscaping improvements or infrastructure improvements that the county has previously inspected and accepted;
 - (ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation; or
 - (iii) in a county where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the county requires to be private;
 - (iv) landscaping improvements that are not public landscaping improvements, as defined in Section 17-27a-103, unless the landscaping improvements and completion assurance are required under the terms of a development agreement.
- (4)
- (a) Except as provided in Subsection (4)(c), as a condition for increased density or other entitlement benefit not currently available under the existing zone, a county may require a completion assurance bond for landscaped amenities and common area that are dedicated to and maintained by a homeowners association.
 - (b) Any agreement regarding a completion assurance bond under Subsection (4)(a) between the applicant and the county shall be memorialized in a development agreement.
 - (c) A county may not require a completion assurance bond for the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.
- (5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:
- (a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
 - (b) 10% of the amount of the bond to cover administrative costs incurred by the county to complete the improvements, if necessary.

- (6) At any time before a county accepts a public landscaping improvement or infrastructure improvement, and for the duration of each improvement warranty period, the land use authority may require the applicant to:
 - (a) execute an improvement warranty for the improvement warranty period; and
 - (b) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the county, in the amount of up to 10% of the lesser of the:
 - (i) county engineer's original estimated cost of completion; or
 - (ii) applicant's reasonable proven cost of completion.
- (7) When a county accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection (3)(c)(ii), the county may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.
- (8) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

Amended by Chapter 478, 2023 General Session

Effective 11/1/2024

17-27a-604.5 Subdivision plat recording or development activity before required infrastructure is completed -- Improvement completion assurance -- Improvement warranty.

- (1) As used in this section, "public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:
 - (a) will be dedicated to and maintained by the county; or
 - (b) are associated with and proximate to trail improvements that connect to planned or existing public infrastructure.
- (2) A land use authority shall establish objective inspection standards for acceptance of a required public landscaping improvement or infrastructure improvement.
- (3)
 - (a) Before an applicant conducts any development activity or records a plat, the applicant shall:
 - (i) complete any required public landscaping improvements or infrastructure improvements; or
 - (ii) post an improvement completion assurance for any required public landscaping improvements or infrastructure improvements.
 - (b) If an applicant elects to post an improvement completion assurance, the applicant shall provide completion assurance for:
 - (i) completion of 100% of the required public landscaping improvements or infrastructure improvements; or
 - (ii) if the county has inspected and accepted a portion of the public landscaping improvements or infrastructure improvements, 100% of the incomplete or unaccepted public landscaping improvements or infrastructure improvements.
 - (c) A county shall:
 - (i) establish a minimum of two acceptable forms of completion assurance;
 - (ii) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this title, and any local ordinances;
 - (iii) establish a system for the partial release of an improvement completion assurance as portions of required public landscaping improvements or infrastructure improvements are completed and accepted in accordance with local ordinance; and

- (iv) issue or deny a building permit in accordance with Section 17-27a-802 based on the installation of public landscaping improvements or infrastructure improvements.
- (d) A county may not require an applicant to post an improvement completion assurance for:
 - (i) public landscaping improvements or infrastructure improvements that the county has previously inspected and accepted;
 - (ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation;
 - (iii) in a county where ordinances require all infrastructure improvements within the area to be private, infrastructure improvements within a development that the county requires to be private; or
 - (iv) landscaping improvements that are not public landscaping improvements, unless the landscaping improvements and completion assurance are required under the terms of a development agreement.
- (4)
 - (a) Except as provided in Subsection (4)(c), as a condition for increased density or other entitlement benefit not currently available under the existing zone, a county may require a completion assurance bond for landscaped amenities and common area that are dedicated to and maintained by a homeowners association.
 - (b) Any agreement regarding a completion assurance bond under Subsection (4)(a) between the applicant and the county shall be memorialized in a development agreement.
 - (c) A county may not require a completion assurance bond for or dictate who installs or is responsible for the cost of the landscaping of residential lots or the equivalent open space surrounding single-family attached homes, whether platted as lots or common area.
- (5) The sum of the improvement completion assurance required under Subsections (3) and (4) may not exceed the sum of:
 - (a) 100% of the estimated cost of the public landscaping improvements or infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's bid; and
 - (b) 10% of the amount of the bond to cover administrative costs incurred by the county to complete the improvements, if necessary.
- (6) At any time before a county accepts a public landscaping improvement or infrastructure improvement, and for the duration of each improvement warranty period, the land use authority may require the applicant to:
 - (a) execute an improvement warranty for the improvement warranty period; and
 - (b) post a cash deposit, surety bond, letter of credit, or other similar security, as required by the county, in the amount of up to 10% of the lesser of the:
 - (i) county engineer's original estimated cost of completion; or
 - (ii) applicant's reasonable proven cost of completion.
- (7) When a county accepts an improvement completion assurance for public landscaping improvements or infrastructure improvements for a development in accordance with Subsection (3)(c)(ii), the county may not deny an applicant a building permit if the development meets the requirements for the issuance of a building permit under the building code and fire code.
- (8) The provisions of this section do not supersede the terms of a valid development agreement, an adopted phasing plan, or the state construction code.

