

Representative Gage Froerer proposes the following substitute bill:

LAND USE AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill amends provisions related to land use.

Highlighted Provisions:

This bill:

- ▶ clarifies the definition of land use authority;
- ▶ allows a land use applicant a substantive review of the application in certain

circumstances;

- ▶ requires the land use authority to provide notice of a petition to vacate or amend a plat to each entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the land use authority may approve the vacation or amendment of the plat;

~~§ → [→ requires a municipality and a county, if enacting an ordinance that imposes a stricter requirement or higher standard than is required by the land use chapters in state statute, to justify the stricter requirement or higher standard;] ← §~~

- ▶ provides that a recorded, amended plat vacates a previously recorded plat;
- ▶ provides that a recorded vacating ordinance replaces a previously recorded plat described in the vacating ordinance;
- ▶ requires that an amended plat be signed by the land use authority; and

2nd Sub. H.B. 220



26 ▶ makes technical corrections.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **10-9a-103**, as last amended by Laws of Utah 2013, Chapters 309 and 334

34 ~~§→ [10-9a-104, as last amended by Laws of Utah 2013, Chapter 309] ←§~~

35 **10-9a-509**, as last amended by Laws of Utah 2012, Chapter 216

36 **10-9a-608**, as last amended by Laws of Utah 2010, Chapters 269 and 381

37 **10-9a-609**, as last amended by Laws of Utah 2010, Chapter 381

38 **17-27a-103**, as last amended by Laws of Utah 2013, Chapters 309, 334, and 476

39 ~~§→ [17-27a-104, as last amended by Laws of Utah 2013, Chapter 309] ←§~~

40 **17-27a-508**, as last amended by Laws of Utah 2012, Chapter 216

41 **17-27a-608**, as last amended by Laws of Utah 2010, Chapters 269 and 381

42 **17-27a-609**, as last amended by Laws of Utah 2010, Chapter 381



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

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

46 **10-9a-103. Definitions.**

47 As used in this chapter:

48 (1) "Affected entity" means a county, municipality, local district, special service
49 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
50 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
51 public utility, property owner, property owners association, or the Utah Department of
52 Transportation, if:

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

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

57 (c) the entity has filed with the municipality a request for notice during the same
58 calendar year and before the municipality provides notice to an affected entity in compliance
59 with a requirement imposed under this chapter.

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

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

66 (4) (a) "Charter school" means:

67 (i) an operating charter school;

68 (ii) a charter school applicant that has its application approved by a chartering entity in
69 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

70 (iii) an entity that is working on behalf of a charter school or approved charter
71 applicant to develop or construct a charter school building.

72 (b) "Charter school" does not include a therapeutic school.

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

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

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

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

81 (7) "Culinary water authority" means the department, agency, or public entity with
82 responsibility to review and approve the feasibility of the culinary water system and sources for
83 the subject property.

84 (8) "Development activity" means:

85 (a) any construction or expansion of a building, structure, or use that creates additional
86 demand and need for public facilities;

87 (b) any change in use of a building or structure that creates additional demand and need

88 for public facilities; or

89 (c) any change in the use of land that creates additional demand and need for public
90 facilities.

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

94 (b) "Disability" does not include current illegal use of, or addiction to, any federally
95 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
96 802.

97 (10) "Educational facility":

98 (a) means:

99 (i) a school district's building at which pupils assemble to receive instruction in a
100 program for any combination of grades from preschool through grade 12, including
101 kindergarten and a program for children with disabilities;

102 (ii) a structure or facility:

103 (A) located on the same property as a building described in Subsection (10)(a)(i); and

104 (B) used in support of the use of that building; and

105 (iii) a building to provide office and related space to a school district's administrative
106 personnel; and

107 (b) does not include:

108 (i) land or a structure, including land or a structure for inventory storage, equipment
109 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

110 (A) not located on the same property as a building described in Subsection (10)(a)(i);

111 and

112 (B) used in support of the purposes of a building described in Subsection (10)(a)(i); or

113 (ii) a therapeutic school.

114 (11) "Fire authority" means the department, agency, or public entity with responsibility
115 to review and approve the feasibility of fire protection and suppression services for the subject
116 property.

117 (12) "Flood plain" means land that:

118 (a) is within the 100-year flood plain designated by the Federal Emergency

119 Management Agency; or

120 (b) has not been studied or designated by the Federal Emergency Management Agency
121 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
122 the land has characteristics that are similar to those of a 100-year flood plain designated by the
123 Federal Emergency Management Agency.

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

126 (14) "Geologic hazard" means:

127 (a) a surface fault rupture;

128 (b) shallow groundwater;

129 (c) liquefaction;

130 (d) a landslide;

131 (e) a debris flow;

132 (f) unstable soil;

133 (g) a rock fall; or

134 (h) any other geologic condition that presents a risk:

135 (i) to life;

136 (ii) of substantial loss of real property; or

137 (iii) of substantial damage to real property.

138 (15) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
139 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
140 utility system.

141 (16) "Identical plans" means building plans submitted to a municipality that:

142 (a) are clearly marked as "identical plans";

143 (b) are substantially identical to building plans that were previously submitted to and
144 reviewed and approved by the municipality; and

145 (c) describe a building that:

146 (i) is located on land zoned the same as the land on which the building described in the
147 previously approved plans is located;

148 (ii) is subject to the same geological and meteorological conditions and the same law
149 as the building described in the previously approved plans;

150 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
151 and approved by the municipality; and

152 (iv) does not require any additional engineering or analysis.

153 (17) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
154 Impact Fees Act.

155 (18) "Improvement completion assurance" means a surety bond, letter of credit, cash,
156 or other security required by a municipality to guaranty the proper completion of landscaping
157 or infrastructure that the land use authority has required as a condition precedent to:

158 (a) recording a subdivision plat; or

159 (b) beginning development activity.

160 (19) "Improvement warranty" means an applicant's unconditional warranty that the
161 accepted landscaping or infrastructure:

162 (a) complies with the municipality's written standards for design, materials, and
163 workmanship; and

164 (b) will not fail in any material respect, as a result of poor workmanship or materials,
165 within the improvement warranty period.

166 (20) "Improvement warranty period" means a period:

167 (a) no later than one year after a municipality's acceptance of required landscaping; or

168 (b) no later than one year after a municipality's acceptance of required infrastructure,
169 unless the municipality:

170 (i) determines for good cause that a one-year period would be inadequate to protect the
171 public health, safety, and welfare; and

172 (ii) has substantial evidence, on record:

173 (A) of prior poor performance by the applicant; or

174 (B) that the area upon which the infrastructure will be constructed contains suspect soil
175 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

176 (21) "Internal lot restriction" means a platted note, platted demarcation, or platted
177 designation that:

178 (a) runs with the land; and

179 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
180 the plat; or

181 (ii) designates a development condition that is enclosed within the perimeter of a lot
182 described on the plat.

