

Representative Gage Froerer proposes the following substitute bill:

LAND USE AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: _____

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;
- ▶ 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
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 26 **10-9a-103**, as last amended by Laws of Utah 2013, Chapters 309 and 334
- 27 **10-9a-509**, as last amended by Laws of Utah 2012, Chapter 216
- 28 **10-9a-609**, as last amended by Laws of Utah 2010, Chapter 381
- 29 **17-27a-103**, as last amended by Laws of Utah 2013, Chapters 309, 334, and 476
- 30 **17-27a-508**, as last amended by Laws of Utah 2012, Chapter 216
- 31 **17-27a-609**, as last amended by Laws of Utah 2010, Chapter 381

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

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

35 **10-9a-103. Definitions.**

36 As used in this chapter:

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

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

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

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

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

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

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

56 (i) an operating charter school;

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

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

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

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

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

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

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

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

73 (8) "Development activity" means:

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

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

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

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

83 (b) "Disability" does not include current illegal use of, or addiction to, any federally
84 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
85 802.

86 (10) "Educational facility":

87 (a) means:

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

91 (ii) a structure or facility:

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

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

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

96 (b) does not include:

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

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

100 and

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

102 (ii) a therapeutic school.

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

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

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

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

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

115 (14) "Geologic hazard" means:

116 (a) a surface fault rupture;

117 (b) shallow groundwater;

118 (c) liquefaction;

- 119 (d) a landslide;
- 120 (e) a debris flow;
- 121 (f) unstable soil;
- 122 (g) a rock fall; or
- 123 (h) any other geologic condition that presents a risk:
- 124 (i) to life;
- 125 (ii) of substantial loss of real property; or
- 126 (iii) of substantial damage to real property.
- 127 (15) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 128 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 129 utility system.
- 130 (16) "Identical plans" means building plans submitted to a municipality that:
- 131 (a) are clearly marked as "identical plans";
- 132 (b) are substantially identical to building plans that were previously submitted to and
- 133 reviewed and approved by the municipality; and
- 134 (c) describe a building that:
- 135 (i) is located on land zoned the same as the land on which the building described in the
- 136 previously approved plans is located;
- 137 (ii) is subject to the same geological and meteorological conditions and the same law
- 138 as the building described in the previously approved plans;
- 139 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 140 and approved by the municipality; and
- 141 (iv) does not require any additional engineering or analysis.
- 142 (17) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 143 Impact Fees Act.
- 144 (18) "Improvement completion assurance" means a surety bond, letter of credit, cash,
- 145 or other security required by a municipality to guaranty the proper completion of landscaping
- 146 or infrastructure that the land use authority has required as a condition precedent to:
- 147 (a) recording a subdivision plat; or
- 148 (b) beginning development activity.
- 149 (19) "Improvement warranty" means an applicant's unconditional warranty that the

150 accepted landscaping or infrastructure:

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

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

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

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

157 (b) no later than one year after a municipality's acceptance of required infrastructure,

158 unless the municipality:

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

161 (ii) has substantial evidence, on record:

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

163 (B) that the area upon which the infrastructure will be constructed contains suspect soil

164 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

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

167 (a) runs with the land; and

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

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

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

174 (23) "Land use authority" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

201 (32) "Nonconforming use" means a use of land that:

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

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

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

207 (33) "Official map" means a map drawn by municipal authorities and recorded in a
208 county recorder's office that:

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

211 (b) provides a basis for restricting development in designated rights-of-way or between

212 designated setbacks to allow the government authorities time to purchase or otherwise reserve
213 the land; and

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

215 (34) "Parcel boundary adjustment" means a recorded agreement between owners of
216 adjoining properties adjusting their mutual boundary if:

217 (a) no additional parcel is created; and

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

220 (35) "Person" means an individual, corporation, partnership, organization, association,
221 trust, governmental agency, or any other legal entity.

222 (36) "Plan for moderate income housing" means a written document adopted by a city
223 legislative body that includes:

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

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

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

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

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

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

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

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

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

242 (39) "Public agency" means:

- 243 (a) the federal government;
- 244 (b) the state;
- 245 (c) a county, municipality, school district, local district, special service district, or other
246 political subdivision of the state; or
- 247 (d) a charter school.
- 248 (40) "Public hearing" means a hearing at which members of the public are provided a
249 reasonable opportunity to comment on the subject of the hearing.
- 250 (41) "Public meeting" means a meeting that is required to be open to the public under
251 Title 52, Chapter 4, Open and Public Meetings Act.
- 252 (42) "Receiving zone" means an area of a municipality that the municipality
253 designates, by ordinance, as an area in which an owner of land may receive a transferable
254 development right.
- 255 (43) "Record of survey map" means a map of a survey of land prepared in accordance
256 with Section 17-23-17.
- 257 (44) "Residential facility for persons with a disability" means a residence:
258 (a) in which more than one person with a disability resides; and
259 (b) (i) which is licensed or certified by the Department of Human Services under Title
260 62A, Chapter 2, Licensure of Programs and Facilities; or
261 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
262 21, Health Care Facility Licensing and Inspection Act.
- 263 (45) "Rules of order and procedure" means a set of rules that govern and prescribe in a
264 public meeting:
265 (a) parliamentary order and procedure;
266 (b) ethical behavior; and
267 (c) civil discourse.
- 268 (46) "Sanitary sewer authority" means the department, agency, or public entity with
269 responsibility to review and approve the feasibility of sanitary sewer services or onsite
270 wastewater systems.
- 271 (47) "Sending zone" means an area of a municipality that the municipality designates,
272 by ordinance, as an area from which an owner of land may transfer a transferable development
273 right.

274 (48) "Specified public agency" means:

275 (a) the state;

276 (b) a school district; or

277 (c) a charter school.

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

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

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

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

288 (b) "Subdivision" includes:

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

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

294 (c) "Subdivision" does not include:

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

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

301 (A) no new lot is created; and

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

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

304 (A) revising the legal description of more than one contiguous unsubdivided parcel of

305 property into one legal description encompassing all such parcels of property; or

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

308 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting
309 their mutual boundary if:

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

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

312 (v) a bona fide division or partition of land by deed or other instrument where the land
313 use authority expressly approves in writing the division in anticipation of further land use
314 approvals on the parcel or parcels; or

315 (vi) a parcel boundary adjustment.

316 (d) The joining of a subdivided parcel of property to another parcel of property that has
317 not been subdivided does not constitute a subdivision under this Subsection (52) as to the
318 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
319 subdivision ordinance.

320 (53) "Suspect soil" means soil that has:

321 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
322 3% swell potential;

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

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

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

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

328 (i) the owner of the facility; or

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

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

331 (i) at home;

332 (ii) in a public school; or

333 (iii) in a nonresidential private school; and

334 (c) that offers:

335 (i) room and board; and

336 (ii) an academic education integrated with:
 337 (A) specialized structure and supervision; or
 338 (B) services or treatment related to a disability, an emotional development, a
 339 behavioral development, a familial development, or a social development.

340 (55) "Transferable development right" means a right to develop and use land that
 341 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
 342 land use rights from a designated sending zone to a designated receiving zone.

343 (56) "Unincorporated" means the area outside of the incorporated area of a city or
 344 town.

345 (57) "Water interest" means any right to the beneficial use of water, including:
 346 (a) each of the rights listed in Section 73-1-11; and
 347 (b) an ownership interest in the right to the beneficial use of water represented by:
 348 (i) a contract; or
 349 (ii) a share in a water company, as defined in Section 73-3-3.5.

350 (58) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
 351 land use zones, overlays, or districts.

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

353 **10-9a-509. Applicant's entitlement to land use application approval -- Exceptions**
 354 **-- Application relating to land in a high priority transportation corridor -- Municipality's**
 355 **requirements and limitations -- Vesting upon submission of development plan and**
 356 **schedule.**

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

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

366 [(†)] (A) the land use authority, on the record, finds that a compelling, countervailing

367 public interest would be jeopardized by approving the application; or

368 ~~[(ii)]~~ (B) in the manner provided by local ordinance and before the application is
369 submitted, the municipality has formally initiated proceedings to amend its ordinances in a
370 manner that would prohibit approval of the application as submitted.

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

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

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

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

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

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

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

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

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

397 (B) The notification under Subsection (1)(b)(iv)(A) shall be in writing and mailed by

398 certified or registered mail to the canal company or canal operator contact described in Section
399 10-9a-211.

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

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

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

403 (Bb) digitized from the most recent aerial photo available to the canal company or

404 canal operator.

405 (c) (i) A land use application is exempt from the requirements of Subsections (1)(b)(i)

406 and (ii) if:

407 (A) the land use application relates to land that was the subject of a previous land use

408 application; and

409 (B) the previous land use application described under Subsection (1)(c)(i)(A) complied

410 with the requirements of Subsections (1)(b)(i) and (ii).

411 (ii) A municipality may approve a land use application without making the required

412 notifications under Subsection (1)(b)(ii)(A) if:

413 (A) the land use application relates to land that was the subject of a previous land use

414 application; and

415 (B) the previous land use application described under Subsection (1)(c)(ii)(A)

416 complied with the requirements of Subsections (1)(b)(i) and (ii).

