

LAND USE AND DEVELOPMENT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Logan Wilde

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Municipal Land Use, Development, and Management Act and the County Land Use, Development, and Management Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ addresses local authority to adopt local land use requirements and regulations;
- ▶ amends the process to vacate a public street;
- ▶ clarifies local authority regarding a planning commission;
- ▶ amends the authority of a local legislative body regarding zoning;
- ▶ provides that a local legislative body may consider a planning commission's failure to make a certain timely recommendation as a negative recommendation;
- ▶ requires a legislative body to classify each allowed use in a zoning district;
- ▶ prohibits a municipality from withholding the issuance of a certificate of occupancy in certain circumstances;
- ▶ imposes a time limit for final action on certain applications;
- ▶ prohibits a county recorder from recording a subdivision plat unless the relevant municipality or county has approved and signed the plat;
- ▶ requires a municipality and county to establish two acceptable forms of completion assurance and adds elements for which the municipality or county may not require



- 28 completion assurance;
- 29 ▶ amends provisions regarding exemptions from the plat requirement;
- 30 ▶ amends a provision regarding municipal or county liability for the dedication of a
- 31 street;
- 32 ▶ allows for a separate process to vacate a public street through a petition;
- 33 ▶ provides for varying standards of review in an appeal authority's review of a land
- 34 use decision;
- 35 ▶ allows a court to declare a land use application approved without remanding in
- 36 certain circumstances;
- 37 ▶ requires a court to award attorney fees if the court makes a certain determination of
- 38 bad faith challenge to a land use approval;
- 39 ▶ requires a boundary line agreement operating as a quitclaim deed to meet certain
- 40 standards;
- 41 ▶ amends provisions regarding boundary line agreements, including elements, status,
- 42 and exemptions; and
- 43 ▶ makes technical and conforming changes.

44 Money Appropriated in this Bill:

45 None

46 Other Special Clauses:

47 None

48 Utah Code Sections Affected:

49 AMENDS:

- 50 **10-9a-102**, as last amended by Laws of Utah 2018, Chapter 460
- 51 **10-9a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415
- 52 **10-9a-104**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 53 **10-9a-208**, as last amended by Laws of Utah 2010, Chapter 90
- 54 **10-9a-302**, as last amended by Laws of Utah 2017, Chapter 84
- 55 **10-9a-501**, as last amended by Laws of Utah 2017, Chapter 84
- 56 **10-9a-502**, as last amended by Laws of Utah 2017, Chapter 84
- 57 **10-9a-503**, as last amended by Laws of Utah 2017, Chapters 17, 79, and 84
- 58 **10-9a-507**, as last amended by Laws of Utah 2018, Chapter 339

- 59 [10-9a-509](#), as last amended by Laws of Utah 2018, Chapter 339
- 60 [10-9a-509.5](#), as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 61 [10-9a-601](#), as renumbered and amended by Laws of Utah 2005, Chapter 254
- 62 [10-9a-602](#), as renumbered and amended by Laws of Utah 2005, Chapter 254
- 63 [10-9a-603](#), as last amended by Laws of Utah 2017, Chapters 410 and 428
- 64 [10-9a-604.5](#), as last amended by Laws of Utah 2018, Chapter 339
- 65 [10-9a-605](#), as last amended by Laws of Utah 2010, Chapter 381
- 66 [10-9a-607](#), as last amended by Laws of Utah 2010, Chapter 381
- 67 [10-9a-608](#), as last amended by Laws of Utah 2014, Chapter 136
- 68 [10-9a-609](#), as last amended by Laws of Utah 2014, Chapter 136
- 69 [10-9a-609.5](#), as last amended by Laws of Utah 2010, Chapter 381
- 70 [10-9a-707](#), as last amended by Laws of Utah 2017, Chapter 84
- 71 [10-9a-801](#), as last amended by Laws of Utah 2018, Chapter 339
- 72 [10-9a-802](#), as last amended by Laws of Utah 2018, Chapter 339
- 73 [17-27a-102](#), as last amended by Laws of Utah 2018, Chapter 460
- 74 [17-27a-103](#), as last amended by Laws of Utah 2018, Chapters 339 and 415
- 75 [17-27a-104](#), as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 76 [17-27a-208](#), as last amended by Laws of Utah 2010, Chapter 90
- 77 [17-27a-302](#), as last amended by Laws of Utah 2017, Chapter 84
- 78 [17-27a-501](#), as last amended by Laws of Utah 2017, Chapter 84
- 79 [17-27a-502](#), as last amended by Laws of Utah 2017, Chapter 84
- 80 [17-27a-503](#), as last amended by Laws of Utah 2017, Chapter 84
- 81 [17-27a-506](#), as last amended by Laws of Utah 2018, Chapter 339
- 82 [17-27a-508](#), as last amended by Laws of Utah 2018, Chapter 339
- 83 [17-27a-509.5](#), as last amended by Laws of Utah 2008, Chapter 112
- 84 [17-27a-601](#), as renumbered and amended by Laws of Utah 2005, Chapter 254
- 85 [17-27a-602](#), as last amended by Laws of Utah 2015, Chapter 465
- 86 [17-27a-603](#), as last amended by Laws of Utah 2017, Chapters 410 and 428
- 87 [17-27a-604.5](#), as last amended by Laws of Utah 2018, Chapter 339
- 88 [17-27a-605](#), as last amended by Laws of Utah 2016, Chapter 147
- 89 [17-27a-607](#), as last amended by Laws of Utah 2010, Chapter 381

90 17-27a-608, as last amended by Laws of Utah 2014, Chapter 136
 91 17-27a-609, as last amended by Laws of Utah 2014, Chapter 136
 92 17-27a-609.5, as last amended by Laws of Utah 2010, Chapter 381
 93 17-27a-707, as last amended by Laws of Utah 2017, Chapter 84
 94 17-27a-801, as last amended by Laws of Utah 2018, Chapter 339
 95 17-27a-802, as last amended by Laws of Utah 2018, Chapter 339
 96 57-1-13, as last amended by Laws of Utah 2011, Chapter 88
 97 57-1-45, as last amended by Laws of Utah 2011, Chapter 88
 98 63I-2-217, as last amended by Laws of Utah 2018, Chapter 68 and further amended by
 99 Revisor Instructions, Laws of Utah 2018, Chapter 456

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

102 Section 1. Section 10-9a-102 is amended to read:

103 **10-9a-102. Purposes -- General land use authority.**

104 (1) The purposes of this chapter are to:

105 (a) provide for the health, safety, and welfare~~[, and]~~;

106 (b) promote the prosperity~~[,]~~;

107 (c) improve the morals, peace ~~[and]~~, good order, comfort, convenience, and aesthetics
 108 of each municipality and ~~[its]~~ the counties present and future inhabitants and businesses~~[, to]~~;

109 (d) protect the tax base~~[, to]~~;

110 (e) secure economy in governmental expenditures~~[, to]~~;

111 (f) foster the state's agricultural and other industries~~[, to]~~;

112 (g) protect both urban and nonurban development~~[, to]~~;

113 (h) protect and ensure access to sunlight for solar energy devices~~[, to]~~;

114 (i) provide fundamental fairness in land use regulation~~[, and to]~~;

115 (j) facilitate orderly growth and allow growth in a variety of housing types; and

116 (k) protect property values.

117 (2) To accomplish the purposes of this chapter, ~~[municipalities]~~ a municipality may
 118 enact all ordinances, resolutions, and rules and may enter into other forms of land use controls
 119 and development agreements that ~~[they consider]~~ the municipality considers necessary or
 120 appropriate for the use and development of land within the municipality, including ordinances,

121 resolutions, rules, restrictive covenants, easements, and development agreements governing:

122 (a) uses[;];

123 (b) density[;];

124 (c) open spaces[;];

125 (d) structures[;];

126 (e) buildings[;];

127 (f) energy efficiency[;];

128 (g) light and air[;];

129 (h) air quality[;];

130 (i) transportation and public or alternative transportation[;];

131 (j) infrastructure[;];

132 (k) street and building orientation [~~and~~];

133 (l) width requirements[;];

134 (m) public facilities[;];

135 (n) fundamental fairness in land use regulation[;]; and

136 (o) considerations of surrounding land uses [~~and the~~] to balance [~~of~~] the foregoing

137 purposes with a landowner's private property interests[~~, height and location of vegetation, trees,~~

138 ~~and landscaping, unless expressly prohibited by law]~~ and associated statutory and constitutional

139 protections.

140 (3) (a) Any ordinance, resolution, or rule enacted by a municipality pursuant to its
141 authority under this chapter shall comply with the state's exclusive jurisdiction to regulate oil
142 and gas activity, as described in Section 40-6-2.5.

143 (b) A municipality may enact an ordinance, resolution, or rule that regulates surface
144 activity incident to an oil and gas activity if the municipality demonstrates that the regulation:

145 (i) is necessary for the purposes of this chapter;

146 (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and

147 (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas
148 activity, as described in Section 40-6-2.5.

149 Section 2. Section 10-9a-103 is amended to read:

150 **10-9a-103. Definitions.**

151 As used in this chapter:

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

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

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

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

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

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

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

171 (i) an operating charter school;

172 (ii) a charter school applicant that has its application approved by a charter school
173 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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

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

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

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

- 183 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 184 (b) Utah Constitution Article I, Section 22.
- 185 (7) "Culinary water authority" means the department, agency, or public entity with
- 186 responsibility to review and approve the feasibility of the culinary water system and sources for
- 187 the subject property.
- 188 (8) "Development activity" means:
- 189 (a) any construction or expansion of a building, structure, or use that creates additional
- 190 demand and need for public facilities;
- 191 (b) any change in use of a building or structure that creates additional demand and need
- 192 for public facilities; or
- 193 (c) any change in the use of land that creates additional demand and need for public
- 194 facilities.
- 195 (9) (a) "Disability" means a physical or mental impairment that substantially limits one
- 196 or more of a person's major life activities, including a person having a record of such an
- 197 impairment or being regarded as having such an impairment.
- 198 (b) "Disability" does not include current illegal use of, or addiction to, any federally
- 199 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
- 200 802.
- 201 (10) "Educational facility":
- 202 (a) means:
- 203 (i) a school district's building at which pupils assemble to receive instruction in a
- 204 program for any combination of grades from preschool through grade 12, including
- 205 kindergarten and a program for children with disabilities;
- 206 (ii) a structure or facility:
- 207 (A) located on the same property as a building described in Subsection (10)(a)(i); and
- 208 (B) used in support of the use of that building; and
- 209 (iii) a building to provide office and related space to a school district's administrative
- 210 personnel; and
- 211 (b) does not include:
- 212 (i) land or a structure, including land or a structure for inventory storage, equipment
- 213 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

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

216 (B) used in support of the purposes of a building described in Subsection (10)(a)(i); or
217 (ii) a therapeutic school.

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

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

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

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

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

230 (14) "Geologic hazard" means:

231 (a) a surface fault rupture;

232 (b) shallow groundwater;

233 (c) liquefaction;

234 (d) a landslide;

235 (e) a debris flow;

236 (f) unstable soil;

237 (g) a rock fall; or

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

239 (i) to life;

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

241 (iii) of substantial damage to real property.

242 (15) "Historic preservation authority" means a person, board, commission, or other
243 body designated by a legislative body to:

244 (a) recommend land use regulations to preserve local historic districts or areas; and

245 (b) administer local historic preservation land use regulations within a local historic
246 district or area.

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

250 (17) "Identical plans" means building plans submitted to a municipality that:

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

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

254 (c) describe a building that:

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

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

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

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

262 (18) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
263 Impact Fees Act.

264 (19) "Improvement completion assurance" means a surety bond, letter of credit,
265 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
266 by a municipality to guaranty the proper completion of landscaping or an infrastructure
267 improvement required as a condition precedent to:

268 (a) recording a subdivision plat; or

269 (b) development of a commercial, industrial, mixed use, or multifamily project.

270 (20) "Improvement warranty" means an applicant's unconditional warranty that the
271 applicant's installed and accepted landscaping or infrastructure improvement:

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

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

276 (21) "Improvement warranty period" means a period:
 277 (a) no later than one year after a municipality's acceptance of required landscaping; or
 278 (b) no later than one year after a municipality's acceptance of required infrastructure,
 279 unless the municipality:
 280 (i) determines for good cause that a one-year period would be inadequate to protect the
 281 public health, safety, and welfare; and
 282 (ii) has substantial evidence, on record:
 283 (A) of prior poor performance by the applicant; or
 284 (B) that the area upon which the infrastructure will be constructed contains suspect soil
 285 and the municipality has not otherwise required the applicant to mitigate the suspect soil.
 286 (22) "Infrastructure improvement" means permanent infrastructure that:
 287 (a) is essential for the public health and safety;
 288 (b) is required for human occupation; and
 289 (c) an applicant must install:
 290 ~~[(a)]~~ (i) [pursuant to] in accordance with published installation and inspection
 291 specifications for public improvements; and
 292 ~~[(b)]~~ (ii) whether the improvement is public or private, as a condition of:
 293 ~~[(i)]~~ (A) recording a subdivision plat; [or]
 294 (B) obtaining a building permit; or
 295 ~~[(ii)]~~ (C) development of a commercial, industrial, mixed use, condominium, or
 296 multifamily project.
 297 (23) "Internal lot restriction" means a platted note, platted demarcation, or platted
 298 designation that:
 299 (a) runs with the land; and
 300 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
 301 the plat; or
 302 (ii) designates a development condition that is enclosed within the perimeter of a lot
 303 described on the plat.
 304 (24) "Land use applicant" means a property owner, or the property owner's designee,
 305 who submits a land use application regarding the property owner's land.
 306 (25) "Land use application":

- 307 (a) means an application that is:
- 308 (i) required by a municipality; and
- 309 (ii) submitted by a land use applicant to obtain a land use decision; and
- 310 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 311 (26) "Land use authority" means:
- 312 (a) a person, board, commission, agency, or body, including the local legislative body,
- 313 designated by the local legislative body to act upon a land use application; or
- 314 (b) if the local legislative body has not designated a person, board, commission,
- 315 agency, or body, the local legislative body.
- 316 (27) "Land use decision" means an administrative decision of a land use authority or
- 317 appeal authority approving a land use application that runs with the land in accordance with the
- 318 terms of the decision regarding:
- 319 (a) a land use permit;
- 320 (b) a land use application; or
- 321 (c) the enforcement of a land use regulation, land use permit, or development
- 322 agreement.
- 323 (28) "Land use permit" means a permit issued by a land use authority.
- 324 (29) "Land use regulation":
- 325 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
- 326 specification, fee, or rule that governs the use or development of land;
- 327 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
- 328 and
- 329 (c) does not include:
- 330 (i) a land use decision of the legislative body acting as the land use authority, even if
- 331 the decision is expressed in a resolution or ordinance; or
- 332 (ii) a temporary revision to an engineering specification that does not materially:
- 333 (A) increase a land use applicant's cost of development compared to the existing
- 334 specification; or
- 335 (B) impact a land use applicant's use of land.
- 336 (30) "Legislative body" means the municipal council.
- 337 (31) "Local district" means an entity under Title 17B, Limited Purpose Local

338 Government Entities - Local Districts, and any other governmental or quasi-governmental
339 entity that is not a county, municipality, school district, or the state.

340 (32) "Local historic district or area" means a geographically definable area that:

341 (a) contains any combination of buildings, structures, sites, objects, landscape features,
342 archeological sites, or works of art that contribute to the historic preservation goals of a
343 legislative body; and

344 (b) is subject to land use regulations to preserve the historic significance of the local
345 historic district or area.

346 (33) "Lot" means a tract of land, regardless of any label, that is created by and shown
347 on a subdivision plat that has been recorded in the office of the county recorder.

348 ~~[(33)]~~ (34) (a) "Lot line adjustment" means ~~[the]~~ a relocation of ~~[the property]~~ a lot line
349 boundary ~~[line in a subdivision]~~ between ~~[two]~~ adjoining lots, whether or not the lots are
350 located in the same subdivision, in accordance with Section [10-9a-608](#), with the consent of the
351 owners of record.

352 (b) "Lot line adjustment" does not mean a relocation of a lot line boundary that:

353 (i) creates an additional lot; or

354 (ii) constitutes a subdivision.

355 ~~[(34)]~~ (35) "Moderate income housing" means housing occupied or reserved for
356 occupancy by households with a gross household income equal to or less than 80% of the
357 median gross income for households of the same size in the county in which the city is located.

358 (36) "Municipal utility easement" means an easement that:

359 (a) a plat recorded in a county recorder's office described as a municipal utility
360 easement, public utility easement as defined in Subsection [54-3-27\(1\)\(b\)](#), or otherwise as a
361 utility easement;

362 (b) is not a protected utility easement as defined in Subsection [54-3-27\(1\)\(a\)](#);

363 (c) the municipality or the municipality's affiliated governmental entity owns or
364 creates; and

365 (d) (i) no person uses or occupies;

366 (ii) the municipality or the municipality's affiliated governmental entity uses and
367 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
368 water, or communications or data lines; or

369 (iii) a person uses or occupies as the municipality authorizes through a franchise or
370 other agreement with the municipality.

371 [~~35~~] (37) "Nominal fee" means a fee that reasonably reimburses a municipality only
372 for time spent and expenses incurred in:

- 373 (a) verifying that building plans are identical plans; and
- 374 (b) reviewing and approving those minor aspects of identical plans that differ from the
375 previously reviewed and approved building plans.

376 [~~36~~] (38) "Noncomplying structure" means a structure that:

- 377 (a) legally existed before its current land use designation; and
- 378 (b) because of one or more subsequent land use ordinance changes, does not conform
379 to the setback, height restrictions, or other regulations, excluding those regulations, which
380 govern the use of land.

381 [~~37~~] (39) "Nonconforming use" means a use of land that:

- 382 (a) legally existed before its current land use designation;
- 383 (b) has been maintained continuously since the time the land use ordinance governing
384 the land changed; and
- 385 (c) because of one or more subsequent land use ordinance changes, does not conform
386 to the regulations that now govern the use of the land.

387 [~~38~~] (40) "Official map" means a map drawn by municipal authorities and recorded in
388 a county recorder's office that:

- 389 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
390 highways and other transportation facilities;
- 391 (b) provides a basis for restricting development in designated rights-of-way or between
392 designated setbacks to allow the government authorities time to purchase or otherwise reserve
393 the land; and
- 394 (c) has been adopted as an element of the municipality's general plan.

395 (41) "Parcel" means any real property that is not a lot created by and shown on a
396 subdivision plat recorded in the office of the county recorder.

397 [~~39~~] (42) (a) "Parcel boundary adjustment" means a recorded agreement between
398 owners of adjoining [~~properties~~] parcels adjusting [~~their~~] the mutual boundary, either by deed
399 or by a boundary line agreement in accordance with Section 57-1-45, if[:-(a)] no additional

400 parcel is created[;] and:

401 ~~[(b)]~~ (i) ~~[each]~~ none of the property identified in the agreement is [unsubdivided land,
402 including a remainder of] subdivided land[;]; or

403 (ii) the adjustment is to the boundaries of a single person's parcels.

404 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
405 line that:

406 (i) creates an additional parcel; or

407 (ii) constitutes a subdivision.

408 ~~[(40)]~~ (43) "Person" means an individual, corporation, partnership, organization,
409 association, trust, governmental agency, or any other legal entity.

