

1 **LOCAL GOVERNMENT BUILDING PLAN REVIEW**

2 **AMENDMENTS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mike Schultz**

6 Senate Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill addresses the review of building plans by local governments.

11 **Highlighted Provisions:**

12 This bill:

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

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **10-5-132**, as last amended by Laws of Utah 2017, Chapter 313

27 **10-6-160**, as last amended by Laws of Utah 2017, Chapter 313



28 [17-36-55](#), as last amended by Laws of Utah 2017, Chapter 313
 29 [63I-1-210](#), as last amended by Laws of Utah 2017, Chapter 313
 30 [63I-1-217](#), as enacted by Laws of Utah 2017, Chapter 313



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

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

34 **10-5-132. Fees collected for construction approval -- Approval of building plans.**

35 (1) As used in this section:

36 (a) "Building plan" means a document that a town requires an applicant to submit
37 before the applicant may obtain a building permit for the applicant's construction project.

38 (b) (i) "Building plan review" means a town's review of an applicant's building plan,
39 which is limited to a review to verify:

40 (A) that the construction project complies with the provisions of the International
41 Building Code adopted under Section [15A-2-103](#);

42 (B) that the construction project complies with the International Energy Conservation
43 Code adopted under Section [15A-2-103](#);

44 (C) that the town completed a planning review of the construction project;

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

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

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

50 (G) that the town or a licensed engineer completed a structural review of the
51 construction project; and

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

54 (ii) "~~Initial plan~~ Building plan review" does not mean a review of a document that:

55 (A) ~~[required to be re-submitted for]~~ a building official requires an applicant to
56 resubmit with additional modifications or substantive changes identified by the building plan
57 review;

58 (B) ~~[submitted]~~ a building official requests as part of a deferred submittal ~~[when~~

59 requested by the building official; or];

60 [~~(C)~~ that, due to the document's technical nature or on the request of the applicant, is
61 reviewed by a third party.]

62 (C) upon the request of the applicant, a third party reviews; or

63 (D) due to the document's technical nature, a third party reviews for only those items
64 that are outside the training and expertise of an individual who regularly performs building
65 plan reviews.

66 [~~(a)~~ (c) "Construction project" means the same as that term is defined in Section
67 38-1a-102.

68 (d) "Deferred submittal" means an applicant's submittal of a building plan, subject to
69 approval of a building official, for a building plan review that is not subject to the building plan
70 review time requirements described in this section.

71 [~~(b)~~ (i) "Initial plan review" means all of the reviews and approvals of a plan that are
72 required by a town to obtain a building permit from the town.]

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

75 (i) a bed and breakfast establishment;

76 (ii) a boarding house;

77 (iii) a dormitory;

78 [~~(iii)~~ (iv) a hotel;

79 [~~(iv)~~ (v) an inn;

80 [~~(v)~~ (vi) a lodging house;

81 [~~(vi)~~ (vii) a motel;

82 [~~(vii)~~ (viii) a resort; or

83 [~~(viii)~~ (ix) a rooming house.

84 (f) "Planning review" means a review to verify that a town has approved the following
85 elements of a construction project:

86 (i) zoning;

87 (ii) lot sizes;

88 (iii) setbacks;

89 (iv) easements;

90 (v) curb and gutter elevations;
91 (vi) grades and slopes;
92 (vii) utilities;
93 (viii) street names;
94 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban
95 Interface Code adopted under Section [15A-2-103](#); and

96 (x) subdivision.
97 (g) "Structural review" means a review that:
98 (i) a licensed engineer conducts; or
99 (ii) if a town does not require a licensed engineer to conduct the review, verifies that

100 the town has approved the following elements of a construction project:

101 (A) footing size and bar placement;
102 (B) foundation thickness and bar placement;
103 (C) beam and header sizes;
104 (D) nailing patterns;
105 (E) bearing points;
106 (F) structural member size and span; and
107 (G) sheathing.

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

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

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

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

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

121 request that the town complete the building plan review.

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

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

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

128 (d) An applicant may:

129 (i) waive the building plan review time requirements described in this Subsection (3);

130 or

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

133 ~~[(c)]~~ (4) (a) A town may not enforce a requirement [to have an initial plan reviewed by
 134 the town] that the town conduct a building plan review if:

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

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

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

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

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

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

144 (5) An applicant shall ensure that each building plan the applicant submits for a
 145 building plan review under this section includes a statement indicating that actual construction
 146 will comply with applicable local ordinances and building codes.

