Chapter 27a
County Land Use, Development, and Management Act

Part 1
General Provisions

17-27a-101 Title.

This chapter is known as the "County Land Use, Development, and Management Act."

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-102 Purposes -- General land use authority -- Limitations.

(1)

(a) The purposes of this chapter are to:

(i) provide for the health, safety, and welfare;

(ii) promote the prosperity;

(iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of each county and each county's present and future inhabitants and businesses;

(iv) protect the tax base;

(v) secure economy in governmental expenditures;

(vi) foster the state's agricultural and other industries;

(vii) protect both urban and nonurban development;

(viii) protect and ensure access to sunlight for solar energy devices;

(ix) provide fundamental fairness in land use regulation;

(x) facilitate orderly growth, allow growth in a variety of housing types, and contribute toward housing affordability; and

(xi) protect property values.

(b) Subject to Subsection (4) and Section 11-41-103, to accomplish the purposes of this chapter, a county may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the county considers necessary or appropriate for the use and development of land within the unincorporated area of the county or a designated mountainous planning district, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing:

(i) uses;

(ii) density;

(iii) open spaces;

(iv) structures;

(v) buildings;

(vi) energy-efficiency;

(vii) light and air;

(viii) air quality;

(ix) transportation and public or alternative transportation;

(x) infrastructure;

(xi) street and building orientation and width requirements;

(xii) public facilities;

(xiii) fundamental fairness in land use regulation; and

(xiv) considerations of surrounding land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

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

(3)

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

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

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

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

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

(4)

(a) This Subsection (4) applies to development agreements entered into on or after May 5, 2021.

(b) A provision in a county development agreement is unenforceable if the provision requires an individual or an entity, as a condition for issuing building permits or otherwise regulating development activities within an unincorporated area of the county, to initiate a process for a municipality to annex the unincorporated area in accordance with Title 10, Chapter 2, Part 8, Annexation.

(c) Subsection (4)(b) does not affect or impair the enforceability of any other provision in the development agreement.

Amended by Chapter 385, 2025 General Session
Amended by Chapter 399, 2025 General Session

17-27a-103 Definitions.

As used in this chapter:

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

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

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

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

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

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

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

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

(4) "Affected owner" means the owner of real property that is:
(a) a single project;
(b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(6); and
(c) determined to be legally referable under Section 20A-7-602.8.

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

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

(7) "Building code adoption cycle" means the period of time beginning the day on which a specific edition of a construction code from a nationally recognized code authority is adopted and effective in Title 15A, State Construction and Fire Codes Act, until the day before a new edition of a construction code is adopted and effective in Title 15A, State Construction and Fire Codes Act.

(8)
(a) "Boundary adjustment" means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.
(b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
(i) creates an additional lot or parcel; or
(ii) is made by the Department of Transportation.

(9)
(a) "Boundary establishment" means an agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary.
(b) "Boundary establishment" does not mean a modification of a lot or parcel boundary that:
(i) creates an additional lot or parcel; or
(ii) is made by the Department of Transportation.

(10)
(a) "Charter school" means:
(i) an operating charter school;
(ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
(iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
(b) "Charter school" does not include a therapeutic school.

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

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

(13) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:
(a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

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

(14) "Conveyance document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.5.

(15) "Conveyance of property" means the transfer of ownership of any portion of real property from one person to another person.

(16) "County utility easement" means an easement that:

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

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

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

(d)

(i) either:

(A) no person uses or occupies; or

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

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

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

(18) "Department of Transportation" means the entity created in Section 72-1-201.

(19) "Development activity" means:

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

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

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

(20)

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

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

(21)

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

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

(22) "Document" means the same as that term is defined in Section 57-1-1.

(23) "Educational facility":

(a) means:

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

(ii) a structure or facility:

(A) located on the same property as a building described in Subsection (23)(a)(i); and

(B) used in support of the use of that building; and
(iii) a building to provide office and related space to a school district's administrative personnel; and
(b) does not include:
(i) land or a structure, including land or a structure for inventory storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
(A) not located on the same property as a building described in Subsection (23)(a)(i); and
(B) used in support of the purposes of a building described in Subsection (23)(a)(i); or
(ii) a therapeutic school.
(24) "Establishment document" means an instrument that:
(a) meets the definition of "document" in Section 57-1-1; and
(b) meets the requirements of Section 57-1-45.
(25) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.
(26) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.
(27) "Flood plain" means land that:
(a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or
(b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.
(28) "Gas corporation" has the same meaning as defined in Section 54-2-1.
(29) "General plan" means a document that a county adopts that sets forth general guidelines for proposed future development of:
(a) the unincorporated land within the county; or
(b) for a mountainous planning district, the land within the mountainous planning district.
(30) "Geologic hazard" means:
(a) a surface fault rupture;
(b) shallow groundwater;
(c) liquefaction;
(d) a landslide;
(e) a debris flow;
(f) unstable soil;
(g) a rock fall; or
(h) any other geologic condition that presents a risk:
(i) to life;
(ii) of substantial loss of real property; or
(iii) of substantial damage to real property.
(31) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.
(32) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility system.
(33)
(a) "Identical plans" means floor plans submitted to a county that:
(i) are submitted within the same building code adoption cycle as floor plans that were previously approved by the county;

(ii) have no structural differences from floor plans that were previously approved by the county; and

(iii) describe a building that:

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

(B) has a substantially identical floor plan to a floor plan previously approved by the county; and

(C) does not require any engineering or analysis beyond a review to confirm the submitted floor plans are substantially identical to a floor plan previously approved by the county or a review of the site plan and associated geotechnical reports for the site.

(b) "Identical plans" include floor plans that are oriented differently as the floor plan that was previously approved by the county.

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

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

(a) recording a subdivision plat; or

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

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

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

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

(37) "Improvement warranty period" means a period:

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

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

(i) determines, based on accepted industry standards and for good cause, that a one-year period would be inadequate to protect the public health, safety, and welfare; and

(ii) has substantial evidence, on record:

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

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

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

(a) is required for human consumption; and

(b) an applicant must install:

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

(ii) as a condition of:

(A) recording a subdivision plat;

(B) obtaining a building permit; or

(C) developing a commercial, industrial, mixed use, condominium, or multifamily project.

(39) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

(a) runs with the land; and

(b)

(i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
(ii) designates a development condition that is enclosed within the perimeter of a lot described on the plat.

(40) "Interstate pipeline company" means a person or entity engaged in natural gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

(41) "Intrastate pipeline company" means a person or entity engaged in natural gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

(42) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

(43) "Land use application":
(a) means an application that is:
(i) required by a county; and
(ii) submitted by a land use applicant to obtain a land use decision; and
(b) does not mean an application to enact, amend, or repeal a land use regulation.

(44) "Land use authority" means:
(a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or
(b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

(45) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:
(a) a land use permit;
(b) a land use application; or
(c) the enforcement of a land use regulation, land use permit, or development agreement.

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

(47) "Land use regulation":
(a) means a legislative decision enacted by ordinance, law, code, map, resolution, engineering or development standard, specification for public improvement, fee, or rule that governs the use or development of land;
(b) includes the adoption or amendment of a zoning map or the text of the zoning code; and
(c) does not include:
(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or
(ii) a temporary revision to an engineering specification that does not materially:
(A) increase a land use applicant's cost of development compared to the existing specification; or
(B) impact a land use applicant's use of land.

(48) "Legislative body" means the county legislative body, or for a county that has adopted an alternative form of government, the body exercising legislative powers.

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

(50) "Major transit investment corridor" means public transit service that uses or occupies:
(a) public transit rail right-of-way;
(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
(c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:

(i) a public transit district as defined in Section 17B-2a-802; or
(ii) an eligible political subdivision as defined in Section 59-12-2202.
(51) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.
(52) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.
(53) "Mountainous planning district" means an area designated by a county legislative body in accordance with Section 17-27a-901.
(54) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and expenses incurred in:
(a) verifying that building plans are identical plans; and
(b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.
(55) "Noncomplying structure" means a structure that:
(a) legally existed before the structure's current land use designation; and
(b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.
(56) "Nonconforming use" means a use of land that:
(a) legally existed before the current land use designation;
(b) has been maintained continuously since the time the land use ordinance regulation governing the land changed; and
(c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.
(57) "Official map" means a map drawn by county authorities and recorded in the county recorder's office that:
(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
(b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
(c) has been adopted as an element of the county's general plan.
(58) "Parcel" means any real property that is not a lot.
(59) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
(60) "Plan for moderate income housing" means a written document adopted by a county legislative body that includes:
(a) an estimate of the existing supply of moderate income housing located within the county;
(b) an estimate of the need for moderate income housing in the county for the next five years;
(c) a survey of total residential land use;
(d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
(e) a description of the county's program to encourage an adequate supply of moderate income housing.
(61) "Planning advisory area" means a contiguous, geographically defined portion of the unincorporated area of a county established under this part with planning and zoning functions as exercised through the planning advisory area planning commission, as provided in this chapter, but with no legal or political identity separate from the county and no taxing authority.

(62) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 17-27a-603 or 57-8-13.
(63) "Potential geologic hazard area" means an area that:
(a) is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or
(b) has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.
(64) "Public agency" means:
(a) the federal government;
(b) the state;
(c) a county, municipality, school district, special district, special service district, or other political subdivision of the state; or
(d) a charter school.
(65) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
(66) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.
(67) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.
(68) "Receiving zone" means an unincorporated area that a county designates, by ordinance, as an area in which an owner of land may receive a transferable development right.
(69) "Record of survey map" means a map of a survey of land prepared in accordance with Section 17-23-17.
(70) "Residential facility for persons with a disability" means a residence:
(a) in which more than one person with a disability resides; and
(b) which is licensed or certified by the Department of Health and Human Services under:
(i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
(ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
(71) "Residential roadway" means a public local residential road that:
(a) will serve primarily to provide access to adjacent primarily residential areas and property;
(b) is designed to accommodate minimal traffic volumes or vehicular traffic;
(c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;
(d) has a posted speed limit of 25 miles per hour or less;
(e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
(f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and
(g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.
(72) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
(a) parliamentary order and procedure;

(b) ethical behavior; and
(c) civil discourse.
(73) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.
(74) "Sending zone" means an unincorporated area that a county designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.
(75) "Simple boundary adjustment" means a boundary adjustment that does not:
(a) affect a public right-of-way, county utility easement, or other public property;
(b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
(c) result in a lot or parcel out of conformity with land use regulations.
(76) "Site plan" means a document or map that may be required by a county during a preliminary review preceding the issuance of a building permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.
(77)
(a) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts.
(b) "Special district" includes a governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
(78) "Specified public agency" means:
(a) the state;
(b) a school district; or
(c) a charter school.
(79) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.
(80) "State" includes any department, division, or agency of the state.
(81)
(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
(b) "Subdivision" includes:
(i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
(ii) except as provided in Subsection (81)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
(c) "Subdivision" does not include:
(i) a bona fide division or partition of agricultural land for agricultural purposes;
(ii) a recorded conveyance document:
(A) consolidating multiple lots or parcels into one legal description encompassing all lots by reference to a recorded plat and all parcels by metes and bounds description; or
(B) joining a lot to a parcel;
(iii) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:
(A) an electrical transmission line or a substation;
(B) a natural gas pipeline or a regulation station; or
(C) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;

(iv) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
(A) is in anticipation of future land use approvals on the parcel or parcels;
(B) does not confer any land use approvals; and
(C) has not been approved by the land use authority;
(v) a boundary adjustment;
(vi) a boundary establishment;
(vii) a road, street, or highway dedication plat;
(viii) a deed or easement for a road, street, or highway purpose; or
(ix) any other division of land authorized by law.

(82)
(a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 17-27a-608 that:
(i) vacates all or a portion of the subdivision;
(ii) increases the number of lots within the subdivision;
(iii) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
(iv) alters a common area or other common amenity within the subdivision.
(b) "Subdivision amendment" does not include a simple boundary adjustment.

(83) "Substantial evidence" means evidence that:
(a) is beyond a scintilla; and
(b) a reasonable mind would accept as adequate to support a conclusion.

(84) "Suspect soil" means soil that has:
(a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
(b) bedrock units with high shrink or swell susceptibility; or
(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.

(85) "Therapeutic school" means a residential group living facility:
(a) for four or more individuals who are not related to:
(i) the owner of the facility; or
(ii) the primary service provider of the facility;
(b) that serves students who have a history of failing to function:
(i) at home;
(ii) in a public school; or
(iii) in a nonresidential private school; and
(c) that offers:
(i) room and board; and
(ii) an academic education integrated with:
(A) specialized structure and supervision; or
(B) services or treatment related to a disability, an emotional development, a behavioral development, a familial development, or a social development.

(86) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

(87) "Unincorporated" means the area outside of the incorporated area of a municipality.

(88) "Water interest" means any right to the beneficial use of water, including:
(a) each of the rights listed in Section 73-1-11; and

(b) an ownership interest in the right to the beneficial use of water represented by:
(i) a contract; or
(ii) a share in a water company, as defined in Section 73-3-3.5.
(89) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Amended by Chapter 40, 2025 General Session
Amended by Chapter 399, 2025 General Session
Amended by Chapter 400, 2025 General Session

17-27a-104 County standards.
(1) This chapter does not prohibit a county from adopting the county's own land use standards.
(2) Notwithstanding Subsection (1), a county may not impose a requirement, regulation, condition, or standard that conflicts with a provision of this chapter, other state law, or federal law.

Amended by Chapter 384, 2019 General Session

Part 2
Notice

17-27a-201 Required notice.
(1) At a minimum, each county shall provide actual notice or the notice required by this part.
(2) A county may by ordinance require greater notice than required under this part.

Enacted by Chapter 254, 2005 General Session

17-27a-202 Applicant notice -- Waiver of requirements.
(1) For each land use application, the county shall:
(a) notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
(b) provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three business days before the public hearing or public meeting; and
(c) notify the applicant of any final action on a pending application.
(2) If a county fails to comply with the requirements of Subsection (1)(a) or (b) or both, an applicant may waive the failure so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met.

Amended by Chapter 257, 2006 General Session

17-27a-203 Notice of intent to prepare a general plan or comprehensive general plan amendments in certain counties.
(1) Before preparing a proposed general plan or a comprehensive general plan amendment, each county of the first or second class shall provide 10 calendar days notice of the county's intent to prepare a proposed general plan or a comprehensive general plan amendment:
(a) to each affected entity;
(b) to the Utah Geospatial Resource Center created in Section 63A-16-505;

(c) to the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; and
(d) for the county, as a class A notice under Section 63G-30-102, for at least 10 days.
(2) Each notice under Subsection (1) shall:
(a) indicate that the county intends to prepare a general plan or a comprehensive general plan amendment, as the case may be;
(b) describe or provide a map of the geographic area that will be affected by the general plan or amendment;
(c) be sent by mail, e-mail, or other effective means;
(d) invite the affected entities to provide information for the county to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning:
(i) impacts that the use of land proposed in the proposed general plan or amendment may have; and
(ii) uses of land within the county that the affected entity is considering that may conflict with the proposed general plan or amendment; and
(e) include the address of an Internet website, if the county has one, and the name and telephone number of an individual where more information can be obtained concerning the county's proposed general plan or amendment.

Amended by Chapter 435, 2023 General Session

17-27a-204 Notice of public hearings and public meetings to consider general plan or modifications.
(1) A county shall provide:
(a) notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and
(b) notice of each public meeting on the subject.
(2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar days before the public hearing and shall be:
(a) published for the county, as a class A notice under Section 63G-30-102, for at least 10 days; and
(b) mailed to each affected entity.
(3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the meeting and shall be published for the county, as a class A notice under Section 63G-30-102, for at least 24 hours.

Amended by Chapter 435, 2023 General Session

17-27a-205 Notice of public hearings and public meetings on adoption or modification of land use regulation.
(1) Each county shall give:
(a) notice of the date, time, and place of the first public hearing to consider the adoption or modification of a land use regulation; and
(b) notice of each public meeting on the subject.
(2) Each notice of a public hearing under Subsection (1)(a) shall be:
(a) mailed to each affected entity at least 10 calendar days before the public hearing; and
(b)

(i) provided for the area affected by the land use ordinance changes, as a class B notice under Section 63G-30-102, for at least 10 calendar days before the day of the public hearing; or

(ii) if the proposed land use ordinance adoption or modification is ministerial in nature, as described in Subsections (6)(a) and (b), provided as a class A notice under Section 63G-30-102 for at least 10 calendar days before the day of the public hearing.

(3) In addition to the notice requirements described in Subsections (1) and (2), for any proposed modification to the text of a zoning code, the notice posted in accordance with Subsection (2) shall:

(a) include:

(i) a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; or

(ii) a direct link to the county's webpage where a person can find a summary of the effect of the proposed modifications to the text of the zoning code designed to be understood by a lay person; and

(b) be provided to any person upon written request.

(4) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours before the hearing and shall be published for the county, as a class A notice under Section 63G-30-102, for at least 24 hours.

(5)

(a) A county shall send a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed zoning map enactment or amendment at least 10 days before the scheduled day of the public hearing.

(b) The notice shall:

(i) identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments;

(ii) state the current zone in which the real property is located;

(iii) state the proposed new zone for the real property;

(iv) provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted;

(v) state that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment;

(vi) state the address where the property owner should file the protest;

(vii) notify the property owner that each written objection filed with the county will be provided to the county legislative body; and

(viii) state the location, date, and time of the public hearing described in Section 17-27a-502.

(c) If a county mails notice to a property owner under Subsection (2)(b)(i) for a public hearing on a zoning map or map amendment, the notice required in this Subsection (5) may be included in or part of the notice described in Subsection (2)(b)(i) rather than sent separately.

(6)

(a) A proposed land use ordinance is ministerial in nature if the proposed land use ordinance change is to:

(i) bring the county's land use ordinances into compliance with a state or federal law;

(ii) adopt a county land use update that affects:

(A) an entire zoning district; or

(B) multiple zoning districts;

(iii) adopt a non-substantive, clerical text amendment to an existing land use ordinance;

(iv) recodify the county's existing land use ordinances; or
(v) designate or define an affected area for purposes of a boundary adjustment or annexation.
(b) A proposed land use ordinance may include more than one of the purposes described in Subsection (6)(a) and remain ministerial in nature.
(c) If a proposed land use ordinance includes an adoption or modification not described in Subsection (6)(a):
(i) the proposed land use ordinance is not ministerial in nature, even if the proposed land use ordinance also includes a change or modification described in Subsection (6)(a); and
(ii) the notice requirements of Subsection (2)(b)(i) apply.

Amended by Chapter 399, 2025 General Session

17-27a-206 Third party notice -- High priority transportation corridor notice.

(1)
(a) If a county requires notice to adjacent property owners, the county shall:
(i) mail notice to the record owner of each parcel within parameters specified by county ordinance; or
(ii) post notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.
(b) If a county mails notice to third party property owners under Subsection (1), it shall mail equivalent notice to property owners within an adjacent jurisdiction.

(2)
(a) As used in this Subsection (2), "high priority transportation corridor" means a transportation corridor identified as a high priority transportation corridor under Section 72-5-403.
(b) The Department of Transportation may request, in writing, that a county provide the department with electronic notice of each land use application received by the county that may adversely impact the development of a high priority transportation corridor.
(c) If the county receives a written request as provided in Subsection (2)(b), the county shall provide the Department of Transportation with timely electronic notice of each land use application that the request specifies.

(3)
(a) A large public transit district, as defined in Section 17B-2a-802, may request, in writing, that a county provide the large public transit district with electronic notice of each land use application received by the county that may impact the development of a major transit investment corridor.
(b) If the county receives a written request as provided in Subsection (3)(a), the county shall provide the large public transit district with timely electronic notice of each land use application that the request specifies.

Amended by Chapter 377, 2020 General Session

17-27a-207 Notice for an amendment to a subdivision -- Notice for vacation of or change to street.

(1)
(a) For an amendment to a subdivision, each county shall provide notice of the date, time, and place of at least one public meeting, as provided in Subsection (1)(b).
(b) At least 10 calendar days before the public meeting, the notice required under Subsection (1)(a) shall be:

(i) mailed and addressed to the record owner of each parcel within specified parameters of that property; or
(ii) posted on the property proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.
(2) Each county shall provide notice as required by Section 17-27a-208 for a subdivision that involves a vacation, alteration, or amendment of a street.

Amended by Chapter 338, 2009 General Session

17-27a-208 Hearing and notice for petition to vacate a public street.
(1) For any petition to vacate some or all of a public street or county utility easement, the legislative body shall:
(a) hold a public hearing; and
(b) give notice of the date, place, and time of the hearing, as provided in Subsection (2).
(2) At least 10 days before the public hearing under Subsection (1)(a), the legislative body shall ensure that the notice required under Subsection (1)(b) is:
(a) published for the county, as a class A notice under Section 63G-30-102, for at least 10 days;
(b) provided to the owner of each parcel that is accessed by the public street or county utility easement; and
(c) mailed to each affected entity.

Amended by Chapter 435, 2023 General Session

17-27a-209 Notice challenge.
If notice given under authority of this part is not challenged under Section 17-27a-801 within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.

Enacted by Chapter 254, 2005 General Session

17-27a-210 Notice to county when a private institution of higher education is constructing student housing.
(1) Each private institution of higher education that intends to construct student housing on property owned by the institution shall provide written notice of the intended construction, as provided in Subsection (2), before any funds are committed to the construction, if any of the proposed student housing buildings is within 300 feet of privately owned residential property.
(2) Each notice under Subsection (1) shall be provided to the legislative body and, if applicable, the mayor of:
(a) the county in whose unincorporated area or the mountainous planning district area the privately owned residential property is located; or
(b) the municipality in whose boundaries the privately owned residential property is located.
(3) At the request of a county or municipality that is entitled to notice under this section, the institution and the legislative body of the affected county or municipality shall jointly hold a public hearing to provide information to the public and receive input from the public about the proposed construction.

Amended by Chapter 465, 2015 General Session

17-27a-211 Canal owner or operator -- Notice to county.

(1) A canal company or a canal operator shall ensure that each county in which the canal company or canal operator owns or operates a canal has on file, regarding the canal company or canal operator:
  (a) a current mailing address and phone number;
  (b) a contact name; and
  (c) a general description of the location of each canal owned or operated by the canal owner or canal operator.
(2) If the information described in Subsection (1) changes after a canal company or a canal operator has provided the information to the county, the canal company or canal operator shall provide the correct information within 30 days of the day on which the information changes.

Amended by Chapter 410, 2017 General Session
Amended by Chapter 428, 2017 General Session

17-27a-212 Notice for an amendment to public improvements in a subdivision or development.

Before implementing an amendment to adopted specifications for public improvements that apply to a subdivision or a development, a county shall:
(1) hold a public hearing;
(2) mail a notice 30 days or more before the date of the public hearing to:
  (a) each person who has submitted a land use application for which the land use authority has not issued a land use decision; and
  (b) each person who makes a written request to receive a copy of the notice; and
(3) allow each person who receives a notice in accordance with Subsection (2) to provide public comment in writing before the public hearing or in person during the public hearing.

Amended by Chapter 355, 2022 General Session

17-27a-213 Hearing and notice procedures for modifying sign regulations.

(1)
  (a) Prior to any hearing or public meeting to consider a proposed land use regulation or land use application modifying sign regulations for an illuminated sign within any unified commercial development, as defined in Section 72-7-504.6, or within any planned unit development, a county shall give written notice of the proposed illuminated sign to:
    (i) each property owner within a 500 foot radius of the sign site;
    (ii) a municipality or county within a 500 foot radius of the sign site; and
    (iii) any outdoor advertising permit holder described in Subsection 72-7-506(2)(b).
  (b) The notice described in Subsection (1)(a) shall include the schedule of public meetings at which the proposed changes to land use regulations or land use application will be discussed.
(2) A county shall require the property owner or applicant to commence in good faith the construction of the commercial or industrial development within one year after the installation of the illuminated sign.

Enacted by Chapter 235, 2019 General Session

Part 3
General Land Use Provisions

17-27a-301 Ordinance establishing planning commission required -- Exception -- Ordinance requirements -- Planning advisory area planning commission -- Compensation.

(1)
(a) Except as provided in Subsection (1)(b), each county shall enact an ordinance establishing a countywide planning commission for the unincorporated areas of the county not within a planning advisory area.
(b) Subsection (1)(a) does not apply if all of the county is included within any combination of:
(i) municipalities;
(ii) planning advisory areas each with a separate planning commission; and
(iii) mountainous planning districts.
(c)
(i) Notwithstanding Subsection (1)(a), a county that designates a mountainous planning district shall enact an ordinance, subject to Subsection (1)(c)(ii), establishing a planning commission that has jurisdiction over the entire mountainous planning district.
(ii) A planning commission described in Subsection (1)(c)(i) has jurisdiction subject to a local health department exercising the local health department's authority in accordance with Title 26A, Chapter 1, Local Health Departments, and a municipality exercising the municipality's authority in accordance with Section 10-8-15.
(iii) The ordinance shall require that members of the planning commission be appointed by the county executive with the advice and consent of the county legislative body.

(2)
(a) Notwithstanding Subsection (1)(b), the county legislative body of a county of the first or second class that includes more than one planning advisory area each with a separate planning commission may enact an ordinance that:
(i) dissolves each planning commission within the county; and
(ii) establishes a countywide planning commission that has jurisdiction over:
(A) each planning advisory area within the county; and
(B) the unincorporated areas of the county not within a planning advisory area.
(b) A countywide planning commission established under Subsection (2)(a) shall assume the duties of each dissolved planning commission.