417 (d) After a municipality has complied with the requirements of Subsection (1)(b) for a

418 land use application, the municipality may not withhold approval of the land use application for

419 which the applicant is otherwise entitled under Subsection (1)(a).

420 (e) The municipality shall process an application without regard to proceedings

421 initiated to amend the municipality's ordinances as provided in Subsection (1)(a)(ii)(B) if:

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

423 (ii) the proceedings have not resulted in an enactment that prohibits approval of the

424 application as submitted.

425 (f) An application for a land use approval is considered submitted and complete when

426 the application is provided in a form that complies with the requirements of applicable

427 ordinances and all applicable fees have been paid.

428 (g) The continuing validity of an approval of a land use application is conditioned upon

429 the applicant proceeding after approval to implement the approval with reasonable diligence.

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

432 (i) this chapter;

433 (ii) a municipal ordinance; or

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

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

438 (i) in a land use permit;

439 (ii) on the subdivision plat;

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

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

443 (v) in this chapter; or

444 (vi) in a municipal ordinance.

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

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

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

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

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

457 (4) Upon a specified public agency's submission of a development plan and schedule as
458 required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the
459 specified public agency vests in the municipality's applicable land use maps, zoning map,

460 hookup fees, impact fees, other applicable development fees, and land use ordinances in effect
461 on the date of submission.

462 Section 3. Section 10-9a-609 is amended to read:

463 **10-9a-609. Land use authority approval of vacation or amendment of plat --**

464 **Recording the amended plat.**

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

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

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

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

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

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

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

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

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

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

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

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

488 Section 4. Section 17-27a-103 is amended to read:

489 **17-27a-103. Definitions.**

490 As used in this chapter:

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

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

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

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

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

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

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

510 (i) an operating charter school;

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

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

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

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

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

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

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

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

529 (9) "Development activity" means:

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

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

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

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

539 (b) "Disability" does not include current illegal use of, or addiction to, any federally
540 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
541 802.

542 (11) "Educational facility":

543 (a) means:

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

547 (ii) a structure or facility:

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

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

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

552 (b) does not include:

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

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

557 (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or
558 (ii) a therapeutic school.

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

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

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

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

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

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

572 (16) "Geologic hazard" means:

573 (a) a surface fault rupture;

574 (b) shallow groundwater;

575 (c) liquefaction;

576 (d) a landslide;

577 (e) a debris flow;

578 (f) unstable soil;

579 (g) a rock fall; or

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

581 (i) to life;

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

583 (iii) of substantial damage to real property.

584 [~~(18)~~] (17) "Hookup fee" means a fee for the installation and inspection of any pipe,
585 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
586 utility system.

587 [~~(19)~~] (18) "Identical plans" means building plans submitted to a county that:

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

589 (b) are substantially identical building plans that were previously submitted to and
590 reviewed and approved by the county; and

591 (c) describe a building that:

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

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

596 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
597 and approved by the county; and

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

599 [~~(20)~~] (19) "Impact fee" means a payment of money imposed under Title 11, Chapter
600 36a, Impact Fees Act.

601 [~~(21)~~] (20) "Improvement completion assurance" means a surety bond, letter of credit,
602 cash, or other security required by a county to guaranty the proper completion of landscaping or
603 infrastructure that the land use authority has required as a condition precedent to:

604 (a) recording a subdivision plat; or

605 (b) beginning development activity.

606 [~~(22)~~] (21) "Improvement warranty" means an applicant's unconditional warranty that
607 the accepted landscaping or infrastructure:

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

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

612 [~~(23)~~] (22) "Improvement warranty period" means a period:

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

614 (b) no later than one year after a county's acceptance of required infrastructure, unless

615 the county:

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

618 (ii) has substantial evidence, on record:

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

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

622 ~~[(17)]~~ (23) "Internal lot restriction" means a platted note, platted demarcation, or
623 platted designation that:

624 (a) runs with the land; and

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

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

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

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

635 (26) "Land use application" means an application required by a county's land use
636 ordinance.

637 (27) "Land use authority" means:

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

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

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

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

645 (30) "Legislative body" means the county legislative body, or for a county that has

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

675 (b) provides a basis for restricting development in designated rights-of-way or between
676 designated setbacks to allow the government authorities time to purchase or otherwise reserve

677 the land; and

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

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

681 (a) no additional parcel is created; and

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

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

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

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

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

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

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

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

697 (41) "Plat" means a map or other graphical representation of lands being laid out and
698 prepared in accordance with Section [17-27a-603](#), [17-23-17](#), or [57-8-13](#).

