

1                   **AMENDMENTS TO COUNTY AND MUNICIPAL**

2                                   **LAND USE PROVISIONS**

3   2006 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Gregory S. Bell**

6                                   House Sponsor: Julie Fisher

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill modifies county and municipal land use, management, and development  
11 provisions.

12                   **Highlighted Provisions:**

13                   This bill:

- 14                   ▶ corrects a reference in the definition of residential facility for elderly persons;
- 15                   ▶ provides an exception to public hearing notice requirements for certain subdivisions  
16 of ten lots or less;
- 17                   ▶ makes certain hearing and notice requirements applicable to public streets and  
18 rights-of-way rather than to platted streets;
- 19                   ▶ clarifies legislative body authority to enact land use ordinances and a zoning map;
- 20                   ▶ modifies a requirement for a planning commission recommendation on a plat to  
21 provide that the recommendation is required only if the planning commission is not  
22 the land use authority;
- 23                   ▶ modifies a provision related to an exemption from plat requirements for agricultural  
24 land;
- 25                   ▶ establishes a minimum of ten days for appealing a decision of a land use authority to  
26 an appeal authority; and
- 27                   ▶ makes technical changes.

28                   **Monies Appropriated in this Bill:**

29                   None

30 **Other Special Clauses:**

31       None

32 **Utah Code Sections Affected:**

33 **AMENDS:**

34       **10-9a-103**, as last amended by Chapter 7 and renumbered and amended by Chapter  
35 254, Laws of Utah 2005

36       **10-9a-207**, as enacted by Chapter 254, Laws of Utah 2005

37       **10-9a-208**, as enacted by Chapter 254, Laws of Utah 2005

38       **10-9a-501**, as renumbered and amended by Chapter 254, Laws of Utah 2005

39       **10-9a-603**, as renumbered and amended by Chapter 254, Laws of Utah 2005

40       **10-9a-604**, as renumbered and amended by Chapter 254, Laws of Utah 2005

41       **10-9a-605**, as renumbered and amended by Chapter 254, Laws of Utah 2005

42       **10-9a-704**, as enacted by Chapter 254, Laws of Utah 2005

43       **10-9a-708**, as enacted by Chapter 254, Laws of Utah 2005

44       **11-36-201**, as last amended by Chapters 169 and 254, Laws of Utah 2005

45       **11-36-202**, as last amended by Chapter 254, Laws of Utah 2005

46       **17-27a-103**, as last amended by Chapter 7 and renumbered and amended by Chapter  
47 254, Laws of Utah 2005

48       **17-27a-207**, as enacted by Chapter 254, Laws of Utah 2005

49       **17-27a-208**, as enacted by Chapter 254, Laws of Utah 2005

50       **17-27a-501**, as renumbered and amended by Chapter 254, Laws of Utah 2005

51       **17-27a-603**, as renumbered and amended by Chapter 254, Laws of Utah 2005

52       **17-27a-604**, as renumbered and amended by Chapter 254, Laws of Utah 2005

53       **17-27a-605**, as renumbered and amended by Chapter 254, Laws of Utah 2005

54       **17-27a-704**, as enacted by Chapter 254, Laws of Utah 2005

55       **17-27a-708**, as enacted by Chapter 254, Laws of Utah 2005



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

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

59 **10-9a-103. Definitions.**

60 As used in this chapter:

61 (1) "Affected entity" means a county, municipality, independent special district under  
62 Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2,  
63 Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter  
64 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of  
65 Transportation, if:

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

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

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

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

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

78 (4) "Charter school" includes:

79 (a) an operating charter school;

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

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

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

85 (a) mayor in municipalities operating under all forms of municipal government except

86 the council-manager form; or

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

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

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

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

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

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

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

103 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
104 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
105 802.

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

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

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

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

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

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

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

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

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

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

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

130 (19) "Nominal fee" means a fee that reasonably reimburses a municipality only for time  
131 spent and expenses incurred in:

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

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

135 (20) "Noncomplying structure" means a structure that:

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

137 (b) because of one or more subsequent land use ordinance changes, does not conform  
138 to the setback, height restrictions, or other regulations, excluding those regulations, which  
139 govern the use of land.

140 (21) "Nonconforming use" means a use of land that:

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

142 (b) has been maintained continuously since the time the land use ordinance governing  
143 the land changed; and

144 (c) because of one or more subsequent land use ordinance changes, does not conform  
145 to the regulations that now govern the use of the land.

146 (22) "Official map" means a map drawn by municipal authorities and recorded in a  
147 county recorder's office that:

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

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

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

154 (23) "Person" means an individual, corporation, partnership, organization, association,  
155 trust, governmental agency, or any other legal entity.