(3)
(a) The ordinance described in Subsection (1)(a) or (c) or (2)(a) shall define:
(i) the number and terms of the members and, if the county chooses, alternate members;
(ii) the mode of appointment;
(iii) the procedures for filling vacancies and removal from office;
(iv) the authority of the planning commission;
(v) subject to Subsection (3)(b), the rules of order and procedure for use by the planning commission in a public meeting; and
(vi) other details relating to the organization and procedures of the planning commission.
(b) Subsection (3)(a)(v) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(4)
(a)

(i) If the county establishes a planning advisory area planning commission, the county legislative body shall enact an ordinance that defines:
(A) appointment procedures;
(B) procedures for filling vacancies and removing members from office;
(C) subject to Subsection (4)(a)(ii), the rules of order and procedure for use by the planning advisory area planning commission in a public meeting; and
(D) details relating to the organization and procedures of each planning advisory area planning commission.
(ii) Subsection (4)(a)(i)(C) does not affect the planning advisory area planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
(b) The planning commission for each planning advisory area shall consist of seven members who shall be appointed by:
(i) in a county operating under a form of government in which the executive and legislative functions of the governing body are separated, the county executive with the advice and consent of the county legislative body; or
(ii) in a county operating under a form of government in which the executive and legislative functions of the governing body are not separated, the county legislative body.
(c)
(i) Members shall serve four-year terms and until their successors are appointed and qualified.
(ii) Notwithstanding the provisions of Subsection (4)(c)(i), members of the first planning commissions shall be appointed so that, for each commission, the terms of at least one member and no more than two members expire each year.
(d)
(i) Each member of a planning advisory area planning commission shall be a registered voter residing within the planning advisory area.
(ii) Subsection (4)(d)(i) does not apply to a member described in Subsection (5)(a) if that member was, prior to May 12, 2015, authorized to reside outside of the planning advisory area.
(5)
(a) A member of a planning commission who was elected to and served on a planning commission on May 12, 2015, shall serve out the term to which the member was elected.
(b) Upon the expiration of an elected term described in Subsection (5)(a), the vacant seat shall be filled by appointment in accordance with this section.
(6) Upon the appointment of all members of a planning advisory area planning commission, each planning advisory area planning commission under this section shall begin to exercise the powers and perform the duties provided in Section 17-27a-302 with respect to all matters then pending that previously had been under the jurisdiction of the countywide planning commission or planning advisory area planning and zoning board.
(7) The legislative body may authorize a member of a planning commission to receive per diem and travel expenses for meetings actually attended, in accordance with Section 11-55-103.

Amended by Chapter 363, 2021 General Session

17-27a-302 Planning commission powers and duties -- Training requirements.
(1) Each countywide, planning advisory area, or mountainous planning district planning commission shall, with respect to the unincorporated area of the county, the planning advisory area, or the mountainous planning district, review and make a recommendation to the county legislative body for:

(a) a general plan and amendments to the general plan;
(b) land use regulations, including:
(i) ordinances regarding the subdivision of land within the county; and
(ii) amendments to existing land use regulations;
(c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
(d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
(e) application processes that:
(i) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
(ii) shall protect the right of each:
(A) land use applicant and adversely affected party to require formal consideration of any application by a land use authority;
(B) land use applicant or adversely affected party to appeal a land use authority's decision to a separate appeal authority; and
(C) participant to be heard in each public hearing on a contested application.
(2) Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section 17-27a-404.
(3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.
(4) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation.
(5) Nothing in this section limits the right of a county to initiate or propose the actions described in this section.
(6)
(a)
(i) This Subsection (6) applies to a county that:
(A) is a county of the first, second, or third class; and
(B) has a population in the county's unincorporated areas of 5,000 or more.
(ii) The population for each county described in Subsection (6)(a)(i) shall be derived from:
(A) an estimate of the Utah Population Committee created in Section 63C-20-103; or
(B) if the Utah Population Committee estimate is not available, the most recent official census or census estimate of the United States Bureau of the Census.
(b) A county described in Subsection (6)(a)(i) shall ensure that each member of the county's planning commission completes four hours of annual land use training as follows:
(i) one hour of annual training on general powers and duties under Title 17, Chapter 27a, County Land Use, Development, and Management Act; and
(ii) three hours of annual training on land use, which may include:
(A) appeals and variances;
(B) conditional use permits;
(C) exactions;
(D) impact fees;
(E) vested rights;
(F) subdivision regulations and improvement guarantees;
(G) land use referenda;

(H) property rights;
(I) real estate procedures and financing;
(J) zoning, including use-based and form-based; and
(K) drafting ordinances and code that complies with statute.

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

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

(e) A county shall provide the training described in Subsection (6)(b) through:
(i) county staff;
(ii) the Utah Association of Counties; or
(iii) a list of training courses selected by:
(A) the Utah Association of Counties; or
(B) the Division of Real Estate created in Section 61-2-201.

(f) A county shall, for each planning commission member:
(i) monitor compliance with the training requirements in Subsection (6)(b); and
(ii) maintain a record of training completion at the end of each calendar year.

Amended by Chapter 400, 2025 General Session

17-27a-303 Entrance upon land.

A county may enter upon any land at reasonable times to make examinations and surveys pertinent to the:
(1) preparation of its general plan; or
(2) preparation or enforcement of its land use ordinances.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-304 State and federal property.

Unless otherwise provided by law, nothing contained in this chapter may be construed as giving a county jurisdiction over property owned by the state or the United States.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-305 Other entities required to conform to county's land use ordinances -- Exceptions -- School districts, charter schools, home-based microschools, and micro-education entities -- Submission of development plan and schedule.

(1)

(a) Each county, municipality, school district, charter school, special district, special service district, and political subdivision of the state shall conform to any applicable land use ordinance of any county when installing, constructing, operating, or otherwise using any area, land, or building situated within a mountainous planning district or the unincorporated portion of the county, as applicable.

(b) In addition to any other remedies provided by law, when a county's land use ordinance is violated or about to be violated by another political subdivision, that county may institute

an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.

(2)

(a) Except as provided in Subsection (3), a school district or charter school is subject to a county's land use ordinances.

(b)

(i) Notwithstanding Subsection (3), a county may:

(A) subject a charter school to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and

(B) impose regulations upon the location of a project that are necessary to avoid unreasonable risks to health or safety, as provided in Subsection (3)(f).

(ii) The standards to which a county may subject a charter school under Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

(iii) Except as provided in Subsection (7)(d), the only basis upon which a county may deny or withhold approval of a charter school's land use application is the charter school's failure to comply with a standard imposed under Subsection (2)(b)(i).

(iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an obligation to comply with a requirement of an applicable building or safety code to which it is otherwise obligated to comply.

(3) A county may not:

(a) impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, additional building inspections, county building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;

(b) except as otherwise provided in this section, require a school district or charter school to participate in the cost of any roadway or sidewalk, or a study on the impact of a school on a roadway or sidewalk, that is not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;

(c) require a district or charter school to pay fees not authorized by this section;

(d) provide for inspection of school construction or assess a fee or other charges for inspection, unless the school district or charter school is unable to provide for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent;

(e) require a school district or charter school to pay any impact fee for an improvement project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact Fees Act;

(f) impose regulations upon the location of an educational facility except as necessary to avoid unreasonable risks to health or safety; or

(g) for a land use or a structure owned or operated by a school district or charter school that is not an educational facility but is used in support of providing instruction to pupils, impose a regulation that:

(i) is not imposed on a similar land use or structure in the zone in which the land use or structure is approved; or

(ii) uses the tax exempt status of the school district or charter school as criteria for prohibiting or regulating the land use or location of the structure.

(4) Subject to Section 53E-3-710, a school district or charter school shall coordinate the siting of a new school with the county in which the school is to be located, to:

(a) avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future highways; and
(b) maximize school, student, and site safety.
(5) Notwithstanding Subsection (3)(d), a county may, at its discretion:
(a) provide a walk-through of school construction at no cost and at a time convenient to the district or charter school; and
(b) provide recommendations based upon the walk-through.
(6)
(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:
(i) a county building inspector;
(ii)
(A) for a school district, a school district building inspector from that school district; or
(B) for a charter school, a school district building inspector from the school district in which the charter school is located; or
(iii) an independent, certified building inspector who is not an employee of the contractor, licensed to perform the inspection that the inspector is requested to perform, and approved by a county building inspector or:
(A) for a school district, a school district building inspector from that school district; or
(B) for a charter school, a school district building inspector from the school district in which the charter school is located.
(b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.
(c) If a school district or charter school uses a school district or independent building inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to the state superintendent of public instruction and county building official, on a monthly basis during construction of the school building, a copy of each inspection certificate regarding the school building.
(7)
(a) A charter school, home-based microschool, or micro-education entity shall be considered a permitted use in all zoning districts within a county.
(b) Each land use application for any approval required for a charter school, home-based microschool, or micro-education entity, including an application for a building permit, shall be processed on a first priority basis.
(c) Parking requirements for a charter school or micro-education entity may not exceed the minimum parking requirements for schools or other institutional public uses throughout the county.
(d) If a county has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school or micro-education entity may be prohibited from a location which would otherwise defeat the purpose for the zone unless the charter school or micro-education entity provides a waiver.
(e)
(i) A school district , charter school, or micro-education entity may seek a certificate authorizing permanent occupancy of a school building from:
(A) the state superintendent of public instruction, as provided in Subsection 53E-3-706(3), if the school district, charter school, or micro-education entity used an independent building inspector for inspection of the school building; or
(B) a county official with authority to issue the certificate, if the school district, charter school, or micro-education entity used a county building inspector for inspection of the school building.

(ii) A school district may issue its own certificate authorizing permanent occupancy of a school building if it used its own building inspector for inspection of the school building, subject to the notification requirement of Subsection 53E-3-706(3)(a)(ii).

(iii) A charter school or micro-education entity may seek a certificate authorizing permanent occupancy of a school building from a school district official with authority to issue the certificate, if the charter school or micro-education entity used a school district building inspector for inspection of the school building.

(iv) A certificate authorizing permanent occupancy issued by the state superintendent of public instruction under Subsection 53E-3-706(3) or a school district official with authority to issue the certificate shall be considered to satisfy any county requirement for an inspection or a certificate of occupancy.

(f)

(i) A micro-education entity may operate a facility that meets Group E Occupancy requirements as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a).

(ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i) may have up to 100 students in the facility.

(g) A micro-education entity may operate a facility that is subject to and complies with the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as defined by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a), if:

(i) the facility has a code compliant fire alarm system and carbon monoxide detection system;

(ii)

(A) each classroom in the facility has an exit directly to the outside at the level of exit discharge; or

(B) the structure has a code compliant fire sprinkler system; and

(iii) the facility has an automatic fire sprinkler system in fire areas of the facility that are greater than 12,000 square feet.

(h)

(i) A home-based microschool is not subject to additional occupancy requirements beyond occupancy requirements that apply to a primary dwelling.

(ii) If a floor that is below grade in a home-based microschool is used for home-based microschool purposes, the below grade floor of the home-based microschool shall have at least one emergency escape or rescue window that complies with the requirements for emergency escape and rescue windows as defined by the International Residential Code, as incorporated in Section 15A-1-210.

(8)

(a) A specified public agency intending to develop its land shall submit to the land use authority a development plan and schedule:

(i) as early as practicable in the development process, but no later than the commencement of construction; and

(ii) with sufficient detail to enable the land use authority to assess:

(A) the specified public agency's compliance with applicable land use ordinances;

(B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b), (c), (d), (e), and (g) caused by the development;

(C) the amount of any applicable fee described in Section 17-27a-509;

(D) any credit against an impact fee; and

(E) the potential for waiving an impact fee.

(b) The land use authority shall respond to a specified public agency's submission under Subsection (8)(a) with reasonable promptness in order to allow the specified public agency to consider information the municipality provides under Subsection (8)(a)(ii) in the process of preparing the budget for the development.

(9) Nothing in this section may be construed to:

(a) modify or supersede Section 17-27a-304; or

(b) authorize a county to enforce an ordinance in a way, or enact an ordinance, that fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with Disabilities Act of 1990, 42 U.S.C. 12102, or any other provision of federal law.

(10) Nothing in Subsection (7) prevents a political subdivision from:

(a) requiring a home-based microschool or micro-education entity to comply with local zoning and land use regulations that do not conflict with this section, including:

(i) parking;

(ii) traffic; and

(iii) hours of operation;

(b) requiring a home-based microschool or micro-education entity to obtain a business license;

(c) enacting county ordinances and regulations consistent with this section;

(d) subjecting a micro-education entity to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and

(e) imposing regulations on the location of a project that are necessary to avoid risks to health or safety.

(11) Notwithstanding any other provision of law, the proximity restrictions that apply to community locations do not apply to a micro-education entity.

Amended by Chapter 461, 2025 General Session

17-27a-306 Planning advisory areas -- Notice of hearings.

(1)

(a) A planning advisory area may be established as provided in this Subsection (1).

(b) A planning advisory area may not be established unless the area to be included within the proposed planning advisory area:

(i) is unincorporated;

(ii) is contiguous; and

(iii)

(A) contains:

(I) at least 20% but not more than 80% of:

(Aa) the total private land area in the unincorporated county; or

(Bb) the total value of locally assessed taxable property in the unincorporated county; or

(II)

(Aa) in a county of the second or third class, at least 5% of the total population of the unincorporated county, but not less than 300 residents; or

(Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population of the unincorporated county; or

(B) has been declared by the United States Census Bureau as a census designated place.

(c)

(i) The process to establish a planning advisory area is initiated by the filing of a petition with the clerk of the county in which the proposed planning advisory area is located.

(ii) A petition to establish a planning advisory area may not be filed if it proposes the establishment of a planning advisory area that includes an area within a proposed planning advisory area in a petition that has previously been certified under Subsection (1)(g), until after the canvass of an election on the proposed planning advisory area under Subsection (1)(j).

(d) A petition under Subsection (1)(c) to establish a planning advisory area shall:

(i) be signed by the owners of private real property that:

(A) is located within the proposed planning advisory area;

(B) covers at least 10% of the total private land area within the proposed planning advisory area; and

(C) is equal in value to at least 10% of the value of all private real property within the proposed planning advisory area;

(ii) be accompanied by an accurate plat or map showing the boundary of the contiguous area proposed to be established as a planning advisory area;

(iii) indicate the typed or printed name and current residence address of each owner signing the petition;

(iv) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;

(v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the petition for purposes of the petition; and

(vi) request the county legislative body to provide notice of the petition and of a public hearing, hold a public hearing, and conduct an election on the proposal to establish a planning advisory area.

(e) Subsection 10-2a-102(3) applies to a petition to establish a planning advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal Incorporation.

(f)

(i) Within seven days after the filing of a petition under Subsection (1)(c) proposing the establishment of a planning advisory area in a county of the second class, the county clerk shall provide notice of the filing of the petition to:

(A) each owner of real property owning more than 1% of the assessed value of all real property within the proposed planning advisory area; and

(B) each owner of real property owning more than 850 acres of real property within the proposed planning advisory area.

(ii) A property owner may exclude all or part of the property owner's property from a proposed planning advisory area in a county of the second class:

(A) if:

(I)

(Aa)

(Ii) the property owner owns more than 1% of the assessed value of all property within the proposed planning advisory area;

(IIii) the property is nonurban; and

(IIIiii) the property does not or will not require municipal provision of municipal-type services; or

(Bb) the property owner owns more than 850 acres of real property within the proposed planning advisory area; and

(II) exclusion of the property will not leave within the planning advisory area an island of property that is not part of the planning advisory area; and

(B) by filing a notice of exclusion within 10 days after receiving the clerk's notice under Subsection (1)(f)(i).

(iii)

(A) The county legislative body shall exclude from the proposed planning advisory area the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if the property meets the applicable requirements of Subsection (1)(f)(ii)(A).

(B) If the county legislative body excludes property from a proposed planning advisory area under Subsection (1)(f)(iii), the county legislative body shall, within five days after the exclusion, send written notice of its action to the contact sponsor.

(g)

(i) Within 45 days after the filing of a petition under Subsection (1)(c), the county clerk shall:

(A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (1)(d); and

(B)

(I) if the clerk determines that the petition complies with the requirements of Subsection (1)(d):

(Aa) certify the petition and deliver the certified petition to the county legislative body; and

(Bb) mail or deliver written notification of the certification to the contact sponsor; or

(II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

(ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.

(h)

(i) Within 90 days after a petition to establish a planning advisory area is certified, the county legislative body shall hold a public hearing on the proposal to establish a planning advisory area.

(ii) A public hearing under Subsection (1)(h)(i) shall be:

(A) within the boundary of the proposed planning advisory area; or

(B) if holding a public hearing in that area is not practicable, as close to that area as practicable.

(iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing for the county, as a class A notice under Section 63G-30-102, for at least one week.

(i) Following the public hearing under Subsection (1)(h)(i), the county legislative body shall arrange for the proposal to establish a planning advisory area to be submitted to voters residing within the proposed planning advisory area at the next regular general election that is more than 90 days after the public hearing.

(j) A planning advisory area is established at the time of the canvass of the results of an election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the proposal to establish a planning advisory area voted in favor of the proposal.

(k) An area that is an established township before May 12, 2015:

(i) is, as of May 12, 2015, a planning advisory area; and

(ii)
(A) shall change its name, if applicable, to no longer include the word "township"; and
(B) may use the word "planning advisory area" in its name.
(2) The county legislative body may:
(a) assign to the countywide planning commission the duties established in this part that would have been assumed by a planning advisory area planning commission designated under Subsection (2)(b); or
(b) designate and appoint a planning commission for the planning advisory area.
(3)
(a) An area within the boundary of a planning advisory area may be withdrawn from the planning advisory area as provided in this Subsection (3) or in accordance with Subsection (5)(a).
(b) The process to withdraw an area from a planning advisory area is initiated by the filing of a petition with the clerk of the county in which the planning advisory area is located.
(c) A petition under Subsection (3)(b) shall:
(i) be signed by the owners of private real property that:
(A) is located within the area proposed to be withdrawn from the planning advisory area;
(B) covers at least 50% of the total private land area within the area proposed to be withdrawn from the planning advisory area; and
(C) is equal in value to at least 33% of the value of all private real property within the area proposed to be withdrawn from the planning advisory area;
(ii) state the reason or reasons for the proposed withdrawal;
(iii) be accompanied by an accurate plat or map showing the boundary of the contiguous area proposed to be withdrawn from the planning advisory area;
(iv) indicate the typed or printed name and current residence address of each owner signing the petition;
(v) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;
(vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the petition for purposes of the petition; and
(vii) request the county legislative body to withdraw the area from the planning advisory area.
(d) Subsection 10-2a-102(3) applies to a petition to withdraw an area from a planning advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal Incorporation.
(e)
(i) Within 45 days after the filing of a petition under Subsection (3)(b), the county clerk shall:
(A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (3)(c); and
(B)
(I) if the clerk determines that the petition complies with the requirements of Subsection (3)(c):
(Aa) certify the petition and deliver the certified petition to the county legislative body; and
(Bb) mail or deliver written notification of the certification to the contact sponsor; or
(II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

(ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.

(f)

(i) Within 60 days after a petition to withdraw an area from a planning advisory area is certified, the county legislative body shall hold a public hearing on the proposal to withdraw the area from the planning advisory area.

(ii) A public hearing under Subsection (3)(f)(i) shall be held:

(A) within the area proposed to be withdrawn from the planning advisory area; or

(B) if holding a public hearing in that area is not practicable, as close to that area as practicable.

(iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing for the area proposed to be withdrawn, as a class B notice under Section 63G-30-102, for at least three weeks before the date of the hearing.

(g)

(i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county legislative body shall make a written decision on the proposal to withdraw the area from the planning advisory area.

(ii) In making its decision as to whether to withdraw the area from the planning advisory area, the county legislative body shall consider:

(A) whether the withdrawal would leave the remaining planning advisory area in a situation where the future incorporation of an area within the planning advisory area or the annexation of an area within the planning advisory area to an adjoining municipality would be economically or practically not feasible;

(B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn area:

(I) whether the proposed subsequent incorporation or withdrawal:

(Aa) will leave or create an unincorporated island or peninsula; or

(Bb) will leave the county with an area within its unincorporated area for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years; and

(II) whether the municipality to be created or the municipality into which the withdrawn area is expected to annex would be or is capable, in a cost effective manner, of providing service to the withdrawn area that the county will no longer provide due to the incorporation or annexation;

(C) the effects of a withdrawal on adjoining property owners, existing or projected county streets or other public improvements, law enforcement, and zoning and other municipal services provided by the county; and

(D) whether justice and equity favor the withdrawal.

(h) Upon the written decision of the county legislative body approving the withdrawal of an area from a planning advisory area, the area is withdrawn from the planning advisory area and the planning advisory area continues as a planning advisory area with a boundary that excludes the withdrawn area.

(4)

(a) A planning advisory area may be dissolved as provided in this Subsection (4).

(b) The process to dissolve a planning advisory area is initiated by the filing of a petition with the clerk of the county in which the planning advisory area is located.

(c) A petition under Subsection (4)(b) shall:

(i) be signed by registered voters within the planning advisory area equal in number to at least 25% of all votes cast by voters within the planning advisory area at the last congressional election;
(ii) state the reason or reasons for the proposed dissolution;
(iii) indicate the typed or printed name and current residence address of each person signing the petition;
(iv) designate up to five signers of the petition as petition sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each petition sponsor;
(v) authorize the petition sponsors to act on behalf of all persons signing the petition for purposes of the petition; and
(vi) request the county legislative body to provide notice of the petition and of a public hearing, hold a public hearing, and conduct an election on the proposal to dissolve the planning advisory area.

(d)
(i) Within 45 days after the filing of a petition under Subsection (4)(b), the county clerk shall:
(A) with the assistance of other county officers from whom the clerk requests assistance, determine whether the petition complies with the requirements of Subsection (4)(c); and
(B)
(I) if the clerk determines that the petition complies with the requirements of Subsection (4)(c):
(Aa) certify the petition and deliver the certified petition to the county legislative body; and
(Bb) mail or deliver written notification of the certification to the contact sponsor; or
(II) if the clerk determines that the petition fails to comply with any of the requirements of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.
(ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition may be amended to correct the deficiencies for which it was rejected and then refiled with the county clerk.

(e)
(i) Within 60 days after a petition to dissolve the planning advisory area is certified, the county legislative body shall hold a public hearing on the proposal to dissolve the planning advisory area.
(ii) A public hearing under Subsection (4)(e)(i) shall be held:
(A) within the boundary of the planning advisory area; or
(B) if holding a public hearing in that area is not practicable, as close to that area as practicable.
(iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing for the county, as a class A notice under Section 63G-30-102, for three consecutive weeks immediately before the public hearing.

(f) Following the public hearing under Subsection (4)(e)(i), the county legislative body shall arrange for the proposal to dissolve the planning advisory area to be submitted to voters residing within the planning advisory area at the next regular general election that is more than 90 days after the public hearing.

(g) A planning advisory area is dissolved at the time of the canvass of the results of an election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the proposal to dissolve the planning advisory area voted in favor of the proposal.

(5)
(a) If a portion of an area located within a planning advisory area is annexed by a municipality or incorporates, that portion is withdrawn from the planning advisory area.
(b) If a planning advisory area in whole is annexed by a municipality or incorporates, the planning advisory area is dissolved.

Amended by Chapter 435, 2023 General Session

17-27a-308 Land use authority requirements -- Nature of land use decision.
(1) A land use authority shall apply the plain language of land use regulations.
(2) If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.
(3) A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

Enacted by Chapter 84, 2017 General Session

17-27a-309 Urban development in municipal expansion area -- Requirements.
(1) For purposes of this section, "urban development" means the same as the term is defined in Section 10-2-801.
(2) A county legislative body may approve urban development within an adopted expansion area of a municipality if the county notifies the municipality of the proposed urban development, and:
(a) the municipality consents in writing to the proposed urban development; or
(b) the municipality fails to respond to the county's notification of the proposed urban development within 90 days after the day on which the county provides the notice.
(3) If a municipality responds to the county's notice under Subsection (2) within 90 days after the county's notification of the proposed urban development to object to the proposed urban development, the county may approve the urban development if the county responds to the municipality's objection in writing.

Enacted by Chapter 399, 2025 General Session

Part 4
General Plan

17-27a-401 General plan required -- Content -- Resource management plan -- Provisions related to radioactive waste facility.
(1) To accomplish the purposes of this chapter, a county shall prepare and adopt a comprehensive, long-range general plan:
(a) for present and future needs of the county;
(b)
(i) for growth and development of all or any part of the land within the unincorporated portions of the county; or
(ii) if a county has designated a mountainous planning district, for growth and development of all or any part of the land within the mountainous planning district; and

(c) as a basis for communicating and coordinating with the federal government on land and resource management issues.

(2) To promote health, safety, and welfare, the general plan may provide for:

(a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;

(b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;

(c) the efficient and economical use, conservation, and production of the supply of:

(i) food and water; and

(ii) drainage, sanitary, and other facilities and resources;

(d) the use of energy conservation and solar and clean energy resources;

(e) the protection of urban development;

(f) the protection and promotion of air quality;

(g) historic preservation;

(h) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by an affected entity; and

(i) an official map.

(3)

(a)

(i) The general plan of a specified county, as defined in Section 17-27a-408, shall include a moderate income housing element that meets the requirements of Subsection 17-27a-403(2)(a)(iii).

(ii)

(A) This Subsection (3)(a)(ii) applies to a county that does not qualify as a specified county as of January 1, 2023.

(B) As of January 1, if a county described in Subsection (3)(a)(ii)(A) changes from one class to another or grows in population to qualify as a specified county as defined in Section 17-27a-408, the county shall amend the county's general plan to comply with Subsection (3)(a)(i) on or before August 1 of the first calendar year beginning on January 1 in which the county qualifies as a specified county.

(iii) A county described in Subsection (3)(a)(ii)(B) shall send a copy of the county's amended general plan to the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member.

(b) The general plan shall contain a resource management plan for the public lands, as defined in Section 63L-6-102, within the county.

(c) The resource management plan described in Subsection (3)(b) shall address:

(i) mining;

(ii) land use;

(iii) livestock and grazing;

(iv) irrigation;

(v) agriculture;

(vi) fire management;

(vii) noxious weeds;

(viii) forest management;

(ix) water rights;

(x) ditches and canals;

(xi) water quality and hydrology;

(xii) flood plains and river terraces;
(xiii) wetlands;
(xiv) riparian areas;
(xv) predator control;
(xvi) wildlife;
(xvii) fisheries;
(xviii) recreation and tourism;
(xix) energy resources;
(xx) mineral resources;
(xxi) cultural, historical, geological, and paleontological resources;
(xxii) wilderness;
(xxiii) wild and scenic rivers;
(xxiv) threatened, endangered, and sensitive species;
(xxv) land access;
(xxvi) law enforcement;
(xxvii) economic considerations; and
(xxviii) air.

