

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: Kirk A. Cullimore

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

103

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]~~ each municipality's present and future inhabitants and
112 businesses~~[, to]~~;

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

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

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

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

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

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

119 (i) facilitate orderly growth and allow growth in a variety of housing types; and

120 (k) protect property values.

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

126 (a) uses[;];

127 (b) density[;];

128 (c) open spaces[;];

129 (d) structures[;];

130 (e) buildings[;];

131 (f) energy efficiency[;];

132 (g) light and air[;];

133 (h) air quality[;];

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

135 (j) infrastructure[;];

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

137 (l) width requirements[;];

138 (m) public facilities[;];

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

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

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

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

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

150 (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and
151 (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas
152 activity, as described in Section 40-6-2.5.

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

154 **10-9a-103. Definitions.**

155 As used in this chapter:

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

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

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

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

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

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

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

175 (i) an operating charter school;

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

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

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

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

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

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

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

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

192 (8) "Development activity" means:

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

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

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

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

202 (b) "Disability" does not include current illegal use of, or addiction to, any federally
203 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
204 802.

205 (10) "Educational facility":

206 (a) means:

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

210 (ii) a structure or facility:

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

212 (B) used in support of the use of that building; and
213 (iii) a building to provide office and related space to a school district's administrative
214 personnel; and

215 (b) does not include:
216 (i) land or a structure, including land or a structure for inventory storage, equipment
217 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

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

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

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

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

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

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

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

234 (14) "Geologic hazard" means:

235 (a) a surface fault rupture;

236 (b) shallow groundwater;

237 (c) liquefaction;

238 (d) a landslide;

239 (e) a debris flow;

240 (f) unstable soil;

241 (g) a rock fall; or

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

- 243 (i) to life;
- 244 (ii) of substantial loss of real property; or
- 245 (iii) of substantial damage to real property.
- 246 (15) "Historic preservation authority" means a person, board, commission, or other
- 247 body designated by a legislative body to:
- 248 (a) recommend land use regulations to preserve local historic districts or areas; and
- 249 (b) administer local historic preservation land use regulations within a local historic
- 250 district or area.
- 251 (16) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 252 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 253 utility system.
- 254 (17) "Identical plans" means building plans submitted to a municipality that:
- 255 (a) are clearly marked as "identical plans";
- 256 (b) are substantially identical to building plans that were previously submitted to and
- 257 reviewed and approved by the municipality; and
- 258 (c) describe a building that:
- 259 (i) is located on land zoned the same as the land on which the building described in the
- 260 previously approved plans is located;
- 261 (ii) is subject to the same geological and meteorological conditions and the same law
- 262 as the building described in the previously approved plans;
- 263 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 264 and approved by the municipality; and
- 265 (iv) does not require any additional engineering or analysis.
- 266 (18) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 267 Impact Fees Act.
- 268 (19) "Improvement completion assurance" means a surety bond, letter of credit,
- 269 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 270 by a municipality to guaranty the proper completion of landscaping or an infrastructure
- 271 improvement required as a condition precedent to:
- 272 (a) recording a subdivision plat; or
- 273 (b) development of a commercial, industrial, mixed use, or multifamily project.

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

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

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

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

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

282 (b) no later than one year after a municipality's acceptance of required infrastructure,
283 unless the municipality:

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

286 (ii) has substantial evidence, on record:

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

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

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

292 (a) is required for human occupation; and

293 (b) an applicant must install:

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

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

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

298 (B) obtaining a building permit; or

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

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

303 (a) runs with the land; and

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

305 the plat; or

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

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

310 (25) "Land use application":

311 (a) means an application that is:

312 (i) required by a municipality; and

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

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

315 (26) "Land use authority" means:

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

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

320 (27) "Land use decision" means an administrative decision of a land use authority or
321 appeal authority 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 or parcels, whether or not the lots
353 are located in the same subdivision, in accordance with Section [10-9a-608](#), with the consent of
354 the owners of record.

355 (b) "Lot line adjustment" does not mean a new boundary line 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;] 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,~~]
569 or municipality utility 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 municipal utility easement;

577 (b) mailed to each affected entity;

578 (c) posted on or near the public street[~~, right-of-way,~~] or municipal utility easement in a
579 manner that is 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) A ~~[The]~~ 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~~[(H)]~~ 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 ~~[(ii)]~~ (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) 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 municipal utility easement is also subject to Section
1147 10-9a-609.5.

1148 (4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:

1149 (a) the name and address of each owner of record of the land contained in the entire
1150 plat or on that portion of the plat described in the petition; and

1151 (b) the signature of each owner described in Subsection (4)(a) who consents to the
1152 petition.

1153 (5) (a) The owners of record of adjacent parcels that are described by either a metes
1154 and bounds description or by a recorded plat may exchange title to portions of those parcels if
1155 the exchange of title is approved by the land use authority in accordance with Subsection
1156 (5)(b).

1157 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
1158 the exchange of title will not result in a violation of any land use ordinance.

1159 (c) If an exchange of title is approved under Subsection (5)(b):

1160 (i) a notice of approval shall be recorded in the office of the county recorder which:

1161 (A) is executed by each owner included in the exchange and by the land use authority;

1162 (B) contains an acknowledgment for each party executing the notice in accordance with
1163 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

1164 (C) recites the descriptions of both the original parcels and the parcels created by the
1165 exchange of title; and

1166 (ii) a document of conveyance shall be recorded in the office of the county recorder.

1167 (d) A notice of approval recorded under this Subsection (5) does not act as a
1168 conveyance of title to real property and is not required in order to record a document conveying
1169 title to real property.

1170 (6) (a) The name of a recorded subdivision may be changed by recording an amended
1171 plat making that change, as provided in this section and subject to Subsection (6)(c).

1172 (b) The surveyor preparing the amended plat shall certify that the surveyor:

1173 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
1174 Professional Land Surveyors Licensing Act;

1175 (ii) has completed a survey of the property described on the plat in accordance with
1176 Section 17-23-17 and has verified all measurements; and

1177 (iii) has placed monuments as represented on the plat.

1178 (c) An owner of land may not submit for recording an amended plat that gives the
1179 subdivision described in the amended plat the same name as a subdivision in a plat already
1180 recorded in the county recorder's office.

