

Senator Gregory S. Bell proposes the following substitute bill:

AMENDMENTS TO COUNTY AND MUNICIPAL

LAND USE PROVISIONS

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory S. Bell

House Sponsor: Julie Fisher

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ corrects a reference in the definition of residential facility for elderly persons;
- ▶ provides an exception to public hearing notice requirements for certain subdivisions of ten lots or less;
- ▶ makes certain hearing and notice requirements applicable to public streets and rights-of-way rather than to platted streets;
- ▶ clarifies legislative body authority to enact land use ordinances and a zoning map;
- ▶ allows a surveyor certifying a plat to indicate that the surveyor has bonding or provided adequate security for the placement of monuments as an alternative to certifying that the monuments have been placed;
- ▶ modifies a requirement for a planning commission recommendation on a plat to provide that the recommendation is required only if the planning commission is not the land use authority;



- 26 ▶ modifies a provision related to an exemption from plat requirements for agricultural
- 27 land;
- 28 ▶ establishes a minimum of ten days for appealing a decision of a land use authority to
- 29 an appeal authority; and
- 30 ▶ makes technical changes.

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **10-9a-103**, as last amended by Chapter 7 and renumbered and amended by Chapter
38 254, Laws of Utah 2005

39 **10-9a-207**, as enacted by Chapter 254, Laws of Utah 2005

40 **10-9a-208**, as enacted by Chapter 254, Laws of Utah 2005

41 **10-9a-501**, as renumbered and amended by Chapter 254, Laws of Utah 2005

42 **10-9a-603**, as renumbered and amended by Chapter 254, Laws of Utah 2005

43 **10-9a-604**, as renumbered and amended by Chapter 254, Laws of Utah 2005

44 **10-9a-605**, as renumbered and amended by Chapter 254, Laws of Utah 2005

45 **10-9a-704**, as enacted by Chapter 254, Laws of Utah 2005

46 **10-9a-708**, as enacted by Chapter 254, Laws of Utah 2005

47 **11-36-201**, as last amended by Chapters 169 and 254, Laws of Utah 2005

48 **11-36-202**, as last amended by Chapter 254, Laws of Utah 2005

49 **17-27a-103**, as last amended by Chapter 7 and renumbered and amended by Chapter
50 254, Laws of Utah 2005

51 **17-27a-207**, as enacted by Chapter 254, Laws of Utah 2005

52 **17-27a-208**, as enacted by Chapter 254, Laws of Utah 2005

53 **17-27a-501**, as renumbered and amended by Chapter 254, Laws of Utah 2005

54 **17-27a-603**, as renumbered and amended by Chapter 254, Laws of Utah 2005

55 **17-27a-604**, as renumbered and amended by Chapter 254, Laws of Utah 2005

56 **17-27a-605**, as renumbered and amended by Chapter 254, Laws of Utah 2005

57 17-27a-704, as enacted by Chapter 254, Laws of Utah 2005

58 17-27a-708, as enacted by Chapter 254, Laws of Utah 2005

59

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

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

62 **10-9a-103. Definitions.**

63 As used in this chapter:

64 (1) "Affected entity" means a county, municipality, independent special district under
65 Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2,
66 Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter
67 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of
68 Transportation, if:

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

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

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

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

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

81 (4) "Charter school" includes:

82 (a) an operating charter school;

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

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

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

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

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

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

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

- 98 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 99 (b) Utah Constitution Article I, Section 22.

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

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

106 (b) "Disability" does not include current illegal use of, or addiction to, any federally
107 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
108 802.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

149 (22) "Official map" means a map drawn by municipal authorities and recorded in a

150 county recorder's office that:

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

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

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

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

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

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

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

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

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

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

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

172 (26) "Public hearing" means a hearing at which members of the public are provided a
173 reasonable opportunity to comment on the subject of the hearing.