(d) For each item listed under Subsection (3)(c), a county's resource management plan shall:
(i) establish findings pertaining to the item;
(ii) establish defined objectives; and
(iii) outline general policies and guidelines on how the objectives described in Subsection (3)(d)(ii) are to be accomplished.

(4)
(a)
(i) The general plan shall include specific provisions related to an area within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as these wastes are defined in Section 19-3-303.
(ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the proposed site upon the health and general welfare of citizens of the state, and shall provide:
(A) the information identified in Section 19-3-305;
(B) information supported by credible studies that demonstrates that Subsection 19-3-307(2) has been satisfied; and
(C) specific measures to mitigate the effects of high-level nuclear waste and greater than class C radioactive waste and guarantee the health and safety of the citizens of the state.

(b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance indicating that all proposals for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the county are rejected.

(c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.

(d) The county shall send a certified copy of the ordinance described in Subsection (4)(b) to the executive director of the Department of Environmental Quality by certified mail within 30 days of enactment.

(e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:
(i) comply with Subsection (4)(a) as soon as reasonably possible; and
(ii) send a certified copy of the repeal to the executive director of the Department of Environmental Quality by certified mail within 30 days after the repeal.

(5) The general plan may define the county's local customs, local culture, and the components necessary for the county's economic stability.
(6) Subject to Subsection 17-27a-403(2), the county may determine the comprehensiveness, extent, and format of the general plan.
(7) If a county has designated a mountainous planning district, the general plan for the mountainous planning district is the controlling plan.
(8) Nothing in this part may be construed to limit the authority of the state to manage and protect wildlife under Title 23A, Wildlife Resources Act.
(9) On or before December 31, 2025, a county that has a general plan that does not include a water use and preservation element that complies with Section 17-27a-403 shall amend the county's general plan to comply with Section 17-27a-403.

Amended by Chapter 53, 2024 General Session

17-27a-402 Information and technical assistance from the state.
(1) A county may request that the state, including any agency, department, division, institution, or official of the state, provide the county with information that would assist the county in creating the county's general plan.
(2) The state or an agency, department, division, institution, or official of the state from which a county has requested information under Subsection (1) shall provide the county with:
  (a) the information requested by the county, unless providing the information is prohibited by Title 63G, Chapter 2, Government Records Access and Management Act; and
  (b) any other technical assistance or advice the county needs with regards to the county's general plan, without any additional cost to the county.

Repealed and Re-enacted by Chapter 310, 2015 General Session

17-27a-403 General plan preparation.
(1)
  (a) The planning commission shall provide notice, as provided in Section 17-27a-203, of the planning commission's intent to make a recommendation to the county legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing the planning commission's recommendation.
  (b) The planning commission shall make and recommend to the legislative body a proposed general plan for:
    (i) the unincorporated area within the county; or
    (ii) if the planning commission is a planning commission for a mountainous planning district, the mountainous planning district.
  (c)
    (i) The plan may include planning for incorporated areas if, in the planning commission's judgment, they are related to the planning of the unincorporated territory or of the county as a whole.
    (ii) Elements of the county plan that address incorporated areas are not an official plan or part of a municipal plan for any municipality, unless the county plan is recommended by the municipal planning commission and adopted by the governing body of the municipality.
(2)

(a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
(i) a land use element that:
(A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing for residents of various income levels, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate;
(B) includes a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;
(C) is coordinated to integrate the land use element with the water use and preservation element; and
(D) accounts for the effect of land use categories and land uses on water demand;
(ii) a transportation and traffic circulation element that:
(A) provides the general location and extent of existing and proposed freeways, arterial and collector streets, public transit, active transportation facilities, and other modes of transportation that the planning commission considers appropriate;
(B) addresses the county's plan for residential and commercial development around major transit investment corridors to maintain and improve the connections between housing, employment, education, recreation, and commerce; and
(C) correlates with the population projections, the employment projections, and the proposed land use element of the general plan;
(iii) for a specified county as defined in Section 17-27a-408, a moderate income housing element that:
(A) provides a realistic opportunity to meet the need for additional moderate income housing within the next five years;
(B) selects three or more moderate income housing strategies described in Subsections (2)(b)(ii)(A) through (V), or one moderate income housing strategy described in Subsections (2)(b)(ii)(W) through (BB), for implementation; and
(C) includes an implementation plan as provided in Subsection (2)(f);
(iv) a resource management plan detailing the findings, objectives, and policies required by Subsection 17-27a-401(3); and
(v) a water use and preservation element that addresses:
(A) the effect of permitted development or patterns of development on water demand and water infrastructure;
(B) methods of reducing water demand and per capita consumption for future development;
(C) methods of reducing water demand and per capita consumption for existing development; and
(D) opportunities for the county to modify the county's operations to eliminate practices or conditions that waste water.
(b) In drafting the moderate income housing element, the planning commission:
(i) shall consider the Legislature's determination that counties should facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
(A) to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and
(B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life; and

(ii) shall include an analysis of how the county will provide a realistic opportunity for the development of moderate income housing within the planning horizon, including a recommendation to implement three or more of the following moderate income housing strategies:

(A) rezone for densities necessary to facilitate the production of moderate income housing;

(B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;

(C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) identify and utilize county general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the county for the construction or rehabilitation of moderate income housing;

(E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;

(F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers;

(G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;

(H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;

(I) amend land use regulations to allow for single room occupancy developments;

(J) implement zoning incentives for moderate income units in new developments;

(K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or establishing a housing loss mitigation fund;

(L) reduce, waive, or eliminate impact fees related to moderate income housing;

(M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;

(N) implement a mortgage assistance program for employees of the county, an employer that provides contracted services for the county, or any other public employer that operates within the county;

(O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;

(P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;

(Q) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;

(R) create a program to transfer development rights for moderate income housing;

(S) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;
(T) develop a moderate income housing project for residents who are disabled or 55 years old or older;
(U) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones;
(V) demonstrate implementation of any other program or strategy to address the housing needs of residents of the county who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing;
(W) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
(X) create a home ownership investment zone in accordance with Part 12, Home Ownership Promotion Zone for Counties;
(Y) create a first home investment zone in accordance with Title 63N, Chapter 3, Part 16, First Home Investment Zone Act;
(Z) approve a project that receives funding from, or qualifies to receive funding from, the Utah Homes Investment Program created in Title 51, Chapter 12, Utah Homes Investment Program;
(AA) adopt or approve an affordable home ownership density bonus for single-family residential units, as described in Section 17-27a-403.1; and
(BB) adopt or approve an affordable home ownership density bonus for multi-family residential units, as described in Section 17-27a-403.2.

(c) The planning commission shall identify each moderate income housing strategy recommended to the legislative body for implementation by restating the exact language used to describe the strategy in Subsection (2)(b)(ii).

(d) In drafting the land use element, the planning commission shall:
(i) identify and consider each agriculture protection area within the unincorporated area of the county or mountainous planning district;
(ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture; and
(iii) consider and coordinate with any station area plans adopted by municipalities located within the county under Section 10-9a-403.1.

(e) In drafting the transportation and traffic circulation element, the planning commission shall:
(i)
(A) consider and coordinate with the regional transportation plan developed by the county's region's metropolitan planning organization, if the relevant areas of the county are within the boundaries of a metropolitan planning organization; or
(B) consider and coordinate with the long-range transportation plan developed by the Department of Transportation, if the relevant areas of the county are not within the boundaries of a metropolitan planning organization; and
(ii) consider and coordinate with any station area plans adopted by municipalities located within the county under Section 10-9a-403.1.

(f)
(i) In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall recommend to the

legislative body the establishment of a five-year timeline for implementing each of the moderate income housing strategies selected by the county for implementation.

(ii) The timeline described in Subsection (2)(f)(i) shall:

(A) identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the county; and

(B) provide flexibility for the county to make adjustments as needed.

(g) In drafting the water use and preservation element, the planning commission:

(i) shall consider applicable regional water conservation goals recommended by the Division of Water Resources;

(ii) shall consult with the Division of Water Resources for information and technical resources regarding regional water conservation goals, including how implementation of the land use element and water use and preservation element may affect the Great Salt Lake;

(iii) shall notify the community water systems serving drinking water within the unincorporated portion of the county and request feedback from the community water systems about how implementation of the land use element and water use and preservation element may affect:

(A) water supply planning, including drinking water source and storage capacity consistent with Section 19-4-114; and

(B) water distribution planning, including master plans, infrastructure asset management programs and plans, infrastructure replacement plans, and impact fee facilities plans;

(iv) shall consider the potential opportunities and benefits of planning for regionalization of public water systems;

(v) shall consult with the Department of Agriculture and Food for information and technical resources regarding the potential benefits of agriculture conservation easements and potential implementation of agriculture water optimization projects that would support regional water conservation goals;

(vi) shall notify an irrigation or canal company located in the county so that the irrigation or canal company can be involved in the protection and integrity of the irrigation or canal company's delivery systems;

(vii) shall include a recommendation for:

(A) water conservation policies to be determined by the county; and

(B) landscaping options within a public street for current and future development that do not require the use of lawn or turf in a parkstrip;

(viii) shall review the county's land use ordinances and include a recommendation for changes to an ordinance that promotes the inefficient use of water;

(ix) shall consider principles of sustainable landscaping, including the:

(A) reduction or limitation of the use of lawn or turf;

(B) promotion of site-specific landscape design that decreases stormwater runoff or runoff of water used for irrigation;

(C) preservation and use of healthy trees that have a reasonable water requirement or are resistant to dry soil conditions;

(D) elimination or regulation of ponds, pools, and other features that promote unnecessary water evaporation;

(E) reduction of yard waste; and

(F) use of an irrigation system, including drip irrigation, best adapted to provide the optimal amount of water to the plants being irrigated;

(x) may include recommendations for additional water demand reduction strategies, including:

(A) creating a water budget associated with a particular type of development;

(B) adopting new or modified lot size, configuration, and landscaping standards that will reduce water demand for new single family development;
(C) providing one or more water reduction incentives for existing landscapes and irrigation systems and installation of water fixtures or systems that minimize water demand;
(D) discouraging incentives for economic development activities that do not adequately account for water use or do not include strategies for reducing water demand; and
(E) adopting water concurrency standards requiring that adequate water supplies and facilities are or will be in place for new development; and
(xi) shall include a recommendation for low water use landscaping standards for a new:
(A) commercial, industrial, or institutional development;
(B) common interest community, as defined in Section 57-25-102; or
(C) multifamily housing project.
(3) The proposed general plan may include:
(a) an environmental element that addresses:
(i) to the extent not covered by the county's resource management plan, the protection, conservation, development, and use of natural resources, including the quality of:
(A) air;
(B) forests;
(C) soils;
(D) rivers;
(E) groundwater and other waters;
(F) harbors;
(G) fisheries;
(H) wildlife;
(I) minerals; and
(J) other natural resources; and
(ii)
(A) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters;
(B) the regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas;
(C) the prevention, control, and correction of the erosion of soils;
(D) the preservation and enhancement of watersheds and wetlands; and
(E) the mapping of known geologic hazards;
(b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;
(c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:
(i) historic preservation;
(ii) the diminution or elimination of a development impediment as defined in Section 17C-1-102; and
(iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;
(d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected county revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;

(e) recommendations for implementing all or any portion of the general plan, including the adoption of land and water use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;
(f) provisions addressing any of the matters listed in Subsection 17-27a-401(2) or (3)(a)(i); and
(g) any other element the county considers appropriate.

Amended by Chapter 385, 2025 General Session

17-27a-403.1 Affordable home ownership density bonus for single-family residential units.

(1) As used in this section:
(a) "Affordable housing" means the same as that term is defined in Section 10-9a-403.2.
(b) "Owner-occupier" means the same as that term is defined in Section 10-9a-403.2.
(c) "Qualifying affordable home ownership single-family density bonus" means:
(i) for an area with an underlying zoning density of less than six residential units per acre, county approval of a density at least six residential units per acre; or
(ii) for an area with an underlying zoning density of six residential units per acre or more, county approval of a density at least 0.5 residential units per acre greater than the underlying zoning density for the area.
(2) If a county approves a qualifying affordable home ownership single-family density bonus, either through a zoning ordinance or a development agreement, the county may adopt requirements for the qualifying affordable home ownership single-family density bonus area to ensure:
(a) at least 60% of the total single-family residential units be deed-restricted to owner-occupancy for at least five years;
(b) at least 25% of the total single-family residential units qualify as affordable housing;
(c) at least 25% of the single-family residential units per acre to be no larger than 1,600 square feet; or
(d) the applicant creates a preferential qualifying buyer program in which a single-family residential unit is initially offered for sale, for up to 30 days, to a category of preferred qualifying buyers established by the county, in accordance with provisions of the Fair Housing Act, 42 U.S.C. Sec. 3601.
(3) A county may offer additional incentives in a qualifying affordable home ownership single-family density bonus area approved for single-family residential units to promote owner-occupied, affordable housing.

Enacted by Chapter 385, 2025 General Session

17-27a-403.2 Affordable home ownership density bonus for multi-family residential units.

(1) As used in this section:
(a) "Affordable housing" means the same as that term is defined in Section 10-9a-403.2.
(b) "Owner-occupier" means the same as that term is defined in Section 10-9a-403.2.
(c) "Qualifying affordable home ownership multi-family density bonus" means county approval of a density of at least 20 residential units per acre.
(2) If a county approves a qualifying affordable home ownership multi-family density bonus, either through a zoning ordinance or a development agreement, the county may adopt requirements for the qualifying affordable home ownership multi-family density bonus area to ensure:
(a) at least 20% more residential units per acre than are otherwise allowed in the area;
(b) at least 60% of the total units in the multi-family residential building be deed-restricted to owner-occupancy for at least five years;

(c) at least 25% of the total units in the multi-family residential building qualify as affordable housing;
(d) at least 25% of the total units in a multi-family residential building to be no larger than 1,600 square feet; or
(e) the applicant creates a preferential qualifying buyer program in which a unit in a multi-family residential building is initially offered for sale, for up to 30 days, to a category of preferred qualifying buyers established by the county, in accordance with provisions of the Fair Housing Act, 42 U.S.C. Sec. 3601.
(3) A county may offer additional incentives in a qualifying affordable home ownership multi-family density bonus area for multi-family residential units to promote owner-occupied, affordable housing.

Enacted by Chapter 385, 2025 General Session

17-27a-404 Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

(1)
(a) After completing the planning commission's recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.
(b) The planning commission shall provide notice of the public hearing for the county, as a class A notice under Section 63G-30-102, for at least 10 calendar days before the day of the public hearing.
(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.
(2) The planning commission shall forward the proposed general plan or amendment to the legislative body.
(3)
(a) As provided by local ordinance and by Section 17-27a-204, the legislative body shall provide notice of the legislative body's intent to consider the general plan proposal.
(b)
(i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection (3)(b).
(ii) The hearing format shall allow adequate time for public comment at the actual public hearing, and shall also allow for public comment in writing to be submitted to the legislative body for not fewer than 90 days after the date of the public hearing.
(c)
(i) The legislative body shall give notice of the hearing in accordance with this Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are complete.
(ii) Direct notice of the hearing shall be given, in writing, to the governor, members of the state Legislature, executive director of the Department of Environmental Quality, the state planning coordinator, the Resource Development Coordinating Committee, and any other citizens or entities who specifically request notice in writing.
(iii) Public notice shall be given for the county, as a class A notice under Section 63G-30-102, for at least 180 days.

(iv) The notice shall be published to allow reasonable time for interested parties and the state to evaluate the information regarding Subsection 17-27a-401(4), including publication described in Subsection (3)(c)(iii) for 180 days before the date of the hearing to be held under this Subsection (3).

(4)

(a) After the public hearing required under this section, the legislative body may adopt, reject, or make any revisions to the proposed general plan that the legislative body considers appropriate.

(b) The legislative body shall respond in writing and in a substantive manner to all those providing comments as a result of the hearing required by Subsection (3).

(c) If the county legislative body rejects the proposed general plan or amendment, the legislative body may provide suggestions to the planning commission for the planning commission's review and recommendation.

(5) The legislative body shall adopt:

(a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

(b) a transportation and traffic circulation element as provided in Subsection 17-27a-403(2)(a)(ii);

(c) for a specified county as defined in Section 17-27a-408, a moderate income housing element as provided in Subsection 17-27a-403(2)(a)(iii);

(d) a resource management plan as provided by Subsection 17-27a-403(2)(a)(iv); and

(e) on or before December 31, 2025, a water use and preservation element as provided in Subsection 17-27a-403(2)(a)(v).

Amended by Chapter 435, 2023 General Session

17-27a-405 Effect of general plan -- Coordination with federal government.

(1) Except for the mandatory provisions in Subsection 17-27a-401(4)(b) and Section 17-27a-406, and except as provided in Subsection (3), the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

(2) The legislative body may adopt an ordinance mandating compliance with the general plan, and shall adopt an ordinance requiring compliance with all provisions of Subsection 17-27a-401(4)(b).

(3)

(a) As used in this Subsection (3), "coordinate with" means an action taken by the federal government on a given matter, pursuant to a federal law, rule, policy, or regulation, to:

(i) work with a county on the matter to achieve a consistent outcome;

(ii) make resource management plans in conjunction with a county on the matter;

(iii) make resource management plans consistent with a county's plans on the matter;

(iv) integrate a county's plans on the matter into the federal government's plans; or

(v) follow a county's plans when contemplating any action on the matter.

(b) If the federal government is required to coordinate with a county or a local government on a matter, the county's general plan is the principle document through which the coordination shall take place.

(c) The federal government is not considered to have coordinated with a county or a local government on a matter unless the federal government has:

(i) kept the county apprised of the federal government's proposed plans, amendments, policy changes, and management actions with regard to the matter;

(ii) worked with the county in developing and implementing plans, policies, and management actions on the matter;

(iii) treated the county as an equal partner in negotiations related to the matter;
(iv) listened to and understood the county's position on the matter to determine whether a conflict exists between the federal government's proposed plan, policy, rule, or action and the county's general plan;
(v) worked with the county in an amicable manner to reconcile any differences or disagreements, to the greatest extent possible under federal law, between the federal government and the county with regards to plans, policies, rules, or proposed management actions that relate to the matter;
(vi) engaged in a good-faith effort to reconcile any conflicts discovered under Subsection (3)(c)(iv) to achieve, to the greatest extent possible under federal law, consistency between the federal government's proposed plan, policy, rule, or action and the county's general plan; and
(vii) given full consideration to a county's general plan to the extent that the general plan addresses the matter.

Amended by Chapter 310, 2015 General Session

17-27a-406 Public uses to conform to general plan.

After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-407 Effect of official maps.

(1) Counties may adopt an official map.
(2)
(a) An official map does not:
(i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (2)(b)(iii); or
(ii) require a county to immediately acquire property it has designated for eventual use as a public street.
(b) This section does not prohibit a county from:
(i) recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Section 17-27a-507;
(ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or
(iii) requiring the dedication and improvement of a street if the street is found necessary by the county because of a proposed development and if the dedication and improvement is consistent with Section 17-27a-507.

Renumbered and Amended by Chapter 254, 2005 General Session

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

(1) As used in this section:

(a) "Division" means the Housing and Community Development Division within the Department of Workforce Services.
(b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified county's general plan as provided in Subsection 17-27a-403(2)(f).
(c) "Initial report" means the one-time moderate income housing report described in Subsection (2).
(d) "Moderate income housing strategy" means a strategy described in Subsection 17-27a-403(2)(b)(ii).
(e) "Report" means an initial report or a subsequent report.
(f) "Specified county" means a county of the first, second, or third class, which has a population of more than 5,000 in the county's unincorporated areas.
(g) "Subsequent progress report" means the annual moderate income housing report described in Subsection (3).

(2)
(a) The legislative body of a specified county shall annually submit an initial report to the division.
(b)
(i) This Subsection (2)(b) applies to a county that is not a specified county as of January 1, 2023.
(ii) As of January 1, if a county described in Subsection (2)(b)(i) changes from one class to another or grows in population to qualify as a specified county, the county shall submit an initial plan to the division on or before August 1 of the first calendar year beginning on January 1 in which the county qualifies as a specified county.
(c) The initial report shall:
(i) identify each moderate income housing strategy selected by the specified county for continued, ongoing, or one-time implementation, using the exact language used to describe the moderate income housing strategy in Subsection 17-27a-403(2)(b)(ii); and
(ii) include an implementation plan.

(3)
(a) After the division approves a specified county's initial report under this section, the specified county shall, as an administrative act, annually submit to the division a subsequent progress report on or before August 1 of each year after the year in which the specified county is required to submit the initial report.
(b) The subsequent progress report shall include:
(i) subject to Subsection (3)(c), a description of each action, whether one-time or ongoing, taken by the specified county during the previous 12-month period to implement the moderate income housing strategies identified in the initial report for implementation;
(ii) a description of each land use regulation or land use decision made by the specified county during the previous 12-month period to implement the moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified county's efforts to implement the moderate income housing strategies;
(iii) a description of any barriers encountered by the specified county in the previous 12-month period in implementing the moderate income housing strategies;
(iv) the number of residential dwelling units that have been entitled that have not received a building permit as of the submission date of the progress report;
(v) shapefiles, or website links if shapefiles are not available, to current maps and tables related to zoning;

(vi) information regarding the number of internal and external or detached accessory dwelling units located within the specified county for which the specified county:
(A) issued a building permit to construct; or
(B) issued a business license or comparable license or permit to rent;
(vii) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other relevant data; and
(viii) any recommendations on how the state can support the specified county in implementing the moderate income housing strategies.
(c) For purposes of describing actions taken by a specified county under Subsection (3)(b)(i), the specified county may include an ongoing action taken by the specified county prior to the 12-month reporting period applicable to the subsequent progress report if the specified county:
(i) has already adopted an ordinance, approved a land use application, made an investment, or approved an agreement or financing that substantially promotes the implementation of a moderate income housing strategy identified in the initial report; and
(ii) demonstrates in the subsequent progress report that the action taken under Subsection (3)(c)(i) is relevant to making meaningful progress towards the specified county's implementation plan.
(d) A specified county's report shall be in a form:
(i) approved by the division; and
(ii) made available by the division on or before May 1 of the year in which the report is required.
(4) Within 90 days after the day on which the division receives a specified county's report, the division shall:
(a) post the report on the division's website;
(b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified county is located, and, if the unincorporated area of the specified county is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and
(c) subject to Subsection (5), review the report to determine compliance with this section.
(5)
(a) An initial report complies with this section if the report:
(i) includes the information required under Subsection (2)(c);
(ii) demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies described in Subsection 17-27a-403(2)(b)(ii)(A) though (V) or at least one moderate income housing strategy described in Subsections 17-27a-403(2)(b)(ii)(W) through (BB); and
(iii) is in a form approved by the division.
(b) A subsequent progress report complies with this section if the report:
(i) demonstrates to the division that the specified county made plans to implement or is implementing three or more moderate income housing strategies described in Subsection 17-27a-403(2)(b)(ii)(A) though (V) or at least one moderate income housing strategy described in Subsections 17-27a-403(2)(b)(ii)(W) through (BB);
(ii) is in a form approved by the division; and
(iii) provides sufficient information for the division to:
(A) assess the specified county's progress in implementing the moderate income housing strategies;
(B) monitor compliance with the specified county's implementation plan;

(C) identify a clear correlation between the specified county's land use decisions and efforts to implement the moderate income housing strategies;
(D) identify how the market has responded to the specified county's selected moderate income housing strategies; and
(E) identify any barriers encountered by the specified county in implementing the selected moderate income housing strategies.

(c) If a specified county initial report or subsequent progress report demonstrates the county plans to implement or is implementing at least one moderate income housing strategy described in Subsections 17-27a-403(2)(b)(ii)(W) through (BB), the division shall also consider the specified county compliant with the reporting requirement described in this section for:
(i) the year in which the specified county submits the report; and
(ii) two subsequent reporting years.

(6)
(a) A specified county qualifies for priority consideration under this Subsection (6) if the specified county's report:
(i) complies with this section; and
(ii) demonstrates to the division that the specified county made plans to implement five or more moderate income housing strategies.
(b) The Transportation Commission may, in accordance with Subsection 72-1-304(3)(c), give priority consideration to transportation projects located within the unincorporated areas of a specified county described in Subsection (6)(a) until the Department of Transportation receives notice from the division under Subsection (6)(e).
(c) Upon determining that a specified county qualifies for priority consideration under this Subsection (6), the division shall send a notice of prioritization to the legislative body of the specified county and the Department of Transportation.
(d) The notice described in Subsection (6)(c) shall:
(i) name the specified county that qualifies for priority consideration;
(ii) describe the funds or projects for which the specified county qualifies to receive priority consideration; and
(iii) state the basis for the division's determination that the specified county qualifies for priority consideration.
(e) The division shall notify the legislative body of a specified county and the Department of Transportation in writing if the division determines that the specified county no longer qualifies for priority consideration under this Subsection (6).

(7)
(a) If the division, after reviewing a specified county's report, determines that the report does not comply with this section, the division shall send a notice of noncompliance to the legislative body of the specified county.
(b) A specified county that receives a notice of noncompliance may:
(i) cure each deficiency in the report within 90 days after the day on which the notice of noncompliance is sent; or
(ii) request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent.
(c) The notice described in Subsection (7)(a) shall:
(i) describe each deficiency in the report and the actions needed to cure each deficiency;
(ii) state that the specified county has an opportunity to:

(A) submit to the division a corrected report that cures each deficiency in the report within 90 days after the day on which the notice of noncompliance is sent; or

(B) submit to the division a request for an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent; and

(iii) state that failure to take action under Subsection (7)(c)(ii) will result in the specified county's ineligibility for funds and fees owed under Subsection (9).