1181 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
1182 document that purports to change the name of a recorded plat is void.

1183 Section 19. Section 10-9a-609 is amended to read:

1184 **10-9a-609. Land use authority approval of vacation or amendment of plat --**
1185 **Recording the amended plat.**

1186 (1) The land use authority may approve the vacation or amendment of a plat by signing
1187 an amended plat showing the vacation or amendment if the land use authority finds that:

1188 (a) there is good cause for the vacation or amendment; and

1189 (b) no public street~~[, right-of-way,]~~ or municipal utility easement has been vacated or
1190 amended.

1191 (2) (a) The land use authority shall ensure that the amended plat showing the vacation
1192 or amendment is recorded in the office of the county recorder in which the land is located.

1193 (b) If the amended plat is approved and recorded in accordance with this section, the
1194 recorded plat shall vacate, supersede, and replace any contrary provision in a previously
1195 recorded plat of the same land.

1196 (3) (a) A legislative body may vacate a subdivision or a portion of a subdivision by
1197 recording in the county recorder's office an ordinance describing the subdivision or the portion
1198 being vacated.

1199 (b) The recorded vacating ordinance shall replace a previously recorded plat described
1200 in the vacating ordinance.

1201 (4) An amended plat may not be submitted to the county recorder for recording unless
1202 it is:

1203 (a) signed by the land use authority; and

1204 (b) signed, acknowledged, and dedicated by each owner of record of the portion of the
1205 plat that is amended.

1206 (5) A management committee may sign and dedicate an amended plat as provided in
1207 Title 57, Chapter 8, Condominium Ownership Act.

1208 (6) A plat may be corrected as provided in Section 57-3-106.

1209 Section 20. Section 10-9a-609.5 is amended to read:

1210 **10-9a-609.5. Petition to vacate a public street.**

1211 (1) In lieu of vacating some or all of a public street through a plat or amended plat in
1212 accordance with Sections 10-9a-603 through 10-9a-609, a legislative body may approve a
1213 petition to vacate a public street in accordance with this section.

1214 [(+)] (2) A petition to vacate some or all of a public street[, right-of-way,] or municipal
1215 utility easement shall include:

1216 (a) the name and address of each owner of record of land that is:

1217 (i) adjacent to the public street[, right-of-way,] or municipal utility easement between
1218 the two nearest public street intersections; or

1219 (ii) accessed exclusively by or within 300 feet of the public street[, right-of-way,] or
1220 municipal utility easement; [~~and~~]

1221 (b) proof of written notice to operators of utilities located within the bounds of the
1222 public street or municipal utility easement sought to be vacated; and

1223 [(b)] (c) the signature of each owner under Subsection [(+)(a)] (2)(a) who consents to
1224 the vacation.

1225 [(2)] (3) If a petition is submitted containing a request to vacate some or all of a public
1226 street[, right-of-way,] or municipal utility easement, the legislative body shall hold a public
1227 hearing in accordance with Section 10-9a-208 and determine whether:

1228 (a) good cause exists for the vacation; and

1229 (b) the public interest or any person will be materially injured by the proposed
1230 vacation.

1231 [(3)] (4) The legislative body may adopt an ordinance granting a petition to vacate
1232 some or all of a public street[, right-of-way,] or municipal utility easement if the legislative
1233 body finds that:

1234 (a) good cause exists for the vacation; and

1235 (b) neither the public interest nor any person will be materially injured by the vacation.

1236 [~~(4)~~] (5) If the legislative body adopts an ordinance vacating some or all of a public
1237 street[~~, right-of-way,~~] or municipal utility easement, the legislative body shall ensure that one
1238 or both of the following is recorded in the office of the recorder of the county in which the land
1239 is located:

1240 (a) a plat reflecting the vacation; or

1241 (b) (i) an ordinance described in Subsection [~~(3)~~] (4); and

1242 (ii) a legal description of the public street to be vacated.

1243 [~~(5)~~] (6) The action of the legislative body vacating some or all of a public street[~~;~~
1244 ~~right-of-way,~~] or municipal utility easement that has been dedicated to public use:

1245 (a) operates to the extent to which it is vacated, upon the effective date of the recorded
1246 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the
1247 municipality's fee in the vacated public street[~~, right-of-way,~~] or municipal utility easement;
1248 and

1249 (b) may not be construed to impair:

1250 (i) any right-of-way or easement of any lot owner; or

1251 (ii) the [~~franchise~~] rights of any public utility.

1252 (7) (a) A municipality may submit a petition, in accordance with Subsection (2), and
1253 initiate and complete a process to vacate some or all of a public street.

1254 (b) If a municipality submits a petition and initiates a process under Subsection (7)(a):

1255 (i) the legislative body shall hold a public hearing;

1256 (ii) the petition and process may not apply to or affect a public utility easement, except
1257 to the extent:

1258 (A) the easement is not a protected utility easement as defined in Section [54-3-27](#);

1259 (B) the easement is included within the public street; and

1260 (C) the notice to vacate the public street also contains a notice to vacate the easement;

1261 and

1262 (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating
1263 a public street through a recorded plat or amended plat.

1264 Section 21. Section **10-9a-701** is amended to read:

1265 **10-9a-701. Appeal authority required -- Condition precedent to judicial review --**

1266 **Appeal authority duties.**

1267 (1) Each municipality adopting a land use ordinance shall, by ordinance, establish one
1268 or more appeal authorities to hear and decide:

1269 (a) requests for variances from the terms of the land use ordinances;

1270 (b) appeals from decisions applying the land use ordinances; and

1271 (c) appeals from a fee charged in accordance with Section 10-9a-510.

1272 (2) As a condition precedent to judicial review, each adversely affected person shall
1273 timely and specifically challenge a land use authority's decision, in accordance with local
1274 ordinance.

1275 (3) An appeal authority:

1276 (a) shall:

1277 (i) act in a quasi-judicial manner; and

1278 (ii) serve as the final arbiter of issues involving the interpretation or application of land
1279 use ordinances, except as provided in Title 11, Chapter 58, Part 4, Appeals to Appeals Panel,
1280 for an appeal of an inland port use appeal decision, as defined in Section 11-58-401; and

1281 (b) may not entertain an appeal of a matter in which the appeal authority, or any
1282 participating member, had first acted as the land use authority.

