

Representative Mike Schultz proposes the following substitute bill:

LOCAL GOVERNMENT PLAN REVIEW AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Schultz

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill addresses the review of construction project plans by local governments.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ removes repeal dates related to construction project plan reviews;
- ▶ clarifies the scope of a plan review;
- ▶ allows an applicant to waive a plan review time requirement;
- ▶ under certain circumstances, prohibits a local government from requiring an applicant to redraft a plan; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-5-132, as last amended by Laws of Utah 2017, Chapter 313



- 26 [10-6-160](#), as last amended by Laws of Utah 2017, Chapter 313
 - 27 [17-36-55](#), as last amended by Laws of Utah 2017, Chapter 313
 - 28 [63I-1-210](#), as last amended by Laws of Utah 2017, Chapter 313
 - 29 [63I-1-217](#), as enacted by Laws of Utah 2017, Chapter 313
-

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

32 Section 1. Section **10-5-132** is amended to read:

33 **10-5-132. Fees collected for construction approval -- Approval of plans.**

34 (1) As used in this section:

35 (a) "Construction project" means the same as that term is defined in Section [38-1a-102](#).

36 (b) "Lodging establishment" means a place providing temporary sleeping

37 accommodations to the public, including any of the following:

38 (i) a bed and breakfast establishment;

39 (ii) a boarding house;

40 (iii) a dormitory;

41 (iv) a hotel;

42 (v) an inn;

43 (vi) a lodging house;

44 (vii) a motel;

45 (viii) a resort; or

46 (ix) a rooming house.

47 (c) "Planning review" means a review to verify that a town has approved the following

48 elements of a construction project:

49 (i) zoning;

50 (ii) lot sizes;

51 (iii) setbacks;

52 (iv) easements;

53 (v) curb and gutter elevations;

54 (vi) grades and slopes;

55 (vii) utilities;

56 (viii) street names;

57 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
 58 Interface Code adopted under Section 15A-2-103; and

59 (x) subdivision.

60 ~~[(b)]~~ (d) (i) "~~Initial plan~~ Plan review" means all of the reviews and approvals of a
 61 plan that ~~[are required by]~~ a town requires to obtain a building permit from the town[-] with a
 62 scope that may not exceed a review to verify:

63 (A) that the construction project complies with the provisions of the State Construction
 64 Code under Title 15A, State Construction and Fire Codes Act;

65 (B) that the construction project complies with the energy code adopted under Section
 66 15A-2-103;

67 (C) that the construction project received a planning review;

68 (D) that the applicant paid any required fees;

69 (E) that the applicant obtained final approvals from any other required reviewing
 70 agencies;

71 (F) that the construction project complies with federal, state, and local storm water
 72 protection laws;

73 (G) that the construction project received a structural review; H→ [and] ←H

74 (H) the total square footage for each building level of finished, garage, and unfinished
 75 space H→ [;] ; and

75a **(I) that the plans include a printed statement indicating that the actual construction**
 75b **will comply with applicable local ordinances and the state construction codes. ←H**

76 ~~[(ii) "Initial plan"]~~ (ii) "Plan review" does not mean a review of a document:

77 (A) required to be re-submitted for additional modifications or substantive changes
 78 identified by the plan review;

79 (B) submitted as part of a deferred submittal when requested by the applicant and
 80 approved by the building official; or

81 (C) that, due to the document's technical nature or on the request of the applicant, is
 82 reviewed by a third party.

83 ~~[(c) "Lodging establishment" means a place providing temporary sleeping~~
 84 ~~accommodations to the public, including any of the following:]~~

85 ~~[(i) a bed and breakfast establishment;]~~

86 ~~[(ii) a boarding house;]~~

87 ~~[(iii) a hotel;]~~

88 [~~(iv) an inn;~~]

89 [~~(v) a lodging house;~~]

90 [~~(vi) a motel;~~]

91 [~~(vii) a resort; or]~~

92 [~~(viii) a rooming house.]~~

93 (e) "Structural review" means:

94 (i) a review that verifies that a construction project complies with the following:

95 (A) footing size and bar placement;

96 (B) foundation thickness and bar placement;

97 (C) beam and header sizes;

98 (D) nailing patterns;

99 (E) bearing points;

100 (F) structural member size and span; and

101 (G) sheathing; or

102 (ii) if the review exceeds the scope of the review described in Subsection (1)(e)(i), a
103 review that a licensed engineer conducts.

