

1 **LOCAL LAND USE REQUIREMENTS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael T. Morley**

5 Senate Sponsor: Michael G. Waddoups

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions relating to local government land use and impact fees.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ adds a definition for "land use permit";
- 13 ▶ prohibits counties and municipalities from imposing a requirement on a holder of a
- 14 land use permit unless that requirement is in the permit, the documents on which the
- 15 permit is based, statute, or local ordinance;
- 16 ▶ modifies the requirements to which a land use application must conform to entitle
- 17 the applicant to approval; and
- 18 ▶ prohibits counties and municipalities from withholding issuance of a certificate of
- 19 occupancy because of an applicant's failure to comply with certain unexpressed
- 20 requirements.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill provides an effective date of July 1, 2006.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **10-9a-103**, as last amended by Chapter 7 and renumbered and amended by Chapter

28 254, Laws of Utah 2005

29 **10-9a-509**, as enacted by Chapter 254, Laws of Utah 2005

30 **17-27a-103**, as last amended by Chapter 7 and renumbered and amended by Chapter
31 254, Laws of Utah 2005

32 **17-27a-508**, as enacted by Chapter 254, Laws of Utah 2005

33

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

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

36 **10-9a-103. Definitions.**

37 As used in this chapter:

38 (1) "Affected entity" means a county, municipality, independent special district under
39 Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2,
40 Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter
41 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of
42 Transportation, if:

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

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

47 (c) the entity's boundaries or facilities are within one mile of land which is the subject
48 of a general plan amendment or land use ordinance change.

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

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

55 (4) "Charter school" includes:

56 (a) an operating charter school;

57 (b) a charter school applicant that has its application approved by a chartering entity in

58 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

59 (c) an entity who is working on behalf of a charter school or approved charter applicant
60 to develop or construct a charter school building.

61 (5) "Chief executive officer" means the:

62 (a) mayor in municipalities operating under all forms of municipal government except
63 the council-manager form; or

64 (b) city manager in municipalities operating under the council-manager form of
65 municipal government.

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

70 (7) "Constitutional taking" means a governmental action that results in a taking of
71 private property so that compensation to the owner of the property is required by the:

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

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

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

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

80 (b) "Disability" does not include current illegal use of, or addiction to, any federally
81 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
82 802.

83 (10) "Elderly person" means a person who is 60 years old or older, who desires or
84 needs to live with other elderly persons in a group setting, but who is capable of living
85 independently.

86 (11) "General plan" means a document that a municipality adopts that sets forth general
87 guidelines for proposed future development of the land within the municipality.

88 (12) "Identical plans" means building plans submitted to a municipality that are
89 substantially identical to building plans that were previously submitted to and reviewed and
90 approved by the municipality and describe a building that is:

91 (a) located on land zoned the same as the land on which the building described in the
92 previously approved plans is located; and

93 (b) subject to the same geological and meteorological conditions and the same law as
94 the building described in the previously approved plans.

95 (13) "Land use application" means an application required by a municipality's land use
96 ordinance.

97 (14) "Land use authority" means a person, board, commission, agency, or other body
98 designated by the local legislative body to act upon a land use application.

99 (15) "Land use ordinance" means a planning, zoning, development, or subdivision
100 ordinance of the municipality, but does not include the general plan.

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

102 [~~(16)~~] (17) "Legislative body" means the municipal council.

103 [~~(17)~~] (18) "Lot line adjustment" means the relocation of the property boundary line in
104 a subdivision between two adjoining lots with the consent of the owners of record.

105 [~~(18)~~] (19) "Moderate income housing" means housing occupied or reserved for
106 occupancy by households with a gross household income equal to or less than 80% of the
107 median gross income for households of the same size in the county in which the city is located.

