

**Representative Logan Wilde** proposes the following substitute bill:

**LAND USE AND DEVELOPMENT AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Logan Wilde**

Senate Sponsor: \_\_\_\_\_

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**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, by ordinance, 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



- 26 municipality or county has approved and signed the plat;
- 27       ▶ requires a municipality and county to establish two acceptable forms of completion
- 28 assurance and adds elements for which the municipality or county may not require
- 29 completion assurance;
- 30       ▶ amends provisions regarding exemptions from the plat requirement;
- 31       ▶ amends a provision regarding municipal or county liability for the dedication of a
- 32 street;
- 33       ▶ allows for a separate process to vacate a public street through a petition;
- 34       ▶ repeals provisions regarding a historic preservation appeal authority;
- 35       ▶ allows a legislative body to act as an appeal authority to review a land use decision
- 36 in certain circumstances;
- 37       ▶ provides for a court to review a land use application denial and remand the matter in
- 38 certain circumstances;
- 39       ▶ allows a court to award attorney fees if the court makes a certain determination of
- 40 bad faith challenge to a land use application decision;
- 41       ▶ requires a boundary line agreement operating as a quitclaim deed to meet certain
- 42 standards;
- 43       ▶ amends provisions regarding boundary line agreements, including elements, status,
- 44 and exemptions; and
- 45       ▶ makes technical and conforming changes.

46 **Money Appropriated in this Bill:**

47       None

48 **Other Special Clauses:**

49       None

50 **Utah Code Sections Affected:**

51 AMENDS:

52       **10-9a-102**, as last amended by Laws of Utah 2018, Chapter 460

53       **10-9a-103**, as last amended by Laws of Utah 2018, Chapters 339 and 415

54       **10-9a-104**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1

55       **10-9a-208**, as last amended by Laws of Utah 2010, Chapter 90

56       **10-9a-302**, as last amended by Laws of Utah 2017, Chapter 84

- 57 [10-9a-501](#), as last amended by Laws of Utah 2017, Chapter 84
- 58 [10-9a-502](#), as last amended by Laws of Utah 2017, Chapter 84
- 59 [10-9a-503](#), as last amended by Laws of Utah 2017, Chapters 17, 79, and 84
- 60 [10-9a-507](#), as last amended by Laws of Utah 2018, Chapter 339
- 61 [10-9a-509](#), as last amended by Laws of Utah 2018, Chapter 339
- 62 [10-9a-509.5](#), as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 63 [10-9a-601](#), as renumbered and amended by Laws of Utah 2005, Chapter 254
- 64 [10-9a-602](#), as renumbered and amended by Laws of Utah 2005, Chapter 254
- 65 [10-9a-603](#), as last amended by Laws of Utah 2017, Chapters 410 and 428
- 66 [10-9a-604.5](#), as last amended by Laws of Utah 2018, Chapter 339
- 67 [10-9a-605](#), as last amended by Laws of Utah 2010, Chapter 381
- 68 [10-9a-607](#), as last amended by Laws of Utah 2010, Chapter 381
- 69 [10-9a-608](#), as last amended by Laws of Utah 2014, Chapter 136
- 70 [10-9a-609](#), as last amended by Laws of Utah 2014, Chapter 136
- 71 [10-9a-609.5](#), as last amended by Laws of Utah 2010, Chapter 381
- 72 [10-9a-701](#), as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 73 [10-9a-707](#), as last amended by Laws of Utah 2017, Chapter 84
- 74 [10-9a-801](#), as last amended by Laws of Utah 2018, Chapter 339
- 75 [10-9a-802](#), as last amended by Laws of Utah 2018, Chapter 339
- 76 [17-27a-102](#), as last amended by Laws of Utah 2018, Chapter 460
- 77 [17-27a-103](#), as last amended by Laws of Utah 2018, Chapters 339 and 415
- 78 [17-27a-104](#), as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 79 [17-27a-208](#), as last amended by Laws of Utah 2010, Chapter 90
- 80 [17-27a-302](#), as last amended by Laws of Utah 2017, Chapter 84
- 81 [17-27a-501](#), as last amended by Laws of Utah 2017, Chapter 84
- 82 [17-27a-502](#), as last amended by Laws of Utah 2017, Chapter 84
- 83 [17-27a-503](#), as last amended by Laws of Utah 2017, Chapter 84
- 84 [17-27a-506](#), as last amended by Laws of Utah 2018, Chapter 339
- 85 [17-27a-508](#), as last amended by Laws of Utah 2018, Chapter 339
- 86 [17-27a-509.5](#), as last amended by Laws of Utah 2008, Chapter 112
- 87 [17-27a-601](#), as renumbered and amended by Laws of Utah 2005, Chapter 254

- 88 17-27a-602, as last amended by Laws of Utah 2015, Chapter 465
- 89 17-27a-603, as last amended by Laws of Utah 2017, Chapters 410 and 428
- 90 17-27a-604.5, as last amended by Laws of Utah 2018, Chapter 339
- 91 17-27a-605, as last amended by Laws of Utah 2016, Chapter 147
- 92 17-27a-607, as last amended by Laws of Utah 2010, Chapter 381
- 93 17-27a-608, as last amended by Laws of Utah 2014, Chapter 136
- 94 17-27a-609, as last amended by Laws of Utah 2014, Chapter 136
- 95 17-27a-609.5, as last amended by Laws of Utah 2010, Chapter 381
- 96 17-27a-707, as last amended by Laws of Utah 2017, Chapter 84
- 97 17-27a-801, as last amended by Laws of Utah 2018, Chapter 339
- 98 17-27a-802, as last amended by Laws of Utah 2018, Chapter 339
- 99 57-1-13, as last amended by Laws of Utah 2011, Chapter 88
- 100 57-1-45, as last amended by Laws of Utah 2011, Chapter 88
- 101 63I-2-217, as last amended by Laws of Utah 2018, Chapter 68 and further amended by
- 102 Revisor Instructions, Laws of Utah 2018, Chapter 456

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

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

106 **10-9a-102. Purposes -- General land use authority.**

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

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

109 (b) promote the prosperity~~[-]~~;

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

112 (d) protect the tax base~~[-to]~~;

113 (e) secure economy in governmental expenditures~~[-to]~~;

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

115 (g) protect both urban and nonurban development~~[-to]~~;

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

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

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

119 (k) protect property values.

120 (2) To accomplish the purposes of this chapter, [~~municipalities~~] a municipality may  
121 enact all ordinances, resolutions, and rules and may enter into other forms of land use controls  
122 and development agreements that [~~they consider~~] the municipality considers necessary or  
123 appropriate for the use and development of land within the municipality, including ordinances,  
124 resolutions, rules, restrictive covenants, easements, and development agreements governing:

125 (a) uses[;];

126 (b) density[;];

127 (c) open spaces[;];

128 (d) structures[;];

129 (e) buildings[;];

130 (f) energy efficiency[;];

131 (g) light and air[;];

132 (h) air quality[;];

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

134 (j) infrastructure[;];

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

136 (l) width requirements[;];

137 (m) public facilities[;];

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

139 (o) considerations of surrounding land uses [~~and the~~] to balance [~~of~~] the foregoing  
140 purposes with a landowner's private property interests[; ~~height and location of vegetation, trees,~~  
141 ~~and landscaping, unless expressly prohibited by law]~~ and associated statutory and constitutional  
142 protections.

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

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

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

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

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

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

153 **10-9a-103. Definitions.**

154 As used in this chapter:

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

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

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

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

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

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

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

174 (i) an operating charter school;

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

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

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

180 (5) "Conditional use" means a land use that, because of its unique characteristics or

181 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be  
182 compatible in some areas or may be compatible only if certain conditions are required that  
183 mitigate or eliminate the detrimental impacts.

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

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

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

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

191 (8) "Development activity" means:

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

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

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

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

201 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
202 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
203 802.

204 (10) "Educational facility":

205 (a) means:

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

209 (ii) a structure or facility:

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

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

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

214 (b) does not include:

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

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

218 and

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

220 (ii) a therapeutic school.

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

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

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

226 Management Agency; or

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

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

233 (14) "Geologic hazard" means:

234 (a) a surface fault rupture;

235 (b) shallow groundwater;

236 (c) liquefaction;

237 (d) a landslide;

238 (e) a debris flow;

239 (f) unstable soil;

240 (g) a rock fall; or

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

242 (i) to life;



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

244 (iii) of substantial damage to real property.

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

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

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

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

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

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

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

257 (c) describe a building that:

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

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

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

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

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

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

271 (a) recording a subdivision plat; or

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

273 (20) "Improvement warranty" means an applicant's unconditional warranty that the

274 applicant's installed and accepted landscaping or infrastructure improvement:

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

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

279 (21) "Improvement warranty period" means a period:

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

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

282 unless the municipality:

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

285 (ii) has substantial evidence, on record:

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

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

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

289 (22) "Infrastructure improvement" means permanent infrastructure that is essential for  
290 the public health and safety or that:

291 (a) is required for human occupation; and

292 (b) an applicant must install:

293 ~~[(a)]~~ (i) ~~[pursuant to]~~ in accordance with published installation and inspection

294 specifications for public improvements; and

295 ~~[(b)]~~ (ii) whether the improvement is public or private, as a condition of:

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

297 (B) obtaining a building permit; or

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

300 (23) "Internal lot restriction" means a platted note, platted demarcation, or platted  
301 designation that:

302 (a) runs with the land; and

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

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

307 (24) "Land use applicant" means a property owner, or the property owner's designee,  
308 who submits a land use application regarding the property owner's land.

309 (25) "Land use application":

310 (a) means an application that is:

311 (i) required by a municipality; and

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

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

314 (26) "Land use authority" means:

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

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

319 (27) "Land use decision" means an administrative decision of a land use authority or  
320 appeal authority approving a land use application that runs with the land in accordance with the  
321 terms of the decision regarding:

322 (a) a land use permit;

323 (b) a land use application; or

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

326 (28) "Land use permit" means a permit issued by a land use authority.

327 (29) "Land use regulation":

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

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

332 (c) does not include:

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

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

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

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

339 (30) "Legislative body" means the municipal council.

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

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

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

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

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

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

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

356 (i) creates an additional lot; or

357 (ii) constitutes a subdivision.

358 [~~34~~] (35) "Moderate income housing" means housing occupied or reserved for  
359 occupancy by households with a gross household income equal to or less than 80% of the  
360 median gross income for households of the same size in the county in which the city is located.

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

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

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

366 (c) the municipality or the municipality's affiliated governmental entity owns or

367 creates; and

368 (d) (i) either:

369 (A) no person uses or occupies; or

370 (B) the municipality or the municipality's affiliated governmental entity uses and

371 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm

372 water, or communications or data lines; or

373 (ii) a person uses or occupies with or without an authorized franchise or other

374 agreement with the municipality.

375 [~~35~~] (37) "Nominal fee" means a fee that reasonably reimburses a municipality only  
376 for time spent and expenses incurred in:

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

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

380 [~~36~~] (38) "Noncomplying structure" means a structure that:

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

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

385 [~~37~~] (39) "Nonconforming use" means a use of land that:

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

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

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

391 [~~38~~] (40) "Official map" means a map drawn by municipal authorities and recorded in  
392 a county recorder's office that:

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

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

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

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

401 ~~[(39)]~~ (42) (a) "Parcel boundary adjustment" means a recorded agreement between  
402 owners of adjoining [properties] parcels adjusting [their] the mutual boundary, either by deed  
403 or by a boundary line agreement in accordance with Section 57-1-45, if[:-(a)] no additional  
404 parcel is created[:] and:

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

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

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

410 (i) creates an additional parcel; or

411 (ii) constitutes a subdivision.

412 ~~[(40)]~~ (43) "Person" means an individual, corporation, partnership, organization,  
413 association, trust, governmental agency, or any other legal entity.

414 ~~[(41)]~~ (44) "Plan for moderate income housing" means a written document adopted by  
415 a city legislative body that includes:

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

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

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

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

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

425 ~~[(42)]~~ (45) "Plat" means a map or other graphical representation of lands [being laid  
426 out and prepared] that a licensed professional land surveyor makes and prepares in accordance  
427 with Section 10-9a-603, 17-23-17, 57-1-45, or 57-8-13.

428 ~~[(43)]~~ (46) "Potential geologic hazard area" means an area that:

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

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

435 [~~44~~] (47) "Public agency" means:

436 (a) the federal government;

437 (b) the state;

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

440 (d) a charter school.

441 [~~45~~] (48) "Public hearing" means a hearing at which members of the public are  
442 provided a reasonable opportunity to comment on the subject of the hearing.

443 [~~46~~] (49) "Public meeting" means a meeting that is required to be open to the public  
444 under Title 52, Chapter 4, Open and Public Meetings Act.

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

449 [~~47~~] (51) "Receiving zone" means an area of a municipality that the municipality  
450 designates, by ordinance, as an area in which an owner of land may receive a transferable  
451 development right.

452 [~~48~~] (52) "Record of survey map" means a map of a survey of land prepared in  
453 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

454 [~~49~~] (53) "Residential facility for persons with a disability" means a residence:

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

456 (b) (i) which is licensed or certified by the Department of Human Services under Title  
457 62A, Chapter 2, Licensure of Programs and Facilities; or

458 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
459 21, Health Care Facility Licensing and Inspection Act.

460 [(50)] (54) "Rules of order and procedure" means a set of rules that govern and  
461 prescribe in a public meeting:

- 462 (a) parliamentary order and procedure;  
463 (b) ethical behavior; and  
464 (c) civil discourse.

465 [(51)] (55) "Sanitary sewer authority" means the department, agency, or public entity  
466 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
467 wastewater systems.

468 [(52)] (56) "Sending zone" means an area of a municipality that the municipality  
469 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
470 development right.

471 [(53)] (57) "Specified public agency" means:

- 472 (a) the state;  
473 (b) a school district; or  
474 (c) a charter school.

475 [(54)] (58) "Specified public utility" means an electrical corporation, gas corporation,  
476 or telephone corporation, as those terms are defined in Section 54-2-1.

477 [(55)] (59) "State" includes any department, division, or agency of the state.

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

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

483 [(57)] (61) (a) "Subdivision" means any land that is divided, resubdivided, or proposed  
484 to be divided into two or more lots[, parcels, sites, units, plots,] or other division of land for the  
485 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
486 installment plan or upon any and all other plans, terms, and conditions.

487 (b) "Subdivision" includes:

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



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

494 (c) "Subdivision" does not include:

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

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

502 (A) no new lot is created; and

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

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

505 (A) revising the legal description of more than one contiguous [~~unsubdivided~~] parcel of  
506 property that is not subdivided land into one legal description encompassing all such parcels of  
507 property; or

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

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

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

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

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

517 (vi) a parcel boundary adjustment[~~;~~];

518 (vii) a lot line adjustment;

519 (viii) a road, street, or highway dedication plat; or

520 (ix) a deed or easement for a road, street, or highway purpose.

521 (d) The joining of a subdivided parcel of property to another parcel of property that has

522 not been subdivided does not constitute a subdivision under this Subsection (57) as to the  
523 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's  
524 subdivision ordinance.

525 [~~(58)~~] (62) "Suspect soil" means soil that has:

526 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
527 3% swell potential;

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

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

531 [~~(59)~~] (63) "Therapeutic school" means a residential group living facility:

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

533 (i) the owner of the facility; or

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

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

536 (i) at home;

537 (ii) in a public school; or

538 (iii) in a nonresidential private school; and

539 (c) that offers:

540 (i) room and board; and

541 (ii) an academic education integrated with:

542 (A) specialized structure and supervision; or

543 (B) services or treatment related to a disability, an emotional development, a  
544 behavioral development, a familial development, or a social development.

545 [~~(60)~~] (64) "Transferable development right" means a right to develop and use land that  
546 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
547 land use rights from a designated sending zone to a designated receiving zone.

548 [~~(61)~~] (65) "Unincorporated" means the area outside of the incorporated area of a city  
549 or town.

550 [~~(62)~~] (66) "Water interest" means any right to the beneficial use of water, including:

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

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

553 (i) a contract; or

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

555 [(63)] (67) "Zoning map" means a map, adopted as part of a land use ordinance, that  
556 depicts land use zones, overlays, or districts.

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

558 **10-9a-104. Municipal standards.**

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

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

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

567 **10-9a-208. Hearing and notice for petition to vacate a public street.**

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

570 (a) hold a public hearing; and

571 (b) give notice of the date, place, and time of the hearing, as provided in Subsection  
572 (2).