1283 (4) By ordinance, a municipality may:

1284 (a) designate a separate appeal authority to hear requests for variances than the appeal
1285 authority it designates to hear appeals;

1286 (b) designate one or more separate appeal authorities to hear distinct types of appeals
1287 of land use authority decisions;

1288 (c) require an adversely affected party to present to an appeal authority every theory of
1289 relief that it can raise in district court;

1290 (d) not require an adversely affected party to pursue duplicate or successive appeals
1291 before the same or separate appeal authorities as a condition of the adversely affected party's
1292 duty to exhaust administrative remedies; and

1293 (e) provide that specified types of land use decisions may be appealed directly to the
1294 district court.

1295 (5) If the municipality establishes or, prior to the effective date of this chapter, has
1296 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the

1297 board, body, or panel shall:

1298 (a) notify each of its members of any meeting or hearing of the board, body, or panel;

1299 (b) provide each of its members with the same information and access to municipal
1300 resources as any other member;

1301 (c) convene only if a quorum of its members is present; and

1302 (d) act only upon the vote of a majority of its convened members.

1303 ~~[(6) (a) Each municipality that designates a historic preservation district or area shall,~~
1304 ~~by ordinance, establish or designate a historic preservation appeal authority.]~~

1305 ~~[(b) A historic preservation appeal authority shall:]~~

1306 ~~[(i) be comprised of the members of the governing body;]~~

1307 ~~[(ii) exercise only administrative authority and act in a quasi-judicial manner; and]~~

1308 ~~[(iii) hear and decide appeals from administrative decisions of the historic preservation~~
1309 ~~authority.]~~

1310 ~~[(c) An applicant appealing an administrative decision of the historic preservation~~
1311 ~~authority may appeal to either:]~~

1312 ~~[(i) the historic preservation appeal authority; or]~~

1313 ~~[(ii) the land use appeal authority established under Subsection (1).]~~

1314 Section 22. Section **10-9a-707** is amended to read:

1315 **10-9a-707. Scope of review of factual matters on appeal -- Appeal authority**
1316 **requirements.**

1317 (1) A municipality may, by ordinance, designate the scope of review of factual matters
1318 for appeals of land use authority decisions.

1319 (2) If the municipality fails to designate a scope of review of factual matters, the appeal
1320 authority shall review the matter de novo, without deference to the land use authority's
1321 determination of factual matters.

1322 (3) If the scope of review of factual matters is on the record, the appeal authority shall
1323 determine whether the record on appeal includes substantial evidence for each essential finding
1324 of fact.

1325 (4) The appeal authority shall:

1326 (a) determine the correctness of the land use authority's interpretation and application
1327 of the plain meaning of the land use regulations; and

1328 (b) interpret and apply a land use regulation to favor a land use application unless the
1329 land use regulation plainly restricts the land use application.

1330 (5) (a) An appeal authority's land use decision is a quasi-judicial act~~[, even if the appeal~~
1331 ~~authority is the]~~.

1332 (b) A legislative body may act as an appeal authority unless both the legislative body
1333 and the appealing party agree to allow a third party to act as the appeal authority.

1334 (6) Only a decision in which a land use authority has applied a land use regulation to a
1335 particular land use application, person, or parcel may be appealed to an appeal authority.

1336 Section 23. Section **10-9a-801** is amended to read:

1337 **10-9a-801. No district court review until administrative remedies exhausted --**
1338 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**
1339 **-- Staying of decision.**

1340 (1) No person may challenge in district court a land use decision until that person has
1341 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
1342 Variances, if applicable.

1343 (2) (a) Any person adversely affected by a final decision made in the exercise of or in
1344 violation of the provisions of this chapter may file a petition for review of the decision with the
1345 district court within 30 days after the decision is final.

1346 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
1347 property owner files a request for arbitration of a constitutional taking issue with the property
1348 rights ombudsman under Section [13-43-204](#) until 30 days after:

1349 (A) the arbitrator issues a final award; or

1350 (B) the property rights ombudsman issues a written statement under Subsection
1351 [13-43-204](#)(3)(b) declining to arbitrate or to appoint an arbitrator.

1352 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
1353 taking issue that is the subject of the request for arbitration filed with the property rights
1354 ombudsman by a property owner.

1355 (iii) A request for arbitration filed with the property rights ombudsman after the time
1356 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

1357 (3) (a) A court shall:

1358 (i) presume that a land use regulation properly enacted under the authority of this

- 1359 chapter is valid; and
- 1360 (ii) determine only whether:
- 1361 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
- 1362 or federal law; and
- 1363 (B) it is reasonably debatable that the land use regulation is consistent with this
- 1364 chapter.
- 1365 (b) A court shall:
- 1366 (i) presume that a final decision of a land use authority or an appeal authority is valid;
- 1367 and
- 1368 (ii) uphold the decision unless the decision is:
- 1369 (A) arbitrary and capricious; or
- 1370 (B) illegal.
- 1371 (c) (i) A decision is arbitrary and capricious if the decision is not supported by
- 1372 substantial evidence in the record.
- 1373 (ii) A decision is illegal if the decision is:
- 1374 (A) based on an incorrect interpretation of a land use regulation; or
- 1375 (B) contrary to law.
- 1376 (d) (i) A court may affirm or reverse the decision of a land use authority.
- 1377 (ii) If the court reverses a land use authority's decision, the court shall remand the
- 1378 matter to the land use authority with instructions to issue a decision consistent with the court's
- 1379 ruling.
- 1380 (4) The provisions of Subsection (2)(a) apply from the date on which the municipality
- 1381 takes final action on a land use application for any adversely affected third party, if the
- 1382 municipality conformed with the notice provisions of Part 2, Notice, or for any person who had
- 1383 actual notice of the pending decision.
- 1384 (5) If the municipality has complied with Section 10-9a-205, a challenge to the
- 1385 enactment of a land use regulation or general plan may not be filed with the district court more
- 1386 than 30 days after the enactment.
- 1387 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
- 1388 days after the land use decision is final.
- 1389 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to

1390 the reviewing court the record of its proceedings, including its minutes, findings, orders, and, if
1391 available, a true and correct transcript of its proceedings.

1392 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
1393 transcript for purposes of this Subsection (7).

1394 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
1395 by the land use authority or appeal authority, as the case may be.