108 [~~(19)~~] (20) "Nominal fee" means a fee that reasonably reimburses a municipality only
109 for time spent and expenses incurred in:

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

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

113 [~~(20)~~] (21) "Noncomplying structure" means a structure that:

- 114 (a) legally existed before its current land use designation; and
- 115 (b) because of one or more subsequent land use ordinance changes, does not conform
- 116 to the setback, height restrictions, or other regulations, excluding those regulations, which
- 117 govern the use of land.
- 118 [~~(21)~~] (22) "Nonconforming use" means a use of land that:
- 119 (a) legally existed before its current land use designation;
- 120 (b) has been maintained continuously since the time the land use ordinance governing
- 121 the land changed; and
- 122 (c) because of one or more subsequent land use ordinance changes, does not conform
- 123 to the regulations that now govern the use of the land.
- 124 [~~(22)~~] (23) "Official map" means a map drawn by municipal authorities and recorded in
- 125 a county recorder's office that:
- 126 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
- 127 highways and other transportation facilities;
- 128 (b) provides a basis for restricting development in designated rights-of-way or between
- 129 designated setbacks to allow the government authorities time to purchase or otherwise reserve
- 130 the land; and
- 131 (c) has been adopted as an element of the municipality's general plan.
- 132 [~~(23)~~] (24) "Person" means an individual, corporation, partnership, organization,
- 133 association, trust, governmental agency, or any other legal entity.
- 134 [~~(24)~~] (25) "Plan for moderate income housing" means a written document adopted by
- 135 a city legislative body that includes:
- 136 (a) an estimate of the existing supply of moderate income housing located within the
- 137 city;
- 138 (b) an estimate of the need for moderate income housing in the city for the next five
- 139 years as revised biennially;
- 140 (c) a survey of total residential land use;
- 141 (d) an evaluation of how existing land uses and zones affect opportunities for moderate

142 income housing; and

143 (e) a description of the city's program to encourage an adequate supply of moderate
144 income housing.

145 [~~(25)~~] (26) "Plat" means a map or other graphical representation of lands being laid out
146 and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

147 [~~(26)~~] (27) "Public hearing" means a hearing at which members of the public are
148 provided a reasonable opportunity to comment on the subject of the hearing.

149 [~~(27)~~] (28) "Public meeting" means a meeting that is required to be open to the public
150 under Title 52, Chapter 4, Open and Public Meetings.

151 [~~(28)~~] (29) "Record of survey map" means a map of a survey of land prepared in
152 accordance with Section 17-23-17.

153 [~~(29)~~] (30) "Residential facility for elderly persons" means a single-family or
154 multiple-family dwelling unit that meets the requirements of Part 4, General Plan, but does not
155 include a health care facility as defined by Section 26-21-2.

156 [~~(30)~~] (31) "Residential facility for persons with a disability" means a residence:

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

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

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

162 [~~(31)~~] (32) "Sanitary sewer authority" means the department, agency, or public entity
163 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
164 wastewater systems.

165 [~~(32)~~] (33) "Special district" means an entity established under the authority of Title
166 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a
167 county, municipality, school district, or unit of the state.

168 [~~(33)~~] (34) "Specified public utility" means an electrical corporation, gas corporation,
169 or telephone corporation, as those terms are defined in Section 54-2-1.

170 [~~(34)~~] (35) "Street" means a public right-of-way, including a highway, avenue,
171 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
172 or other way.

173 [~~(35)~~] (36) (a) "Subdivision" means any land that is divided, resubdivided or proposed
174 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
175 purpose, whether immediate or future, for offer, sale, lease, or development either on the
176 installment plan or upon any and all other plans, terms, and conditions.

177 (b) "Subdivision" includes:

178 (i) the division or development of land whether by deed, metes and bounds description,
179 devise and testacy, map, plat, or other recorded instrument; and

180 (ii) except as provided in Subsection [~~(35)~~] (36)(c), divisions of land for residential and
181 nonresidential uses, including land used or to be used for commercial, agricultural, and
182 industrial purposes.

183 (c) "Subdivision" does not include:

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

188 (ii) a recorded agreement between owners of adjoining unsubdivided properties
189 adjusting their mutual boundary if:

190 (A) no new lot is created; and

191 (B) the adjustment does not violate applicable land use ordinances; or

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

193 (A) revising the legal description of more than one contiguous unsubdivided parcel of
194 property into one legal description encompassing all such parcels of property; or

195 (B) joining a subdivided parcel of property to another parcel of property that has not
196 been subdivided, if the joinder does not violate applicable land use ordinances.