(d) For purposes of curing the deficiencies in a report under this Subsection (7), if the action needed to cure the deficiency as described by the division requires the specified county to make a legislative change, the specified county may cure the deficiency by making that legislative change within the 90-day cure period.

(e)

(i) If a specified county submits to the division a corrected report in accordance with Subsection (7)(b)(i), and the division determines that the corrected report does not comply with this section, the division shall send a second notice of noncompliance to the legislative body of the specified county.

(ii) A specified county that receives a second notice of noncompliance may request an appeal of the division's determination of noncompliance within 10 days after the day on which the second notice of noncompliance is sent.

(iii) The notice described in Subsection (7)(e)(i) shall:

(A) state that the specified county has an opportunity to submit to the division a request for an appeal of the division's determination of noncompliance within 10 days after the day on which the second notice of noncompliance is sent; and

(B) state that failure to take action under Subsection (7)(e)(iii)(A) will result in the specified county's ineligibility for funds under Subsection (9).

(8)

(a) A specified county that receives a notice of noncompliance under Subsection (7)(a) or (7)(e)(i) may request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent.

(b) Within 90 days after the day on which the division receives a request for an appeal, an appeal board consisting of the following three members shall review and issue a written decision on the appeal:

(i) one individual appointed by the Utah Association of Counties;

(ii) one individual appointed by the Utah Homebuilders Association; and

(iii) one individual appointed by the presiding member of the association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which the specified county is a member.

(c) The written decision of the appeal board shall either uphold or reverse the division's determination of noncompliance.

(d) The appeal board's written decision on the appeal is final.

(9)

(a) A specified county is ineligible for funds and owes a fee under this Subsection (9) if:

(i) the specified county fails to submit a report to the division;

(ii) after submitting a report to the division, the division determines that the report does not comply with this section and the specified county fails to:

(A) cure each deficiency in the report within 90 days after the day on which the notice of noncompliance is sent; or

(B) request an appeal of the division's determination of noncompliance within 10 days after the day on which the notice of noncompliance is sent;

(iii) after submitting to the division a corrected report to cure the deficiencies in a previously submitted report, the division determines that the corrected report does not comply with this section and the specified county fails to request an appeal of the division's determination of noncompliance within 10 days after the day on which the second notice of noncompliance is sent; or

(iv) after submitting a request for an appeal under Subsection (8), the appeal board issues a written decision upholding the division's determination of noncompliance.

(b) The following apply to a specified county described in Subsection (9)(a) until the division provides notice under Subsection (9)(e):

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

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

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

(B) fails to cure the deficiencies in the report, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance under Subsection (7); and

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

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

(B) fails to cure the deficiencies in the report, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance under Subsection (7).

(c) Upon determining that a specified county is ineligible for funds under this Subsection (9), and is required to pay a fee under Subsection (9)(b), if applicable, the division shall send a notice of ineligibility to the legislative body of the specified county, the Department of Transportation, the State Tax Commission, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (9)(c) shall:

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

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

(iii) describe the fee the specified county is required to pay under Subsection (9)(b), if applicable; and

(iv) state the basis for the division's determination that the specified county is ineligible for funds.

(e) The division shall notify the legislative body of a specified county and the Department of Transportation in writing if the division determines that the provisions of this Subsection (9) no longer apply to the specified county.

(f) The division may not determine that a specified county that is required to pay a fee under Subsection (9)(b) is in compliance with the reporting requirements of this section until the specified county pays all outstanding fees required under Subsection (9)(b) to the Olene

Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

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

Amended by Chapter 385, 2025 General Session

17-27a-409 State to indemnify county regarding refusal to site nuclear waste -- Terms and conditions.

If a county is challenged in a court of law regarding its decision to deny siting of a storage or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste or its refusal to provide municipal-type services regarding the operation of the storage or transfer facility, the state shall indemnify, defend, and hold the county harmless from any claims or damages, including court costs and attorney fees that are assessed as a result of the county's action, if:

(1) the county has complied with the provisions of Subsection 17-27a-401(4)(b) by adopting an ordinance rejecting all proposals for the siting of a storage or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the boundaries of the county;

(2) the county has complied with Subsection 17-34-1(3) regarding refusal to provide municipal-type services; and

(3) the court challenge against the county addresses the county's actions in compliance with Subsection 17-27a-401(4)(b) or 17-34-1(3).

Amended by Chapter 310, 2015 General Session

Part 5
Land Use Regulations

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

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

(2)

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

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

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

(4)

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

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

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

(b) A land use authority may establish or modify other restrictions or requirements other than those described in Subsection (4)(a), including the configuration or modification of uses or

density, through a land use decision that applies criteria or policy elements that a land use regulation establishes or describes.

(5) A county may not adopt a land use regulation, development agreement, or land use decision that restricts the type of crop that may be grown in an area that is:
  (a) zoned agricultural; or
  (b) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act.

(6) A county land use regulation pertaining to an airport or an airport influence area, as that term is defined in Section 72-10-401, is subject to Title 72, Chapter 10, Part 4, Airport Zoning Act.

Amended by Chapter 65, 2023 General Session

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

(1) A planning commission shall:
  (a) provide notice as required by Subsection 17-27a-205(1)(a) and, if applicable, Subsection 17-27a-205(4);
  (b) hold a public hearing on a proposed land use regulation;
  (c) if applicable, consider each written objection filed in accordance with Subsection 17-27a-205(4) prior to the public hearing; and
  (d)
    (i) review and recommend to the legislative body a proposed land use regulation that represents the planning commission's recommendation for regulating the use and development of land within:
      (A) all or any part of the unincorporated area of the county; or
      (B) for a mountainous planning district, all or any part of the area in the mountainous planning district; and
    (ii) forward to the legislative body all objections filed in accordance with Subsection 17-27a-205(4).

(2)
  (a) The legislative body shall consider each proposed land use regulation that the planning commission recommends to the legislative body.
  (b) After providing notice as required by Subsection 17-27a-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the proposed land use regulation described in Subsection (2)(a):
    (i) as proposed by the planning commission; or
    (ii) after making any revision the legislative body considers appropriate.
  (c) 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 384, 2019 General Session

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

(1) Only a legislative body may amend:
  (a) the number, shape, boundaries, area, or general uses of any zoning district;
  (b) any regulation of or within the zoning district; or
  (c) any other provision of a land use regulation.

(2) A legislative body may not make any amendment authorized by this section unless the legislative body first submits the amendment to the planning commission for the planning commission's recommendation.
(3) A legislative body shall comply with the procedure specified in Section 17-27a-502 in preparing and adopting an amendment to a land use regulation.

Amended by Chapter 384, 2019 General Session

17-27a-504 Temporary land use regulations.

(1)
(a) Except as provided in Subsection 2(b), a county legislative body may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the county if:
(i) the legislative body makes a finding of compelling, countervailing public interest; or
(ii) the area is unregulated.
(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval.
(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact fee or other financial requirement on building or development.

(2)
(a) The legislative body shall establish a period of limited effect for the ordinance not to exceed 180 days.
(b) A county legislative body may not apply the provisions of a temporary land use regulation to the review of a specific land use application if the land use application is impaired or prohibited by proceedings initiated under Subsection 17-27a-508(1)(a)(ii)(B).

(3)
(a) A legislative body may, without prior planning commission consideration or recommendation, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.
(b) A regulation under Subsection (3)(a):
(i) may not exceed 180 days in duration;
(ii) may be renewed, if requested by the Transportation Commission created under Section 72-1-301, for up to two additional 180-day periods by ordinance enacted before the expiration of the previous regulation; and
(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

Amended by Chapter 478, 2023 General Session

17-27a-505 Zoning districts.

(1)
(a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.

(b) Within those zoning districts, the legislative body may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.
(c) A county may enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to:
(i) protect life; and
(ii) prevent:
(A) the substantial loss of real property; or
(B) substantial damage to real property.
(d) A county of the second, third, fourth, fifth, or sixth class may not adopt a land use ordinance requiring a property owner to revegetate or landscape a single family dwelling disturbance area unless the property is located in a flood zone or geologic hazard except as required in Title 19, Chapter 5, Water Quality Act, to comply with federal law related to water pollution.
(2) The legislative body shall ensure that the regulations are uniform for each class or kind of buildings throughout each zone, but the regulations in one zone may differ from those in other zones.
(3)
(a) There is no minimum area or diversity of ownership requirement for a zone designation.
(b) Neither the size of a zoning district nor the number of landowners within the district may be used as evidence of the illegality of a zoning district or of the invalidity of a county decision.
(4) A county may by ordinance exempt from specific zoning district standards a subdivision of land to accommodate the siting of a public utility infrastructure.

Amended by Chapter 327, 2015 General Session
Amended by Chapter 352, 2015 General Session

17-27a-505.5 Limit on single family designation.
(1) As used in this section, "single-family limit" means the number of individuals allowed to occupy each residential unit that is recognized by a land use authority in a zone permitting occupancy by a single family.
(2) A county may not adopt a single-family limit that is less than:
(a) three, if the county has within its unincorporated area:
(i) a state university;
(ii) a private university with a student population of at least 20,000; or
(iii) a mountainous planning district; or
(b) four, for each other county.

Amended by Chapter 102, 2021 General Session

17-27a-506 Conditional uses.
(1)
(a) A county may adopt a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with objective standards set forth in an applicable ordinance.
(b) A county may not impose a requirement or standard on a conditional use that conflicts with a provision of this chapter or other state or federal law.
(2)
(a)

(i) A land use authority shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
(ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.
(b) If a land use authority proposes reasonable conditions on a proposed conditional use, the land use authority shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.
(c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the land use authority may deny the conditional use.
(3) A land use authority's decision to approve or deny a conditional use is an administrative land use decision.
(4) A legislative body shall classify any use that a land use regulation allows in a zoning district as either a permitted or conditional use under this chapter.

Amended by Chapter 385, 2021 General Session

17-27a-506.5 Classification of new and unlisted business uses.
(1) As used in this section:
(a) "Classification request" means a request to determine whether a proposed business use aligns with an existing land use specified in a county's land use ordinances.
(b) "New or unlisted business use" means a business activity that does not align with an existing land use specified in a county's land use ordinances.
(2)
(a) Each county shall incorporate into the county's land use ordinances a process for reviewing and approving a new or unlisted business use and designating an appropriate zone or zones for an approved use.
(b) The process described in Subsection (2)(a) shall:
(i) detail how an applicant may submit a classification request;
(ii) establish a procedure for the county to review a classification request, including:
(A) providing a land use authority with criteria to determine whether a proposed use aligns with an existing use; and
(B) allowing an applicant to proceed under the regulations of an existing use if a land use authority determines a proposed use aligns with that existing use;
(iii) provide that if a use is determined to be a new or unlisted business use:
(A) the applicant shall submit an application for approval of the new or unlisted business use to the legislative body for review;
(B) the legislative body shall consider and determine whether to approve or deny the new or unlisted business use; and
(C) the legislative body shall approve or deny the new or unlisted business use, within a time frame the legislative body establishes by ordinance, if the applicant responds to requests for additional information within a time frame established by the county and appears at required hearings;
(iv) provide that if the legislative body approves a proposed new or unlisted business use, the legislative body shall designate an appropriate zone or zones for the approved use; and

(v) provide that if the legislative body denies a proposed new or unlisted business use, or if an applicant disagrees with a land use authority's classification of the proposed use, the legislative body shall:
(A) notify the applicant in writing of each reason for the classification or denial; and
(B) offer the applicant an opportunity to challenge the classification or denial through an administrative appeal process established by the county.
(3) Each county shall amend each land use ordinance that contains a list of approved or prohibited business uses to include a reference to the process for petitioning to approve a new or unlisted business use, as described in Subsection (2).

Enacted by Chapter 49, 2025 General Session

17-27a-507 Exactions -- Exaction for water interest -- Requirement to offer to original owner property acquired by exaction.
(1) A county may impose an exaction or exactions on development proposed in a land use application, including, subject to Subsection (3), an exaction for a water interest, if:
(a) an essential link exists between a legitimate governmental interest and each exaction; and
(b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.
(2) If a land use authority imposes an exaction for another governmental entity:
(a) the governmental entity shall request the exaction; and
(b) the land use authority shall transfer the exaction to the governmental entity for which it was exacted.
(3)
(a)
(i) Subject to the requirements of this Subsection (3), a county or, if applicable, the county's culinary water authority shall base any exaction for a water interest on the culinary water authority's established calculations of projected water interest requirements.
(ii) Except as described in Subsection (3)(a)(iii), a culinary water authority shall base an exaction for a culinary water interest on:
(A) consideration of the system-wide minimum sizing standards established for the culinary water authority by the Division of Drinking Water pursuant to Section 19-4-114; and
(B) the number of equivalent residential connections associated with the culinary water demand for each specific development proposed in the development's land use application, applying lower exactions for developments with lower equivalent residential connections as demonstrated by at least five years of usage data for like land uses within the county.
(iii) A county or culinary water authority may impose an exaction for a culinary water interest that results in less water being exacted than would otherwise be exacted under Subsection (3)(a)(ii) if the county or culinary water authority, at the county's or culinary water authority's sole discretion, determines there is good cause to do so.
(iv) A county shall make public the methodology used to comply with Subsection (3)(a)(ii)(B). A land use applicant may appeal to the county's governing body an exaction calculation used by the county or the county's culinary water authority under Subsection (3)(a)(ii). A land use applicant may present data and other information that illustrates a need for an exaction recalculation and the county's governing body shall respond with due process.

(v) Upon an applicant's request, the culinary water authority shall provide the applicant with the basis for the culinary water authority's calculations under Subsection (3)(a)(i) on which an exaction for a water interest is based.

(b) A county or its culinary water authority may not impose an exaction for a water interest if the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public, as determined under Subsection 73-1-4(2)(f).

(4)

(a) If a county plans to dispose of surplus real property under Section 17-50-312 that was acquired under this section and has been owned by the county for less than 15 years, the county shall first offer to reconvey the property, without receiving additional consideration, to the person who granted the property to the county.

(b) A person to whom a county offers to reconvey property under Subsection (4)(a) has 90 days to accept or reject the county's offer.

(c) If a person to whom a county offers to reconvey property declines the offer, the county may offer the property for sale.

(d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by a community development or urban renewal agency.

(5)

(a) A county may not, as part of an infrastructure improvement, require the installation of pavement on a residential roadway at a width in excess of 32 feet.

(b) Subsection (5)(a) does not apply if a county requires the installation of pavement in excess of 32 feet:

(i) in a vehicle turnaround area;

(ii) in a cul-de-sac;

(iii) to address specific traffic flow constraints at an intersection, mid-block crossings, or other areas;

(iv) to address an applicable general or master plan improvement, including transportation, bicycle lanes, trails, or other similar improvements that are not included within an impact fee area;

(v) to address traffic flow constraints for service to or abutting higher density developments or uses that generate higher traffic volumes, including community centers, schools, and other similar uses;

(vi) as needed for the installation or location of a utility which is maintained by the county and is considered a transmission line or requires additional roadway width;

(vii) for third-party utility lines that have an easement preventing the installation of utilities maintained by the county within the roadway;

(viii) for utilities over 12 feet in depth;

(ix) for roadways with a design speed that exceeds 25 miles per hour;

(x) as needed for flood and stormwater routing;

(xi) as needed to meet fire code requirements for parking and hydrants; or

(xii) as needed to accommodate street parking.

(c) Nothing in this section shall be construed to prevent a county from approving a road cross section with a pavement width less than 32 feet.

(d)

(i) A land use applicant may appeal a municipal requirement for pavement in excess of 32 feet on a residential roadway.

(ii) A land use applicant that has appealed a municipal specification for a residential roadway pavement width in excess of 32 feet may request that the county assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.
(iii) Unless otherwise agreed by the applicant and the county, the panel described in Subsection (5)(d)(ii) shall consist of the following three experts:
(A) one licensed engineer, designated by the county;
(B) one licensed engineer, designated by the land use applicant; and
(C) one licensed engineer, agreed upon and designated by the two designated engineers under Subsections (5)(d)(iii)(A) and (B).
(iv) A member of the panel assembled by the county under Subsection (5)(d)(ii) may not have an interest in the application that is the subject of the appeal.
(v) The land use applicant shall pay:
(A) 50% of the cost of the panel; and
(B) the county's published appeal fee.
(vi) The decision of the panel is a final decision, subject to a petition for review under Subsection (5)(d)(vii).
(vii) Pursuant to Section 17-27a-801, a land use applicant or the county may file a petition for review of the decision with the district court within 30 days after the date that the decision is final.

Amended by Chapter 255, 2023 General Session
Amended by Chapter 478, 2023 General Session

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

(1)
(a)
(i) Subject to Subsection (7), an applicant who has submitted a complete land use application, including the payment of all application fees, is entitled to substantive review of the application under the land use regulations:
(A) in effect on the date that the application is complete; and
(B) applicable to the application or to the information shown on the submitted application.
(ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays all application fees, unless:
(A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or
(B) in the manner provided by local ordinance and before the applicant submits the application, the county formally initiates proceedings to amend the county's land use regulations in a manner that would prohibit approval of the application as submitted.
(b) The county shall process an application without regard to proceedings the county initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:
(i) 180 days have passed since the county initiated the proceedings; and
(ii)

(A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted; or

(B) during the 12 months prior to the county processing the application or multiple applications of the same type, the application is impaired or prohibited under the terms of a temporary land use regulation adopted under Section 17-27a-504.

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

(d) Unless a phasing sequence is required in an executed development agreement, a county shall, without regard to any other separate and distinct land use application, accept and process a complete land use application in accordance with this chapter.

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

(f) Subject to Subsection (7), a county may not impose on an applicant who has submitted a complete application a requirement that is not expressed in:

(i) this chapter;

(ii) a county ordinance in effect on the date that the applicant submits a complete application, subject to Subsection (1)(a)(ii); or

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

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

(i) in a land use permit;

(ii) on the subdivision plat;

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

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

(v) in this chapter;

(vi) in a county ordinance; or

(vii) in a county specification for residential roadways in effect at the time a residential subdivision was approved.

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

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

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

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

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

(ii) the applicant has not provided a financial assurance for required and uncompleted public landscaping improvements or infrastructure improvements in accordance with an applicable local ordinance.

(j) A county may not conduct a final inspection required before issuing a certificate of occupancy for a residential unit that is within the boundary of an infrastructure financing district, as defined in Section 17B-1-102, until the applicant for the certificate of occupancy provides

adequate proof to the county that any lien on the unit arising from the infrastructure financing district's assessment against the unit under Title 11, Chapter 42, Assessment Area Act, has been released after payment in full of the infrastructure financing district's assessment against that unit.

(k) A county:

(i) may require the submission of a private landscaping plan, as defined in Section 17-27a-604.5, before landscaping is installed; and

(ii) may not withhold an applicant's building permit or certificate of occupancy because the applicant has not submitted a private landscaping plan.

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

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

(4) Subject to Subsection (7), a specified public agency's submission of a development plan and schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the county's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.

(5)

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

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

(ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(4).

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

(i) the relevant land use approval; and

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

(6)

(a) After issuance of a building permit, a county may not:

(i) change or add to the requirements expressed in the building permit, unless the change or addition is:

(A) requested by the building permit holder; or

(B) necessary to comply with an applicable state building code; or

(ii) revoke the building permit or take action that has the effect of revoking the building permit.

(b) Subsection (6)(a) does not prevent a county from issuing a building permit that contains an expiration date defined in the building permit.

(7) A county shall comply with the provisions of this chapter regarding all pending land use applications and new land use applications submitted under this chapter.

Amended by Chapter 399, 2025 General Session
Amended by Chapter 464, 2025 General Session

17-27a-508.1 Private maintenance of public access amenities prohibited.

(1) As used in this section:

(a) "Public access amenity" means a physical feature like a trail or recreation area that a municipality designates for public access and use.
(b) "Retail water line" means the same as that term is defined in Section 11-8-4.
(c) "Sewer lateral" means the same as that term is defined in Section 11-8-4.
(d)
(i) "Water utility" means a main line or other integral part of a sewer or water utility service.
(ii) "Water utility" does not include a retail water line or sewer lateral.
(2) A county may not require a private individual or entity, including a community association or homeowners association, to maintain and be responsible for a public access amenity or water utility in perpetuity unless:
(a) the public access amenity is the property located adjacent to the private property owned by the private individual or entity to the curb line of the street, including park strips and sidewalks; or
(b) the private individual or entity agreed to maintain or be responsible for the public access amenity or water utility in perpetuity in a covenant, utility service agreement, development agreement, or other agreement between the county and the private individual or entity.

Enacted by Chapter 399, 2025 General Session

17-27a-509 Limit on fees -- Requirement to itemize fees -- Appeal of fee -- Provider of culinary or secondary water.

(1) A county may impose or collect a fee for reviewing or approving the plans for a commercial or residential building, not to exceed the lesser of:
(a) the actual cost of performing the plan review; and
(b) 65% of the amount the county charges for a building permit fee for that building.
(2)
(a) Subject to Subsection (2)(b), a county may impose and collect a fee for reviewing and approving identical plans, as described in Section 17-27a-536, not to exceed the lesser of:
(i) the actual cost of performing the plan review; or
(ii) 30% of the fee that would be imposed and collected under Subsection (1).
(b) A county may impose and collect a fee for reviewing an original plan, as defined in Section 17-27a-536, that an applicant submits with the intent that the original plan be used as the basis for a future identical plan submission, the same as any other plan review fee under Subsection (1).
(3) A county may not impose or collect a hookup fee that exceeds the reasonable cost of installing and inspecting the pipe, line, meter, or appurtenance to connect to the county water, sewer, storm water, power, or other utility system.
(4) A county may not impose or collect:
(a) a land use application fee that exceeds the reasonable cost of processing the application or issuing the permit;
(b) an inspection, regulation, or review fee that exceeds the reasonable cost of performing the inspection, regulation, or review; or
(c) an inspection fee on a qualified water conservancy district, as defined in Section 17B-2a-1010, that hires a qualified inspector to conduct inspections on new infrastructure.
(5)
(a) If requested by an applicant who is charged a fee or an owner of residential property upon which a fee is imposed, the county shall provide an itemized fee statement that shows the calculation method for each fee.

(b) If an applicant who is charged a fee or an owner of residential property upon which a fee is imposed submits a request for an itemized fee statement no later than 30 days after the day on which the applicant or owner pays the fee, the county shall no later than 10 days after the day on which the request is received provide or commit to provide within a specific time:
(i) for each fee, any studies, reports, or methods relied upon by the county to create the calculation method described in Subsection (5)(a);
(ii) an accounting of each fee paid;
(iii) how each fee will be distributed; and
(iv) information on filing a fee appeal through the process described in Subsection (5)(c).
(c) A county shall establish a fee appeal process subject to an appeal authority described in Part 7, Appeal Authority and Variances, and district court review in accordance with Part 8, District Court Review, to determine whether a fee reflects only the reasonable estimated cost of:
(i) regulation;
(ii) processing an application;
(iii) issuing a permit; or
(iv) delivering the service for which the applicant or owner paid the fee.
(6) A county may not impose on or collect from a public agency any fee associated with the public agency's development of its land other than:
(a) subject to Subsection (4), a fee for a development service that the public agency does not itself provide;
(b) subject to Subsection (3), a hookup fee; and
(c) an impact fee for a public facility listed in Subsection 11-36a-102(17)(a), (b), (c), (d), (e), or (g), subject to any applicable credit under Subsection 11-36a-402(2).
(7) A provider of culinary or secondary water that commits to provide a water service required by a land use application process is subject to the following as if it were a county:
(a) Subsections (5) and (6);
(b) Section 17-27a-507; and
(c) Section 17-27a-509.5.

Amended by Chapter 62, 2025 General Session
Amended by Chapter 399, 2025 General Session

17-27a-509.5 Review for application completeness -- Substantive application review -- Reasonable diligence required for determination of whether improvements or warranty work meets standards -- Money damages claim prohibited.
(1)
(a) Each county shall, in a timely manner, determine whether a land use application is complete for the purposes of subsequent, substantive land use authority review.
(b) After a reasonable period of time to allow the county diligently to evaluate whether all objective ordinance-based application criteria have been met, if application fees have been paid, the applicant may in writing request that the county provide a written determination either that the application is:
(i) complete for the purposes of allowing subsequent, substantive land use authority review; or
(ii) deficient with respect to a specific, objective, ordinance-based application requirement.
(c) Within 30 days of receipt of an applicant's request under this section, the county shall either:
(i) mail a written notice to the applicant advising that the application is deficient with respect to a specified, objective, ordinance-based criterion, and stating that the application must be supplemented by specific additional information identified in the notice; or

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

(d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application shall be considered complete, for purposes of further substantive land use authority review.

(e)

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

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

(f)

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

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

(2)

(a) Each land use authority shall substantively review a complete application and an application considered complete under Subsection (1)(d), and shall approve or deny each application with reasonable diligence.

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

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

(i) except as provided in Subsection (2)(c)(ii), the land use authority shall take final action, approving or denying the application; and

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

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

(e) If the land use authority fails to comply with Subsection (2)(c), the applicant may appeal this failure to district court within 30 days of the date on which the land use authority should have taken final action under Subsection (2)(c).

(3)

(a) As used in this Subsection (3), an "infrastructure improvement category" includes a:

(i) culinary water system;

(ii) sanitary sewer system;

(iii) storm water system;

(iv) transportation system;

(v) secondary and irrigation water system;

(vi) public landscaping; or

(vii) public parks, trails, or open space.

(b) With reasonable diligence, each land use authority shall determine whether the installation of required subdivision improvements or the performance of warranty work meets the county's adopted standards.

(c)

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

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

(iii) Except as provided in Subsection (3)(c)(iv), (3)(d), or (3)(e), the land use authority shall accept or reject the performance of warranty work within:

(A) for a county of a first, second, or third class, 15 days after the day on which the land use authority receives an applicant's written request under Subsection (3)(c)(i); and

(B) for a county of the fourth, fifth, or sixth class, 30 days after the day on which the land use authority receives an applicant's written request under Subsection (3)(c)(i).