156 (24) "Plan for moderate income housing" means a written document adopted by a city  
157 legislative body that includes:

158 (a) an estimate of the existing supply of moderate income housing located within the  
159 city;

160 (b) an estimate of the need for moderate income housing in the city for the next five  
161 years as revised biennially;

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

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

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

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

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

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

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

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

175 (29) "Residential facility for elderly persons" means a single-family or multiple-family  
176 dwelling unit that meets the requirements of [~~Part 4, General Plan~~] Section 10-9a-516, but does  
177 not include a health care facility as defined by Section 26-21-2.

178 (30) "Residential facility for persons with a disability" means a residence:

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

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

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

184 (31) "Sanitary sewer authority" means the department, agency, or public entity with  
185 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
186 wastewater systems.

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

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

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

195 (35) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be  
196 divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
197 purpose, whether immediate or future, for offer, sale, lease, or development either on the

198 installment plan or upon any and all other plans, terms, and conditions.

199 (b) "Subdivision" includes:

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

202 (ii) except as provided in Subsection (35)(c), divisions of land for residential and  
203 nonresidential uses, including land used or to be used for commercial, agricultural, and  
204 industrial purposes.

205 (c) "Subdivision" does not include:

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

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

212 (A) no new lot is created; and

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

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

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

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

219 (d) The joining of a subdivided parcel of property to another parcel of property that has  
220 not been subdivided does not constitute a subdivision under this Subsection (35) as to the  
221 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's  
222 subdivision ordinance.

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

225 (37) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts



226 land use zones, overlays, or districts.

227 Section 2. Section **10-9a-207** is amended to read:

228 **10-9a-207. Notice for a proposed subdivision or amendment or a multiple-unit**  
229 **residential or commercial or industrial development.**

230 (1) [~~For~~] Except for an exempt subdivision under Section 10-9a-605, for a proposed  
231 subdivision or an amendment to a subdivision, each municipality shall provide notice of the  
232 date, time, and place of a public hearing that is:

233 (a) mailed not less than three calendar days before the public hearing and addressed to  
234 the record owner of each parcel within specified parameters of that property; or

235 (b) posted not less than three calendar days before the public hearing, on the property  
236 proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and  
237 print quality that is reasonably calculated to give notice to passers-by.

238 (2) Each municipality shall mail notice to each affected entity of a public hearing to  
239 consider a preliminary plat describing a multiple-unit residential development or a commercial  
240 or industrial development.

241 (3) Each municipality shall provide notice as required by Section 10-9a-208 for a  
242 subdivision that involves a vacation, alteration, or amendment of a street.

243 Section 3. Section **10-9a-208** is amended to read:

244 **10-9a-208. Hearing and notice for proposal to vacate, alter, or amend a public**  
245 **street or right-of-way.**

246 For any proposal to vacate, alter, or amend a [~~platted~~] public street or right-of-way, the  
247 land use authority shall hold a public hearing and shall give notice of the date, place, and time  
248 of the hearing by:

249 (1) mailing notice as required in Section 10-9a-207;

250 (2) mailing notice to each affected entity; and

251 (3) (a) publishing notice once a week for four consecutive weeks before the hearing in  
252 a newspaper of general circulation in the municipality in which the land subject to the petition  
253 is located; or

254 (b) if there is no newspaper of general circulation in the municipality, posting the  
255 property and posting notice in three public places for four consecutive weeks before the  
256 hearing.

257 Section 4. Section **10-9a-501** is amended to read:

258 **10-9a-501. Authority to enact land use ordinances and zoning map.**

259 The legislative body may enact land use ordinances and a zoning map consistent with  
260 the purposes set forth in this chapter.

261 Section 5. Section **10-9a-603** is amended to read:

262 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Recording**  
263 **plat.**

264 (1) Unless exempt under Section 10-9a-605 or excluded from the definition of  
265 subdivision under Subsection 10-9a-103[~~(34)~~] (35), whenever any land is laid out and platted,  
266 the owner of the land shall provide an accurate plat that describes or specifies:

267 (a) a name or designation of the subdivision that is distinct from any plat already  
268 recorded in the county recorder's office;

269 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by  
270 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is  
271 intended to be used as a street or for any other public use, and whether any such area is  
272 reserved or proposed for dedication for a public purpose;

273 (c) the lot or unit reference, block or building reference, street or site address, street  
274 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length  
275 and width of the blocks and lots intended for sale; and

276 (d) every existing right-of-way and easement grant of record for underground facilities,  
277 as defined in Section 54-8a-2, and for other utility facilities.

278 (2) Subject to Subsections (3), (4), and (5), if the plat conforms to the municipality's  
279 ordinances and this part and has been approved by the culinary water authority and the sanitary  
280 sewer authority, the municipality shall approve the plat.

281 (3) The municipality may withhold an otherwise valid plat approval until the owner of

282 the land provides the legislative body with a tax clearance indicating that all taxes, interest, and  
283 penalties owing on the land have been paid.

284 (4) (a) The owner of the land shall acknowledge the plat before an officer authorized  
285 by law to take the acknowledgement of conveyances of real estate and shall obtain the  
286 signature of each individual designated by the municipality.