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

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

577 (b) mailed to each affected entity;

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

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

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

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

585 **10-9a-302. Planning commission powers and duties.**

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

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

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

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

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

591 [~~(4)~~] (d) an appropriate delegation of power to at least one appeal authority to hear and

592 act on an appeal from a decision of the land use authority; and

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

594 [~~(a)~~] (i) may include a designation of routine land use matters that, upon application

595 and proper notice, will receive informal streamlined review and action if the application is

596 uncontested; and

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

598 [~~(i)~~] (A) applicant and third party to require formal consideration of any application by

599 a land use authority;

600 [~~(ii)~~] (B) applicant, adversely affected party, or municipal officer or employee to appeal

601 a land use authority's decision to a separate appeal authority; and

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

603 (2) Nothing in this section limits the right of a municipality to initiate or propose the

604 actions described in this section.

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

606 **10-9a-501. Enactment of land use regulation.**

607 (1) Only a legislative body, as the body authorized to weigh policy considerations, may

608 enact a land use regulation.

609 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use

610 regulation only by ordinance.

611 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that

612 imposes a fee.

613 (3) A legislative body shall ensure that a land use regulation [~~shall be~~] is consistent

614 with the purposes set forth in this chapter.

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

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

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

618 (b) A land use authority may establish or modify other restrictions or requirements

619 other than those described in Subsection (4)(a), including the configuration or modification of

620 uses or density, through a land use decision that applies criteria or policy elements that a land

621 use regulation establishes or describes.

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

623 **10-9a-502. Preparation and adoption of land use regulation.**

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

625 (a) provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable,

626 Subsection 10-9a-205(4);

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

628 (c) if applicable, consider each written objection filed in accordance with Subsection

629 10-9a-205(4) prior to the public hearing; and

630 (d) (i) ~~[prepare]~~ review and recommend to the legislative body a proposed land use

631 regulation that represents the planning commission's recommendation for regulating the use

632 and development of land within all or any part of the area of the municipality; and

633 (ii) forward to the legislative body all objections filed in accordance with Subsection

634 10-9a-205(4).

635 (2) (a) ~~[The]~~ A legislative body shall consider each proposed land use regulation

636 ~~[recommended to the legislative body by]~~ that the planning commission~~[-and, after]~~

637 recommends to the legislative body.

638 (b) After providing notice as required by Subsection 10-9a-205(1)(b) and holding a

639 public meeting, the legislative body may adopt or reject the land use regulation ~~[either]~~

640 described in Subsection (2)(a):

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

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

643 (c) A legislative body may consider a planning commission's failure to make a timely

644 recommendation as a negative recommendation if the legislative body has provided for that

645 consideration by ordinance.

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

647 **10-9a-503. Land use ordinance or zoning map amendments -- Historic district or**  
648 **area.**

649 (1) Only a legislative body may amend:

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

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

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

653 (2) ~~[The]~~ A legislative body may not make any amendment authorized by this section

654 unless the legislative body first submits the amendment ~~[was proposed by the planning~~

655 ~~commission or was first submitted]~~ to the planning commission for ~~[its]~~ the planning

656 commission's recommendation.

657 (3) ~~[The]~~ A legislative body shall comply with the procedure specified in Section

658 10-9a-502 in preparing and adopting an amendment to a land use regulation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

688 (A) equal at least two-thirds of the returned public support ballots; and  
689 (B) represent more than 50% of the parcels and units within the proposed local historic  
690 district or area;

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

695 (vi) if a local historic district or area proposal fails in a vote described in Subsection  
696 (4)(b)(iii)(B) and the legislative body does not override the vote under Subsection (4)(b)(v), a  
697 resident may not initiate the creation of a local historic district or area that includes more than  
698 50% of the same property as the failed local historic district or area proposal for four years after  
699 the day on which the public support ballots for the vote are due.

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

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

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

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

707 (iii) if a parcel or unit has more than one owner of record, the municipality shall count

708 a public support ballot for the parcel or unit only if the public support ballot reflects the vote of  
709 the property owners who own at least a 50% interest in the parcel or unit.

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

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

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

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

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

717 **10-9a-507. Conditional uses.**

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

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

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

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

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

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

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

738 (4) A legislative body shall classify any use that a land use regulation allows in a



739 zoning district as either a permitted or conditional use under this chapter.

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

741 **10-9a-509. Applicant's entitlement to land use application approval --**

742 **Municipality's requirements and limitations -- Vesting upon submission of development**  
743 **plan and schedule.**

744 (1) (a) (i) An applicant who has submitted a complete land use application as described  
745 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive  
746 review of the application under the land use regulations:

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

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

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

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

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

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

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

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

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

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

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

772 (i) this chapter;

773 (ii) a municipal ordinance; or

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

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

778 (i) in a land use permit;

779 (ii) on the subdivision plat;

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

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

783 (v) in this chapter; or

784 (vi) in a municipal ordinance.

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

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

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

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

795 (i) the applicant and the municipality have agreed in a written document to the  
796 withholding of a certificate of occupancy; or

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

800 (2) A municipality is bound by the terms and standards of applicable land use

801 regulations and shall comply with mandatory provisions of those regulations.

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

805 (4) Upon a specified public agency's submission of a development plan and schedule as  
806 required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the  
807 specified public agency vests in the municipality's applicable land use maps, zoning map,  
808 hookup fees, impact fees, other applicable development fees, and land use regulations in effect  
809 on the date of submission.

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

811 **10-9a-509.5. Review for application completeness -- Substantive application**  
812 **review -- Reasonable diligence required for determination of whether improvements or**  
813 **warranty work meets standards -- Money damages claim prohibited.**

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

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

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

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

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

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

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

831 (d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application

832 shall be considered complete, for purposes of further substantive land use authority review.

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

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

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

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

842 (2) (a) Each land use authority shall substantively review a complete application and an  
843 application considered complete under Subsection (1)(d), and shall approve or deny each  
844 application with reasonable diligence, subject to the time limit under Subsection  
845 11-58-402.5(2) for an inland port use application, as defined in Section 11-58-401.

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

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

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

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

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

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

862 (3) (a) With reasonable diligence, each land use authority shall determine whether the

863 installation of required subdivision improvements or the performance of warranty work meets  
864 the municipality's adopted standards.

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

867 (ii) The land use authority shall accept or reject subdivision improvements within 15  
868 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as  
869 practicable after that 15-day period if inspection of the subdivision improvements is impeded  
870 by winter weather conditions.

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

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

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

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

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

884 **10-9a-601. Enactment of subdivision ordinance.**

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

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

890 (b) lots may be sold.

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

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

894 **10-9a-602. Planning commission preparation and recommendation of subdivision**  
895 **ordinance -- Adoption or rejection by legislative body.**

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

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

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

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

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

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

909 (b) A legislative body may consider a planning commission's failure to make a timely  
910 recommendation as a negative recommendation if the legislative body has provided for that  
911 consideration by ordinance.

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

913 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner**  
914 **acknowledgment, surveyor certification, and underground utility facility owner**  
915 **verification of plat -- Recording plat.**

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

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

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

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

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

930 (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the municipality's  
931 ordinances and this part and has been approved by the culinary water authority, the sanitary  
932 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local  
933 health department and the municipality consider the local health department's approval  
934 necessary, the municipality shall approve the plat.

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

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

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

940 (ii) does not:

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

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

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

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

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

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

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

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

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

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

959 (A) access to the canal;

960 (B) maintenance of the canal;

961 (C) canal protection; and

962 (D) canal safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

986 (ii) has completed a survey of the property described on the plat in accordance with



987 Section 17-23-17 and has verified all measurements; and

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

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

993 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a  
994 public or private easement, or grants of record;

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

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

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

999 (A) indicates only that the plat approximates the location of the existing underground  
1000 and utility facilities but does not warrant or verify their precise location; and

1001 (B) does not affect a right that the owner or operator has under~~[(+)]~~ Title 54, Chapter  
1002 8a, Damage to Underground Utility Facilities~~[-(H)]~~, a recorded easement or right-of-way~~[-(H)]~~;  
1003 ~~(H)]~~, the law applicable to prescriptive rights~~[-(IV)]~~, or any other provision of law.

1004 (5) (a) ~~[After]~~ Except as provided in Subsection (4)(c), after the plat has been  
1005 acknowledged, certified, and approved, the [owner of the land] individual seeking to record the  
1006 plat shall, within the time period and manner designated by ordinance, record the plat in the  
1007 county recorder's office in the county in which the lands platted and laid out are situated.

1008 (b) ~~[An owner's]~~ A failure to record a plat within the time period designated by  
1009 ordinance renders the plat voidable.

1010 Section 15. Section 10-9a-604.5 is amended to read:

1011 **10-9a-604.5. Subdivision plat recording or development activity before required**  
1012 **infrastructure is completed -- Improvement completion assurance -- Improvement**  
1013 **warranty.**

1014 (1) A land use authority shall establish objective inspection standards for acceptance of  
1015 a landscaping or infrastructure improvement that the land use authority requires.

1016 (2) (a) Before an applicant conducts any development activity or records a plat, the  
1017 applicant shall:

1018 (i) complete any required landscaping or infrastructure improvements; or  
1019 (ii) post an improvement completion assurance for any required landscaping or  
1020 infrastructure improvements.

1021 (b) If an applicant elects to post an improvement completion assurance, the applicant  
1022 shall ~~[ensure that the]~~ provide completion assurance for:

1023 (i) ~~[provides for]~~ completion of 100% of the required landscaping or infrastructure  
1024 improvements; or

1025 (ii) if the municipality has inspected and accepted a portion of the landscaping or  
1026 infrastructure improvements, ~~[provides for completion of]~~ 100% of the incomplete or  
1027 unaccepted landscaping or infrastructure improvements.

1028 (c) A municipality shall:

1029 (i) establish a minimum of two acceptable forms of completion assurance;

1030 ~~[(i)]~~ (ii) if an applicant elects to post an improvement completion assurance, allow the  
1031 applicant to post an assurance that meets the conditions of this title, and any local ordinances;

1032 ~~[(i)]~~ (iii) establish a system for the partial release of an improvement completion  
1033 assurance as portions of required landscaping or infrastructure improvements are completed  
1034 and accepted in accordance with local ordinance; and

1035 ~~[(iii)]~~ (iv) issue or deny a building permit in accordance with Section 10-9a-802 based  
1036 on the installation of landscaping or infrastructure improvements.

1037 (d) A municipality may not require an applicant to post an improvement completion  
1038 assurance for:

1039 (i) landscaping or an infrastructure improvement that the municipality has previously  
1040 inspected and accepted;

1041 (ii) infrastructure improvements that are private and not essential or required to meet  
1042 the building code, fire code, flood or storm water management provisions, street and access  
1043 requirements, or other essential necessary public safety improvements adopted in a land use  
1044 regulation; or

1045 (iii) in a municipality where ordinances require all infrastructure improvements within  
1046 the area to be private, infrastructure improvements within a development that the municipality  
1047 requires to be private.

1048 (3) At any time before a municipality accepts a landscaping or infrastructure

1049 improvement, and for the duration of each improvement warranty period, the municipality may  
1050 require the applicant to:

1051 (a) execute an improvement warranty for the improvement warranty period; and

1052 (b) post a cash deposit, surety bond, letter of credit, or other similar security, as

1053 required by the municipality, in the amount of up to 10% of the lesser of the:

1054 (i) municipal engineer's original estimated cost of completion; or

1055 (ii) applicant's reasonable proven cost of completion.

1056 (4) When a municipality accepts an improvement completion assurance for

1057 landscaping or infrastructure improvements for a development in accordance with Subsection

1058 (2)(c)~~(f)~~(ii), the municipality may not deny an applicant a building permit if the development

1059 meets the requirements for the issuance of a building permit under the building code and fire

1060 code.

1061 (5) The provisions of this section do not supersede the terms of a valid development

1062 agreement, an adopted phasing plan, or the state construction code.

1063 Section 16. Section **10-9a-605** is amended to read:

1064 **10-9a-605. Exemptions from plat requirement.**

1065 (1) Notwithstanding Sections 10-9a-603 and 10-9a-604, ~~[the land use authority]~~ a

1066 municipality may establish a process to approve an administrative land use decision for a

1067 subdivision of 10 lots or less without a plat, by certifying in writing that:

1068 (a) the municipality has provided notice as required by ordinance; and

1069 (b) the proposed subdivision:

1070 (i) is not traversed by the mapped lines of a proposed street as shown in the general

1071 plan ~~[and does not require the dedication of any land for street or other]~~ unless the municipality

1072 has approved the location and dedication of any public street, municipal utility easement, any

1073 other easement, or any other land for public purposes as the municipality's ordinance requires;

1074 (ii) has been approved by the culinary water authority and the sanitary sewer authority;

1075 (iii) is located in a zoned area; and

1076 (iv) conforms to all applicable land use ordinances or has properly received a variance

1077 from the requirements of an otherwise conflicting and applicable land use ordinance.

1078 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural

1079 land is exempt from the plat requirements of Section 10-9a-603 if the lot or parcel:

1080 (i) qualifies as land in agricultural use under Section 59-2-502;  
1081 (ii) meets the minimum size requirement of applicable land use ordinances; and  
1082 (iii) is not used and will not be used for any nonagricultural purpose.

1083 (b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be  
1084 graphically illustrated on a record of survey map that, after receiving the same approvals as are  
1085 required for a plat under Section 10-9a-604, shall be recorded with the county recorder.

1086 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural  
1087 purpose, the municipality may require the lot or parcel to comply with the requirements of  
1088 Section 10-9a-603.

1089 (3) (a) Documents recorded in the county recorder's office that divide property by a  
1090 metes and bounds description do not create an approved subdivision allowed by this part unless  
1091 the land use authority's certificate of written approval required by Subsection (1) is attached to  
1092 the document.

1093 ~~[(b) The absence of the certificate or written approval required by Subsection (1) does~~  
1094 ~~not.]~~

1095 ~~[(i) prohibit the county recorder from recording a document; or]~~

1096 ~~[(ii) affect the validity of a recorded document.]~~

1097 ~~[(c)]~~ (b) A document which does not meet the requirements of Subsection (1) may be  
1098 corrected by the recording of an affidavit to which the required certificate or written approval is  
1099 attached ~~[in accordance]~~ and that complies with Section 57-3-106.

1100 Section 17. Section 10-9a-607 is amended to read:

1101 **10-9a-607. Dedication by plat of public streets and other public places.**

1102 (1) A plat that is signed, dedicated, and acknowledged by each owner of record, and  
1103 approved according to the procedures specified in this part, operates, when recorded, as a  
1104 dedication of all public streets and other public places, and vests the fee of those parcels of land  
1105 in the municipality for the public for the uses named or intended in the plat.

1106 (2) The dedication established by this section does not impose liability upon the  
1107 municipality for public streets and other public places that are dedicated in this manner but are  
1108 unimproved unless:

1109 (a) adequate financial assurance has been provided in accordance with this chapter; and

1110 (b) the municipality has accepted the dedication.

1111 Section 18. Section **10-9a-608** is amended to read:

1112 **10-9a-608. Vacating, altering, or amending a subdivision plat.**

1113 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a  
1114 subdivision that has been laid out and platted as provided in this part may file a written petition  
1115 with the land use authority to have some or all of the plat vacated or amended.

1116 (b) If a petition is filed under Subsection (1)(a), the land use authority shall provide  
1117 notice of the petition by mail, email, or other effective means to each affected entity that  
1118 provides a service to an owner of record of the portion of the plat that is being vacated or  
1119 amended at least 10 calendar days before the land use authority may approve the vacation or  
1120 amendment of the plat.

1121 (c) If a petition is filed under Subsection (1)(a), the land use authority shall hold a  
1122 public hearing within 45 days after the day on which the petition is filed if:

1123 (i) any owner within the plat notifies the municipality of the owner's objection in  
1124 writing within 10 days of mailed notification; or

1125 (ii) a public hearing is required because all of the owners in the subdivision have not  
1126 signed the revised plat.