Amended by Chapter 415, 2024 General Session

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

- (1) Except as provided in Subsection (2), Sections 17-27a-604.1 and 17-27a-604.2 do not apply until December 31, 2024.
- (2) Sections 17-27a-604.1 and 17-27a-604.2 do not apply until February 1, 2024 for:
 - (a) a specified county, as defined in Section 17-27a-408;
 - (b) a county that is a voting member of the Wasatch Front Regional Council, including:
 - (i) Davis County;
 - (ii) Morgan County;
 - (iii) Salt Lake County;
 - (iv) Tooele County; and
 - (v) Weber County; and
 - (c) a county that is a member of the Mountainland Association of Governments, including:
 - (i) Summit County;
 - (ii) Utah County; and
 - (iii) Wasatch County.

Enacted by Chapter 501, 2023 General Session

17-27a-605 Exemptions from plat requirement.

- (1) Notwithstanding any other provision of law, a plat is not required if:
 - (a) a county establishes a process to approve an administrative land use decision for the subdivision of unincorporated land or mountainous planning district land into 10 or fewer lots without a plat; and
 - (b) the county provides in writing that:
 - (i) the county has provided notice as required by ordinance; and
 - (ii) the proposed subdivision:
 - (A) is not traversed by the mapped lines of a proposed street as shown in the general plan unless the county has approved the location and dedication of any public street, county utility easement, any other easement, or any other land for public purposes as the county's ordinance requires;
 - (B) has been approved by the culinary water authority and the sanitary sewer authority;
 - (C) is located in a zoned area; and
 - (D) conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.
- (2)
 - (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 17-27a-603 if:
 - (i) the lot or parcel:
 - (A) qualifies as land in agricultural use under Section 59-2-502; and
 - (B) is not used and will not be used for any nonagricultural purpose; and
 - (ii) the new owner of record completes, signs, and records with the county recorder a notice:
 - (A) describing the parcel by legal description; and
 - (B) stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.
 - (b) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the county shall require the lot or parcel to comply with the requirements of Section 17-27a-603 and all applicable land use ordinance requirements.
- (3)

- (a) Except as provided in Subsection (4), a document recorded in the county recorder's office that divides property by a metes and bounds description does not create an approved subdivision allowed by this part unless the land use authority's certificate of written approval required by Subsection (1) is attached to the document.
 - (b) The absence of the certificate or written approval required by Subsection (1) does not:
 - (i) prohibit the county recorder from recording a document; or
 - (ii) affect the validity of a recorded document.
 - (c) A document which does not meet the requirements of Subsection (1) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached and that complies with Section 57-3-106.
- (4)
- (a) As used in this Subsection (4):
 - (i) "Divided land" means land that:
 - (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and
 - (B) has been divided by a minor subdivision.
 - (ii) "Land to be divided" means land that is proposed to be divided by a minor subdivision.
 - (iii) "Minor subdivision" means a division of at least 100 contiguous acres of agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that, after the division, is separate from the remainder of the original 100 or more contiguous acres of agricultural land.
 - (iv) "Minor subdivision lot" means a lot created by a minor subdivision.
 - (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100 contiguous acres of agricultural land may make a minor subdivision by submitting for recording in the office of the recorder of the county in which the land to be divided is located:
 - (i) a recordable deed containing the legal description of the minor subdivision lot; and
 - (ii) a notice:
 - (A) indicating that the owner of the land to be divided is making a minor subdivision;
 - (B) referring specifically to this section as the authority for making the minor subdivision; and
 - (C) containing the legal description of:
 - (I) the land to be divided; and
 - (II) the minor subdivision lot.
 - (c) A minor subdivision lot:
 - (i) may not be less than one acre in size;
 - (ii) may not be within 1,000 feet of another minor subdivision lot; and
 - (iii) is not subject to the subdivision ordinance of the county in which the minor subdivision lot is located.
 - (d) Land to be divided by a minor subdivision may not include divided land.
 - (e) A county:
 - (i) may not deny a building permit to an owner of a minor subdivision lot based on:
 - (A) the lot's status as a minor subdivision lot; or
 - (B) the absence of standards described in Subsection (4)(e)(ii); and
 - (ii) may, in connection with the issuance of a building permit, subject a minor subdivision lot to reasonable health, safety, and access standards that the county has established and made public.
- (5)
- (a) Notwithstanding Sections 17-27a-603 and 17-27a-604, and subject to Subsection (1), the legislative body of a county may enact an ordinance allowing the subdivision of a parcel, without complying with the plat requirements of Section 17-27a-603, if:

- (i) the parcel contains an existing legal single family dwelling unit;
- (ii) the subdivision results in two parcels, one of which is agricultural land;
- (iii) the parcel of agricultural land:
 - (A) qualifies as land in agricultural use under Section 59-2-502; and
 - (B) is not used, and will not be used, for a nonagricultural purpose;
- (iv) both the parcel with an existing legal single family dwelling unit and the parcel of agricultural land meet the minimum area, width, frontage, and setback requirements of the applicable zoning designation in the applicable land use ordinance; and
- (v) the owner of record completes, signs, and records with the county recorder a notice:
 - (A) describing the parcel of agricultural land by legal description; and
 - (B) stating that the parcel of agricultural land is created as land in agricultural use, as defined in Section 59-2-502, and will remain as land in agricultural use until a future zoning change permits another use.
- (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a) is later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a) no longer applies, and the county shall require the owner of the parcel to:
 - (i) retroactively comply with the subdivision plat requirements of Section 17-27a-603; and
 - (ii) comply with all applicable land use ordinance requirements.

Amended by Chapter 434, 2020 General Session

17-27a-606 Common area parcels on a plat -- No separate ownership -- Ownership interest equally divided among other parcels on plat and included in description of other parcels.

- (1) As used in this section:
 - (a) "Association" means the same as that term is defined in:
 - (i) regarding a common area, Section 57-8a-102; and
 - (ii) regarding a common area and facility, Section 57-8-3.
 - (b) "Common area" means the same as that term is defined in Section 57-8a-102.
 - (c) "Common area and facility" means the same as that term is defined in Section 57-8-3.
 - (d) "Declarant" means the same as that term is defined in:
 - (i) regarding a common area, Section 57-8a-102; and
 - (ii) regarding a common area and facility, Section 57-8-3.
 - (e) "Declaration," regarding a common area and facility, means the same as that term is defined in Section 57-8-3.
 - (f) "Period of administrative control" means the same as that term is defined in:
 - (i) regarding a common area, Section 57-8a-102; and
 - (ii) regarding a common area and facility, Section 57-8-3.
- (2) A person may not separately own, convey, or modify a parcel designated as a common area or common area and facility on a plat recorded in compliance with this part, independent of the other lots, units, or parcels created by the plat unless:
 - (a) an association holds in trust the parcel designated as a common area for the owners of the other lots, units, or parcels created by the plat; or
 - (b) the conveyance or modification is approved under Subsection (5).
- (3) If a conveyance or modification of a common area or common area and facility is approved in accordance with Subsection (5), the person who presents the instrument of conveyance to a county recorder shall:
 - (a) attach a notice of the approval described in Subsection (5) as an exhibit to the document of conveyance; or