183 (22) "Land use application" means an application required by a municipality's land use
184 ordinance.

185 (23) "Land use authority" means:

186 (a) a person, board, commission, agency, or ~~other~~ body, including the local legislative
187 body, designated by the local legislative body to act upon a land use application[-]; or

188 (b) if the local legislative body has not designated a person, board, commission,
189 agency, or body, the local legislative body.

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

192 (25) "Land use permit" means a permit issued by a land use authority.

193 (26) "Legislative body" means the municipal council.

194 (27) "Local district" means an entity under Title 17B, Limited Purpose Local
195 Government Entities - Local Districts, and any other governmental or quasi-governmental
196 entity that is not a county, municipality, school district, or the state.

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

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

202 (30) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
203 spent and expenses incurred in:

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

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

207 (31) "Noncomplying structure" means a structure that:

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

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

- 212 (32) "Nonconforming use" means a use of land that:
- 213 (a) legally existed before its current land use designation;
- 214 (b) has been maintained continuously since the time the land use ordinance governing
- 215 the land changed; and
- 216 (c) because of one or more subsequent land use ordinance changes, does not conform
- 217 to the regulations that now govern the use of the land.
- 218 (33) "Official map" means a map drawn by municipal authorities and recorded in a
- 219 county recorder's office that:
- 220 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
- 221 highways and other transportation facilities;
- 222 (b) provides a basis for restricting development in designated rights-of-way or between
- 223 designated setbacks to allow the government authorities time to purchase or otherwise reserve
- 224 the land; and
- 225 (c) has been adopted as an element of the municipality's general plan.
- 226 (34) "Parcel boundary adjustment" means a recorded agreement between owners of
- 227 adjoining properties adjusting their mutual boundary if:
- 228 (a) no additional parcel is created; and
- 229 (b) each property identified in the agreement is unsubdivided land, including a
- 230 remainder of subdivided land.
- 231 (35) "Person" means an individual, corporation, partnership, organization, association,
- 232 trust, governmental agency, or any other legal entity.
- 233 (36) "Plan for moderate income housing" means a written document adopted by a city
- 234 legislative body that includes:
- 235 (a) an estimate of the existing supply of moderate income housing located within the
- 236 city;
- 237 (b) an estimate of the need for moderate income housing in the city for the next five
- 238 years as revised biennially;
- 239 (c) a survey of total residential land use;
- 240 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
- 241 income housing; and
- 242 (e) a description of the city's program to encourage an adequate supply of moderate

243 income housing.

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

246 (38) "Potential geologic hazard area" means an area that:

247 (a) is designated by a Utah Geological Survey map, county geologist map, or other
248 relevant map or report as needing further study to determine the area's potential for geologic
249 hazard; or

250 (b) has not been studied by the Utah Geological Survey or a county geologist but
251 presents the potential of geologic hazard because the area has characteristics similar to those of
252 a designated geologic hazard area.

253 (39) "Public agency" means:

254 (a) the federal government;

255 (b) the state;

256 (c) a county, municipality, school district, local district, special service district, or other
257 political subdivision of the state; or

258 (d) a charter school.

259 (40) "Public hearing" means a hearing at which members of the public are provided a
260 reasonable opportunity to comment on the subject of the hearing.

261 (41) "Public meeting" means a meeting that is required to be open to the public under
262 Title 52, Chapter 4, Open and Public Meetings Act.

263 (42) "Receiving zone" means an area of a municipality that the municipality
264 designates, by ordinance, as an area in which an owner of land may receive a transferable
265 development right.

266 (43) "Record of survey map" means a map of a survey of land prepared in accordance
267 with Section 17-23-17.

268 (44) "Residential facility for persons with a disability" means a residence:

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

270 (b) (i) which is licensed or certified by the Department of Human Services under Title
271 62A, Chapter 2, Licensure of Programs and Facilities; or

272 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
273 21, Health Care Facility Licensing and Inspection Act.

274 (45) "Rules of order and procedure" means a set of rules that govern and prescribe in a
275 public meeting:

276 (a) parliamentary order and procedure;

277 (b) ethical behavior; and

278 (c) civil discourse.

279 (46) "Sanitary sewer authority" means the department, agency, or public entity with
280 responsibility to review and approve the feasibility of sanitary sewer services or onsite
281 wastewater systems.

282 (47) "Sending zone" means an area of a municipality that the municipality designates,
283 by ordinance, as an area from which an owner of land may transfer a transferable development
284 right.

285 (48) "Specified public agency" means:

286 (a) the state;

287 (b) a school district; or

288 (c) a charter school.

289 (49) "Specified public utility" means an electrical corporation, gas corporation, or
290 telephone corporation, as those terms are defined in Section [54-2-1](#).

291 (50) "State" includes any department, division, or agency of the state.

292 (51) "Street" means a public right-of-way, including a highway, avenue, boulevard,
293 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other
294 way.

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

299 (b) "Subdivision" includes:

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

302 (ii) except as provided in Subsection (52)(c), divisions of land for residential and
303 nonresidential uses, including land used or to be used for commercial, agricultural, and
304 industrial purposes.

- 305 (c) "Subdivision" does not include:
- 306 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
- 307 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
- 308 neither the resulting combined parcel nor the parcel remaining from the division or partition
- 309 violates an applicable land use ordinance;
- 310 (ii) a recorded agreement between owners of adjoining unsubdivided properties
- 311 adjusting their mutual boundary if:
- 312 (A) no new lot is created; and
- 313 (B) the adjustment does not violate applicable land use ordinances;
- 314 (iii) a recorded document, executed by the owner of record:
- 315 (A) revising the legal description of more than one contiguous unsubdivided parcel of
- 316 property into one legal description encompassing all such parcels of property; or
- 317 (B) joining a subdivided parcel of property to another parcel of property that has not
- 318 been subdivided, if the joinder does not violate applicable land use ordinances;
- 319 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting
- 320 their mutual boundary if:
- 321 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 322 (B) the adjustment will not violate any applicable land use ordinance;
- 323 (v) a bona fide division or partition of land by deed or other instrument where the land
- 324 use authority expressly approves in writing the division in anticipation of further land use
- 325 approvals on the parcel or parcels; or
- 326 (vi) a parcel boundary adjustment.
- 327 (d) The joining of a subdivided parcel of property to another parcel of property that has
- 328 not been subdivided does not constitute a subdivision under this Subsection (52) as to the
- 329 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
- 330 subdivision ordinance.
- 331 (53) "Suspect soil" means soil that has:
- 332 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 333 3% swell potential;
- 334 (b) bedrock units with high shrink or swell susceptibility; or
- 335 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum

336 commonly associated with dissolution and collapse features.