197 (d) The joining of a subdivided parcel of property to another parcel of property that has

198 not been subdivided does not constitute a subdivision under this Subsection [~~(35)~~] (36) as to
199 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
200 subdivision ordinance.

201 [~~(36)~~] (37) "Unincorporated" means the area outside of the incorporated area of a city
202 or town.

203 [~~(37)~~] (38) "Zoning map" means a map, adopted as part of a land use ordinance, that
204 depicts land use zones, overlays, or districts.

205 Section 2. Section **10-9a-509** is amended to read:

206 **10-9a-509. When a land use applicant is entitled to approval -- Exception --**
207 **Municipality may not impose unexpressed requirements -- Municipality required to**
208 **comply with land use ordinances.**

209 (1) (a) An applicant is entitled to approval of a land use application if the application
210 conforms to the requirements of ~~[an]~~ the municipality's land use maps, zoning map, and
211 applicable land use ordinance in effect when a complete application is submitted and all fees
212 have been paid, unless:

213 (i) the land use authority, on the record, finds that a compelling, countervailing public
214 interest would be jeopardized by approving the application; or

215 (ii) in the manner provided by local ordinance and before the application is submitted,
216 the municipality has formally initiated proceedings to amend its ordinances in a manner that
217 would prohibit approval of the application as submitted.

218 (b) The municipality shall process an application without regard to proceedings
219 initiated to amend the municipality's ordinances if:

220 (i) 180 days have passed since the proceedings were initiated; and

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

223 (c) An application for a land use approval is considered submitted and complete when
224 the application is provided in a form that complies with the requirements of applicable
225 ordinances and all applicable fees have been paid.

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

228 (e) A municipality may not impose on a holder of an issued land use permit a
229 requirement that is not expressed:

230 (i) in the land use permit or in documents on which the land use permit is based; or

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

232 (f) A municipality may not withhold issuance of a certificate of occupancy because of
233 an applicant's failure to comply with a requirement that is not expressed:

234 (i) in the building permit or in documents on which the building permit is based; or

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

236 (2) A municipality is bound by the terms and standards of applicable land use
237 ordinances and shall comply with mandatory provisions of those ordinances.

238 Section 3. Section **17-27a-103** is amended to read:

239 **17-27a-103. Definitions.**

240 As used in this chapter:

241 (1) "Affected entity" means a county, municipality, independent special district under
242 Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2,
243 Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter
244 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of
245 Transportation, if:

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

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

250 (c) the entity's boundaries or facilities are within one mile of land that is the subject of
251 a general plan amendment or land use ordinance change.

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

254 variance.

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

258 (4) "Charter school" includes:

259 (a) an operating charter school;

260 (b) a charter school applicant that has its application approved by a chartering entity in
261 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

262 (c) an entity who is working on behalf of a charter school or approved charter applicant
263 to develop or construct a charter school building.

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

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

270 (7) "Constitutional taking" means a governmental action that results in a taking of
271 private property so that compensation to the owner of the property is required by the:

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

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

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

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

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

282 802.

283 (10) "Elderly person" means a person who is 60 years old or older, who desires or
284 needs to live with other elderly persons in a group setting, but who is capable of living
285 independently.

286 (11) "Gas corporation" has the same meaning as defined in Section 54-2-1.

287 (12) "General plan" means a document that a county adopts that sets forth general
288 guidelines for proposed future development of the unincorporated land within the county.

289 (13) "Identical plans" means building plans submitted to a county that are substantially
290 identical building plans that were previously submitted to and reviewed and approved by the
291 county and describe a building that is:

292 (a) located on land zoned the same as the land on which the building described in the
293 previously approved plans is located; and

294 (b) subject to the same geological and meteorological conditions and the same law as
295 the building described in the previously approved plans.