1127 (2) Unless a local ordinance provides otherwise, the public hearing requirement of  
1128 Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an  
1129 owner's petition to vacate or amend a subdivision plat if:

1130 (a) the petition seeks to:

1131 (i) join two or more of the petitioner fee owner's contiguous lots;

1132 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not  
1133 result in a violation of a land use ordinance or a development condition;

1134 (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the  
1135 adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located  
1136 in the same subdivision;

1137 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction  
1138 imposed by the local political subdivision; or

1139 (v) alter the plat in a manner that does not change existing boundaries or other  
1140 attributes of lots within the subdivision that are not:

1141 (A) owned by the petitioner; or

- 1142 (B) designated as a common area; and
- 1143 (b) notice has been given to adjacent property owners in accordance with any
- 1144 applicable local ordinance.
- 1145 (3) Each request to vacate or amend a plat that contains a request to vacate or amend a
- 1146 public street[, ~~right-of-way, or easement~~] is also subject to Section 10-9a-609.5.
- 1147 (4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:
- 1148 (a) the name and address of each owner of record of the land contained in the entire
- 1149 plat or on that portion of the plat described in the petition; and
- 1150 (b) the signature of each owner described in Subsection (4)(a) who consents to the
- 1151 petition.
- 1152 (5) (a) The owners of record of adjacent parcels that are described by either a metes
- 1153 and bounds description or by a recorded plat may exchange title to portions of those parcels if
- 1154 the exchange of title is approved by the land use authority in accordance with Subsection
- 1155 (5)(b).
- 1156 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
- 1157 the exchange of title will not result in a violation of any land use ordinance.
- 1158 (c) If an exchange of title is approved under Subsection (5)(b):
- 1159 (i) a notice of approval shall be recorded in the office of the county recorder which:
- 1160 (A) is executed by each owner included in the exchange and by the land use authority;
- 1161 (B) contains an acknowledgment for each party executing the notice in accordance with
- 1162 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
- 1163 (C) recites the descriptions of both the original parcels and the parcels created by the
- 1164 exchange of title; and
- 1165 (ii) a document of conveyance shall be recorded in the office of the county recorder.
- 1166 (d) A notice of approval recorded under this Subsection (5) does not act as a
- 1167 conveyance of title to real property and is not required in order to record a document conveying
- 1168 title to real property.
- 1169 (6) (a) The name of a recorded subdivision may be changed by recording an amended
- 1170 plat making that change, as provided in this section and subject to Subsection (6)(c).
- 1171 (b) The surveyor preparing the amended plat shall certify that the surveyor:
- 1172 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and

1173 Professional Land Surveyors Licensing Act;

1174 (ii) has completed a survey of the property described on the plat in accordance with  
1175 Section 17-23-17 and has verified all measurements; and

1176 (iii) has placed monuments as represented on the plat.

1177 (c) An owner of land may not submit for recording an amended plat that gives the  
1178 subdivision described in the amended plat the same name as a subdivision in a plat already  
1179 recorded in the county recorder's office.

1180 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other  
1181 document that purports to change the name of a recorded plat is void.

1182 Section 19. Section 10-9a-609 is amended to read:

1183 **10-9a-609. Land use authority approval of vacation or amendment of plat --**  
1184 **Recording the amended plat.**

1185 (1) The land use authority may approve the vacation or amendment of a plat by signing  
1186 an amended plat showing the vacation or amendment if the land use authority finds that:

1187 (a) there is good cause for the vacation or amendment; and

1188 (b) no public street[, right-of-way, or easement] has been vacated or amended.

1189 (2) (a) The land use authority shall ensure that the amended plat showing the vacation  
1190 or amendment is recorded in the office of the county recorder in which the land is located.

1191 (b) If the amended plat is approved and recorded in accordance with this section, the  
1192 recorded plat shall vacate, supersede, and replace any contrary provision in a previously  
1193 recorded plat of the same land.

1194 (3) (a) A legislative body may vacate a subdivision or a portion of a subdivision by  
1195 recording in the county recorder's office an ordinance describing the subdivision or the portion  
1196 being vacated.

1197 (b) The recorded vacating ordinance shall replace a previously recorded plat described  
1198 in the vacating ordinance.

1199 (4) An amended plat may not be submitted to the county recorder for recording unless  
1200 it is:

1201 (a) signed by the land use authority; and

1202 (b) signed, acknowledged, and dedicated by each owner of record of the portion of the  
1203 plat that is amended.

1204 (5) A management committee may sign and dedicate an amended plat as provided in  
1205 Title 57, Chapter 8, Condominium Ownership Act.

1206 (6) A plat may be corrected as provided in Section 57-3-106.

1207 Section 20. Section 10-9a-609.5 is amended to read:

1208 **10-9a-609.5. Petition to vacate a public street.**

1209 (1) In lieu of vacating some or all of a public street through a plat or amended plat in  
1210 accordance with Sections 10-9a-603 through 10-9a-609, a legislative body may approve a  
1211 petition to vacate a public street in accordance with this section.

1212 [~~(1)~~] (2) A petitioner shall ensure that a petition to vacate some or all of a public  
1213 street[~~, right-of-way, or easement shall include~~] includes:

1214 (a) the name and address of each owner of record of land that is:

1215 (i) adjacent to the public street[~~, right-of-way, or easement~~] between the two nearest  
1216 public street intersections; or

1217 (ii) accessed exclusively by or within 300 feet of the public street[~~, right-of-way, or~~  
1218 ~~easement~~]; and

1219 (b) the signature of each owner under Subsection [~~(1)~~](a) (2)(a) who consents to the  
1220 vacation.

1221 [~~(2)~~] (3) If a petition is submitted containing a request to vacate some or all of a public  
1222 street, [right-of-way, or easement,] the legislative body shall hold a public hearing in  
1223 accordance with Section 10-9a-208 and determine whether:

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

1225 (b) the public interest or any person will be materially injured by the proposed  
1226 vacation.

1227 [~~(3)~~] (4) The legislative body may adopt an ordinance granting a petition to vacate  
1228 some or all of a public street[~~, right-of-way, or easement~~] if the legislative body finds that:

1229 (a) good cause exists for the vacation; and

1230 (b) neither the public interest nor any person will be materially injured by the vacation.

1231 [~~(4)~~] (5) If the legislative body adopts an ordinance vacating some or all of a public  
1232 street[~~, right-of-way, or easement,]~~ the legislative body shall ensure that one or both of the  
1233 following is recorded in the office of the recorder of the county in which the land is located:

1234 (a) a plat reflecting the vacation; or



1235 (b) (i) an ordinance described in Subsection [~~(3)~~] (4); and

1236 (ii) a legal description of the public street to be vacated.

1237 [~~(5)~~] (6) The action of the legislative body vacating some or all of a public street[-

1238 right-of-way, or easement] that has been dedicated to public use:

1239 (a) operates to the extent to which it is vacated, upon the effective date of the recorded

1240 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the

1241 municipality's fee in the vacated street, right-of-way, or easement; and

1242 (b) may not be construed to impair:

1243 (i) any right-of-way or easement of any lot owner; or

1244 (ii) the franchise rights of any public utility.

1245 (7) (a) A municipality may submit a petition and initiate and complete a process to

1246 vacate some or all of a public street.

1247 (b) If a municipality submits a petition and initiates a process under Subsection (7)(a):

1248 (i) the legislative body shall hold a public hearing;

1249 (ii) the petition and process may not apply to or affect a public utility easement, except

1250 to the extent:

1251 (A) the easement is included within the public street; and

1252 (B) the notice to vacate the public street also contains a notice to vacate the easement;

1253 and

1254 (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating

1255 a public street through a recorded plat or amended plat.

1256 Section 21. Section **10-9a-701** is amended to read:

1257 **10-9a-701. Appeal authority required -- Condition precedent to judicial review --**

1258 **Appeal authority duties.**

1259 (1) Each municipality adopting a land use ordinance shall, by ordinance, establish one

1260 or more appeal authorities to hear and decide:

1261 (a) requests for variances from the terms of the land use ordinances;

1262 (b) appeals from decisions applying the land use ordinances; and

1263 (c) appeals from a fee charged in accordance with Section **10-9a-510**.

1264 (2) As a condition precedent to judicial review, each adversely affected person shall

1265 timely and specifically challenge a land use authority's decision, in accordance with local

1266 ordinance.

1267 (3) An appeal authority:

1268 (a) shall:

1269 (i) act in a quasi-judicial manner; and

1270 (ii) serve as the final arbiter of issues involving the interpretation or application of land

1271 use ordinances, except as provided in Title 11, Chapter 58, Part 4, Appeals to Appeals Panel,

1272 for an appeal of an inland port use appeal decision, as defined in Section 11-58-401; and

1273 (b) may not entertain an appeal of a matter in which the appeal authority, or any

1274 participating member, had first acted as the land use authority.

1275 (4) By ordinance, a municipality may:

1276 (a) designate a separate appeal authority to hear requests for variances than the appeal

1277 authority it designates to hear appeals;

1278 (b) designate one or more separate appeal authorities to hear distinct types of appeals

1279 of land use authority decisions;

1280 (c) require an adversely affected party to present to an appeal authority every theory of

1281 relief that it can raise in district court;

1282 (d) not require an adversely affected party to pursue duplicate or successive appeals

1283 before the same or separate appeal authorities as a condition of the adversely affected party's

1284 duty to exhaust administrative remedies; and

1285 (e) provide that specified types of land use decisions may be appealed directly to the

1286 district court.

1287 (5) If the municipality establishes or, prior to the effective date of this chapter, has

1288 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the

1289 board, body, or panel shall:

1290 (a) notify each of its members of any meeting or hearing of the board, body, or panel;

1291 (b) provide each of its members with the same information and access to municipal

1292 resources as any other member;

1293 (c) convene only if a quorum of its members is present; and

1294 (d) act only upon the vote of a majority of its convened members.

1295 ~~[(6) (a) Each municipality that designates a historic preservation district or area shall,~~

1296 ~~by ordinance, establish or designate a historic preservation appeal authority.]~~

1297 ~~[(b) A historic preservation appeal authority shall:]~~  
 1298 ~~[(i) be comprised of the members of the governing body;]~~  
 1299 ~~[(ii) exercise only administrative authority and act in a quasi-judicial manner; and]~~  
 1300 ~~[(iii) hear and decide appeals from administrative decisions of the historic preservation~~  
 1301 ~~authority.]~~

1302 ~~[(c) An applicant appealing an administrative decision of the historic preservation~~  
 1303 ~~authority may appeal to either:]~~

1304 ~~[(i) the historic preservation appeal authority; or]~~

1305 ~~[(ii) the land use appeal authority established under Subsection (1).]~~

1306 Section 22. Section **10-9a-707** is amended to read:

1307 **10-9a-707. Scope of review of factual matters on appeal -- Appeal authority**  
 1308 **requirements.**

1309 (1) A municipality may, by ordinance, designate the scope of review of factual matters  
 1310 for appeals of land use authority decisions.

1311 (2) If the municipality fails to designate a scope of review of factual matters, the appeal  
 1312 authority shall review the matter de novo, without deference to the land use authority's  
 1313 determination of factual matters.

1314 (3) If the scope of review of factual matters is on the record, the appeal authority shall  
 1315 determine whether the record on appeal includes substantial evidence for each essential finding  
 1316 of fact.

1317 (4) The appeal authority shall:

1318 (a) determine the correctness of the land use authority's interpretation and application  
 1319 of the plain meaning of the land use regulations; and

1320 (b) interpret and apply a land use regulation to favor a land use application unless the  
 1321 land use regulation plainly restricts the land use application.

1322 (5) (a) An appeal authority's land use decision is a quasi-judicial act~~[, even if the appeal~~  
 1323 ~~authority is the].~~

1324 (b) A legislative body may act as an appeal authority unless both the legislative body  
 1325 and the appealing party agree to allow a third party to act as the appeal authority.

1326 (6) Only a decision in which a land use authority has applied a land use regulation to a  
 1327 particular land use application, person, or parcel may be appealed to an appeal authority.

1328 Section 23. Section **10-9a-801** is amended to read:

1329 **10-9a-801. No district court review until administrative remedies exhausted --**  
1330 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**  
1331 **-- Staying of decision.**

1332 (1) No person may challenge in district court a land use decision until that person has  
1333 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and  
1334 Variances, if applicable.

1335 (2) (a) Any person adversely affected by a final decision made in the exercise of or in  
1336 violation of the provisions of this chapter may file a petition for review of the decision with the  
1337 district court within 30 days after the decision is final.

1338 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a  
1339 property owner files a request for arbitration of a constitutional taking issue with the property  
1340 rights ombudsman under Section [13-43-204](#) until 30 days after:

1341 (A) the arbitrator issues a final award; or

1342 (B) the property rights ombudsman issues a written statement under Subsection  
1343 [13-43-204](#)(3)(b) declining to arbitrate or to appoint an arbitrator.

1344 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional  
1345 taking issue that is the subject of the request for arbitration filed with the property rights  
1346 ombudsman by a property owner.

1347 (iii) A request for arbitration filed with the property rights ombudsman after the time  
1348 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

1349 (3) (a) A court shall:

1350 (i) presume that a land use regulation properly enacted under the authority of this  
1351 chapter is valid; and

1352 (ii) determine only whether:

1353 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state  
1354 or federal law; and

1355 (B) it is reasonably debatable that the land use regulation is consistent with this  
1356 chapter.

1357 (b) A court shall:

1358 (i) presume that a final decision of a land use authority or an appeal authority is valid;

1359 and

1360 (ii) uphold the decision unless the decision is:

1361 (A) arbitrary and capricious; or

1362 (B) illegal.

1363 (c) (i) A decision is arbitrary and capricious if the decision is not supported by  
1364 substantial evidence in the record.

1365 (ii) A decision is illegal if the decision is:

1366 (A) based on an incorrect interpretation of a land use regulation; or

1367 (B) contrary to law.

1368 (d) (i) A court may affirm or reverse the decision of a land use authority.

1369 (ii) If the court reverses a denial of a land use application, the court shall remand the  
1370 matter to the land use authority with instructions to issue an approval consistent with the court's  
1371 decision.

1372 (4) The provisions of Subsection (2)(a) apply from the date on which the municipality  
1373 takes final action on a land use application for any adversely affected third party, if the  
1374 municipality conformed with the notice provisions of Part 2, Notice, or for any person who had  
1375 actual notice of the pending decision.

1376 (5) If the municipality has complied with Section 10-9a-205, a challenge to the  
1377 enactment of a land use regulation or general plan may not be filed with the district court more  
1378 than 30 days after the enactment.

1379 (6) A challenge to a land use decision is barred unless the challenge is filed within 30  
1380 days after the land use decision is final.

1381 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to  
1382 the reviewing court the record of its proceedings, including its minutes, findings, orders, and, if  
1383 available, a true and correct transcript of its proceedings.

1384 (b) If the proceeding was recorded, a transcript of that recording is a true and correct  
1385 transcript for purposes of this Subsection (7).

1386 (8) (a) (i) If there is a record, the district court's review is limited to the record provided  
1387 by the land use authority or appeal authority, as the case may be.

1388 (ii) The court may not accept or consider any evidence outside the record of the land  
1389 use authority or appeal authority, as the case may be, unless that evidence was offered to the

1390 land use authority or appeal authority, respectively, and the court determines that it was  
1391 improperly excluded.

1392 (b) If there is no record, the court may call witnesses and take evidence.

1393 (9) (a) The filing of a petition does not stay the decision of the land use authority or  
1394 authority appeal authority, as the case may be.

1395 (b) (i) Before filing a petition under this section or a request for mediation or  
1396 arbitration of a constitutional taking issue under Section 13-43-204, the aggrieved party may  
1397 petition the appeal authority to stay its decision.

1398 (ii) Upon receipt of a petition to stay, the appeal authority may order its decision stayed  
1399 pending district court review if the appeal authority finds it to be in the best interest of the  
1400 municipality.

1401 (iii) After a petition is filed under this section or a request for mediation or arbitration  
1402 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an  
1403 injunction staying the appeal authority's decision.

1404 (10) If the court determines that a party initiated or pursued a challenge to the decision  
1405 on a land use application in bad faith, the court may award attorney fees.

1406 Section 24. Section 10-9a-802 is amended to read:

1407 **10-9a-802. Enforcement.**

1408 (1) (a) A municipality or any adversely affected owner of real estate within the  
1409 municipality in which violations of this chapter or ordinances enacted under the authority of  
1410 this chapter occur or are about to occur may, in addition to other remedies provided by law,  
1411 institute:

1412 (i) injunctions, mandamus, abatement, or any other appropriate actions; or

1413 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

1414 (b) A municipality need only establish the violation to obtain the injunction.

1415 (2) (a) A municipality may enforce the municipality's ordinance by withholding a  
1416 building permit.

1417 (b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any  
1418 building or other structure within a municipality without approval of a building permit.

1419 (c) A municipality may not issue a building permit unless the plans of and for the  
1420 proposed erection, construction, reconstruction, alteration, or use fully conform to all

1421 regulations then in effect.

1422 (d) A municipality may not deny an applicant a building permit or certificate of  
 1423 occupancy because the applicant has not completed an infrastructure improvement:

1424 (i) that is not essential to meet the requirements for the issuance of a building permit or  
 1425 certificate of occupancy under the building code and fire code; and

1426 (ii) for which the municipality has accepted an improvement completion assurance for  
 1427 landscaping or infrastructure improvements for the development.