410 ~~[(41)]~~ (44) "Plan for moderate income housing" means a written document adopted by
411 a city legislative body that includes:

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

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

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

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

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

421 ~~[(42)]~~ (45) "Plat" means a map or other graphical representation of lands ~~[being laid~~
422 ~~out and prepared]~~ that a licensed professional land surveyor makes and prepares in accordance
423 with Section [10-9a-603](#), [17-23-17](#), [57-1-45](#), or [57-8-13](#).

424 ~~[(43)]~~ (46) "Potential geologic hazard area" means an area that:

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

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

431 [~~(44)~~] (47) "Public agency" means:

432 (a) the federal government;

433 (b) the state;

434 (c) a county, municipality, school district, local district, special service district, or other

435 political subdivision of the state; or

436 (d) a charter school.

437 [~~(45)~~] (48) "Public hearing" means a hearing at which members of the public are
438 provided a reasonable opportunity to comment on the subject of the hearing.

439 [~~(46)~~] (49) "Public meeting" means a meeting that is required to be open to the public
440 under Title 52, Chapter 4, Open and Public Meetings Act.

441 (50) "Public street" means a public right-of-way, including a public highway, public
442 avenue, public boulevard, public parkway, public road, public lane, public trail or walk, public
443 alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public
444 transportation easement, or other public way.

445 [~~(47)~~] (51) "Receiving zone" means an area of a municipality that the municipality
446 designates, by ordinance, as an area in which an owner of land may receive a transferable
447 development right.

448 [~~(48)~~] (52) "Record of survey map" means a map of a survey of land prepared in
449 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

450 [~~(49)~~] (53) "Residential facility for persons with a disability" means a residence:

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

452 (b) (i) which is licensed or certified by the Department of Human Services under Title
453 62A, Chapter 2, Licensure of Programs and Facilities; or

454 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
455 21, Health Care Facility Licensing and Inspection Act.

456 [~~(50)~~] (54) "Rules of order and procedure" means a set of rules that govern and
457 prescribe in a public meeting:

458 (a) parliamentary order and procedure;

459 (b) ethical behavior; and

460 (c) civil discourse.

461 [~~(51)~~] (55) "Sanitary sewer authority" means the department, agency, or public entity

462 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
463 wastewater systems.

464 ~~[(52)]~~ (56) "Sending zone" means an area of a municipality that the municipality
465 designates, by ordinance, as an area from which an owner of land may transfer a transferable
466 development right.

467 ~~[(53)]~~ (57) "Specified public agency" means:

- 468 (a) the state;
- 469 (b) a school district; or
- 470 (c) a charter school.

471 ~~[(54)]~~ (58) "Specified public utility" means an electrical corporation, gas corporation,
472 or telephone corporation, as those terms are defined in Section 54-2-1.

473 ~~[(55)]~~ (59) "State" includes any department, division, or agency of the state.

474 ~~[(56) "Street" means a public right-of-way, including a highway, avenue, boulevard,
475 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other
476 way.]~~

477 (60) "Subdivided land" means the land, tract, or lot described in a recorded subdivision
478 plat.

479 ~~[(57)]~~ (61) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
480 to be divided into two or more lots~~[-, parcels, sites, units, plots,]~~ or other division of land for the
481 purpose, whether immediate or future, for offer, sale, lease, or development either on the
482 installment plan or upon any and all other plans, terms, and conditions.

483 (b) "Subdivision" includes:

484 (i) the division or development of land whether by deed, metes and bounds description,
485 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division
486 includes all or a portion of a parcel or lot; and

487 (ii) except as provided in Subsection ~~[(57)]~~ (61)(c), divisions of land for residential and
488 nonresidential uses, including land used or to be used for commercial, agricultural, and
489 industrial purposes.

490 (c) "Subdivision" does not include:

491 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
492 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if

493 neither the resulting combined parcel nor the parcel remaining from the division or partition
 494 violates an applicable land use ordinance;

495 (ii) ~~[a recorded]~~ an agreement recorded with the county recorder's office between
 496 owners of adjoining unsubdivided properties adjusting ~~[their]~~ the mutual boundary by a
 497 boundary line agreement in accordance with Section 57-1-45 if:

498 (A) no new lot is created; and

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

500 (iii) a recorded document, executed by the owner of record~~[(A)]~~ revising the legal
 501 description of more than one contiguous ~~[unsubdivided]~~ parcel of property that is not
 502 subdivided land into one legal description encompassing all such parcels of property; ~~[or]~~

503 ~~[(B) joining a subdivided parcel of property to another parcel of property that has not~~
 504 ~~been subdivided, if the joinder does not violate applicable land use ordinances;]~~

505 (iv) ~~[a recorded]~~ an agreement between owners of adjoining subdivided properties
 506 adjusting ~~[their]~~ the mutual lot line boundary in accordance with Section 10-9a-603 if:

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

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

509 (v) a bona fide division or partition of land by deed or other instrument where the land
 510 use authority expressly approves in writing the division in anticipation of further land use
 511 approvals on the parcel or parcels; ~~[or]~~

512 (vi) a parcel boundary adjustment~~[-];~~

513 (vii) a lot line adjustment;

514 (viii) if a subdivision of a parcel does not include all of the parcel as described in the
 515 recorded plat, the remaining unsubdivided portion of the parcel;

516 (ix) a road, street, or highway dedication plat; or

517 (x) a deed for a road, street, or highway purpose.

518 ~~[(d) The joining of a subdivided parcel of property to another parcel of property that~~
 519 ~~has not been subdivided does not constitute a subdivision under this Subsection (57) as to the~~
 520 ~~unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's~~
 521 ~~subdivision ordinance.]~~

522 ~~[(58)]~~ (62) "Suspect soil" means soil that has:

523 (a) a high susceptibility for volumetric change, typically clay rich, having more than a

524 3% swell potential;

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

526 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum

527 commonly associated with dissolution and collapse features.

528 [~~(59)~~] (63) "Therapeutic school" means a residential group living facility:

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

530 (i) the owner of the facility; or

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

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

533 (i) at home;

534 (ii) in a public school; or

535 (iii) in a nonresidential private school; and

536 (c) that offers:

537 (i) room and board; and

538 (ii) an academic education integrated with:

539 (A) specialized structure and supervision; or

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

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

542 [~~(60)~~] (64) "Transferable development right" means a right to develop and use land that

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

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

545 [~~(61)~~] (65) "Unincorporated" means the area outside of the incorporated area of a city

546 or town.

547 [~~(62)~~] (66) "Water interest" means any right to the beneficial use of water, including:

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

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

550 (i) a contract; or

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

552 [~~(63)~~] (67) "Zoning map" means a map, adopted as part of a land use ordinance, that

553 depicts land use zones, overlays, or districts.

554 Section 3. Section 10-9a-104 is amended to read:

555 **10-9a-104. Municipal standards.**

556 (1) [~~Except as provided in Subsection (2), a municipality may enact a land use~~
 557 ~~regulation imposing stricter requirements or higher standards than are required by this chapter.]~~
 558 This chapter does not prohibit a municipality from adopting the municipality's own land use
 559 standards.

560 (2) [~~A~~] Notwithstanding Subsection (1), a municipality may not impose a requirement,
 561 regulation, condition, or standard that conflicts with a provision of this chapter, other state law,
 562 or federal law.

563 Section 4. Section **10-9a-208** is amended to read:

564 **10-9a-208. Hearing and notice for petition to vacate a public street.**

565 (1) For any [~~proposal~~] petition to vacate some or all of a public street[~~, right-of-way, or~~
 566 ~~easement,~~] the legislative body shall:

567 (a) hold a public hearing; and

568 (b) give notice of the date, place, and time of the hearing, as provided in Subsection

569 (2).

570 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative
 571 body shall ensure that the notice required under Subsection (1)(b) [~~shall be~~] is:

572 (a) mailed to the record owner of each parcel that is accessed by the public street[~~;~~
 573 ~~right-of-way, or easement~~];

574 (b) mailed to each affected entity;

575 (c) posted on or near the public street[~~, right-of-way, or easement~~] in a manner that is
 576 calculated to alert the public; and

577 (d) (i) published [~~in a newspaper of general circulation in~~] on the website of the
 578 municipality in which the land subject to the petition is located until the public hearing
 579 concludes; and

580 (ii) published on the Utah Public Notice Website created in Section **63F-1-701**.

581 Section 5. Section **10-9a-302** is amended to read:

582 **10-9a-302. Planning commission powers and duties.**

583 (1) The planning commission shall make a recommendation to the legislative body for:

584 [~~1~~] (a) a general plan and amendments to the general plan;

585 [~~2~~] (b) land use regulations;

586 ~~[(3)]~~ (c) an appropriate delegation of power to at least one designated land use
587 authority to hear and act on a land use application;
588 ~~[(4)]~~ (d) an appropriate delegation of power to at least one appeal authority to hear and
589 act on an appeal from a decision of the land use authority; and
590 ~~[(5)]~~ (e) application processes that:
591 ~~[(a)]~~ (i) may include a designation of routine land use matters that, upon application
592 and proper notice, will receive informal streamlined review and action if the application is
593 uncontested; and
594 ~~[(b)]~~ (ii) shall protect the right of each:
595 ~~[(i)]~~ (A) applicant and third party to require formal consideration of any application by
596 a land use authority;
597 ~~[(ii)]~~ (B) applicant, adversely affected party, or municipal officer or employee to appeal
598 a land use authority's decision to a separate appeal authority; and
599 ~~[(iii)]~~ (C) participant to be heard in each public hearing on a contested application.
600 (2) Nothing in this section limits the right of a municipality to initiate or propose the
601 actions described in this section.

602 Section 6. Section **10-9a-501** is amended to read:

603 **10-9a-501. Enactment of land use regulation.**

604 (1) Only a legislative body, as the body authorized to weigh policy considerations, may
605 enact a land use regulation.

606 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use
607 regulation only by ordinance.

608 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that
609 imposes a fee.

610 (3) A legislative body shall ensure that a land use regulation ~~[shall be]~~ is consistent
611 with the purposes set forth in this chapter.

612 (4) (a) A legislative body shall adopt a land use regulation to:

613 (i) create or amend a zoning district under Subsection 10-9a-503(1)(a); and

614 (ii) designate general uses allowed in each zoning district.

615 (b) A land use authority may establish or modify other restrictions or requirements
616 other than those described in Subsection (4)(a), including the configuration or modification of

617 uses or density, through a land use decision that applies criteria or policy elements that a land
 618 use regulation establishes or describes.

619 Section 7. Section **10-9a-502** is amended to read:

620 **10-9a-502. Preparation and adoption of land use regulation.**

621 (1) ~~[The]~~ A planning commission shall:

622 (a) provide notice as required by Subsection **10-9a-205**(1)(a) and, if applicable,
 623 Subsection **10-9a-205**(4);

624 (b) hold a public hearing on a proposed land use regulation;

625 (c) if applicable, consider each written objection filed in accordance with Subsection
 626 **10-9a-205**(4) prior to the public hearing; and

627 (d) (i) ~~[prepare]~~ review and recommend to the legislative body a proposed land use
 628 regulation that represents the planning commission's recommendation for regulating the use
 629 and development of land within all or any part of the area of the municipality; and

630 (ii) forward to the legislative body all objections filed in accordance with Subsection
 631 **10-9a-205**(4).

632 (2) (a) ~~[The]~~ A legislative body shall consider each proposed land use regulation
 633 ~~[recommended to the legislative body by]~~ that the planning commission~~[-, and, after]~~
 634 recommends to the legislative body.

635 (b) After providing notice as required by Subsection **10-9a-205**(1)(b) and holding a
 636 public meeting, the legislative body may adopt or reject the land use regulation ~~[either]~~
 637 described in Subsection (2)(a):

638 (i) as proposed by the planning commission; or

639 (ii) after making any revision the legislative body considers appropriate.

640 (c) A legislative body may consider a planning commission's failure to make a timely
 641 recommendation as a negative recommendation.

642 Section 8. Section **10-9a-503** is amended to read:

643 **10-9a-503. Land use ordinance or zoning map amendments -- Historic district or**
 644 **area.**

645 (1) Only a legislative body may amend:

646 (a) the number, shape, boundaries, ~~[or]~~ area, or general uses of any zoning district;

647 (b) any regulation of or within the zoning district; or

648 (c) any other provision of a land use regulation.

649 (2) ~~[The]~~ A legislative body may not make any amendment authorized by this section
650 unless the legislative body first submits the amendment ~~[was proposed by the planning~~
651 ~~commission or was first submitted]~~ to the planning commission for ~~[its]~~ the planning
652 commission's recommendation.

653 (3) ~~[The]~~ A legislative body shall comply with the procedure specified in Section
654 10-9a-502 in preparing and adopting an amendment to a land use regulation.

655 (4) (a) As used in this Subsection (4):

656 (i) "Citizen-led process" means a process established by a municipality to create a local
657 historic district or area that requires:

658 (A) a petition signed by a minimum number of property owners within the boundaries
659 of the proposed local historic district or area; or

660 (B) a vote of the property owners within the boundaries of the proposed local historic
661 district or area.

662 (ii) "Condominium project" means the same as that term is defined in Section 57-8-3.

663 (iii) "Unit" means the same as that term is defined in Section 57-8-3.

664 (b) If a municipality provides a citizen-led process, the process shall require that:

665 (i) more than 33% of the property owners within the boundaries of the proposed local
666 historic district or area agree in writing to the creation of the proposed local historic district or
667 area;

668 (ii) before any property owner agrees to the creation of a proposed local historic district
669 or area under Subsection (4)(b)(i), the municipality prepare and distribute, to each property
670 owner within the boundaries of the proposed local historic district or area, a neutral
671 information pamphlet that:

672 (A) describes the process to create a local historic district or area; and

673 (B) lists the pros and cons of a local historic district or area;

674 (iii) after the property owners satisfy the requirement described in Subsection (4)(b)(i),
675 for each parcel or, if the parcel contains a condominium project, each unit, within the
676 boundaries of the proposed local historic district or area, the municipality provide:

677 (A) a second copy of the neutral information pamphlet described in Subsection
678 (4)(b)(ii); and

679 (B) one public support ballot that, subject to Subsection (4)(c), allows the owner or
680 owners of record to vote in favor of or against the creation of the proposed local historic district
681 or area;

682 (iv) in a vote described in Subsection (4)(b)(iii)(B), the returned public support ballots
683 that reflect a vote in favor of the creation of the proposed local historic district or area:

684 (A) equal at least two-thirds of the returned public support ballots; and

685 (B) represent more than 50% of the parcels and units within the proposed local historic
686 district or area;

687 (v) if a local historic district or area proposal fails in a vote described in Subsection
688 (4)(b)(iii)(B), the legislative body may override the vote and create the proposed local historic
689 district or area with an affirmative vote of two-thirds of the members of the legislative body;
690 and

691 (vi) if a local historic district or area proposal fails in a vote described in Subsection
692 (4)(b)(iii)(B) and the legislative body does not override the vote under Subsection (4)(b)(v), a
693 resident may not initiate the creation of a local historic district or area that includes more than
694 50% of the same property as the failed local historic district or area proposal for four years after
695 the day on which the public support ballots for the vote are due.

696 (c) In a vote described in Subsection (4)(b)(iii)(B):

697 (i) a property owner is eligible to vote regardless of whether the property owner is an
698 individual, a private entity, or a public entity;

699 (ii) the municipality shall count no more than one public support ballot for:

700 (A) each parcel within the boundaries of the proposed local historic district or area; or

701 (B) if the parcel contains a condominium project, each unit within the boundaries of
702 the proposed local historic district or area; and

703 (iii) if a parcel or unit has more than one owner of record, the municipality shall count
704 a public support ballot for the parcel or unit only if the public support ballot reflects the vote of
705 the property owners who own at least a 50% interest in the parcel or unit.

706 (d) The requirements described in Subsection (4)(b)(iv) apply to the creation of a local
707 historic district or area that is:

708 (i) initiated in accordance with a municipal process described in Subsection (4)(b); and

709 (ii) not complete on or before January 1, 2016.

710 (e) A vote described in Subsection (4)(b)(iii)(B) is not subject to Title 20A, Election
711 Code.

712 Section 9. Section **10-9a-507** is amended to read:

713 **10-9a-507. Conditional uses.**

714 (1) (a) A municipality may adopt a land use ordinance that includes conditional uses
715 and provisions for conditional uses that require compliance with standards set forth in an
716 applicable ordinance.

717 (b) A municipality may not impose a requirement or standard on a conditional use that
718 conflicts with a provision of this chapter or other state or federal law.

719 (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions
720 are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of
721 the proposed use in accordance with applicable standards.

722 (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate
723 anticipated detrimental effects of the proposed conditional use does not require elimination of
724 the detrimental effects.

725 (b) If a land use authority proposes reasonable conditions on a proposed conditional
726 use, the land use authority shall ensure that the conditions are stated on the record and
727 reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

728 (c) If the reasonably anticipated detrimental effects of a proposed conditional use
729 cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to
730 achieve compliance with applicable standards, the land use authority may deny the conditional
731 use.

732 (3) A land use authority's decision to approve or deny conditional use is an
733 administrative land use decision.

734 (4) A legislative body shall classify any use that a land use regulation allows in a
735 zoning district as either a permitted or conditional use under this chapter.

736 Section 10. Section **10-9a-509** is amended to read:

737 **10-9a-509. Applicant's entitlement to land use application approval --**
738 **Municipality's requirements and limitations -- Vesting upon submission of development**
739 **plan and schedule.**

740 (1) (a) (i) An applicant who has submitted a complete land use application as described

741 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive
742 review of the application under the land use regulations:

743 (A) in effect on the date that the application is complete; and

744 (B) applicable to the application or to the information shown on the application.

745 (ii) An applicant is entitled to approval of a land use application if the application
746 conforms to the requirements of the applicable land use regulations, land use decisions, and
747 development standards in effect when the applicant submits a complete application and pays
748 application fees, unless:

749 (A) the land use authority, on the record, formally finds that a compelling,
750 countervailing public interest would be jeopardized by approving the application and specifies
751 the compelling, countervailing public interest in writing; or

752 (B) in the manner provided by local ordinance and before the applicant submits the
753 application, the municipality formally initiates proceedings to amend the municipality's land
754 use regulations in a manner that would prohibit approval of the application as submitted.

755 (b) The municipality shall process an application without regard to proceedings the
756 municipality initiated to amend the municipality's ordinances as described in Subsection
757 (1)(a)(ii)(B) if:

758 (i) 180 days have passed since the municipality initiated the proceedings; and

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

761 (c) A land use application is considered submitted and complete when the applicant
762 provides the application in a form that complies with the requirements of applicable ordinances
763 and pays all applicable fees.

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

766 (e) A municipality may not impose on an applicant who has submitted a complete
767 application [~~for preliminary subdivision approval~~] a requirement that is not expressed in:

768 (i) this chapter;

769 (ii) a municipal ordinance; or

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

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

- 774 (i) in a land use permit;
- 775 (ii) on the subdivision plat;
- 776 (iii) in a document on which the land use permit or subdivision plat is based;
- 777 (iv) in the written record evidencing approval of the land use permit or subdivision
778 plat;
- 779 (v) in this chapter; or
- 780 (vi) in a municipal ordinance.