1396 (ii) The court may not accept or consider any evidence outside the record of the land
1397 use authority or appeal authority, as the case may be, unless that evidence was offered to the
1398 land use authority or appeal authority, respectively, and the court determines that it was
1399 improperly excluded.

1400 (b) If there is no record, the court may call witnesses and take evidence.

1401 (9) (a) The filing of a petition does not stay the decision of the land use authority or
1402 authority appeal authority, as the case may be.

1403 (b) (i) Before filing a petition under this section or a request for mediation or
1404 arbitration of a constitutional taking issue under Section 13-43-204, the aggrieved party may
1405 petition the appeal authority to stay its decision.

1406 (ii) Upon receipt of a petition to stay, the appeal authority may order its decision stayed
1407 pending district court review if the appeal authority finds it to be in the best interest of the
1408 municipality.

1409 (iii) After a petition is filed under this section or a request for mediation or arbitration
1410 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
1411 injunction staying the appeal authority's decision.

1412 (10) If the court determines that a party initiated or pursued a challenge to the decision
1413 on a land use application in bad faith, the court may award attorney fees.

1414 Section 24. Section **10-9a-802** is amended to read:

1415 **10-9a-802. Enforcement.**

1416 (1) (a) A municipality or any adversely affected owner of real estate within the
1417 municipality in which violations of this chapter or ordinances enacted under the authority of
1418 this chapter occur or are about to occur may, in addition to other remedies provided by law,
1419 institute:

1420 (i) injunctions, mandamus, abatement, or any other appropriate actions; or

1421 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

1422 (b) A municipality need only establish the violation to obtain the injunction.

1423 (2) (a) A municipality may enforce the municipality's ordinance by withholding a
1424 building permit.

1425 (b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any
1426 building or other structure within a municipality without approval of a building permit.

1427 (c) A municipality may not issue a building permit unless the plans of and for the
1428 proposed erection, construction, reconstruction, alteration, or use fully conform to all
1429 regulations then in effect.

1430 (d) A municipality may not deny an applicant a building permit or certificate of
1431 occupancy because the applicant has not completed an infrastructure improvement:

1432 (i) that is not essential to meet the requirements for the issuance of a building permit or
1433 certificate of occupancy under the building code and fire code; and

1434 (ii) for which the municipality has accepted an improvement completion assurance for
1435 landscaping or infrastructure improvements for the development.

1436 Section 25. Section 17-27a-102 is amended to read:

1437 **17-27a-102. Purposes -- General land use authority.**

1438 (1) (a) The purposes of this chapter are to:

1439 (i) provide for the health, safety, and welfare~~[-and]~~;

1440 (ii) promote the prosperity~~[-]~~;

1441 (iii) improve the morals, peace ~~[and]~~, good order, comfort, convenience, and aesthetics
1442 of each county and ~~[its]~~ each county's present and future inhabitants and businesses~~[-to]~~;

1443 (iv) protect the tax base~~[-to]~~;

1444 (v) secure economy in governmental expenditures~~[-to]~~;

1445 (vi) foster the state's agricultural and other industries~~[-to]~~;

1446 (vii) protect both urban and nonurban development~~[-to]~~;

1447 (viii) protect and ensure access to sunlight for solar energy devices~~[-to]~~;

1448 (ix) provide fundamental fairness in land use regulation~~[-and to]~~;

1449 (x) facilitate orderly growth and allow growth in a variety of housing types; and

1450 (xi) protect property values.

1451 (b) To accomplish the purposes of this chapter, ~~[counties]~~ a county may enact all

1452 ordinances, resolutions, and rules and may enter into other forms of land use controls and
1453 development agreements that ~~[they consider]~~ the county considers necessary or appropriate for
1454 the use and development of land within the unincorporated area of the county or a designated
1455 mountainous planning district, including ordinances, resolutions, rules, restrictive covenants,
1456 easements, and development agreements governing:

- 1457 (i) uses[;];
- 1458 (ii) density[;];
- 1459 (iii) open spaces[;];
- 1460 (iv) structures[;];
- 1461 (v) buildings[;];
- 1462 (vi) energy-efficiency[;];
- 1463 (vii) light and air[;];
- 1464 (viii) air quality[;];
- 1465 (ix) transportation and public or alternative transportation[;];
- 1466 (x) infrastructure[;];
- 1467 (xi) street and building orientation and width requirements[;];
- 1468 (xii) public facilities[;];
- 1469 (xiii) fundamental fairness in land use regulation[;]; and
- 1470 (xiv) considerations of surrounding land uses ~~[and the]~~ to balance ~~[of]~~ the foregoing
1471 purposes with a landowner's private property interests~~[- height and location of vegetation, trees,~~
1472 ~~and landscaping, unless expressly prohibited by law]~~ and associated statutory and constitutional
1473 protections.

1474 (2) Each county shall comply with the mandatory provisions of this part before any
1475 agreement or contract to provide goods, services, or municipal-type services to any storage
1476 facility or transfer facility for high-level nuclear waste, or greater than class C radioactive
1477 waste, may be executed or implemented.

1478 (3) (a) Any ordinance, resolution, or rule enacted by a county pursuant to its authority
1479 under this chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas
1480 activity, as described in Section 40-6-2.5.

1481 (b) A county may enact an ordinance, resolution, or rule that regulates surface activity
1482 incident to an oil and gas activity if the county demonstrates that the regulation:

- 1483 (i) is necessary for the purposes of this chapter;
- 1484 (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and
- 1485 (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas
- 1486 activity, as described in Section 40-6-2.5.

1487 Section 26. Section 17-27a-103 is amended to read:

1488 **17-27a-103. Definitions.**

1489 As used in this chapter:

1490 (1) "Affected entity" means a county, municipality, local district, special service
1491 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
1492 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
1493 property owner, property owners association, public utility, or the Utah Department of
1494 Transportation, if:

1495 (a) the entity's services or facilities are likely to require expansion or significant
1496 modification because of an intended use of land;

1497 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
1498 or

1499 (c) the entity has filed with the county a request for notice during the same calendar
1500 year and before the county provides notice to an affected entity in compliance with a
1501 requirement imposed under this chapter.

