

**Representative Michael T. Morley** proposes the following substitute bill:

**LOCAL LAND USE REQUIREMENTS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael T. Morley**

Senate Sponsor: Michael G. Waddoups

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ clarifies the definition of "land use application";
- ▶ prohibits counties and municipalities from withholding approval of a land use application because of an applicant's failure to comply with a requirement that is not expressed in ordinance; and
- ▶ prohibits counties and municipalities from imposing a requirement on a holder of a building permit unless that requirement meets certain criteria.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-103**, as last amended by Chapter 7 and renumbered and amended by Chapter 254, Laws of Utah 2005



26 **10-9a-509**, as enacted by Chapter 254, Laws of Utah 2005

27 **17-27a-103**, as last amended by Chapter 7 and renumbered and amended by Chapter  
28 254, Laws of Utah 2005

29 **17-27a-508**, as enacted by Chapter 254, Laws of Utah 2005

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

32 Section 11. Section **10-9a-103** is amended to read:

33 **10-9a-103. Definitions.**

34 As used in this chapter:

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

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

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

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

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

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

52 (4) "Charter school" includes:

53 (a) an operating charter school;

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

56 (c) an entity who is working on behalf of a charter school or approved charter applicant

57 to develop or construct a charter school building.

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

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

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

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

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

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

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

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

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

77 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
78 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
79 802.

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

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

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

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

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

92 (13) "Land use application" means an application required by a municipality's land use  
93 ordinance[-] and includes an application for:

94 (a) a change in zoning designation;

95 (b) a conditional use permit;

96 (c) a variance; or

97 (d) a building permit.

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

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

102 (16) "Legislative body" means the municipal council.

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

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

108 (19) "Nominal fee" means a fee that reasonably reimburses a municipality only for time  
109 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) "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) "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) "Official map" means a map drawn by municipal authorities and recorded in a

125 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) "Person" means an individual, corporation, partnership, organization, association,

133 trust, governmental agency, or any other legal entity.

134 (24) "Plan for moderate income housing" means a written document adopted by a city

135 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) "Plat" means a map or other graphical representation of lands being laid out and

146 prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

147 (26) "Public hearing" means a hearing at which members of the public are provided a

148 reasonable opportunity to comment on the subject of the hearing.

149 (27) "Public meeting" means a meeting that is required to be open to the public under

150 Title 52, Chapter 4, Open and Public Meetings.

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

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

156 (30) "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) "Sanitary sewer authority" means the department, agency, or public entity with  
163 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
164 wastewater systems.

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

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

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

173 (35) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be  
174 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)(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) as to the  
199 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's  
200 subdivision ordinance.

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

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

205 Section 22. Section **10-9a-509** is amended to read:

206 **10-9a-509. When a land use applicant is entitled to approval -- Exception --**  
207 **Municipality required to comply with land use ordinances.**

208 (1) (a) An applicant is entitled to approval of a land use application if the application  
209 conforms to the requirements of an applicable land use ordinance in effect when a complete  
210 application is submitted and all fees have been paid, unless:

211 (i) the land use authority, on the record, finds that a compelling, countervailing public

212 interest would be jeopardized by approving the application; or

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

216 (b) Except as provided in Subsections (1)(a)(i) and (ii), a municipality may not  
217 withhold approval of a land use application because of an applicant's failure to comply with a  
218 requirement that is not expressed in the municipality's ordinances.

219 ~~[(b)]~~ (c) The municipality shall process an application without regard to proceedings  
220 initiated to amend the municipality's ordinances if:

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

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

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

227 ~~[(d)]~~ (e) The continuing validity of an approval of a land use application is conditioned  
228 upon the applicant proceeding after approval to implement the approval with reasonable  
229 diligence.

230 (f) A municipality may not impose on a holder of an issued building permit a  
231 requirement that is not expressed:

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

233 (ii) in the municipality's ordinances.

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

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

237 (ii) in the municipality's ordinances.

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

240 Section 33. Section **17-27a-103** is amended to read:

241 **17-27a-103. Definitions.**

242 As used in this chapter:



243 (1) "Affected entity" means a county, municipality, independent special district under  
244 Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2,  
245 Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter  
246 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of  
247 Transportation, if:

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

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

251 or

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

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

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

260 (4) "Charter school" includes:

261 (a) an operating charter school;

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

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

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

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

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

- 274 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or  
275 (b) Utah Constitution Article I, Section 22.
- 276 (8) "Culinary water authority" means the department, agency, or public entity with  
277 responsibility to review and approve the feasibility of the culinary water system and sources for  
278 the subject property.
- 279 (9) (a) "Disability" means a physical or mental impairment that substantially limits one  
280 or more of a person's major life activities, including a person having a record of such an  
281 impairment or being regarded as having such an impairment.
- 282 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
283 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
284 802.
- 285 (10) "Elderly person" means a person who is 60 years old or older, who desires or  
286 needs to live with other elderly persons in a group setting, but who is capable of living  
287 independently.
- 288 (11) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 289 (12) "General plan" means a document that a county adopts that sets forth general  
290 guidelines for proposed future development of the unincorporated land within the county.
- 291 (13) "Identical plans" means building plans submitted to a county that are substantially  
292 identical building plans that were previously submitted to and reviewed and approved by the  
293 county and describe a building that is:
- 294 (a) located on land zoned the same as the land on which the building described in the  
295 previously approved plans is located; and
- 296 (b) subject to the same geological and meteorological conditions and the same law as  
297 the building described in the previously approved plans.
- 298 (14) "Interstate pipeline company" means a person or entity engaged in natural gas  
299 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
300 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 301 (15) "Intrastate pipeline company" means a person or entity engaged in natural gas  
302 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
303 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 304 (16) "Land use application" means an application required by a county's land use

305 ordinance[-] and includes an application for:

306       (a) a change in zoning designation;

307       (b) a conditional use permit;

308       (c) a variance; or

309       (d) a building permit.