287 (b) The surveyor making the plat shall certify that the surveyor:

288 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and  
289 Professional Land Surveyors Licensing Act;

290 (ii) has completed a survey of the property described on the plat in accordance with  
291 Section 17-23-17 and has verified all measurements; and

292 (iii) has placed monuments as represented on the plat.

293 (c) As applicable, the owner or operator of the underground and utility facilities shall  
294 approve the:

295 (i) boundary, course, dimensions, and intended use of the right-of-way and easement  
296 grants of record;

297 (ii) location of existing underground and utility facilities; and

298 (iii) conditions or restrictions governing the location of the facilities within the  
299 right-of-way, and easement grants of records, and utility facilities within the subdivision.

300 (5) (a) After the plat has been acknowledged, certified, and approved, the owner of the  
301 land shall, within the time period designated by ordinance, record the plat in the county  
302 recorder's office in the county in which the lands platted and laid out are situated.

303 (b) An owner's failure to record a plat within the time period designated by ordinance  
304 renders the plat voidable.

305 Section 6. Section **10-9a-604** is amended to read:

306 **10-9a-604. Subdivision plat approval procedure -- Effect of not complying.**

307 (1) (a) A person may not submit a subdivision plat to the county recorder's office for  
308 recording unless:

309 (i) except as provided in Subsection (1)(b), a recommendation has been received from

310 the planning commission [~~and~~];

311 [~~(a)~~] (ii) the plat has been approved by:

312 [~~(i)~~] (A) the land use authority of the municipality in which the land described in the  
313 plat is located; and

314 [~~(i)~~] (B) other officers that the municipality designates in its ordinance; and

315 [~~(b)~~] (iii) all approvals are entered in writing on the plat by the designated officers.

316 (b) Subsection (1)(a) does not apply if the planning commission is the land use  
317 authority.

318 (2) A subdivision plat recorded without the signatures required under this section is  
319 void.

320 (3) A transfer of land pursuant to a void plat is voidable.

321 Section 7. Section **10-9a-605** is amended to read:

322 **10-9a-605. Exemptions from plat requirement.**

323 (1) Notwithstanding Sections 10-9a-603 and 10-9a-604, the land use authority may  
324 approve a subdivision of ten lots or less without a plat, by certifying in writing that:

325 (a) the municipality has provided notice as required by ordinance [~~and Sections~~  
326 ~~10-9a-206 and 10-9a-207~~]; and

327 (b) the proposed subdivision:

328 (i) is not traversed by the mapped lines of a proposed street as shown in the general  
329 plan and does not require the dedication of any land for street or other public purposes;

330 (ii) has been approved by the culinary water authority and the sanitary sewer authority;

331 (iii) is located in a zoned area; and

332 (iv) conforms to all applicable land use ordinances or has properly received a variance  
333 from the requirements of an otherwise conflicting and applicable land use ordinance.

334 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural  
335 land is exempt from the plat requirements of Section 10-9a-603 if the lot or parcel:

336 (i) qualifies as land in agricultural use under [~~Title 59, Chapter 2, Part 5, Farmland~~  
337 ~~Assessment Act~~] Section 59-2-502;

338 (ii) meets the minimum size requirement of applicable land use ordinances; and  
339 (iii) is not used and will not be used for any nonagricultural purpose.

340 (b) The boundaries of each lot or parcel exempted under Subsection (1) shall be  
341 graphically illustrated on a record of survey map that, after receiving the same approvals as are  
342 required for a plat under Section 10-9a-604, shall be recorded with the county recorder.

343 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural  
344 purpose, the municipality may require the lot or parcel to comply with the requirements of  
345 Section 10-9a-603.

346 (3) (a) Documents recorded in the county recorder's office that divide property by a  
347 metes and bounds description do not create an approved subdivision allowed by this part unless  
348 the land use authority's certificate of written approval required by Subsection (1) is attached to  
349 the document.

350 (b) The absence of the certificate or written approval required by Subsection (1) does  
351 not affect the validity of a recorded document.

352 (c) A document which does not meet the requirements of Subsection (1) may be  
353 corrected by the recording of an affidavit to which the required certificate or written approval is  
354 attached in accordance with Section 57-3-106.

355 Section 8. Section **10-9a-704** is amended to read:

356 **10-9a-704. Time to appeal.**

357 (1) The municipality shall enact an ordinance establishing a reasonable time of not less  
358 than ten days to appeal to an appeal authority a written decision ~~[of]~~ issued by a land use  
359 authority ~~[to an appeal authority]~~.

360 (2) In the absence of ~~[such]~~ an ordinance ~~[and at a minimum]~~ establishing a reasonable  
361 time to appeal, an adversely affected party shall have ten calendar days to appeal to an appeal  
362 authority a written decision issued by a land use authority.

363 Section 9. Section **10-9a-708** is amended to read:

364 **10-9a-708. Final decision.**

365 (1) A decision of an appeal authority takes effect on the date when the appeal authority

366 issues a written decision, or as otherwise provided by ordinance.