- (b) record a notice of the approval described in Subsection (5) concurrently with the conveyance as a separate document.
- (4) When a plat contains a common area or common area and facility:
 - (a) each parcel that the plat creates has an equal ownership interest in the common area or common area and facility within the plat, unless the plat or an accompanying recorded document indicates a different division of interest for assessment purposes; and
 - (b) each instrument describing a parcel on the plat by the parcel's identifying plat number implicitly includes the ownership interest in the common area or common area and facility within the plat, even if that ownership interest is not explicitly stated in the instrument.
- (5) Notwithstanding Subsection (2), a person may modify the size or location of or separately convey a common area or common area and facility if the following approve the conveyance or modification:
 - (a) the local government;
 - (b)
 - (i) for a common area that an association owns, 67% of the voting interests in the association; or
 - (ii) for a common area that an association does not own, or for a common area and facility, 67% of the owners of lots, units, and parcels designated on a plat that is subject to a declaration and on which the common area or common area and facility is included; and
 - (c) during the period of administrative control, the declarant.

Amended by Chapter 405, 2017 General Session

17-27a-607 Dedication by plat of public streets and other public places.

- (1) A plat that is signed, dedicated, and acknowledged by each owner of record, and approved according to the procedures specified in this part, operates, when recorded, as a dedication of all public streets and other public places, and vests the fee of those parcels of land in the county for the public for the uses named or intended in the plat.
- (2) The dedication established by this section does not impose liability upon the county for public streets and other public places that are dedicated in this manner but are unimproved unless:
 - (a) adequate financial assurance has been provided in accordance with this chapter; and
 - (b) the county has accepted the dedication.

Amended by Chapter 384, 2019 General Session

17-27a-608 Subdivision amendments.

- (1)
 - (a) A fee owner of a lot, as shown on the last county assessment roll, in a plat that has been laid out and platted as provided in this part may file a written petition with the land use authority to request a subdivision amendment.
 - (b) Upon filing a written petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 17-27a-603 that:
 - (i) depicts only the portion of the subdivision that is proposed to be amended;
 - (ii) includes a plat name distinguishing the amended plat from the original plat;
 - (iii) describes the differences between the amended plat and the original plat; and
 - (iv) includes references to the original plat.

- (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being amended at least 10 calendar days before the land use authority may approve the petition for a subdivision amendment.
 - (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:
 - (i) any owner within the plat notifies the county of the owner's objection in writing within 10 days of mailed notification; or
 - (ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.
 - (e) A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.
- (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:
- (a) the petition seeks to:
 - (i) join two or more of the petitioning fee owner's contiguous lots;
 - (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
 - (iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join the petition, regardless of whether the properties are located in the same subdivision;
 - (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
 - (v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - (A) owned by the petitioner; or
 - (B) designated as a common area; and
 - (b) notice has been given to adjoining property owners in accordance with any applicable local ordinance.
- (3) A petition under Subsection (1)(a) that contains a request to amend a public street or county utility easement is also subject to Section 17-27a-609.5.
- (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a portion of a plat shall include:
- (a) the name and address of each owner of record of the land contained in:
 - (i) the entire plat; or
 - (ii) that portion of the plan described in the petition; and
 - (b) the signature of each owner who consents to the petition.
- (5)
- (a) The owners of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the exchange of title is approved by the land use authority as a lot line adjustment in accordance with Subsection (5)(b).
 - (b) The land use authority shall approve a lot line adjustment under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.
 - (c) If a lot line adjustment is approved under Subsection (5)(b):
 - (i) a notice of lot line adjustment approval shall be recorded in the office of the county recorder which:

- (A) is approved by the land use authority; and
 - (B) recites the legal descriptions of both the properties and the properties resulting from the exchange of title; and
 - (ii) a document of conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.
 - (d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real property and is not required to record a document conveying title to real property.
- (6)
- (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (6)(c).
 - (b) The surveyor preparing the amended plat shall certify that the surveyor:
 - (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - (ii)
 - (A) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; or
 - (B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and
 - (iii) has placed monuments as represented on the plat.
 - (c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision recorded in the county recorder's office.
 - (d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

Amended by Chapter 501, 2023 General Session

17-27a-609 Land use authority approval of vacation or amendment of plat -- Recording the amended plat.