(iv) If winter weather conditions do not reasonably permit a full and complete inspection of warranty work within the time periods described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) so the land use authority is able to accept or reject the warranty work, the land use authority shall:

(A) notify the applicant in writing before the end of the applicable time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of winter weather conditions, the land use authority will require additional time to accept or reject the performance of warranty work; and

(B) complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection as soon as practicable.

(d) If a land use authority rejects an applicant's performance of warranty work three times, the county may take 15 days in addition to the relevant time period described in Subsection (3)(c)(iii) for subsequent inspections of the applicant's warranty work.

(e)

(i) If extraordinary circumstances do not permit a land use authority to complete inspection of warranty work within the relevant time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) so the land use authority is able to accept or reject the warranty work, the land use authority shall:

(A) notify the applicant in writing before the end of the applicable time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) that, because of the extraordinary circumstances, the land use authority will require additional time to accept or reject the performance of warranty work; and

(B) complete the inspection of the performance of warranty work and provide the applicant with an acceptance or rejection within 30 days after the day on which the relevant time period described in Subsection (3)(c)(iii)(A) or (3)(c)(iii)(B) ends.

(ii) The following situations constitute extraordinary circumstances for purposes of Subsection (3)(e)(i):

(A) the land use authority is processing a request for inspection that substantially exceeds the normal scope of inspection the county is customarily required to perform;

(B) the applicant has provided two or more written requests described in Subsection (3)(c)(i) within the same 30-day time period; or

(C) the land use authority is processing an unusually large number of written requests described in Subsection (3)(c)(i) to accept or reject subdivision improvements or performance of warranty work.

(f)

(i) If a land use authority determines that the installation of required subdivision improvements or the performance of warranty work does not meet the county's adopted standards, the land use authority shall, within 15 days of the day on which the land use authority makes the determination, comprehensively and with specificity list the reasons for the land use authority's determination.

(ii) If the land use authority fails to provide an applicant with the list described in Subsection (3)(f)(i) within the required time period:

(A) the applicant may send written notice to the land use authority requesting the list within five days; and

(B) if the applicant does not receive the list within five days from the day on which the applicant provides the land use authority with written notice as described in Subsection (3)(f)(ii)(A), the applicant may demand, and the land use authority shall provide, a reimbursement equal to 20% of the applicant's improvement completion assurance or security for the warranty work within each infrastructure improvement category.

(g) Subject to the provisions of Section 10-9a-604.5:

(i) within 15 days of the day on which the land use authority determines that an infrastructure improvement within a certain infrastructure improvement category, as described in Subsection (3)(a), meets the county's adopted standards for that category of infrastructure improvement and an applicant submits complete as-built drawings to the land use authority, whichever occurs later, the land use authority shall return to the applicant 90% of the applicant's improvement completion assurance allocated toward that infrastructure improvement category; and

(ii) within 15 days of the day on which the warranty period expires and the land use authority determines that an infrastructure improvement within a certain infrastructure improvement category, as described in Subsection (3)(a), meets the county's adopted standards for that category of infrastructure improvement, the land use authority shall return to the applicant the remaining 10% of the applicant's improvement completion assurance allocated toward that infrastructure improvement category, plus any remaining portion of a bond described in Subsection 10-9a-604.5(5)(b).

(h) The following acts under this Subsection (3) are administrative acts:

(i) a county's return of an applicant's improvement completion assurance, or any portion of an improvement completion assurance, within a category of infrastructure improvements, to the applicant; and

(ii) a county's return of an applicant's security for an improvement warranty, or any portion of security for an improvement warranty, within a category of infrastructure improvements, to the applicant.

(4) Subject to Section 17-27a-508, nothing in this section and no action or inaction of the land use authority relieves an applicant's duty to comply with all applicable substantive ordinances and regulations.

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

Amended by Chapter 399, 2025 General Session

17-27a-509.7 Transferable development rights.

(1) A county may adopt an ordinance:

(a) designating sending zones and receiving zones located wholly within the unincorporated area of the county;

(b) designating a sending zone if the area described in the sending zone is located, at least in part, within the unincorporated county, and the area described in the sending zone that is located outside the county complies with Subsection (2);
(c) designating a receiving zone if the area described in the receiving zone is located, at least in part, within the unincorporated county, and the area described in the receiving zone that is located outside the county complies with Subsection (2); and
(d) allowing the transfer of a transferable development right from a sending zone to a receiving zone.
(2) A county may adopt an ordinance designating a sending zone or receiving zone that is located, in part, in a municipality or unincorporated area of another county, if the legislative body of every municipality or county with land inside the sending zone or receiving zone adopts an ordinance designating the sending zone or receiving zone.
(3) A county may not allow the use of a transferable development right unless the county adopts an ordinance described in Subsection (1).

Amended by Chapter 399, 2025 General Session

17-27a-510 Nonconforming uses and noncomplying structures.
(1)
(a) Except as provided in this section, a nonconforming use or a noncomplying structure may be continued by the present or a future property owner.
(b) A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.
(c) For purposes of this Subsection (1), the addition of a solar energy device to a building is not a structural alteration.
(2) The legislative body may provide for:
(a) the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the land use ordinance;
(b) the termination of all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; and
(c) the termination of a nonconforming use due to its abandonment.
(3)
(a) A county may not prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure or use has been abandoned.
(b) A county may prohibit the reconstruction or restoration of a noncomplying structure or terminate the nonconforming use of a structure if:
(i) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after the day on which written notice is served to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or
(ii) the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.
(c)

(i) Notwithstanding a prohibition in the county's zoning ordinance, a county may permit a billboard owner to relocate the billboard within the county's unincorporated area to a location that is mutually acceptable to the county and the billboard owner.
(ii) If the county and billboard owner cannot agree to a mutually acceptable location within 180 days after the day on which the owner submits a written request to relocate the billboard, the billboard owner may relocate the billboard in accordance with Subsection 17-27a-512(2).

(4)
(a) Unless the county establishes, by ordinance, a uniform presumption of legal existence for nonconforming uses, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use through substantial evidence, which may not be limited to municipal or county records.
(b) Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
(c) Abandonment may be presumed to have occurred if:
(i) a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the county regarding an extension of the nonconforming use;
(ii) the use has been discontinued for a minimum of one year; or
(iii) the primary structure associated with the nonconforming use remains vacant for a period of one year.
(d) The property owner may rebut the presumption of abandonment under Subsection (4)(c), and has the burden of establishing that any claimed abandonment under Subsection (4)(c) has not occurred.

(5) A county may terminate the nonconforming status of a school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period established by ordinance.

Amended by Chapter 355, 2022 General Session

17-27a-510.5 Changes to dwellings -- Egress windows.

(1) As used in this section:
(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
(i) within a primary dwelling;
(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
(b) "Primary dwelling" means a single-family dwelling that:
(i) is detached; and
(ii) is occupied as the primary residence of the owner of record.
(c) "Rental dwelling" means the same as that term is defined in Section 10-8-85.5.

(2) A county ordinance adopted under Section 10-1-203.5 may not:
(a) require physical changes in a structure with a legal nonconforming rental dwelling use unless the change is for:
(i) the reasonable installation of:
(A) a smoke detector that is plugged in or battery operated;
(B) a ground fault circuit interrupter protected outlet on existing wiring;

(C) street addressing;
(D) except as provided in Subsection (3), an egress bedroom window if the existing bedroom window is smaller than that required by current State Construction Code;
(E) an electrical system or a plumbing system, if the existing system is not functioning or is unsafe as determined by an independent electrical or plumbing professional who is licensed in accordance with Title 58, Occupations and Professions;
(F) hand or guard rails; or
(G) occupancy separation doors as required by the International Residential Code; or
(ii) the abatement of a structure; or
(b) be enforced to terminate a legal nonconforming rental dwelling use.
(3)
(a) A county may not require physical changes to install an egress or emergency escape window in an existing bedroom that complied with the State Construction Code in effect at the time the bedroom was finished if:
(i) the dwelling is an owner-occupied dwelling or a rental dwelling that is:
(A) a detached one-, two-, three-, or four-family dwelling; or
(B) a town home that is not more than three stories above grade with a separate means of egress; and
(ii)
(A) the window in the existing bedroom is smaller than that required by current State Construction Code; and
(B) the change would compromise the structural integrity of the structure or could not be completed in accordance with current State Construction Code, including set-back and window well requirements.
(b) Subsection (3)(a) does not apply to an internal accessory dwelling unit.
(4) Nothing in this section prohibits a county from:
(a) regulating the style of window that is required or allowed in a bedroom;
(b) requiring that a window in an existing bedroom be fully openable if the openable area is less than required by current State Construction Code; or
(c) requiring that an existing window not be reduced in size if the openable area is smaller than required by current State Construction Code.

Amended by Chapter 102, 2021 General Session

17-27a-511 Termination of a billboard and associated rights.
(1) A county may only require termination of a billboard and associated rights through:
(a) gift;
(b) purchase;
(c) agreement;
(d) exchange; or
(e) eminent domain.
(2) A termination under Subsection (1)(a), (b), (c), or (d) requires the voluntary consent of the billboard owner.
(3) A termination under Subsection (1)(e) requires the county to:
(a) acquire the billboard and associated rights through eminent domain, in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain, except as provided in Subsections 17-27a-512(2)(f) and (h); and

(b) after acquiring the rights under Subsection (3)(a), terminate the billboard and associated rights.

Amended by Chapter 239, 2018 General Session

17-27a-512 County's acquisition of billboard by eminent domain -- Removal without providing compensation -- Limit on allowing nonconforming billboard to be rebuilt or replaced -- Validity of county permit after issuance of state permit.

(1) As used in this section:

(a) "Clearly visible" means capable of being read without obstruction by an occupant of a vehicle traveling on a street or highway within the visibility area.

(b) "Highest allowable height" means:

(i) if the height allowed by the county, by ordinance or consent, is higher than the height under Subsection (1)(b)(ii), the height allowed by the county; or

(ii)

(A) for a noninterstate billboard:

(I) if the height of the previous use or structure is 45 feet or higher, the height of the previous use or structure; or

(II) if the height of the previous use or structure is less than 45 feet, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than 45 feet; and

(B) for an interstate billboard:

(I) if the height of the previous use or structure is at or above the interstate height, the height of the previous use or structure; or

(II) if the height of the previous use or structure is less than the interstate height, the height of the previous use or structure or the height to make the entire advertising content of the billboard clearly visible, whichever is higher, but no higher than the interstate height.

(c) "Interstate billboard" means a billboard that is intended to be viewed from a highway that is an interstate.

(d) "Interstate height" means a height that is the higher of:

(i) 65 feet above the ground; and

(ii) 25 feet above the grade of the interstate.

(e) "Noninterstate billboard" means a billboard that is intended to be viewed from a street or highway that is not an interstate.

(f) "Visibility area" means the area on a street or highway that is:

(i) defined at one end by a line extending from the base of the billboard across all lanes of traffic of the street or highway in a plane that is perpendicular to the street or highway; and

(ii) defined on the other end by a line extending across all lanes of traffic of the street or highway in a plane that is:

(A) perpendicular to the street or highway; and

(B)

(I) for an interstate billboard, 500 feet from the base of the billboard; or

(II) for a noninterstate billboard, 300 feet from the base of the billboard.

(2)

(a) If a billboard owner makes a written request to the county with jurisdiction over the billboard to take an action described in Subsection (2)(b), the billboard owner may take the requested action, without further county land use approval, 180 days after the day on which the billboard owner makes the written request, unless within the 180-day period the county:

(i) in an attempt to acquire the billboard and associated rights through eminent domain under Section 17-27a-511 for the purpose of terminating the billboard and associated rights:
(A) completes the procedural steps required under Title 78B, Chapter 6, Part 5, Eminent Domain, before the filing of an eminent domain action; and
(B) files an eminent domain action in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain;
(ii) denies the request in accordance with Subsection (2)(d); or
(iii) requires the billboard owner to remove the billboard in accordance with Subsection (3).
(b) Subject to Subsection (2)(a), a billboard owner may:
(i) rebuild, maintain, repair, or restore a billboard structure that is damaged by casualty, an act of God, or vandalism;
(ii) relocate or rebuild a billboard structure, or take another measure, to correct a mistake in the placement or erection of a billboard for which the county issued a permit, if the proposed relocation, rebuilding, or other measure is consistent with the intent of that permit;
(iii) structurally modify or upgrade a billboard;
(iv) relocate a billboard into any commercial, industrial, or manufacturing zone within the unincorporated area of the county, if the relocated billboard is:
(A) within 5,280 feet of the billboard's previous location; and
(B) no closer than 300 feet from an off-premise sign existing on the same side of the street or highway, or if the street or highway is an interstate or limited access highway that is subject to Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, the distance allowed under that act between the relocated billboard and an off-premise sign existing on the same side of the interstate or limited access highway; or
(v) make one or more of the following modifications, as the billboard owner determines, to a billboard that is structurally altered by modification or upgrade under Subsection (2)(b)(iii), by relocation under Subsection (2)(b)(iv), or by any combination of these alterations:
(A) erect the billboard:
(I) to the highest allowable height; and
(II) as the owner determines, to an angle that makes the entire advertising content of the billboard clearly visible; or
(B) install a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before the billboard's relocation.
(c) A modification under Subsection (2)(b)(v) shall comply with Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act, to the extent applicable.
(d) A county may deny a billboard owner's request to relocate or rebuild a billboard structure, or to take other measures, in order to correct a mistake in the placement or erection of a billboard without acquiring the billboard and associated rights through eminent domain under Section 17-27a-511, if the mistake in placement or erection of the billboard is determined by clear and convincing evidence, in a proceeding that protects the billboard owner's due process rights, to have resulted from an intentionally false or misleading statement:
(i) by the billboard applicant in the application; and
(ii) regarding the placement or erection of the billboard.
(e) A county that acquires a billboard and associated rights through eminent domain under Section 17-27a-511 shall pay just compensation to the billboard owner in an amount that is:
(i) the value of the existing billboard at a fair market capitalization rate, based on actual annual revenue, less any annual rent expense;
(ii) the value of any other right associated with the billboard;
(iii) the cost of the sign structure; and

(iv) damage to the economic unit described in Subsection 72-7-510(3)(b), of which the billboard owner's interest is a part.

(f) If a county commences an eminent domain action under Subsection (2)(a)(i):

(i) the provisions of Section 78B-6-510 do not apply; and

(ii) the county may not take possession of the billboard or the billboard's associated rights until:

(A) completion of all appeals of a judgment allowing the county to acquire the billboard and associated rights; and

(B) the billboard owner receives payment of just compensation, described in Subsection (2)(e).

(g) Unless the eminent domain action is dismissed under Subsection (2)(h)(ii), a billboard owner may proceed, without further county land use approval, to take an action requested under Subsection (2)(a), if the county's eminent domain action commenced under Subsection (2)(a)(i) is dismissed without an order allowing the county to acquire the billboard and associated rights.

(h)

(i) A billboard owner may withdraw a request made under Subsection (2)(a) at any time before the county takes possession of the billboard or the billboard's associated rights in accordance with Subsection (2)(f)(ii).

(ii) If a billboard owner withdraws a request in accordance with Subsection (2)(h)(i), the court shall dismiss the county's eminent domain action to acquire the billboard or associated rights.

(3) Notwithstanding Section 17-27a-511, a county may require an owner of a billboard to remove the billboard without acquiring a billboard and associated rights through eminent domain if:

(a) the county determines:

(i) by clear and convincing evidence that the applicant for a permit intentionally made a false or misleading statement in the applicant's application regarding the placement or erection of the billboard; or

(ii) by substantial evidence that the billboard:

(A) is structurally unsafe;

(B) is in an unreasonable state of repair; or

(C) has been abandoned for at least 12 months;

(b) the county notifies the billboard owner in writing that the billboard owner's billboard meets one or more of the conditions listed in Subsections (3)(a)(i) and (ii);

(c) the billboard owner fails to remedy the condition or conditions within:

(i) 180 days after the day on which the billboard owner receives written notice under Subsection (3)(b); or

(ii) if the condition forming the basis of the county's intention to remove the billboard is that it is structurally unsafe, 10 business days, or a longer period if necessary because of a natural disaster, after the day on which the billboard owner receives written notice under Subsection (3)(b); and

(d) following the expiration of the applicable period under Subsection (3)(c) and after providing the billboard owner with reasonable notice of proceedings and an opportunity for a hearing, the county finds:

(i) by clear and convincing evidence, that the applicant for a permit intentionally made a false or misleading statement in the application regarding the placement or erection of the billboard; or

(ii) by substantial evidence that the billboard is structurally unsafe, is in an unreasonable state of repair, or has been abandoned for at least 12 months.

(4) A county may not allow a nonconforming billboard to be rebuilt or replaced by anyone other than the billboard's owner, or the billboard's owner acting through a contractor, within 500 feet of the nonconforming location.
(5) A permit that a county issues, extends, or renews for a billboard remains valid beginning on the day on which the county issues, extends, or renews the permit and ending 180 days after the day on which a required state permit is issued for the billboard if:
  (a) the billboard requires a state permit; and
  (b) an application for the state permit is filed within 30 days after the day on which the county issues, extends, or renews a permit for the billboard.

Amended by Chapter 239, 2018 General Session

17-27a-513 Manufactured homes.
(1) For purposes of this section, a manufactured home is the same as defined in Section 15A-1-302, except that the manufactured home shall be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the applicable building code. All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the applicable building code.
(2) A manufactured home may not be excluded from any land use zone or area in which a single-family residence would be permitted, provided the manufactured home complies with all local land use ordinances, building codes, and any restrictive covenants, applicable to a single-family residence within that zone or area.
(3) A county may not:
  (a) adopt or enforce an ordinance or regulation that treats a proposed development that includes manufactured homes differently than one that does not include manufactured homes; or
  (b) reject a development plan based on the fact that the development is expected to contain manufactured homes.

Amended by Chapter 14, 2011 General Session
Amended by Chapter 297, 2011 General Session

17-27a-514 Regulation of amateur radio antennas.
(1) A county may not enact or enforce an ordinance that does not comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2nd 952 (1985)" or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.
(2) If a county adopts an ordinance involving the placement, screening, or height of an amateur radio antenna based on health, safety, or aesthetic conditions, the ordinance shall:
  (a) reasonably accommodate amateur radio communications; and
  (b) represent the minimal practicable regulation to accomplish the county's purpose.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-515 Regulation of residential facilities for persons with disabilities.
A county may only regulate a residential facility for persons with a disability to the extent allowed by:
(1) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;

(2) the Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., and applicable jurisprudence; and
(3) Section 504, Rehabilitation Act of 1973, and applicable jurisprudence.

Repealed and Re-enacted by Chapter 309, 2013 General Session

17-27a-519 Licensing of residences for persons with a disability.

The responsibility to license programs or entities that operate facilities for persons with a disability, as well as to require and monitor the provision of adequate services to persons residing in those facilities, shall rest with the Department of Health and Human Services as provided in:
(1) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection; and
(2) Title 26B, Chapter 6, Part 4, Division of Services for People with Disabilities.

Amended by Chapter 327, 2023 General Session

17-27a-520 Wetlands.

(1) A county may not designate or treat any land as wetlands unless the United States Army Corps of Engineers or other agency of the federal government has designated the land as wetlands.
(2) A land use authority that issues a land use permit that affects land designated as wetlands by the United States Army Corps of Engineers or another agency of the federal government shall provide a copy of the land use permit to the Utah Geological Survey established in Section 79-3-201.

Amended by Chapter 216, 2022 General Session

17-27a-521 Refineries.

(1) As used in this section, "develop" or "development" means:
  (a) the construction, alteration, or improvement of land, including any related moving, demolition, or excavation outside of a refinery property boundary;
  (b) the subdivision of land for a non-industrial use; or
  (c) the construction of a non-industrial structure on a parcel that is not subject to the subdivision process.
(2) Before a legislative body may adopt a non-industrial zoning change to permit development within 500 feet of a refinery boundary, the legislative body shall consult with the refinery to determine whether the proposed change is compatible with the refinery.
(3) Before a land use authority may approve an application to develop within 500 feet of a refinery boundary, the land use authority shall consult with the refinery to determine whether the development is compatible with the refinery.
(4) A legislative body described in Subsection (2), or a land use authority described in Subsection (3), may not request from the refinery:
  (a) proprietary information;
  (b) information, if made public, that would create a security or safety risk to the refinery or the public;
  (c) information that is restricted from public disclosure under federal or state law; or
  (d) information that is available in public record.
(5)

(a) This section does not grant authority to a legislative body described in Subsection (2), or a land use authority described in Subsection (3), to require a refinery to undertake or cease an action.
(b) This section does not create a cause of action against a refinery.
(c) Except as expressly provided in this section, this section does not alter or remove any legal right or obligation of a refinery.

Enacted by Chapter 306, 2010 General Session

17-27a-522 Simple boundary adjustment -- Full boundary adjustment -- Process -- Review by land use authority.

(1) A person may propose a simple boundary adjustment to a land use authority as described in this section.
(2) A proposal for a simple boundary adjustment shall:
(a) include a conveyance document that complies with Section 57-1-45.5; and
(b) describe all lots or parcels affected by the proposed boundary adjustment.
(3) A land use authority shall consent to a proposed simple boundary adjustment if the land use authority verifies that the proposed simple boundary adjustment:
(a) meets the requirements of Subsection (2); and
(b) does not:
(i) affect a public right-of-way, county utility easement, or other public property;
(ii) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
(iii) result in a lot or parcel out of conformity with land use regulations.
(4) If the land use authority determines that a proposed simple boundary adjustment does not meet the requirements of Subsection (3), a full boundary adjustment is required.
(5) To propose a full boundary adjustment, the adjoining property owners shall submit a proposal to the land use authority that includes:
(a) a conveyance document that complies with Section 57-1-45.5;
(b) a survey that complies with Subsection 57-1-4.5(3)(b); and
(c) if required by county ordinance, a proposed plat amendment corresponding with the proposed full boundary adjustment, prepared in accordance with Section 17-27a-608.
(6) The land use authority shall consent to a proposed full boundary adjustment made under Subsection (5) if:
(a) the proposal submitted to the land use authority under Subsection (5) includes all necessary information;
(b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land use regulation; and
(c) if required by county ordinance, the plat amendment corresponding with the proposed full boundary adjustment has been approved in accordance with Section 17-27a-608.
(7)
(a) Consent under Subsection (3) or (6) is an administrative act.
(b) Notice of consent under Subsection (3) or (6) shall be provided to the person proposing the boundary adjustment in a format that makes clear:
(i) the land use authority is not responsible for any error related to the boundary adjustment; and
(ii) a county recorder may record the boundary adjustment.

(8) A boundary adjustment is effective from the day on which the boundary adjustment, as consented to by the land use authority, is recorded by the county recorder along with the relevant conveyance document.
(9) The recording of a boundary adjustment does not constitute a land use approval.
(10) A county may enforce county ordinances against, or withhold approval of a land use application for, property that is subject to a boundary adjustment if the county determines that the resulting lots or parcels are not in compliance with the county's land use regulations in effect on the day on which the boundary adjustment is recorded.

Amended by Chapter 40, 2025 General Session

17-27a-523 Boundary establishment -- Process -- Boundary agreement not subject to review by land use authority -- Prohibitions.
(1) The owners of adjoining property may initiate a boundary establishment to:
(a) resolve an ambiguous, uncertain, or disputed boundary between the adjoining properties; and
(b) agree upon the location of the boundary between the adjoining properties.
(2) Adjoining property owners executing a boundary establishment described in Subsection (1) shall:
(a) prepare an establishment document that complies with Section 57-1-45; and
(b) record the boundary establishment with the county recorder, in accordance with Section 57-1-45.
(3) A boundary establishment:
(a) is not subject to review of a land use authority; and
(b) does not require consent or approval from a land use authority before it may be recorded.
(4) A boundary establishment is effective from the day it is recorded by the county recorder.
(5) A county may enforce county ordinances against property with a boundary establishment that violates a land use regulation.
(6) A boundary establishment that complies with this section presumptively:
(a) has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed; and
(b) conveys the ownership of the adjoining parties to the established common boundary.

Amended by Chapter 40, 2025 General Session

17-27a-524 Site plan.
A site plan submitted to a county for approval of a building permit:
(1) if modified, may not be used to impose a penalty on a property owner;
(2) does not represent an agreement for a specific final layout;
(3) does not bind an owner from future development activity or modifications to a development activity on the property; and
(4) is superseded by the terms of a building permit requirement.

Enacted by Chapter 476, 2013 General Session

17-27a-525 Cannabis production establishments and medical cannabis pharmacies.
(1) As used in this section:
(a) "Cannabis production establishment" means the same as that term is defined in Section 4-41a-102 and includes a closed-door medical cannabis pharmacy.

(b) "Closed-door medical cannabis pharmacy" means the same as that term is defined in Section 4-41a-102.
(c) "Industrial hemp producer licensee" means the same as the term "licensee" is defined in Section 4-41-102.
(d) "Medical cannabis pharmacy" means the same as that term is defined in Section 26B-4-201.
(2)
(a)
(i) A county may not regulate a cannabis production establishment or a medical cannabis pharmacy in conflict with:
(A) Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies, and applicable jurisprudence; and
(B) this chapter.
(ii) A county may not regulate an industrial hemp producer licensee in conflict with:
(A) Title 4, Chapter 41, Hemp and Cannabinoid Act, and applicable jurisprudence; and
(B) this chapter.
(b) The Department of Agriculture and Food has plenary authority to license programs or entities that operate a cannabis production establishment or a medical cannabis pharmacy.
(3)
(a) Within the time period described in Subsection (3)(b), a county shall prepare and adopt a land use regulation, development agreement, or land use decision in accordance with this title and:
(i) regarding a cannabis production establishment, Section 4-41a-406; or
(ii) regarding a medical cannabis pharmacy, Section 4-41a-1105.
(b) A county shall take the action described in Subsection (3)(a):
(i) before January 1, 2021, within 45 days after the day on which the county receives a petition for the action; and
(ii) after January 1, 2021, in accordance with Subsection 17-27a-509.5(2).