367 (2) A written decision, or other event as provided by ordinance, constitutes a final  
368 decision under Subsection [~~10-9a-802~~] 10-9a-801(2)(a) or a final action under Subsection  
369 10-9a-801(4).

370 Section 10. Section **11-36-201** is amended to read:

371 **11-36-201. Impact fees -- Analysis -- Capital facilities plan -- Notice of plan --**  
372 **Summary -- Exemptions.**

373 (1) (a) Each local political subdivision and private entity shall comply with the  
374 requirements of this chapter before establishing or modifying any impact fee.

375 (b) A local political subdivision may not:

376 (i) establish any new impact fees that are not authorized by this chapter; or

377 (ii) impose or charge any other fees as a condition of development approval unless  
378 those fees are a reasonable charge for the service provided.

379 (c) Notwithstanding any other requirements of this chapter, each local political  
380 subdivision shall ensure that each existing impact fee that is charged for any public facility not  
381 authorized by Subsection 11-36-102(12) is repealed by July 1, 1995.

382 (d) (i) Existing impact fees for public facilities authorized in Subsection 11-36-102(12)  
383 that are charged by local political subdivisions need not comply with the requirements of this  
384 chapter until July 1, 1997.

385 (ii) By July 1, 1997, each local political subdivision shall:

386 (A) review any impact fees in existence as of the effective date of this act, and prepare  
387 and approve the analysis required by this section for each of those impact fees; and

388 (B) ensure that the impact fees comply with the requirements of this chapter.

389 (2) (a) Before imposing impact fees, each local political subdivision shall prepare a  
390 capital facilities plan.

391 (b) (i) As used in this Subsection (2)(b):

392 (A) (I) "Affected entity" means each county, municipality, independent special district  
393 under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B,

394 Chapter 2, Local Districts, school district, interlocal cooperation entity established under  
395 Chapter 13, Interlocal Cooperation Act, and specified public utility:

396 (Aa) whose services or facilities are likely to require expansion or significant  
397 modification because of the facilities proposed in the proposed capital facilities plan; or

398 (Bb) that has filed with the local political subdivision or private entity a copy of the  
399 general or long-range plan of the county, municipality, independent special district, local  
400 district, school district, interlocal cooperation entity, or specified public utility.

401 (II) "Affected entity" does not include the local political subdivision or private entity  
402 that is required under this Subsection (2) to provide notice.

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

405 (ii) Before preparing a capital facilities plan for facilities proposed on land located  
406 within a county of the first or second class, each local political subdivision and each private  
407 entity shall provide written notice, as provided in this Subsection (2)(b), of its intent to prepare  
408 a capital facilities plan.

409 (iii) Each notice under Subsection (2)(b)(ii) shall:

410 (A) indicate that the local political subdivision or private entity intends to prepare a  
411 capital facilities plan;

412 (B) describe or provide a map of the geographic area where the proposed capital  
413 facilities will be located;

414 (C) be sent to:

415 (I) each county in whose unincorporated area and each municipality in whose  
416 boundaries is located the land on which the proposed facilities will be located;

417 (II) each affected entity;

418 (III) the Automated Geographic Reference Center created in Section 63F-1-506;

419 (IV) the association of governments, established pursuant to an interlocal agreement  
420 under Title 11, Chapter 13, Interlocal Cooperation Act, in which the facilities are proposed to  
421 be located; and

422 (V) the state planning coordinator appointed under Section 63-38d-202; and  
423 (D) with respect to the notice to affected entities, invite the affected entities to provide  
424 information for the local political subdivision or private entity to consider in the process of  
425 preparing, adopting, and implementing a capital facilities plan concerning:  
426 (I) impacts that the facilities proposed in the capital facilities plan may have on the  
427 affected entity; and  
428 (II) facilities or uses of land that the affected entity is planning or considering that may  
429 conflict with the facilities proposed in the capital facilities plan.  
430 (c) The plan shall identify:  
431 (i) demands placed upon existing public facilities by new development activity; and  
432 (ii) the proposed means by which the local political subdivision will meet those  
433 demands.  
434 (d) Municipalities and counties need not prepare a separate capital facilities plan if the  
435 general plan required by Sections [~~10-9-301~~] 10-9a-401 and [~~17-27-301~~] 17-27a-401 contains  
436 the elements required by Subsection (2)(c).  
437 (e) (i) If a local political subdivision prepares an independent capital facilities plan  
438 rather than including a capital facilities element in the general plan, the local political  
439 subdivision shall, before adopting the capital facilities plan:  
440 (A) give public notice of the plan according to this Subsection (2)(e);  
441 (B) at least 14 days before the date of the public hearing:  
442 (I) make a copy of the plan, together with a summary designed to be understood by a  
443 lay person, available to the public; and  
444 (II) place a copy of the plan and summary in each public library within the local  
445 political subdivision; and  
446 (C) hold a public hearing to hear public comment on the plan.  
447 (ii) Municipalities shall comply with the notice and hearing requirements of, and,  
448 except as provided in Subsection 11-36-401(4)(f), receive the protections of Sections  
449 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2).