781 (g) ~~[A]~~ Except as provided in Subsection (1)(h), a municipality may not withhold
782 issuance of a certificate of occupancy or acceptance of subdivision improvements because of an
783 applicant's failure to comply with a requirement that is not expressed:

- 784 (i) in the building permit or subdivision plat, documents on which the building permit
785 or subdivision plat is based, or the written record evidencing approval of the land use permit or
786 subdivision plat; or
- 787 (ii) in this chapter or the municipality's ordinances.

788 (h) A municipality may not withhold issuance of a certificate of occupancy where an
789 applicant has met all requirements essential for the public health, public safety, and general
790 welfare of the occupants, in accordance with this chapter, unless:

- 791 (i) the applicant and the municipality have agreed to the withholding of a certificate of
792 occupancy; or
- 793 (ii) the applicant has not provided a financial assurance for required and uncompleted
794 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
795 legislative body adopts under this chapter.

796 (2) A municipality is bound by the terms and standards of applicable land use
797 regulations and shall comply with mandatory provisions of those regulations.

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

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

803 specified public agency vests in the municipality's applicable land use maps, zoning map,
804 hookup fees, impact fees, other applicable development fees, and land use regulations in effect
805 on the date of submission.

806 Section 11. Section **10-9a-509.5** is amended to read:

807 **10-9a-509.5. Review for application completeness -- Substantive application**
808 **review -- Reasonable diligence required for determination of whether improvements or**
809 **warranty work meets standards -- Money damages claim prohibited.**

810 (1) (a) Each municipality shall, in a timely manner, determine whether ~~an~~ a land use
811 application is complete for the purposes of subsequent, substantive land use authority review.

812 (b) After a reasonable period of time to allow the municipality diligently to evaluate
813 whether all objective ordinance-based application criteria have been met, if application fees
814 have been paid, the applicant may in writing request that the municipality provide a written
815 determination either that the application is:

816 (i) complete for the purposes of allowing subsequent, substantive land use authority
817 review; or

818 (ii) deficient with respect to a specific, objective, ordinance-based application
819 requirement.

820 (c) Within 30 days of receipt of an applicant's request under this section, the
821 municipality shall either:

822 (i) mail a written notice to the applicant advising that the application is deficient with
823 respect to a specified, objective, ordinance-based criterion, and stating that the application shall
824 be supplemented by specific additional information identified in the notice; or

825 (ii) accept the application as complete for the purposes of further substantive
826 processing by the land use authority.

827 (d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application
828 shall be considered complete, for purposes of further substantive land use authority review.

829 (e) (i) The applicant may raise and resolve in a single appeal any determination made
830 under this Subsection (1) to the appeal authority, including an allegation that a reasonable
831 period of time has elapsed under Subsection (1)(a).

832 (ii) The appeal authority shall issue a written decision for any appeal requested under
833 this Subsection (1)(e).

834 (f) (i) The applicant may appeal to district court the decision of the appeal authority
835 made under Subsection (1)(e).

836 (ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of
837 the written decision.

838 (2) (a) Each land use authority shall substantively review a complete application and an
839 application considered complete under Subsection (1)(d), and shall approve or deny each
840 application with reasonable diligence, subject to the time limit under Subsection
841 11-58-402.5(2) for an inland port use application, as defined in Section 11-58-401.

842 (b) After a reasonable period of time to allow the land use authority to consider an
843 application, the applicant may in writing request that the land use authority take final action
844 within 45 days from date of service of the written request.

845 (c) Within 45 days from the date of service of the written request described in
846 Subsection (2)(b):

847 (i) [The] except as provided in Subsection (2)(c)(ii), the land use authority shall take
848 final action, approving or denying the application [within 45 days of the written request.]; and

849 (ii) if a landowner petitions for a land use regulation, a legislative body shall take final
850 action by approving or denying the petition.

851 (d) If the land use authority denies an application processed under the mandates of
852 Subsection (2)(b), or if the applicant has requested a written decision in the application, the
853 land use authority shall include its reasons for denial in writing, on the record, which may
854 include the official minutes of the meeting in which the decision was rendered.

855 (e) If the land use authority fails to comply with Subsection (2)(c), the applicant may
856 appeal this failure to district court within 30 days of the date on which the land use authority is
857 required to take final action under Subsection (2)(c).

858 (3) (a) With reasonable diligence, each land use authority shall determine whether the
859 installation of required subdivision improvements or the performance of warranty work meets
860 the municipality's adopted standards.

861 (b) (i) An applicant may in writing request the land use authority to accept or reject the
862 applicant's installation of required subdivision improvements or performance of warranty work.

863 (ii) The land use authority shall accept or reject subdivision improvements within 15
864 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as

865 practicable after that 15-day period if inspection of the subdivision improvements is impeded
866 by winter weather conditions.

867 (iii) The land use authority shall accept or reject the performance of warranty work
868 within 45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as
869 soon as practicable after that 45-day period if inspection of the warranty work is impeded by
870 winter weather conditions.

871 (c) If a land use authority determines that the installation of required subdivision
872 improvements or the performance of warranty work does not meet the municipality's adopted
873 standards, the land use authority shall comprehensively and with specificity list the reasons for
874 ~~[its]~~ the land use authority's determination.

875 (4) Subject to Section 10-9a-509, nothing in this section and no action or inaction of
876 the land use authority relieves an applicant's duty to comply with all applicable substantive
877 ordinances and regulations.

878 (5) There shall be no money damages remedy arising from a claim under this section.

879 Section 12. Section 10-9a-601 is amended to read:

880 **10-9a-601. Enactment of subdivision ordinance.**

881 (1) The legislative body of a municipality may enact ordinances requiring that a
882 subdivision plat comply with the provisions of the ~~[ordinance]~~ municipality's ordinances and
883 this part before:

884 (a) ~~[it]~~ the subdivision plat may be filed ~~[or]~~ and recorded in the county recorder's
885 office; and

886 (b) lots may be sold.

887 (2) If the legislative body fails to enact a subdivision ordinance, the municipality may
888 regulate subdivisions only to the extent provided in this part.

889 Section 13. Section 10-9a-602 is amended to read:

890 **10-9a-602. Planning commission preparation and recommendation of subdivision
891 ordinance -- Adoption or rejection by legislative body.**

892 (1) ~~[The]~~ A planning commission shall:

893 (a) ~~[prepare and recommend a]~~ review and provide a recommendation to the legislative
894 body on any proposed ordinance ~~[to the legislative body]~~ that regulates the subdivision of land
895 in the municipality;

896 (b) [~~prepare and recommend or consider and recommend a~~] review and make a
 897 recommendation to the legislative body on any proposed ordinance that amends the regulation
 898 of the subdivision of the land in the municipality;

899 (c) provide notice consistent with Section 10-9a-205; and

900 (d) hold a public hearing on the proposed ordinance before making [its] the planning
 901 commission's final recommendation to the legislative body.

902 (2) (a) [~~The municipal~~] A legislative body may adopt, modify, revise, or reject [the] an
 903 ordinance [either as proposed by] described in Subsection (1) that the planning commission [or
 904 after making any revision the legislative body considers appropriate] recommends.

905 (b) A legislative body may consider a planning commission's failure to make a timely
 906 recommendation as a negative recommendation.

907 Section 14. Section 10-9a-603 is amended to read:

908 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
 909 **acknowledgment, surveyor certification, and underground utility facility owner**
 910 **verification of plat -- Recording plat.**

911 (1) Unless exempt under Section 10-9a-605 or excluded from the definition of
 912 subdivision under Section 10-9a-103, whenever any land is laid out and platted, the owner of
 913 the land shall provide an accurate plat that describes or specifies:

914 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
 915 the county recorder's office;

916 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
 917 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
 918 intended to be used as a street or for any other public use, and whether any such area is
 919 reserved or proposed for dedication for a public purpose;

920 (c) the lot or unit reference, block or building reference, street or site address, street
 921 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
 922 and width of the blocks and lots intended for sale; and

923 (d) every existing right-of-way and easement grant of record for an underground
 924 facility, as defined in Section 54-8a-2, and for any other utility facility.

925 (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the municipality's
 926 ordinances and this part and has been approved by the culinary water authority, the sanitary

927 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local
928 health department and the municipality consider the local health department's approval
929 necessary, the municipality shall approve the plat.

930 (b) Municipalities are encouraged to receive a recommendation from the fire authority
931 before approving a plat.

932 (c) A municipality may not require that a plat be approved or signed by a person or
933 entity who:

934 (i) is not an employee or agent of the municipality; or

935 (ii) does not:

936 (A) have a legal or equitable interest in the property within the proposed subdivision;

937 (B) provide a utility or other service directly to a lot within the subdivision;

938 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs
939 for the purpose of confirming the accuracy of the location of the easement or right-of-way in
940 relation to the plat; or

941 (D) provide culinary public water service whose source protection zone designated as
942 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.

943 (d) For a subdivision application that includes land located within a notification zone,
944 as determined under Subsection [~~(2)(e)~~] (2)(f), the land use authority shall:

945 (i) within 20 days after the day on which a complete subdivision application is filed,
946 provide written notice of the application to the canal owner or associated canal operator contact
947 described in:

948 (A) Section 10-9a-211;

949 (B) Subsection 73-5-7(2); or

950 (C) Subsection (4)(c); and

951 (ii) wait to approve or reject the subdivision application for at least 20 days after the
952 day on which the land use authority mails the notice described in Subsection (2)(d)(i) in order
953 to receive input from the canal owner or associated canal operator, including input regarding:

954 (A) access to the canal;

955 (B) maintenance of the canal;

956 (C) canal protection; and

957 (D) canal safety.

958 (e) When applicable, the subdivision applicant shall comply with Section 73-1-15.5.

959 ~~[(e)]~~ (f) The land use authority shall provide the notice described in Subsection (2)(d)
960 to a canal owner or associated canal operator if:

961 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and

962 (ii) the centerline alignment is available to the land use authority:

963 (A) from information provided by the canal company under Section 10-9a-211, using
964 mapping-grade global positioning satellite units or digitized data from the most recent aerial
965 photo available to the canal owner or associated canal operator;

966 (B) using the state engineer's inventory of canals under Section 73-5-7; or

967 (C) from information provided by a surveyor under Subsection (4)(c).

968 (3) The municipality may withhold an otherwise valid plat approval until the owner of
969 the land provides the legislative body with a tax clearance indicating that all taxes, interest, and
970 penalties owing on the land have been paid.

971 (4) (a) A ~~[plat may not be submitted to a]~~ county recorder ~~[for recording]~~ may not
972 record a plat unless:

973 (i) prior to recordation, the municipality has approved and signed the plat;

974 (ii) each owner of record of land described on the plat has signed the owner's
975 dedication as shown on the plat; and

976 ~~[(ii)]~~ (iii) the signature of each owner described in Subsection ~~[(4)(a)(i)]~~ (4)(a)(ii) is
977 acknowledged as provided by law.

978 (b) The surveyor making the plat shall certify that the surveyor:

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

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

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

984 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of
985 an existing or proposed underground facility or utility facility within the proposed subdivision,
986 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's
987 depiction of the:

988 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a

989 public or private easement, or grants of record;

990 (B) location of an existing underground facility and utility facility; and

991 (C) physical restrictions governing the location of the underground facility and utility
992 facility within the subdivision.

993 (ii) The cooperation of an owner or operator under Subsection (4)(c)(i):

994 (A) indicates only that the plat approximates the location of the existing underground
995 and utility facilities but does not warrant or verify their precise location; and

996 (B) does not affect a right that the owner or operator has under~~[(F)]~~ Title 54, Chapter
997 8a, Damage to Underground Utility Facilities~~[(H)]~~, a recorded easement or right-of-way~~[(H)]~~,
998 ~~[(H)]~~, the law applicable to prescriptive rights~~[(IV)]~~, or any other provision of law.

999 (5) (a) ~~After~~ Except as provided in Subsection (4)(c), after the plat has been
1000 acknowledged, certified, and approved, the ~~owner of the land~~ individual seeking to record the
1001 plat shall, within the time period and manner designated by ordinance, record the plat in the
1002 county recorder's office in the county in which the lands platted and laid out are situated.

1003 (b) ~~An owner's~~ A failure to record a plat within the time period designated by
1004 ordinance renders the plat voidable.

1005 Section 15. Section **10-9a-604.5** is amended to read:

1006 **10-9a-604.5. Subdivision plat recording or development activity before required**
1007 **infrastructure is completed -- Improvement completion assurance -- Improvement**
1008 **warranty.**

1009 (1) A land use authority shall establish objective inspection standards for acceptance of
1010 a landscaping or infrastructure improvement that the land use authority requires.

1011 (2) (a) Before an applicant conducts any development activity or records a plat, the
1012 applicant shall:

1013 (i) complete any required landscaping or infrastructure improvements; or

1014 (ii) post an improvement completion assurance for any required landscaping or
1015 infrastructure improvements.

1016 (b) If an applicant elects to post an improvement completion assurance, the applicant
1017 shall ~~ensure that the~~ provide completion assurance for:

1018 (i) ~~provides for~~ completion of 100% of the required landscaping or infrastructure
1019 improvements; or

1020 (ii) if the municipality has inspected and accepted a portion of the landscaping or
1021 infrastructure improvements, [~~provides for completion of~~] 100% of the incomplete or
1022 unaccepted landscaping or infrastructure improvements.

1023 (c) A municipality shall:

1024 (i) establish a minimum of two acceptable forms of completion assurance;

1025 [(†)] (ii) if an applicant elects to post an improvement completion assurance, allow the
1026 applicant to post an assurance that meets the conditions of this title, and any local ordinances;

1027 [(†)] (iii) establish a system for the partial release of an improvement completion
1028 assurance as portions of required landscaping or infrastructure improvements are completed
1029 and accepted in accordance with local ordinance; and

1030 [(††)] (iv) issue or deny a building permit in accordance with Section 10-9a-802 based
1031 on the installation of landscaping or infrastructure improvements.

1032 (d) A municipality may not require an applicant to post an improvement completion
1033 assurance for:

1034 (i) landscaping or an infrastructure improvement that the municipality has previously
1035 inspected and accepted[-];

1036 (ii) infrastructure improvements that are private and not essential or required to meet
1037 the building code, fire code, flood or storm water management provisions, street and access
1038 requirements, or other essential necessary public safety improvements adopted in a land use
1039 regulation; or

1040 (iii) in a municipality where ordinances require all infrastructure improvements within
1041 the area to be private, infrastructure improvements within a development that the municipality
1042 requires to be private.

1043 (3) At any time before a municipality accepts a landscaping or infrastructure
1044 improvement, and for the duration of each improvement warranty period, the municipality may
1045 require the applicant to:

1046 (a) execute an improvement warranty for the improvement warranty period; and

1047 (b) post a cash deposit, surety bond, letter of credit, or other similar security, as
1048 required by the municipality, in the amount of up to 10% of the lesser of the:

1049 (i) municipal engineer's original estimated cost of completion; or

1050 (ii) applicant's reasonable proven cost of completion.

1051 (4) When a municipality accepts an improvement completion assurance for
1052 landscaping or infrastructure improvements for a development in accordance with Subsection
1053 (2)(c)[(†)](ii), the municipality may not deny an applicant a building permit if the development
1054 meets the requirements for the issuance of a building permit under the building code and fire
1055 code.

1056 (5) The provisions of this section do not supersede the terms of a valid development
1057 agreement, an adopted phasing plan, or the state construction code.

1058 Section 16. Section **10-9a-605** is amended to read:

1059 **10-9a-605. Exemptions from plat requirement.**

1060 (1) Notwithstanding Sections **10-9a-603** and **10-9a-604**, [~~the land use authority~~] a
1061 municipality may establish a process to approve an administrative land use decision for a
1062 subdivision of 10 lots or less without a plat, by certifying in writing that:

1063 (a) the municipality has provided notice as required by ordinance; and

1064 (b) the proposed subdivision:

1065 (i) is not traversed by the mapped lines of a proposed street as shown in the general
1066 plan [~~and does not require the dedication of any land for street or other~~] unless the municipality
1067 has approved the location and dedication of any public street, municipal utility easement, any
1068 other easement, or any other land for public purposes as the municipality's ordinance requires;

1069 (ii) has been approved by the culinary water authority and the sanitary sewer authority;

1070 (iii) is located in a zoned area; and

1071 (iv) conforms to all applicable land use ordinances or has properly received a variance
1072 from the requirements of an otherwise conflicting and applicable land use ordinance.

1073 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural
1074 land is exempt from the plat requirements of Section **10-9a-603** if the lot or parcel:

1075 (i) qualifies as land in agricultural use under Section **59-2-502**;

1076 (ii) meets the minimum size requirement of applicable land use ordinances; and

1077 (iii) is not used and will not be used for any nonagricultural purpose.

1078 (b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be
1079 graphically illustrated on a record of survey map that, after receiving the same approvals as are
1080 required for a plat under Section **10-9a-604**, shall be recorded with the county recorder.

1081 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural

1082 purpose, the municipality may require the lot or parcel to comply with the requirements of
1083 Section 10-9a-603.

1084 (3) (a) Documents recorded in the county recorder's office that divide property by a
1085 metes and bounds description do not create an approved subdivision allowed by this part unless
1086 the land use authority's certificate of written approval required by Subsection (1) is attached to
1087 the document.

1088 [~~(b) The absence of the certificate or written approval required by Subsection (1) does~~
1089 ~~not:~~]

1090 [~~(i) prohibit the county recorder from recording a document; or]~~

1091 [~~(ii) affect the validity of a recorded document.]~~

1092 [~~(c)~~] (b) A document which does not meet the requirements of Subsection (1) may be
1093 corrected by the recording of an affidavit to which the required certificate or written approval is
1094 attached [~~in accordance~~] and that complies with Section 57-3-106.

1095 Section 17. Section 10-9a-607 is amended to read:

1096 **10-9a-607. Dedication by plat of streets and other public places.**

1097 (1) A plat that is signed, dedicated, and acknowledged by each owner of record, and
1098 approved according to the procedures specified in this part, operates, when recorded, as a
1099 dedication of all streets and other public places, and vests the fee of those parcels of land in the
1100 municipality for the public for the uses named or intended in the plat.

1101 (2) The dedication established by this section does not impose liability upon the
1102 municipality for streets and other public places that are dedicated in this manner but are
1103 unimproved unless:

1104 (a) adequate financial assurance has been provided in accordance with this chapter; and

1105 (b) the municipality has accepted the dedication.

1106 Section 18. Section 10-9a-608 is amended to read:

1107 **10-9a-608. Vacating, altering, or amending a subdivision plat.**

1108 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
1109 subdivision that has been laid out and platted as provided in this part may file a written petition
1110 with the land use authority to have some or all of the plat vacated or amended.

1111 (b) If a petition is filed under Subsection (1)(a), the land use authority shall provide
1112 notice of the petition by mail, email, or other effective means to each affected entity that

1113 provides a service to an owner of record of the portion of the plat that is being vacated or
1114 amended at least 10 calendar days before the land use authority may approve the vacation or
1115 amendment of the plat.

1116 (c) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
1117 public hearing within 45 days after the day on which the petition is filed if:

1118 (i) any owner within the plat notifies the municipality of the owner's objection in
1119 writing within 10 days of mailed notification; or

1120 (ii) a public hearing is required because all of the owners in the subdivision have not
1121 signed the revised plat.