104 (f) "Technical nature" means a characteristic that places an item outside the training
105 and expertise of an individual who regularly performs plan reviews.

106 (2) (a) If a town collects a fee for the inspection of a construction project, the town
107 shall ensure that the construction project receives a prompt inspection.

108 (b) If a town cannot provide a building inspection within a reasonable time, the town
109 shall promptly engage an independent inspector with fees collected from the applicant.

110 (3) (a) A town shall complete [~~an initial~~] a plan review of a construction project for a
111 one to two family dwelling or townhome by no later than 14 business days after the day on
112 which the plan is submitted to the town.

113 (b) A town shall complete [~~an initial~~] a plan review of a construction project for a
114 residential structure built under the International Building Code, not including a lodging
115 establishment, by no later than 21 business days after the day on which the plan is submitted to
116 the town.

117 (c) (i) Subject to Subsection (3)(c)(ii), if a town does not complete a plan review before
118 the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the

119 town complete the plan review.

120 (ii) If an applicant makes a request under Subsection (3)(c)(i), the town shall perform
121 the plan review no later than:

122 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
123 applicant makes the request; or

124 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
125 applicant makes the request.

126 (d) An applicant may:

127 (i) waive the plan review time requirements described in this Subsection (3); or

128 (ii) with the town's consent, establish an alternative plan review time requirement.

129 ~~[(e)]~~ (4) (a) A town may not enforce a requirement to have [an initial plan reviewed by
130 the town] a plan review if:

131 (i) the town does not complete the [initial] plan review within the time period
132 described in Subsection (3)(a) or (b); and

133 (ii) [the plan is stamped by] a licensed architect or structural engineer[-], or both when
134 required by law, stamps the plan.

135 (b) A town may attach to a reviewed plan a list that includes:

136 (i) items with which the town is concerned and may enforce during construction; and

137 (ii) building code violations found in the plan.

138 (c) A town may not require an applicant to redraft a plan if the town requests minor
139 changes to the plan that the list described in Subsection (4)(b) identifies.

140 ~~H→ [(5) An applicant shall ensure that each construction project plan submitted for a plan~~
141 ~~review under this section has a statement indicating that actual construction will comply with~~
142 ~~applicable local ordinances and building codes.] ←H~~

143 Section 2. Section **10-6-160** is amended to read:

144 **10-6-160. Fees collected for construction approval -- Approval of plans.**

145 (1) As used in this section:

146 (a) "Construction project" means the same as that term is defined in Section **38-1a-102**.

147 (b) "Lodging establishment" means a place providing temporary sleeping
148 accommodations to the public, including any of the following:

149 (i) a bed and breakfast establishment;

- 150 (ii) a boarding house;
- 151 (iii) a dormitory;
- 152 (iv) a hotel;
- 153 (v) an inn;
- 154 (vi) a lodging house;
- 155 (vii) a motel;
- 156 (viii) a resort; or
- 157 (ix) a rooming house.
- 158 (c) "Planning review" means a review to verify that a city has approved the following
- 159 elements of a construction project:
- 160 (i) zoning;
- 161 (ii) lot sizes;
- 162 (iii) setbacks;
- 163 (iv) easements;
- 164 (v) curb and gutter elevations;
- 165 (vi) grades and slopes;
- 166 (vii) utilities;
- 167 (viii) street names;
- 168 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
- 169 Interface Code adopted under Section [15A-2-103](#); and
- 170 (x) subdivision.
- 171 ~~[(b)]~~ (d) (i) "[Initial plan] Plan review" means all of the reviews and approvals of a
- 172 plan that ~~[are required by]~~ a city requires to obtain a building permit from the city[:] with a
- 173 scope that may not exceed a review to verify:
- 174 (A) that the construction project complies with the provisions of the State Construction
- 175 Code under Title 15A, State Construction and Fire Codes Act;
- 176 (B) that the construction project complies with the energy code adopted under Section
- 177 [15A-2-103](#);
- 178 (C) that the construction project received a planning review;
- 179 (D) that the applicant paid any required fees;
- 180 (E) that the applicant obtained final approvals from any other required reviewing