- (1) The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:
 - (a) there is good cause for the vacation or amendment; and
 - (b) no public street or county utility easement has been vacated or amended.
- (2)
 - (a) The land use authority shall ensure that the amended plat showing the vacation or amendment is recorded in the office of the county recorder in which the land is located.
 - (b) If the amended plat is approved and recorded in accordance with this section, the recorded plat shall vacate, supersede, and replace any contrary provision in a previously recorded plat of the same land.
- (3)
 - (a) A legislative body may vacate a subdivision or a portion of a subdivision by recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated.
 - (b) The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance.
- (4) An amended plat may not be submitted to the county recorder for recording unless it is:
 - (a) signed by the land use authority; and
 - (b) signed, acknowledged, and dedicated by each owner of record of the portion of the plat that is amended.

- (5) A management committee may sign and dedicate an amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act.
- (6) A plat may be corrected as provided in Section 57-3-106.

Amended by Chapter 384, 2019 General Session

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

- (1) In lieu of vacating some or all of a public street through a plat or amended plat in accordance with Sections 17-27a-603 through 17-27a-609, a legislative body may approve a petition to vacate a public street in accordance with this section.
- (2) A petition to vacate some or all of a public street or county utility easement shall include:
 - (a) the name and address of each owner of record of land that is:
 - (i) adjacent to the public street or county utility easement between the two nearest public street intersections; or
 - (ii) accessed exclusively by or within 300 feet of the public street or county utility easement;
 - (b) proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street or county utility easement sought to be vacated; and
 - (c) the signature of each owner under Subsection (2)(a) who consents to the vacation.
- (3) If a petition is submitted containing a request to vacate some or all of a public street or county utility easement, the legislative body shall hold a public hearing in accordance with Section 17-27a-208 and determine whether:
 - (a) good cause exists for the vacation; and
 - (b) the public interest or any person will be materially injured by the proposed vacation.
- (4) The legislative body may adopt an ordinance granting a petition to vacate some or all of a public street or county utility easement if the legislative body finds that:
 - (a) good cause exists for the vacation; and
 - (b) neither the public interest nor any person will be materially injured by the vacation.
- (5) If the legislative body adopts an ordinance vacating some or all of a public street or county utility easement, the legislative body shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:
 - (a) a plat reflecting the vacation; or
 - (b)
 - (i) an ordinance described in Subsection (4); and
 - (ii) a legal description of the public street to be vacated.
- (6) The action of the legislative body vacating some or all of a public street or county utility easement that has been dedicated to public use:
 - (a) operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the county's fee in the vacated street, right-of-way, or easement; and
 - (b) may not be construed to impair:
 - (i) any right-of-way or easement of any parcel or lot owner;
 - (ii) the rights of any public utility; or
 - (iii) the rights of a culinary water authority or sanitary sewer authority.
- (7)
 - (a) A county may submit a petition, in accordance with Subsection (2), and initiate and complete a process to vacate some or all of a public street.
 - (b) If a county submits a petition and initiates a process under Subsection (7)(a):

- (i) the legislative body shall hold a public hearing;
 - (ii) the petition and process may not apply to or affect a public utility easement, except to the extent:
 - (A) the easement is not a protected utility easement as defined in Section 54-3-27;
 - (B) the easement is included within the public street; and
 - (C) the notice to vacate the public street also contains a notice to vacate the easement; and
 - (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating a public street through a recorded plat or amended plat.
- (8) A legislative body may not approve a petition to vacate a public street under this section unless the vacation identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the public street.

Amended by Chapter 385, 2021 General Session

17-27a-610 Restrictions for solar and other energy devices.

The land use authority may refuse to approve or renew any plat, subdivision plan, or dedication of any street or other ground, if deed restrictions, covenants, or similar binding agreements running with the land for the lots or parcels covered by the plat or subdivision prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources from being installed on buildings erected on lots or parcels covered by the plat or subdivision.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-611 Prohibited acts.

- (1)
 - (a) If a subdivision requires a plat, an owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this part for each lot or parcel transferred or sold.
 - (b) The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.
 - (c) Notwithstanding any other provision of this Subsection (1), the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:
 - (i) does not affect the validity of the instrument or other document; and
 - (ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable county ordinances on land use and development.
- (2)
 - (a) A county may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted under the authority of this part.
 - (b) An action under this Subsection (2) may include an injunction or any other appropriate action or proceeding to prevent or enjoin the violation.
 - (c) A county need only establish the violation to obtain the injunction.

Amended by Chapter 434, 2020 General Session