1502 (2) "Appeal authority" means the person, board, commission, agency, or other body
1503 designated by ordinance to decide an appeal of a decision of a land use application or a
1504 variance.

1505 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
1506 residential property if the sign is designed or intended to direct attention to a business, product,
1507 or service that is not sold, offered, or existing on the property where the sign is located.

1508 (4) (a) "Charter school" means:

1509 (i) an operating charter school;

1510 (ii) a charter school applicant that has its application approved by a charter school
1511 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

1512 (iii) an entity that is working on behalf of a charter school or approved charter
1513 applicant to develop or construct a charter school building.

1514 (b) "Charter school" does not include a therapeutic school.

1515 (5) "Chief executive officer" means the person or body that exercises the executive
1516 powers of the county.

1517 (6) "Conditional use" means a land use that, because of its unique characteristics or
1518 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
1519 compatible in some areas or may be compatible only if certain conditions are required that
1520 mitigate or eliminate the detrimental impacts.

1521 (7) "Constitutional taking" means a governmental action that results in a taking of
1522 private property so that compensation to the owner of the property is required by the:

1523 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

1524 (b) Utah Constitution, Article I, Section 22.

1525 (8) "County utility easement" means an easement that:

1526 (a) a plat recorded in a county recorder's office described as a county utility easement,
1527 public utility easement as defined in Subsection 54-3-27(1)(b), or otherwise as a utility
1528 easement;

1529 (b) is not a protected utility easement as defined in Subsection 54-3-27(1)(a);

1530 (c) the county or the county's affiliated governmental entity owns or creates; and

1531 (d) (i) either:

1532 (A) no person uses or occupies; or

1533 (B) the county or the county's affiliated governmental entity uses and occupies to
1534 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
1535 communications or data lines; or

1536 (ii) a person uses or occupies with or without an authorized franchise or other
1537 agreement with the county.

1538 [~~(8)~~] (9) "Culinary water authority" means the department, agency, or public entity with
1539 responsibility to review and approve the feasibility of the culinary water system and sources for
1540 the subject property.

1541 [~~(9)~~] (10) "Development activity" means:

1542 (a) any construction or expansion of a building, structure, or use that creates additional
1543 demand and need for public facilities;

1544 (b) any change in use of a building or structure that creates additional demand and need

1545 for public facilities; or

1546 (c) any change in the use of land that creates additional demand and need for public
1547 facilities.

1548 ~~[(10)]~~ (11) (a) "Disability" means a physical or mental impairment that substantially
1549 limits one or more of a person's major life activities, including a person having a record of such
1550 an impairment or being regarded as having such an impairment.

1551 (b) "Disability" does not include current illegal use of, or addiction to, any federally
1552 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
1553 802.

1554 ~~[(11)]~~ (12) "Educational facility":

1555 (a) means:

1556 (i) a school district's building at which pupils assemble to receive instruction in a
1557 program for any combination of grades from preschool through grade 12, including
1558 kindergarten and a program for children with disabilities;

1559 (ii) a structure or facility:

1560 (A) 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 use of that building; and

1563 (iii) a building to provide office and related space to a school district's administrative
1564 personnel; and

1565 (b) does not include:

1566 (i) land or a structure, including land or a structure for inventory storage, equipment
1567 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1568 (A) not located on the same property as a building described in Subsection ~~[(11)(a)(i)]~~

1569 (12)(a)(i); and

1570 (B) used in support of the purposes of a building described in Subsection ~~[(11)(a)(i)]~~

1571 (12)(a)(i); or

1572 (ii) a therapeutic school.

1573 ~~[(12)]~~ (13) "Fire authority" means the department, agency, or public entity with
1574 responsibility to review and approve the feasibility of fire protection and suppression services
1575 for the subject property.

1576 [~~(13)~~] (14) "Flood plain" means land that:

1577 (a) is within the 100-year flood plain designated by the Federal Emergency

1578 Management Agency; or

1579 (b) has not been studied or designated by the Federal Emergency Management Agency
1580 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
1581 the land has characteristics that are similar to those of a 100-year flood plain designated by the
1582 Federal Emergency Management Agency.

1583 [~~(14)~~] (15) "Gas corporation" has the same meaning as defined in Section 54-2-1.

1584 [~~(15)~~] (16) "General plan" means a document that a county adopts that sets forth
1585 general guidelines for proposed future development of:

1586 (a) the unincorporated land within the county; or

1587 (b) for a mountainous planning district, the land within the mountainous planning
1588 district.

1589 [~~(16)~~] (17) "Geologic hazard" means:

1590 (a) a surface fault rupture;

1591 (b) shallow groundwater;

1592 (c) liquefaction;

1593 (d) a landslide;

1594 (e) a debris flow;

1595 (f) unstable soil;

1596 (g) a rock fall; or

1597 (h) any other geologic condition that presents a risk:

1598 (i) to life;

1599 (ii) of substantial loss of real property; or

1600 (iii) of substantial damage to real property.

1601 [~~(17)~~] (18) "Hookup fee" means a fee for the installation and inspection of any pipe,
1602 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
1603 utility system.

1604 [~~(18)~~] (19) "Identical plans" means building plans submitted to a county that:

1605 (a) are clearly marked as "identical plans";

1606 (b) are substantially identical building plans that were previously submitted to and

1607 reviewed and approved by the county; and

1608 (c) describe a building that:

1609 (i) is located on land zoned the same as the land on which the building described in the
1610 previously approved plans is located;

1611 (ii) is subject to the same geological and meteorological conditions and the same law
1612 as the building described in the previously approved plans;

1613 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
1614 and approved by the county; and

1615 (iv) does not require any additional engineering or analysis.

1616 [~~19~~] (20) "Impact fee" means a payment of money imposed under Title 11, Chapter
1617 36a, Impact Fees Act.

1618 [~~20~~] (21) "Improvement completion assurance" means a surety bond, letter of credit,
1619 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
1620 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
1621 required as a condition precedent to:

1622 (a) recording a subdivision plat; or

1623 (b) development of a commercial, industrial, mixed use, or multifamily project.

1624 [~~21~~] (22) "Improvement warranty" means an applicant's unconditional warranty that
1625 the applicant's installed and accepted landscaping or infrastructure improvement:

1626 (a) complies with the county's written standards for design, materials, and
1627 workmanship; and

1628 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1629 within the improvement warranty period.