1122 (2) Unless a local ordinance provides otherwise, the public hearing requirement of
1123 Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an
1124 owner's petition to vacate or amend a subdivision plat if:

1125 (a) the petition seeks to:

1126 (i) join two or more of the petitioner fee owner's contiguous lots;

1127 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
1128 result in a violation of a land use ordinance or a development condition;

1129 (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the
1130 adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located
1131 in the same subdivision;

1132 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
1133 imposed by the local political subdivision; or

1134 (v) alter the plat in a manner that does not change existing boundaries or other
1135 attributes of lots within the subdivision that are not:

1136 (A) owned by the petitioner; or

1137 (B) designated as a common area; and

1138 (b) notice has been given to adjacent property owners in accordance with any
1139 applicable local ordinance.

1140 (3) Each request to vacate or amend a plat that contains a request to vacate or amend a
1141 public street[, right-of-way, or easement] is also subject to Section [10-9a-609.5](#).

1142 (4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:

1143 (a) the name and address of each owner of record of the land contained in the entire

1144 plat or on that portion of the plat described in the petition; and

1145 (b) the signature of each owner described in Subsection (4)(a) who consents to the
1146 petition.

1147 (5) (a) The owners of record of adjacent parcels that are described by either a metes
1148 and bounds description or by a recorded plat may exchange title to portions of those parcels if
1149 the exchange of title is approved by the land use authority in accordance with Subsection
1150 (5)(b).

1151 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
1152 the exchange of title will not result in a violation of any land use ordinance.

1153 (c) If an exchange of title is approved under Subsection (5)(b):

1154 (i) a notice of approval shall be recorded in the office of the county recorder which:

1155 (A) is executed by each owner included in the exchange and by the land use authority;

1156 (B) contains an acknowledgment for each party executing the notice in accordance with
1157 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

1158 (C) recites the descriptions of both the original parcels and the parcels created by the
1159 exchange of title; and

1160 (ii) a document of conveyance shall be recorded in the office of the county recorder.

1161 (d) A notice of approval recorded under this Subsection (5) does not act as a
1162 conveyance of title to real property and is not required in order to record a document conveying
1163 title to real property.

1164 (6) (a) The name of a recorded subdivision may be changed by recording an amended
1165 plat making that change, as provided in this section and subject to Subsection (6)(c).

1166 (b) The surveyor preparing the amended plat shall certify that the surveyor:

1167 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
1168 Professional Land Surveyors Licensing Act;

1169 (ii) has completed a survey of the property described on the plat in accordance with
1170 Section 17-23-17 and has verified all measurements; and

1171 (iii) has placed monuments as represented on the plat.

1172 (c) An owner of land may not submit for recording an amended plat that gives the
1173 subdivision described in the amended plat the same name as a subdivision in a plat already
1174 recorded in the county recorder's office.

1175 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
1176 document that purports to change the name of a recorded plat is void.

1177 Section 19. Section **10-9a-609** is amended to read:

1178 **10-9a-609. Land use authority approval of vacation or amendment of plat --**
1179 **Recording the amended plat.**

1180 (1) The land use authority may approve the vacation or amendment of a plat by signing
1181 an amended plat showing the vacation or amendment if the land use authority finds that:

1182 (a) there is good cause for the vacation or amendment; and

1183 (b) no public street~~[, right-of-way, or easement]~~ has been vacated or amended.

1184 (2) (a) The land use authority shall ensure that the amended plat showing the vacation
1185 or amendment is recorded in the office of the county recorder in which the land is located.

1186 (b) If the amended plat is approved and recorded in accordance with this section, the
1187 recorded plat shall vacate, supersede, and replace any contrary provision in a previously
1188 recorded plat of the same land.

1189 (3) (a) A legislative body may vacate a subdivision or a portion of a subdivision by
1190 recording in the county recorder's office an ordinance describing the subdivision or the portion
1191 being vacated.

1192 (b) The recorded vacating ordinance shall replace a previously recorded plat described
1193 in the vacating ordinance.

1194 (4) An amended plat may not be submitted to the county recorder for recording unless
1195 it is:

1196 (a) signed by the land use authority; and

1197 (b) signed, acknowledged, and dedicated by each owner of record of the portion of the
1198 plat that is amended.

1199 (5) A management committee may sign and dedicate an amended plat as provided in
1200 Title 57, Chapter 8, Condominium Ownership Act.

1201 (6) A plat may be corrected as provided in Section [57-3-106](#).

1202 Section 20. Section **10-9a-609.5** is amended to read:

1203 **10-9a-609.5. Petition to vacate a public street.**

1204 (1) In lieu of vacating some or all of a public street through a plat or amended plat in
1205 accordance with Sections [10-9a-603](#) through [10-9a-609](#), a legislative body may approve a

1206 petition to vacate a public street in accordance with this section.

1207 ~~[(1)]~~ (2) A petitioner shall ensure that a petition to vacate some or all of a public
1208 street~~[, right-of-way, or easement shall include]~~ includes:

1209 (a) the name and address of each owner of record of land that is:

1210 (i) adjacent to the public street~~[, right-of-way, or easement]~~ between the two nearest
1211 public street intersections; or

1212 (ii) accessed exclusively by or within 300 feet of the public street~~[, right-of-way, or~~
1213 ~~easement]~~; and

1214 (b) the signature of each owner under Subsection ~~[(1)(a)]~~ (2)(a) who consents to the
1215 vacation.

1216 ~~[(2)]~~ (3) If a petition is submitted containing a request to vacate some or all of a public
1217 street, ~~[right-of-way, or easement,]~~ the legislative body shall hold a public hearing in
1218 accordance with Section 10-9a-208 and determine whether:

1219 (a) good cause exists for the vacation; and

1220 (b) the public interest or any person will be materially injured by the proposed
1221 vacation.

1222 ~~[(3)]~~ (4) The legislative body may adopt an ordinance granting a petition to vacate
1223 some or all of a public street~~[, right-of-way, or easement]~~ if the legislative body finds that:

1224 (a) good cause exists for the vacation; and

1225 (b) neither the public interest nor any person will be materially injured by the vacation.

1226 ~~[(4)]~~ (5) If the legislative body adopts an ordinance vacating some or all of a public
1227 street~~[, right-of-way, or easement,]~~ the legislative body shall ensure that one or both of the
1228 following is recorded in the office of the recorder of the county in which the land is located:

1229 (a) a plat reflecting the vacation; or

1230 (b) (i) an ordinance described in Subsection ~~[(3)]~~ (4); and

1231 (ii) a legal description of the public street to be vacated.

1232 ~~[(5)]~~ (6) The action of the legislative body vacating some or all of a public street~~;~~
1233 ~~right-of-way, or easement]~~ that has been dedicated to public use:

1234 (a) operates to the extent to which it is vacated, upon the effective date of the recorded
1235 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the
1236 municipality's fee in the vacated street, right-of-way, or easement; and

- 1237 (b) may not be construed to impair:
- 1238 (i) any right-of-way or easement of any lot owner; or
- 1239 (ii) the franchise rights of any public utility.
- 1240 (7) (a) A municipality may submit a petition and initiate and complete a process to
- 1241 vacate some or all of a public street.
- 1242 (b) If a municipality submits a petition and initiates a process under Subsection (7)(a):
- 1243 (i) the legislative body shall hold a public hearing;
- 1244 (ii) the petition and process may not relocate a public street;
- 1245 (iii) the petition and process may not apply to or affect a public utility easement, except
- 1246 to the extent:
- 1247 (A) the easement is included within the public street; and
- 1248 (B) the notice to vacate the public street also contains a notice to vacate the easement;
- 1249 and
- 1250 (iv) a recorded ordinance to vacate a public street has the same legal effect as vacating
- 1251 a public street through a recorded plat or amended plat.

Section 21. Section 10-9a-707 is amended to read:

10-9a-707. Scope of review of factual matters on appeal -- Appeal authority requirements.

- 1255 (1) A municipality may, by ordinance, designate the scope of review of factual matters
- 1256 for appeals of land use authority decisions.
- 1257 (2) If the municipality fails to designate a scope of review of factual matters, the appeal
- 1258 authority shall review the matter de novo, without deference to the land use authority's
- 1259 determination of factual matters.
- 1260 (3) If the scope of review of factual matters is on the record, the appeal authority shall
- 1261 determine whether the record on appeal includes substantial evidence, or a preponderance of
- 1262 the evidence as described in Subsection (5), for each essential finding of fact.
- 1263 (4) The appeal authority shall:
- 1264 (a) determine the correctness of the land use authority's interpretation and application
- 1265 of the plain meaning of the land use regulations; and
- 1266 (b) interpret and apply a land use regulation to favor a land use application unless the
- 1267 land use regulation plainly restricts the land use application.

1268 (5) An appeal authority shall deny an appeal by a party other than a land use applicant
1269 if the appellant fails to show that the appealed decision was not supported by substantial
1270 evidence.

1271 [~~5~~] (6) (a) An appeal authority's land use decision is a quasi-judicial act~~[, even if the~~
1272 ~~appeal authority is the]~~.

1273 (b) A legislative body may not act as an appeal authority without the written consent of
1274 the land use applicant.

1275 [~~6~~] (7) Only a decision in which a land use authority has applied a land use regulation
1276 to a particular land use application, person, or parcel may be appealed to an appeal authority.

1277 Section 22. Section **10-9a-801** is amended to read:

1278 **10-9a-801. No district court review until administrative remedies exhausted --**
1279 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**
1280 **-- Staying of decision.**

1281 (1) No person may challenge in district court a land use decision until that person has
1282 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
1283 Variances, if applicable.

1284 (2) (a) Any person adversely affected by a final decision made in the exercise of or in
1285 violation of the provisions of this chapter may file a petition for review of the decision with the
1286 district court within 30 days after the decision is final.

1287 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
1288 property owner files a request for arbitration of a constitutional taking issue with the property
1289 rights ombudsman under Section 13-43-204 until 30 days after:

1290 (A) the arbitrator issues a final award; or

1291 (B) the property rights ombudsman issues a written statement under Subsection
1292 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

1293 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
1294 taking issue that is the subject of the request for arbitration filed with the property rights
1295 ombudsman by a property owner.

1296 (iii) A request for arbitration filed with the property rights ombudsman after the time
1297 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

1298 (3) (a) A court shall:

- 1299 (i) presume that a land use regulation properly enacted under the authority of this
1300 chapter is valid; and
- 1301 (ii) determine only whether:
- 1302 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
1303 or federal law; and
- 1304 (B) it is reasonably debatable that the land use regulation is consistent with this
1305 chapter.
- 1306 (b) A court shall:
- 1307 (i) presume that a final decision of a land use authority or an appeal authority is valid;
1308 and
- 1309 (ii) uphold the decision unless the decision is:
- 1310 (A) arbitrary and capricious; or
- 1311 (B) illegal.
- 1312 (c) (i) A decision is arbitrary and capricious if the decision is not supported by
1313 substantial evidence in the record.
- 1314 (ii) A decision is illegal if the decision is:
- 1315 (A) based on an incorrect interpretation of a land use regulation; or
- 1316 (B) contrary to law.
- 1317 (d) A court may declare a land use application approved without remanding the
1318 application for further review if an appeal authority or land use authority failed to comply with
1319 the requirements of this chapter in making a land use decision or a decision on appeal,
1320 including a failure to prepare adequate findings to support the land use or appeal authority
1321 decision.
- 1322 (4) The provisions of Subsection (2)(a) apply from the date on which the municipality
1323 takes final action on a land use application for any adversely affected third party, if the
1324 municipality conformed with the notice provisions of Part 2, Notice, or for any person who had
1325 actual notice of the pending decision.
- 1326 (5) If the municipality has complied with Section 10-9a-205, a challenge to the
1327 enactment of a land use regulation or general plan may not be filed with the district court more
1328 than 30 days after the enactment.
- 1329 (6) A challenge to a land use decision is barred unless the challenge is filed within 30

1330 days after the land use decision is final.

1331 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
1332 the reviewing court the record of its proceedings, including its minutes, findings, orders, and, if
1333 available, a true and correct transcript of its proceedings.

1334 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
1335 transcript for purposes of this Subsection (7).

1336 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
1337 by the land use authority or appeal authority, as the case may be.

1338 (ii) The court may not accept or consider any evidence outside the record of the land
1339 use authority or appeal authority, as the case may be, unless that evidence was offered to the
1340 land use authority or appeal authority, respectively, and the court determines that it was
1341 improperly excluded.

1342 (b) If there is no record, the court may call witnesses and take evidence.

1343 (9) (a) The filing of a petition does not stay the decision of the land use authority or
1344 authority appeal authority, as the case may be.

1345 (b) (i) Before filing a petition under this section or a request for mediation or
1346 arbitration of a constitutional taking issue under Section 13-43-204, the aggrieved party may
1347 petition the appeal authority to stay its decision.

1348 (ii) Upon receipt of a petition to stay, the appeal authority may order its decision stayed
1349 pending district court review if the appeal authority finds it to be in the best interest of the
1350 municipality.

1351 (iii) After a petition is filed under this section or a request for mediation or arbitration
1352 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
1353 injunction staying the appeal authority's decision.

1354 (10) If the court determines that a party other than the land use applicant initiated or
1355 pursued a challenge to the approval of a land use application in bad faith, the court shall award
1356 attorney fees to the municipality and the land use applicant.

1357 Section 23. Section 10-9a-802 is amended to read:

1358 **10-9a-802. Enforcement.**

1359 (1) (a) A municipality or any adversely affected owner of real estate within the
1360 municipality in which violations of this chapter or ordinances enacted under the authority of

1361 this chapter occur or are about to occur may, in addition to other remedies provided by law,
 1362 institute:

1363 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
 1364 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

1365 (b) A municipality need only establish the violation to obtain the injunction.

1366 (2) (a) A municipality may enforce the municipality's ordinance by withholding a
 1367 building permit.

1368 (b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any
 1369 building or other structure within a municipality without approval of a building permit.

1370 (c) A municipality may not issue a building permit unless the plans of and for the
 1371 proposed erection, construction, reconstruction, alteration, or use fully conform to all
 1372 regulations then in effect.

1373 (d) A municipality may not deny an applicant a building permit or certificate of
 1374 occupancy because the applicant has not completed an infrastructure improvement:

1375 (i) that is not essential to meet the requirements for the issuance of a building permit or
 1376 certificate of occupancy under the building code and fire code; and

1377 (ii) for which the municipality has accepted an improvement completion assurance for
 1378 landscaping or infrastructure improvements for the development.

1379 Section 24. Section **17-27a-102** is amended to read:

1380 **17-27a-102. Purposes -- General land use authority.**

1381 (1) (a) The purposes of this chapter are to:

1382 (i) provide for the health, safety, and welfare~~[-and]~~;

1383 (ii) promote the prosperity~~[-]~~;

1384 (iii) improve the morals, peace ~~[and]~~, good order, comfort, convenience, and aesthetics
 1385 of each county and ~~[its]~~ the counties present and future inhabitants and businesses~~[-to]~~;

1386 (iv) protect the tax base~~[-to]~~;

1387 (v) secure economy in governmental expenditures~~[-to]~~;

1388 (vi) foster the state's agricultural and other industries~~[-to]~~;

1389 (vii) protect both urban and nonurban development~~[-to]~~;

1390 (viii) protect and ensure access to sunlight for solar energy devices~~[-to]~~;

1391 (ix) provide fundamental fairness in land use regulation~~[-and to]~~;

1392 (x) facilitate orderly growth and allow growth in a variety of housing types; and
1393 (xi) protect property values.

1394 (b) To accomplish the purposes of this chapter, ~~[counties]~~ a county may enact all
1395 ordinances, resolutions, and rules and may enter into other forms of land use controls and
1396 development agreements that ~~[they consider]~~ the county considers necessary or appropriate for
1397 the use and development of land within the unincorporated area of the county or a designated
1398 mountainous planning district, including ordinances, resolutions, rules, restrictive covenants,
1399 easements, and development agreements governing:

- 1400 (i) uses[;];
- 1401 (ii) density[;];
- 1402 (iii) open spaces[;];
- 1403 (iv) structures[;];
- 1404 (v) buildings[;];
- 1405 (vi) energy-efficiency[;];
- 1406 (vii) light and air[;];
- 1407 (viii) air quality[;];
- 1408 (ix) transportation and public or alternative transportation[;];
- 1409 (x) infrastructure[;];
- 1410 (xi) street and building orientation and width requirements[;];
- 1411 (xii) public facilities[;];
- 1412 (xiii) fundamental fairness in land use regulation[;]; and
- 1413 (xiv) considerations of surrounding land uses ~~[and the]~~ to balance [of] the foregoing
1414 purposes with a landowner's private property interests~~[- height and location of vegetation, trees,~~
1415 ~~and landscaping, unless expressly prohibited by law]~~ and associated statutory and constitutional
1416 protections.

1417 (2) Each county shall comply with the mandatory provisions of this part before any
1418 agreement or contract to provide goods, services, or municipal-type services to any storage
1419 facility or transfer facility for high-level nuclear waste, or greater than class C radioactive
1420 waste, may be executed or implemented.

1421 (3) (a) Any ordinance, resolution, or rule enacted by a county pursuant to its authority
1422 under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas

1423 activity, as described in Section 40-6-2.5.

1424 (b) A county may enact an ordinance, resolution, or rule that regulates surface activity
1425 incident to an oil and gas activity if the county demonstrates that the regulation:

1426 (i) is necessary for the purposes of this chapter;

1427 (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and

1428 (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas
1429 activity, as described in Section 40-6-2.5.

1430 Section 25. Section 17-27a-103 is amended to read:

1431 **17-27a-103. Definitions.**

1432 As used in this chapter:

1433 (1) "Affected entity" means a county, municipality, local district, special service
1434 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
1435 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
1436 property owner, property owners association, public utility, or the Utah Department of
1437 Transportation, if:

1438 (a) the entity's services or facilities are likely to require expansion or significant
1439 modification because of an intended use of land;

1440 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
1441 or

1442 (c) the entity has filed with the county a request for notice during the same calendar
1443 year and before the county provides notice to an affected entity in compliance with a
1444 requirement imposed under this chapter.

1445 (2) "Appeal authority" means the person, board, commission, agency, or other body
1446 designated by ordinance to decide an appeal of a decision of a land use application or a
1447 variance.

1448 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
1449 residential property if the sign is designed or intended to direct attention to a business, product,
1450 or service that is not sold, offered, or existing on the property where the sign is located.

1451 (4) (a) "Charter school" means:

1452 (i) an operating charter school;

1453 (ii) a charter school applicant that has its application approved by a charter school

1454 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
1455 (iii) an entity that is working on behalf of a charter school or approved charter
1456 applicant to develop or construct a charter school building.

1457 (b) "Charter school" does not include a therapeutic school.

1458 (5) "Chief executive officer" means the person or body that exercises the executive
1459 powers of the county.

1460 (6) "Conditional use" means a land use that, because of its unique characteristics or
1461 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
1462 compatible in some areas or may be compatible only if certain conditions are required that
1463 mitigate or eliminate the detrimental impacts.

1464 (7) "Constitutional taking" means a governmental action that results in a taking of
1465 private property so that compensation to the owner of the property is required by the:

1466 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

1467 (b) Utah Constitution, Article I, Section 22.

1468 (8) "County utility easement" means an easement that:

1469 (a) a plat recorded in a county recorder's office described as a county utility easement,
1470 public utility easement as defined in Subsection 54-3-27(1)(b), or otherwise as a utility
1471 easement;

1472 (b) is not a protected utility easement as defined in Subsection 54-3-27(1)(a);

1473 (c) the county or the county's affiliated governmental entity owns or creates; and

1474 (d) (i) no person uses or occupies;

1475 (ii) the county or the county's affiliated governmental entity uses and occupies to
1476 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
1477 communications or data lines; or

1478 (iii) a person uses or occupies as the county authorizes through a franchise or other
1479 agreement with the county.