450 (iii) Counties shall comply with the notice and hearing requirements of, and, except as  
451 provided in Subsection 11-36-401(4)(f), receive the protections of Sections 17-27a-205 and  
452 17-27a-801 and Subsection 17-27a-502(2).

453 (iv) Special districts and private entities shall comply with the notice and hearing  
454 requirements of, and receive the protections of, Section 17A-1-203.

455 (v) Nothing contained in this Subsection (2)(e) or in the subsections referenced in  
456 Subsections (2)(e)(ii) and (iii) may be construed to require involvement by a planning  
457 commission in the capital facilities planning process.

458 (f) (i) Local political subdivisions with a population or serving a population of less  
459 than 5,000 as of the last federal census need not comply with the capital facilities plan  
460 requirements of this part, but shall ensure that the impact fees imposed by them are based upon  
461 a reasonable plan.

462 (ii) Subsection (2)(f)(i) does not apply to private entities.

463 (3) In preparing the plan, each local political subdivision shall generally consider all  
464 revenue sources, including impact fees, to finance the impacts on system improvements.

465 (4) A local political subdivision may only impose impact fees on development  
466 activities when its plan for financing system improvements establishes that impact fees are  
467 necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the  
468 future, in comparison to the benefits already received and yet to be received.

469 (5) (a) Each local political subdivision imposing impact fees shall prepare a written  
470 analysis of each impact fee that:

471 (i) identifies the impact on system improvements required by the development activity;

472 (ii) demonstrates how those impacts on system improvements are reasonably related to  
473 the development activity;

474 (iii) estimates the proportionate share of the costs of impacts on system improvements  
475 that are reasonably related to the new development activity; and

476 (iv) based upon those factors and the requirements of this chapter, identifies how the  
477 impact fee was calculated.

478 (b) In analyzing whether or not the proportionate share of the costs of public facilities  
479 are reasonably related to the new development activity, the local political subdivision shall  
480 identify, if applicable:

481 (i) the cost of existing public facilities;

482 (ii) the manner of financing existing public facilities, such as user charges, special  
483 assessments, bonded indebtedness, general taxes, or federal grants;

484 (iii) the relative extent to which the newly developed properties and the other  
485 properties in the municipality have already contributed to the cost of existing public facilities,  
486 by such means as user charges, special assessments, or payment from the proceeds of general  
487 taxes;

488 (iv) the relative extent to which the newly developed properties and the other  
489 properties in the municipality will contribute to the cost of existing public facilities in the  
490 future;

491 (v) the extent to which the newly developed properties are entitled to a credit because  
492 the municipality is requiring their developers or owners, by contractual arrangement or  
493 otherwise, to provide common facilities, inside or outside the proposed development, that have  
494 been provided by the municipality and financed through general taxation or other means, apart  
495 from user charges, in other parts of the municipality;

496 (vi) extraordinary costs, if any, in servicing the newly developed properties; and

497 (vii) the time-price differential inherent in fair comparisons of amounts paid at  
498 different times.

499 (c) Each local political subdivision that prepares a written analysis under this  
500 Subsection (5) on or after July 1, 2000 shall also prepare a summary of the written analysis,  
501 designed to be understood by a lay person.

502 (6) Each local political subdivision that adopts an impact fee enactment under Section  
503 11-36-202 on or after July 1, 2000 shall, at least 14 days before adopting the enactment, submit  
504 to each public library within the local political subdivision:

505 (a) a copy of the written analysis required by Subsection (5)(a); and

506 (b) a copy of the summary required by Subsection (5)(c).

507 (7) Nothing in this chapter may be construed to repeal or otherwise eliminate any  
508 impact fee in effect on the effective date of this ~~[act]~~ chapter that is pledged as a source of  
509 revenues to pay bonded indebtedness that was incurred before the effective date of this ~~[act]~~  
510 chapter.

511 Section 11. Section **11-36-202** is amended to read:

512 **11-36-202. Impact fees -- Enactment -- Required provisions.**

513 (1) (a) Each local political subdivision wishing to impose impact fees shall pass an  
514 impact fee enactment.

515 (b) The impact fee imposed by that enactment may not exceed the highest fee justified  
516 by the impact fee analysis performed pursuant to Section 11-36-201.

517 (c) In calculating the impact fee, each local political subdivision may include:

518 (i) the construction contract price;

519 (ii) the cost of acquiring land, improvements, materials, and fixtures;

520 (iii) the cost for planning, surveying, and engineering fees for services provided for and  
521 directly related to the construction of the system improvements; and

522 (iv) debt service charges, if the political subdivision might use impact fees as a revenue  
523 stream to pay the principal and interest on bonds, notes, or other obligations issued to finance  
524 the costs of the system improvements.