1428 Section 25. Section **17-27a-102** is amended to read:

1429 **17-27a-102. Purposes -- General land use authority.**

1430 (1) (a) The purposes of this chapter are to:

1431 (i) provide for the health, safety, and welfare~~[, and]~~;

1432 (ii) promote the prosperity~~;~~;

1433 (iii) improve the morals, peace ~~[and]~~, good order, comfort, convenience, and aesthetics  
 1434 of each county and ~~[its]~~ the counties present and future inhabitants and businesses~~[, to]~~;

1435 (iv) protect the tax base~~[, to]~~;

1436 (v) secure economy in governmental expenditures~~[, to]~~;

1437 (vi) foster the state's agricultural and other industries~~[, to]~~;

1438 (vii) protect both urban and nonurban development~~[, to]~~;

1439 (viii) protect and ensure access to sunlight for solar energy devices~~[, to]~~;

1440 (ix) provide fundamental fairness in land use regulation~~[, and to]~~;

1441 (x) facilitate orderly growth and allow growth in a variety of housing types; and

1442 (xi) protect property values.

1443 (b) To accomplish the purposes of this chapter, ~~[counties]~~ a county may enact all  
 1444 ordinances, resolutions, and rules and may enter into other forms of land use controls and  
 1445 development agreements that ~~[they consider]~~ the county considers necessary or appropriate for  
 1446 the use and development of land within the unincorporated area of the county or a designated  
 1447 mountainous planning district, including ordinances, resolutions, rules, restrictive covenants,  
 1448 easements, and development agreements governing:

1449 (i) uses~~;~~;

1450 (ii) density~~;~~;

1451 (iii) open spaces~~;~~;

1452           (iv) structures[;];  
 1453           (v) buildings[;];  
 1454           (vi) energy-efficiency[;];  
 1455           (vii) light and air[;];  
 1456           (viii) air quality[;];  
 1457           (ix) transportation and public or alternative transportation[;];  
 1458           (x) infrastructure[;];  
 1459           (xi) street and building orientation and width requirements[;];  
 1460           (xii) public facilities[;];  
 1461           (xiii) fundamental fairness in land use regulation[;]; and  
 1462           (xiv) considerations of surrounding land uses [~~and the~~] to balance [of] the foregoing  
 1463 purposes with a landowner's private property interests[; height and location of vegetation, trees,  
 1464 and landscaping, unless expressly prohibited by law] and associated statutory and constitutional  
 1465 protections.

1466           (2) Each county shall comply with the mandatory provisions of this part before any  
 1467 agreement or contract to provide goods, services, or municipal-type services to any storage  
 1468 facility or transfer facility for high-level nuclear waste, or greater than class C radioactive  
 1469 waste, may be executed or implemented.

1470           (3) (a) Any ordinance, resolution, or rule enacted by a county pursuant to its authority  
 1471 under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas  
 1472 activity, as described in Section 40-6-2.5.

1473           (b) A county may enact an ordinance, resolution, or rule that regulates surface activity  
 1474 incident to an oil and gas activity if the county demonstrates that the regulation:

1475           (i) is necessary for the purposes of this chapter;  
 1476           (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and  
 1477           (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas  
 1478 activity, as described in Section 40-6-2.5.

1479           Section 26. Section 17-27a-103 is amended to read:

1480           **17-27a-103. Definitions.**

1481           As used in this chapter:

1482           (1) "Affected entity" means a county, municipality, local district, special service



1483 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
1484 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
1485 property owner, property owners association, public utility, or the Utah Department of  
1486 Transportation, if:

1487 (a) the entity's services or facilities are likely to require expansion or significant  
1488 modification because of an intended use of land;

1489 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
1490 or

1491 (c) the entity has filed with the county a request for notice during the same calendar  
1492 year and before the county provides notice to an affected entity in compliance with a  
1493 requirement imposed under this chapter.

1494 (2) "Appeal authority" means the person, board, commission, agency, or other body  
1495 designated by ordinance to decide an appeal of a decision of a land use application or a  
1496 variance.

1497 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
1498 residential property if the sign is designed or intended to direct attention to a business, product,  
1499 or service that is not sold, offered, or existing on the property where the sign is located.

1500 (4) (a) "Charter school" means:

1501 (i) an operating charter school;

1502 (ii) a charter school applicant that has its application approved by a charter school  
1503 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or  
1504 (iii) an entity that is working on behalf of a charter school or approved charter  
1505 applicant to develop or construct a charter school building.

1506 (b) "Charter school" does not include a therapeutic school.

1507 (5) "Chief executive officer" means the person or body that exercises the executive  
1508 powers of the county.

1509 (6) "Conditional use" means a land use that, because of its unique characteristics or  
1510 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
1511 compatible in some areas or may be compatible only if certain conditions are required that  
1512 mitigate or eliminate the detrimental impacts.

1513 (7) "Constitutional taking" means a governmental action that results in a taking of

1514 private property so that compensation to the owner of the property is required by the:

1515 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

1516 (b) Utah Constitution, Article I, Section 22.

1517 (8) "County utility easement" means an easement that:

1518 (a) a plat recorded in a county recorder's office described as a county utility easement,  
1519 public utility easement as defined in Subsection 54-3-27(1)(b), or otherwise as a utility  
1520 easement;

1521 (b) is not a protected utility easement as defined in Subsection 54-3-27(1)(a);

1522 (c) the county or the county's affiliated governmental entity owns or creates; and

1523 (d) (i) either:

1524 (A) no person uses or occupies; or

1525 (B) the county or the county's affiliated governmental entity uses and occupies to  
1526 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or  
1527 communications or data lines; or

1528 (ii) a person uses or occupies with or without an authorized franchise or other  
1529 agreement with the county.

1530 ~~[(8)]~~ (9) "Culinary water authority" means the department, agency, or public entity with  
1531 responsibility to review and approve the feasibility of the culinary water system and sources for  
1532 the subject property.

1533 ~~[(9)]~~ (10) "Development activity" means:

1534 (a) any construction or expansion of a building, structure, or use that creates additional  
1535 demand and need for public facilities;

1536 (b) any change in use of a building or structure that creates additional demand and need  
1537 for public facilities; or

1538 (c) any change in the use of land that creates additional demand and need for public  
1539 facilities.

1540 ~~[(10)]~~ (11) (a) "Disability" means a physical or mental impairment that substantially  
1541 limits one or more of a person's major life activities, including a person having a record of such  
1542 an impairment or being regarded as having such an impairment.

1543 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
1544 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.

1545 802.

1546 ~~[(11)]~~ (12) "Educational facility":

1547 (a) means:

1548 (i) a school district's building at which pupils assemble to receive instruction in a  
1549 program for any combination of grades from preschool through grade 12, including  
1550 kindergarten and a program for children with disabilities;

1551 (ii) a structure or facility:

1552 (A) located on the same property as a building described in Subsection ~~[(11)(a)(i)]~~

1553 ~~(12)(a)(i)~~; and

1554 (B) used in support of the use of that building; and

1555 (iii) a building to provide office and related space to a school district's administrative  
1556 personnel; and

1557 (b) does not include:

1558 (i) land or a structure, including land or a structure for inventory storage, equipment  
1559 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1560 (A) not located on the same property as a building described in Subsection ~~[(11)(a)(i)]~~

1561 ~~(12)(a)(i)~~; and

1562 (B) used in support of the purposes of a building described in Subsection ~~[(11)(a)(i)]~~

1563 ~~(12)(a)(i)~~; or

1564 (ii) a therapeutic school.

1565 ~~[(12)]~~ (13) "Fire authority" means the department, agency, or public entity with

1566 responsibility to review and approve the feasibility of fire protection and suppression services  
1567 for the subject property.

1568 ~~[(13)]~~ (14) "Flood plain" means land that:

1569 (a) is within the 100-year flood plain designated by the Federal Emergency  
1570 Management Agency; or

1571 (b) has not been studied or designated by the Federal Emergency Management Agency  
1572 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
1573 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
1574 Federal Emergency Management Agency.

1575 ~~[(14)]~~ (15) "Gas corporation" has the same meaning as defined in Section 54-2-1.

1576            [~~(15)~~] (16) "General plan" means a document that a county adopts that sets forth  
1577 general guidelines for proposed future development of:

- 1578            (a) the unincorporated land within the county; or
- 1579            (b) for a mountainous planning district, the land within the mountainous planning  
1580 district.

1581            [~~(16)~~] (17) "Geologic hazard" means:

- 1582            (a) a surface fault rupture;
- 1583            (b) shallow groundwater;
- 1584            (c) liquefaction;
- 1585            (d) a landslide;
- 1586            (e) a debris flow;
- 1587            (f) unstable soil;
- 1588            (g) a rock fall; or
- 1589            (h) any other geologic condition that presents a risk:
- 1590            (i) to life;
- 1591            (ii) of substantial loss of real property; or
- 1592            (iii) of substantial damage to real property.

1593            [~~(17)~~] (18) "Hookup fee" means a fee for the installation and inspection of any pipe,  
1594 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other  
1595 utility system.

1596            [~~(18)~~] (19) "Identical plans" means building plans submitted to a county that:

- 1597            (a) are clearly marked as "identical plans";
- 1598            (b) are substantially identical building plans that were previously submitted to and  
1599 reviewed and approved by the county; and
- 1600            (c) describe a building that:
  - 1601            (i) is located on land zoned the same as the land on which the building described in the  
1602 previously approved plans is located;
  - 1603            (ii) is subject to the same geological and meteorological conditions and the same law  
1604 as the building described in the previously approved plans;
  - 1605            (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
1606 and approved by the county; and

1607 (iv) does not require any additional engineering or analysis.

1608 [~~(19)~~] (20) "Impact fee" means a payment of money imposed under Title 11, Chapter  
1609 36a, Impact Fees Act.

1610 [~~(20)~~] (21) "Improvement completion assurance" means a surety bond, letter of credit,  
1611 financial institution bond, cash, assignment of rights, lien, or other equivalent security required  
1612 by a county to guaranty the proper completion of landscaping or an infrastructure improvement  
1613 required as a condition precedent to:

1614 (a) recording a subdivision plat; or

1615 (b) development of a commercial, industrial, mixed use, or multifamily project.

1616 [~~(21)~~] (22) "Improvement warranty" means an applicant's unconditional warranty that  
1617 the applicant's installed and accepted landscaping or infrastructure improvement:

1618 (a) complies with the county's written standards for design, materials, and  
1619 workmanship; and

1620 (b) will not fail in any material respect, as a result of poor workmanship or materials,  
1621 within the improvement warranty period.

1622 [~~(22)~~] (23) "Improvement warranty period" means a period:

1623 (a) no later than one year after a county's acceptance of required landscaping; or

1624 (b) no later than one year after a county's acceptance of required infrastructure, unless  
1625 the county:

1626 (i) determines for good cause that a one-year period would be inadequate to protect the  
1627 public health, safety, and welfare; and

1628 (ii) has substantial evidence, on record:

1629 (A) of prior poor performance by the applicant; or

1630 (B) that the area upon which the infrastructure will be constructed contains suspect soil  
1631 and the county has not otherwise required the applicant to mitigate the suspect soil.

1632 [~~(23)~~] (24) "Infrastructure improvement" means permanent infrastructure that is  
1633 essential for the public health and safety or that:

1634 (a) is required for human consumption; and

1635 (b) an applicant must install:

1636 [~~(a)~~] (i) [pursuant to] in accordance with published installation and inspection  
1637 specifications for public improvements; and

1638           ~~[(b)]~~ (ii) as a condition of:

1639           ~~[(i)]~~ (A) recording a subdivision plat; ~~[or]~~

1640           (B) obtaining a building permit; or

1641           ~~[(ii)]~~ (C) ~~[development of]~~ developing a commercial, industrial, mixed use,

1642 condominium, or multifamily project.

1643           ~~[(24)]~~ (25) "Internal lot restriction" means a platted note, platted demarcation, or

1644 platted designation that:

1645           (a) runs with the land; and

1646           (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
1647 the plat; or

1648           (ii) designates a development condition that is enclosed within the perimeter of a lot  
1649 described on the plat.

1650           ~~[(25)]~~ (26) "Interstate pipeline company" means a person or entity engaged in natural  
1651 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission  
1652 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1653           ~~[(26)]~~ (27) "Intrastate pipeline company" means a person or entity engaged in natural  
1654 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
1655 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1656           ~~[(27)]~~ (28) "Land use applicant" means a property owner, or the property owner's  
1657 designee, who submits a land use application regarding the property owner's land.

1658           ~~[(28)]~~ (29) "Land use application":

1659           (a) means an application that is:

1660           (i) required by a county; and

1661           (ii) submitted by a land use applicant to obtain a land use decision; and

1662           (b) does not mean an application to enact, amend, or repeal a land use regulation.

1663           ~~[(29)]~~ (30) "Land use authority" means:

1664           (a) a person, board, commission, agency, or body, including the local legislative body,  
1665 designated by the local legislative body to act upon a land use application; or

1666           (b) if the local legislative body has not designated a person, board, commission,  
1667 agency, or body, the local legislative body.

1668           ~~[(30)]~~ (31) "Land use decision" means an administrative decision of a land use

1669 authority approving a land use application that runs with the land in accordance with the terms  
1670 of the decision or appeal authority regarding:

- 1671 (a) a land use permit;
- 1672 (b) a land use application; or
- 1673 (c) the enforcement of a land use regulation, land use permit, or development  
1674 agreement.

1675 [~~31~~] (32) "Land use permit" means a permit issued by a land use authority.

1676 [~~32~~] (33) "Land use regulation":

- 1677 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
1678 specification, fee, or rule that governs the use or development of land;
- 1679 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;  
1680 and
- 1681 (c) does not include:

1682 (i) a land use decision of the legislative body acting as the land use authority, even if  
1683 the decision is expressed in a resolution or ordinance; or

1684 (ii) a temporary revision to an engineering specification that does not materially:  
1685 (A) increase a land use applicant's cost of development compared to the existing  
1686 specification; or

1687 (B) impact a land use applicant's use of land.

1688 [~~33~~] (34) "Legislative body" means the county legislative body, or for a county that  
1689 has adopted an alternative form of government, the body exercising legislative powers.

1690 [~~34~~] (35) "Local district" means any entity under Title 17B, Limited Purpose Local  
1691 Government Entities - Local Districts, and any other governmental or quasi-governmental  
1692 entity that is not a county, municipality, school district, or the state.

1693 (36) "Lot" means a tract of land, regardless of any label, that is created by and shown  
1694 on a subdivision plat that has been recorded in the office of the county recorder.

1695 [~~35~~] (37) (a) "Lot line adjustment" means [~~the~~] a relocation of [the property] a lot line  
1696 boundary [line in a subdivision] between [two] adjoining lots, whether or not the lots are  
1697 located in the same subdivision, in accordance with Section 17-27a-608, with the consent of  
1698 the owners of record.

1699 (b) "Lot line adjustment" does not mean a relocation of a lot line boundary that:

1700 (i) creates an additional lot; or

1701 (ii) constitutes a subdivision.

1702 [~~36~~] (38) "Moderate income housing" means housing occupied or reserved for  
1703 occupancy by households with a gross household income equal to or less than 80% of the  
1704 median gross income for households of the same size in the county in which the housing is  
1705 located.

1706 [~~37~~] (39) "Mountainous planning district" means an area:

1707 (a) designated by a county legislative body in accordance with Section 17-27a-901; and

1708 (b) that is not otherwise exempt under Section 10-9a-304.

1709 [~~38~~] (40) "Nominal fee" means a fee that reasonably reimburses a county only for  
1710 time spent and expenses incurred in:

1711 (a) verifying that building plans are identical plans; and

1712 (b) reviewing and approving those minor aspects of identical plans that differ from the  
1713 previously reviewed and approved building plans.

1714 [~~39~~] (41) "Noncomplying structure" means a structure that:

1715 (a) legally existed before its current land use designation; and

1716 (b) because of one or more subsequent land use ordinance changes, does not conform  
1717 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
1718 the use of land.

1719 [~~40~~] (42) "Nonconforming use" means a use of land that:

1720 (a) legally existed before its current land use designation;

1721 (b) has been maintained continuously since the time the land use ordinance regulation  
1722 governing the land changed; and

1723 (c) because of one or more subsequent land use ordinance changes, does not conform  
1724 to the regulations that now govern the use of the land.

1725 [~~41~~] (43) "Official map" means a map drawn by county authorities and recorded in  
1726 the county recorder's office that:

1727 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
1728 highways and other transportation facilities;

1729 (b) provides a basis for restricting development in designated rights-of-way or between  
1730 designated setbacks to allow the government authorities time to purchase or otherwise reserve



1731 the land; and

1732 (c) has been adopted as an element of the county's general plan.

1733 (44) "Parcel" means any real property that is not a lot created by and shown on a  
 1734 subdivision plat recorded in the office of the county recorder.

1735 ~~[(42)]~~ (45) (a) "Parcel boundary adjustment" means a recorded agreement between  
 1736 owners of adjoining [properties] parcels adjusting [their] the mutual boundary, either by deed  
 1737 or by a boundary line agreement in accordance with Section 57-1-45, if[:-(a)-] no additional  
 1738 parcel is created[:]; and:

1739 ~~[(b)]~~ (i) [each] none of the property identified in the agreement is [unsubdivided land;  
 1740 including a remainder of] subdivided land[:]; or

1741 (ii) the adjustment is to the boundaries of a single person's parcels.