1480 [~~8~~] (9) "Culinary water authority" means the department, agency, or public entity with
1481 responsibility to review and approve the feasibility of the culinary water system and sources for
1482 the subject property.

1483 [~~9~~] (10) "Development activity" means:

1484 (a) any construction or expansion of a building, structure, or use that creates additional

1485 demand and need for public facilities;

1486 (b) any change in use of a building or structure that creates additional demand and need
1487 for public facilities; or

1488 (c) any change in the use of land that creates additional demand and need for public
1489 facilities.

1490 ~~[(10)]~~ (11) (a) "Disability" means a physical or mental impairment that substantially
1491 limits one or more of a person's major life activities, including a person having a record of such
1492 an impairment or being regarded as having such an impairment.

1493 (b) "Disability" does not include current illegal use of, or addiction to, any federally
1494 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
1495 802.

1496 ~~[(11)]~~ (12) "Educational facility":

1497 (a) means:

1498 (i) a school district's building at which pupils assemble to receive instruction in a
1499 program for any combination of grades from preschool through grade 12, including
1500 kindergarten and a program for children with disabilities;

1501 (ii) a structure or facility:

1502 (A) located on the same property as a building described in Subsection ~~[(11)(a)(i)]~~
1503 (12)(a)(i); and

1504 (B) used in support of the use of that building; and

1505 (iii) a building to provide office and related space to a school district's administrative
1506 personnel; and

1507 (b) does not include:

1508 (i) land or a structure, including land or a structure for inventory storage, equipment
1509 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1510 (A) not located on the same property as a building described in Subsection ~~[(11)(a)(i)]~~
1511 (12)(a)(i); and

1512 (B) used in support of the purposes of a building described in Subsection ~~[(11)(a)(i)]~~
1513 (12)(a)(i); or

1514 (ii) a therapeutic school.

1515 ~~[(12)]~~ (13) "Fire authority" means the department, agency, or public entity with

1516 responsibility to review and approve the feasibility of fire protection and suppression services
1517 for the subject property.

1518 ~~[(13)]~~ (14) "Flood plain" means land that:

1519 (a) is within the 100-year flood plain designated by the Federal Emergency

1520 Management Agency; or

1521 (b) has not been studied or designated by the Federal Emergency Management Agency

1522 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

1523 the land has characteristics that are similar to those of a 100-year flood plain designated by the

1524 Federal Emergency Management Agency.

1525 ~~[(14)]~~ (15) "Gas corporation" has the same meaning as defined in Section 54-2-1.

1526 ~~[(15)]~~ (16) "General plan" means a document that a county adopts that sets forth

1527 general guidelines for proposed future development of:

1528 (a) the unincorporated land within the county; or

1529 (b) for a mountainous planning district, the land within the mountainous planning

1530 district.

1531 ~~[(16)]~~ (17) "Geologic hazard" means:

1532 (a) a surface fault rupture;

1533 (b) shallow groundwater;

1534 (c) liquefaction;

1535 (d) a landslide;

1536 (e) a debris flow;

1537 (f) unstable soil;

1538 (g) a rock fall; or

1539 (h) any other geologic condition that presents a risk:

1540 (i) to life;

1541 (ii) of substantial loss of real property; or

1542 (iii) of substantial damage to real property.

1543 ~~[(17)]~~ (18) "Hookup fee" means a fee for the installation and inspection of any pipe,

1544 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other

1545 utility system.

1546 ~~[(18)]~~ (19) "Identical plans" means building plans submitted to a county that:

- 1547 (a) are clearly marked as "identical plans";
- 1548 (b) are substantially identical building plans that were previously submitted to and
- 1549 reviewed and approved by the county; and
- 1550 (c) describe a building that:
 - 1551 (i) is located on land zoned the same as the land on which the building described in the
 - 1552 previously approved plans is located;
 - 1553 (ii) is subject to the same geological and meteorological conditions and the same law
 - 1554 as the building described in the previously approved plans;
 - 1555 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
 - 1556 and approved by the county; and
 - 1557 (iv) does not require any additional engineering or analysis.
- 1558 [~~(19)~~] (20) "Impact fee" means a payment of money imposed under Title 11, Chapter
- 1559 36a, Impact Fees Act.
- 1560 [~~(20)~~] (21) "Improvement completion assurance" means a surety bond, letter of credit,
- 1561 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 1562 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
- 1563 required as a condition precedent to:
 - 1564 (a) recording a subdivision plat; or
 - 1565 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 1566 [~~(21)~~] (22) "Improvement warranty" means an applicant's unconditional warranty that
- 1567 the applicant's installed and accepted landscaping or infrastructure improvement:
 - 1568 (a) complies with the county's written standards for design, materials, and
 - 1569 workmanship; and
 - 1570 (b) will not fail in any material respect, as a result of poor workmanship or materials,
 - 1571 within the improvement warranty period.
- 1572 [~~(22)~~] (23) "Improvement warranty period" means a period:
 - 1573 (a) no later than one year after a county's acceptance of required landscaping; or
 - 1574 (b) no later than one year after a county's acceptance of required infrastructure, unless
 - 1575 the county:
 - 1576 (i) determines for good cause that a one-year period would be inadequate to protect the
 - 1577 public health, safety, and welfare; and

1578 (ii) has substantial evidence, on record:
 1579 (A) of prior poor performance by the applicant; or
 1580 (B) that the area upon which the infrastructure will be constructed contains suspect soil
 1581 and the county has not otherwise required the applicant to mitigate the suspect soil.

1582 [~~(23)~~] (24) "Infrastructure improvement" means permanent infrastructure that:

1583 (a) is essential for the public health and safety;

1584 (b) is required for human consumption; and

1585 (c) an applicant must install:

1586 [~~(a)~~] (i) [~~pursuant to~~] in accordance with published installation and inspection
 1587 specifications for public improvements; and

1588 [~~(b)~~] (ii) as a condition of:

1589 [~~(i)~~] (A) recording a subdivision plat; [~~or~~]

1590 (B) obtaining a building permit; or

1591 [~~(ii)~~] (C) [~~development of~~] developing a commercial, industrial, mixed use,
 1592 condominium, or multifamily project.

1593 [~~(24)~~] (25) "Internal lot restriction" means a platted note, platted demarcation, or
 1594 platted designation that:

1595 (a) runs with the land; and

1596 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
 1597 the plat; or

1598 (ii) designates a development condition that is enclosed within the perimeter of a lot
 1599 described on the plat.

1600 [~~(25)~~] (26) "Interstate pipeline company" means a person or entity engaged in natural
 1601 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
 1602 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1603 [~~(26)~~] (27) "Intrastate pipeline company" means a person or entity engaged in natural
 1604 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
 1605 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1606 [~~(27)~~] (28) "Land use applicant" means a property owner, or the property owner's
 1607 designee, who submits a land use application regarding the property owner's land.

1608 [~~(28)~~] (29) "Land use application":

1609 (a) means an application that is:

1610 (i) required by a county; and

1611 (ii) submitted by a land use applicant to obtain a land use decision; and

1612 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1613 [~~29~~] (30) "Land use authority" means:

1614 (a) a person, board, commission, agency, or body, including the local legislative body,
1615 designated by the local legislative body to act upon a land use application; or

1616 (b) if the local legislative body has not designated a person, board, commission,
1617 agency, or body, the local legislative body.

1618 [~~30~~] (31) "Land use decision" means an administrative decision of a land use
1619 authority approving a land use application that runs with the land in accordance with the terms
1620 of the decision or appeal authority regarding:

1621 (a) a land use permit;

1622 (b) a land use application; or

1623 (c) the enforcement of a land use regulation, land use permit, or development
1624 agreement.

1625 [~~31~~] (32) "Land use permit" means a permit issued by a land use authority.

1626 [~~32~~] (33) "Land use regulation":

1627 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1628 specification, fee, or rule that governs the use or development of land;

1629 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
1630 and

1631 (c) does not include:

1632 (i) a land use decision of the legislative body acting as the land use authority, even if
1633 the decision is expressed in a resolution or ordinance; or

1634 (ii) a temporary revision to an engineering specification that does not materially:

1635 (A) increase a land use applicant's cost of development compared to the existing
1636 specification; or

1637 (B) impact a land use applicant's use of land.

1638 [~~33~~] (34) "Legislative body" means the county legislative body, or for a county that
1639 has adopted an alternative form of government, the body exercising legislative powers.

1640 ~~[(34)]~~ (35) "Local district" means any entity under Title 17B, Limited Purpose Local
1641 Government Entities - Local Districts, and any other governmental or quasi-governmental
1642 entity that is not a county, municipality, school district, or the state.

1643 (36) "Lot" means a tract of land, regardless of any label, that is created by and shown
1644 on a subdivision plat that has been recorded in the office of the county recorder.

1645 ~~[(35)]~~ (37) (a) "Lot line adjustment" means ~~[the]~~ a relocation of [the property] a lot line
1646 boundary [line in a subdivision] between [two] adjoining lots, whether or not the lots are
1647 located in the same subdivision, in accordance with Section 17-27a-608, with the consent of
1648 the owners of record.

1649 (b) "Lot line adjustment" does not mean a relocation of a lot line boundary that:

1650 (i) creates an additional lot; or

1651 (ii) constitutes a subdivision.

1652 ~~[(36)]~~ (38) "Moderate income housing" means housing occupied or reserved for
1653 occupancy by households with a gross household income equal to or less than 80% of the
1654 median gross income for households of the same size in the county in which the housing is
1655 located.

1656 ~~[(37)]~~ (39) "Mountainous planning district" means an area:

1657 (a) designated by a county legislative body in accordance with Section 17-27a-901; and

1658 (b) that is not otherwise exempt under Section 10-9a-304.

1659 ~~[(38)]~~ (40) "Nominal fee" means a fee that reasonably reimburses a county only for
1660 time spent and expenses incurred in:

1661 (a) verifying that building plans are identical plans; and

1662 (b) reviewing and approving those minor aspects of identical plans that differ from the
1663 previously reviewed and approved building plans.

1664 ~~[(39)]~~ (41) "Noncomplying structure" means a structure that:

1665 (a) legally existed before its current land use designation; and

1666 (b) because of one or more subsequent land use ordinance changes, does not conform
1667 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1668 the use of land.

1669 ~~[(40)]~~ (42) "Nonconforming use" means a use of land that:

1670 (a) legally existed before its current land use designation;

1671 (b) has been maintained continuously since the time the land use ordinance regulation
1672 governing the land changed; and

1673 (c) because of one or more subsequent land use ordinance changes, does not conform
1674 to the regulations that now govern the use of the land.

1675 ~~[(41)]~~ (43) "Official map" means a map drawn by county authorities and recorded in
1676 the county recorder's office that:

1677 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1678 highways and other transportation facilities;

1679 (b) provides a basis for restricting development in designated rights-of-way or between
1680 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1681 the land; and

1682 (c) has been adopted as an element of the county's general plan.

1683 (44) "Parcel" means any real property that is not a lot created by and shown on a
1684 subdivision plat recorded in the office of the county recorder.

1685 ~~[(42)]~~ (45) (a) "Parcel boundary adjustment" means a recorded agreement between
1686 owners of adjoining ~~[properties]~~ parcels adjusting ~~[their]~~ the mutual boundary, either by deed
1687 or by a boundary line agreement in accordance with Section 57-1-45, if[:-(a)-] no additional
1688 parcel is created[:]; and:

1689 ~~[(b)]~~ (i) ~~[each]~~ none of the property identified in the agreement is ~~[unsubdivided land;~~
1690 ~~including a remainder of]~~ subdivided land[:]; or

1691 (ii) the adjustment is to the boundaries of a single person's parcels.

1692 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1693 line that:

1694 (i) creates an additional parcel; or

1695 (ii) constitutes a subdivision.

1696 ~~[(43)]~~ (46) "Person" means an individual, corporation, partnership, organization,
1697 association, trust, governmental agency, or any other legal entity.

1698 ~~[(44)]~~ (47) "Plan for moderate income housing" means a written document adopted by
1699 a county legislative body that includes:

1700 (a) an estimate of the existing supply of moderate income housing located within the
1701 county;

1702 (b) an estimate of the need for moderate income housing in the county for the next five
1703 years as revised biennially;

1704 (c) a survey of total residential land use;

1705 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1706 income housing; and

1707 (e) a description of the county's program to encourage an adequate supply of moderate
1708 income housing.

1709 ~~[(45)]~~ (48) "Planning advisory area" means a contiguous, geographically defined
1710 portion of the unincorporated area of a county established under this part with planning and
1711 zoning functions as exercised through the planning advisory area planning commission, as
1712 provided in this chapter, but with no legal or political identity separate from the county and no
1713 taxing authority.

1714 ~~[(46)]~~ (49) "Plat" means a map or other graphical representation of lands ~~[being laid~~
1715 ~~out and prepared]~~ that a licensed professional land surveyor makes and prepares in accordance
1716 with Section [17-27a-603](#), [17-23-17](#), [57-1-45](#), or [57-8-13](#).

1717 ~~[(47)]~~ (50) "Potential geologic hazard area" means an area that:

1718 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1719 relevant map or report as needing further study to determine the area's potential for geologic
1720 hazard; or

1721 (b) has not been studied by the Utah Geological Survey or a county geologist but
1722 presents the potential of geologic hazard because the area has characteristics similar to those of
1723 a designated geologic hazard area.

1724 ~~[(48)]~~ (51) "Public agency" means:

1725 (a) the federal government;

1726 (b) the state;

1727 (c) a county, municipality, school district, local district, special service district, or other
1728 political subdivision of the state; or

1729 (d) a charter school.

1730 ~~[(49)]~~ (52) "Public hearing" means a hearing at which members of the public are
1731 provided a reasonable opportunity to comment on the subject of the hearing.

1732 ~~[(50)]~~ (53) "Public meeting" means a meeting that is required to be open to the public

1733 under Title 52, Chapter 4, Open and Public Meetings Act.

1734 (54) "Public street" means a public right-of-way, including a public highway, public
1735 avenue, public boulevard, public parkway, public road, public lane, public trail or walk, public
1736 alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public
1737 transportation easement, or other public way.

1738 [~~51~~] (55) "Receiving zone" means an unincorporated area of a county that the county
1739 designates, by ordinance, as an area in which an owner of land may receive a transferable
1740 development right.

1741 [~~52~~] (56) "Record of survey map" means a map of a survey of land prepared in
1742 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1743 [~~53~~] (57) "Residential facility for persons with a disability" means a residence:

1744 (a) in which more than one person with a disability resides; and

1745 (b) (i) which is licensed or certified by the Department of Human Services under Title
1746 62A, Chapter 2, Licensure of Programs and Facilities; or

1747 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
1748 21, Health Care Facility Licensing and Inspection Act.

1749 [~~54~~] (58) "Rules of order and procedure" means a set of rules that govern and
1750 prescribe in a public meeting:

1751 (a) parliamentary order and procedure;

1752 (b) ethical behavior; and

1753 (c) civil discourse.

1754 [~~55~~] (59) "Sanitary sewer authority" means the department, agency, or public entity
1755 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1756 wastewater systems.

1757 [~~56~~] (60) "Sending zone" means an unincorporated area of a county that the county
1758 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1759 development right.

1760 [~~57~~] (61) "Site plan" means a document or map that may be required by a county
1761 during a preliminary review preceding the issuance of a building permit to demonstrate that an
1762 owner's or developer's proposed development activity meets a land use requirement.

1763 [~~58~~] (62) "Specified public agency" means:

- 1764 (a) the state;
- 1765 (b) a school district; or
- 1766 (c) a charter school.
- 1767 ~~[(59)]~~ (63) "Specified public utility" means an electrical corporation, gas corporation,
- 1768 or telephone corporation, as those terms are defined in Section [54-2-1](#).
- 1769 ~~[(60)]~~ (64) "State" includes any department, division, or agency of the state.
- 1770 ~~[(61)]~~ "Street" means a public right-of-way, including a highway, avenue, boulevard,
- 1771 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other
- 1772 way.]
- 1773 (65) "Subdivided land" means the land, tract, or lot described in a recorded subdivision
- 1774 plat.
- 1775 ~~[(62)]~~ (66) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
- 1776 to be divided into two or more lots~~[- parcels, sites, units, plots,]~~ or other division of land for the
- 1777 purpose, whether immediate or future, for offer, sale, lease, or development either on the
- 1778 installment plan or upon any and all other plans, terms, and conditions.
- 1779 (b) "Subdivision" includes:
- 1780 (i) the division or development of land whether by deed, metes and bounds description,
- 1781 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division
- 1782 includes all or a portion of a parcel or lot; and
- 1783 (ii) except as provided in Subsection ~~[(62)]~~ (66)(c), divisions of land for residential and
- 1784 nonresidential uses, including land used or to be used for commercial, agricultural, and
- 1785 industrial purposes.
- 1786 (c) "Subdivision" does not include:
- 1787 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 1788 (ii) ~~[a recorded]~~ an agreement recorded with the county recorder's office between
- 1789 owners of adjoining properties adjusting [their] the mutual boundary by a boundary line
- 1790 agreement in accordance with Section [57-1-45](#) if:
- 1791 (A) no new lot is created; and
- 1792 (B) the adjustment does not violate applicable land use ordinances;
- 1793 (iii) a recorded document, executed by the owner of record~~[-(A)-]~~ revising the legal
- 1794 description of more than one contiguous ~~[unsubdivided]~~ parcel of property that is not

- 1795 subdivided land into one legal description encompassing all such parcels of property; [~~or~~]
- 1796 [~~(B) joining a subdivided parcel of property to another parcel of property that has not~~
- 1797 ~~been subdivided, if the joinder does not violate applicable land use ordinances;]~~
- 1798 (iv) a bona fide division or partition of land in a county other than a first class county
- 1799 for the purpose of siting, on one or more of the resulting separate parcels:
- 1800 (A) an electrical transmission line or a substation;
- 1801 (B) a natural gas pipeline or a regulation station; or
- 1802 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 1803 utility service regeneration, transformation, retransmission, or amplification facility;
- 1804 (v) [~~a recorded~~] an agreement between owners of adjoining subdivided properties
- 1805 adjusting [~~their~~] the mutual lot line boundary in accordance with Section 10-9a-603 if:
- 1806 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1807 (B) the adjustment will not violate any applicable land use ordinance;
- 1808 (vi) a bona fide division or partition of land by deed or other instrument where the land
- 1809 use authority expressly approves in writing the division in anticipation of further land use
- 1810 approvals on the parcel or parcels; [~~or~~]
- 1811 (vii) a parcel boundary adjustment[~~;~~];
- 1812 (viii) a lot line adjustment;
- 1813 (ix) if a subdivision of a parcel does not include all of the parcel as described in the
- 1814 recorded plat, the remaining unsubdivided portion of the parcel;
- 1815 (x) a road, street, or highway dedication plat; or
- 1816 (xi) a deed for a road, street, or highway purpose.
- 1817 [~~(d) The joining of a subdivided parcel of property to another parcel of property that~~
- 1818 ~~has not been subdivided does not constitute a subdivision under this Subsection (62) as to the~~
- 1819 ~~unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision~~
- 1820 ~~ordinance.;~~]
- 1821 [~~(63)~~] (67) "Suspect soil" means soil that has:
- 1822 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1823 3% swell potential;
- 1824 (b) bedrock units with high shrink or swell susceptibility; or
- 1825 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum

1826 commonly associated with dissolution and collapse features.

