

Effective 11/6/2025

Part 8
Administration of Land Use, Development, and Management Provisions

17-79-801 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.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

17-79-802 Urban development in municipal expansion area -- Requirements.

- (1) For purposes of this section, "urban development" means the same as that 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.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

17-79-803 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 (8), 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 before 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 17-79-504.
- (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 (8), 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 17-79-707, 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) Beginning on October 1, 2026, a county shall publish on the county's website an application checklist for each land use application type that includes a checklist of all required plans and documents that make a complete application.
- (4) 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.
- (5) Subject to Subsection (8), a specified public agency's submission of a development plan and schedule as required in Subsection 17-79-305(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.
- (6)
 - (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 (6)(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.
- (7)
 - (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 (7)(a) does not prevent a county from issuing a building permit that contains an expiration date defined in the building permit.
- (8) 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 166, 2026 General Session

17-79-804 Limit on fees -- Requirement to itemize fees -- Appeal of fee.

- (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 17-79-809, 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 17-79-809, 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).

Renumbered and Amended by Chapter 14, 2025 Special Session 1

17-79-805 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 the 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 17-79-707:
 - (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 17-79-707(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 17-79-803, 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.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

17-79-806 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 57-1-45.5(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 17-79-711.
- (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 17-79-711.
- (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.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

17-79-807 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.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

17-79-808 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.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

17-79-809 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 17-79-102.
 - (c) "Original plan" means the same as that term is defined in Section 10-20-908.
- (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 17-64-501, for an applicant that knowingly violates the prohibition described in Subsection (9)(b).

Renumbered and Amended by Chapter 14, 2025 Special Session 1

17-79-810 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 17-79-809.
 - (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 to 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 a plan review described in this section.

Renumbered and Amended by Chapter 14, 2025 Special Session 1

17-79-811 Provisions applicable to a provider of culinary or secondary water.

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 provisions the same as if the provider were a county:

- (1) Subsections 17-79-804(5) and (6);
- (2) Section 17-79-805;
- (3) Section 17-79-812; and
- (4) Section 17-79-813.

Amended by Chapter 166, 2026 General Session

17-79-812 Exactions -- Requirement to offer to original owner property acquired by exaction -- Exaction for right-of-way improvements -- Improvement completion assurance requirements.

- (1) A county may impose an exaction or exactions on development proposed in a land use application, including, subject to Section 17-79-813, 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) If a county plans to dispose of surplus real property under Section 17-78-103 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 (3)(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 in accordance with the requirements of Title 11, Chapter 1, Part 2, Disposal of Public Property.
 - (d) Subsection (3)(a) does not apply to the disposal of property acquired by exaction by a community development or urban renewal agency.
- (4)
 - (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 (4)(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 (4)(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 (4)(d)(iii)(A) and (B).
 - (iv) A member of the panel assembled by the county under Subsection (4)(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 (4)(d)(vii).
 - (vii) In accordance with Section 17-79-1009, 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 210, 2026 General Session

17-79-813 Exactions for water rights.

- (1) Subject to the requirements of this section, 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.
- (2) Except as described in Subsection (3), 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 in accordance with 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.
- (3) If a county or culinary water authority determines, in the sole discretion of the county or culinary water authority, that good cause exists, the 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 (2).
- (4)
 - (a) A county shall make public the methodology used to comply with Subsection (2)(b).
 - (b) A land use applicant may submit a request to the county's governing body an exaction calculation used by the county or the county's culinary water authority under Subsection (2).
 - (c) 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.
- (5) 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 (2) on which an exaction for a water interest is based.
- (6)
 - (a) A county or the county's culinary water authority may not impose an exaction for a water interest if:
 - (i) the culinary water authority's existing available water interests exceed the water interests needed to meet the reasonable future water requirement of the public; or
 - (ii) the county or the county's culinary water authority does not have a written plan in accordance with Subsection (6)(b).
 - (b) Beginning on January 1, 2028, a county shall determine the county's water interests needed to meet the reasonable future water requirement of the public by completing a written plan described in Subsection 73-1-4(2)(f).

Enacted by Chapter 166, 2026 General Session