

**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

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**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
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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; and

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

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 (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.

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.]~~