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

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

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

- 181 (30) "Residential facility for persons with a disability" means a residence:
182 (a) in which more than one person with a disability resides; and
183 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,
184 Chapter 2, Licensure of Programs and Facilities; or
185 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,
186 Health Care Facility Licensing and Inspection Act.
- 187 (31) "Sanitary sewer authority" means the department, agency, or public entity with
188 responsibility to review and approve the feasibility of sanitary sewer services or onsite
189 wastewater systems.
- 190 (32) "Special district" means an entity established under the authority of Title 17A,
191 Special Districts, and any other governmental or quasi-governmental entity that is not a county,
192 municipality, school district, or unit of the state.
- 193 (33) "Specified public utility" means an electrical corporation, gas corporation, or
194 telephone corporation, as those terms are defined in Section 54-2-1.
- 195 (34) "Street" means a public right-of-way, including a highway, avenue, boulevard,
196 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other
197 way.
- 198 (35) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be
199 divided into two or more lots, parcels, sites, units, plots, or other division of land for the
200 purpose, whether immediate or future, for offer, sale, lease, or development either on the
201 installment plan or upon any and all other plans, terms, and conditions.
- 202 (b) "Subdivision" includes:
203 (i) the division or development of land whether by deed, metes and bounds description,
204 devise and testacy, map, plat, or other recorded instrument; and
205 (ii) except as provided in Subsection (35)(c), divisions of land for residential and
206 nonresidential uses, including land used or to be used for commercial, agricultural, and
207 industrial purposes.
- 208 (c) "Subdivision" does not include:
209 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
210 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
211 neither the resulting combined parcel nor the parcel remaining from the division or partition

212 violates an applicable land use ordinance;

213 (ii) a recorded agreement between owners of adjoining unsubdivided properties

214 adjusting their mutual boundary if:

215 (A) no new lot is created; and

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

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

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

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

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

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

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

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

231 **10-9a-207. Notice for a proposed subdivision or amendment or a multiple-unit**
232 **residential or commercial or industrial development.**

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

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

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

241 (2) Each municipality shall mail notice to each affected entity of a public hearing to
242 consider a preliminary plat describing a multiple-unit residential development or a commercial

243 or industrial development.

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

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

247 **10-9a-208. Hearing and notice for proposal to vacate, alter, or amend a public**
248 **street or right-of-way.**

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

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

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

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

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

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

261 **10-9a-501. Authority to enact land use ordinances and zoning map.**

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

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

265 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Recording**
266 **plat.**

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

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

272 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
273 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is

274 intended to be used as a street or for any other public use, and whether any such area is
275 reserved or proposed for dedication for a public purpose;

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

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

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

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

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

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

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

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

295 (iii) has placed monuments as represented on the plat or has bonded or provided to the
296 municipality adequate security to place monuments as represented on the plat upon completion
297 of the subdivision improvements.

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

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

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

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

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

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

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

311 **10-9a-604. Subdivision plat approval procedure -- Effect of not complying.**

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

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

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

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

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

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

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

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

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

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

327 **10-9a-605. Exemptions from plat requirement.**

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

330 (a) the municipality has provided notice as required by ordinance [~~and Sections~~
331 ~~10-9a-206 and 10-9a-207~~]; and

332 (b) the proposed subdivision:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

361 **10-9a-704. Time to appeal.**

362 (1) The municipality shall enact an ordinance establishing a reasonable time of not less
363 than ten days to appeal a decision of a land use authority to an appeal authority.

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

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

368 **10-9a-708. Final decision.**

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

371 (2) A written decision, or other event as provided by ordinance, constitutes a final
372 decision under Subsection [~~10-9a-802~~] 10-9a-801(2)(a) or a final action under Subsection
373 10-9a-801(4).

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

375 **11-36-201. Impact fees -- Analysis -- Capital facilities plan -- Notice of plan --**
376 **Summary -- Exemptions.**

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

379 (b) A local political subdivision may not:

- 380 (i) establish any new impact fees that are not authorized by this chapter; or
- 381 (ii) impose or charge any other fees as a condition of development approval unless
382 those fees are a reasonable charge for the service provided.