525 (d) In enacting an impact fee enactment:

526 (i) municipalities shall:

527 (A) make a copy of the impact fee enactment available to the public at least 14 days  
528 before the date of the public hearing; and

529 (B) comply with the notice and hearing requirements of, and, except as provided in  
530 Subsection 11-36-401(4)(f), receive the protections of Sections ~~[10-9a-207]~~ 10-9a-205 and  
531 10-9a-801;

532 (ii) counties shall:

533 (A) make a copy of the impact fee enactment available to the public at least 14 days

534 before the date of the public hearing; and

535 (B) comply with the notice and hearing requirements of, and, except as provided in  
536 Subsection 11-36-401(4)(f), receive the protections of Sections [~~17-27a-207~~] 17-27a-205 and  
537 17-27a-801; and

538 (iii) special districts shall:

539 (A) make a copy of the impact fee enactment available to the public at least 14 days  
540 before the date of the public hearing; and

541 (B) comply with the notice and hearing requirements of, and receive the protections of,  
542 Section 17A-1-203.

543 (e) Nothing contained in Subsection (1)(d) or in the subsections referenced in  
544 Subsections (1)(d)(i)(B) and (ii)(B) may be construed to require involvement by a planning  
545 commission in the impact fee enactment process.

546 (2) The local political subdivision shall ensure that the impact fee enactment contains:

547 (a) a provision establishing one or more service areas within which it shall calculate  
548 and impose impact fees for various land use categories;

549 (b) either:

550 (i) a schedule of impact fees for each type of development activity that specifies the  
551 amount of the impact fee to be imposed for each type of system improvement; or

552 (ii) the formula that the local political subdivision will use to calculate each impact fee;

553 (c) a provision authorizing the local political subdivision to adjust the standard impact  
554 fee at the time the fee is charged to:

555 (i) respond to unusual circumstances in specific cases; and

556 (ii) ensure that the impact fees are imposed fairly; and

557 (d) a provision governing calculation of the amount of the impact fee to be imposed on  
558 a particular development that permits adjustment of the amount of the fee based upon studies  
559 and data submitted by the developer.

560 (3) The local political subdivision may include a provision in the impact fee enactment  
561 that:

562 (a) exempts low income housing and other development activities with broad public  
563 purposes from impact fees and establishes one or more sources of funds other than impact fees  
564 to pay for that development activity;

565 (b) imposes an impact fee for public facility costs previously incurred by a local  
566 political subdivision to the extent that new growth and development will be served by the  
567 previously constructed improvement; and

568 (c) allows a credit against impact fees for any dedication of land for, improvement to,  
569 or new construction of, any system improvements provided by the developer if the facilities:

570 (i) are identified in the capital facilities plan; and

571 (ii) are required by the local political subdivision as a condition of approving the  
572 development activity.

573 (4) Except as provided in Subsection (3)(b), the local political subdivision may not  
574 impose an impact fee to cure deficiencies in public facilities serving existing development.

575 (5) Notwithstanding the requirements and prohibitions of this chapter, a local political  
576 subdivision may impose and assess an impact fee for environmental mitigation when:

577 (a) the local political subdivision has formally agreed to fund a Habitat Conservation  
578 Plan to resolve conflicts with the Endangered Species Act of 1973, 16 U.S.C. Sec 1531, et seq.  
579 or other state or federal environmental law or regulation;

580 (b) the impact fee bears a reasonable relationship to the environmental mitigation  
581 required by the Habitat Conservation Plan; and

582 (c) the legislative body of the local political subdivision adopts an ordinance or  
583 resolution:

584 (i) declaring that an impact fee is required to finance the Habitat Conservation Plan;

585 (ii) establishing periodic sunset dates for the impact fee; and

586 (iii) requiring the legislative body to:

587 (A) review the impact fee on those sunset dates;

588 (B) determine whether or not the impact fee is still required to finance the Habitat  
589 Conservation Plan; and

590 (C) affirmatively reauthorize the impact fee if the legislative body finds that the impact  
591 fee must remain in effect.

592 (6) Each political subdivision shall ensure that any existing impact fee for  
593 environmental mitigation meets the requirements of Subsection (5) by July 1, 1995.

594 (7) Notwithstanding any other provision of this chapter, municipalities imposing  
595 impact fees to fund fire trucks as of the effective date of this act may impose impact fees for  
596 fire trucks until July 1, 1997.

597 (8) Notwithstanding any other provision of this chapter, a local political subdivision  
598 may impose and collect impact fees on behalf of a school district if authorized by Section  
599 53A-20-100.5.

600 Section 12. Section **17-27a-103** is amended to read:

601 **17-27a-103. Definitions.**

602 As used in this chapter:

603 (1) "Affected entity" means a county, municipality, independent special district under  
604 Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2,  
605 Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter  
606 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of  
607 Transportation, if:

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

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

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

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

617 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or

618 residential property if the sign is designed or intended to direct attention to a business, product,  
619 or service that is not sold, offered, or existing on the property where the sign is located.