337 (54) "Therapeutic school" means a residential group living facility:

338 (a) for four or more individuals who are not related to:

339 (i) the owner of the facility; or

340 (ii) the primary service provider of the facility;

341 (b) that serves students who have a history of failing to function:

342 (i) at home;

343 (ii) in a public school; or

344 (iii) in a nonresidential private school; and

345 (c) that offers:

346 (i) room and board; and

347 (ii) an academic education integrated with:

348 (A) specialized structure and supervision; or

349 (B) services or treatment related to a disability, an emotional development, a

350 behavioral development, a familial development, or a social development.

351 (55) "Transferable development right" means a right to develop and use land that

352 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer

353 land use rights from a designated sending zone to a designated receiving zone.

354 (56) "Unincorporated" means the area outside of the incorporated area of a city or

355 town.

356 (57) "Water interest" means any right to the beneficial use of water, including:

357 (a) each of the rights listed in Section 73-1-11; and

358 (b) an ownership interest in the right to the beneficial use of water represented by:

359 (i) a contract; or

360 (ii) a share in a water company, as defined in Section 73-3-3.5.

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

362 land use zones, overlays, or districts.

363 ~~§ → [Section 2. Section 10-9a-104 is amended to read:~~

364 ~~10-9a-104. Stricter requirements.~~

365 ~~(1) Except as provided in Subsection (2), a municipality may enact an ordinance~~

366 ~~imposing a stricter [requirements] requirement or higher [standards] standard than [are] is ← §~~

367 ~~§→required by this chapter[.], if the municipality:~~
 368 ~~—— (a) prepares in writing a justification of why imposing a stricter requirement or higher~~
 369 ~~standard is necessary;~~
 370 ~~—— (b) includes the written justification under Subsection (1)(a) with each publication of~~
 371 ~~the proposed or adopted ordinance being justified; and~~
 372 ~~—— (c) holds a public hearing on the written justification under Subsection (1)(a)~~
 373 ~~concurrent with the public hearing on the ordinance being justified.~~
 374 ~~—— (2) A municipality may not impose stricter requirements or higher standards than are~~
 375 ~~required by:~~
 376 ~~—— (a) Section 10-9a-305; and~~
 377 ~~—— (b) Section 10-9a-514.~~
 378 ~~—— (3) Before January 1, 2015, a municipality shall, for each ordinance in effect on May~~
 379 ~~13, 2014, that imposes a stricter requirement or higher standard than is required by this chapter:~~
 380 ~~—— (a) prepare in writing a justification of why a stricter requirement or higher standard is~~
 381 ~~necessary; and~~
 382 ~~—— (b) include the written justification under Subsection (3)(a) with the ordinance being~~
 383 ~~justified with each publication of the ordinance.] ←§~~

384 Section ~~§→~~ [3] 2 ←§ . Section 10-9a-509 is amended to read:

385 **10-9a-509. Applicant's entitlement to land use application approval -- Exceptions**
 386 **-- Application relating to land in a high priority transportation corridor -- Municipality's**
 387 **requirements and limitations -- Vesting upon submission of development plan and**
 388 **schedule.**

389 (1) (a) (i) An applicant who has filed a complete land use application, including the
 390 payment of all application fees, is entitled to substantive land use review of the land use
 391 application under the land use laws in effect on the date that the application is complete and as
 392 further provided in this section.

393 (ii) Except as provided in Subsection (1)(b), an applicant is entitled to approval of a
 394 land use application if the application conforms to the requirements of the municipality's land
 395 use maps, zoning map, a municipal specification for public improvements applicable to a
 396 subdivision or development, and an applicable land use ordinance in effect when a complete
 397 application is submitted and all application fees have been paid, unless:

398 [(†)] (A) the land use authority, on the record, finds that a compelling, countervailing
399 public interest would be jeopardized by approving the application; or

400 [(†)] (B) in the manner provided by local ordinance and before the application is
401 submitted, the municipality has formally initiated proceedings to amend its ordinances in a
402 manner that would prohibit approval of the application as submitted.

403 (b) (i) Except as provided in Subsection (1)(c), an applicant is not entitled to approval
404 of a land use application until the requirements of this Subsection (1)(b) have been met if the
405 land use application relates to land located within the boundaries of a high priority
406 transportation corridor designated in accordance with Section [72-5-403](#).

407 (ii) (A) A municipality shall notify the executive director of the Department of
408 Transportation of any land use applications that relate to land located within the boundaries of
409 a high priority transportation corridor.

410 (B) The notification under Subsection (1)(b)(ii)(A) shall be in writing and mailed by
411 certified or registered mail to the executive director of the Department of Transportation.

412 (iii) Except as provided in Subsection (1)(c), a municipality may not approve a land
413 use application that relates to land located within the boundaries of a high priority
414 transportation corridor until:

415 (A) 30 days after the notification under Subsection (1)(b)(ii)(A) is received by the
416 Department of Transportation if the land use application is for a building permit; or

417 (B) 45 days after the notification under Subsection (1)(b)(ii)(A) is received by the
418 Department of Transportation if the land use application is for any land use other than a
419 building permit.

420 (iv) (A) If an application is an application for a subdivision approval, including any
421 land, subject to Subsection (1)(b)(iv)(C), located within 100 feet of the center line of a canal,
422 the land use authority shall:

423 (I) within 30 days after the day on which the application is filed, notify the canal
424 company or canal operator responsible for the canal, if the canal company or canal operator has
425 provided information under Section [10-9a-211](#); and

426 (II) wait at least 10 days after the day on which the land use authority notifies a canal
427 company or canal operator under Subsection (1)(b)(iv)(A)(I) to approve or reject the
428 subdivision application described in Subsection (1)(b)(iv)(A).

429 (B) The notification under Subsection (1)(b)(iv)(A) shall be in writing and mailed by
430 certified or registered mail to the canal company or canal operator contact described in Section
431 10-9a-211.

432 (C) The location of land described in Subsection (1)(b)(iv)(A) shall be:

433 (I) provided by a canal company or canal operator to the land use authority; and

434 (II) (Aa) determined by use of mapping-grade global positioning satellite units; or

435 (Bb) digitized from the most recent aerial photo available to the canal company or
436 canal operator.

437 (c) (i) A land use application is exempt from the requirements of Subsections (1)(b)(i)
438 and (ii) if:

439 (A) the land use application relates to land that was the subject of a previous land use
440 application; and

441 (B) the previous land use application described under Subsection (1)(c)(i)(A) complied
442 with the requirements of Subsections (1)(b)(i) and (ii).

443 (ii) A municipality may approve a land use application without making the required
444 notifications under Subsection (1)(b)(ii)(A) if:

445 (A) the land use application relates to land that was the subject of a previous land use
446 application; and

447 (B) the previous land use application described under Subsection (1)(c)(ii)(A)
448 complied with the requirements of Subsections (1)(b)(i) and (ii).