1630 [~~22~~] (23) "Improvement warranty period" means a period:

1631 (a) no later than one year after a county's acceptance of required landscaping; or

1632 (b) no later than one year after a county's acceptance of required infrastructure, unless
1633 the county:

1634 (i) determines for good cause that a one-year period would be inadequate to protect the
1635 public health, safety, and welfare; and

1636 (ii) has substantial evidence, on record:

1637 (A) of prior poor performance by the applicant; or

1638 (B) that the area upon which the infrastructure will be constructed contains suspect soil
1639 and the county has not otherwise required the applicant to mitigate the suspect soil.

1640 ~~[(23)]~~ (24) "Infrastructure improvement" means permanent infrastructure that is
1641 essential for the public health and safety or that:

1642 (a) is required for human consumption; and

1643 (b) an applicant must install:

1644 ~~[(a)]~~ (i) [pursuant to] in accordance with published installation and inspection
1645 specifications for public improvements; and

1646 ~~[(b)]~~ (ii) as a condition of:

1647 ~~[(i)]~~ (A) recording a subdivision plat; ~~[or]~~

1648 (B) obtaining a building permit; or

1649 ~~[(ii)]~~ (C) [development of] developing a commercial, industrial, mixed use,
1650 condominium, or multifamily project.

1651 ~~[(24)]~~ (25) "Internal lot restriction" means a platted note, platted demarcation, or
1652 platted designation that:

1653 (a) runs with the land; and

1654 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
1655 the plat; or

1656 (ii) designates a development condition that is enclosed within the perimeter of a lot
1657 described on the plat.

1658 ~~[(25)]~~ (26) "Interstate pipeline company" means a person or entity engaged in natural
1659 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
1660 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1661 ~~[(26)]~~ (27) "Intrastate pipeline company" means a person or entity engaged in natural
1662 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1663 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1664 ~~[(27)]~~ (28) "Land use applicant" means a property owner, or the property owner's
1665 designee, who submits a land use application regarding the property owner's land.

1666 ~~[(28)]~~ (29) "Land use application":

1667 (a) means an application that is:

1668 (i) required by a county; and

1669 (ii) submitted by a land use applicant to obtain a land use decision; and
1670 (b) does not mean an application to enact, amend, or repeal a land use regulation.
1671 [~~(29)~~] (30) "Land use authority" means:
1672 (a) a person, board, commission, agency, or body, including the local legislative body,
1673 designated by the local legislative body to act upon a land use application; or
1674 (b) if the local legislative body has not designated a person, board, commission,
1675 agency, or body, the local legislative body.
1676 [~~(30)~~] (31) "Land use decision" means an administrative decision of a land use
1677 authority or appeal authority regarding:
1678 (a) a land use permit;
1679 (b) a land use application; or
1680 (c) the enforcement of a land use regulation, land use permit, or development
1681 agreement.
1682 [~~(31)~~] (32) "Land use permit" means a permit issued by a land use authority.
1683 [~~(32)~~] (33) "Land use regulation":
1684 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1685 specification, fee, or rule that governs the use or development of land;
1686 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
1687 and
1688 (c) does not include:
1689 (i) a land use decision of the legislative body acting as the land use authority, even if
1690 the decision is expressed in a resolution or ordinance; or
1691 (ii) a temporary revision to an engineering specification that does not materially:
1692 (A) increase a land use applicant's cost of development compared to the existing
1693 specification; or
1694 (B) impact a land use applicant's use of land.
1695 [~~(33)~~] (34) "Legislative body" means the county legislative body, or for a county that
1696 has adopted an alternative form of government, the body exercising legislative powers.
1697 [~~(34)~~] (35) "Local district" means any entity under Title 17B, Limited Purpose Local
1698 Government Entities - Local Districts, and any other governmental or quasi-governmental
1699 entity that is not a county, municipality, school district, or the state.

1700 (36) "Lot" means a tract of land, regardless of any label, that is created by and shown
1701 on a subdivision plat that has been recorded in the office of the county recorder.

1702 [~~(35)~~] (37) (a) "Lot line adjustment" means ~~[the]~~ a relocation of ~~[the property]~~ a lot line
1703 boundary ~~[line in a subdivision]~~ between ~~[two]~~ adjoining lots or parcels, whether or not the lots
1704 are located in the same subdivision, in accordance with Section [17-27a-608](#), with the consent
1705 of the owners of record.

1706 (b) "Lot line adjustment" does not mean a new boundary line that:

1707 (i) creates an additional lot; or

1708 (ii) constitutes a subdivision.

1709 [~~(36)~~] (38) "Moderate income housing" means housing occupied or reserved for
1710 occupancy by households with a gross household income equal to or less than 80% of the
1711 median gross income for households of the same size in the county in which the housing is
1712 located.

1713 [~~(37)~~] (39) "Mountainous planning district" means an area:

1714 (a) designated by a county legislative body in accordance with Section [17-27a-901](#); and

1715 (b) that is not otherwise exempt under Section [10-9a-304](#).

1716 [~~(38)~~] (40) "Nominal fee" means a fee that reasonably reimburses a county only for
1717 time spent and expenses incurred in:

1718 (a) verifying that building plans are identical plans; and

1719 (b) reviewing and approving those minor aspects of identical plans that differ from the
1720 previously reviewed and approved building plans.

1721 [~~(39)~~] (41) "Noncomplying structure" means a structure that:

1722 (a) legally existed before its current land use designation; and

1723 (b) because of one or more subsequent land use ordinance changes, does not conform
1724 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1725 the use of land.

1726 [~~(40)~~] (42) "Nonconforming use" means a use of land that:

1727 (a) legally existed before its current land use designation;

1728 (b) has been maintained continuously since the time the land use ordinance regulation
1729 governing the land changed; and

1730 (c) because of one or more subsequent land use ordinance changes, does not conform

1731 to the regulations that now govern the use of the land.

1732 ~~[(41)]~~ (43) "Official map" means a map drawn by county authorities and recorded in
1733 the county recorder's office that:

1734 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1735 highways and other transportation facilities;

1736 (b) provides a basis for restricting development in designated rights-of-way or between
1737 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1738 the land; and

1739 (c) has been adopted as an element of the county's general plan.