1827 [(64)] (68) "Therapeutic school" means a residential group living facility:

1828 (a) for four or more individuals who are not related to:

1829 (i) the owner of the facility; or

1830 (ii) the primary service provider of the facility;

1831 (b) that serves students who have a history of failing to function:

1832 (i) at home;

1833 (ii) in a public school; or

1834 (iii) in a nonresidential private school; and

1835 (c) that offers:

1836 (i) room and board; and

1837 (ii) an academic education integrated with:

1838 (A) specialized structure and supervision; or

1839 (B) services or treatment related to a disability, an emotional development, a

1840 behavioral development, a familial development, or a social development.

1841 [(65)] (69) "Transferable development right" means a right to develop and use land that
1842 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
1843 land use rights from a designated sending zone to a designated receiving zone.

1844 [(66)] (70) "Unincorporated" means the area outside of the incorporated area of a
1845 municipality.

1846 [(67)] (71) "Water interest" means any right to the beneficial use of water, including:

1847 (a) each of the rights listed in Section 73-1-11; and

1848 (b) an ownership interest in the right to the beneficial use of water represented by:

1849 (i) a contract; or

1850 (ii) a share in a water company, as defined in Section 73-3-3.5.

1851 [(68)] (72) "Zoning map" means a map, adopted as part of a land use ordinance, that
1852 depicts land use zones, overlays, or districts.

1853 Section 26. Section 17-27a-104 is amended to read:

1854 **17-27a-104. County standards.**

1855 (1) [~~Except as provided in Subsection (2), a county may enact a land use regulation~~
1856 ~~imposing stricter requirements or higher standards than are required by this chapter.~~] This

1857 chapter does not prohibit a county from adopting the county's own land use standards.

1858 (2) [~~A~~] Notwithstanding Subsection (1), a county may not impose a requirement,
 1859 regulation, condition, or standard that conflicts with a provision of this chapter, other state law,
 1860 or federal law.

1861 Section 27. Section **17-27a-208** is amended to read:

1862 **17-27a-208. Hearing and notice for petition to vacate a public street.**

1863 (1) For any [~~proposal~~] petition to vacate some or all of a public street[~~, right-of-way, or~~
 1864 ~~easement,~~] the legislative body shall:

1865 (a) hold a public hearing; and

1866 (b) give notice of the date, place, and time of the hearing, as provided in Subsection

1867 (2).

1868 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative
 1869 body shall ensure that the notice required under Subsection (1)(b) [~~shall be~~] is:

1870 (a) mailed to the record owner of each parcel that is accessed by the public street[~~,~~

1871 ~~right-of-way, or easement~~];

1872 (b) mailed to each affected entity;

1873 (c) posted on or near the public street[~~, right-of-way, or easement~~] in a manner that is
 1874 calculated to alert the public; and

1875 (d) (i) published [~~in a newspaper of general circulation in~~] on the website of the county
 1876 in which the land subject to the petition is located until the public hearing concludes; and

1877 (ii) published on the Utah Public Notice Website created in Section [63F-1-701](#).

1878 Section 28. Section **17-27a-302** is amended to read:

1879 **17-27a-302. Planning commission powers and duties.**

1880 (1) Each countywide planning advisory area or mountainous planning district planning
 1881 commission shall, with respect to the unincorporated area of the county, the planning advisory
 1882 area, or the mountainous planning district, make a recommendation to the county legislative
 1883 body for:

1884 [~~(1)~~] (a) a general plan and amendments to the general plan;

1885 [~~(2)~~] (b) land use regulations;

1886 [~~(3)~~] (c) an appropriate delegation of power to at least one designated land use

1887 authority to hear and act on a land use application;

1888 [~~(4)~~] (d) an appropriate delegation of power to at least one appeal authority to hear and
1889 act on an appeal from a decision of the land use authority; and

1890 [~~(5)~~] (e) application processes that:

1891 [~~(a)~~] (i) may include a designation of routine land use matters that, upon application
1892 and proper notice, will receive informal streamlined review and action if the application is
1893 uncontested; and

1894 [~~(b)~~] (ii) shall protect the right of each:

1895 [~~(i)~~] (A) applicant and third party to require formal consideration of any application by
1896 a land use authority;

1897 [~~(ii)~~] (B) applicant, adversely affected party, or county officer or employee to appeal a
1898 land use authority's decision to a separate appeal authority; and

1899 [~~(iii)~~] (C) participant to be heard in each public hearing on a contested application.

1900 (2) Nothing in this section limits the right of a county to initiate or propose the actions
1901 described in this section.

1902 Section 29. Section **17-27a-501** is amended to read:

1903 **17-27a-501. Enactment of land use regulation.**

1904 (1) Only a legislative body, as the body authorized to weigh policy considerations, may
1905 enact a land use regulation.

1906 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use
1907 regulation only by ordinance.

1908 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that
1909 imposes a fee.

1910 (3) A land use regulation shall be consistent with the purposes set forth in this chapter.

1911 (4) (a) A legislative body shall adopt a land use regulation to:

1912 (i) create or amend a zoning district under Subsection [17-27a-503\(1\)\(a\)](#); and

1913 (ii) designate general uses allowed in each zoning district.

1914 (b) A land use authority may establish or modify other restrictions or requirements
1915 other than those described in Subsection (4)(a), including the configuration or modification of
1916 uses or density, through a land use decision that applies criteria or policy elements that a land
1917 use regulation establishes or describes.

1918 Section 30. Section **17-27a-502** is amended to read:

- 1919 **17-27a-502. Preparation and adoption of land use regulation.**
- 1920 (1) ~~[The]~~ A planning commission shall:
- 1921 (a) provide notice as required by Subsection 17-27a-205(1)(a) and, if applicable,
- 1922 Subsection 17-27a-205(4);
- 1923 (b) hold a public hearing on a proposed land use regulation;
- 1924 (c) if applicable, consider each written objection filed in accordance with Subsection
- 1925 17-27a-205(4) prior to the public hearing; and
- 1926 (d) (i) ~~[prepare]~~ review and recommend to the legislative body a proposed land use
- 1927 regulation that represents the planning commission's recommendation for regulating the use
- 1928 and development of land within:
- 1929 (A) all or any part of the unincorporated area of the county; or
- 1930 (B) for a mountainous planning district, all or any part of the area in the mountainous
- 1931 planning district; and
- 1932 (ii) forward to the legislative body all objections filed in accordance with Subsection
- 1933 17-27a-205(4).
- 1934 (2) (a) The legislative body shall consider each proposed land use regulation
- 1935 ~~[recommended to the legislative body by]~~ that the planning commission~~[-, and, after]~~
- 1936 recommends to the legislative body.
- 1937 (b) After providing notice as required by Subsection 17-27a-205(1)(b) and holding a
- 1938 public meeting, the legislative body may adopt or reject the proposed land use regulation
- 1939 ~~[either]~~ described in Subsection (2)(a):
- 1940 (i) as proposed by the planning commission; or
- 1941 (ii) after making any revision the legislative body considers appropriate.
- 1942 (c) A legislative body may consider a planning commission's failure to make a timely
- 1943 recommendation as a negative recommendation.
- 1944 Section 31. Section **17-27a-503** is amended to read:
- 1945 **17-27a-503. Zoning district or land use regulation amendments.**
- 1946 (1) Only a legislative body may amend:
- 1947 (a) the number, shape, boundaries, ~~[or]~~ area, or general uses of any zoning district;
- 1948 (b) any regulation of or within the zoning district; or
- 1949 (c) any other provision of a land use regulation.

1950 (2) ~~[The]~~ A legislative body may not make any amendment authorized by this section
1951 unless the legislative body first submits the amendment ~~[was proposed by the planning~~
1952 ~~commission or is first submitted]~~ to the planning commission for ~~[its]~~ the planning
1953 commission's recommendation.

1954 (3) ~~[The]~~ A legislative body shall comply with the procedure specified in Section
1955 17-27a-502 in preparing and adopting an amendment to a land use regulation.

1956 Section 32. Section **17-27a-506** is amended to read:

1957 **17-27a-506. Conditional uses.**

1958 (1) (a) A county may adopt a land use ordinance that includes conditional uses and
1959 provisions for conditional uses that require compliance with standards set forth in an applicable
1960 ordinance.

1961 (b) A county may not impose a requirement or standard on a conditional use that
1962 conflicts with a provision of this chapter or other state or federal law.

1963 (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions
1964 are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of
1965 the proposed use in accordance with applicable standards.

1966 (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate
1967 anticipated detrimental effects of the proposed conditional use does not require elimination of
1968 the detrimental effects.

1969 (b) If a land use authority proposes reasonable conditions on a proposed conditional
1970 use, the land use authority shall ensure that the conditions are stated on the record and
1971 reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

1972 (c) If the reasonably anticipated detrimental effects of a proposed conditional use
1973 cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to
1974 achieve compliance with applicable standards, the land use authority may deny the conditional
1975 use.

1976 (3) A land use authority's decision to approve or deny a conditional use is an
1977 administrative land use decision.

1978 (4) A legislative body shall classify any use that a land use regulation allows in a
1979 zoning district as either a permitted or conditional use under this chapter.

1980 Section 33. Section **17-27a-508** is amended to read:

1981 **17-27a-508. Applicant's entitlement to land use application approval --**
1982 **Application relating to land in a high priority transportation corridor -- County's**
1983 **requirements and limitations -- Vesting upon submission of development plan and**
1984 **schedule.**

1985 (1) (a) (i) An applicant who has submitted a complete land use application, including
1986 the payment of all application fees, is entitled to substantive review of the application under the
1987 land use regulations:

1988 (A) in effect on the date that the application is complete; and

1989 (B) applicable to the application or to the information shown on the submitted
1990 application.

1991 (ii) An applicant is entitled to approval of a land use application if the application
1992 conforms to the requirements of the applicable land use regulations, land use decisions, and
1993 development standards in effect when the applicant submits a complete application and pays all
1994 application fees, unless:

1995 (A) the land use authority, on the record, formally finds that a compelling,
1996 countervailing public interest would be jeopardized by approving the application and specifies
1997 the compelling, countervailing public interest in writing; or

1998 (B) in the manner provided by local ordinance and before the applicant submits the
1999 application, the county formally initiates proceedings to amend the county's land use
2000 regulations in a manner that would prohibit approval of the application as submitted.

2001 (b) The county shall process an application without regard to proceedings the county
2002 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

2003 (i) 180 days have passed since the county initiated the proceedings; and

2004 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
2005 application as submitted.

2006 (c) A land use application is considered submitted and complete when the applicant
2007 provides the application in a form that complies with the requirements of applicable ordinances
2008 and pays all applicable fees.

2009 (d) The continuing validity of an approval of a land use application is conditioned upon
2010 the applicant proceeding after approval to implement the approval with reasonable diligence.

2011 (e) A county may not impose on an applicant who has submitted a complete

2012 application [~~for preliminary subdivision approval~~] a requirement that is not expressed:

2013 (i) in this chapter;

2014 (ii) in a county ordinance; or

2015 (iii) in a county specification for public improvements applicable to a subdivision or
2016 development that is in effect on the date that the applicant submits an application.

2017 (f) A county may not impose on a holder of an issued land use permit or a final,
2018 unexpired subdivision plat a requirement that is not expressed:

2019 (i) in a land use permit;

2020 (ii) on the subdivision plat;

2021 (iii) in a document on which the land use permit or subdivision plat is based;

2022 (iv) in the written record evidencing approval of the land use permit or subdivision
2023 plat;

2024 (v) in this chapter; or

2025 (vi) in a county ordinance.

2026 (g) [~~A~~] Except as provided in Subsection (1)(h), a county may not withhold issuance of
2027 a certificate of occupancy or acceptance of subdivision improvements because of an applicant's
2028 failure to comply with a requirement that is not expressed:

2029 (i) in the building permit or subdivision plat, documents on which the building permit
2030 or subdivision plat is based, or the written record evidencing approval of the building permit or
2031 subdivision plat; or

2032 (ii) in this chapter or the county's ordinances.

2033 (h) A county may not withhold issuance of a certificate of occupancy where an
2034 applicant has met all requirements essential for the public health, public safety, and general
2035 welfare of the occupants, in accordance with this chapter, unless:

2036 (i) the applicant and the county have agreed to the withholding of a certificate of
2037 occupancy; or

2038 (ii) the applicant has not provided a financial assurance for required and uncompleted
2039 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
2040 legislative body adopts under this chapter.

2041 (2) A county is bound by the terms and standards of applicable land use regulations and
2042 shall comply with mandatory provisions of those regulations.

2043 (3) A county may not, as a condition of land use application approval, require a person
2044 filing a land use application to obtain documentation regarding a school district's willingness,
2045 capacity, or ability to serve the development proposed in the land use application.

2046 (4) Upon a specified public agency's submission of a development plan and schedule as
2047 required in Subsection 17-27a-305(8) that complies with the requirements of that subsection,
2048 the specified public agency vests in the county's applicable land use maps, zoning map, hookup
2049 fees, impact fees, other applicable development fees, and land use regulations in effect on the
2050 date of submission.

2051 Section 34. Section 17-27a-509.5 is amended to read:

2052 **17-27a-509.5. Review for application completeness -- Substantive application**
2053 **review -- Reasonable diligence required for determination of whether improvements or**
2054 **warranty work meets standards -- Money damages claim prohibited.**

2055 (1) (a) Each county shall, in a timely manner, determine whether ~~[an]~~ a land use
2056 application is complete for the purposes of subsequent, substantive land use authority review.

2057 (b) After a reasonable period of time to allow the county diligently to evaluate whether
2058 all objective ordinance-based application criteria have been met, if application fees have been
2059 paid, the applicant may in writing request that the county provide a written determination either
2060 that the application is:

2061 (i) complete for the purposes of allowing subsequent, substantive land use authority
2062 review; or

2063 (ii) deficient with respect to a specific, objective, ordinance-based application
2064 requirement.

2065 (c) Within 30 days of receipt of an applicant's request under this section, the county
2066 shall either:

2067 (i) mail a written notice to the applicant advising that the application is deficient with
2068 respect to a specified, objective, ordinance-based criterion, and stating that the application must
2069 be supplemented by specific additional information identified in the notice; or

2070 (ii) accept the application as complete for the purposes of further substantive
2071 processing by the land use authority.

2072 (d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application
2073 shall be considered complete, for purposes of further substantive land use authority review.

2074 (e) (i) The applicant may raise and resolve in a single appeal any determination made
2075 under this Subsection (1) to the appeal authority, including an allegation that a reasonable
2076 period of time has elapsed under Subsection (1)(a).

2077 (ii) The appeal authority shall issue a written decision for any appeal requested under
2078 this Subsection (1)(e).

2079 (f) (i) The applicant may appeal to district court the decision of the appeal authority
2080 made under Subsection (1)(e).

2081 (ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of
2082 the written decision.

2083 (2) (a) Each land use authority shall substantively review a complete application and an
2084 application considered complete under Subsection (1)(d), and shall approve or deny each
2085 application with reasonable diligence.

2086 (b) After a reasonable period of time to allow the land use authority to consider an
2087 application, the applicant may in writing request that the land use authority take final action
2088 within 45 days from date of service of the written request.

2089 (c) Within 45 days from the date of service of the written request described in
2090 Subsection (2)(b):

2091 (i) [The] except as provided in Subsection (2)(c)(ii), the land use authority shall take
2092 final action, approving or denying the application [within 45 days of the written request.]; and

2093 (ii) if a landowner petitions for a land use regulation, a legislative body shall take final
2094 action by approving or denying the petition.

2095 (d) If the land use authority denies an application processed under the mandates of
2096 Subsection (2)(b), or if the applicant has requested a written decision in the application, the
2097 land use authority shall include its reasons for denial in writing, on the record, which may
2098 include the official minutes of the meeting in which the decision was rendered.

2099 (e) If the land use authority fails to comply with Subsection (2)(c), the applicant may
2100 appeal this failure to district court within 30 days of the date on which the land use authority
2101 should have taken final action under Subsection (2)(c).

2102 (3) (a) With reasonable diligence, each land use authority shall determine whether the
2103 installation of required subdivision improvements or the performance of warranty work meets
2104 the county's adopted standards.

2105 (b) (i) An applicant may in writing request the land use authority to accept or reject the
2106 applicant's installation of required subdivision improvements or performance of warranty work.

2107 (ii) The land use authority shall accept or reject subdivision improvements within 15
2108 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as
2109 practicable after that 15-day period if inspection of the subdivision improvements is impeded
2110 by winter weather conditions.

2111 (iii) The land use authority shall accept or reject the performance of warranty work
2112 within 45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as
2113 soon as practicable after that 45-day period if inspection of the warranty work is impeded by
2114 winter weather conditions.

2115 (c) If a land use authority determines that the installation of required subdivision
2116 improvements or the performance of warranty work does not meet the county's adopted
2117 standards, the land use authority shall comprehensively and with specificity list the reasons for
2118 ~~its~~ the land use authority's determination.

2119 (4) Subject to Section [17-27a-508](#), nothing in this section and no action or inaction of
2120 the land use authority relieves an applicant's duty to comply with all applicable substantive
2121 ordinances and regulations.

2122 (5) There shall be no money damages remedy arising from a claim under this section.

2123 Section 35. Section **17-27a-601** is amended to read:

2124 **17-27a-601. Enactment of subdivision ordinance.**

2125 (1) The legislative body of a county may enact ordinances requiring that a subdivision
2126 plat comply with the provisions of the ~~ordinance~~ county's ordinances and this part before:

2127 (a) ~~it~~ the subdivision plat may be filed ~~or~~ and recorded in the county recorder's
2128 office; and

2129 (b) lots may be sold.

2130 (2) If the legislative body fails to enact a subdivision ordinance, the county may
2131 regulate subdivisions only as provided in this part.

2132 Section 36. Section **17-27a-602** is amended to read:

2133 **17-27a-602. Planning commission preparation and recommendation of**
2134 **subdivision ordinance -- Adoption or rejection by legislative body.**

2135 (1) ~~The~~ A planning commission shall:

2136 (a) ~~[prepare and recommend a]~~ review and provide a recommendation to the legislative
2137 body on any proposed ordinance [to the legislative body] that regulates the subdivision of land
2138 in the municipality;

2139 (b) ~~[prepare and recommend or consider and recommend a]~~ review and make a
2140 recommendation to the legislative body on any proposed ordinance that amends the regulation
2141 of the subdivision of the unincorporated land in the county or, in the case of a mountainous
2142 planning district, the mountainous planning district;

2143 (c) provide notice consistent with Section 17-27a-205; and

2144 (d) hold a public hearing on the proposed ordinance before making [its] the planning
2145 commission's final recommendation to the legislative body.

2146 (2) (a) ~~[The county]~~ A legislative body may adopt, modify, revise, or reject [the] an
2147 ordinance [either as proposed by] described in Subsection (1) that the planning commission [or
2148 after making any revision the county legislative body considers appropriate] recommends.

2149 (b) A legislative body may consider a planning commission's failure to make a timely
2150 recommendation as a negative recommendation.