1742 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary  
 1743 line that:

1744 (i) creates an additional parcel; or

1745 (ii) constitutes a subdivision.

1746 ~~[(43)]~~ (46) "Person" means an individual, corporation, partnership, organization,  
 1747 association, trust, governmental agency, or any other legal entity.

1748 ~~[(44)]~~ (47) "Plan for moderate income housing" means a written document adopted by  
 1749 a county legislative body that includes:

1750 (a) an estimate of the existing supply of moderate income housing located within the  
 1751 county;

1752 (b) an estimate of the need for moderate income housing in the county for the next five  
 1753 years as revised biennially;

1754 (c) a survey of total residential land use;

1755 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
 1756 income housing; and

1757 (e) a description of the county's program to encourage an adequate supply of moderate  
 1758 income housing.

1759 ~~[(45)]~~ (48) "Planning advisory area" means a contiguous, geographically defined  
 1760 portion of the unincorporated area of a county established under this part with planning and  
 1761 zoning functions as exercised through the planning advisory area planning commission, as

1762 provided in this chapter, but with no legal or political identity separate from the county and no  
1763 taxing authority.

1764 ~~[(46)]~~ (49) "Plat" means a map or other graphical representation of lands ~~[being laid~~  
1765 ~~out and prepared]~~ that a licensed professional land surveyor makes and prepares in accordance  
1766 with Section [17-27a-603](#), [17-23-17](#), [57-1-45](#), or [57-8-13](#).

1767 ~~[(47)]~~ (50) "Potential geologic hazard area" means an area that:

1768 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
1769 relevant map or report as needing further study to determine the area's potential for geologic  
1770 hazard; or

1771 (b) has not been studied by the Utah Geological Survey or a county geologist but  
1772 presents the potential of geologic hazard because the area has characteristics similar to those of  
1773 a designated geologic hazard area.

1774 ~~[(48)]~~ (51) "Public agency" means:

1775 (a) the federal government;

1776 (b) the state;

1777 (c) a county, municipality, school district, local district, special service district, or other  
1778 political subdivision of the state; or

1779 (d) a charter school.

1780 ~~[(49)]~~ (52) "Public hearing" means a hearing at which members of the public are  
1781 provided a reasonable opportunity to comment on the subject of the hearing.

1782 ~~[(50)]~~ (53) "Public meeting" means a meeting that is required to be open to the public  
1783 under Title 52, Chapter 4, Open and Public Meetings Act.

1784 (54) "Public street" means a public right-of-way, including a public highway, public  
1785 avenue, public boulevard, public parkway, public road, public lane, public trail or walk, public  
1786 alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public  
1787 transportation easement, or other public way.

1788 ~~[(51)]~~ (55) "Receiving zone" means an unincorporated area of a county that the county  
1789 designates, by ordinance, as an area in which an owner of land may receive a transferable  
1790 development right.

1791 ~~[(52)]~~ (56) "Record of survey map" means a map of a survey of land prepared in  
1792 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1793 ~~[(53)]~~ (57) "Residential facility for persons with a disability" means a residence:

1794 (a) in which more than one person with a disability resides; and

1795 (b) (i) which is licensed or certified by the Department of Human Services under Title  
1796 62A, Chapter 2, Licensure of Programs and Facilities; or

1797 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter  
1798 21, Health Care Facility Licensing and Inspection Act.

1799 ~~[(54)]~~ (58) "Rules of order and procedure" means a set of rules that govern and  
1800 prescribe in a public meeting:

1801 (a) parliamentary order and procedure;

1802 (b) ethical behavior; and

1803 (c) civil discourse.

1804 ~~[(55)]~~ (59) "Sanitary sewer authority" means the department, agency, or public entity  
1805 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
1806 wastewater systems.

1807 ~~[(56)]~~ (60) "Sending zone" means an unincorporated area of a county that the county  
1808 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
1809 development right.

1810 ~~[(57)]~~ (61) "Site plan" means a document or map that may be required by a county  
1811 during a preliminary review preceding the issuance of a building permit to demonstrate that an  
1812 owner's or developer's proposed development activity meets a land use requirement.

1813 ~~[(58)]~~ (62) "Specified public agency" means:

1814 (a) the state;

1815 (b) a school district; or

1816 (c) a charter school.

1817 ~~[(59)]~~ (63) "Specified public utility" means an electrical corporation, gas corporation,  
1818 or telephone corporation, as those terms are defined in Section [54-2-1](#).

1819 ~~[(60)]~~ (64) "State" includes any department, division, or agency of the state.

1820 ~~[(61)] "Street" means a public right-of-way, including a highway, avenue, boulevard,  
1821 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other  
1822 way.]~~

1823 (65) "Subdivided land" means the land, tract, or lot described in a recorded subdivision

1824 plat.

1825 [(62)] (66) (a) "Subdivision" means any land that is divided, resubdivided, or proposed  
1826 to be divided into two or more lots[, parcels, sites, units, plots,] or other division of land for the  
1827 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
1828 installment plan or upon any and all other plans, terms, and conditions.

1829 (b) "Subdivision" includes:

1830 (i) the division or development of land whether by deed, metes and bounds description,  
1831 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division  
1832 includes all or a portion of a parcel or lot; and

1833 (ii) except as provided in Subsection [(62)] (66)(c), divisions of land for residential and  
1834 nonresidential uses, including land used or to be used for commercial, agricultural, and  
1835 industrial purposes.

1836 (c) "Subdivision" does not include:

1837 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1838 (ii) [~~a recorded~~] an agreement recorded with the county recorder's office between  
1839 owners of adjoining properties adjusting [~~their~~] the mutual boundary by a boundary line  
1840 agreement in accordance with Section 57-1-45 if:

1841 (A) no new lot is created; and

1842 (B) the adjustment does not violate applicable land use ordinances;

1843 (iii) a recorded document, executed by the owner of record:

1844 (A) revising the legal description of more than one contiguous [~~unsubdivided~~] parcel of  
1845 property that is not subdivided land into one legal description encompassing all such parcels of  
1846 property; or

1847 (B) joining a subdivided parcel of property to another parcel of property that has not  
1848 been subdivided, if the joinder does not violate applicable land use ordinances;

1849 (iv) a bona fide division or partition of land in a county other than a first class county  
1850 for the purpose of siting, on one or more of the resulting separate parcels:

1851 (A) an electrical transmission line or a substation;

1852 (B) a natural gas pipeline or a regulation station; or

1853 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
1854 utility service regeneration, transformation, retransmission, or amplification facility;

- 1855 (v) [~~a recorded~~] an agreement between owners of adjoining subdivided properties  
1856 adjusting [~~their~~] the mutual lot line boundary in accordance with Section 10-9a-603 if:
- 1857 (A) no new dwelling lot or housing unit will result from the adjustment; and  
1858 (B) the adjustment will not violate any applicable land use ordinance;
- 1859 (vi) a bona fide division or partition of land by deed or other instrument where the land  
1860 use authority expressly approves in writing the division in anticipation of further land use  
1861 approvals on the parcel or parcels; [~~or~~]
- 1862 (vii) a parcel boundary adjustment[-];  
1863 (viii) a lot line adjustment;  
1864 (ix) a road, street, or highway dedication plat; or  
1865 (x) a deed or easement for a road, street, or highway purpose.
- 1866 (d) The joining of a subdivided parcel of property to another parcel of property that has  
1867 not been subdivided does not constitute a subdivision under this Subsection [~~(62)~~] (66) as to  
1868 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's  
1869 subdivision ordinance.
- 1870 [~~(63)~~] (67) "Suspect soil" means soil that has:
- 1871 (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
1872 3% swell potential;
- 1873 (b) bedrock units with high shrink or swell susceptibility; or  
1874 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
1875 commonly associated with dissolution and collapse features.
- 1876 [~~(64)~~] (68) "Therapeutic school" means a residential group living facility:
- 1877 (a) for four or more individuals who are not related to:
- 1878 (i) the owner of the facility; or  
1879 (ii) the primary service provider of the facility;
- 1880 (b) that serves students who have a history of failing to function:
- 1881 (i) at home;  
1882 (ii) in a public school; or  
1883 (iii) in a nonresidential private school; and  
1884 (c) that offers:  
1885 (i) room and board; and

1886 (ii) an academic education integrated with:

1887 (A) specialized structure and supervision; or

1888 (B) services or treatment related to a disability, an emotional development, a  
1889 behavioral development, a familial development, or a social development.

1890 [(65)] (69) "Transferable development right" means a right to develop and use land that  
1891 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
1892 land use rights from a designated sending zone to a designated receiving zone.

1893 [(66)] (70) "Unincorporated" means the area outside of the incorporated area of a  
1894 municipality.

1895 [(67)] (71) "Water interest" means any right to the beneficial use of water, including:

1896 (a) each of the rights listed in Section 73-1-11; and

1897 (b) an ownership interest in the right to the beneficial use of water represented by:

1898 (i) a contract; or

1899 (ii) a share in a water company, as defined in Section 73-3-3.5.

1900 [(68)] (72) "Zoning map" means a map, adopted as part of a land use ordinance, that  
1901 depicts land use zones, overlays, or districts.

1902 Section 27. Section 17-27a-104 is amended to read:

1903 **17-27a-104. County standards.**

1904 (1) [~~Except as provided in Subsection (2), a county may enact a land use regulation~~  
1905 ~~imposing stricter requirements or higher standards than are required by this chapter.~~] This  
1906 chapter does not prohibit a county from adopting the county's own land use standards.

1907 (2) [~~A~~] Notwithstanding Subsection (1), a county may not impose a requirement,  
1908 regulation, condition, or standard that conflicts with a provision of this chapter, other state law,  
1909 or federal law.

1910 Section 28. Section 17-27a-208 is amended to read:

1911 **17-27a-208. Hearing and notice for petition to vacate a public street.**

1912 (1) For any [~~proposal~~] petition to vacate some or all of a public street[~~, right-of-way, or~~  
1913 ~~easement,~~] the legislative body shall:

1914 (a) hold a public hearing; and

1915 (b) give notice of the date, place, and time of the hearing, as provided in Subsection

1916 (2).

1917 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative  
 1918 body shall ensure that the notice required under Subsection (1)(b) [shall be] is:

1919 (a) mailed to the record owner of each parcel that is accessed by the public street[;  
 1920 ~~right-of-way, or easement~~];

1921 (b) mailed to each affected entity;

1922 (c) posted on or near the public street[~~, right-of-way, or easement~~] in a manner that is  
 1923 calculated to alert the public; and

1924 (d) (i) published [~~in a newspaper of general circulation in~~] on the website of the county  
 1925 in which the land subject to the petition is located until the public hearing concludes; and

1926 (ii) published on the Utah Public Notice Website created in Section 63F-1-701.

1927 Section 29. Section 17-27a-302 is amended to read:

1928 **17-27a-302. Planning commission powers and duties.**

1929 (1) Each countywide planning advisory area or mountainous planning district planning  
 1930 commission shall, with respect to the unincorporated area of the county, the planning advisory  
 1931 area, or the mountainous planning district, make a recommendation to the county legislative  
 1932 body for:

1933 [~~1~~] (a) a general plan and amendments to the general plan;

1934 [~~2~~] (b) land use regulations;

1935 [~~3~~] (c) an appropriate delegation of power to at least one designated land use  
 1936 authority to hear and act on a land use application;

1937 [~~4~~] (d) an appropriate delegation of power to at least one appeal authority to hear and  
 1938 act on an appeal from a decision of the land use authority; and

1939 [~~5~~] (e) application processes that:

1940 [~~a~~] (i) may include a designation of routine land use matters that, upon application  
 1941 and proper notice, will receive informal streamlined review and action if the application is  
 1942 uncontested; and

1943 [~~b~~] (ii) shall protect the right of each:

1944 [~~i~~] (A) applicant and third party to require formal consideration of any application by  
 1945 a land use authority;

1946 [~~ii~~] (B) applicant, adversely affected party, or county officer or employee to appeal a  
 1947 land use authority's decision to a separate appeal authority; and

1948 [(iii)] (C) participant to be heard in each public hearing on a contested application.

1949 (2) Nothing in this section limits the right of a county to initiate or propose the actions  
1950 described in this section.

1951 Section 30. Section **17-27a-501** is amended to read:

1952 **17-27a-501. Enactment of land use regulation.**

1953 (1) Only a legislative body, as the body authorized to weigh policy considerations, may  
1954 enact a land use regulation.

1955 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use  
1956 regulation only by ordinance.

1957 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that  
1958 imposes a fee.

1959 (3) A land use regulation shall be consistent with the purposes set forth in this chapter.

1960 (4) (a) A legislative body shall adopt a land use regulation to:

1961 (i) create or amend a zoning district under Subsection [17-27a-503\(1\)\(a\)](#); and

1962 (ii) designate general uses allowed in each zoning district.

1963 (b) A land use authority may establish or modify other restrictions or requirements  
1964 other than those described in Subsection (4)(a), including the configuration or modification of  
1965 uses or density, through a land use decision that applies criteria or policy elements that a land  
1966 use regulation establishes or describes.

1967 Section 31. Section **17-27a-502** is amended to read:

1968 **17-27a-502. Preparation and adoption of land use regulation.**

1969 (1) [~~The~~] A planning commission shall:

1970 (a) provide notice as required by Subsection [17-27a-205\(1\)\(a\)](#) and, if applicable,  
1971 Subsection [17-27a-205\(4\)](#);

1972 (b) hold a public hearing on a proposed land use regulation;

1973 (c) if applicable, consider each written objection filed in accordance with Subsection  
1974 [17-27a-205\(4\)](#) prior to the public hearing; and

1975 (d) (i) [~~prepare~~] review and recommend to the legislative body a proposed land use  
1976 regulation that represents the planning commission's recommendation for regulating the use  
1977 and development of land within:

1978 (A) all or any part of the unincorporated area of the county; or



1979 (B) for a mountainous planning district, all or any part of the area in the mountainous  
1980 planning district; and

1981 (ii) forward to the legislative body all objections filed in accordance with Subsection  
1982 [17-27a-205\(4\)](#).

1983 (2) (a) The legislative body shall consider each proposed land use regulation  
1984 [~~recommended to the legislative body by~~] that the planning commission[~~, and, after~~]  
1985 recommends to the legislative body.

1986 (b) After providing notice as required by Subsection [17-27a-205\(1\)\(b\)](#) and holding a  
1987 public meeting, the legislative body may adopt or reject the proposed land use regulation  
1988 [~~either~~] described in Subsection (2)(a):

1989 (i) as proposed by the planning commission; or

1990 (ii) after making any revision the legislative body considers appropriate.

1991 (c) A legislative body may consider a planning commission's failure to make a timely  
1992 recommendation as a negative recommendation if the legislative body has provided for that  
1993 consideration by ordinance.

1994 Section 32. Section **17-27a-503** is amended to read:

1995 **17-27a-503. Zoning district or land use regulation amendments.**

1996 (1) Only a legislative body may amend:

1997 (a) the number, shape, boundaries, [~~or~~] area, or general uses of any zoning district;

1998 (b) any regulation of or within the zoning district; or

1999 (c) any other provision of a land use regulation.

2000 (2) [~~The~~] A legislative body may not make any amendment authorized by this section  
2001 unless the legislative body first submits the amendment [~~was proposed by the planning~~  
2002 ~~commission or is first submitted~~] to the planning commission for [~~its~~] the planning  
2003 commission's recommendation.

2004 (3) [~~The~~] A legislative body shall comply with the procedure specified in Section  
2005 [17-27a-502](#) in preparing and adopting an amendment to a land use regulation.

2006 Section 33. Section **17-27a-506** is amended to read:

2007 **17-27a-506. Conditional uses.**

2008 (1) (a) A county may adopt a land use ordinance that includes conditional uses and  
2009 provisions for conditional uses that require compliance with standards set forth in an applicable

2010 ordinance.

2011 (b) A county may not impose a requirement or standard on a conditional use that  
2012 conflicts with a provision of this chapter or other state or federal law.

2013 (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions  
2014 are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of  
2015 the proposed use in accordance with applicable standards.

2016 (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate  
2017 anticipated detrimental effects of the proposed conditional use does not require elimination of  
2018 the detrimental effects.

2019 (b) If a land use authority proposes reasonable conditions on a proposed conditional  
2020 use, the land use authority shall ensure that the conditions are stated on the record and  
2021 reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

2022 (c) If the reasonably anticipated detrimental effects of a proposed conditional use  
2023 cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to  
2024 achieve compliance with applicable standards, the land use authority may deny the conditional  
2025 use.

2026 (3) A land use authority's decision to approve or deny a conditional use is an  
2027 administrative land use decision.