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

148 **10-6-160. Fees collected for construction approval -- Approval of building plans.**

149 (1) As used in this section:

150 (a) "Building plan" means a document that a city requires an applicant to submit before
 151 the applicant may obtain a building permit for the applicant's construction project.

- 152 (b) (i) "Building plan review" means a city's review of an applicant's building plan,
153 which is limited to a review to verify:
- 154 (A) that the construction project complies with the provisions of the International
155 Building Code adopted under Section 15A-2-103;
- 156 (B) that the construction project complies with the International Energy Conservation
157 Code adopted under Section 15A-2-103;
- 158 (C) that the city completed a planning review of the construction project;
- 159 (D) that the applicant paid any required fees;
- 160 (E) that the applicant obtained final approvals from any other required reviewing
161 agencies;
- 162 (F) that the construction project complies with federal, state, and local storm water
163 protection laws;
- 164 (G) that the city or a licensed engineer completed a structural review of the
165 construction project; and
- 166 (H) the total square footage for each building level of finished, garage, and unfinished
167 space.
- 168 (ii) "[~~Initial plan~~] Building plan review" does not mean a review of a document that:
- 169 (A) [~~required to be re-submitted for~~] a building official requires an applicant to
170 resubmit with additional modifications or substantive changes identified by the building plan
171 review;
- 172 (B) [~~submitted~~] a building official requests as part of a deferred submittal [~~when~~
173 ~~requested by the building official; or~~];
- 174 [~~(C) that, due to the document's technical nature or on the request of the applicant, is~~
175 ~~reviewed by a third party.~~]
- 176 (C) upon the request of the applicant, a third party reviews; or
- 177 (D) due to the document's technical nature, a third party reviews for only those items
178 that are outside the training and expertise of an individual who regularly performs building
179 plan reviews.
- 180 [~~(a)~~] (c) "Construction project" means the same as that term is defined in Section
181 38-1a-102.
- 182 (d) "Deferred submittal" means an applicant's submittal of a building plan, subject to

183 approval of a building official, for a building plan review that is not subject to the building plan
184 review time requirements described in this section.

185 ~~[(b) (i) "Initial plan review" means all of the reviews and approvals of a plan that are~~
186 ~~required by a city to obtain a building permit from the city.]~~

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

189 ~~(i) a bed and breakfast establishment;~~

190 ~~(ii) a boarding house;~~

191 ~~(iii) a dormitory;~~

192 ~~[(iii)] (iv) a hotel;~~

193 ~~[(iv)] (v) an inn;~~

194 ~~[(v)] (vi) a lodging house;~~

195 ~~[(vi)] (vii) a motel;~~

196 ~~[(vii)] (viii) a resort; or~~

197 ~~[(viii)] (ix) a rooming house.~~

198 (f) "Planning review" means a review to verify that a city has approved the following
199 elements of a construction project:

200 (i) zoning;

201 (ii) lot sizes;

202 (iii) setbacks;

203 (iv) easements;

204 (v) curb and gutter elevations;

205 (vi) grades and slopes;

206 (vii) utilities;

207 (viii) street names;

208 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban

209 Interface Code adopted under Section [15A-2-103](#); and

210 (x) subdivision.

211 (g) "Structural review" means a review that:

212 (i) a licensed engineer conducts; or

213 (ii) if a city does not require a licensed engineer to conduct the review, verifies that the

214 city has approved the following elements of a construction project:

- 215 (A) footing size and bar placement;
- 216 (B) foundation thickness and bar placement;
- 217 (C) beam and header sizes;
- 218 (D) nailing patterns;
- 219 (E) bearing points;
- 220 (F) structural member size and span; and
- 221 (G) sheathing.

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

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

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

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

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

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

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

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

242 (d) An applicant may:

243 (i) waive the building plan review time requirements described in this Subsection (3);

244 or

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

247 ~~[(c)]~~ (4) (a) A city may not enforce a requirement [to have an initial plan reviewed by
 248 the city] that the city conduct a building plan review if:

249 (i) the city does not complete the ~~[initial]~~ building plan review within the time period
 250 described in Subsection (3)(a) or (b); and

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

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

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

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

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

258 (5) An applicant shall ensure that each building plan the applicant submits for a
 259 building plan review under this section includes a statement indicating that actual construction
 260 will comply with applicable local ordinances and building codes.

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

262 **17-36-55. Fees collected for construction approval -- Approval of plans.**

263 (1) As used in this section:

264 (a) "Building plan" means a document that a county requires an applicant to submit
 265 before the applicant may obtain a building permit for the applicant's construction project.