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

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

302 (16) "Land use application" means an application required by a county's land use
303 ordinance.

304 (17) "Land use authority" means a person, board, commission, agency, or other body
305 designated by the local legislative body to act upon a land use application.

306 (18) "Land use ordinance" means a planning, zoning, development, or subdivision
307 ordinance of the county, but does not include the general plan.

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

309 [~~(19)~~] (20) "Legislative body" means the county legislative body, or for a county that

310 has adopted an alternative form of government, the body exercising legislative powers.

311 ~~[(20)]~~ (21) "Lot line adjustment" means the relocation of the property boundary line in
312 a subdivision between two adjoining lots with the consent of the owners of record.

313 ~~[(21)]~~ (22) "Moderate income housing" means housing occupied or reserved for
314 occupancy by households with a gross household income equal to or less than 80% of the
315 median gross income for households of the same size in the county in which the housing is
316 located.

317 ~~[(22)]~~ (23) "Nominal fee" means a fee that reasonably reimburses a county only for
318 time spent and expenses incurred in:

- 319 (a) verifying that building plans are identical plans; and
- 320 (b) reviewing and approving those minor aspects of identical plans that differ from the
321 previously reviewed and approved building plans.

322 ~~[(23)]~~ (24) "Noncomplying structure" means a structure that:

- 323 (a) legally existed before its current land use designation; and
- 324 (b) because of one or more subsequent land use ordinance changes, does not conform
325 to the setback, height restrictions, or other regulations, excluding those regulations that govern
326 the use of land.

327 ~~[(24)]~~ (25) "Nonconforming use" means a use of land that:

- 328 (a) legally existed before its current land use designation;
- 329 (b) has been maintained continuously since the time the land use ordinance regulation
330 governing the land changed; and
- 331 (c) because of one or more subsequent land use ordinance changes, does not conform
332 to the regulations that now govern the use of the land.

333 ~~[(25)]~~ (26) "Official map" means a map drawn by county authorities and recorded in
334 the county recorder's office that:

- 335 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
336 highways and other transportation facilities;
- 337 (b) provides a basis for restricting development in designated rights-of-way or between

338 designated setbacks to allow the government authorities time to purchase or otherwise reserve
339 the land; and

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

341 ~~[(26)]~~ (27) "Person" means an individual, corporation, partnership, organization,
342 association, trust, governmental agency, or any other legal entity.

343 ~~[(27)]~~ (28) "Plan for moderate income housing" means a written document adopted by
344 a county legislative body that includes:

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

347 (b) an estimate of the need for moderate income housing in the county for the next five
348 years as revised biennially;

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

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

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

354 ~~[(28)]~~ (29) "Plat" means a map or other graphical representation of lands being laid out
355 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

356 ~~[(29)]~~ (30) "Public hearing" means a hearing at which members of the public are
357 provided a reasonable opportunity to comment on the subject of the hearing.

358 ~~[(30)]~~ (31) "Public meeting" means a meeting that is required to be open to the public
359 under Title 52, Chapter 4, Open and Public Meetings.

360 ~~[(31)]~~ (32) "Record of survey map" means a map of a survey of land prepared in
361 accordance with Section 17-23-17.

362 ~~[(32)]~~ (33) "Residential facility for elderly persons" means a single-family or
363 multiple-family dwelling unit that meets the requirements of Part 4, General Plan, but does not
364 include a health care facility as defined by Section 26-21-2.

365 ~~[(33)]~~ (34) "Residential facility for persons with a disability" means a residence:

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

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

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

371 [~~34~~] (35) "Sanitary sewer authority" means the department, agency, or public entity
372 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
373 wastewater systems.

374 [~~35~~] (36) "Special district" means any entity established under the authority of Title
375 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a
376 county, municipality, school district, or unit of the state.

377 [~~36~~] (37) "Specified public utility" means an electrical corporation, gas corporation,
378 or telephone corporation, as those terms are defined in Section 54-2-1.

379 [~~37~~] (38) "Street" means a public right-of-way, including a highway, avenue,
380 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
381 or other way.