2151 Section 37. Section 17-27a-603 is amended to read:

2152 **17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
2153 **acknowledgment, surveyor certification, and underground utility facility owner**
2154 **verification of plat -- Recording plat.**

2155 (1) Unless exempt under Section 17-27a-605 or excluded from the definition of
2156 subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of
2157 the land shall provide an accurate plat that describes or specifies:

2158 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
2159 the county recorder's office;

2160 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
2161 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
2162 intended to be used as a street or for any other public use, and whether any such area is
2163 reserved or proposed for dedication for a public purpose;

2164 (c) the lot or unit reference, block or building reference, street or site address, street
2165 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
2166 and width of the blocks and lots intended for sale; and

2167 (d) every existing right-of-way and easement grant of record for an underground
2168 facility, as defined in Section 54-8a-2, and for any other utility facility.

2169 (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's
2170 ordinances and this part and has been approved by the culinary water authority, the sanitary
2171 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local
2172 health department and the county consider the local health department's approval necessary, the
2173 county shall approve the plat.

2174 (b) Counties are encouraged to receive a recommendation from the fire authority before
2175 approving a plat.

2176 (c) A county may not require that a plat be approved or signed by a person or entity
2177 who:

2178 (i) is not an employee or agent of the county; or

2179 (ii) does not:

2180 (A) have a legal or equitable interest in the property within the proposed subdivision;

2181 (B) provide a utility or other service directly to a lot within the subdivision;

2182 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs
2183 for the purpose of confirming the accuracy of the location of the easement or right-of-way in
2184 relation to the plat; or

2185 (D) provide culinary public water service whose source protection zone designated as
2186 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.

2187 (d) For a subdivision application that includes land located within a notification zone,
2188 as determined under Subsection (2)(~~e~~)(f), the land use authority shall:

2189 (i) within 20 days after the day on which a complete subdivision application is filed,
2190 provide written notice of the application to the canal owner or associated canal operator contact
2191 described in:

2192 (A) Section 17-27a-211;

2193 (B) Subsection 73-5-7(2); or

2194 (C) Subsection (4)(c); and

2195 (ii) wait to approve or reject the subdivision application for at least 20 days after the
2196 day on which the land use authority mails the notice under Subsection (2)(d)(i) in order to
2197 receive input from the canal owner or associated canal operator, including input regarding:

- 2198 (A) access to the canal;
- 2199 (B) maintenance of the canal;
- 2200 (C) canal protection; and
- 2201 (D) canal safety.
- 2202 (e) When applicable, the subdivision applicant shall comply with Section 73-1-15.5.
- 2203 ~~[(e)]~~ (f) The land use authority shall provide the notice described in Subsection (2)(d)
- 2204 to a canal owner or associated canal operator if:
 - 2205 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and
 - 2206 (ii) the centerline alignment is available to the land use authority:
 - 2207 (A) from information provided by the canal company under Section 17-27a-211 using
 - 2208 mapping-grade global positioning satellite units or digitized data from the most recent aerial
 - 2209 photo available to the canal owner or canal operator;
 - 2210 (B) using the state engineer's inventory of canals under Section 73-5-7; or
 - 2211 (C) from information provided by a surveyor under Subsection (4)(c).
 - 2212 (3) The county may withhold an otherwise valid plat approval until the owner of the
 - 2213 land provides the legislative body with a tax clearance indicating that all taxes, interest, and
 - 2214 penalties owing on the land have been paid.
 - 2215 (4) (a) A ~~[plat may not be submitted to a]~~ county recorder ~~[for recording]~~ may not
 - 2216 record a plat unless, subject to Subsection 17-27a-604(2):
 - 2217 (i) prior to recordation, the county has approved and signed the plat;
 - 2218 (ii) each owner of record of land described on the plat has signed the owner's
 - 2219 dedication as shown on the plat; and
 - 2220 ~~[(ii)]~~ (iii) the signature of each owner described in Subsection ~~[(4)(a)(i)]~~ (4)(a)(ii) is
 - 2221 acknowledged as provided by law.
 - 2222 (b) The surveyor making the plat shall certify that the surveyor:
 - 2223 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
 - 2224 Professional Land Surveyors Licensing Act;
 - 2225 (ii) has completed a survey of the property described on the plat in accordance with
 - 2226 Section 17-23-17 and has verified all measurements; and
 - 2227 (iii) has placed monuments as represented on the plat.
 - 2228 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of

2229 an existing or proposed underground facility or utility facility within the proposed subdivision,
 2230 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's
 2231 depiction of the:

2232 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a
 2233 public or private easement, or grants of record;

2234 (B) location of an existing underground facility and utility facility; and

2235 (C) physical restrictions governing the location of the underground facility and utility
 2236 facility within the subdivision.

2237 (ii) The cooperation of an owner or operator under Subsection (4)(c)(i):

2238 (A) indicates only that the plat approximates the location of the existing underground
 2239 and utility facilities but does not warrant or verify their precise location; and

2240 (B) does not affect a right that the owner or operator has under~~[-(F)]~~ Title 54, Chapter
 2241 8a, Damage to Underground Utility Facilities~~[-(H)]~~, a recorded easement or right-of-way~~[-~~
 2242 ~~(H)]~~, the law applicable to prescriptive rights~~[-or (IV)]~~, or any other provision of law.

2243 (5) (a) ~~[After]~~ Except as provided in Subsection (4)(c), after the plat has been
 2244 acknowledged, certified, and approved, the [owner of the land] individual seeking to record the
 2245 plat shall, within the time period and manner designated by ordinance, record the plat in the
 2246 county recorder's office in the county in which the lands platted and laid out are situated.

2247 (b) ~~[An owner's]~~ A failure to record a plat within the time period designated by
 2248 ordinance renders the plat voidable.

2249 Section 38. Section **17-27a-604.5** is amended to read:

2250 **17-27a-604.5. Subdivision plat recording or development activity before required**
 2251 **infrastructure is completed -- Improvement completion assurance -- Improvement**
 2252 **warranty.**

2253 (1) A land use authority shall establish objective inspection standards for acceptance of
 2254 a required landscaping or infrastructure improvement.

2255 (2) (a) Before an applicant conducts any development activity or records a plat, the
 2256 applicant shall:

2257 (i) complete any required landscaping or infrastructure improvements; or

2258 (ii) post an improvement completion assurance for any required landscaping or
 2259 infrastructure improvements.

2260 (b) If an applicant elects to post an improvement completion assurance, the applicant
2261 shall ~~ensure that the~~ provide completion assurance for:

2262 (i) ~~provides for~~ completion of 100% of the required landscaping or infrastructure
2263 improvements; or

2264 (ii) if the county has inspected and accepted a portion of the landscaping or
2265 infrastructure improvements, ~~provides for completion of~~ 100% of the incomplete or
2266 unaccepted landscaping or infrastructure improvements.

2267 (c) A county shall:

2268 (i) establish a minimum of two acceptable forms of completion assurance;

2269 ~~(i)~~ (ii) if an applicant elects to post an improvement completion assurance, allow the
2270 applicant to post an assurance that meets the conditions of this title, and any local ordinances;

2271 ~~(ii)~~ (iii) establish a system for the partial release of an improvement completion
2272 assurance as portions of required landscaping or infrastructure improvements are completed
2273 and accepted in accordance with local ordinance; and

2274 ~~(iii)~~ (iv) issue or deny a building permit in accordance with Section 17-27a-802 based
2275 on the installation of landscaping or infrastructure improvements.

2276 (d) A county may not require an applicant to post an improvement completion
2277 assurance for:

2278 (i) landscaping or an infrastructure improvement that the county has previously
2279 inspected and accepted;

2280 (ii) infrastructure improvements that are private and not essential or required to meet
2281 the building code, fire code, flood or storm water management provisions, street and access
2282 requirements, or other essential necessary public safety improvements adopted in a land use
2283 regulation; or

2284 (iii) in a municipality where ordinances require all infrastructure improvements within
2285 the area to be private, infrastructure improvements within a development that the municipality
2286 requires to be private.

2287 (3) At any time before a county accepts a landscaping or infrastructure improvement,
2288 and for the duration of each improvement warranty period, the land use authority may require
2289 the applicant to:

2290 (a) execute an improvement warranty for the improvement warranty period; and

2291 (b) post a cash deposit, surety bond, letter of credit, or other similar security, as
2292 required by the county, in the amount of up to 10% of the lesser of the:

- 2293 (i) county engineer's original estimated cost of completion; or
- 2294 (ii) applicant's reasonable proven cost of completion.

2295 (4) When a county accepts an improvement completion assurance for landscaping or
2296 infrastructure improvements for a development in accordance with Subsection (2)(c)~~(i)~~(ii),
2297 the county may not deny an applicant a building permit if the development meets the
2298 requirements for the issuance of a building permit under the building code and fire code.

2299 (5) The provisions of this section do not supersede the terms of a valid development
2300 agreement, an adopted phasing plan, or the state construction code.

2301 Section 39. Section 17-27a-605 is amended to read:

2302 **17-27a-605. Exemptions from plat requirement.**

2303 (1) Notwithstanding Sections 17-27a-603 and 17-27a-604, ~~[the land use authority]~~ a
2304 county may establish a process to approve an administrative land use decision for the
2305 subdivision of unincorporated land or mountainous planning district land into 10 lots or less
2306 without a plat, by certifying in writing that:

- 2307 (a) the county has provided notice as required by ordinance; and
- 2308 (b) the proposed subdivision:

2309 (i) is not traversed by the mapped lines of a proposed street as shown in the general
2310 plan ~~[and does not require the dedication of any land for street or other]~~ unless the county has
2311 approved the location and dedication of any public street, county utility easement, any other
2312 easement, or any other land for public purposes as the county's ordinance requires;

2313 (ii) has been approved by the culinary water authority and the sanitary sewer authority;
2314 (iii) is located in a zoned area; and

2315 (iv) conforms to all applicable land use ordinances or has properly received a variance
2316 from the requirements of an otherwise conflicting and applicable land use ordinance.

2317 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural
2318 land is exempt from the plat requirements of Section 17-27a-603 if:

- 2319 (i) the lot or parcel:
 - 2320 (A) qualifies as land in agricultural use under Section 59-2-502; and
 - 2321 (B) is not used and will not be used for any nonagricultural purpose; and

2322 (ii) the new owner of record completes, signs, and records with the county recorder a
2323 notice:

2324 (A) describing the parcel by legal description; and

2325 (B) stating that the lot or parcel is created for agricultural purposes as defined in
2326 Section 59-2-502 and will remain so until a future zoning change permits other uses.

2327 (b) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
2328 purpose, the county shall require the lot or parcel to comply with the requirements of Section
2329 17-27a-603 and all applicable land use ordinance requirements.

2330 (3) (a) Except as provided in Subsection (4), a document recorded in the county
2331 recorder's office that divides property by a metes and bounds description does not create an
2332 approved subdivision allowed by this part unless the land use authority's certificate of written
2333 approval required by Subsection (1) is attached to the document.

2334 [~~(b) The absence of the certificate or written approval required by Subsection (1) does~~
2335 ~~not:~~]

2336 [~~(i) prohibit the county recorder from recording a document; or~~]

2337 [~~(ii) affect the validity of a recorded document.~~]

2338 [~~(c)~~] (b) A document which does not meet the requirements of Subsection (1) may be
2339 corrected by the recording of an affidavit to which the required certificate or written approval is
2340 attached [~~in accordance~~] and that complies with Section 57-3-106.

2341 (4) (a) As used in this Subsection (4):

2342 (i) "Divided land" means land that:

2343 (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and

2344 (B) has been divided by a minor subdivision.

2345 (ii) "Land to be divided" means land that is proposed to be divided by a minor
2346 subdivision.

2347 (iii) "Minor subdivision" means a division of at least 100 contiguous acres of
2348 agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that,
2349 after the division, is separate from the remainder of the original 100 or more contiguous acres
2350 of agricultural land.

2351 (iv) "Minor subdivision lot" means a lot created by a minor subdivision.

2352 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100

- 2353 contiguous acres of agricultural land may make a minor subdivision by submitting for
2354 recording in the office of the recorder of the county in which the land to be divided is located:
- 2355 (i) a recordable deed containing the legal description of the minor subdivision lot; and
 - 2356 (ii) a notice:
 - 2357 (A) indicating that the owner of the land to be divided is making a minor subdivision;
 - 2358 (B) referring specifically to this section as the authority for making the minor
 - 2359 subdivision; and
 - 2360 (C) containing the legal description of:
 - 2361 (I) the land to be divided; and
 - 2362 (II) the minor subdivision lot.
 - 2363 (c) A minor subdivision lot:
 - 2364 (i) may not be less than one acre in size;
 - 2365 (ii) may not be within 1,000 feet of another minor subdivision lot; and
 - 2366 (iii) is not subject to the subdivision ordinance of the county in which the minor
 - 2367 subdivision lot is located.
 - 2368 (d) Land to be divided by a minor subdivision may not include divided land.
 - 2369 (e) A county:
 - 2370 (i) may not deny a building permit to an owner of a minor subdivision lot based on:
 - 2371 (A) the lot's status as a minor subdivision lot; or
 - 2372 (B) the absence of standards described in Subsection (4)(e)(ii); and
 - 2373 (ii) may, in connection with the issuance of a building permit, subject a minor
 - 2374 subdivision lot to reasonable health, safety, and access standards that the county has established
 - 2375 and made public.
 - 2376 (5) (a) Notwithstanding Sections [17-27a-603](#) and [17-27a-604](#), and subject to
 - 2377 Subsection (1), the legislative body of a county may enact an ordinance allowing the
 - 2378 subdivision of a parcel, without complying with the plat requirements of Section [17-27a-603](#),
 - 2379 if:
 - 2380 (i) the parcel contains an existing legal single family dwelling unit;
 - 2381 (ii) the subdivision results in two parcels, one of which is agricultural land;
 - 2382 (iii) the parcel of agricultural land:
 - 2383 (A) qualifies as land in agricultural use under Section [59-2-502](#); and

2384 (B) is not used, and will not be used, for a nonagricultural purpose;
 2385 (iv) both the parcel with an existing legal single family dwelling unit and the parcel of
 2386 agricultural land meet the minimum area, width, frontage, and setback requirements of the
 2387 applicable zoning designation in the applicable land use ordinance; and
 2388 (v) the owner of record completes, signs, and records with the county recorder a notice:
 2389 (A) describing the parcel of agricultural land by legal description; and
 2390 (B) stating that the parcel of agricultural land is created as land in agricultural use, as
 2391 defined in Section 59-2-502, and will remain as land in agricultural use until a future zoning
 2392 change permits another use.

2393 (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a)
 2394 is later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a) no
 2395 longer applies, and the county shall require the owner of the parcel to:

2396 (i) retroactively comply with the subdivision plat requirements of Section 17-27a-603;
 2397 and

2398 (ii) comply with all applicable land use ordinance requirements.

2399 Section 40. Section 17-27a-607 is amended to read:

2400 **17-27a-607. Dedication by plat of streets and other public places.**

2401 (1) A plat that is signed, dedicated, and acknowledged by each owner of record, and
 2402 approved according to the procedures specified in this part, operates, when recorded, as a
 2403 dedication of all streets and other public places, and vests the fee of those parcels of land in the
 2404 county for the public for the uses named or intended in the plat.

2405 (2) The dedication established by this section does not impose liability upon the county
 2406 for streets and other public places that are dedicated in this manner but are unimproved unless:

2407 (a) adequate financial assurance has been provided in accordance with this chapter; and

2408 (b) the county has accepted the dedication.

2409 Section 41. Section 17-27a-608 is amended to read:

2410 **17-27a-608. Vacating or amending a subdivision plat.**

2411 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
 2412 subdivision that has been laid out and platted as provided in this part may file a written petition
 2413 with the land use authority to have some or all of the plat vacated or amended.

2414 (b) If a petition is filed under Subsection (1)(a), the land use authority shall provide

2415 notice of the petition by mail, email, or other effective means to each affected entity that
2416 provides a service to an owner of record of the portion of the plat that is being vacated or
2417 amended at least 10 calendar days before the land use authority may approve the vacation or
2418 amendment of the plat.

2419 (c) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
2420 public hearing within 45 days after the day on which the petition is filed if:

2421 (i) any owner within the plat notifies the county of the owner's objection in writing
2422 within 10 days of mailed notification; or

2423 (ii) a public hearing is required because all of the owners in the subdivision have not
2424 signed the revised plat.

2425 (2) Unless a local ordinance provides otherwise, the public hearing requirement of
2426 Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an
2427 owner's petition to vacate or amend a subdivision plat if:

2428 (a) the petition seeks to:

2429 (i) join two or more of the petitioning fee owner's contiguous lots;

2430 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
2431 result in a violation of a land use ordinance or a development condition;

2432 (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the
2433 adjoining lots or parcels join the petition, regardless of whether the lots or parcels are located in
2434 the same subdivision;

2435 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
2436 imposed by the local political subdivision; or

2437 (v) alter the plat in a manner that does not change existing boundaries or other
2438 attributes of lots within the subdivision that are not:

2439 (A) owned by the petitioner; or

2440 (B) designated as a common area; and

2441 (b) notice has been given to adjacent property owners in accordance with any
2442 applicable local ordinance.

2443 (3) Each request to vacate or amend a plat that contains a request to vacate or amend a
2444 public street[, right-of-way, or easement] is also subject to Section 17-27a-609.5.

2445 (4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:

- 2446 (a) the name and address of each owner of record of the land contained in:
- 2447 (i) the entire plat; or
- 2448 (ii) that portion of the plan described in the petition; and
- 2449 (b) the signature of each owner who consents to the petition.
- 2450 (5) (a) The owners of record of adjacent parcels that are described by either a metes
- 2451 and bounds description or by a recorded plat may exchange title to portions of those parcels if
- 2452 the exchange of title is approved by the land use authority in accordance with Subsection
- 2453 (5)(b).
- 2454 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
- 2455 the exchange of title will not result in a violation of any land use ordinance.
- 2456 (c) If an exchange of title is approved under Subsection (5)(b):
- 2457 (i) a notice of approval shall be recorded in the office of the county recorder which:
- 2458 (A) is executed by each owner included in the exchange and by the land use authority;
- 2459 (B) contains an acknowledgment for each party executing the notice in accordance with
- 2460 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
- 2461 (C) recites the descriptions of both the original parcels and the parcels created by the
- 2462 exchange of title; and
- 2463 (ii) a document of conveyance of title reflecting the approved change shall be recorded
- 2464 in the office of the county recorder.
- 2465 (d) A notice of approval recorded under this Subsection (5) does not act as a
- 2466 conveyance of title to real property and is not required to record a document conveying title to
- 2467 real property.
- 2468 (6) (a) The name of a recorded subdivision may be changed by recording an amended
- 2469 plat making that change, as provided in this section and subject to Subsection (6)(c).
- 2470 (b) The surveyor preparing the amended plat shall certify that the surveyor:
- 2471 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
- 2472 Professional Land Surveyors Licensing Act;
- 2473 (ii) has completed a survey of the property described on the plat in accordance with
- 2474 Section [17-23-17](#) and has verified all measurements; and
- 2475 (iii) has placed monuments as represented on the plat.
- 2476 (c) An owner of land may not submit for recording an amended plat that gives the

2477 subdivision described in the amended plat the same name as a subdivision recorded in the
2478 county recorder's office.

2479 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
2480 document that purports to change the name of a recorded plat is void.