620 (4) "Charter school" includes:

621 (a) an operating charter school;

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

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

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

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

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

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

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

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

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

642 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
643 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
644 802.

645 (10) "Elderly person" means a person who is 60 years old or older, who desires or

646 needs to live with other elderly persons in a group setting, but who is capable of living  
647 independently.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

691 (c) because of one or more subsequent land use ordinance changes, does not conform  
692 to the regulations that now govern the use of the land.

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

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

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

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

701 (26) "Person" means an individual, corporation, partnership, organization, association,

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

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

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

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

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

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

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

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

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

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

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

722 (32) "Residential facility for elderly persons" means a single-family or multiple-family  
723 dwelling unit that meets the requirements of [~~Part 4, General Plan~~] Section 17-27a-515, but  
724 does not include a health care facility as defined by Section 26-21-2.

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

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

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

729 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,

730 Health Care Facility Licensing and Inspection Act.

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

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

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

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

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

746 (b) "Subdivision" includes:

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

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

752 (c) "Subdivision" does not include:

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

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

756 (A) no new lot is created; and

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

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

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

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

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

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

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

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

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

779 (40) "Unincorporated" means the area outside of the incorporated area of a  
780 municipality.

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

783 Section 13. Section **17-27a-207** is amended to read:

784 **17-27a-207. Notice for a proposed subdivision or amendment or a multiple-unit**  
785 **residential or commercial or industrial development.**

786 (1) [~~For~~] Except for an exempt subdivision under Section 17-27a-605, for a proposed  
787 subdivision or an amendment to a subdivision, each county shall provide notice of the date,  
788 time, and place of a public hearing that is:

789 (a) mailed not less than three calendar days before the public hearing and addressed to  
790 the record owner of each parcel within specified parameters of that property; or

791 (b) posted not less than three calendar days before the public hearing, on the property  
792 proposed for subdivision, in a visible location, with a sign of sufficient size, durability, and  
793 print quality that is reasonably calculated to give notice to passers-by.

794 (2) Each county shall mail notice to each affected entity of a public hearing to consider  
795 a preliminary plat describing a multiple-unit residential development or a commercial or  
796 industrial development.

797 (3) Each county shall provide notice as required by Section 17-27a-208 for a  
798 subdivision that involves a vacation, alteration, or amendment of a street.

799 Section 14. Section **17-27a-208** is amended to read:

800 **17-27a-208. Hearing and notice for proposal to vacate, alter, or amend a public**  
801 **street or right-of-way.**

802 For any proposal to vacate, alter, or amend a [~~platted~~] public street or right-of-way, the  
803 land use authority shall hold a public hearing and shall give notice of the date, place, and time  
804 of the hearing by:

805 (1) mailing notice as required in Section 17-27a-207;

806 (2) mailing notice to each affected entity; and

807 (3) (a) publishing notice once a week for four consecutive weeks before the hearing in  
808 a newspaper of general circulation in the county in which the land subject to the petition is  
809 located; or

810 (b) if there is no newspaper of general circulation in the county, posting the property  
811 and posting notice in three public places for four consecutive weeks before the hearing.

812 Section 15. Section **17-27a-501** is amended to read:

813 **17-27a-501. Authority to enact land use ordinances and zoning map.**

814 The legislative body may enact land use ordinances and a zoning map consistent with  
815 the purposes set forth in this chapter.

816 Section 16. Section **17-27a-603** is amended to read:

817 **17-27a-603. Plat required when land is subdivided -- Approval of plat --**  
818 **Recording plat.**

819 (1) Unless exempt under Section 17-27a-605 or excluded from the definition of  
820 subdivision under Subsection 17-27a-103[~~(37)~~] (38), whenever any land is laid out and platted,  
821 the owner of the land shall provide an accurate plat that describes or specifies:

822 (a) a name or designation of the subdivision that is distinct from any plat already  
823 recorded in the county recorder's office;

824 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by  
825 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is  
826 intended to be used as a street or for any other public use, and whether any such area is  
827 reserved or proposed for dedication for a public purpose;

828 (c) the lot or unit reference, block or building reference, street or site address, street  
829 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length  
830 and width of the blocks and lots intended for sale; and

831 (d) every existing right-of-way and easement grant of record for underground facilities,  
832 as defined in Section 54-8a-2, and for other utility facilities.

833 (2) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's  
834 ordinances and this part and has been approved by the culinary water authority and the sanitary  
835 sewer authority, the county shall approve the plat.

836 (3) The county may withhold an otherwise valid plat approval until the owner of the  
837 land provides the legislative body with a tax clearance indicating that all taxes, interest, and  
838 penalties owing on the land have been paid.

839 (4) (a) The owner of the land shall acknowledge the plat before an officer authorized  
840 by law to take the acknowledgment of conveyances of real estate and shall obtain the signature  
841 of each individual designated by the county.