Amended by Chapter 238, 2024 General Session

17-27a-526 Internal accessory dwelling units.
(1) As used in this section:
(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
(i) within a primary dwelling;
(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and
(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
(b)
(i) "Primary dwelling" means a single-family dwelling that:
(A) is detached; and
(B) is occupied as the primary residence of the owner of record.
(ii) "Primary dwelling" includes a garage if the garage:
(A) is a habitable space; and
(B) is connected to the primary dwelling by a common wall.
(2) In any area zoned primarily for residential use:
(a) the use of an internal accessory dwelling unit is a permitted use;
(b) except as provided in Subsections (3) and (4), a county may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:

(i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
(ii) total lot size;
(iii) street frontage; or
(iv) internal connectivity; and
(c) a county's regulation of architectural elements for internal accessory dwelling units shall be consistent with the regulation of single-family units, including single-family units located in historic districts.
(3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.
(4) A county may:
(a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;
(b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
(c) require a primary dwelling:
(i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, in addition to the parking spaces required under the county's land use ordinance, except that if the county's land use ordinance requires four off-street parking spaces, the county may not require the additional space contemplated under this Subsection (4)(c)(i); and
(ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is habitable space;
(d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;
(e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;
(f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to 25% or less of the total unincorporated area in the county that is zoned primarily for residential use, except that the county may not prohibit newly constructed internal accessory dwelling units that:
(i) have a final plat approval dated on or after October 1, 2021; and
(ii) comply with applicable land use regulations;
(g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;
(h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;
(i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;
(j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
(k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and
(l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).
(5)
(a) In addition to any other legal or equitable remedies available to a county, a county may hold a lien against a property that contains an internal accessory dwelling unit if:
(i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (4);
(ii) the county provides a written notice of violation in accordance with Subsection (5)(b);

(iii) the county holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);
(iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);
(v) the county provides a written notice of lien in accordance with Subsection (5)(c); and
(vi) the county records a copy of the written notice of lien described in Subsection (5)(a)(v) with the county recorder of the county in which the property is located.
(b) The written notice of violation shall:
(i) describe the specific violation;
(ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:
(A) no less than 14 days after the day on which the county sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or
(B) no less than 30 days after the day on which the county sends the written notice of violation, for any other violation;
(iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;
(iv) notify the owner of the property:
(A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and
(B) of the name and address of the county office where the owner may file the written objection;
(v) be mailed to:
(A) the property's owner of record; and
(B) any other individual designated to receive notice in the owner's license or permit records; and
(vi) be posted on the property.
(c) The written notice of lien shall:
(i) comply with the requirements of Section 38-12-102;
(ii) describe the specific violation;
(iii) specify the lien amount, in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;
(iv) be mailed to:
(A) the property's owner of record; and
(B) any other individual designated to receive notice in the owner's license or permit records; and
(v) be posted on the property.
(d)
(i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the county shall:
(A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and

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

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

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

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

(6)

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

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

(i) a description of the primary dwelling;

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

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

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

Amended by Chapter 501, 2023 General Session

17-27a-527 Utility service connections.

(1) A county may not enact an ordinance, a resolution, or a policy that prohibits, or has the effect of prohibiting, the connection or reconnection of an energy utility service provided by a public utility as that term is defined in Section 54-2-1.

(2) Subsection (1) does not apply to:

(a) an incentive offered by a county; or

(b) a building owned by a county.

Enacted by Chapter 15, 2021 General Session

17-27a-528 Development agreements.

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

(a) a master planned development;

(b) a planned unit development;

(c) an annexation;

(d) affordable or moderate income housing with development incentives;

(e) a public-private partnership; or

(f) a density transfer or bonus within a development project or between development projects.

(2)
(a) A development agreement may not:
(i) limit a county's authority in the future to:
(A) enact a land use regulation; or
(B) take any action allowed under Section 17-53-223;
(ii) require a county to change the zoning designation of an area of land within the county in the future; or
(iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 17-27a-502, including a review and recommendation from the planning commission and a public hearing.
(b) A development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval under Section 17-27a-502.
(c) Subject to Subsection (2)(d), a county may require a development agreement for developing land within the unincorporated area of the county if the applicant has applied for a legislative or discretionary approval, including an approval relating to:
(i) the height of a structure;
(ii) a parking or setback exception;
(iii) a density transfer or bonus;
(iv) a development incentive;
(v) a zone change; or
(vi) an amendment to a prior development agreement.
(d) A county may not require a development agreement as a condition for developing land within the unincorporated area of the county if:
(i) the development otherwise complies with applicable statute and county ordinances;
(ii) the development is an allowed or permitted use; or
(iii) the county's land use regulations otherwise establish all applicable standards for development on the land.
(e) A county may submit to a county recorder's office for recording:
(i) a fully executed agreement; or
(ii) a document related to:
(A) code enforcement;
(B) a special assessment area;
(C) a local historic district boundary; or
(D) the memorializing or enforcement of an agreed upon restriction, incentive, or covenant.
(f) Subject to Subsection (2)(e), a county may not cause to be recorded against private real property a document that imposes development requirements, development regulations, or development controls on the property.
(g) To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by:
(i) this chapter; and
(ii) any applicable land use regulations.

Amended by Chapter 415, 2024 General Session

17-27a-529 Infrastructure improvements involving roadways.

(1) As used in this section:
(a) "Low impact development" means the same as that term is defined in Section 19-5-108.5.
(b)
(i) "Pavement" means the bituminous or concrete surface of a roadway.
(ii) "Pavement" does not include a curb or gutter.
(c) "Residential street" means a public or private roadway that:
(i) currently serves or is projected to serve an area designated primarily for single-family residential use;
(ii) requires at least two off-site parking spaces for each single-family residential property abutting the roadway; and
(iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day, based on findings contained in:
(A) a traffic impact study;
(B) the county's general plan under Section 17-27a-401;
(C) an adopted phasing plan; or
(D) a written plan or report on current or projected traffic usage.
(2)
(a) Except as provided in Subsection (2)(b), a county may not, as part of an infrastructure improvement, require the installation of pavement on a residential street at a width in excess of 32 feet if the county requires low impact development for the area in which the residential street is located.
(b) Subsection (2)(a) does not apply if a county requires the installation of pavement:
(i) in a vehicle turnaround area; or
(ii) to address specific traffic flow constraints at an intersection or other area.
(3)
(a) A county shall, by ordinance, establish any standards that the county requires, as part of an infrastructure improvement, for fire department vehicle access and turnaround on roadways.
(b) The county shall ensure that the standards established under Subsection (3)(a) are consistent with the State Fire Code as defined in Section 15A-1-102.

Enacted by Chapter 385, 2021 General Session

17-27a-530 Regulation of building design elements prohibited -- Regulation of parking spaces prohibited -- Exceptions.

(1) As used in this section:
(a) "Affordable housing" means housing occupied or reserved for occupancy that is priced at 80% of the county median home price.
(b) "Building design element" means:
(i) exterior color;
(ii) type or style of exterior cladding material;
(iii) style, dimensions, or materials of a roof structure, roof pitch, or porch;
(iv) exterior nonstructural architectural ornamentation;
(v) location, design, placement, or architectural styling of a window or door;
(vi) location, design, placement, or architectural styling of a garage door, not including a rear-loading garage door;
(vii) number or type of rooms;
(viii) interior layout of a room;
(ix) minimum square footage over 1,000 square feet, not including a garage;

(x) rear yard landscaping requirements;
(xi) minimum building dimensions; or
(xii) a requirement to install front yard fencing.
(c) "Owner-occupied" means a housing unit in which the individual who owns the housing unit, solely or jointly, lives as the individual's primary residence for no less than five years.
(d) "Specified county" means the same as that term is defined in Section 17-27a-408.
(e) "Unobstructed" means a parking space that has no permanent barriers that would unreasonably reduce the size of an available parking space described in Subsection (4).
(2) Except as provided in Subsection (3), a county may not impose a requirement for a building design element on a one- or two-family dwelling.
(3) Subsection (2) does not apply to:
(a) a dwelling located within an area designated as a historic district in:
(i) the National Register of Historic Places;
(ii) the state register as defined in Section 9-8a-402; or
(iii) a local historic district or area, or a site designated as a local landmark, created by ordinance before January 1, 2021, except as provided under Subsection (3)(b);
(b) an ordinance enacted as a condition for participation in the National Flood Insurance Program administered by the Federal Emergency Management Agency;
(c) an ordinance enacted to implement the requirements of the Utah Wildland Urban Interface Code adopted under Section 15A-2-103;
(d) building design elements agreed to under a development agreement;
(e) a dwelling located within an area that:
(i) is zoned primarily for residential use; and
(ii) was substantially developed before calendar year 1950;
(f) an ordinance enacted to implement water efficient landscaping in a rear yard;
(g) an ordinance enacted to regulate type of cladding, in response to findings or evidence from the construction industry of:
(i) defects in the material of existing cladding; or
(ii) consistent defects in the installation of existing cladding;
(h) a land use regulation, including a planned unit development or overlay zone, that a property owner requests:
(i) the county to apply to the owner's property; and
(ii) in exchange for an increase in density or other benefit not otherwise available as a permitted use in the zoning area or district; or
(i) an ordinance enacted to mitigate the impacts of an accidental explosion:
(i) in excess of 20,000 pounds of trinitrotoluene equivalent;
(ii) that would create overpressure waves greater than .2 pounds per square inch; and
(iii) that would pose a risk of damage to a window, garage door, or carport of a facility located within the vicinity of the regulated area.
(4) A county that is a specified county may not:
(a) require that the dimensions of a single parking space for a one- or two-family dwelling or town home be:
(i) for unobstructed, enclosed, or covered parking:
(A) more than 10 feet wide; or
(B) more than 20 feet long; or
(ii) for uncovered parking:
(A) more than nine feet wide; or
(B) more than 20 feet long;

(b) restrict an unobstructed tandem parking space from satisfying two parking spaces as part of a minimum parking space requirement; and
(c) restrict a two-car garage from satisfying two parking spaces as part of a minimum parking space requirement.
(5) A county may not require a garage for a single-family attached or detached dwelling that is owner-occupied affordable housing.
(6) If a county requires a garage, the county shall count each parking space within the garage as part of the county's minimum parking space requirement as described in Section 17-27a-526.
(7) Nothing in this section prohibits a county from requiring on-site parking for owner-occupied affordable housing.

Amended by Chapter 449, 2025 General Session

17-27a-531 Moderate income housing.
(1) A county may only require the development of a certain number of moderate income housing units as a condition of approval of a land use application if:
(a) the county and the applicant enter into a written agreement regarding the number of moderate income housing units;
(b) the county provides incentives for an applicant who agrees to include moderate income housing units in a development; or
(c) the county offers or approves, and an applicant accepts, an incentive described in Section 17-27a-403.1 or 17-27a-403.2.
(2) If an applicant does not agree to participate in the development of moderate income housing units under Subsection (1)(a) or (b), a county may not take into consideration the applicant's decision in the county's determination of whether to approve or deny a land use application.
(3) Notwithstanding Subsections (1) and (2), a county of the third class, which has a ski resort located within the unincorporated area of the county, may require the development of a certain number of moderate income housing units as a condition of approval of a land use application if the requirement is in accordance with an ordinance enacted by the county before January 1, 2022.

Amended by Chapter 385, 2025 General Session

17-27a-532 Water wise landscaping -- County landscaping regulations.
(1) As used in this section:
(a) "Lawn or turf" means nonagricultural land planted in closely mowed, managed grasses.
(b) "Mulch" means material such as rock, bark, wood chips, or other materials left loose and applied to the soil.
(c) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.
(d) "Private landscaping plan" means the same as that term is defined in Section 17-27a-604.5.
(e)
(i) "Vegetative coverage" means the ground level surface area covered by the exposed leaf area of a plant or group of plants at full maturity.
(ii) "Vegetative coverage" does not mean the ground level surface area covered by the exposed leaf area of a tree or trees.
(f) "Water wise landscaping" means any or all of the following:
(i) installation of plant materials suited to the microclimate and soil conditions that can:

(A) remain healthy with minimal irrigation once established; or
(B) be maintained without the use of overhead spray irrigation;
(ii) use of water for outdoor irrigation through proper and efficient irrigation design and water application; or
(iii) the use of other landscape design features that:
(A) minimize the need of the landscape for supplemental water from irrigation; or
(B) reduce the landscape area dedicated to lawn or turf.
(2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits, or has the effect of prohibiting, a property owner from incorporating water wise landscaping on the property owner's property.
(3)
(a) Subject to Subsection (3)(b), Subsection (2) does not prohibit a county from requiring a property owner to:
(i) comply with a site plan review, private landscaping plan review, or other review process before installing water wise landscaping;
(ii) maintain plant material in a healthy condition; and
(iii) follow specific water wise landscaping design requirements adopted by the county, including a requirement that:
(A) restricts or clarifies the use of mulches considered detrimental to county operations;
(B) imposes minimum or maximum vegetative coverage standards; or
(C) restricts or prohibits the use of specific plant materials.
(b) A county may not require a property owner to install or keep in place lawn or turf in an area with a width less than eight feet.
(4) A county may require a seller of a newly constructed residence within the unincorporated area of the county to inform the first buyer of the newly constructed residence of a county ordinance requiring water wise landscaping.
(5) A county shall report to the Division of Water Resources the existence, enactment, or modification of an ordinance, resolution, or policy that implements regional-based water use efficiency standards established by the Division of Water Resources by rule under Section 73-10-37.
(6) A county may enforce a county landscaping ordinance in compliance with this section.

Amended by Chapter 399, 2025 General Session

17-27a-533 Land use compatibility with military use.
(1) As used in this section:
(a) "Department" means the Department of Veterans and Military Affairs.
(b) "Military" means a branch of the armed forces of the United States, including the Utah National Guard.
(c) "Military land" means the following land or facilities:
(i) Camp Williams;
(ii) Hill Air Force Base;
(iii) Dugway Proving Ground;
(iv) Tooele Army Depot;
(v) Utah Test and Training Range;
(vi) Nephi Readiness Center;
(vii) Cedar City Alternate Flight Facility; or
(viii) Little Mountain Test Facility.

(2)
(a) Except as provided in Subsection (2)(b), on or before July 1, 2025, for any area in a county within 5,000 feet of a boundary of military land, a county shall, in consultation with the department, develop and maintain a compatible use plan to ensure permitted uses and conditional uses relevant to the military land are compatible with the military operations on military land.
(b) A county that has a compatible use plan as of January 1, 2023, is not required to develop a new compatible use plan.
(3) If a county receives a land use application related to land within 5,000 feet of a boundary of military land, before the county may approve the land use application, the county shall notify the department in writing.
(4)
(a) If the department receives the notice described in Subsection (3), the executive director of the department shall:
(i) determine whether the proposed land use is compatible with the military use of the relevant military land; and
(ii) within 90 days after the receipt of the notice described in Subsection (3), respond in writing to the county regarding the determination of compatibility described in Subsection (4)(a)(i).
(b)
(i) For a land use application pertaining to a parcel within 5,000 feet of military land that may have an adverse effect on the operations of the military installation, except as provided in Subsection (4)(b)(ii), the county shall consider the compatible use plan in processing the land use application.
(ii) For a land use application pertaining to a parcel within 5,000 feet of military land that may have an adverse effect on the operations of the military installation, if the applicant has a vested right, the county is not required to consider the compatible land use plan in consideration of the land use application.
(5) If the department receives the notice described in Subsection (3) before the county has completed the compatible use plan as described in this section, the department shall consult with the county and representatives of the relevant military land to determine whether the use proposed in the land use application is a compatible use.

Amended by Chapter 336, 2024 General Session

17-27a-534 Residential rear setback limitations.
(1) As used in this section:
(a) "Allowable feature" means:
(i) a landing or walkout porch that:
(A) is no more than 32 square feet in size; and
(B) is used for ingress to and egress from the rear of the residential dwelling; or
(ii) a window well.
(b) "Landing" means an uncovered, above-ground platform, with or without stairs, connected to the rear of a residential dwelling.
(c) "Setback" means the required distance between the property line of a lot or parcel and the location where a structure is allowed to be placed under an adopted land use regulation.
(d) "Walkout porch" means an uncovered platform that is on the ground and connected to the rear of a residential dwelling.

(e) "Window well" means a recess in the ground around a residential dwelling to allow for ingress and egress through a window installed in a basement that is fully or partially below ground.
(2) A county may not enact or enforce an ordinance, resolution, or policy that prohibits or has the effect of prohibiting an allowable feature within the rear setback of a residential building lot or parcel.
(3) Subsection (2) does not apply to a historic district located within the unincorporated area of a county.

Enacted by Chapter 415, 2024 General Session

17-27a-535 Operation of a tower crane.
(1) As used in this section:
(a) "Affected land" means the same as that term is defined in Section 10-9a-539.
(b) "Airspace approval" means the same as that term is defined in Section 10-9a-539.
(c) "Live load" means the same as that term is defined in Section 10-9a-539.
(d) "Permit period" means the same as that term is defined in Section 10-9a-539.
(e) "Tower crane" means the same as that term is defined in Section 10-9a-539.
(2) Except as provided in Subsection (3), a county may not require airspace approval as a condition for the county's:
(a) approval of a building permit; or
(b) authorization of a development activity.
(3) A county may require airspace approval relating to affected land as a condition for the county's approval of a building permit or for the county's authorization of a development activity if:
(a) the tower crane will, during the permit period or development activity, carry a live load over the affected land; or
(b) the affected land is within:
(i) an airport overlay zone; or
(ii) another zone designated to protect the airspace around an airport.

Enacted by Chapter 329, 2024 General Session

17-27a-536 Identical plan review -- Process -- Indexing of plans -- Prohibitions.
(1) As used in this section:
(a) "Business day" means Monday, Tuesday, Wednesday, Thursday, or Friday, unless the day falls on a federal, state, or county holiday.
(b) "Nonidentical plan" means a plan that does not meet the definition of an identical plan in Section 17-27a-103.
(c) "Original plan" means the same as that term is defined in Section 10-9a-541.
(2) An applicant may submit, and a county shall review, an identical plan as described in this section.
(3) At the time of submitting an identical plan for review to a county, an applicant shall:
(a) mark the floor plan as "identical plans";
(b) identify in writing:
(i) the building permit number the county issued for the original plan:
(A) that was previously approved by the county; and
(B) to which the submitted floor plan qualifies as an identical plan; or
(ii) the identifying index number assigned by the county to the original plan, as described in Subsection (5)(b); and

(c) identify the site on which the applicant intends to implement the identical plan.
(4) Beginning May 7, 2025, an applicant that intends to submit an identical plan for review to a county shall:
(a) indicate, at the time of submitting an original plan to the county for review and approval, that the applicant intends to use the original plan as the basis for submitting a future identical plan if the original plan is approved by the county; and
(b) identify:
(i) the name or other identifier of the original plan; and
(ii) the zone the building will be located in, if the county approves the original plan.
(5) Upon approving an original plan and receiving the information described in Subsection (4), a county shall:
(a) file and index the original plan for future reference against an identical plan later submitted under Subsection (2); and
(b) provide the applicant with an identifying index number for the original plan.
(6) A county that receives a submission under Subsection (2) shall review and compare the submitted identical plan to the original plan to ensure:
(a) the identical plan and original plan are substantially identical; and
(b) no structural changes have been made from the original plan.
(7) Nothing in this section prohibits a county from conducting a site review and requiring geological analysis of the proposed site identified by the applicant under Subsection (3)(c).
(8) A county shall:
(a) review a submitted identical plan for compliance with this section; and
(b) approve or reject the identical plan within five business days after the day on which the identical plan was submitted under Subsection (2).
(9) An applicant that submits a nonidentical plan to a county as an identical plan, with knowledge that the nonidentical plan does not qualify as an identical plan and with intent to deceive the county:
(a) may be fined by the county receiving the submission of the nonidentical plan:
(i) in an amount not to exceed three times the building permit fee, if the county approved the nonidentical plan as an identical plan before discovering the submission did not qualify as an identical plan; or
(ii) in an amount equal to the building permit fee that would have been issued for the nonidentical plan, if the county did not approve the nonidentical plan before discovering the submission did not qualify as an identical plan; and
(b) is prohibited from submitting an identical plan for review and approval under this section for a period of two years from the day on which the county discovers the nonidentical plan identified as an identical plan in the applicant's submission did not qualify as an identical plan.
(10) A county may impose a criminal penalty, as described in Section 17-53-223, for an applicant that knowingly violates the prohibition described in Subsection (9)(b).

Enacted by Chapter 399, 2025 General Session

17-27a-537 Fees collected for construction approval -- Approval of plans.
(1) As used in this section:
(a) "Automated review" means a computerized process used to conduct a plan review, including through the use of software and algorithms to assess compliance with an applicable building code, regulation, or ordinance to ensure that a plan meets all of a county's required criteria for approval.

(b) "Business day" means the same as that term is defined in Section 17-27a-536.
(c) "Construction project" means:
(i) the same as that term is defined in Section 38-1a-102; or
(ii) any work requiring a permit for construction of or on a one- or two-family dwelling, a townhome, or other residential structure built under the State Construction Code and State Fire Code.
(d) "Lodging establishment" means a place providing temporary sleeping accommodations to the public, including any of the following:
(i) a bed and breakfast establishment;
(ii) a boarding house;
(iii) a dormitory;
(iv) a hotel;
(v) an inn;
(vi) a lodging house;
(vii) a motel;
(viii) a resort; or
(ix) a rooming house.
(e)
(i) "Plan review" means all of the reviews and approvals of a plan that a county, including all relevant divisions or departments within a county, requires before issuing a building permit, with a scope that may not exceed a review to verify:
(A) that the construction project complies with the provisions of the State Construction Code under Title 15A, State Construction and Fire Codes Act;
(B) that the construction project complies with the energy code adopted under Section 15A-2-103;
(C) that the construction project complies with local ordinances;
(D) that the applicant paid any required fees;
(E) that the applicant obtained final approvals from any other required reviewing agencies;
(F) that the construction project received a structural review;
(G) the total square footage for each building level of finished, garage, and unfinished space; and
(H) that the plans include a printed statement indicating that, before the disturbance of land and during the actual construction, the applicant will comply with applicable federal, state, and local laws and ordinances, including any storm water protection laws and ordinances.
(ii) "Plan review" does not mean a review of:
(A) a document required to be re-submitted for a construction project other than a construction project for a one-or two-family dwelling or townhome if additional modifications or substantive changes are identified by the plan review;
(B) a document submitted as part of a deferred submittal when requested by the applicant and approved by the building official;
(C) a document that, due to the document's technical nature or on the request of the applicant, is reviewed by a third party; or
(D) a storm water permit.
(f) "Screening period" means the three business days following the day on which an applicant submits an application.
(g) "State Construction Code" means the same as that term is defined in Section 15A-1-102.
(h) "State Fire Code" means the same as that term is defined in Section 15A-1-102.
(i) "Storm water permit" means the same as that term is defined in Section 19-5-108.5.

(j) "Structural review" means:
(i) a review that verifies that a construction project complies with the following:
(A) footing size and bar placement;
(B) foundation thickness and bar placement;
(C) beam and header sizes;
(D) nailing patterns;
(E) bearing points;
(F) structural member size and span; and
(G) sheathing; or
(ii) if the review exceeds the scope of the review described in Subsection (1)(j)(i), a review that a licensed engineer conducts.
(k) "Technical nature" means a characteristic that places an item outside the training and expertise of an individual who regularly performs plan reviews.
(2)
(a) If a county collects a fee for the inspection of a construction project, the county shall ensure that the construction project receives a prompt inspection.
(b) If a county cannot provide a building inspection within three business days after the day on which the county receives the request for the inspection, the applicant may engage an inspection with a third-party inspection firm from the third-party inspection firm list, as described in Section 15A-1-105.
(c) If an inspector identifies one or more violations of the State Construction Code or State Fire Code during an inspection, the inspector shall give the permit holder written notification that:
(i) identifies each violation;
(ii) upon request by the permit holder, includes a reference to each applicable provision of the State Construction Code or State Fire Code; and
(iii) is delivered:
(A) in hardcopy or by electronic means; and
(B) the day on which the inspection occurs.
(3)
(a)
(i) A county that receives an application for a plan review shall determine if the application is complete, as described in Subsection (12), within the screening period.
(ii) If the county determines an application for a plan review is complete, as described in Subsection (12), within the screening period, the county shall begin the plan review process described in Subsection (4).
(b) If the county determines that an application for a plan review is not complete as described in Subsection (12), and if the county notifies the applicant of the county's determination:
(i) before 5 p.m. on the last day of the screening period, the county may:
(A) pause the screening period until the applicant ensures the application meets the requirements of Subsection (12); or
(B) reject the incomplete application; or
(ii) after 5 p.m. on the last day of the screening period, the county may not pause the screening period and shall begin the plan review process described in Subsection (4).
(c) If an application is rejected as described in Subsection (3)(b)(i)(B) and an applicant resubmits the application, the resubmission begins a new screening period in which the county shall review the resubmitted application to determine if the application is complete as described in Subsection (12).

(d) If the county gives notice of an incomplete application after 5 p.m. on the last day of the screening period, the county:

(i) shall immediately notify the applicant that the county has determined the application is not complete and the basis for the determination;

(ii) may not, except as provided in Subsection (3)(d)(iii), pause the relevant time period described in Subsection (4); and

(iii) may pause the relevant time period described in Subsection (4)(a) or (b) as described in Subsection (4)(c).

(4)

(a) Except as provided in Subsection (7), once a county determines an application for plan review is complete, or proceeds to review an incomplete application for plan review under Subsection (3)(b)(ii), the county shall complete a plan review of a construction project for a one- or two-family dwelling or townhome by no later than 14 business days after the day on which the screening period for the application ends.

(b) Except as provided in Subsection (7), once a county determines an application for plan review is complete, or proceeds to review an incomplete application for plan review under Subsection (3)(b)(ii), the county shall complete a plan review of a construction project for a residential structure built under the State Construction Code that is not a one- or two-family dwelling, townhome, or a lodging establishment, by no later than 21 business days after the day on which the screening period for the application ends.