382 [~~38~~] (39) (a) "Subdivision" means any land that is divided, resubdivided or proposed
383 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
384 purpose, whether immediate or future, for offer, sale, lease, or development either on the
385 installment plan or upon any and all other plans, terms, and conditions.

386 (b) "Subdivision" includes:

387 (i) the division or development of land whether by deed, metes and bounds description,
388 devise and testacy, map, plat, or other recorded instrument; and

389 (ii) except as provided in Subsection [~~38~~] (39)(c), divisions of land for residential and
390 nonresidential uses, including land used or to be used for commercial, agricultural, and
391 industrial purposes.

392 (c) "Subdivision" does not include:

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

394 (ii) a recorded agreement between owners of adjoining properties adjusting their
395 mutual boundary if:

396 (A) no new lot is created; and

397 (B) the adjustment does not violate applicable land use ordinances;

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

399 (A) revising the legal description of more than one contiguous unsubdivided parcel of
400 property into one legal description encompassing all such parcels of property; or

401 (B) joining a subdivided parcel of property to another parcel of property that has not
402 been subdivided, if the joinder does not violate applicable land use ordinances; or

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

405 (A) an unmanned facility appurtenant to a pipeline owned or operated by a gas
406 corporation, interstate pipeline company, or intrastate pipeline company; or

407 (B) an unmanned telecommunications, microwave, fiber optic, electrical, or other
408 utility service regeneration, transformation, retransmission, or amplification facility.

409 (d) The joining of a subdivided parcel of property to another parcel of property that has
410 not been subdivided does not constitute a subdivision under this Subsection [~~(38)~~] (39) as to
411 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
412 subdivision ordinance.

413 [~~(39)~~] (40) "Township" means a contiguous, geographically defined portion of the
414 unincorporated area of a county, established under this part or reconstituted or reinstated under
415 Section [~~17-27a-307~~] 17-27a-306, with planning and zoning functions as exercised through the
416 township planning commission, as provided in this chapter, but with no legal or political
417 identity separate from the county and no taxing authority, except that "township" means a
418 former township under Chapter 308, Laws of Utah 1996 where the context so indicates.

419 [~~(40)~~] (41) "Unincorporated" means the area outside of the incorporated area of a
420 municipality.

421 [~~(41)~~] (42) "Zoning map" means a map, adopted as part of a land use ordinance, that

422 depicts land use zones, overlays, or districts.

423 Section 4. Section **17-27a-508** is amended to read:

424 **17-27a-508. When a land use applicant is entitled to approval -- Exception --**
425 **County may not impose unexpressed requirements -- County required to comply with**
426 **land use ordinances.**

427 (1) (a) An applicant is entitled to approval of a land use application if the application
428 conforms to the requirements of ~~[an]~~ the county's land use maps, zoning map, and applicable
429 land use ordinance in effect when a complete application is submitted and all fees have been
430 paid, unless:

431 (i) the land use authority, on the record, finds that a compelling, countervailing public
432 interest would be jeopardized by approving the application; or

433 (ii) in the manner provided by local ordinance and before the application is submitted,
434 the county has formally initiated proceedings to amend its ordinances in a manner that would
435 prohibit approval of the application as submitted.

436 (b) The county shall process an application without regard to proceedings initiated to
437 amend the county's ordinances if:

438 (i) 180 days have passed since the proceedings were initiated; and

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

441 (c) An application for a land use approval is considered submitted and complete when
442 the application is provided in a form that complies with the requirements of applicable
443 ordinances and all applicable fees have been paid.

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

446 (e) A county may not impose on a holder of an issued land use permit a requirement
447 that is not expressed:

448 (i) in the land use permit or in documents on which the land use permit is based; or

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

450 (f) A county may not withhold issuance of a certificate of occupancy because of an
451 applicant's failure to comply with a requirement that is not expressed:

452 (i) in the building permit or in documents on which the building permit is based; or

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

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

456 Section 5. **Effective date.**

457 This bill takes effect on July 1, 2006.