2481 Section 42. Section **17-27a-609** is amended to read:

2482 **17-27a-609. Land use authority approval of vacation or amendment of plat --**
2483 **Recording the amended plat.**

2484 (1) The land use authority may approve the vacation or amendment of a plat by signing
2485 an amended plat showing the vacation or amendment if the land use authority finds that:

2486 (a) there is good cause for the vacation or amendment; and

2487 (b) no public street[, right-of-way, or easement] has been vacated or amended.

2488 (2) (a) The land use authority shall ensure that the amended plat showing the vacation
2489 or amendment is recorded in the office of the county recorder in which the land is located.

2490 (b) If the amended plat is approved and recorded in accordance with this section, the
2491 recorded plat shall vacate, supersede, and replace any contrary provision in a previously
2492 recorded plat of the same land.

2493 (3) (a) A legislative body may vacate a subdivision or a portion of a subdivision by
2494 recording in the county recorder's office an ordinance describing the subdivision or the portion
2495 being vacated.

2496 (b) The recorded vacating ordinance shall replace a previously recorded plat described
2497 in the vacating ordinance.

2498 (4) An amended plat may not be submitted to the county recorder for recording unless
2499 it is:

2500 (a) signed by the land use authority; and

2501 (b) signed, acknowledged, and dedicated by each owner of record of the portion of the
2502 plat that is amended.

2503 (5) A management committee may sign and dedicate an amended plat as provided in
2504 Title 57, Chapter 8, Condominium Ownership Act.

2505 (6) A plat may be corrected as provided in Section [57-3-106](#).

2506 Section 43. Section **17-27a-609.5** is amended to read:

2507 **17-27a-609.5. Petition to vacate a public street.**

2508 (1) In lieu of vacating some or all of a public street through a plat or amended plat in
 2509 accordance with Sections 17-27a-603 through 17-27a-609, a legislative body may approve a
 2510 petition to vacate a public street in accordance with this section.

2511 ~~[(1)]~~ (2) A [petition] petitioner shall ensure that a petition to vacate some or all of a
 2512 public street~~[-, right-of-way, or easement shall include]~~ includes:

2513 (a) the name and address of each owner of record of land that is:

2514 (i) adjacent to the public street~~[-, right-of-way, or easement]~~ between the two nearest
 2515 public street intersections; or

2516 (ii) accessed exclusively by or within 300 feet of the public street~~[-, right-of-way, or~~
 2517 ~~easement]~~; and

2518 (b) the signature of each owner under Subsection ~~[(1)]~~ (2)(a) who consents to the
 2519 vacation.

2520 ~~[(2)]~~ (3) If a petition is submitted containing a request to vacate some or all of a public
 2521 street, [right-of-way, or easement,] the legislative body shall hold a public hearing in
 2522 accordance with Section 17-27a-208 and determine whether:

2523 (a) good cause exists for the vacation; and

2524 (b) the public interest or any person will be materially injured by the proposed
 2525 vacation.

2526 ~~[(3)]~~ (4) The legislative body may adopt an ordinance granting a petition to vacate
 2527 some or all of a public street[-, right-of-way, or easement] if the legislative body finds that:

2528 (a) good cause exists for the vacation; and

2529 (b) neither the public interest nor any person will be materially injured by the vacation.

2530 ~~[(4)]~~ (5) If the legislative body adopts an ordinance vacating some or all of a public
 2531 street[-, right-of-way, or easement,] the legislative body shall ensure that one or both of the
 2532 following is recorded in the office of the recorder of the county in which the land is located:

2533 (a) a plat reflecting the vacation; or

2534 (b) (i) an ordinance described in Subsection ~~[(3)]~~ (4); and

2535 (ii) a legal description of the public street to be vacated.

2536 ~~[(5)]~~ (6) The action of the legislative body vacating some or all of a public street[-;
 2537 right-of-way, or easement] that has been dedicated to public use:

2538 (a) operates to the extent to which it is vacated, upon the effective date of the recorded

2539 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the county's
2540 fee in the vacated street, right-of-way, or easement; and

2541 (b) may not be construed to impair:

2542 (i) any right-of-way or easement of any lot owner; or

2543 (ii) the franchise rights of any public utility.

2544 (7) (a) A county may submit a petition and initiate and complete a process to vacate
2545 some or all of a public street.

2546 (b) If a county submits a petition and initiates a process under Subsection (7)(a):

2547 (i) the legislative body shall hold a public hearing;

2548 (ii) the petition and process may not relocate a public street;

2549 (iii) the petition and process may not apply to or affect a public utility easement, except
2550 to the extent:

2551 (A) the easement is included within the public street; and

2552 (B) the notice to vacate the public street also contains a notice to vacate the easement;

2553 and

2554 (iv) a recorded ordinance to vacate a public street has the same legal effect as vacating
2555 a public street through a recorded plat or amended plat.

2556 Section 44. Section **17-27a-707** is amended to read:

2557 **17-27a-707. Scope of review of factual matters on appeal -- Appeal authority**
2558 **requirements.**

2559 (1) A county may, by ordinance, designate the scope of review of factual matters for
2560 appeals of land use authority decisions.

2561 (2) If the county fails to designate a scope of review of factual matters, the appeal
2562 authority shall review the matter de novo, without deference to the land use authority's
2563 determination of factual matters.

2564 (3) If the scope of review of factual matters is on the record, the appeal authority shall
2565 determine whether the record on appeal includes substantial evidence, or a preponderance of
2566 the evidence as described in Subsection (5), for each essential finding of fact.

2567 (4) The appeal authority shall:

2568 (a) determine the correctness of the land use authority's interpretation and application
2569 of the plain meaning of the land use regulations; and

2570 (b) interpret and apply a land use regulation to favor a land use application unless the
2571 land use regulation plainly restricts the land use application.

2572 (5) An appeal authority shall deny an appeal by a party other than a land use applicant
2573 if the appellant fails to show that the appealed decision was not supported by substantial
2574 evidence.

2575 [~~(5)~~] (6) (a) An appeal authority's land use decision is a quasi-judicial act~~[, even if the~~
2576 ~~appeal authority is the]~~.

2577 (b) A legislative body may not act as an appeal authority without the written consent of
2578 the land use applicant.

2579 [~~(6)~~] (7) Only a decision in which a land use authority has applied a land use regulation
2580 to a particular land use application, person, or parcel may be appealed to an appeal authority.

2581 Section 45. Section **17-27a-801** is amended to read:

2582 **17-27a-801. No district court review until administrative remedies exhausted --**

2583 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**

2584 **-- Staying of decision.**

2585 (1) No person may challenge in district court a land use decision until that person has
2586 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
2587 Variances, if applicable.

2588 (2) (a) Any person adversely affected by a final decision made in the exercise of or in
2589 violation of the provisions of this chapter may file a petition for review of the decision with the
2590 district court within 30 days after the decision is final.

2591 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
2592 property owner files a request for arbitration of a constitutional taking issue with the property
2593 rights ombudsman under Section **13-43-204** until 30 days after:

2594 (A) the arbitrator issues a final award; or

2595 (B) the property rights ombudsman issues a written statement under Subsection
2596 **13-43-204(3)(b)** declining to arbitrate or to appoint an arbitrator.

2597 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
2598 taking issue that is the subject of the request for arbitration filed with the property rights
2599 ombudsman by a property owner.

2600 (iii) A request for arbitration filed with the property rights ombudsman after the time

2601 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

2602 (3) (a) A court shall:

2603 (i) presume that a land use regulation properly enacted under the authority of this
2604 chapter is valid; and

2605 (ii) determine only whether:

2606 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
2607 or federal law; and

2608 (B) it is reasonably debatable that the land use regulation is consistent with this
2609 chapter.

2610 (b) A court shall:

2611 (i) presume that a final decision of a land use authority or an appeal authority is valid;
2612 and

2613 (ii) uphold the decision unless the decision is:

2614 (A) arbitrary and capricious; or

2615 (B) illegal.

2616 (c) (i) A decision is arbitrary and capricious if the decision is not supported by
2617 substantial evidence in the record.

2618 (ii) A decision is illegal if the decision is:

2619 (A) based on an incorrect interpretation of a land use regulation; or

2620 (B) contrary to law.

2621 (d) A court may declare a land use application approved without remanding the
2622 application for further review if an appeal authority or land use authority failed to comply with
2623 the requirements of this chapter in making a land use decision or a decision on appeal,
2624 including a failure to prepare adequate findings to support the land use or appeal authority
2625 decision.

2626 (4) The provisions of Subsection (2)(a) apply from the date on which the county takes
2627 final action on a land use application for any adversely affected third party, if the county
2628 conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice
2629 of the pending decision.

2630 (5) If the county has complied with Section 17-27a-205, a challenge to the enactment
2631 of a land use regulation or general plan may not be filed with the district court more than 30

2632 days after the enactment.

2633 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
2634 days after the land use decision is final.

2635 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
2636 the reviewing court the record of its proceedings, including its minutes, findings, orders and, if
2637 available, a true and correct transcript of its proceedings.

2638 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
2639 transcript for purposes of this Subsection (7).

2640 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
2641 by the land use authority or appeal authority, as the case may be.

2642 (ii) The court may not accept or consider any evidence outside the record of the land
2643 use authority or appeal authority, as the case may be, unless that evidence was offered to the
2644 land use authority or appeal authority, respectively, and the court determines that it was
2645 improperly excluded.

2646 (b) If there is no record, the court may call witnesses and take evidence.

2647 (9) (a) The filing of a petition does not stay the decision of the land use authority or
2648 appeal authority, as the case may be.

2649 (b) (i) Before filing a petition under this section or a request for mediation or
2650 arbitration of a constitutional taking issue under Section 13-43-204, the aggrieved party may
2651 petition the appeal authority to stay its decision.

2652 (ii) Upon receipt of a petition to stay, the appeal authority may order its decision stayed
2653 pending district court review if the appeal authority finds it to be in the best interest of the
2654 county.

2655 (iii) After a petition is filed under this section or a request for mediation or arbitration
2656 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
2657 injunction staying the appeal authority's decision.

2658 (10) If the court determines that a party other than the land use applicant initiated or
2659 pursued a challenge to the approval of a land use application in bad faith, the court shall award
2660 attorney fees to the county and the land use applicant.

2661 Section 46. Section 17-27a-802 is amended to read:

2662 **17-27a-802. Enforcement.**

2663 (1) (a) A county or any adversely affected owner of real estate within the county in
2664 which violations of this chapter or ordinances enacted under the authority of this chapter occur
2665 or are about to occur may, in addition to other remedies provided by law, institute:

- 2666 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
- 2667 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
- 2668 (b) A county need only establish the violation to obtain the injunction.

2669 (2) (a) A county may enforce the county's ordinance by withholding a building permit.

2670 (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any
2671 building or other structure within a county without approval of a building permit.

2672 (c) The county may not issue a building permit unless the plans of and for the proposed
2673 erection, construction, reconstruction, alteration, or use fully conform to all regulations then in
2674 effect.

2675 (d) A county may not deny an applicant a building permit or certificate of occupancy
2676 because the applicant has not completed an infrastructure improvement:

2677 (i) that is not essential to meet the requirements for the issuance of a building permit or
2678 certificate of occupancy under the building code and fire code; and

2679 (ii) for which the county has accepted an improvement completion assurance for
2680 landscaping or infrastructure improvements for the development.

2681 Section 47. Section **57-1-13** is amended to read:

2682 **57-1-13. Form of quitclaim deed -- Effect.**

2683 (1) A conveyance of land may also be substantially in the following form:

2684 "QUITCLAIM DEED

2685 ____ (here insert name), grantor, of ____ (insert place of residence), hereby quitclaims
2686 to ____ (insert name), grantee, of ____ (here insert place of residence), for the sum of ____
2687 dollars, the following described tract ____ of land in ____ County, Utah, to wit: (here describe
2688 the premises).

2689 Witness the hand of said grantor this _____ (month\day\year).

2690 A quitclaim deed when executed as required by law shall have the effect of a
2691 conveyance of all right, title, interest, and estate of the grantor in and to the premises therein
2692 described and all rights, privileges, and appurtenances thereunto belonging, at the date of the
2693 conveyance."

2694 (2) ~~[For a]~~ A boundary line agreement operating as a quitclaim deed ~~[as]~~ shall meet the
 2695 requirements described in Section 57-1-45~~[-, the boundary line agreement shall include, in~~
 2696 addition to a legal description of the agreed upon boundary line:].

2697 ~~[(a) the signature of each grantor;]~~

2698 ~~[(b) a sufficient acknowledgment for each grantor's signature; and]~~

2699 ~~[(c) the address of each grantee for assessment purposes.]~~

2700 Section 48. Section ~~57-1-45~~ is amended to read:

2701 **57-1-45. Boundary line agreements.**

2702 (1) If properly executed and acknowledged as required under this chapter, and when
 2703 recorded in the office of the recorder of the county in which the property is located, an
 2704 agreement between adjoining property owners ~~[designating]~~ of unsubdivided land that
 2705 designates the boundary line between ~~[their properties, when recorded in the office of the~~
 2706 recorder of the county in which the property is located, shall act] the adjoining properties acts
 2707 as a quitclaim deed ~~[and]~~ to convey all of each party's right, title, interest, and estate in property
 2708 outside the agreed boundary line that had been the subject of the boundary line agreement or
 2709 dispute that led to the boundary line agreement.

2710 (2) ~~[A]~~ Adjoining property owners executing a boundary line agreement described in
 2711 Subsection (1) shall ~~[include]~~:

2712 (a) ensure that the agreement includes:

2713 ~~[(a)]~~ (i) a legal description of the agreed upon boundary line;

2714 ~~[(b)]~~ (ii) the name and signature of each grantor that is party to the agreement;

2715 ~~[(c)]~~ (iii) a sufficient acknowledgment for each grantor's signature; [and]

2716 ~~[(d)]~~ (iv) the address of each grantee for assessment purposes[.];

2717 (v) a statement citing the file number of a record of a survey map, as defined in
 2718 Sections 10-9a-103 and 17-27a-103, that the parties prepare and file, in accordance with
 2719 Section 17-23-17, in conjunction with the boundary line agreement; and

2720 (vi) the date of the agreement if the date is not included in the acknowledgment in a
 2721 form substantially similar to a quitclaim deed as described in Section 57-1-13; and

2722 (b) prepare an amended plat in accordance with Title 10, Chapter 9a, Part 6,
 2723 Subdivisions, or Title 17, Chapter 27a, Part 6, Subdivisions.

2724 (3) A boundary line agreement described in Subsection (1) that complies with

2725 Subsection (2) presumptively:

2726 (a) has no detrimental effect on any easement on the property that is recorded before
 2727 the date on which the agreement is executed unless the owner of the property benefitting from
 2728 the easement specifically modifies the easement within the boundary line agreement or a
 2729 separate recorded easement modification or relinquishment document; and

2730 (b) relocates the parties' common boundary line for an exchange of consideration.

2731 (4) Notwithstanding Title 10, Chapter 9a, Part 6, Subdivisions, Title 17, Chapter 27a,
 2732 Part 6, Subdivisions, or the local entity's ordinances or policies, a boundary line agreement is
 2733 not subject to:

2734 (a) any public notice, public hearing, or preliminary platting requirement;

2735 (b) the local entity's planning commission review or recommendation;

2736 (c) an engineering review or approval; or

2737 (d) a health department review or approval.

2738 Section 49. Section **63I-2-217** is amended to read:

2739 **63I-2-217. Repeal dates -- Title 17.**

2740 (1) Subsection ~~17-27a-102~~(1)(b), the language that states "or a designated mountainous
 2741 planning district" is repealed June 1, 2020.

2742 (2) (a) Subsection [~~17-27a-103(15)(b)~~] 17-27a-103(16)(b), regarding general plan
 2743 guidelines for a mountainous planning district, is repealed June 1, 2020.

2744 (b) Subsection [~~17-27a-103(37)~~] 17-27a-103(39), regarding the definition of a
 2745 "mountainous planning district," is repealed June 1, 2020.

2746 (3) Subsection ~~17-27a-210~~(2)(a), the language that states "or the mountainous planning
 2747 district area" is repealed June 1, 2020.

2748 (4) (a) Subsection ~~17-27a-301~~(1)(b)(iii) is repealed June 1, 2020.

2749 (b) Subsection ~~17-27a-301~~(1)(c) is repealed June 1, 2020.

2750 (c) Subsection ~~17-27a-301~~(2)(a), the language that states "described in Subsection
 2751 (1)(a) or (c)" is repealed June 1, 2020.

2752 (5) Subsection ~~17-27a-302~~(1), the language that states ", or mountainous planning
 2753 district" and "or the mountainous planning district," is repealed June 1, 2020.

2754 (6) Subsection ~~17-27a-305~~(1)(a), the language that states "a mountainous planning
 2755 district or" and ", as applicable" is repealed June 1, 2020.

- 2756 (7) (a) Subsection 17-27a-401(1)(b)(ii) is repealed June 1, 2020.
- 2757 (b) Subsection 17-27a-401(6) is repealed June 1, 2020.
- 2758 (8) (a) Subsection 17-27a-403(1)(b)(ii) is repealed June 1, 2020.
- 2759 (b) Subsection 17-27a-403(1)(c)(iii) is repealed June 1, 2020.
- 2760 (c) Subsection (2)(a)(iii), the language that states "or the mountainous planning
- 2761 district" is repealed June 1, 2020.
- 2762 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
- 2763 district" is repealed June 1, 2020.
- 2764 (9) Subsection 17-27a-502(1)(d)(i)(B) is repealed June 1, 2020.
- 2765 (10) Subsection 17-27a-505.5(2)(a)(iii) is repealed June 1, 2020.
- 2766 (11) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
- 2767 mountainous planning district, the mountainous planning district" is repealed June 1, 2020.
- 2768 (12) Subsection 17-27a-604(1)(b)(i)(B) is repealed June 1, 2020.
- 2769 (13) Subsection 17-27a-605(1), the language that states "or mountainous planning
- 2770 district land" is repealed June 1, 2020.
- 2771 (14) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
- 2772 2020.
- 2773 (15) On June 1, 2020, when making the changes in this section, the Office of
- 2774 Legislative Research and General Counsel shall:
- 2775 (a) in addition to its authority under Subsection 36-12-12(3), make corrections
- 2776 necessary to ensure that sections and subsections identified in this section are complete
- 2777 sentences and accurately reflect the office's understanding of the Legislature's intent; and
- 2778 (b) identify the text of the affected sections and subsections based upon the section and
- 2779 subsection numbers used in Laws of Utah 2017, Chapter 448.
- 2780 (16) On June 1, 2020:
- 2781 (a) Section 17-52a-104 is repealed;
- 2782 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
- 2783 described in Subsection 17-52a-104(2)," is repealed;
- 2784 (c) Subsection 17-52a-301(3)(a)(vi) is repealed;
- 2785 (d) in Subsection 17-52a-501(1), the language that states "or, for a county under a
- 2786 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was

2787 in effect on March 14, 2018," is repealed; and

2788 (e) in Subsection 17-52a-501(3)(a), the language that states "or, for a county under a
2789 pending process described in Section 17-52a-104, the attorney's report that is described in
2790 Section 17-52-204 as that section was in effect on March 14, 2018 and that contains a
2791 statement described in Subsection 17-52-204(5) as that subsection was in effect on March 14,
2792 2018," is repealed.

2793 (17) On January 1, 2028, Subsection 17-52a-102(3) is repealed.