1740 (44) "Parcel" means any real property that is not a lot created by and shown on a
1741 subdivision plat recorded in the office of the county recorder.

1742 ~~[(42)]~~ (45) (a) "Parcel boundary adjustment" means a recorded agreement between
1743 owners of adjoining ~~[properties]~~ parcels adjusting ~~[their]~~ the mutual boundary, either by deed
1744 or by a boundary line agreement in accordance with Section 57-1-45, if~~[-(a)]~~ no additional
1745 parcel is created~~[-];~~ and:

1746 ~~[(b)]~~ (i) ~~[each]~~ none of the property identified in the agreement is ~~[unsubdivided land,~~
1747 ~~including a remainder of]~~ subdivided land~~[-];~~ or

1748 (ii) the adjustment is to the boundaries of a single person's parcels.

1749 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1750 line that:

1751 (i) creates an additional parcel; or

1752 (ii) constitutes a subdivision.

1753 ~~[(43)]~~ (46) "Person" means an individual, corporation, partnership, organization,
1754 association, trust, governmental agency, or any other legal entity.

1755 ~~[(44)]~~ (47) "Plan for moderate income housing" means a written document adopted by
1756 a county legislative body that includes:

1757 (a) an estimate of the existing supply of moderate income housing located within the
1758 county;

1759 (b) an estimate of the need for moderate income housing in the county for the next five
1760 years as revised biennially;

1761 (c) a survey of total residential land use;

1762 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1763 income housing; and

1764 (e) a description of the county's program to encourage an adequate supply of moderate
1765 income housing.

1766 ~~[(45)]~~ (48) "Planning advisory area" means a contiguous, geographically defined
1767 portion of the unincorporated area of a county established under this part with planning and
1768 zoning functions as exercised through the planning advisory area planning commission, as
1769 provided in this chapter, but with no legal or political identity separate from the county and no
1770 taxing authority.

1771 ~~[(46)]~~ (49) "Plat" means a map or other graphical representation of lands ~~[being laid~~
1772 ~~out and prepared]~~ that a licensed professional land surveyor makes and prepares in accordance
1773 with Section 17-27a-603~~[, 17-23-17;]~~ or 57-8-13.

1774 ~~[(47)]~~ (50) "Potential geologic hazard area" means an area that:

1775 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1776 relevant map or report as needing further study to determine the area's potential for geologic
1777 hazard; or

1778 (b) has not been studied by the Utah Geological Survey or a county geologist but
1779 presents the potential of geologic hazard because the area has characteristics similar to those of
1780 a designated geologic hazard area.

1781 ~~[(48)]~~ (51) "Public agency" means:

1782 (a) the federal government;

1783 (b) the state;

1784 (c) a county, municipality, school district, local district, special service district, or other
1785 political subdivision of the state; or

1786 (d) a charter school.

1787 ~~[(49)]~~ (52) "Public hearing" means a hearing at which members of the public are
1788 provided a reasonable opportunity to comment on the subject of the hearing.

1789 ~~[(50)]~~ (53) "Public meeting" means a meeting that is required to be open to the public
1790 under Title 52, Chapter 4, Open and Public Meetings Act.

1791 (54) "Public street" means a public right-of-way, including a public highway, public
1792 avenue, public boulevard, public parkway, public road, public lane, public trail or walk, public

1793 alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public
1794 transportation easement, or other public way.

1795 ~~[(51)]~~ (55) "Receiving zone" means an unincorporated area of a county that the county
1796 designates, by ordinance, as an area in which an owner of land may receive a transferable
1797 development right.

1798 ~~[(52)]~~ (56) "Record of survey map" means a map of a survey of land prepared in
1799 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1800 ~~[(53)]~~ (57) "Residential facility for persons with a disability" means a residence:

1801 (a) in which more than one person with a disability resides; and

1802 (b) (i) which is licensed or certified by the Department of Human Services under Title
1803 62A, Chapter 2, Licensure of Programs and Facilities; or

1804 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
1805 21, Health Care Facility Licensing and Inspection Act.

1806 ~~[(54)]~~ (58) "Rules of order and procedure" means a set of rules that govern and
1807 prescribe in a public meeting:

1808 (a) parliamentary order and procedure;

1809 (b) ethical behavior; and

1810 (c) civil discourse.

1811 ~~[(55)]~~ (59) "Sanitary sewer authority" means the department, agency, or public entity
1812 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1813 wastewater systems.

1814 ~~[(56)]~~ (60) "Sending zone" means an unincorporated area of a county that the county
1815 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1816 development right.

1817 ~~[(57)]~~ (61) "Site plan" means a document or map that may be required by a county
1818 during a preliminary review preceding the issuance of a building permit to demonstrate that an
1819 owner's or developer's proposed development activity meets a land use requirement.

1820 ~~[(58)]~~ (62) "Specified public agency" means:

1821 (a) the state;

1822 (b) a school district; or

1823 (c) a charter school.

1824 [(59)] (63) "Specified public utility" means an electrical corporation, gas corporation,
1825 or telephone corporation, as those terms are defined in Section [54-2-1](#).

1826 [(60)] (64) "State" includes any department, division, or agency of the state.

1827 [(61)] "~~Street~~" means a ~~public right-of-way, including a highway, avenue, boulevard,~~
1828 ~~parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other~~
1829 ~~way.]~~

1830 (65) "Subdivided land" means the land, tract, or lot described in a recorded subdivision
1831 plat.

1832 [(62)] (66) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
1833 to be divided into two or more lots[, ~~parcels, sites, units, plots,~~] or other division of land for the
1834 purpose, whether immediate or future, for offer, sale, lease, or development either on the
1835 installment plan or upon any and all other plans, terms, and conditions.

1836 (b) "Subdivision" includes:

1837 (i) the division or development of land whether by deed, metes and bounds description,
1838 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division
1839 includes all or a portion of a parcel or lot; and

1840 (ii) except as provided in Subsection [(62)] (66)(c), divisions of land for residential and
1841 nonresidential uses, including land used or to be used for commercial, agricultural, and
1842 industrial purposes.