2028 (4) A legislative body shall classify any use that a land use regulation allows in a  
2029 zoning district as either a permitted or conditional use under this chapter.

2030 Section 34. Section **17-27a-508** is amended to read:

2031 **17-27a-508. Applicant's entitlement to land use application approval --**  
2032 **Application relating to land in a high priority transportation corridor -- County's**  
2033 **requirements and limitations -- Vesting upon submission of development plan and**  
2034 **schedule.**

2035 (1) (a) (i) An applicant who has submitted a complete land use application, including  
2036 the payment of all application fees, is entitled to substantive review of the application under the  
2037 land use regulations:

2038 (A) in effect on the date that the application is complete; and

2039 (B) applicable to the application or to the information shown on the submitted  
2040 application.

2041 (ii) An applicant is entitled to approval of a land use application if the application  
2042 conforms to the requirements of the applicable land use regulations, land use decisions, and  
2043 development standards in effect when the applicant submits a complete application and pays all  
2044 application fees, unless:

2045 (A) the land use authority, on the record, formally finds that a compelling,  
2046 countervailing public interest would be jeopardized by approving the application and specifies  
2047 the compelling, countervailing public interest in writing; or

2048 (B) in the manner provided by local ordinance and before the applicant submits the  
2049 application, the county formally initiates proceedings to amend the county's land use  
2050 regulations in a manner that would prohibit approval of the application as submitted.

2051 (b) The county shall process an application without regard to proceedings the county  
2052 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

2053 (i) 180 days have passed since the county initiated the proceedings; and

2054 (ii) the proceedings have not resulted in an enactment that prohibits approval of the  
2055 application as submitted.

2056 (c) A land use application is considered submitted and complete when the applicant  
2057 provides the application in a form that complies with the requirements of applicable ordinances  
2058 and pays all applicable fees.

2059 (d) The continuing validity of an approval of a land use application is conditioned upon  
2060 the applicant proceeding after approval to implement the approval with reasonable diligence.

2061 (e) A county may not impose on an applicant who has submitted a complete  
2062 application [~~for preliminary subdivision approval~~] a requirement that is not expressed:

2063 (i) in this chapter;

2064 (ii) in a county ordinance; or

2065 (iii) in a county specification for public improvements applicable to a subdivision or  
2066 development that is in effect on the date that the applicant submits an application.

2067 (f) A county may not impose on a holder of an issued land use permit or a final,  
2068 unexpired subdivision plat a requirement that is not expressed:

2069 (i) in a land use permit;

2070 (ii) on the subdivision plat;

2071 (iii) in a document on which the land use permit or subdivision plat is based;

2072 (iv) in the written record evidencing approval of the land use permit or subdivision  
2073 plat;

2074 (v) in this chapter; or

2075 (vi) in a county ordinance.

2076 (g) ~~[A]~~ Except as provided in Subsection (1)(h), a county may not withhold issuance of  
2077 a certificate of occupancy or acceptance of subdivision improvements because of an applicant's  
2078 failure to comply with a requirement that is not expressed:

2079 (i) in the building permit or subdivision plat, documents on which the building permit  
2080 or subdivision plat is based, or the written record evidencing approval of the building permit or  
2081 subdivision plat; or

2082 (ii) in this chapter or the county's ordinances.

2083 (h) A county may not unreasonably withhold issuance of a certificate of occupancy  
2084 where an applicant has met all requirements essential for the public health, public safety, and  
2085 general welfare of the occupants, in accordance with this chapter, unless:

2086 (i) the applicant and the county have agreed in a written document to the withholding  
2087 of a certificate of occupancy; or

2088 (ii) the applicant has not provided a financial assurance for required and uncompleted  
2089 landscaping or infrastructure improvements in accordance with an applicable ordinance that the  
2090 legislative body adopts under this chapter.

2091 (2) A county is bound by the terms and standards of applicable land use regulations and  
2092 shall comply with mandatory provisions of those regulations.

2093 (3) A county may not, as a condition of land use application approval, require a person  
2094 filing a land use application to obtain documentation regarding a school district's willingness,  
2095 capacity, or ability to serve the development proposed in the land use application.

2096 (4) Upon a specified public agency's submission of a development plan and schedule as  
2097 required in Subsection 17-27a-305(8) that complies with the requirements of that subsection,  
2098 the specified public agency vests in the county's applicable land use maps, zoning map, hookup  
2099 fees, impact fees, other applicable development fees, and land use regulations in effect on the  
2100 date of submission.

2101 Section 35. Section 17-27a-509.5 is amended to read:

2102 **17-27a-509.5. Review for application completeness -- Substantive application**

2103 **review -- Reasonable diligence required for determination of whether improvements or**  
2104 **warranty work meets standards -- Money damages claim prohibited.**

2105 (1) (a) Each county shall, in a timely manner, determine whether ~~an~~ a land use  
2106 application is complete for the purposes of subsequent, substantive land use authority review.

2107 (b) After a reasonable period of time to allow the county diligently to evaluate whether  
2108 all objective ordinance-based application criteria have been met, if application fees have been  
2109 paid, the applicant may in writing request that the county provide a written determination either  
2110 that the application is:

2111 (i) complete for the purposes of allowing subsequent, substantive land use authority  
2112 review; or

2113 (ii) deficient with respect to a specific, objective, ordinance-based application  
2114 requirement.

2115 (c) Within 30 days of receipt of an applicant's request under this section, the county  
2116 shall either:

2117 (i) mail a written notice to the applicant advising that the application is deficient with  
2118 respect to a specified, objective, ordinance-based criterion, and stating that the application must  
2119 be supplemented by specific additional information identified in the notice; or

2120 (ii) accept the application as complete for the purposes of further substantive  
2121 processing by the land use authority.

2122 (d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application  
2123 shall be considered complete, for purposes of further substantive land use authority review.

2124 (e) (i) The applicant may raise and resolve in a single appeal any determination made  
2125 under this Subsection (1) to the appeal authority, including an allegation that a reasonable  
2126 period of time has elapsed under Subsection (1)(a).

2127 (ii) The appeal authority shall issue a written decision for any appeal requested under  
2128 this Subsection (1)(e).

2129 (f) (i) The applicant may appeal to district court the decision of the appeal authority  
2130 made under Subsection (1)(e).

2131 (ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of  
2132 the written decision.

2133 (2) (a) Each land use authority shall substantively review a complete application and an

2134 application considered complete under Subsection (1)(d), and shall approve or deny each  
2135 application with reasonable diligence.

2136 (b) After a reasonable period of time to allow the land use authority to consider an  
2137 application, the applicant may in writing request that the land use authority take final action  
2138 within 45 days from date of service of the written request.

2139 (c) Within 45 days from the date of service of the written request described in  
2140 Subsection (2)(b):

2141 (i) [The] except as provided in Subsection (2)(c)(ii), the land use authority shall take  
2142 final action, approving or denying the application [within 45 days of the written request.]; and

2143 (ii) if a landowner petitions for a land use regulation, a legislative body shall take final  
2144 action by approving or denying the petition.

2145 (d) If the land use authority denies an application processed under the mandates of  
2146 Subsection (2)(b), or if the applicant has requested a written decision in the application, the  
2147 land use authority shall include its reasons for denial in writing, on the record, which may  
2148 include the official minutes of the meeting in which the decision was rendered.

2149 (e) If the land use authority fails to comply with Subsection (2)(c), the applicant may  
2150 appeal this failure to district court within 30 days of the date on which the land use authority  
2151 should have taken final action under Subsection (2)(c).

2152 (3) (a) With reasonable diligence, each land use authority shall determine whether the  
2153 installation of required subdivision improvements or the performance of warranty work meets  
2154 the county's adopted standards.

2155 (b) (i) An applicant may in writing request the land use authority to accept or reject the  
2156 applicant's installation of required subdivision improvements or performance of warranty work.

2157 (ii) The land use authority shall accept or reject subdivision improvements within 15  
2158 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as  
2159 practicable after that 15-day period if inspection of the subdivision improvements is impeded  
2160 by winter weather conditions.

2161 (iii) The land use authority shall accept or reject the performance of warranty work  
2162 within 45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as  
2163 soon as practicable after that 45-day period if inspection of the warranty work is impeded by  
2164 winter weather conditions.

2165 (c) If a land use authority determines that the installation of required subdivision  
 2166 improvements or the performance of warranty work does not meet the county's adopted  
 2167 standards, the land use authority shall comprehensively and with specificity list the reasons for  
 2168 ~~[its]~~ the land use authority's determination.

2169 (4) Subject to Section ~~17-27a-508~~, nothing in this section and no action or inaction of  
 2170 the land use authority relieves an applicant's duty to comply with all applicable substantive  
 2171 ordinances and regulations.

2172 (5) There shall be no money damages remedy arising from a claim under this section.

2173 Section 36. Section ~~17-27a-601~~ is amended to read:

2174 **17-27a-601. Enactment of subdivision ordinance.**

2175 (1) The legislative body of a county may enact ordinances requiring that a subdivision  
 2176 plat comply with the provisions of the ~~[ordinance]~~ county's ordinances and this part before:

2177 (a) ~~[it]~~ the subdivision plat may be filed ~~[or]~~ and recorded in the county recorder's  
 2178 office; and

2179 (b) lots may be sold.

2180 (2) If the legislative body fails to enact a subdivision ordinance, the county may  
 2181 regulate subdivisions only as provided in this part.

2182 Section 37. Section ~~17-27a-602~~ is amended to read:

2183 **17-27a-602. Planning commission preparation and recommendation of**  
 2184 **subdivision ordinance -- Adoption or rejection by legislative body.**

2185 (1) ~~[The]~~ A planning commission shall:

2186 (a) ~~[prepare and recommend a]~~ review and provide a recommendation to the legislative  
 2187 body on any proposed ordinance ~~[to the legislative body]~~ that regulates the subdivision of land  
 2188 in the municipality;

2189 (b) ~~[prepare and recommend or consider and recommend a]~~ review and make a  
 2190 recommendation to the legislative body on any proposed ordinance that amends the regulation  
 2191 of the subdivision of the unincorporated land in the county or, in the case of a mountainous  
 2192 planning district, the mountainous planning district;

2193 (c) provide notice consistent with Section ~~17-27a-205~~; and

2194 (d) hold a public hearing on the proposed ordinance before making ~~[its]~~ the planning  
 2195 commission's final recommendation to the legislative body.

2196 (2) (a) [~~The county~~] A legislative body may adopt, modify, revise, or reject [~~the~~] an  
2197 ordinance [~~either as proposed by~~] described in Subsection (1) that the planning commission [or  
2198 after making any revision the county legislative body considers appropriate] recommends.

2199 (b) A legislative body may consider a planning commission's failure to make a timely  
2200 recommendation as a negative recommendation if the legislative body has provided for that  
2201 consideration by ordinance.

2202 Section 38. Section ~~17-27a-603~~ is amended to read:

2203 **17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner**  
2204 **acknowledgment, surveyor certification, and underground utility facility owner**  
2205 **verification of plat -- Recording plat.**

2206 (1) Unless exempt under Section ~~17-27a-605~~ or excluded from the definition of  
2207 subdivision under Section ~~17-27a-103~~, whenever any land is laid out and platted, the owner of  
2208 the land shall provide an accurate plat that describes or specifies:

2209 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in  
2210 the county recorder's office;

2211 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by  
2212 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is  
2213 intended to be used as a street or for any other public use, and whether any such area is  
2214 reserved or proposed for dedication for a public purpose;

2215 (c) the lot or unit reference, block or building reference, street or site address, street  
2216 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length  
2217 and width of the blocks and lots intended for sale; and

2218 (d) every existing right-of-way and easement grant of record for an underground  
2219 facility, as defined in Section ~~54-8a-2~~, and for any other utility facility.

2220 (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's  
2221 ordinances and this part and has been approved by the culinary water authority, the sanitary  
2222 sewer authority, and the local health department, as defined in Section ~~26A-1-102~~, if the local  
2223 health department and the county consider the local health department's approval necessary, the  
2224 county shall approve the plat.

2225 (b) Counties are encouraged to receive a recommendation from the fire authority before  
2226 approving a plat.



2227 (c) A county may not require that a plat be approved or signed by a person or entity  
2228 who:

- 2229 (i) is not an employee or agent of the county; or
- 2230 (ii) does not:
  - 2231 (A) have a legal or equitable interest in the property within the proposed subdivision;
  - 2232 (B) provide a utility or other service directly to a lot within the subdivision;
  - 2233 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs  
2234 for the purpose of confirming the accuracy of the location of the easement or right-of-way in  
2235 relation to the plat; or
  - 2236 (D) provide culinary public water service whose source protection zone designated as  
2237 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.
- 2238 (d) For a subdivision application that includes land located within a notification zone,  
2239 as determined under Subsection (2)~~(e)~~(f), the land use authority shall:
  - 2240 (i) within 20 days after the day on which a complete subdivision application is filed,  
2241 provide written notice of the application to the canal owner or associated canal operator contact  
2242 described in:
    - 2243 (A) Section 17-27a-211;
    - 2244 (B) Subsection 73-5-7(2); or
    - 2245 (C) Subsection (4)(c); and
    - 2246 (ii) wait to approve or reject the subdivision application for at least 20 days after the  
2247 day on which the land use authority mails the notice under Subsection (2)(d)(i) in order to  
2248 receive input from the canal owner or associated canal operator, including input regarding:
      - 2249 (A) access to the canal;
      - 2250 (B) maintenance of the canal;
      - 2251 (C) canal protection; and
      - 2252 (D) canal safety.
  - 2253 (e) When applicable, the subdivision applicant shall comply with Section 73-1-15.5.  
2254 ~~(e)~~ (f) The land use authority shall provide the notice described in Subsection (2)(d)  
2255 to a canal owner or associated canal operator if:
    - 2256 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and
    - 2257 (ii) the centerline alignment is available to the land use authority:

2258 (A) from information provided by the canal company under Section 17-27a-211 using  
2259 mapping-grade global positioning satellite units or digitized data from the most recent aerial  
2260 photo available to the canal owner or canal operator;

2261 (B) using the state engineer's inventory of canals under Section 73-5-7; or

2262 (C) from information provided by a surveyor under Subsection (4)(c).

2263 (3) The county may withhold an otherwise valid plat approval until the owner of the  
2264 land provides the legislative body with a tax clearance indicating that all taxes, interest, and  
2265 penalties owing on the land have been paid.

2266 (4) (a) A ~~[plat may not be submitted to a]~~ county recorder ~~[for recording]~~ may not  
2267 record a plat unless, subject to Subsection 17-27a-604(2):

2268 (i) prior to recordation, the county has approved and signed the plat;

2269 (ii) each owner of record of land described on the plat has signed the owner's  
2270 dedication as shown on the plat; and

2271 ~~[(i)]~~ (iii) the signature of each owner described in Subsection ~~[(4)(a)(i)]~~ (4)(a)(ii) is  
2272 acknowledged as provided by law.

2273 (b) The surveyor making the plat shall certify that the surveyor:

2274 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and  
2275 Professional Land Surveyors Licensing Act;

2276 (ii) has completed a survey of the property described on the plat in accordance with  
2277 Section 17-23-17 and has verified all measurements; and

2278 (iii) has placed monuments as represented on the plat.

2279 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of  
2280 an existing or proposed underground facility or utility facility within the proposed subdivision,  
2281 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's  
2282 depiction of the:

2283 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a  
2284 public or private easement, or grants of record;

2285 (B) location of an existing underground facility and utility facility; and

2286 (C) physical restrictions governing the location of the underground facility and utility  
2287 facility within the subdivision.

2288 (ii) The cooperation of an owner or operator under Subsection (4)(c)(i):

2289 (A) indicates only that the plat approximates the location of the existing underground  
2290 and utility facilities but does not warrant or verify their precise location; and

2291 (B) does not affect a right that the owner or operator has under~~[(I)]~~ Title 54, Chapter  
2292 8a, Damage to Underground Utility Facilities~~[(H)]~~, a recorded easement or right-of-way~~[(H)]~~,  
2293 ~~[(H)]~~, the law applicable to prescriptive rights~~[(IV)]~~, or any other provision of law.

2294 (5) (a) ~~[After]~~ Except as provided in Subsection (4)(c), after the plat has been  
2295 acknowledged, certified, and approved, the ~~[owner of the land]~~ individual seeking to record the  
2296 plat shall, within the time period and manner designated by ordinance, record the plat in the  
2297 county recorder's office in the county in which the lands platted and laid out are situated.

2298 (b) ~~[An owner's]~~ A failure to record a plat within the time period designated by  
2299 ordinance renders the plat voidable.

2300 Section 39. Section **17-27a-604.5** is amended to read:

2301 **17-27a-604.5. Subdivision plat recording or development activity before required**  
2302 **infrastructure is completed -- Improvement completion assurance -- Improvement**  
2303 **warranty.**

2304 (1) A land use authority shall establish objective inspection standards for acceptance of  
2305 a required landscaping or infrastructure improvement.