449 (d) After a municipality has complied with the requirements of Subsection (1)(b) for a
450 land use application, the municipality may not withhold approval of the land use application for
451 which the applicant is otherwise entitled under Subsection (1)(a).

452 (e) The municipality shall process an application without regard to proceedings
453 initiated to amend the municipality's ordinances as provided in Subsection (1)(a)(ii)(B) if:

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

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

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

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

462 (h) A municipality may not impose on an applicant who has submitted a complete
463 application for preliminary subdivision approval a requirement that is not expressed in:

464 (i) this chapter;

465 (ii) a municipal ordinance; or

466 (iii) a municipal specification for public improvements applicable to a subdivision or
467 development that is in effect on the date that the applicant submits an application.

468 (i) A municipality may not impose on a holder of an issued land use permit or a final,
469 unexpired subdivision plat a requirement that is not expressed:

470 (i) in a land use permit;

471 (ii) on the subdivision plat;

472 (iii) in a document on which the land use permit or subdivision plat is based;

473 (iv) in the written record evidencing approval of the land use permit or subdivision
474 plat;

475 (v) in this chapter; or

476 (vi) in a municipal ordinance.

477 (j) A municipality may not withhold issuance of a certificate of occupancy or
478 acceptance of subdivision improvements because of an applicant's failure to comply with a
479 requirement that is not expressed:

480 (i) in the building permit or subdivision plat, documents on which the building permit
481 or subdivision plat is based, or the written record evidencing approval of the land use permit or
482 subdivision plat; or

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

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

486 (3) A municipality may not, as a condition of land use application approval, require a
487 person filing a land use application to obtain documentation regarding a school district's
488 willingness, capacity, or ability to serve the development proposed in the land use application.

489 (4) Upon a specified public agency's submission of a development plan and schedule as
490 required in Subsection [10-9a-305](#)(8) that complies with the requirements of that subsection, the

491 specified public agency vests in the municipality's applicable land use maps, zoning map,
 492 hookup fees, impact fees, other applicable development fees, and land use ordinances in effect
 493 on the date of submission.

494 Section ~~§~~ → [4] 3 ← ~~§~~ . Section **10-9a-608** is amended to read:

495 **10-9a-608. Vacating, altering, or amending a subdivision plat.**

496 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
 497 subdivision that has been laid out and platted as provided in this part may file a written petition
 498 with the land use authority to have some or all of the plat vacated or amended.

499 (b) If a petition is filed under Subsection (1)(a), the land use authority shall provide
 500 notice of the petition by mail, email, or other effective means to each ~~§~~ → affected ← ~~§~~ entity that
 500a provides a
 501 service to an owner of record of the portion of the plat that is being vacated or amended at least
 502 10 calendar days before the land use authority may approve the vacation or amendment of the
 503 plat.

504 [~~(b)~~] (c) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
 505 public hearing within 45 days after the day on which the petition is filed if:

506 (i) any owner within the plat notifies the municipality of the owner's objection in
 507 writing within 10 days of mailed notification; or

508 (ii) a public hearing is required because all of the owners in the subdivision have not
 509 signed the revised plat.

510 (2) Unless a local ordinance provides otherwise, the public hearing requirement of
 511 Subsection (1)[~~(b)~~](c) does not apply and a land use authority may consider at a public meeting
 512 an owner's petition to vacate or amend a subdivision plat if:

513 (a) the petition seeks to:

514 (i) join two or more of the petitioner fee owner's contiguous lots;

515 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
 516 result in a violation of a land use ordinance or a development condition;

517 (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the
 518 adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located
 519 in the same subdivision;

520 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
 521 imposed by the local political subdivision; or

522 (v) alter the plat in a manner that does not change existing boundaries or other
523 attributes of lots within the subdivision that are not:

524 (A) owned by the petitioner; or

525 (B) designated as a common area; and

526 (b) notice has been given to adjacent property owners in accordance with any
527 applicable local ordinance.

528 (3) Each request to vacate or amend a plat that contains a request to vacate or amend a
529 public street, right-of-way, or easement is also subject to Section [10-9a-609.5](#).

530 (4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:

531 (a) the name and address of each owner of record of the land contained in the entire
532 plat or on that portion of the plat described in the petition; and

533 (b) the signature of each owner described in Subsection (4)(a) who consents to the
534 petition.

535 (5) (a) The owners of record of adjacent parcels that are described by either a metes
536 and bounds description or by a recorded plat may exchange title to portions of those parcels if
537 the exchange of title is approved by the land use authority in accordance with Subsection
538 (5)(b).

539 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
540 the exchange of title will not result in a violation of any land use ordinance.

541 (c) If an exchange of title is approved under Subsection (5)(b):

542 (i) a notice of approval shall be recorded in the office of the county recorder which:

543 (A) is executed by each owner included in the exchange and by the land use authority;

544 (B) contains an acknowledgment for each party executing the notice in accordance with
545 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

546 (C) recites the descriptions of both the original parcels and the parcels created by the
547 exchange of title; and

548 (ii) a document of conveyance shall be recorded in the office of the county recorder.

549 (d) A notice of approval recorded under this Subsection (5) does not act as a
550 conveyance of title to real property and is not required in order to record a document conveying
551 title to real property.

552 (6) (a) The name of a recorded subdivision may be changed by recording an amended

553 plat making that change, as provided in this section and subject to Subsection (6)(c).

554 (b) The surveyor preparing the amended plat shall certify that the surveyor:

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

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

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

560 (c) An owner of land may not submit for recording an amended plat that gives the
561 subdivision described in the amended plat the same name as a subdivision in a plat already
562 recorded in the county recorder's office.

563 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
564 document that purports to change the name of a recorded plat is void.

565 Section ~~5~~ → [5] 4 ← ~~5~~ . Section 10-9a-609 is amended to read:

566 **10-9a-609. Land use authority approval of vacation or amendment of plat --**

567 **Recording the amended plat.**

568 (1) The land use authority may approve the vacation or amendment of a plat by signing
569 an amended plat showing the vacation or amendment if the land use authority finds that:

570 (a) there is good cause for the vacation or amendment; and

571 (b) no public street, right-of-way, or easement has been vacated or amended.

572 (2) (a) The land use authority shall ensure that the amended plat showing the vacation
573 or amendment is recorded in the office of the county recorder in which the land is located.

574 (b) If the amended plat is approved and recorded in accordance with this section, the
575 recorded plat shall vacate, supersede, and replace any contrary provision in a previously
576 recorded plat of the same land.

577 (3) (a) A legislative body may vacate a subdivision or a portion of a subdivision by
578 recording in the county recorder's office an ordinance describing the subdivision or the portion
579 being vacated.