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

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

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

- 390 (A) review any impact fees in existence as of the effective date of this act, and prepare
391 and approve the analysis required by this section for each of those impact fees; and
- 392 (B) ensure that the impact fees comply with the requirements of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

418 (C) be sent to:

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

421 (II) each affected entity;

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

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

426 (V) the state planning coordinator appointed under Section 63-38d-202; and

427 (D) with respect to the notice to affected entities, invite the affected entities to provide
428 information for the local political subdivision or private entity to consider in the process of

429 preparing, adopting, and implementing a capital facilities plan concerning:

430 (I) impacts that the facilities proposed in the capital facilities plan may have on the
431 affected entity; and

432 (II) facilities or uses of land that the affected entity is planning or considering that may
433 conflict with the facilities proposed in the capital facilities plan.

434 (c) The plan shall identify:

435 (i) demands placed upon existing public facilities by new development activity; and

436 (ii) the proposed means by which the local political subdivision will meet those
437 demands.

438 (d) Municipalities and counties need not prepare a separate capital facilities plan if the
439 general plan required by Sections [~~10-9-301~~] 10-9a-401 and [~~17-27-301~~] 17-27a-401 contains
440 the elements required by Subsection (2)(c).

441 (e) (i) If a local political subdivision prepares an independent capital facilities plan
442 rather than including a capital facilities element in the general plan, the local political
443 subdivision shall, before adopting the capital facilities plan:

444 (A) give public notice of the plan according to this Subsection (2)(e);

445 (B) at least 14 days before the date of the public hearing:

446 (I) make a copy of the plan, together with a summary designed to be understood by a
447 lay person, available to the public; and

448 (II) place a copy of the plan and summary in each public library within the local
449 political subdivision; and

450 (C) hold a public hearing to hear public comment on the plan.

451 (ii) Municipalities shall comply with the notice and hearing requirements of, and,
452 except as provided in Subsection 11-36-401(4)(f), receive the protections of Sections
453 10-9a-205 and 10-9a-801 and Subsection 10-9a-502(2).

454 (iii) Counties shall comply with the notice and hearing requirements of, and, except as
455 provided in Subsection 11-36-401(4)(f), receive the protections of Sections 17-27a-205 and
456 17-27a-801 and Subsection 17-27a-502(2).

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

459 (v) Nothing contained in this Subsection (2)(e) or in the subsections referenced in

460 Subsections (2)(e)(ii) and (iii) may be construed to require involvement by a planning
461 commission in the capital facilities planning process.

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

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

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

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

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

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

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

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

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

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

485 (i) the cost of existing public facilities;

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

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

491 taxes;

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

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

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

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

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

506 (6) Each local political subdivision that adopts an impact fee enactment under Section
507 11-36-202 on or after July 1, 2000 shall, at least 14 days before adopting the enactment, submit
508 to each public library within the local political subdivision:

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

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

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

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

516 **11-36-202. Impact fees -- Enactment -- Required provisions.**

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

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

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

- 522 (i) the construction contract price;
- 523 (ii) the cost of acquiring land, improvements, materials, and fixtures;
- 524 (iii) the cost for planning, surveying, and engineering fees for services provided for and
525 directly related to the construction of the system improvements; and
- 526 (iv) debt service charges, if the political subdivision might use impact fees as a revenue
527 stream to pay the principal and interest on bonds, notes, or other obligations issued to finance
528 the costs of the system improvements.
- 529 (d) In enacting an impact fee enactment:
- 530 (i) municipalities shall:
- 531 (A) make a copy of the impact fee enactment available to the public at least 14 days
532 before the date of the public hearing; and
- 533 (B) comply with the notice and hearing requirements of, and, except as provided in
534 Subsection 11-36-401(4)(f), receive the protections of Sections [~~10-9a-207~~] 10-9a-205 and
535 10-9a-801;
- 536 (ii) counties shall:
- 537 (A) make a copy of the impact fee enactment available to the public at least 14 days
538 before the date of the public hearing; and
- 539 (B) comply with the notice and hearing requirements of, and, except as provided in
540 Subsection 11-36-401(4)(f), receive the protections of Sections [~~17-27a-207~~] 17-27a-205 and
541 17-27a-801; and
- 542 (iii) special districts shall:
- 543 (A) make a copy of the impact fee enactment available to the public at least 14 days
544 before the date of the public hearing; and
- 545 (B) comply with the notice and hearing requirements of, and receive the protections of,
546 Section 17A-1-203.
- 547 (e) Nothing contained in Subsection (1)(d) or in the subsections referenced in
548 Subsections (1)(d)(i)(B) and (ii)(B) may be construed to require involvement by a planning
549 commission in the impact fee enactment process.
- 550 (2) The local political subdivision shall ensure that the impact fee enactment contains:
- 551 (a) a provision establishing one or more service areas within which it shall calculate
552 and impose impact fees for various land use categories;