2306 (2) (a) Before an applicant conducts any development activity or records a plat, the  
2307 applicant shall:

2308 (i) complete any required landscaping or infrastructure improvements; or

2309 (ii) post an improvement completion assurance for any required landscaping or  
2310 infrastructure improvements.

2311 (b) If an applicant elects to post an improvement completion assurance, the applicant  
2312 shall ~~[ensure that the]~~ provide completion assurance for:

2313 (i) ~~[provides for]~~ completion of 100% of the required landscaping or infrastructure  
2314 improvements; or

2315 (ii) if the county has inspected and accepted a portion of the landscaping or  
2316 infrastructure improvements, ~~[provides for completion of]~~ 100% of the incomplete or  
2317 unaccepted landscaping or infrastructure improvements.

2318 (c) A county shall:

2319 (i) establish a minimum of two acceptable forms of completion assurance;

2320           ~~[(†)]~~ (ii) if an applicant elects to post an improvement completion assurance, allow the  
2321 applicant to post an assurance that meets the conditions of this title, and any local ordinances;

2322           ~~[(†)]~~ (iii) establish a system for the partial release of an improvement completion  
2323 assurance as portions of required landscaping or infrastructure improvements are completed  
2324 and accepted in accordance with local ordinance; and

2325           ~~[(††)]~~ (iv) issue or deny a building permit in accordance with Section 17-27a-802 based  
2326 on the installation of landscaping or infrastructure improvements.

2327           (d) A county may not require an applicant to post an improvement completion  
2328 assurance for:

2329           (i) landscaping or an infrastructure improvement that the county has previously  
2330 inspected and accepted[-];

2331           (ii) infrastructure improvements that are private and not essential or required to meet  
2332 the building code, fire code, flood or storm water management provisions, street and access  
2333 requirements, or other essential necessary public safety improvements adopted in a land use  
2334 regulation; or

2335           (iii) in a municipality where ordinances require all infrastructure improvements within  
2336 the area to be private, infrastructure improvements within a development that the municipality  
2337 requires to be private.

2338           (3) At any time before a county accepts a landscaping or infrastructure improvement,  
2339 and for the duration of each improvement warranty period, the land use authority may require  
2340 the applicant to:

2341           (a) execute an improvement warranty for the improvement warranty period; and

2342           (b) post a cash deposit, surety bond, letter of credit, or other similar security, as  
2343 required by the county, in the amount of up to 10% of the lesser of the:

2344           (i) county engineer's original estimated cost of completion; or

2345           (ii) applicant's reasonable proven cost of completion.

2346           (4) When a county accepts an improvement completion assurance for landscaping or  
2347 infrastructure improvements for a development in accordance with Subsection (2)(c)~~[(†)]~~(ii),  
2348 the county may not deny an applicant a building permit if the development meets the  
2349 requirements for the issuance of a building permit under the building code and fire code.

2350           (5) The provisions of this section do not supersede the terms of a valid development

2351 agreement, an adopted phasing plan, or the state construction code.

2352 Section 40. Section 17-27a-605 is amended to read:

2353 **17-27a-605. Exemptions from plat requirement.**

2354 (1) Notwithstanding Sections 17-27a-603 and 17-27a-604, ~~[the land use authority]~~ a  
2355 county may establish a process to approve an administrative land use decision for the  
2356 subdivision of unincorporated land or mountainous planning district land into 10 lots or less  
2357 without a plat, by certifying in writing that:

2358 (a) the county has provided notice as required by ordinance; and

2359 (b) the proposed subdivision:

2360 (i) is not traversed by the mapped lines of a proposed street as shown in the general  
2361 plan ~~[and does not require the dedication of any land for street or other]~~ unless the county has  
2362 approved the location and dedication of any public street, county utility easement, any other  
2363 easement, or any other land for public purposes as the county's ordinance requires;

2364 (ii) has been approved by the culinary water authority and the sanitary sewer authority;

2365 (iii) is located in a zoned area; and

2366 (iv) conforms to all applicable land use ordinances or has properly received a variance  
2367 from the requirements of an otherwise conflicting and applicable land use ordinance.

2368 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural  
2369 land is exempt from the plat requirements of Section 17-27a-603 if:

2370 (i) the lot or parcel:

2371 (A) qualifies as land in agricultural use under Section 59-2-502; and

2372 (B) is not used and will not be used for any nonagricultural purpose; and

2373 (ii) the new owner of record completes, signs, and records with the county recorder a  
2374 notice:

2375 (A) describing the parcel by legal description; and

2376 (B) stating that the lot or parcel is created for agricultural purposes as defined in  
2377 Section 59-2-502 and will remain so until a future zoning change permits other uses.

2378 (b) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural  
2379 purpose, the county shall require the lot or parcel to comply with the requirements of Section  
2380 17-27a-603 and all applicable land use ordinance requirements.

2381 (3) (a) Except as provided in Subsection (4), a document recorded in the county

2382 recorder's office that divides property by a metes and bounds description does not create an  
2383 approved subdivision allowed by this part unless the land use authority's certificate of written  
2384 approval required by Subsection (1) is attached to the document.

2385 ~~[(b) The absence of the certificate or written approval required by Subsection (1) does~~  
2386 ~~not.]~~

2387 ~~[(i) prohibit the county recorder from recording a document; or]~~

2388 ~~[(ii) affect the validity of a recorded document.]~~

2389 ~~[(c)]~~ (b) A document which does not meet the requirements of Subsection (1) may be  
2390 corrected by the recording of an affidavit to which the required certificate or written approval is  
2391 attached ~~[in accordance]~~ and that complies with Section [57-3-106](#).

2392 (4) (a) As used in this Subsection (4):

2393 (i) "Divided land" means land that:

2394 (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and

2395 (B) has been divided by a minor subdivision.

2396 (ii) "Land to be divided" means land that is proposed to be divided by a minor  
2397 subdivision.

2398 (iii) "Minor subdivision" means a division of at least 100 contiguous acres of  
2399 agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that,  
2400 after the division, is separate from the remainder of the original 100 or more contiguous acres  
2401 of agricultural land.

2402 (iv) "Minor subdivision lot" means a lot created by a minor subdivision.

2403 (b) Notwithstanding Sections [17-27a-603](#) and [17-27a-604](#), an owner of at least 100  
2404 contiguous acres of agricultural land may make a minor subdivision by submitting for  
2405 recording in the office of the recorder of the county in which the land to be divided is located:

2406 (i) a recordable deed containing the legal description of the minor subdivision lot; and

2407 (ii) a notice:

2408 (A) indicating that the owner of the land to be divided is making a minor subdivision;

2409 (B) referring specifically to this section as the authority for making the minor  
2410 subdivision; and

2411 (C) containing the legal description of:

2412 (I) the land to be divided; and

- 2413 (II) the minor subdivision lot.
- 2414 (c) A minor subdivision lot:
- 2415 (i) may not be less than one acre in size;
- 2416 (ii) may not be within 1,000 feet of another minor subdivision lot; and
- 2417 (iii) is not subject to the subdivision ordinance of the county in which the minor
- 2418 subdivision lot is located.
- 2419 (d) Land to be divided by a minor subdivision may not include divided land.
- 2420 (e) A county:
- 2421 (i) may not deny a building permit to an owner of a minor subdivision lot based on:
- 2422 (A) the lot's status as a minor subdivision lot; or
- 2423 (B) the absence of standards described in Subsection (4)(e)(ii); and
- 2424 (ii) may, in connection with the issuance of a building permit, subject a minor
- 2425 subdivision lot to reasonable health, safety, and access standards that the county has established
- 2426 and made public.
- 2427 (5) (a) Notwithstanding Sections [17-27a-603](#) and [17-27a-604](#), and subject to
- 2428 Subsection (1), the legislative body of a county may enact an ordinance allowing the
- 2429 subdivision of a parcel, without complying with the plat requirements of Section [17-27a-603](#),
- 2430 if:
- 2431 (i) the parcel contains an existing legal single family dwelling unit;
- 2432 (ii) the subdivision results in two parcels, one of which is agricultural land;
- 2433 (iii) the parcel of agricultural land:
- 2434 (A) qualifies as land in agricultural use under Section [59-2-502](#); and
- 2435 (B) is not used, and will not be used, for a nonagricultural purpose;
- 2436 (iv) both the parcel with an existing legal single family dwelling unit and the parcel of
- 2437 agricultural land meet the minimum area, width, frontage, and setback requirements of the
- 2438 applicable zoning designation in the applicable land use ordinance; and
- 2439 (v) the owner of record completes, signs, and records with the county recorder a notice:
- 2440 (A) describing the parcel of agricultural land by legal description; and
- 2441 (B) stating that the parcel of agricultural land is created as land in agricultural use, as
- 2442 defined in Section [59-2-502](#), and will remain as land in agricultural use until a future zoning
- 2443 change permits another use.

2444 (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a)  
2445 is later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a) no  
2446 longer applies, and the county shall require the owner of the parcel to:

2447 (i) retroactively comply with the subdivision plat requirements of Section 17-27a-603;  
2448 and

2449 (ii) comply with all applicable land use ordinance requirements.

2450 Section 41. Section 17-27a-607 is amended to read:

2451 **17-27a-607. Dedication by plat of public streets and other public places.**

2452 (1) A plat that is signed, dedicated, and acknowledged by each owner of record, and  
2453 approved according to the procedures specified in this part, operates, when recorded, as a  
2454 dedication of all public streets and other public places, and vests the fee of those parcels of land  
2455 in the county for the public for the uses named or intended in the plat.

2456 (2) The dedication established by this section does not impose liability upon the county  
2457 for public streets and other public places that are dedicated in this manner but are unimproved  
2458 unless:

2459 (a) adequate financial assurance has been provided in accordance with this chapter; and

2460 (b) the county has accepted the dedication.

2461 Section 42. Section 17-27a-608 is amended to read:

2462 **17-27a-608. Vacating or amending a subdivision plat.**

2463 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a  
2464 subdivision that has been laid out and platted as provided in this part may file a written petition  
2465 with the land use authority to have some or all of the plat vacated or amended.

2466 (b) If a petition is filed under Subsection (1)(a), the land use authority shall provide  
2467 notice of the petition by mail, email, or other effective means to each affected entity that  
2468 provides a service to an owner of record of the portion of the plat that is being vacated or  
2469 amended at least 10 calendar days before the land use authority may approve the vacation or  
2470 amendment of the plat.

2471 (c) If a petition is filed under Subsection (1)(a), the land use authority shall hold a  
2472 public hearing within 45 days after the day on which the petition is filed if:

2473 (i) any owner within the plat notifies the county of the owner's objection in writing  
2474 within 10 days of mailed notification; or



2475 (ii) a public hearing is required because all of the owners in the subdivision have not  
2476 signed the revised plat.

2477 (2) Unless a local ordinance provides otherwise, the public hearing requirement of  
2478 Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an  
2479 owner's petition to vacate or amend a subdivision plat if:

2480 (a) the petition seeks to:

2481 (i) join two or more of the petitioning fee owner's contiguous lots;

2482 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not  
2483 result in a violation of a land use ordinance or a development condition;

2484 (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the  
2485 adjoining lots or parcels join the petition, regardless of whether the lots or parcels are located in  
2486 the same subdivision;

2487 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction  
2488 imposed by the local political subdivision; or

2489 (v) alter the plat in a manner that does not change existing boundaries or other  
2490 attributes of lots within the subdivision that are not:

2491 (A) owned by the petitioner; or

2492 (B) designated as a common area; and

2493 (b) notice has been given to adjacent property owners in accordance with any  
2494 applicable local ordinance.

2495 (3) Each request to vacate or amend a plat that contains a request to vacate or amend a  
2496 public street[~~, right-of-way, or easement~~] is also subject to Section [17-27a-609.5](#).

2497 (4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:

2498 (a) the name and address of each owner of record of the land contained in:

2499 (i) the entire plat; or

2500 (ii) that portion of the plan described in the petition; and

2501 (b) the signature of each owner who consents to the petition.

2502 (5) (a) The owners of record of adjacent parcels that are described by either a metes  
2503 and bounds description or by a recorded plat may exchange title to portions of those parcels if  
2504 the exchange of title is approved by the land use authority in accordance with Subsection

2505 (5)(b).

2506 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if  
2507 the exchange of title will not result in a violation of any land use ordinance.

2508 (c) If an exchange of title is approved under Subsection (5)(b):

2509 (i) a notice of approval shall be recorded in the office of the county recorder which:

2510 (A) is executed by each owner included in the exchange and by the land use authority;

2511 (B) contains an acknowledgment for each party executing the notice in accordance with  
2512 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

2513 (C) recites the descriptions of both the original parcels and the parcels created by the  
2514 exchange of title; and

2515 (ii) a document of conveyance of title reflecting the approved change shall be recorded  
2516 in the office of the county recorder.

2517 (d) A notice of approval recorded under this Subsection (5) does not act as a  
2518 conveyance of title to real property and is not required to record a document conveying title to  
2519 real property.

2520 (6) (a) The name of a recorded subdivision may be changed by recording an amended  
2521 plat making that change, as provided in this section and subject to Subsection (6)(c).

2522 (b) The surveyor preparing the amended plat shall certify that the surveyor:

2523 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and  
2524 Professional Land Surveyors Licensing Act;

2525 (ii) has completed a survey of the property described on the plat in accordance with  
2526 Section 17-23-17 and has verified all measurements; and

2527 (iii) has placed monuments as represented on the plat.

2528 (c) An owner of land may not submit for recording an amended plat that gives the  
2529 subdivision described in the amended plat the same name as a subdivision recorded in the  
2530 county recorder's office.

2531 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other  
2532 document that purports to change the name of a recorded plat is void.

2533 Section 43. Section 17-27a-609 is amended to read:

2534 **17-27a-609. Land use authority approval of vacation or amendment of plat --**  
2535 **Recording the amended plat.**

2536 (1) The land use authority may approve the vacation or amendment of a plat by signing

2537 an amended plat showing the vacation or amendment if the land use authority finds that:

2538 (a) there is good cause for the vacation or amendment; and

2539 (b) no public street~~[, right-of-way, or easement]~~ has been vacated or amended.

2540 (2) (a) The land use authority shall ensure that the amended plat showing the vacation  
2541 or amendment is recorded in the office of the county recorder in which the land is located.

2542 (b) If the amended plat is approved and recorded in accordance with this section, the  
2543 recorded plat shall vacate, supersede, and replace any contrary provision in a previously  
2544 recorded plat of the same land.

2545 (3) (a) A legislative body may vacate a subdivision or a portion of a subdivision by  
2546 recording in the county recorder's office an ordinance describing the subdivision or the portion  
2547 being vacated.

2548 (b) The recorded vacating ordinance shall replace a previously recorded plat described  
2549 in the vacating ordinance.

2550 (4) An amended plat may not be submitted to the county recorder for recording unless  
2551 it is:

2552 (a) signed by the land use authority; and

2553 (b) signed, acknowledged, and dedicated by each owner of record of the portion of the  
2554 plat that is amended.

2555 (5) A management committee may sign and dedicate an amended plat as provided in  
2556 Title 57, Chapter 8, Condominium Ownership Act.

2557 (6) A plat may be corrected as provided in Section 57-3-106.

2558 Section 44. Section 17-27a-609.5 is amended to read:

2559 **17-27a-609.5. Petition to vacate a public street.**

2560 (1) In lieu of vacating some or all of a public street through a plat or amended plat in  
2561 accordance with Sections 17-27a-603 through 17-27a-609, a legislative body may approve a  
2562 petition to vacate a public street in accordance with this section.

2563 ~~[(1)]~~ (2) A [petition] petitioner shall ensure that a petition to vacate some or all of a  
2564 public street~~[, right-of-way, or easement shall include]~~ includes:

2565 (a) the name and address of each owner of record of land that is:

2566 (i) adjacent to the public street~~[, right-of-way, or easement]~~ between the two nearest  
2567 public street intersections; or

2568 (ii) accessed exclusively by or within 300 feet of the public street~~[, right-of-way, or~~  
2569 ~~easement]~~; and

2570 (b) the signature of each owner under Subsection ~~[(1)]~~ (2)(a) who consents to the  
2571 vacation.

2572 ~~[(2)]~~ (3) If a petition is submitted containing a request to vacate some or all of a public  
2573 street, ~~[right-of-way, or easement,]~~ the legislative body shall hold a public hearing in  
2574 accordance with Section 17-27a-208 and determine whether:

2575 (a) good cause exists for the vacation; and

2576 (b) the public interest or any person will be materially injured by the proposed  
2577 vacation.