580 (b) The recorded vacating ordinance shall replace a previously recorded plat described
581 in the vacating ordinance.

582 (4) An amended plat may not be submitted to the county recorder for recording unless
583 it is ~~[signed, acknowledged, and dedicated by each owner of record of the portion of the plat~~

584 ~~that is amended.]:~~

585 (a) signed by the land use authority; and

586 (b) signed, acknowledged, and dedicated by each owner of record of the portion of the
587 plat that is amended.

588 (5) A management committee may sign and dedicate an amended plat as provided in
589 Title 57, Chapter 8, Condominium Ownership Act.

590 (6) A plat may be corrected as provided in Section 57-3-106.

591 Section ~~5~~ **5** . Section 17-27a-103 is amended to read:

592 **17-27a-103. Definitions.**

593 As used in this chapter:

594 (1) "Affected entity" means a county, municipality, local district, special service
595 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
596 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
597 property owner, property owners association, public utility, or the Utah Department of
598 Transportation, if:

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

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

603 (c) the entity has filed with the county a request for notice during the same calendar
604 year and before the county provides notice to an affected entity in compliance with a
605 requirement imposed under this chapter.

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

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

612 (4) (a) "Charter school" means:

613 (i) an operating charter school;

614 (ii) a charter school applicant that has its application approved by a chartering entity in

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

616 (iii) an entity that is working on behalf of a charter school or approved charter
617 applicant to develop or construct a charter school building.

618 (b) "Charter school" does not include a therapeutic school.

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

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

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

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

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

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

632 (9) "Development activity" means:

633 (a) any construction or expansion of a building, structure, or use that creates additional
634 demand and need for public facilities;

635 (b) any change in use of a building or structure that creates additional demand and need
636 for public facilities; or

637 (c) any change in the use of land that creates additional demand and need for public
638 facilities.

639 (10) (a) "Disability" means a physical or mental impairment that substantially limits
640 one 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 (11) "Educational facility":

646 (a) means:

647 (i) a school district's building at which pupils assemble to receive instruction in a
648 program for any combination of grades from preschool through grade 12, including
649 kindergarten and a program for children with disabilities;

650 (ii) a structure or facility:

651 (A) located on the same property as a building described in Subsection (11)(a)(i); and

652 (B) used in support of the use of that building; and

653 (iii) a building to provide office and related space to a school district's administrative
654 personnel; and

655 (b) does not include:

656 (i) land or a structure, including land or a structure for inventory storage, equipment
657 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

658 (A) not located on the same property as a building described in Subsection (11)(a)(i);
659 and

660 (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or

661 (ii) a therapeutic school.

662 (12) "Fire authority" means the department, agency, or public entity with responsibility
663 to review and approve the feasibility of fire protection and suppression services for the subject
664 property.

665 (13) "Flood plain" means land that:

666 (a) is within the 100-year flood plain designated by the Federal Emergency
667 Management Agency; or

668 (b) has not been studied or designated by the Federal Emergency Management Agency
669 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
670 the land has characteristics that are similar to those of a 100-year flood plain designated by the
671 Federal Emergency Management Agency.

672 (14) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

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

675 (16) "Geologic hazard" means:

676 (a) a surface fault rupture;

- 677 (b) shallow groundwater;
- 678 (c) liquefaction;
- 679 (d) a landslide;
- 680 (e) a debris flow;
- 681 (f) unstable soil;
- 682 (g) a rock fall; or
- 683 (h) any other geologic condition that presents a risk:
- 684 (i) to life;
- 685 (ii) of substantial loss of real property; or
- 686 (iii) of substantial damage to real property.

687 [~~18~~] (17) "Hookup fee" means a fee for the installation and inspection of any pipe,
688 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
689 utility system.

690 [~~19~~] (18) "Identical plans" means building plans submitted to a county that:

- 691 (a) are clearly marked as "identical plans";
- 692 (b) are substantially identical building plans that were previously submitted to and
693 reviewed and approved by the county; and
- 694 (c) describe a building that:
 - 695 (i) is located on land zoned the same as the land on which the building described in the
696 previously approved plans is located;
 - 697 (ii) is subject to the same geological and meteorological conditions and the same law
698 as the building described in the previously approved plans;
 - 699 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
700 and approved by the county; and
 - 701 (iv) does not require any additional engineering or analysis.

702 [~~20~~] (19) "Impact fee" means a payment of money imposed under Title 11, Chapter
703 36a, Impact Fees Act.

704 [~~21~~] (20) "Improvement completion assurance" means a surety bond, letter of credit,
705 cash, or other security required by a county to guaranty the proper completion of landscaping or
706 infrastructure that the land use authority has required as a condition precedent to:

- 707 (a) recording a subdivision plat; or

708 (b) beginning development activity.

709 [~~(22)~~] (21) "Improvement warranty" means an applicant's unconditional warranty that
710 the accepted landscaping or infrastructure:

711 (a) complies with the county's written standards for design, materials, and
712 workmanship; and

713 (b) will not fail in any material respect, as a result of poor workmanship or materials,
714 within the improvement warranty period.

715 [~~(23)~~] (22) "Improvement warranty period" means a period:

716 (a) no later than one year after a county's acceptance of required landscaping; or

717 (b) no later than one year after a county's acceptance of required infrastructure, unless
718 the county:

719 (i) determines for good cause that a one-year period would be inadequate to protect the
720 public health, safety, and welfare; and

721 (ii) has substantial evidence, on record:

722 (A) of prior poor performance by the applicant; or

723 (B) that the area upon which the infrastructure will be constructed contains suspect soil
724 and the county has not otherwise required the applicant to mitigate the suspect soil.

725 [~~(17)~~] (23) "Internal lot restriction" means a platted note, platted demarcation, or
726 platted designation that:

727 (a) runs with the land; and

728 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
729 the plat; or

730 (ii) designates a development condition that is enclosed within the perimeter of a lot
731 described on the plat.

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

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

738 (26) "Land use application" means an application required by a county's land use

739 ordinance.

740 (27) "Land use authority" means:

741 (a) a person, board, commission, agency, or ~~other~~ body, including the local legislative
742 body, designated by the local legislative body to act upon a land use application[-]; or

743 (b) if the local legislative body has not designated a person, board, commission,
744 agency, or body, the local legislative body.

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

747 (29) "Land use permit" means a permit issued by a land use authority.

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

750 (31) "Local district" means any entity under Title 17B, Limited Purpose Local
751 Government Entities - Local Districts, and any other governmental or quasi-governmental
752 entity that is not a county, municipality, school district, or the state.