- 842 (b) The surveyor making the plat shall certify that the surveyor:  
843 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and  
844 Land Surveyors Licensing Act;  
845 (ii) has completed a survey of the property described on the plat in accordance with  
846 Section 17-23-17 and has verified all measurements; and  
847 (iii) has placed monuments as represented on the plat.

848 (c) As applicable, the owner or operator of the underground and utility facilities shall  
849 approve the:

- 850 (i) boundary, course, dimensions, and intended use of the right-of-way and easement  
851 grants of record;  
852 (ii) location of existing underground and utility facilities; and  
853 (iii) conditions or restrictions governing the location of the facilities within the  
854 right-of-way, and easement grants of records, and utility facilities within the subdivision.

855 (5) (a) After the plat has been acknowledged, certified, and approved, the owner of the  
856 land shall, within the time period designated by ordinance, record the plat in the county  
857 recorder's office in the county in which the lands platted and laid out are situated.

858 (b) An owner's failure to record a plat within the time period designated by ordinance  
859 renders the plat voidable.

860 Section 17. Section **17-27a-604** is amended to read:

861 **17-27a-604. Subdivision plat approval procedure -- Effect of not complying.**

862 (1) (a) A person may not submit a subdivision plat to the county recorder's office for  
863 recording unless:

864 (i) except as provided in Subsection (1)(b), a recommendation has been received from  
865 the planning commission [~~and~~];

866 [~~(a)~~] (ii) the plat has been approved by:

867 [~~(i)~~] (A) the land use authority of the county in whose unincorporated area the land  
868 described in the plat is located; and

869 [~~(i)~~] (B) other officers that the county designates in its ordinance; and

870 ~~[(b)]~~ (iii) all approvals are entered in writing on the plat by designated officers.

871 (b) Subsection (1)(a) does not apply if the planning commission is the land use  
872 authority.

873 (2) A plat recorded without the signatures required under this section is void.

874 (3) A transfer of land pursuant to a void plat is voidable.

875 Section 18. Section **17-27a-605** is amended to read:

876 **17-27a-605. Exemptions from plat requirement.**

877 (1) Notwithstanding Sections 17-27a-603 and 17-27a-604, the land use authority may  
878 approve the subdivision of unincorporated land into ten lots or less without a plat, by certifying  
879 in writing that:

880 (a) the county has provided notice as required by ordinance [~~and by Sections~~  
881 ~~17-27a-206 and 17-27a-207~~]; and

882 (b) the proposed subdivision:

883 (i) is not traversed by the mapped lines of a proposed street as shown in the general  
884 plan and does not require the dedication of any land for street or other public purposes;

885 (ii) has been approved by the culinary water authority and the sanitary sewer authority;

886 (iii) is located in a zoned area; and

887 (iv) conforms to all applicable land use ordinances or has properly received a variance  
888 from the requirements of an otherwise conflicting and applicable land use ordinance.

889 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural  
890 land is exempt from the plat requirements of Section 17-27a-603 if the lot or parcel:

891 (i) qualifies as land in agricultural use under [~~Title 59, Chapter 2, Part 5, Farmland~~  
892 ~~Assessment Act~~] Section 59-2-502;

893 (ii) meets the minimum size requirement of applicable land use ordinances; and

894 (iii) is not used and will not be used for any nonagricultural purpose.

895 (b) The boundaries of each lot or parcel exempted under Subsection (1) shall be  
896 graphically illustrated on a record of survey map that, after receiving the same approvals as are  
897 required for a plat under Section 17-27a-604, shall be recorded with the county recorder.



898 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural  
899 purpose, the county may require the lot or parcel to comply with the requirements of Section  
900 17-27a-603.

901 (3) (a) Documents recorded in the county recorder's office that divide property by a  
902 metes and bounds description do not create an approved subdivision allowed by this part unless  
903 the land use authority's certificate of written approval required by Subsection (1)(a)(ii) is  
904 attached to the document.

905 (b) The absence of the certificate or written approval required by Subsection (1) does  
906 not affect the validity of a recorded document.

907 (c) A document which does not meet the requirements of Subsection (1) may be  
908 corrected by the recording of an affidavit to which the required certificate or written approval is  
909 attached in accordance with Section 57-3-106.

910 Section 19. Section **17-27a-704** is amended to read:

911 **17-27a-704. Time to appeal.**

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

915 (2) In the absence of [~~such~~] an ordinance [~~and at a minimum~~] establishing a reasonable  
916 time to appeal, an adversely affected party shall have ten calendar days to appeal to an appeal  
917 authority a written decision issued by a land use authority.

918 Section 20. Section **17-27a-708** is amended to read:

919 **17-27a-708. Final decision.**

920 (1) A decision of an appeal authority takes effect on the date when the appeal authority  
921 issues a written decision, or as otherwise provided by local ordinance.

922 (2) A written decision, or other event as provided by ordinance, constitutes a final  
923 decision under Subsection [~~17-27a-802~~] 17-27a-801(2)(a) or a final action under Subsection  
924 17-27a-801(4).