553 (b) either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

590 (iii) requiring the legislative body to:

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

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

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

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

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

601 (8) Notwithstanding any other provision of this chapter, a local political subdivision
602 may impose and collect impact fees on behalf of a school district if authorized by Section
603 53A-20-100.5.

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

605 **17-27a-103. Definitions.**

606 As used in this chapter:

607 (1) "Affected entity" means a county, municipality, independent special district under
608 Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2,
609 Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter
610 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of
611 Transportation, if:

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

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

615 or

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

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

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

624 (4) "Charter school" includes:

625 (a) an operating charter school;

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

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

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

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

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

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

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

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

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

646 (b) "Disability" does not include current illegal use of, or addiction to, any federally
647 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
648 802.

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

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

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

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

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

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

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

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

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

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

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

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

676 (20) "Lot line adjustment" means the relocation of the property boundary line in a

677 subdivision between two adjoining lots with the consent of the owners of record.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

707 (27) "Plan for moderate income housing" means a written document adopted by a

708 county legislative body that includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

738 (35) "Special district" means any entity established under the authority of Title 17A,

739 Special Districts, and any other governmental or quasi-governmental entity that is not a county,
740 municipality, school district, or unit of the state.

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

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

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

750 (b) "Subdivision" includes:

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

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

756 (c) "Subdivision" does not include:

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

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

760 (A) no new lot is created; and

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

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

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

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

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

769 (A) an unmanned facility appurtenant to a pipeline owned or operated by a gas

770 corporation, interstate pipeline company, or intrastate pipeline company; or

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

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

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

783 (40) "Unincorporated" means the area outside of the incorporated area of a
784 municipality.

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

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

788 **17-27a-207. Notice for a proposed subdivision or amendment or a multiple-unit**
789 **residential or commercial or industrial development.**

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

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

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

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

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

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

804 **17-27a-208. Hearing and notice for proposal to vacate, alter, or amend a public**
805 **street or right-of-way.**

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

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

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

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

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

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

817 **17-27a-501. Authority to enact land use ordinances and zoning map.**

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

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

821 **17-27a-603. Plat required when land is subdivided -- Approval of plat --**
822 **Recording plat.**

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

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

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

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

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

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

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

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

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

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

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

851 (iii) has placed monuments as represented on the plat or has bonded or provided to the
852 county adequate security to place monuments as represented on the plat upon completion of the
853 subdivision improvements.

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

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

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

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

861 (5) (a) After the plat has been acknowledged, certified, and approved, the owner of the
862 land shall, within the time period designated by ordinance, record the plat in the county

863 recorder's office in the county in which the lands platted and laid out are situated.

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

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

867 **17-27a-604. Subdivision plat approval procedure -- Effect of not complying.**

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

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

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

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

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

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

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

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

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

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

882 **17-27a-605. Exemptions from plat requirement.**

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

886 (a) the county has provided notice as required by ordinance [~~and by Sections~~
887 ~~17-27a-206 and 17-27a-207~~]; and

888 (b) the proposed subdivision:

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

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

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

893 (iv) conforms to all applicable land use ordinances or has properly received a variance

894 from the requirements of an otherwise conflicting and applicable land use ordinance.

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

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

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

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

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

904 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
905 purpose, the county may require the lot or parcel to comply with the requirements of Section
906 17-27a-603.

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

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

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

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

917 **17-27a-704. Time to appeal.**

918 (1) The county shall enact an ordinance establishing a reasonable time of not less than
919 ten days to appeal a decision of a land use authority to an appeal authority.

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

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

924 **17-27a-708. Final decision.**

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

927 (2) A written decision, or other event as provided by ordinance, constitutes a final
928 decision under Subsection [~~17-27a-802~~] 17-27a-801(2)(a) or a final action under Subsection
929 17-27a-801(4).