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

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

758 (34) "Nominal fee" means a fee that reasonably reimburses a county only for time spent
759 and expenses incurred in:

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

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

763 (35) "Noncomplying structure" means a structure that:

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

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

768 (36) "Nonconforming use" means a use of land that:

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

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

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

774 (37) "Official map" means a map drawn by county authorities and recorded in the
775 county recorder's office that:

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

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

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

782 (38) "Parcel boundary adjustment" means a recorded agreement between owners of
783 adjoining properties adjusting their mutual boundary if:

784 (a) no additional parcel is created; and

785 (b) each property identified in the agreement is unsubdivided land, including a
786 remainder of subdivided land.

787 (39) "Person" means an individual, corporation, partnership, organization, association,
788 trust, governmental agency, or any other legal entity.

789 (40) "Plan for moderate income housing" means a written document adopted by a
790 county legislative body that includes:

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

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

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

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

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

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

801 prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

802 (42) "Potential geologic hazard area" means an area that:

803 (a) is designated by a Utah Geological Survey map, county geologist map, or other
804 relevant map or report as needing further study to determine the area's potential for geologic
805 hazard; or

806 (b) has not been studied by the Utah Geological Survey or a county geologist but
807 presents the potential of geologic hazard because the area has characteristics similar to those of
808 a designated geologic hazard area.

809 (43) "Public agency" means:

810 (a) the federal government;

811 (b) the state;

812 (c) a county, municipality, school district, local district, special service district, or other
813 political subdivision of the state; or

814 (d) a charter school.

815 (44) "Public hearing" means a hearing at which members of the public are provided a
816 reasonable opportunity to comment on the subject of the hearing.

817 (45) "Public meeting" means a meeting that is required to be open to the public under
818 Title 52, Chapter 4, Open and Public Meetings Act.

819 (46) "Receiving zone" means an unincorporated area of a county that the county
820 designates, by ordinance, as an area in which an owner of land may receive a transferable
821 development right.

822 (47) "Record of survey map" means a map of a survey of land prepared in accordance
823 with Section 17-23-17.

824 (48) "Residential facility for persons with a disability" means a residence:

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

826 (b) (i) which is licensed or certified by the Department of Human Services under Title
827 62A, Chapter 2, Licensure of Programs and Facilities; or

828 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
829 21, Health Care Facility Licensing and Inspection Act.

830 (49) "Rules of order and procedure" means a set of rules that govern and prescribe in a
831 public meeting:

832 (a) parliamentary order and procedure;

833 (b) ethical behavior; and

834 (c) civil discourse.

835 (50) "Sanitary sewer authority" means the department, agency, or public entity with
836 responsibility to review and approve the feasibility of sanitary sewer services or onsite
837 wastewater systems.

838 (51) "Sending zone" means an unincorporated area of a county that the county
839 designates, by ordinance, as an area from which an owner of land may transfer a transferable
840 development right.

841 (52) "Site plan" means a document or map that may be required by a county during a
842 preliminary review preceding the issuance of a building permit to demonstrate that an owner's
843 or developer's proposed development activity meets a land use requirement.

844 (53) "Specified public agency" means:

845 (a) the state;

846 (b) a school district; or

847 (c) a charter school.

848 (54) "Specified public utility" means an electrical corporation, gas corporation, or
849 telephone corporation, as those terms are defined in Section [54-2-1](#).

850 (55) "State" includes any department, division, or agency of the state.

851 (56) "Street" means a public right-of-way, including a highway, avenue, boulevard,
852 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other
853 way.

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

858 (b) "Subdivision" includes:

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

861 (ii) except as provided in Subsection (57)(c), divisions of land for residential and
862 nonresidential uses, including land used or to be used for commercial, agricultural, and

863 industrial purposes.

864 (c) "Subdivision" does not include:

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

866 (ii) a recorded agreement between owners of adjoining properties adjusting their

867 mutual boundary if:

868 (A) no new lot is created; and

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

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

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

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

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

877 (A) an electrical transmission line or a substation;

878 (B) a natural gas pipeline or a regulation station; or

879 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
880 utility service regeneration, transformation, retransmission, or amplification facility;

881 (v) a recorded agreement between owners of adjoining subdivided properties adjusting
882 their mutual boundary if:

883 (A) no new dwelling lot or housing unit will result from the adjustment; and

884 (B) the adjustment will not violate any applicable land use ordinance;

885 (vi) a bona fide division or partition of land by deed or other instrument where the land
886 use authority expressly approves in writing the division in anticipation of further land use

887 approvals on the parcel or parcels; or

888 (vii) a parcel boundary adjustment.

889 (d) The joining of a subdivided parcel of property to another parcel of property that has
890 not been subdivided does not constitute a subdivision under this Subsection (57) as to the
891 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision
892 ordinance.

893 (58) "Suspect soil" means soil that has:

894 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
895 3% swell potential;

896 (b) bedrock units with high shrink or swell susceptibility; or

897 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
898 commonly associated with dissolution and collapse features.

899 (59) "Therapeutic school" means a residential group living facility:

900 (a) for four or more individuals who are not related to:

901 (i) the owner of the facility; or

902 (ii) the primary service provider of the facility;

903 (b) that serves students who have a history of failing to function:

904 (i) at home;

905 (ii) in a public school; or

906 (iii) in a nonresidential private school; and

907 (c) that offers:

908 (i) room and board; and

909 (ii) an academic education integrated with:

910 (A) specialized structure and supervision; or

911 (B) services or treatment related to a disability, an emotional development, a
912 behavioral development, a familial development, or a social development.

913 (60) "Township" means a contiguous, geographically defined portion of the
914 unincorporated area of a county, established under this part or reconstituted or reinstated under
915 Section [17-27a-306](#), with planning and zoning functions as exercised through the township
916 planning commission, as provided in this chapter, but with no legal or political identity
917 separate from the county and no taxing authority, except that "township" means a former
918 township under Laws of Utah 1996, Chapter 308, where the context so indicates.

919 (61) "Transferable development right" means a right to develop and use land that
920 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
921 land use rights from a designated sending zone to a designated receiving zone.

922 (62) "Unincorporated" means the area outside of the incorporated area of a
923 municipality.

924 (63) "Water interest" means any right to the beneficial use of water, including:

- 925 (a) each of the rights listed in Section 73-1-11; and
- 926 (b) an ownership interest in the right to the beneficial use of water represented by:
- 927 (i) a contract; or
- 928 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 929 (64) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
- 930 land use zones, overlays, or districts.