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

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

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

316       (20) "Lot line adjustment" means the relocation of the property boundary line in a  
317 subdivision between two adjoining lots with the consent of the owners of record.

318       (21) "Moderate income housing" means housing occupied or reserved for occupancy  
319 by households with a gross household income equal to or less than 80% of the median gross  
320 income for households of the same size in the county in which the housing is located.

321       (22) "Nominal fee" means a fee that reasonably reimburses a county only for time spent  
322 and expenses incurred in:

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

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

326       (23) "Noncomplying structure" means a structure that:

327       (a) legally existed before its current land use designation; and

328       (b) because of one or more subsequent land use ordinance changes, does not conform  
329 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
330 the use of land.

331       (24) "Nonconforming use" means a use of land that:

332       (a) legally existed before its current land use designation;

333       (b) has been maintained continuously since the time the land use ordinance regulation  
334 governing the land changed; and

335       (c) because of one or more subsequent land use ordinance changes, does not conform

336 to the regulations that now govern the use of the land.

337 (25) "Official map" means a map drawn by county authorities and recorded in the  
338 county recorder's office that:

339 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
340 highways and other transportation facilities;

341 (b) provides a basis for restricting development in designated rights-of-way or between  
342 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
343 the land; and

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

345 (26) "Person" means an individual, corporation, partnership, organization, association,  
346 trust, governmental agency, or any other legal entity.

347 (27) "Plan for moderate income housing" means a written document adopted by a  
348 county legislative body that includes:

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

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

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

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

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

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

360 (29) "Public hearing" means a hearing at which members of the public are provided a  
361 reasonable opportunity to comment on the subject of the hearing.

362 (30) "Public meeting" means a meeting that is required to be open to the public under  
363 Title 52, Chapter 4, Open and Public Meetings.

364 (31) "Record of survey map" means a map of a survey of land prepared in accordance  
365 with Section 17-23-17.

366 (32) "Residential facility for elderly persons" means a single-family or multiple-family

367 dwelling unit that meets the requirements of Part 4, General Plan, but does not include a health  
368 care facility as defined by Section 26-21-2.

369 (33) "Residential facility for persons with a disability" means a residence:

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

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

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

375 (34) "Sanitary sewer authority" means the department, agency, or public entity with  
376 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
377 wastewater systems.

378 (35) "Special district" means any entity established under the authority of Title 17A,  
379 Special Districts, and any other governmental or quasi-governmental entity that is not a county,  
380 municipality, school district, or unit of the state.

381 (36) "Specified public utility" means an electrical corporation, gas corporation, or  
382 telephone corporation, as those terms are defined in Section 54-2-1.

383 (37) "Street" means a public right-of-way, including a highway, avenue, boulevard,  
384 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other  
385 way.

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

390 (b) "Subdivision" includes:

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

393 (ii) except as provided in Subsection (38)(c), divisions of land for residential and  
394 nonresidential uses, including land used or to be used for commercial, agricultural, and  
395 industrial purposes.

396 (c) "Subdivision" does not include:

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

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

400 (A) no new lot is created; and

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

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

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

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

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

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

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

413 (d) The joining of a subdivided parcel of property to another parcel of property that has  
414 not been subdivided does not constitute a subdivision under this Subsection (38) as to the  
415 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision  
416 ordinance.

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

423 (40) "Unincorporated" means the area outside of the incorporated area of a  
424 municipality.

425 (41) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
426 land use zones, overlays, or districts.

427 Section 44. Section **17-27a-508** is amended to read:

428 **17-27a-508. When a land use applicant is entitled to approval -- Exception --**

429 **County required to comply with land use ordinances.**

430 (1) (a) An applicant is entitled to approval of a land use application if the application  
431 conforms to the requirements of an applicable land use ordinance in effect when a complete  
432 application is submitted and all fees have been paid, unless:

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

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

438 (b) Except as provided in Subsections (1)(a)(i) and (ii), a county may not withhold  
439 approval of a land use application because of an applicant's failure to comply with a  
440 requirement that is not expressed in the municipality's ordinances.

441 [~~(b)~~] (c) The county shall process an application without regard to proceedings initiated  
442 to amend the county's ordinances if:

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

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

446 [~~(c)~~] (d) An application for a land use approval is considered submitted and complete  
447 when the application is provided in a form that complies with the requirements of applicable  
448 ordinances and all applicable fees have been paid.

449 [~~(d)~~] (e) The continuing validity of an approval of a land use application is conditioned  
450 upon the applicant proceeding after approval to implement the approval with reasonable  
451 diligence.

452 (f) A county may not impose on a holder of an issued building permit a requirement  
453 that is not expressed:

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

455 (ii) in the county's ordinances.

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

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

459 (ii) in the county's ordinances.

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