266 (b) (i) "Building plan review" means a county's review of an applicant's building plan,
 267 which is limited to a review to verify:

268 (A) that the construction project complies with the provisions of the International
 269 Building Code adopted under Section [15A-2-103](#);

270 (B) that the construction project complies with the International Energy Conservation
 271 Code adopted under Section [15A-2-103](#);

272 (C) that the county completed a planning review of the construction project;

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

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

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

278 (G) that the county or a licensed engineer completed a structural review of the
279 construction project; and

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

282 (ii) "[~~Initial plan~~] Building plan review" does not mean a review of a document that:

283 (A) [~~required to be re-submitted for~~] a building official requires an applicant to
284 resubmit with additional modifications or substantive changes identified by the building plan
285 review;

286 (B) [~~submitted~~] a building official requests as part of a deferred submittal [~~when~~
287 ~~requested by the building official; or~~];

288 [~~(C) that, due to the document's technical nature or on the request of the applicant, is~~
289 ~~reviewed by a third party.~~]

290 (C) upon the request of the applicant, a third party reviews; or

291 (D) due to the document's technical nature, a third party reviews for only those items
292 that are outside the training and expertise of an individual who regularly performs building
293 plan reviews.

294 [~~(a)~~] (c) "Construction project" means the same as that term is defined in Section
295 [38-1a-102](#).

296 (d) "Deferred submittal" means an applicant's submittal of a building plan, subject to
297 approval of a building official, for a building plan review that is not subject to the building plan
298 review time requirements described in this section.

299 [~~(b) (i) "Initial plan review" means all of the reviews and approvals of a plan that are~~
300 ~~required by a county to obtain a building permit from the county.~~]

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

303 (i) a bed and breakfast establishment;

304 (ii) a boarding house;

305 (iii) a dormitory;

306 [~~(iii)~~] (iv) a hotel;

307 [~~(iv)~~] (v) an inn;

308 [~~(v)~~] (vi) a lodging house;

309 [~~(vi)~~] (vii) a motel;

310 [~~(vii)~~] (viii) a resort; or

311 [~~(viii)~~] (ix) a rooming house.

312 (f) "Planning review" means a review to verify that a county has approved the

313 following elements of a construction project:

314 (i) zoning;

315 (ii) lot sizes;

316 (iii) setbacks;

317 (iv) easements;

318 (v) curb and gutter elevations;

319 (vi) grades and slopes;

320 (vii) utilities;

321 (viii) street names;

322 (ix) defensible space provisions and elevations, if required by the Utah Wildland Urban

323 Interface Code adopted under Section [15A-2-103](#); and

324 (x) subdivision.

325 (g) "Structural review" means a review that:

326 (i) a licensed engineer conducts; or

327 (ii) if a county does not require a licensed engineer to conduct the review, verifies that

328 the county has approved the following elements of a construction project:

329 (A) footing size and bar placement;

330 (B) foundation thickness and bar placement;

331 (C) beam and header sizes;

332 (D) nailing patterns;

333 (E) bearing points;

334 (F) structural member size and span; and

335 (G) sheathing.

336 (2) (a) If a county collects a fee for the inspection of a construction project, the county

337 shall ensure that the construction project receives a prompt inspection.

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

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

343 (b) A county shall complete ~~[an initial]~~ a building plan review ~~[of a construction~~
344 ~~project]~~ for a residential structure built under the International Building Code, not including a
345 lodging establishment, by no later than 21 business days after the day on which the ~~[plan is~~
346 ~~submitted]~~ applicant submits a building plan to the county.

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

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

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

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

356 (d) An applicant may:

357 (i) waive the building plan review time requirements described in this Subsection (3);

358 or

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

361 ~~[(c)]~~ (4) (a) A county may not enforce a requirement [to have an initial plan reviewed
362 by the county] that the county conduct a building plan review if:

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

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

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

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

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

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

373 (5) An applicant shall ensure that each building plan the applicant submits for a
 374 building plan review under this section includes a statement indicating that actual construction
 375 will comply with applicable local ordinances and building codes.

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

377 **63I-1-210. Repeal dates, Title 10.**

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

379 ~~[(b) When repealing the subsections listed in Subsection (1)(a), the Office of~~
 380 ~~Legislative Research and General Counsel shall, in addition to its authority under Subsection~~
 381 ~~36-12-12(3), make other modifications necessary to ensure that the remaining subsections are~~
 382 ~~complete sentences, grammatically correct, and have correct numbering and cross references to~~
 383 ~~accurately reflect the office's perception of the Legislature's intent.]~~

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

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

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

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

392 **63I-1-217. Repeal dates, Title 17.**

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

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

Legislative Review Note
Office of Legislative Research and General Counsel