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

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

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

706 (43) "Public agency" means:

707 (a) the federal government;

- 708 (b) the state;
- 709 (c) a county, municipality, school district, local district, special service district, or other
710 political subdivision of the state; or
- 711 (d) a charter school.
- 712 (44) "Public hearing" means a hearing at which members of the public are provided a
713 reasonable opportunity to comment on the subject of the hearing.
- 714 (45) "Public meeting" means a meeting that is required to be open to the public under
715 Title 52, Chapter 4, Open and Public Meetings Act.
- 716 (46) "Receiving zone" means an unincorporated area of a county that the county
717 designates, by ordinance, as an area in which an owner of land may receive a transferable
718 development right.
- 719 (47) "Record of survey map" means a map of a survey of land prepared in accordance
720 with Section 17-23-17.
- 721 (48) "Residential facility for persons with a disability" means a residence:
- 722 (a) in which more than one person with a disability resides; and
- 723 (b) (i) which is licensed or certified by the Department of Human Services under Title
724 62A, Chapter 2, Licensure of Programs and Facilities; or
- 725 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
726 21, Health Care Facility Licensing and Inspection Act.
- 727 (49) "Rules of order and procedure" means a set of rules that govern and prescribe in a
728 public meeting:
- 729 (a) parliamentary order and procedure;
- 730 (b) ethical behavior; and
- 731 (c) civil discourse.
- 732 (50) "Sanitary sewer authority" means the department, agency, or public entity with
733 responsibility to review and approve the feasibility of sanitary sewer services or onsite
734 wastewater systems.
- 735 (51) "Sending zone" means an unincorporated area of a county that the county
736 designates, by ordinance, as an area from which an owner of land may transfer a transferable
737 development right.
- 738 (52) "Site plan" means a document or map that may be required by a county during a

739 preliminary review preceding the issuance of a building permit to demonstrate that an owner's
740 or developer's proposed development activity meets a land use requirement.

741 (53) "Specified public agency" means:

742 (a) the state;

743 (b) a school district; or

744 (c) a charter school.

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

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

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

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

755 (b) "Subdivision" includes:

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

758 (ii) except as provided in Subsection (57)(c), divisions of land for residential and
759 nonresidential uses, including land used or to be used for commercial, agricultural, and
760 industrial purposes.

761 (c) "Subdivision" does not include:

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

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

765 (A) no new lot is created; and

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

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

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

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

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

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

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

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

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

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

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

782 (vi) a bona fide division or partition of land by deed or other instrument where the land
783 use authority expressly approves in writing the division in anticipation of further land use
784 approvals on the parcel or parcels; or

785 (vii) a parcel boundary adjustment.

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

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

791 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
792 3% swell potential;

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

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

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

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

798 (i) the owner of the facility; or

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

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

801 (i) at home;

802 (ii) in a public school; or

803 (iii) in a nonresidential private school; and

804 (c) that offers:

805 (i) room and board; and

806 (ii) an academic education integrated with:

807 (A) specialized structure and supervision; or

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

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

810 (60) "Township" means a contiguous, geographically defined portion of the

811 unincorporated area of a county, established under this part or reconstituted or reinstated under

812 Section 17-27a-306, with planning and zoning functions as exercised through the township

813 planning commission, as provided in this chapter, but with no legal or political identity

814 separate from the county and no taxing authority, except that "township" means a former

815 township under Laws of Utah 1996, Chapter 308, where the context so indicates.

816 (61) "Transferable development right" means a right to develop and use land that

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

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

819 (62) "Unincorporated" means the area outside of the incorporated area of a

820 municipality.

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

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

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

824 (i) a contract; or

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

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

827 land use zones, overlays, or districts.

828 Section 5. Section 17-27a-508 is amended to read:

829 **17-27a-508. Applicant's entitlement to land use application approval --**

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

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

832 **and schedule.**

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

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

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

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

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

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

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

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

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

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

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

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

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

872 (B) The notification under Subsection (1)(b)(iv)(A) shall be in writing and mailed by
873 certified or registered mail to the canal company or canal operator contact described in Section
874 17-27a-211.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

907 (i) in this chapter;

908 (ii) in a county ordinance; or

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

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

913 (i) in a land use permit;

914 (ii) on the subdivision plat;

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

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

918 (v) in this chapter; or

919 (vi) in a county ordinance.

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

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

925 subdivision plat; or

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

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

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

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

937 Section 6. Section 17-27a-609 is amended to read:

938 **17-27a-609. Land use authority approval of vacation or amendment of plat --**
939 **Recording the amended plat.**

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

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

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

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

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

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

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

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

956 ~~that is amended.]:~~

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

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

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

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