

Effective 11/6/2025

Superseded 5/6/2026

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 (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 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 (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 17-79-707, 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) 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 17-79-305(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.
- (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.