(c) If a county gives notice of an incomplete application as described in Subsection (3)(d), the county:

(i) may pause the time period described in Subsection (4)(a) or (b):

(A) within the last five days of the relevant time period; and

(B) until the applicant provides the county with the information necessary to consider the application complete under Subsection (12);

(ii) shall resume the relevant time period upon receipt of the information necessary to consider the application complete; and

(iii) may, if necessary, use five additional days beginning the day on which the county receives the information described in Subsection (4)(c)(ii) to consider whether the application meets the requirements for a building permit, even if the five additional days extend beyond the relevant time period described in Subsection 4(a) or (b).

(d) If, at the conclusion of plan review, the county determines the application meets the requirements for a building permit, the county shall approve the application and, subject to Subsection (10)(b), issue the building permit to the applicant.

(5)

(a) A county may utilize another government entity to determine if an application is complete or perform a plan review, in whole or in part.

(b) A county that utilizes another government entity to determine if an application is complete or perform a plan review, as described in Subsection (5)(a), shall:

(i) notify any other government entities, including water providers, within 24 hours of receiving any building permit application; and

(ii) provide the government entity all documents necessary to determine if an application is complete or perform a plan review, in whole or in part, as requested by the county.

(6) A government entity determining if an application is complete or performing a plan review, in whole or in part, as requested by a county, shall:

(a) comply with the requirements of this chapter; and

(b) notify the county within the screening period whether the application, or a portion of the application, is complete.

(7) An applicant may:

(a) waive the plan review time requirements described in Subsection (4); or

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

(8)

(a) A county may not enforce a requirement to have a plan review if:

(i) the county does not complete the plan review within the relevant time period described in Subsection (4); and

(ii) a licensed architect or structural engineer, or both when required by law, stamps the plan.

(b) If a county is prohibited from enforcing a requirement to have a plan review under Subsection (8)(a), the county shall return to the applicant the plan review fee.

(9)

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

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

(ii) building code violations found in the plan.

(b) A county may not require an applicant to redraft a plan if the county requests minor changes to the plan that the list described in Subsection (9)(a) identifies.

(c) A county may require a single resubmittal of plans for a one- or two-family dwelling or townhome if deficiencies in the plan would affect the site plan interaction or footprint of the design.

(10)

(a) If a county charges a fee for a building permit, the county may not refuse payment of the fee at the time the applicant submits an application under Subsection (3).

(b) If a county charges a fee for a building permit and does not require the fee for a building permit be included in an application for plan review, upon approval of an application for plan review under Subsection (4)(d), the county may require the applicant to pay the fee for the building permit before the county issues the building permit.

(11) A county may not limit the number of applications submitted under Subsection (3).

(12) For purposes of Subsection (3), an application for plan review is complete if the application contains:

(a) the name, address, and contact information of:

(i) the applicant; and

(ii) the construction manager/general contractor, as defined in Section 63G-6a-103, for the construction project;

(b) a site plan for the construction project that:

(i) is drawn to scale;

(ii) includes a north arrow and legend; and

(iii) provides specifications for the following:

(A) lot size and dimensions;

(B) setbacks and overhangs for setbacks;

(C) easements;

(D) property lines;

(E) topographical details, if the slope of the lot is greater than 10%;

(F) retaining walls;

(G) hard surface areas;

(H) curb and gutter elevations as indicated in the subdivision documents;

(I) existing and proposed utilities, including water, sewer, and subsurface drainage facilities;

(J) street names;
(K) driveway locations;
(L) defensible space provisions and elevations, if required by the Utah Wildland Urban Interface Code adopted under Section 15A-2-103; and
(M) the location of the nearest hydrant;
(c) construction plans and drawings, including:
(i) elevations, only if the construction project is new construction;
(ii) floor plans for each level, including the location and size of doors, windows, and egress;
(iii) foundation, structural, and framing detail;
(iv) electrical, mechanical, and plumbing design;
(v) a licensed architect's or structural engineer's stamp, when required by law; and
(vi) fire suppression details, when required by fire code;
(d) documentation of energy code compliance;
(e) structural calculations, except for trusses;
(f) a geotechnical report, including a slope stability evaluation and retaining wall design, if:
(i) the slope of the lot is greater than 15%; and
(ii) required by the county;
(g) a statement indicating that:
(i) before land disturbance occurs on the subject property, the applicant will obtain a storm water permit; and
(ii) during actual construction, the applicant shall comply with applicable local ordinances and building codes; and
(h) the fees, if any, established by ordinance for the county to perform a plan review.
(13) A county may, at the county's discretion, utilize automated review to fulfill, in whole or in part, the county's obligation to conduct plan review described in this section.

Renumbered and Amended by Chapter 399, 2025 General Session

17-27a-538 Notice of significant private airports.
(1) As used in this section, "significant private airport" means the same as that term is defined in Section 72-10-102.
(2) If a county receives a notification described in Section 72-10-416, the land use authority of the county shall record with the county recorder and against any existing residential parcel within 2,500 feet of a runway of a significant private airport located within an unincorporated area within the boundary of the county a notice with the following language: "In accordance with Utah Code Section 17-27a-538, notice is hereby given that the subject property is located within 2,500 feet of a runway of a significant airport that as of [INSERT THE DATE OF THE RECORDING] is known as [AIRPORT NAME] and is located at [INSERT THE ADDRESS OF THE SIGNIFICANT PRIVATE AIRPORT]. Said notice boundary more accurately described as [INSERT BOUNDARY LEGAL DESCRIPTION OF ALL PROPERTY WITHIN 2,500 FEET OF RUNWAY]."

Enacted by Chapter 515, 2025 General Session

17-27a-539 Digital asset mining -- Zoning restrictions.
(1) As used in this section:
(a) "Digital asset" means the same as that term is defined in Section 7-29-101.

(b) "Digital asset mining" means using computer hardware and software specifically designed or utilized for validating data and securing a blockchain network.
(c) "Digital asset mining business" means a group of computers working at a single site that:
(i) consumes more than one megawatt of energy on an average annual basis; and
(ii) operates for the purpose of generating blockchain tokens by securing a blockchain network.
(2) A political subdivision of the state may not enact an ordinance, resolution, or rule that:
(a) for digital asset mining businesses located in areas zoned for industrial use, imposes sound restrictions on digital asset mining businesses that are more stringent than the generally applicable limits set for industrial-zoned areas; or
(b) prevents a digital asset mining business from operating in an area zoned for industrial use if the digital asset mining business meets other requirements for industrial use.

Enacted by Chapter 228, 2025 General Session

17-27a-540 High tunnels -- Exemption from county regulation.
(1) As used in this section, "high tunnel" means a structure that:
(a) is not a permanent structure;
(b) is used for the growing, keeping, storing, sale, or shelter of an agricultural commodity; and
(c) has a:
(i) metal, wood, or plastic frame;
(ii) plastic, woven textile, or other flexible covering; and
(iii) floor made of soil, crushed stone, matting, pavers, or a floating concrete slab.
(2) A county building code does not apply to a high tunnel.
(3) No building permit shall be required for the construction of a high tunnel.

Enacted by Chapter 469, 2025 General Session

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

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 applicableinstallation 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

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:
(a) "Private landscaping plan" means a proposal:
(i) to install landscaping on a lot owned by a private individual or entity; and
(ii) submitted to a county by the private individual or entity, or on behalf of a private individual or entity, that owns the lot.
(b) "Public landscaping improvement" means landscaping that an applicant is required to install to comply with published installation and inspection specifications for public improvements that:
(i) will be dedicated to and maintained by the county; or
(ii) 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) Except as provided in Subsection (3)(d) or (3)(e), 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 in accordance with Subsection (5) 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)

(A) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this chapter and any local ordinances; and

(B) if a county accepts cash deposits as a form of completion assurance and an applicant elects to post a cash deposit as a form of completion assurance, place the cash deposit in an interest-bearing account upon receipt and return any earned interest to the applicant with the return of the completion assurance according to the conditions of this chapter 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;

(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;

(v) a private landscaping plan;

(vi) landscaping improvements or infrastructure improvements that an applicant elects to install at the applicant's own risk:

(A) before the plat is recorded;

(B) pursuant to inspections required by the county for the infrastructure improvement; and

(C) pursuant to final civil engineering plan approval by the county; or

(vii) any individual public landscaping improvement or individual infrastructure improvement when the individual public landscaping improvement or individual infrastructure improvement is also included as part of a separate improvement completion assurance.

(e)

(i) A county may not:

(A) prohibit an applicant from installing a public landscaping improvement or an infrastructure improvement when the municipality has approved final civil engineering plans for the development activity or plat for which the public landscaping improvement or infrastructure improvement is required; or

(B) require an applicant to sign an agreement, release, or other document inconsistent with this chapter as a condition of posting an improvement completion assurance, security for an improvement warranty, or receiving a building permit.

(ii) Notwithstanding Subsection (3)(e)(i)(A), public infrastructure improvements and infrastructure improvements that are installed by an applicant are subject to inspection by the county in accordance with the county's adopted inspection standards.

(f)

(i) Each improvement completion assurance and improvement warranty posted by an applicant with a county shall be independent of any other improvement completion assurance or improvement warranty posted by the same applicant with the county.

(ii) Subject to Section 10-9a-509.5, if an applicant has posted a form of security with a county for more than one infrastructure improvement or public landscaping improvement, the county may not withhold acceptance of an applicant's required subdivision improvements, public landscaping improvement, infrastructure improvements, or the performance of warranty work for the same applicant's failure to complete a separate subdivision improvement, public landscaping improvement, infrastructure improvement, or warranty work under a separate improvement completion assurance or improvement warranty.

(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)

(a) Upon an applicant's written request that the land use authority accept or reject the applicant's installation of required subdivision improvements or performance of warranty work as set forth in Section 17-27a-509.5, and for the duration of each improvement warranty period, the land use authority may require the applicant to:

(i) execute an improvement warranty for the improvement warranty period; and

(ii) 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:

(A) county engineer's original estimated cost of completion; or

(B) applicant's reasonable proven cost of completion.

(b) A county may not require the payment of the deposit of the improvement warranty assurance described in Subsection (6)(a) for an infrastructure improvement or public landscaping improvement before the applicant indicates through written request that the applicant has completed the infrastructure improvement or public landscaping improvement.

(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)(A), 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) A county may not require the submission of a private landscaping plan as part of an application for a building permit.
(9) 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 399, 2025 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 parcels without a plat; and
  (b) the county provides in writing that:
    (i) the county has provided a certificate or written approval 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 parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 17-27a-603 if:
    (i) the 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 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 parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the county shall require the 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 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 50 contiguous acres of agricultural land in a county of the third, fourth, fifth, or sixth class to create one new parcel that, after the division, is separate from the remainder of the original 50 or more contiguous acres of agricultural land.

(iv) "Minor subdivision parcel" means a parcel created by a minor subdivision.

(b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 50 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 parcel; 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 proposed minor subdivision parcel.

(c) A minor subdivision parcel:

(i) may not be less than one acre in size;

(ii) may not be within 500 feet of another minor subdivision parcel within the divided land;

(iii) is not subject to the subdivision ordinance of the county in which the minor subdivision parcel is located; and

(iv) is not required to be owned by the same person that owns the divided land.

(d) A minor subdivision is effective the day on which it is recorded.

(e) A county:

(i) may not deny a building permit to an owner of a minor subdivision parcel based on:

(A) the parcel's status as a minor subdivision parcel; 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 parcel 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.
(6)
(a) The boundaries of any subdivision exempted from the plat requirement under this section shall be graphically illustrated on a record of survey map that includes:
(i) a legal description of the parcel to be divided;
(ii) a legal description of each parcel created by the subdivision; and
(iii) a citation to the specific provision of this section for which an exemption to the plat requirement is authorized.
(b) The record of survey map described in Subsection (6)(a) shall be filed with the county surveyor in accordance with Section 17-23-17.

Amended by Chapter 40, 2025 General Session
Amended by Chapter 100, 2025 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 petition with the land use authority to request a subdivision amendment.
(b) Upon filing a 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)

(i) The land use authority shall provide notice of a petition filed under Subsection (1)(a) by mail or email to:

(A) each affected entity that provides a service to a property owner of record of the portion of the plat that is being amended; and

(B) each property owner of record within the portion of the subdivision that is proposed to be amended.

(ii) The notice described in Subsection (1)(c)(i)(B) shall include a deadline by which written objections to the petition are due to the land use authority, but no earlier than 10 calendar days after the day on which the land use authority sends the notice.

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

(i) any property owner within the subdivision that is proposed to be amended notifies the county of the owner's objection in writing by the deadline for objections, as described in Subsection (1)(c)(ii); or

(ii) a county ordinance requires a public hearing if all of the owners within the portion of the subdivision proposed to be amended have not signed the proposed amended plat.

(e) A land use authority may approve a petition for subdivision amendment no earlier than:

(i) the day after the day on which written objections were due to the land authority, as described in Subsection (1)(c)(ii); or

(ii) if a public hearing is required as described in Subsection (1)(d), the day on which the public hearing takes place.

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

(iv) 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 surveyor preparing an amended plat under this section shall certify that the surveyor:
(a) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
(b)
(i) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements;
(ii) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; or
(iii) has referenced the original plat that created the lot boundaries being amended; and
(c) has placed monuments as represented on the plat.

Amended by Chapter 40, 2025 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

Part 7
Appeal Authority and Variances

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

(1)
(a) Each county adopting a land use ordinance shall, by ordinance, establish one or more appeal authorities.
(b) An appeal authority shall hear and decide:
(i) requests for variances from the terms of land use ordinances;
(ii) appeals from land use decisions applying land use ordinances; and

(iii) appeals from a fee charged in accordance with Section 17-27a-509.
(c) An appeal authority may not hear an appeal from the enactment of a land use regulation.
(2) As a condition precedent to judicial review, each adversely affected party shall timely and specifically challenge a land use authority's land use decision, in accordance with local ordinance.
(3) An appeal authority described in Subsection (1)(a):
(a) shall:
(i) act in a quasi-judicial manner; and
(ii) serve as the final arbiter of issues involving the interpretation or application of land use ordinances; and
(b) may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority.
(4) By ordinance, a county may:
(a) designate a separate appeal authority to hear requests for variances than the appeal authority the county designates to hear appeals;
(b) designate one or more separate appeal authorities to hear distinct types of appeals of land use authority decisions;
(c) require an adversely affected party to present to an appeal authority every theory of relief that the adversely affected party can raise in district court;
(d) not require a land use applicant or adversely affected party to pursue duplicate or successive appeals before the same or separate appeal authorities as a condition of an appealing party's duty to exhaust administrative remedies; and
(e) provide that specified types of land use decisions may be appealed directly to the district court.
(5) A county may not require a public hearing for a request for a variance or land use appeal.
(6) If the county establishes or, prior to the effective date of this chapter, has established a multiperson board, body, or panel to act as an appeal authority, at a minimum the board, body, or panel shall:
(a) notify each of the members of the board, body, or panel of any meeting or hearing of the board, body, or panel;
(b) provide each of the members of the board, body, or panel with the same information and access to municipal resources as any other member;
(c) convene only if a quorum of the members of the board, body, or panel is present; and
(d) act only upon the vote of a majority of the convened members of the board, body, or panel.

Amended by Chapter 399, 2025 General Session

17-27a-702 Variances.
(1) Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the applicable appeal authority for a variance from the terms of the ordinance.
(2)
(a) The appeal authority may grant a variance only if:
(i) literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;
(ii) there are special circumstances attached to the property that do not generally apply to other properties in the same zone;

(iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
(iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and
(v) the spirit of the land use ordinance is observed and substantial justice done.
(b)
(i) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship unless the alleged hardship:
(A) is located on or associated with the property for which the variance is sought; and
(B) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
(ii) In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection (2)(a), the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.
(c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the appeal authority may find that special circumstances exist only if the special circumstances:
(i) relate to the hardship complained of; and
(ii) deprive the property of privileges granted to other properties in the same zone.
(3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
(4) Variances run with the land.
(5) The appeal authority may not grant a use variance.
(6) In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
(a) mitigate any harmful affects of the variance; or
(b) serve the purpose of the standard or requirement that is waived or modified.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-703 Appealing a land use authority's decision -- Panel of experts for appeals of geologic hazard decisions.

(1) The land use applicant, a board or officer of the county, or an adversely affected party may, within the time period provided by ordinance, appeal that decision to the appeal authority by alleging that there is error in any order, requirement, decision, or determination made by the land use authority in the administration or interpretation of the land use ordinance.
(2)
(a) A land use applicant who has appealed a decision of the land use authority administering or interpreting the county's geologic hazard ordinance may request the county to assemble a panel of qualified experts to serve as the appeal authority for purposes of determining the technical aspects of the appeal.
(b) If a land use applicant makes a request under Subsection (2)(a), the county shall assemble the panel described in Subsection (2)(a) consisting of, unless otherwise agreed by the land use applicant and county:
(i) one expert designated by the county;
(ii) one expert designated by the land use applicant; and

(iii) one expert chosen jointly by the county's designated expert and the applicant's land use designated expert.

(c) A member of the panel assembled by the county under Subsection (2)(b) may not be associated with the application that is the subject of the appeal.

(d) The land use applicant shall pay:

(i) 1/2 of the cost of the panel; and

(ii) the county's published appeal fee.

Amended by Chapter 434, 2020 General Session

17-27a-704 Time to appeal.

(1) The county shall enact an ordinance establishing a reasonable time of not less than 10 days to appeal to an appeal authority a written decision issued by a land use authority.

(2) In the absence of an ordinance establishing a reasonable time to appeal, a land use applicant or adversely affected party shall have 10 calendar days to appeal to an appeal authority a written decision issued by a land use authority.

Amended by Chapter 434, 2020 General Session

17-27a-705 Burden of proof.

The appellant has the burden of proving that the land use authority erred.

Enacted by Chapter 254, 2005 General Session

17-27a-706 Due process.

(1) Each appeal authority shall conduct each appeal and variance request as described by local ordinance.

(2) Each appeal authority shall respect the due process rights of each of the participants.

Enacted by Chapter 254, 2005 General Session

17-27a-707 Scope of review of factual matters on appeal -- Appeal authority requirements.

(1) A county may, by ordinance, designate the scope of review of factual matters for appeals of land use authority decisions.

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

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

(4) The appeal authority shall:

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

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

(5)

(a) An appeal authority's land use decision is a quasi-judicial act.

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

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

Amended by Chapter 384, 2019 General Session

17-27a-708 Final decision.

(1) A decision of an appeal authority takes effect on the date when the appeal authority issues a written decision, or as otherwise provided by local ordinance.
(2) A written decision, or other event as provided by ordinance, constitutes a final decision under Subsection 17-27a-801(2)(a) or a final action under Subsection 17-27a-801(4).

Amended by Chapter 240, 2006 General Session

Part 8
District Court Review

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

(1) No person may challenge in district court a land use decision until that person has exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and Variances, if applicable.
(2)
  (a) Subject to Subsection (1), a land use applicant or adversely affected party may file a petition for review of a land use decision with the district court within 30 days after the decision is final.
  (b)
    (i) The time under Subsection (2)(a) to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the property rights ombudsman under Section 13-43-204 until 30 days after:
      (A) the arbitrator issues a final award; or
      (B) the property rights ombudsman issues a written statement under Subsection 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.
    (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional taking issue that is the subject of the request for arbitration filed with the property rights ombudsman by a property owner.
    (iii) A request for arbitration filed with the property rights ombudsman after the time under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.
(3)
  (a) A court shall:
    (i) presume that a land use regulation properly enacted under the authority of this chapter is valid; and
    (ii) determine only whether:
      (A) the land use regulation is expressly preempted by, or was enacted contrary to, state or federal law; and
      (B) it is reasonably debatable that the land use regulation is consistent with this chapter.

(b) A court shall presume that a final land use decision of a land use authority or an appeal authority is valid unless the land use decision is:
(i) arbitrary and capricious; or
(ii) illegal.
(c)
(i) A land use decision is arbitrary and capricious if the land use decision is not supported by substantial evidence in the record.
(ii) A land use decision is illegal if the land use decision:
(A) is based on an incorrect interpretation of a land use regulation;
(B) conflicts with the authority granted by this title; or
(C) is contrary to law.
(d)
(i) A court may affirm or reverse a land use decision.
(ii) If the court reverses a land use decision, the court shall remand the matter to the land use authority with instructions to issue a land use decision consistent with the court's decision.
(4) The provisions of Subsection (2)(a) apply from the date on which the county takes final action on a land use application, if the county conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice of the pending land use decision.
(5) If the county has complied with Section 17-27a-205, a challenge to the enactment of a land use regulation or general plan may not be filed with the district court more than 30 days after the enactment.
(6) A challenge to a land use decision is barred unless the challenge is filed within 30 days after the land use decision is final.
(7)
(a) The land use authority or appeal authority, as the case may be, shall transmit to the reviewing court the record of the proceedings of the land use authority or appeal authority, including the minutes, findings, orders and, if available, a true and correct transcript of the proceedings.
(b) If the proceeding was recorded, a transcript of that recording is a true and correct transcript for purposes of this Subsection (7).
(8)
(a)
(i) If there is a record, the district court's review is limited to the record provided by the land use authority or appeal authority, as the case may be.
(ii) The court may not accept or consider any evidence outside the record of the land use authority or appeal authority, as the case may be, unless that evidence was offered to the land use authority or appeal authority, respectively, and the court determines that the evidence was improperly excluded.
(b) If there is no record, the court may call witnesses and take evidence.
(9)
(a) The filing of a petition does not stay the land use decision of the land use authority or appeal authority, as the case may be.
(b)
(i) Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may petition the appeal authority to stay the appeal authority's decision.
(ii) Upon receipt of a petition to stay, the appeal authority may order the appeal authority's decision stayed pending district court review if the appeal authority finds the order to be in the best interest of the county.

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

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

Amended by Chapter 355, 2022 General Session

17-27a-802 Enforcement -- Limitations on a county's ability to enforce an ordinance by withholding a permit or certificate.

(1)

(a) A county or an adversely affected party may, in addition to other remedies provided by law, institute:

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

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

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

(2)

(a) Except as provided in Subsections (3) through (6), a county may enforce the county's ordinance by withholding a building permit or certificate of occupancy.

(b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within a county without approval of a building permit.

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

(d) A county may require an applicant to install a permanent road, cover a temporary road with asphalt or concrete, or create another method for servicing a structure that is consistent with Appendix D of the International Fire Code, before receiving a certificate of occupancy for that structure.

(e) A county may require an applicant to maintain and repair a temporary fire apparatus road during the construction of a structure accessed by the temporary fire apparatus road in accordance with the county's adopted standards.

(f) A county may require temporary signs to be installed at each street intersection once construction of new roadway allows passage by a motor vehicle.

(g) A county may adopt and enforce any appendix of the International Fire Code, 2021 Edition.

(3)

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

(i) unless the infrastructure improvement is essential to meet the requirements for the issuance of a building permit or certificate of occupancy under Title 15A, State Construction and Fire Codes Act; and

(ii) for which the county has accepted an improvement completion assurance for a public landscaping improvement, as defined in Section 17-27a-604.5, or an infrastructure improvement for the development.

(b) For purposes of Subsection (3)(a)(i), notwithstanding Section 15A-5-205.6, infrastructure improvement that is essential means:

(i) operable fire hydrants installed in a manner that is consistent with the county's adopted engineering standards; and

(ii) for temporary roads used during construction, a properly compacted road base installed in a manner consistent with the county's adopted engineering standards.

(c) A county may not adopt an engineering standard that requires an applicant to install a permanent road or a temporary road with asphalt or concrete before receiving a building permit.

(4) A county may not deny an applicant a building permit or certificate of occupancy for failure to:
(a) submit a private landscaping plan, as defined in Section 17-27a-604.5; or
(b) complete a landscaping improvement that is not a public landscaping improvement, as defined in Section 17-27a-604.5.

(5) A county may not withhold a building permit based on the lack of completion of a portion of a public sidewalk to be constructed within a public right-of-way serving a lot where a single-family or two-family residence or town home is proposed in a building permit application if an improvement completion assurance has been posted for the incomplete portion of the public sidewalk.

(6) A county may not prohibit the construction of a single-family or two-family residence or town home, withhold recording a plat, or withhold acceptance of a public landscaping improvement, as defined in Section 17-27a-604.5, or an infrastructure improvement based on the lack of installation of a public sidewalk if an improvement completion assurance has been posted for the public sidewalk.

(7) A county may not redeem an improvement completion assurance securing the installation of a public sidewalk sooner than 18 months after the date the improvement completion assurance is posted.

(8) A county shall allow an applicant to post an improvement completion assurance for a public sidewalk separate from an improvement completion assurance for:
(a) another infrastructure improvement; or
(b) a public landscaping improvement, as defined in Section 17-27a-604.5.

(9) A county may withhold a certificate of occupancy for a single-family or two-family residence or town home until the portion of the public sidewalk to be constructed within a public right-of-way and located immediately adjacent to the single-family or two-family residence or town home is completed and accepted by the county.

Amended by Chapter 399, 2025 General Session

17-27a-803 Penalties -- Notice.

(1) The county may, by ordinance, establish civil penalties for violations of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter.

(2) Violation of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter is punishable as a class C misdemeanor upon conviction either:
(a) as a class C misdemeanor; or
(b) by imposing the appropriate civil penalty adopted under the authority of this section.

(3) Prior to imposing upon an owner of record a civil penalty established by ordinance under authority of this chapter, a county shall provide:
(a) written notice, by mail or hand delivery, of each ordinance violation to the address of the:
(i) owner of record on file in the office of the county recorder; or
(ii) person designated, in writing, by the owner of record as the owner's agent for the purpose of receiving notice of an ordinance violation;
(b) the owner of record a reasonable opportunity to cure a noticed violation; and
(c) a schedule of the civil penalties that may be imposed upon the expiration of a time certain.

Amended by Chapter 218, 2012 General Session

17-27a-804 Consent agreement.

(1) A legislative body may, by resolution or ordinance, settle litigation initiated under Section 17-27a-801 regarding a land use decision with a property owner through a consent agreement.

(2) A legislative body shall approve the consent agreement under Subsection (1) in a public meeting in accordance with Title 52, Chapter 4, Open and Public Meetings Act.

(3) A legislative body is not required to present to a planning commission on any matter covered by a consent agreement.