2578 ~~[(3)]~~ (4) The legislative body may adopt an ordinance granting a petition to vacate  
2579 some or all of a public street~~[, right-of-way, or easement]~~ if the legislative body finds that:

2580 (a) good cause exists for the vacation; and

2581 (b) neither the public interest nor any person will be materially injured by the vacation.

2582 ~~[(4)]~~ (5) If the legislative body adopts an ordinance vacating some or all of a public  
2583 street~~[, right-of-way, or easement,]~~ the legislative body shall ensure that one or both of the  
2584 following is recorded in the office of the recorder of the county in which the land is located:

2585 (a) a plat reflecting the vacation; or

2586 (b) (i) an ordinance described in Subsection ~~[(3)]~~ (4); and

2587 (ii) a legal description of the public street to be vacated.

2588 ~~[(5)]~~ (6) The action of the legislative body vacating some or all of a public street~~;~~  
2589 ~~right-of-way, or easement]~~ that has been dedicated to public use:

2590 (a) operates to the extent to which it is vacated, upon the effective date of the recorded  
2591 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the county's  
2592 fee in the vacated street, right-of-way, or easement; and

2593 (b) may not be construed to impair:

2594 (i) any right-of-way or easement of any lot owner; or

2595 (ii) the franchise rights of any public utility.

2596 (7) (a) A county may submit a petition and initiate and complete a process to vacate  
2597 some or all of a public street.

2598 (b) If a county submits a petition and initiates a process under Subsection (7)(a):

- 2599            (i) the legislative body shall hold a public hearing;
- 2600            (ii) the petition and process may not apply to or affect a public utility easement, except
- 2601 to the extent:
- 2602            (A) the easement is included within the public street; and
- 2603            (B) the notice to vacate the public street also contains a notice to vacate the easement;
- 2604 and
- 2605            (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating
- 2606 a public street through a recorded plat or amended plat.

2607            Section 45. Section **17-27a-707** is amended to read:

2608            **17-27a-707. Scope of review of factual matters on appeal -- Appeal authority**  
2609 **requirements.**

2610            (1) A county may, by ordinance, designate the scope of review of factual matters for  
2611 appeals of land use authority decisions.

2612            (2) If the county fails to designate a scope of review of factual matters, the appeal  
2613 authority shall review the matter de novo, without deference to the land use authority's  
2614 determination of factual matters.

2615            (3) If the scope of review of factual matters is on the record, the appeal authority shall  
2616 determine whether the record on appeal includes substantial evidence for each essential finding  
2617 of fact.

2618            (4) The appeal authority shall:

2619            (a) determine the correctness of the land use authority's interpretation and application  
2620 of the plain meaning of the land use regulations; and

2621            (b) interpret and apply a land use regulation to favor a land use application unless the  
2622 land use regulation plainly restricts the land use application.

2623            (5) (a) An appeal authority's land use decision is a quasi-judicial act~~[, even if the appeal~~  
2624 ~~authority is the].~~

2625            (b) A legislative body may act as an appeal authority unless both the legislative body  
2626 and the appealing party agree to allow a third party to act as the appeal authority.

2627            (6) Only a decision in which a land use authority has applied a land use regulation to a  
2628 particular land use application, person, or parcel may be appealed to an appeal authority.

2629            Section 46. Section **17-27a-801** is amended to read:

2630           **17-27a-801. No district court review until administrative remedies exhausted --**  
2631 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**  
2632 **-- Staying of decision.**

2633           (1) No person may challenge in district court a land use decision until that person has  
2634 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and  
2635 Variances, if applicable.

2636           (2) (a) Any person adversely affected by a final decision made in the exercise of or in  
2637 violation of the provisions of this chapter may file a petition for review of the decision with the  
2638 district court within 30 days after the decision is final.

2639           (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a  
2640 property owner files a request for arbitration of a constitutional taking issue with the property  
2641 rights ombudsman under Section 13-43-204 until 30 days after:

2642           (A) the arbitrator issues a final award; or

2643           (B) the property rights ombudsman issues a written statement under Subsection  
2644 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

2645           (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional  
2646 taking issue that is the subject of the request for arbitration filed with the property rights  
2647 ombudsman by a property owner.

2648           (iii) A request for arbitration filed with the property rights ombudsman after the time  
2649 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

2650           (3) (a) A court shall:

2651           (i) presume that a land use regulation properly enacted under the authority of this  
2652 chapter is valid; and

2653           (ii) determine only whether:

2654           (A) the land use regulation is expressly preempted by, or was enacted contrary to, state  
2655 or federal law; and

2656           (B) it is reasonably debatable that the land use regulation is consistent with this  
2657 chapter.

2658           (b) A court shall:

2659           (i) presume that a final decision of a land use authority or an appeal authority is valid;

2660 and

2661 (ii) uphold the decision unless the decision is:

2662 (A) arbitrary and capricious; or

2663 (B) illegal.

2664 (c) (i) A decision is arbitrary and capricious if the decision is not supported by

2665 substantial evidence in the record.

2666 (ii) A decision is illegal if the decision is:

2667 (A) based on an incorrect interpretation of a land use regulation; or

2668 (B) contrary to law.

2669 (d) (i) A court may affirm or reverse the decision of a land use authority.

2670 (ii) If the court reverses a denial of a land use application, the court shall remand the

2671 matter to the land use authority with instructions to issue an approval consistent with the court's

2672 decision.

2673 (4) The provisions of Subsection (2)(a) apply from the date on which the county takes  
2674 final action on a land use application for any adversely affected third party, if the county  
2675 conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice  
2676 of the pending decision.

2677 (5) If the county has complied with Section 17-27a-205, a challenge to the enactment  
2678 of a land use regulation or general plan may not be filed with the district court more than 30  
2679 days after the enactment.

2680 (6) A challenge to a land use decision is barred unless the challenge is filed within 30  
2681 days after the land use decision is final.

2682 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to  
2683 the reviewing court the record of its proceedings, including its minutes, findings, orders and, if  
2684 available, a true and correct transcript of its proceedings.

2685 (b) If the proceeding was recorded, a transcript of that recording is a true and correct  
2686 transcript for purposes of this Subsection (7).

2687 (8) (a) (i) If there is a record, the district court's review is limited to the record provided  
2688 by the land use authority or appeal authority, as the case may be.

2689 (ii) The court may not accept or consider any evidence outside the record of the land  
2690 use authority or appeal authority, as the case may be, unless that evidence was offered to the  
2691 land use authority or appeal authority, respectively, and the court determines that it was

2692 improperly excluded.

2693 (b) If there is no record, the court may call witnesses and take evidence.

2694 (9) (a) The filing of a petition does not stay the decision of the land use authority or  
2695 appeal authority, as the case may be.

2696 (b) (i) Before filing a petition under this section or a request for mediation or  
2697 arbitration of a constitutional taking issue under Section 13-43-204, the aggrieved party may  
2698 petition the appeal authority to stay its decision.

2699 (ii) Upon receipt of a petition to stay, the appeal authority may order its decision stayed  
2700 pending district court review if the appeal authority finds it to be in the best interest of the  
2701 county.

2702 (iii) After a petition is filed under this section or a request for mediation or arbitration  
2703 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an  
2704 injunction staying the appeal authority's decision.

2705 (10) If the court determines that a party initiated or pursued a challenge to the decision  
2706 on a land use application in bad faith, the court may award attorney fees.

2707 Section 47. Section 17-27a-802 is amended to read:

2708 **17-27a-802. Enforcement.**

2709 (1) (a) A county or any adversely affected owner of real estate within the county in  
2710 which violations of this chapter or ordinances enacted under the authority of this chapter occur  
2711 or are about to occur may, in addition to other remedies provided by law, institute:

2712 (i) injunctions, mandamus, abatement, or any other appropriate actions; or

2713 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

2714 (b) A county need only establish the violation to obtain the injunction.

2715 (2) (a) A county may enforce the county's ordinance by withholding a building permit.

2716 (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any  
2717 building or other structure within a county without approval of a building permit.

2718 (c) The county may not issue a building permit unless the plans of and for the proposed  
2719 erection, construction, reconstruction, alteration, or use fully conform to all regulations then in  
2720 effect.

2721 (d) A county may not deny an applicant a building permit or certificate of occupancy  
2722 because the applicant has not completed an infrastructure improvement:



2723 (i) that is not essential to meet the requirements for the issuance of a building permit or  
2724 certificate of occupancy under the building code and fire code; and

2725 (ii) for which the county has accepted an improvement completion assurance for  
2726 landscaping or infrastructure improvements for the development.

2727 Section 48. Section **57-1-13** is amended to read:

2728 **57-1-13. Form of quitclaim deed -- Effect.**

2729 (1) A conveyance of land may also be substantially in the following form:

2730 "QUITCLAIM DEED

2731 \_\_\_\_\_ (here insert name), grantor, of \_\_\_\_\_ (insert place of residence), hereby quitclaims  
2732 to \_\_\_\_\_ (insert name), grantee, of \_\_\_\_\_ (here insert place of residence), for the sum of \_\_\_\_\_  
2733 dollars, the following described tract \_\_\_\_\_ of land in \_\_\_\_\_ County, Utah, to wit: (here describe  
2734 the premises).

2735 Witness the hand of said grantor this \_\_\_\_\_(month\day\year).

2736 A quitclaim deed when executed as required by law shall have the effect of a  
2737 conveyance of all right, title, interest, and estate of the grantor in and to the premises therein  
2738 described and all rights, privileges, and appurtenances thereunto belonging, at the date of the  
2739 conveyance."

2740 (2) [~~For a~~] A boundary line agreement operating as a quitclaim deed [~~as~~] shall meet the  
2741 requirements described in Section **57-1-45** [~~the boundary line agreement shall include, in~~  
2742 ~~addition to a legal description of the agreed upon boundary line:].~~

2743 [~~(a) the signature of each grantor;~~]

2744 [~~(b) a sufficient acknowledgment for each grantor's signature; and]~~

2745 [~~(c) the address of each grantee for assessment purposes.]~~

2746 Section 49. Section **57-1-45** is amended to read:

2747 **57-1-45. Boundary line agreements.**

2748 (1) If properly executed and acknowledged as required under this chapter, and when  
2749 recorded in the office of the recorder of the county in which the property is located, an  
2750 agreement between adjoining property owners [~~designating~~] of unsubdivided land that  
2751 designates the boundary line between [~~their properties, when recorded in the office of the~~  
2752 ~~recorder of the county in which the property is located, shall act]~~ the adjoining properties acts  
2753 as a quitclaim deed [~~and~~] to convey all of each party's right, title, interest, and estate in property

2754 outside the agreed boundary line that had been the subject of the boundary line agreement or  
2755 dispute that led to the boundary line agreement.

2756 (2) ~~[A]~~ Adjoining property owners executing a boundary line agreement described in  
2757 Subsection (1) shall ~~[include]~~:

2758 (a) ensure that the agreement includes:

2759 ~~[(a)]~~ (i) a legal description of the agreed upon boundary line;

2760 ~~[(b)]~~ (ii) the name and signature of each grantor that is party to the agreement;

2761 ~~[(c)]~~ (iii) a sufficient acknowledgment for each grantor's signature; ~~[and]~~

2762 ~~[(d)]~~ (iv) the address of each grantee for assessment purposes[-];

2763 (v) a statement citing the file number of a record of a survey map, as defined in  
2764 Sections 10-9a-103 and 17-27a-103, that the parties prepare and file, in accordance with  
2765 Section 17-23-17, in conjunction with the boundary line agreement; and

2766 (vi) the date of the agreement if the date is not included in the acknowledgment in a  
2767 form substantially similar to a quitclaim deed as described in Section 57-1-13; and

2768 (b) prepare an amended plat in accordance with Title 10, Chapter 9a, Part 6,  
2769 Subdivisions, or Title 17, Chapter 27a, Part 6, Subdivisions.

2770 (3) A boundary line agreement described in Subsection (1) that complies with  
2771 Subsection (2) presumptively:

2772 (a) has no detrimental effect on any easement on the property that is recorded before  
2773 the date on which the agreement is executed unless the owner of the property benefitting from  
2774 the easement specifically modifies the easement within the boundary line agreement or a  
2775 separate recorded easement modification or relinquishment document; and

2776 (b) relocates the parties' common boundary line for an exchange of consideration.

2777 (4) Notwithstanding Title 10, Chapter 9a, Part 6, Subdivisions, Title 17, Chapter 27a,  
2778 Part 6, Subdivisions, or the local entity's ordinances or policies, a boundary line agreement is  
2779 not subject to:

2780 (a) any public notice, public hearing, or preliminary platting requirement;

2781 (b) the local entity's planning commission review or recommendation;

2782 (c) an engineering review or approval; or

2783 (d) a health department review or approval.

2784 Section 50. Section ~~63I-2-217~~ is amended to read:

2785 **63I-2-217. Repeal dates -- Title 17.**

2786 (1) Subsection [17-27a-102](#)(1)(b), the language that states "or a designated mountainous  
2787 planning district" is repealed June 1, 2020.

2788 (2) (a) Subsection [~~[17-27a-103](#)~~(15)(b)] [17-27a-103](#)(16)(b), regarding general plan  
2789 guidelines for a mountainous planning district, is repealed June 1, 2020.

2790 (b) Subsection [~~[17-27a-103](#)~~(37)] [17-27a-103](#)(39), regarding the definition of a  
2791 "mountainous planning district," is repealed June 1, 2020.

2792 (3) Subsection [17-27a-210](#)(2)(a), the language that states "or the mountainous planning  
2793 district area" is repealed June 1, 2020.

2794 (4) (a) Subsection [17-27a-301](#)(1)(b)(iii) is repealed June 1, 2020.

2795 (b) Subsection [17-27a-301](#)(1)(c) is repealed June 1, 2020.

2796 (c) Subsection [17-27a-301](#)(2)(a), the language that states "described in Subsection  
2797 (1)(a) or (c)" is repealed June 1, 2020.

2798 (5) Subsection [17-27a-302](#)(1), the language that states ", or mountainous planning  
2799 district" and "or the mountainous planning district," is repealed June 1, 2020.

2800 (6) Subsection [17-27a-305](#)(1)(a), the language that states "a mountainous planning  
2801 district or" and ", as applicable" is repealed June 1, 2020.

2802 (7) (a) Subsection [17-27a-401](#)(1)(b)(ii) is repealed June 1, 2020.

2803 (b) Subsection [17-27a-401](#)(6) is repealed June 1, 2020.

2804 (8) (a) Subsection [17-27a-403](#)(1)(b)(ii) is repealed June 1, 2020.

2805 (b) Subsection [17-27a-403](#)(1)(c)(iii) is repealed June 1, 2020.

2806 (c) Subsection (2)(a)(iii), the language that states "or the mountainous planning  
2807 district" is repealed June 1, 2020.

2808 (d) Subsection [17-27a-403](#)(2)(c)(i), the language that states "or mountainous planning  
2809 district" is repealed June 1, 2020.

2810 (9) Subsection [17-27a-502](#)(1)(d)(i)(B) is repealed June 1, 2020.

2811 (10) Subsection [17-27a-505.5](#)(2)(a)(iii) is repealed June 1, 2020.

2812 (11) Subsection [17-27a-602](#)(1)(b), the language that states "or, in the case of a  
2813 mountainous planning district, the mountainous planning district" is repealed June 1, 2020.

2814 (12) Subsection [17-27a-604](#)(1)(b)(i)(B) is repealed June 1, 2020.

2815 (13) Subsection [17-27a-605](#)(1), the language that states "or mountainous planning

2816 district land" is repealed June 1, 2020.

2817 (14) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,  
2818 2020.

2819 (15) On June 1, 2020, when making the changes in this section, the Office of  
2820 Legislative Research and General Counsel shall:

2821 (a) in addition to its authority under Subsection 36-12-12(3), make corrections  
2822 necessary to ensure that sections and subsections identified in this section are complete  
2823 sentences and accurately reflect the office's understanding of the Legislature's intent; and

2824 (b) identify the text of the affected sections and subsections based upon the section and  
2825 subsection numbers used in Laws of Utah 2017, Chapter 448.

2826 (16) On June 1, 2020:

2827 (a) Section 17-52a-104 is repealed;

2828 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision  
2829 described in Subsection 17-52a-104(2)," is repealed;

2830 (c) Subsection 17-52a-301(3)(a)(vi) is repealed;

2831 (d) in Subsection 17-52a-501(1), the language that states "or, for a county under a  
2832 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was  
2833 in effect on March 14, 2018," is repealed; and

2834 (e) in Subsection 17-52a-501(3)(a), the language that states "or, for a county under a  
2835 pending process described in Section 17-52a-104, the attorney's report that is described in  
2836 Section 17-52-204 as that section was in effect on March 14, 2018 and that contains a  
2837 statement described in Subsection 17-52-204(5) as that subsection was in effect on March 14,  
2838 2018," is repealed.

2839 (17) On January 1, 2028, Subsection 17-52a-102(3) is repealed.