931 ~~§→ [Section 7. Section 17-27a-104 is amended to read:~~

932 ~~———— 17-27a-104. Stricter requirements:~~

933 ~~———— (1) Except as provided in Subsection (2), a county may enact an ordinance imposing a~~

934 ~~stricter [requirements] requirement or higher [standards] standard than [are] is required by this~~

935 ~~chapter[.], if the county:~~

936 ~~———— (a) prepares in writing a justification of why imposing a stricter requirement or higher~~

937 ~~standard is necessary;~~

938 ~~———— (b) includes the written justification under Subsection (1)(a) with each publication of~~

939 ~~the proposed or adopted ordinance being justified; and~~

940 ~~———— (c) holds a public hearing on the written justification under Subsection (1)(a)~~

941 ~~concurrent with the public hearing on the ordinance being justified.~~

942 ~~———— (2) A county may not impose stricter requirements or higher standards than are~~

943 ~~required by:~~

944 ~~———— (a) Section 17-27a-305; and~~

945 ~~———— (b) Section 17-27a-513.~~

946 ~~———— (3) Before January 1, 2015, a county shall, for each ordinance in effect on May 13,~~

947 ~~2014, that imposes a stricter requirement or higher standard than is required by this chapter:~~

948 ~~———— (a) prepare in writing a justification of why a stricter requirement or higher standard is~~

949 ~~necessary; and~~

950 ~~———— (b) include the written justification under Subsection (3)(a) with the ordinance being~~

951 ~~justified with each publication of the ordinance.] ←§~~

952 Section ~~§→~~ [8] ~~6~~ ←§ . Section 17-27a-508 is amended to read:

953 17-27a-508. Applicant's entitlement to land use application approval --

954 Exceptions -- Application relating to land in a high priority transportation corridor --

955 County's requirements and limitations -- Vesting upon submission of development plan

956 **and schedule.**

957 (1) (a) (i) An applicant who has filed a complete land use application, including the
958 payment of all application fees, is entitled to substantive land use review of the land use
959 application under the land use laws in effect on the date that the application is complete and as
960 further provided in this section.

961 (ii) Except as provided in Subsection (1)(b), an applicant is entitled to approval of a
962 land use application if the application conforms to the requirements of the county's land use
963 maps, zoning map, and applicable land use ordinance in effect when a complete application is
964 submitted and all application fees have been paid, unless:

965 [(i)] (A) the land use authority, on the record, finds that a compelling, countervailing
966 public interest would be jeopardized by approving the application; or

967 [(ii)] (B) in the manner provided by local ordinance and before the application is
968 submitted, the county has formally initiated proceedings to amend its ordinances in a manner
969 that would prohibit approval of the application as submitted.

970 (b) (i) Except as provided in Subsection (1)(c), an applicant is not entitled to approval
971 of a land use application until the requirements of this Subsection (1)(b)(i) and Subsection
972 (1)(b)(ii) have been met if the land use application relates to land located within the boundaries
973 of a high priority transportation corridor designated in accordance with Section 72-5-403.

974 (ii) (A) A county shall notify the executive director of the Department of
975 Transportation of any land use applications that relate to land located within the boundaries of
976 a high priority transportation corridor.

977 (B) The notification under Subsection (1)(b)(ii)(A) shall be in writing and mailed by
978 certified or registered mail to the executive director of the Department of Transportation.

979 (iii) Except as provided in Subsection (1)(c), a county may not approve a land use
980 application that relates to land located within the boundaries of a high priority transportation
981 corridor until:

982 (A) 30 days after the notification under Subsection (1)(b)(ii)(A) is received by the
983 Department of Transportation if the land use application is for a building permit; or

984 (B) 45 days after the notification under Subsection (1)(b)(ii)(A) is received by the
985 Department of Transportation if the land use application is for any land use other than a
986 building permit.

987 (iv) (A) If an application is an application for a subdivision approval, including any
988 land, subject to Subsection (1)(b)(iv)(C), located within 100 feet of the center line of a canal,
989 the land use authority shall:

990 (I) within 30 days after the day on which the application is filed, notify the canal
991 company or canal operator responsible for the canal, if the canal company or canal owner has
992 provided information under Section 17-27a-211; and

993 (II) wait at least 10 days after the day on which the land use authority notifies a canal
994 company or canal operator under Subsection (1)(b)(iv)(A)(I) to approve or reject the
995 subdivision application described in Subsection (1)(b)(iv)(A).

996 (B) The notification under Subsection (1)(b)(iv)(A) shall be in writing and mailed by
997 certified or registered mail to the canal company or canal operator contact described in Section
998 17-27a-211.

999 (C) The location of land described in Subsection (1)(b)(iv)(A) shall be:

1000 (I) provided by a canal company or canal operator to the land use authority; and

1001 (II) (Aa) determined by use of mapping-grade global positioning satellite units; or

1002 (Bb) digitized from the most recent aerial photo available to the canal company or
1003 canal operator.

1004 (c) (i) A land use application is exempt from the requirements of Subsection (1)(b)(i)
1005 if:

1006 (A) the land use application relates to land that was the subject of a previous land use
1007 application; and

1008 (B) the previous land use application described under Subsection (1)(c)(i)(A) complied
1009 with the requirements of Subsections (1)(b)(i) and (ii).

1010 (ii) A county may approve a land use application without making the required
1011 notifications under Subsections (1)(b)(i) and (ii) if:

1012 (A) the land use application relates to land that was the subject of a previous land use
1013 application; and

1014 (B) the previous land use application described under Subsection (1)(c)(ii)(A)
1015 complied with the requirements of Subsections (1)(b)(i) and (ii).

1016 (d) After a county has complied with the requirements of Subsection (1)(b) for a land
1017 use application, the county may not withhold approval of the land use application for which the

1018 applicant is otherwise entitled under Subsection (1)(a).

1019 (e) The county shall process an application without regard to proceedings initiated to
1020 amend the county's ordinances as provided in Subsection (1)(a)(ii)(B) if:

1021 (i) 180 days have passed since the proceedings were initiated; and

1022 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
1023 application as submitted.

1024 (f) An application for a land use approval is considered submitted and complete when
1025 the application is provided in a form that complies with the requirements of applicable
1026 ordinances and all applicable fees have been paid.

1027 (g) The continuing validity of an approval of a land use application is conditioned upon
1028 the applicant proceeding after approval to implement the approval with reasonable diligence.

1029 (h) A county may not impose on an applicant who has submitted a complete
1030 application for preliminary subdivision approval a requirement that is not expressed:

1031 (i) in this chapter;

1032 (ii) in a county ordinance; or

1033 (iii) in a county specification for public improvements applicable to a subdivision or
1034 development that is in effect on the date that the applicant submits an application.

1035 (i) A county may not impose on a holder of an issued land use permit or a final,
1036 unexpired subdivision plat a requirement that is not expressed:

1037 (i) in a land use permit;

1038 (ii) on the subdivision plat;

1039 (iii) in a document on which the land use permit or subdivision plat is based;

1040 (iv) in the written record evidencing approval of the land use permit or subdivision
1041 plat;

1042 (v) in this chapter; or

1043 (vi) in a county ordinance.