181 agencies;

182 (F) that the construction project complies with federal, state, and local storm water

183 protection laws;

184 (G) that the construction project received a structural review; and

185 (H) the total square footage for each building level of finished, garage, and unfinished
186 space.

187 [~~(ii) "Initial plan]~~ (ii) "Plan review" does not mean a review of a document:

188 (A) required to be re-submitted for additional modifications or substantive changes
189 identified by the plan review;

190 (B) submitted as part of a deferred submittal when requested by the applicant and
191 approved by the building official; or

192 (C) that, due to the document's technical nature or on the request of the applicant, is
193 reviewed by a third party.

194 [~~(c) "Lodging establishment" means a place providing temporary sleeping~~
195 ~~accommodations to the public, including any of the following:]~~

196 [~~(i) a bed and breakfast establishment;~~]

197 [~~(ii) a boarding house;~~]

198 [~~(iii) a hotel;~~]

199 [~~(iv) an inn;~~]

200 [~~(v) a lodging house;~~]

201 [~~(vi) a motel;~~]

202 [~~(vii) a resort; or~~]

203 [~~(viii) a rooming house.]~~

204 (e) "Structural review" means:

205 (i) a review that verifies that a construction project complies with the following:

206 (A) footing size and bar placement;

207 (B) foundation thickness and bar placement;

208 (C) beam and header sizes;

209 (D) nailing patterns;

210 (E) bearing points;

211 (F) structural member size and span; and

212 (G) sheathing; or
213 (ii) if the review exceeds the scope of the review described in Subsection (1)(e)(i), a
214 review that a licensed engineer conducts.

215 (f) "Technical nature" means a characteristic that places an item outside the training
216 and expertise of an individual who regularly performs plan reviews.

217 (2) (a) If a city collects a fee for the inspection of a construction project, the city shall
218 ensure that the construction project receives a prompt inspection.

219 (b) If a city cannot provide a building inspection within three business days, the city
220 shall promptly engage an independent inspector with fees collected from the applicant.

221 (3) (a) A city shall complete ~~[an initial]~~ a plan review of a construction project for a
222 one to two family dwelling or townhome by no later than 14 business days after the day on
223 which the plan is submitted to the city.

224 (b) A city shall complete ~~[an initial]~~ a plan review of a construction project for a
225 residential structure built under the International Building Code, not including a lodging
226 establishment, by no later than 21 business days after the day on which the plan is submitted to
227 the city.

228 (c) (i) Subject to Subsection (3)(c)(ii), if a city does not complete a plan review before
229 the time period described in Subsection (3)(a) or (b) expires, an applicant may request that the
230 city complete the plan review.

231 (ii) If an applicant makes a request under Subsection (3)(c)(i), the city shall perform the
232 plan review no later than:

233 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
234 applicant makes the request; or

235 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
236 applicant makes the request.

237 (d) An applicant may:

238 (i) waive the plan review time requirements described in this Subsection (3); or

239 (ii) with the city's consent, establish an alternative plan review time requirement.

240 ~~[(c)]~~ (4) (a) A city may not enforce a requirement to have ~~[an initial plan reviewed by~~
241 ~~the city]~~ a plan review if:

242 (i) the city does not complete the ~~[initial]~~ plan review within the time period described

243 in Subsection (3)(a) or (b); and

244 (ii) ~~[the plan is stamped by]~~ a licensed architect or structural engineer[-], or both when
245 required by law, stamps the plan.

246 (b) A city may attach to a reviewed plan a list that includes:

247 (i) items with which the city is concerned and may enforce during construction; and

248 (ii) building code violations found in the plan.