Enacted by Chapter 464, 2025 General Session

Part 9
Mountainous Planning District

17-27a-901 Mountainous planning district.

(1)

(a) The legislative body of a county of the first class may adopt an ordinance designating an area located within the county as a mountainous planning district if the legislative body determines that:

(i) the area is primarily used for recreational purposes, including canyons, foothills, ski resorts, wilderness areas, lakes and reservoirs, campgrounds, or picnic areas within the Wasatch Range;

(ii) the area is used by residents of the county who live inside and outside the limits of a municipality;

(iii) the total resident population in the proposed mountainous planning district is equal to or less than 5% of the population of the county;

(iv) the area is within the unincorporated area of the county or was within the unincorporated area of the county before May 12, 2015; and

(v) the area includes land designated as part of a national forest on or before May 9, 2017.

(b) The population figure under Subsection (1)(a)(iii) shall be derived from a population estimate by the Utah Population Committee.

(2)

(a) A county may adopt a general plan and adopt a zoning or subdivision ordinance for a property that is located within a mountainous planning district.

(b) A county plan or zoning or subdivision ordinance governs a property described in Subsection (2)(a).

Amended by Chapter 363, 2021 General Session

Part 10
Vested Critical Infrastructure Materials Operations

17-27a-1001 Definitions.

As used in this part:

(1) "Commercial quantities," for purposes of this section, means critical infrastructure materials:

(a) extracted or processed by a commercial enterprise in the ordinary course of business; and
(b) in a sufficient amount that the critical infrastructure materials introduction into commerce would create a reasonable expectation of profit.
(2) "Contiguous land" means surface or subsurface land that shares a common boundary and is not separated by a highway as defined in Section 41-6a-102.
(3) "Critical infrastructure materials" means sand, gravel, or rock aggregate.
(4) "Critical infrastructure materials use" means the extraction, excavation, processing, or reprocessing of critical infrastructure materials.
(5) "Critical infrastructure materials operator" means a natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative, either public or private, including a successor, assign, affiliate, subsidiary, and related parent company, that:
(a) owns, controls, or manages a critical infrastructure materials use; and
(b) has produced commercial quantities of critical infrastructure materials from the critical infrastructure materials use.
(6) "Existing legal use" means a critical infrastructure materials use that has operated in accordance with:
(a) a legal nonconforming use that has not been abandoned for more than 24 consecutive months; or
(b) a permit issued by the applicable political subdivision.
(7) "New land" means surface or subsurface land that a critical infrastructure materials operator gains ownership or control of on or before January 1, 2026, regardless of whether that land is included in any applicable permit issued by a political subdivision or a legal nonconforming use.
(8) "Vested critical infrastructure materials use" means a critical infrastructure materials operations use by a critical infrastructure materials operator that is an existing legal use.

Amended by Chapter 387, 2025 General Session

17-27a-1002 Vested critical infrastructure materials use-- Presumption.
(1)
(a) A critical infrastructure materials use is presumed to be a vested critical infrastructure materials use if the critical infrastructure materials use meets the definition of vested critical infrastructure materials use as defined in Section 17-27a-1001.
(b) A person claiming that a vested critical infrastructure materials use has not been established has the burden of proof to show by the preponderance of the evidence that the vested critical infrastructure materials use has not been established.
(2) A vested critical infrastructure materials use:
(a) runs with the land; and
(b) may be changed to another critical infrastructure materials use without losing its status as a vested critical infrastructure materials use.
(3) The present or future boundary of the critical infrastructure materials use of a critical infrastructure materials operator with a vested critical infrastructure materials use does not limit:
(a) the scope of rights of a critical infrastructure materials operator with a vested critical infrastructure material use; or
(b) the protection for a critical infrastructure materials protection area.
(4)

(a) A critical infrastructure operator with a vested critical infrastructure materials use shall file a declaration for recording in the office of the recorder of the county in which the vested critical infrastructure materials use is located.
(b) A declaration under Subsection (4)(a) shall:
(i) contain a legal description of the land included within the vested critical infrastructure materials use; and
(ii) provide notice of the vested critical infrastructure materials use.

Amended by Chapter 387, 2025 General Session

17-27a-1003 Rights of a critical infrastructure materials operator with a vested critical infrastructure materials use.

(1) Notwithstanding a political subdivision's prohibition, restriction, or other limitation on a critical infrastructure materials use adopted after the establishment of the critical infrastructure materials use, the rights of a critical infrastructure materials operator with a vested critical infrastructure materials use include with respect to that existing legal use the right to:
(a) progress, extend, enlarge, grow, or expand the vested critical infrastructure materials use to any contiguous land that the critical infrastructure materials operator owns or controls before May 7, 2025;
(b) expand the vested critical infrastructure materials use to new land that is contiguous land to the surface or subsurface land on which the critical infrastructure materials operator has a vested critical infrastructure materials use, including the surface or subsurface land under Subsection (1)(a);
(c) use, operate, construct, reconstruct, restore, extend, expand, maintain, repair, alter, substitute, modernize, upgrade, and replace equipment, processes, facilities, and buildings, on any surface or subsurface land that the critical infrastructure materials operator owns or controls before May 7, 2025;
(d) on any surface or subsurface land that the critical infrastructure materials operator owns or controls before May 7, 2025:
(i) increase production or volume;
(ii) alter the method of extracting or processing, including with respect to the vested use, the right to stockpile or hold in reserve critical infrastructure materials, to recycle, and to batch and mix concrete and asphalt; and
(iii) extract or process a different or additional critical infrastructure material than previously extracted or processed on the surface or subsurface land; and
(e) discontinue, suspend, terminate, deactivate, or continue and reactivate, temporarily or permanently, all or any part of the critical infrastructure materials use.
(2)
(a) As used in this Subsection (2), "applicable legislative body" means the legislative body of each:
(i) county in whose unincorporated area the new land to be included in the vested critical infrastructure materials use is located; or
(ii) municipality in which the new land to be included in the critical infrastructure use is located.
(b) A critical infrastructure materials operator with a vested critical infrastructure materials use is presumed to have a right to expand the vested critical infrastructure materials use to new land.
(c) Before expanding a vested critical infrastructure materials use to new land, a critical infrastructure materials operator shall provide written notice:

(i) of the critical infrastructure materials operator's intent to expand the vested critical infrastructure materials use; and

(ii) to each applicable legislative body.

(d)

(i) An applicable legislative body shall:

(A) hold a public meeting or hearing at the applicable legislative body's next available meeting that is no later than 30 days after receiving the notice under Subsection (2)(c); and

(B) provide reasonable, advance, written notice of the intended expansion of the vested critical infrastructure materials use and the public meeting or hearing to each owner of the surface estate of the new land.

(ii) A public meeting or hearing under Subsection (2)(d)(i) serves to provide sufficient public notice of the critical infrastructure materials operator's intent to expand the vested critical infrastructure materials use to the new land.

(e) After the public meeting or hearing under Subsection (2)(d)(i), a critical infrastructure materials operator may expand a vested critical infrastructure materials use to new land without any action by an applicable legislative body, unless the applicable legislative body finds by the preponderance of the evidence on the record that the expansion to new land will endanger the public health, safety, and welfare. If the applicable legislative body makes the finding of endangerment described in this Subsection (2)(e), Subsection (4) applies.

(3) If a critical infrastructure materials operator expands a vested critical infrastructure materials use to new land, as authorized under this section:

(a) the critical infrastructure materials operator's rights under the vested critical infrastructure materials use with respect to land on which the vested critical infrastructure materials use occurs apply with equal force after the expansion to the new land; and

(b) the critical infrastructure materials protection area that includes land on which the vested critical infrastructure materials use occurs is expanded to include the new land.

(4)

(a) If the applicable legislative body makes the finding of endangerment described in Subsection (2)(e):

(i) the critical infrastructure materials operator shall submit to the applicable legislative body the critical infrastructure materials operator's plan for expansion under this section;

(ii) by no later than 90 days after receipt of the plan for expansion described in Subsection (4)(a)(i), the applicable legislative body shall notify the operator of:

(A) evidence that the expansion to new land will endanger the public health, safety, and welfare; and

(B) proposed measures to mitigate the endangerment of the public health, safety, and welfare; and

(iii) the applicable legislative body shall hold a public hearing by no later than 30 days after the date the applicable legislative body complies with Subsection (4)(a)(ii) to present mitigation measures proposed under Subsection (4)(a)(ii).

(b) The applicable legislative body may impose mitigation measures under this Subsection (4) that are reasonable and do not exceed requirements imposed by permits issued by a state agency such as an air quality permit.

(c) A political subdivision may not prohibit the expansion of a vested critical infrastructure materials use if the critical infrastructure materials operator agrees to comply with the mitigation measures described in Subsection (4)(b).

(d) The process under this Subsection (4) is not a land use application or conditional use application under this chapter.

Amended by Chapter 387, 2025 General Session

17-27a-1004 Notice.

For any new subdivision development located in whole or in part within 1,000 feet of the boundary of a vested critical infrastructure materials operations, the owner of the development shall provide notice on any plat filed with the county recorder the following notice:

"Vested Critical Infrastructure Materials Operations

This property is located in the vicinity of an established vested critical infrastructure materials operations in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from such normal critical infrastructure materials operations."

Enacted by Chapter 227, 2019 General Session

17-27a-1005 Abandonment of a vested critical infrastructure materials use.

(1) A critical infrastructure materials operator may abandon some or all of a vested critical infrastructure materials use only as provided in this section.
(2) To abandon some or all of a vested critical infrastructure materials use, a critical infrastructure materials operator shall record a written declaration of abandonment with the recorder of the county in which the vested critical infrastructure materials use being abandoned is located.
(3) The written declaration of abandonment under Subsection (2) shall specify the vested critical infrastructure materials use or the portion of the vested critical infrastructure materials use being abandoned.

Amended by Chapter 387, 2025 General Session

Part 11
Large Concentrated Animal Feeding Operations Act

17-27a-1101 Title.

This part is known as the "Large Concentrated Animal Feeding Operations Act."

Enacted by Chapter 244, 2021 General Session

17-27a-1102 Definitions.

(1) "Animal feeding operation" means a lot or facility where the following conditions are met:
  (a) animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and
  (b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
(2)
  (a) "Commercial enterprise" means a building:

(i) used as a part of a business that manufactures goods, delivers services, or sells goods or services;
(ii) customarily and regularly used by the general public during the entire calendar year; and
(iii) connected to electric or water systems.
(b) "Commercial enterprise" does not include an agriculture operation.
(3) "County large concentrated animal feeding operation land use ordinance" means an ordinance adopted in accordance with Section 17-27a-1103.
(4) "Education institution" means a building in which any part is used:
(a) for more than three hours each weekday during a school year as a public or private:
(i) elementary school;
(ii) secondary school; or
(iii) kindergarten;
(b) a state institution of higher education as defined in Section 53B-3-102; or
(c) a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education.
(5) "Health care facility" means the same as that term is defined in Section 26B-2-201.
(6) "Large concentrated animal feeding operation" means an animal feeding operation that stables or confines as many as or more than the numbers of animals specified in any of the following categories:
(a) 700 mature dairy cows, whether milked or dry;
(b) 1,000 veal calves;
(c) 1,000 cattle other than mature dairy cows or veal calves, with "cattle" including heifers, steers, bulls, and cow calf pairs;
(d) 2,500 swine each weighing 55 pounds or more;
(e) 10,000 swine each weighing less than 55 pounds;
(f) 500 horses;
(g) 10,000 sheep or lambs;
(h) 55,000 turkeys;
(i) 30,000 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;
(j) 125,000 chickens, other than laying hens, if the animal feeding operation uses other than a liquid manure handling system;
(k) 82,000 laying hens, if the animal feeding operation uses other than a liquid manure handling system;
(l) 30,000 ducks, if the animal feeding operation uses other than a liquid manure handling system; or
(m) 5,000 ducks, if the animal feeding operation uses a liquid manure handling system.
(7) "Manure" includes manure, bedding, compost, a raw material, or other material commingled with manure or set aside for disposal.
(8) "Public area" means land that:
(a) is owned by the federal government, the state, or a political subdivision with facilities that attract the public to congregate and remain in the area for significant periods of time;
(b)
(i) is part of a public park, preserve, or recreation area that is owned or managed by the federal government, the state, a political subdivision, or a nongovernmental entity; and
(ii) has a cultural, archaeological, scientific, or historic significance or contains a rare or valuable ecological system, including a site recognized as a National Historic Landmark or Site; or

(c) is a cemetery.
(9) "Religious institution" means a building and grounds used at least monthly for religious services or ceremonies.

Amended by Chapter 327, 2023 General Session

17-27a-1103 County adoption of a county large concentrated animal feeding operation land use ordinance.

(1)
(a) The legislative body of a county desiring to restrict siting of large concentrated animal feeding operations shall adopt a county large concentrated animal feeding operation land use ordinance in accordance with this part by no later than February 1, 2022.
(b) A county may consider an application to locate large concentrated animal feeding operations in the county before the county adopts the county large concentrated animal feeding operation land use ordinance under this part.
(2) A county large concentrated animal feeding operation land use ordinance described in Subsection (1) shall:
(a) designate geographic areas of sufficient size to support large concentrated animal feeding operations, including state trust lands described in Subsection 53C-1-103(8) and private property within the county, including adopting a map described in Section 17-27a-1104;
(b) establish requirements and procedures for applying for a land use decision that provides a reasonable opportunity to operate large concentrated animal feeding operations within the geographic area described in Subsection (2)(a);
(c) disclose fees imposed to apply for the land use decision described in Subsection (2)(b);
(d) disclose any requirements in addition to fees described in Subsection (2)(c) to be imposed by the county; and
(e) provide for administrative remedies consistent with this chapter.
(3)
(a) This part does not authorize a county to regulate the operation of large concentrated animal feeding operations in any way that conflicts with state or federal statutes or regulations.
(b) Nothing in this part supersedes or authorizes enactment of an ordinance that infringes on Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas, or Title 4, Chapter 44, Agricultural Operations Nuisances Act.

Amended by Chapter 274, 2022 General Session

17-27a-1104 Criteria considered in adopting the geographic area of a county large concentrated animal feeding operation land use ordinance -- Maps -- Exception.

(1)
(a) To determine the geographic areas where large concentrated animal feeding operations may be located under a county large concentrated animal feeding operation land use ordinance, the county shall consider:
(i) the distance of the geographic area measured in feet from the following:
(A) a residential zone;
(B) a health care facility;
(C) a public area;
(D) an education institution;
(E) a religious institution;

(F) a commercial enterprise;
(G) a municipal boundary; and
(H) a state or county highway or road;
(ii) prevailing winds;
(iii) topography;
(iv) economic benefits to the county; and
(v) reasonable access to transportation, water, and power infrastructure.
(b) A county may consider criteria in addition to those described in Subsection (1)(a).
(2) After considering the factors described in Subsection (1), the county shall designate the geographic areas where large concentrated animal feeding operations may locate as required by Subsection 17-27a-1103(2)(a) and prepare a map available to the public showing the geographic areas in the county.
(3) A county may not designate a geographic area for large concentrated animal feeding operations based solely on a uniform setback distance requirement from the locations described in Subsection (1)(a)(i), but shall determine the geographic area by evaluating all criteria in Subsection (1).
(4) A county shall designate at least one geographic area within the county where large concentrated animal feeding operations for all animal species listed in Subsection 17-27a-1102(6) may be located unless the county demonstrates that one of the following makes it not feasible for the county to meet the criteria described in this section:
(a) the county's population density; or
(b) the county's population density relative to the amount of private land within the county.

Enacted by Chapter 244, 2021 General Session

Part 12
Home Ownership Promotion Zone for Counties

17-27a-1201 Definitions.

As used in this part:
(1) "Affordable housing" means housing offered for sale at 80% or less of the median county home price for housing of that type.
(2) "Agency" means the same as that term is defined in Section 17C-1-102.
(3) "Base taxable value" means a property's taxable value as shown upon the assessment roll last equalized during the base year.
(4) "Base year" means, for a proposed home ownership promotion zone area, a year beginning the first day of the calendar quarter determined by the last equalized tax roll before the adoption of the home ownership promotion zone.
(5) "Home ownership promotion zone" means a home ownership promotion zone created pursuant to this part.
(6) "Participant" means the same as that term is defined in Section 17C-1-102.
(7) "Participation agreement" means the same as that term is defined in Section 17C-1-102.
(8) "Project improvements" means the same as that term is defined in Section 11-36a-102.
(9) "System improvements" means the same as that term is defined in Section 11-36a-102.
(10) "Tax commission" means the State Tax Commission created in Section 59-1-201.
(11)

(a) "Tax increment" means the difference between:
(i) the amount of property tax revenue generated each tax year by a taxing entity from the area within a home ownership promotion zone, using the current assessed value and each taxing entity's current certified tax rate as defined in Section 59-2-924; and
(ii) the amount of property tax revenue that would be generated from that same area using the base taxable value and each taxing entity's current certified tax rate as defined in Section 59-2-924.
(b) "Tax increment" does not include property revenue from:
(i) a multicounty assessing and collecting levy described in Subsection 59-2-1602(2); or
(ii) a county additional property tax described in Subsection 59-2-1602(4).
(12) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

Enacted by Chapter 431, 2024 General Session

17-27a-1202 County designation of a home ownership promotion zone.
(1) Subject to Sections 17-27a-1203 and 17-27a-1204, a county may create a home ownership promotion zone as described in this section.
(2) A home ownership promotion zone created under this section:
(a) is an area of 10 contiguous unincorporated acres or less located entirely within the boundaries of the county, zoned for fewer than six housing units per acre before the creation of the home ownership promotion zone;
(b) shall be re-zoned for at least six housing units per acre; and
(c) may not be encumbered by any residential building permits as of the day on which the home ownership promotion zone is created.
(3)
(a) The county shall designate the home ownership promotion zone by resolution of the legislative body of the county following:
(i) the recommendation of the county planning commission; and
(ii) the notification requirements described in Section 17-27a-1204.
(b) The resolution described in Subsection (3)(a) shall describe how the home ownership promotion zone created pursuant to this section meets the objectives and requirements of Section 17-27a-1203.
(c) The home ownership promotion zone is created on the effective date of the resolution described in Subsection (3)(a).
(4) If a home ownership promotion zone is created as described in this section:
(a) affected local taxing entities are required to participate according to the requirements of the home ownership promotion zone established by the county; and
(b) each affected taxing entity is required to participate at the same rate.
(5) A home ownership promotion zone may be modified by the same manner it is created as described in Subsection (3).
(6) Within 30 days after the day on which the county creates the home ownership promotion zone as described in Subsection (3), the county shall:
(a) record with the recorder a document containing:
(i) a description of the land within the home ownership promotion zone; and
(ii) the date of creation of the home ownership promotion zone;
(b) transmit a copy of the description of the land within the home ownership promotion zone and an accurate map or plat indicating the boundaries of the home ownership promotion zone to the Utah Geospatial Resource Center created under Section 63A-16-505; and

(c) transmit a map and description of the land within the home ownership promotion zone to:
(i) the auditor, recorder, attorney, surveyor, and assessor of the county in which any part of the home ownership promotion zone is located;
(ii) the officer or officers performing the function of auditor or assessor for each taxing entity that does not use the county assessment roll or collect the taxing entity's taxes through the county;
(iii) the legislative body or governing board of each taxing entity impacted by the home ownership promotion zone;
(iv) the tax commission; and
(v) the State Board of Education.
(7) A county may receive tax increment and use home ownership promotion zone funds as described in Section 17-27a-1205.

Enacted by Chapter 431, 2024 General Session

17-27a-1203 Applicability, requirements, and limitations.
(1) A home ownership promotion zone shall promote the following objectives:
(a) increasing availability of housing, including affordable housing;
(b) promotion of home ownership;
(c) overcoming development impediments and market conditions that render an affordable housing development cost prohibitive absent the incentives resulting from a home ownership promotion zone; and
(d) conservation of water resources through efficient land use.
(2) In order to accomplish the objectives described in Subsection (1), a county shall ensure that:
(a) land inside the proposed home ownership promotion zone is zoned as residential, with at least six planned housing units per acre;
(b) at least 60% of the proposed housing units within the home ownership promotion zone are affordable housing units; and
(c) all of the proposed housing units within the home ownership promotion zone are deed restricted to require owner occupation for at least five years.
(3) A county may restrict short term rentals in a home ownership promotion zone.
(4) A county may not create a home ownership promotion zone if:
(a) the proposed home ownership promotion zone would overlap with a school district and:
(i)
(A) the school district has more than one municipality within the school district's boundaries; and
(B) the school district already has 100 acres designated as home ownership promotion zone within the school district's boundaries; or
(ii)
(A) the school district has one municipality within the school district's boundaries; and
(B) the school district already has 50 acres designated as home ownership promotion zone within the school district's boundaries; or
(b) the area in the proposed home ownership promotion zone would overlap with:
(i) a project area, as that term is defined in Section 17C-1-102, and created under Title 17C, Chapter 1, Agency Operations, until the project area is dissolved pursuant to Section 17C-1-702; or
(ii) an existing housing and transit reinvestment zone.

Enacted by Chapter 431, 2024 General Session

17-27a-1204 Notification prior to creation of a home ownership promotion zone.

(1)
(a) As used in this section, "hearing" means a public meeting in which the legislative body of a county:
(i) considers a resolution creating a home ownership promotion zone; and
(ii) takes public comment on a proposed home ownership promotion zone.
(b) A hearing under this section may be combined with any other public meeting of a legislative body of a county.

(2) Before a county creates a home ownership promotion zone as described in Section 17-27a-1202, it shall provide notice of a hearing as described in this section.

(3) The notice required by Subsection (2) shall be given by:
(a) publishing notice for the county, as a class A notice under Section 63G-30-102, for at least 14 days before the day on which the legislative body of the county intends to have a hearing;
(b) at least 30 days before the hearing, mailing notice to:
(i) each record owner of property located within the proposed home ownership promotion zone;
(ii) the State Tax Commission; and
(iii)
(A) if the proposed home ownership promotion zone is subject to a taxing entity committee, each member of the taxing entity committee and the State Board of Education; or
(B) if the proposed home ownership promotion zone is not subject to a taxing entity committee, the legislative body or governing board of each taxing entity within the boundaries of the proposed home ownership promotion zone.

(4) The mailing of the notice to record property owners required under Subsection (3)(b) shall be conclusively considered to have been properly completed if:
(a) the county mails the notice to the property owners as shown in the records, including an electronic database, of the county recorder's office and at the addresses shown in those records; and
(b) the county recorder's office records used by the agency in identifying owners to whom the notice is mailed and their addresses were obtained or accessed from the county recorder's office no earlier than 30 days before the mailing.

(5) The county shall include in each notice required under this section:
(a)
(i) a boundary description of the proposed home ownership promotion zone; or
(ii)
(A) a mailing address or telephone number where a person may request that a copy of the boundary description of the proposed home ownership promotion zone be sent at no cost to the person by mail, email, or facsimile transmission; and
(B) if the agency or community has an Internet website, an Internet address where a person may gain access to an electronic, printable copy of the boundary description of the proposed home ownership promotion zone;
(b) a map of the boundaries of the proposed home ownership promotion zone;
(c) an explanation of the purpose of the hearing; and
(d) a statement of the date, time, and location of the hearing.

(6) The county shall include in each notice under Subsection (3)(b):
(a) a statement that property tax revenue resulting from an increase in valuation of property within the proposed home ownership promotion zone will be paid to the county for proposed

home ownership promotion zone development rather than to the taxing entity to which the tax revenue would otherwise have been paid; and

(b) an invitation to the recipient of the notice to submit to the county comments concerning the subject matter of the hearing before the date of the hearing.

(7) A county may include in a notice under Subsection (2) any other information the county considers necessary or advisable, including the public purpose achieved by the proposed home ownership promotion zone.

Amended by Chapter 277, 2025 General Session

17-27a-1205 Payment, use, and administration of revenue from a home ownership promotion zone.

(1)

(a) A county may receive tax increment and use home ownership promotion zone funds in accordance with this section.

(b) The maximum amount of time that a county may receive and use tax increment pursuant to a home ownership promotion zone is 15 consecutive years.

(2) A county that collects property tax on property located within a home ownership promotion zone shall, in accordance with Section 59-2-1365, retain 60% of the tax increment collected from property within the home ownership promotion zone to be used as described in this section.

(3)

(a) Tax increment retained by a county in accordance with Subsection (2) is not revenue of the taxing entity or county, but home ownership promotion zone funds.

(b) Home ownership promotion zone funds may be administered by an agency created by the county within which the home ownership promotion zone is located.

(c) Before an agency may receive home ownership promotion zone funds from a county, the agency shall enter into an interlocal agreement with the county.

(4)

(a) A county or agency shall use home ownership promotion zone funds within, or for the direct benefit of, the home ownership promotion zone.

(b) If any home ownership promotion zone funds will be used outside of the home ownership promotion zone, the legislative body of the county shall make a finding that the use of the home ownership promotion zone funds outside of the home ownership promotion zone will directly benefit the home ownership promotion zone.

(5) A county or agency shall use home ownership promotion zone funds to achieve the purposes described in Section 17-27a-1203 by paying all or part of the costs of any of the following:

(a) project improvement costs;

(b) systems improvement costs;

(c) water exaction costs;

(d) street lighting costs;

(e) environmental remediation costs; or

(f) the costs of the county to create and administer the home ownership promotion zone, which may not exceed 3% of the total home ownership promotion zone funds.

(6) Home ownership promotion zone funds may be paid to a participant, if the county and participant enter into a participation agreement which requires the participant to utilize the home ownership promotion zone funds as allowed in this section.

(7) Home ownership promotion zone funds may be used to pay all of the costs of bonds issued by the county in accordance with Title 17C, Chapter 1, Part 5, Agency Bonds, including the cost to issue and repay the bonds including interest.
(8) A county may:
  (a) create one or more public infrastructure districts within home ownership promotion zone under Title 17D, Chapter 4, Public Infrastructure District Act; and
  (b) pledge and utilize the home ownership promotion zone funds to guarantee the payment of public infrastructure bonds issued by a public infrastructure district.

Amended by Chapter 464, 2025 General Session