1044 (j) A county may not withhold issuance of a certificate of occupancy or acceptance of
1045 subdivision improvements because of an applicant's failure to comply with a requirement that
1046 is not expressed:

1047 (i) in the building permit or subdivision plat, documents on which the building permit
1048 or subdivision plat is based, or the written record evidencing approval of the building permit or

1049 subdivision plat; or

1050 (ii) in this chapter or the county's ordinances.

1051 (2) A county is bound by the terms and standards of applicable land use ordinances and
1052 shall comply with mandatory provisions of those ordinances.

1053 (3) A county may not, as a condition of land use application approval, require a person
1054 filing a land use application to obtain documentation regarding a school district's willingness,
1055 capacity, or ability to serve the development proposed in the land use application.

1056 (4) Upon a specified public agency's submission of a development plan and schedule as
1057 required in Subsection 17-27a-305(8) that complies with the requirements of that subsection,
1058 the specified public agency vests in the county's applicable land use maps, zoning map, hookup
1059 fees, impact fees, other applicable development fees, and land use ordinances in effect on the
1060 date of submission.

1061 Section ~~17-27a-608~~ **7** is amended to read:

1062 **17-27a-608. Vacating or amending a subdivision plat.**

1063 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
1064 subdivision that has been laid out and platted as provided in this part may file a written petition
1065 with the land use authority to have some or all of the plat vacated or amended.

1066 (b) If a petition is filed under Subsection (1)(a), the land use authority shall provide
1067 notice of the petition by mail, email, or other effective means to each ~~affected~~ entity that
1068 provides a
1069 service to an owner of record of the portion of the plat that is being vacated or amended at least
1070 10 calendar days before the land use authority may approve the vacation or amendment of the
1071 plat.

1071 ~~(b)~~ (c) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
1072 public hearing within 45 days after the day on which the petition is filed if:

1073 (i) any owner within the plat notifies the county of the owner's objection in writing
1074 within 10 days of mailed notification; or

1075 (ii) a public hearing is required because all of the owners in the subdivision have not
1076 signed the revised plat.

1077 (2) Unless a local ordinance provides otherwise, the public hearing requirement of
1078 Subsection (1)~~(b)~~(c) does not apply and a land use authority may consider at a public meeting
1079 an owner's petition to vacate or amend a subdivision plat if:

- 1080 (a) the petition seeks to:
- 1081 (i) join two or more of the petitioning fee owner's contiguous lots;
- 1082 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
- 1083 result in a violation of a land use ordinance or a development condition;
- 1084 (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the
- 1085 adjoining lots or parcels join the petition, regardless of whether the lots or parcels are located in
- 1086 the same subdivision;
- 1087 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
- 1088 imposed by the local political subdivision; or
- 1089 (v) alter the plat in a manner that does not change existing boundaries or other
- 1090 attributes of lots within the subdivision that are not:
- 1091 (A) owned by the petitioner; or
- 1092 (B) designated as a common area; and
- 1093 (b) notice has been given to adjacent property owners in accordance with any
- 1094 applicable local ordinance.
- 1095 (3) Each request to vacate or amend a plat that contains a request to vacate or amend a
- 1096 public street, right-of-way, or easement is also subject to Section [17-27a-609.5](#).
- 1097 (4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:
- 1098 (a) the name and address of each owner of record of the land contained in:
- 1099 (i) the entire plat; or
- 1100 (ii) that portion of the plan described in the petition; and
- 1101 (b) the signature of each owner who consents to the petition.
- 1102 (5) (a) The owners of record of adjacent parcels that are described by either a metes
- 1103 and bounds description or by a recorded plat may exchange title to portions of those parcels if
- 1104 the exchange of title is approved by the land use authority in accordance with Subsection
- 1105 (5)(b).
- 1106 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
- 1107 the exchange of title will not result in a violation of any land use ordinance.
- 1108 (c) If an exchange of title is approved under Subsection (5)(b):
- 1109 (i) a notice of approval shall be recorded in the office of the county recorder which:
- 1110 (A) is executed by each owner included in the exchange and by the land use authority;

1111 (B) contains an acknowledgment for each party executing the notice in accordance with
 1112 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

1113 (C) recites the descriptions of both the original parcels and the parcels created by the
 1114 exchange of title; and

1115 (ii) a document of conveyance of title reflecting the approved change shall be recorded
 1116 in the office of the county recorder.

1117 (d) A notice of approval recorded under this Subsection (5) does not act as a
 1118 conveyance of title to real property and is not required to record a document conveying title to
 1119 real property.

1120 (6) (a) The name of a recorded subdivision may be changed by recording an amended
 1121 plat making that change, as provided in this section and subject to Subsection (6)(c).

1122 (b) The surveyor preparing the amended plat shall certify that the surveyor:

1123 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
 1124 Professional Land Surveyors Licensing Act;

1125 (ii) has completed a survey of the property described on the plat in accordance with
 1126 Section 17-23-17 and has verified all measurements; and

1127 (iii) has placed monuments as represented on the plat.

1128 (c) An owner of land may not submit for recording an amended plat that gives the
 1129 subdivision described in the amended plat the same name as a subdivision recorded in the
 1130 county recorder's office.

1131 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
 1132 document that purports to change the name of a recorded plat is void.

1133 Section ~~8~~ **8** . Section 17-27a-609 is amended to read:

1134 **17-27a-609. Land use authority approval of vacation or amendment of plat --**

1135 **Recording the amended plat.**

1136 (1) The land use authority may approve the vacation or amendment of a plat by signing
 1137 an amended plat showing the vacation or amendment if the land use authority finds that:

1138 (a) there is good cause for the vacation or amendment; and

1139 (b) no public street, right-of-way, or easement has been vacated or amended.

1140 (2) (a) The land use authority shall ensure that the amended plat showing the vacation
 1141 or amendment is recorded in the office of the county recorder in which the land is located.

1142 (b) If the amended plat is approved and recorded in accordance with this section, the
1143 recorded plat shall vacate, supersede, and replace any contrary provision in a previously
1144 recorded plat of the same land.

1145 (3) (a) A legislative body may vacate a subdivision or a portion of a subdivision by
1146 recording in the county recorder's office an ordinance describing the subdivision or the portion
1147 being vacated.

1148 (b) The recorded vacating ordinance shall replace a previously recorded plat described
1149 in the vacating ordinance.

1150 (4) An amended plat may not be submitted to the county recorder for recording unless
1151 it is [~~signed, acknowledged, and dedicated by each owner of record of the portion of the plat~~
1152 ~~that is amended.~~]:

1153 (a) signed by the land use authority; and

1154 (b) signed, acknowledged, and dedicated by each owner of record of the portion of the
1155 plat that is amended.

1156 (5) A management committee may sign and dedicate an amended plat as provided in
1157 Title 57, Chapter 8, Condominium Ownership Act.

1158 (6) A plat may be corrected as provided in Section [57-3-106](#).