249 (c) A city may not require an applicant to redraft a plan if the city requests minor
250 changes to the plan that the list described in Subsection (4)(b) identifies.

251 (5) An applicant shall ensure that each construction project plan submitted for a plan
252 review under this section has a statement indicating that actual construction will comply with
253 applicable local ordinances and building codes.

254 Section 3. Section 17-36-55 is amended to read:

255 **17-36-55. Fees collected for construction approval -- Approval of plans.**

256 (1) As used in this section:

257 (a) "Construction project" means the same as that term is defined in Section 38-1a-102.

258 (b) "Lodging establishment" means a place providing temporary sleeping
259 accommodations to the public, including any of the following:

260 (i) a bed and breakfast establishment;

261 (ii) a boarding house;

262 (iii) dormitory;

263 (iv) a hotel;

264 (v) an inn;

265 (vi) a lodging house;

266 (vii) a motel;

267 (viii) a resort; or

268 (ix) a rooming house.

269 (c) "Planning review" means a review to verify that a county has approved the
270 following elements of a construction project:

271 (i) zoning;

272 (ii) lot sizes;

273 (iii) setbacks;

- 274 (iv) easements;
- 275 (v) curb and gutter elevations;
- 276 (vi) grades and slopes;
- 277 (vii) utilities;
- 278 (viii) street names;
- 279 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
- 280 Interface Code adopted under Section [15A-2-103](#); and
- 281 (x) subdivision.

282 ~~[(b)]~~ (d) (i) "~~Initial plan~~ Plan review" means all of the reviews and approvals of a
283 plan that ~~[are required by]~~ a county requires to obtain a building permit from the county~~[-]~~ with
284 a scope that may not exceed a review to verify:

285 (A) that the construction project complies with the provisions of the State Construction
286 Code under Title 15A, State Construction and Fire Codes Act;

287 (B) that the construction project complies with the energy code adopted under Section
288 [15A-2-103](#);

289 (C) that the construction project received a planning review;

290 (D) that the applicant paid any required fees;

291 (E) that the applicant obtained final approvals from any other required reviewing
292 agencies;

293 (F) that the construction project complies with federal, state, and local storm water
294 protection laws;

295 (G) that the construction project received a structural review; and

296 (H) the total square footage for each building level of finished, garage, and unfinished
297 space.

298 ~~[(i)]~~ (ii) "~~Initial plan~~ Plan review" does not mean a review of a document:

299 (A) required to be re-submitted for additional modifications or substantive changes
300 identified by the plan review;

301 (B) submitted as part of a deferred submittal when requested by the applicant and
302 approved by the building official; or

303 (C) that, due to the document's technical nature or on the request of the applicant, is
304 reviewed by a third party.

305 ~~[(c) "Lodging establishment" means a place providing temporary sleeping~~
306 ~~accommodations to the public, including any of the following:]~~

307 ~~[(i) a bed and breakfast establishment;]~~

308 ~~[(ii) a boarding house;]~~

309 ~~[(iii) a hotel;]~~

310 ~~[(iv) an inn;]~~

311 ~~[(v) a lodging house;]~~

312 ~~[(vi) a motel;]~~

313 ~~[(vii) a resort; or]~~

314 ~~[(viii) a rooming house.]~~

315 (e) "Structural review" means:

316 (i) a review that verifies that a construction project complies with the following:

317 (A) footing size and bar placement;

318 (B) foundation thickness and bar placement;

319 (C) beam and header sizes;

320 (D) nailing patterns;

321 (E) bearing points;

322 (F) structural member size and span; and

323 (G) sheathing; or

324 (ii) if the review exceeds the scope of the review described in Subsection (1)(e)(i), a
325 review that a licensed engineer conducts.

326 (f) "Technical nature" means a characteristic that places an item outside the training
327 and expertise of an individual who regularly performs plan reviews.

328 (2) (a) If a county collects a fee for the inspection of a construction project, the county
329 shall ensure that the construction project receives a prompt inspection.

330 (b) If a county cannot provide a building inspection within three business days, the
331 county shall promptly engage an independent inspector with fees collected from the applicant.

332 (3) (a) A county shall complete ~~[an initial]~~ a plan review of a construction project for a
333 one to two family dwelling or townhome by no later than 14 business days after the day on
334 which the plan is submitted to the county.

335 (b) A county shall complete ~~[an initial]~~ a plan review of a construction project for a

336 residential structure built under the International Building Code, not including a lodging
337 establishment, by no later than 21 business days after the day on which the plan is submitted to
338 the county.

339 (c) (i) Subject to Subsection (3)(c)(ii), if a county does not complete a plan review
340 before the time period described in Subsection (3)(a) or (b) expires, an applicant may request
341 that the county complete the plan review.

342 (ii) If an applicant makes a request under Subsection (3)(c)(i), the county shall perform
343 the plan review no later than:

344 (A) for a plan review described in Subsection (3)(a), 14 days from the day on which the
345 applicant makes the request; or

346 (B) for a plan review described in Subsection (3)(b), 21 days from the day on which the
347 applicant makes the request.

348 (d) An applicant may:

349 (i) waive the plan review time requirements described in this Subsection (3); or

350 (ii) with the county's consent, establish an alternative plan review time requirement.

351 ~~[(c)]~~ (4) (a) A county may not enforce a requirement to have [an initial plan reviewed
352 by the county] a plan review if:

353 (i) the county does not complete the [initial] plan review within the time period
354 described in Subsection (3)(a) or (b); and

355 (ii) [the plan is stamped by] a licensed architect or structural engineer[-], or both when
356 required by law, stamps the plan.

357 (b) A county may attach to a reviewed plan a list that includes:

358 (i) items with which the county is concerned and may enforce during construction; and

359 (ii) building code violations found in the plan.

360 (c) A county may not require an applicant to redraft a plan if the county requests minor
361 changes to the plan that the list described in Subsection (4)(b) identifies.

362 (5) An applicant shall ensure that each construction project plan submitted for a plan
363 review under this section has a statement indicating that actual construction will comply with
364 applicable local ordinances and building codes.

365 Section 4. Section **63I-1-210** is amended to read:

366 **63I-1-210. Repeal dates, Title 10.**

367 [~~(1) (a) Subsections 10-5-132(1)(b), (1)(c), and (3) are repealed July 1, 2018.]~~

368 [~~(b) When repealing the subsections listed in Subsection (1)(a), the Office of~~
369 ~~Legislative Research and General Counsel shall, in addition to its authority under Subsection~~
370 ~~36-12-12(3), make other modifications necessary to ensure that the remaining subsections are~~
371 ~~complete sentences, grammatically correct, and have correct numbering and cross references to~~
372 ~~accurately reflect the office's perception of the Legislature's intent.]~~

373 [~~(2) (a) Subsections 10-6-160(1)(b), (1)(c), and (3) are repealed July 1, 2018.]~~

374 [~~(b) When repealing the subsections listed in Subsection (2)(a), the Office of~~
375 ~~Legislative Research and General Counsel shall, in addition to its authority under Subsection~~
376 ~~36-12-12(3), make other modifications necessary to ensure that the remaining subsections are~~
377 ~~complete sentences, grammatically correct, and have correct numbering and cross references to~~
378 ~~accurately reflect the office's perception of the Legislature's intent.]~~

379 [~~(3)] Section 10-9a-526 is repealed December 31, 2020.~~

380 Section 5. Section **63I-1-217** is amended to read:

381 **63I-1-217. Repeal dates, Title 17.**

382 [~~(1) Subsections 17-36-55(1)(b), (1)(c), and (3) are repealed July 1, 2018.]~~

383 [~~(2) When repealing the subsections listed in Subsection (1), the Office of Legislative~~
384 ~~Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3),~~
385 ~~make other modifications necessary to ensure that the remaining subsections are complete~~
386 ~~sentences, grammatically correct, and have correct numbering and cross references to~~
387 ~~accurately reflect the office's perception of the Legislature's intent.]~~