1843 (c) "Subdivision" does not include:

1844 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1845 (ii) [~~a recorded~~] an agreement recorded with the county recorder's office between
1846 owners of adjoining properties adjusting [their] the mutual boundary by a boundary line
1847 agreement in accordance with Section [57-1-45](#) if:

1848 (A) no new lot is created; and

1849 (B) the adjustment does not violate applicable land use ordinances;

1850 (iii) a recorded document, executed by the owner of record:

1851 (A) revising the legal description of more than one contiguous [~~unsubdivided~~] parcel of
1852 property that is not subdivided land into one legal description encompassing all such parcels of
1853 property; or

1854 (B) joining a subdivided parcel of property to another parcel of property that has not

- 1855 been subdivided, if the joinder does not violate applicable land use ordinances;
- 1856 (iv) a bona fide division or partition of land in a county other than a first class county
- 1857 for the purpose of siting, on one or more of the resulting separate parcels:
- 1858 (A) an electrical transmission line or a substation;
- 1859 (B) a natural gas pipeline or a regulation station; or
- 1860 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 1861 utility service regeneration, transformation, retransmission, or amplification facility;
- 1862 (v) ~~[a-recorded]~~ an agreement between owners of adjoining subdivided properties
- 1863 adjusting ~~[their]~~ the mutual lot line boundary in accordance with Section 10-9a-603 if:
- 1864 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1865 (B) the adjustment will not violate any applicable land use ordinance;
- 1866 (vi) a bona fide division or partition of land by deed or other instrument where the land
- 1867 use authority expressly approves in writing the division in anticipation of further land use
- 1868 approvals on the parcel or parcels; ~~[or]~~
- 1869 (vii) a parcel boundary adjustment~~[-]~~;
- 1870 (viii) a lot line adjustment;
- 1871 (ix) a road, street, or highway dedication plat; or
- 1872 (x) a deed or easement for a road, street, or highway purpose.
- 1873 (d) The joining of a subdivided parcel of property to another parcel of property that has
- 1874 not been subdivided does not constitute a subdivision under this Subsection [~~(62)~~] (66) as to
- 1875 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
- 1876 subdivision ordinance.
- 1877 [~~(63)~~] (67) "Suspect soil" means soil that has:
- 1878 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1879 3% swell potential;
- 1880 (b) bedrock units with high shrink or swell susceptibility; or
- 1881 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1882 commonly associated with dissolution and collapse features.
- 1883 [~~(64)~~] (68) "Therapeutic school" means a residential group living facility:
- 1884 (a) for four or more individuals who are not related to:
- 1885 (i) the owner of the facility; or

- 1886 (ii) the primary service provider of the facility;
- 1887 (b) that serves students who have a history of failing to function:
- 1888 (i) at home;
- 1889 (ii) in a public school; or
- 1890 (iii) in a nonresidential private school; and
- 1891 (c) that offers:
- 1892 (i) room and board; and
- 1893 (ii) an academic education integrated with:
- 1894 (A) specialized structure and supervision; or
- 1895 (B) services or treatment related to a disability, an emotional development, a
- 1896 behavioral development, a familial development, or a social development.

1897 ~~[(65)]~~ (69) "Transferable development right" means a right to develop and use land that
 1898 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
 1899 land use rights from a designated sending zone to a designated receiving zone.

1900 ~~[(66)]~~ (70) "Unincorporated" means the area outside of the incorporated area of a
 1901 municipality.

- 1902 ~~[(67)]~~ (71) "Water interest" means any right to the beneficial use of water, including:
- 1903 (a) each of the rights listed in Section 73-1-11; and
 - 1904 (b) an ownership interest in the right to the beneficial use of water represented by:
 - 1905 (i) a contract; or
 - 1906 (ii) a share in a water company, as defined in Section 73-3-3.5.

1907 ~~[(68)]~~ (72) "Zoning map" means a map, adopted as part of a land use ordinance, that
 1908 depicts land use zones, overlays, or districts.

1909 Section 27. Section 17-27a-104 is amended to read:

17-27a-104. County standards.

1911 (1) ~~[Except as provided in Subsection (2), a county may enact a land use regulation~~
 1912 ~~imposing stricter requirements or higher standards than are required by this chapter.]~~ This
 1913 chapter does not prohibit a county from adopting the county's own land use standards.

1914 (2) ~~[A]~~ Notwithstanding Subsection (1), a county may not impose a requirement,
 1915 regulation, condition, or standard that conflicts with a provision of this chapter, other state law,
 1916 or federal law.

1917 Section 28. Section **17-27a-208** is amended to read:

1918 **17-27a-208. Hearing and notice for petition to vacate a public street.**

1919 (1) For any [~~proposal~~] petition to vacate some or all of a public street[~~, right-of-way,~~]
1920 or county utility easement, the legislative body shall:

1921 (a) hold a public hearing; and

1922 (b) give notice of the date, place, and time of the hearing, as provided in Subsection
1923 (2).

1924 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative
1925 body shall ensure that the notice required under Subsection (1)(b) [~~shall be~~] is:

1926 (a) mailed to the record owner of each parcel that is accessed by the public street[~~,~~
1927 ~~right-of-way,~~] or county utility easement;

1928 (b) mailed to each affected entity;

1929 (c) posted on or near the public street[~~, right-of-way,~~] or county utility easement in a
1930 manner that is calculated to alert the public; and

1931 (d) (i) published [~~in a newspaper of general circulation in~~] on the website of the county
1932 in which the land subject to the petition is located until the public hearing concludes; and

1933 (ii) published on the Utah Public Notice Website created in Section [63F-1-701](#).

1934 Section 29. Section **17-27a-302** is amended to read:

1935 **17-27a-302. Planning commission powers and duties.**

1936 (1) Each countywide planning advisory area or mountainous planning district planning
1937 commission shall, with respect to the unincorporated area of the county, the planning advisory
1938 area, or the mountainous planning district, make a recommendation to the county legislative
1939 body for:

1940 [(1)] (a) a general plan and amendments to the general plan;

1941 [(2)] (b) land use regulations;

1942 [(3)] (c) an appropriate delegation of power to at least one designated land use
1943 authority to hear and act on a land use application;

1944 [(4)] (d) an appropriate delegation of power to at least one appeal authority to hear and
1945 act on an appeal from a decision of the land use authority; and

1946 [(5)] (e) application processes that:

1947 [(a)] (i) may include a designation of routine land use matters that, upon application

1948 and proper notice, will receive informal streamlined review and action if the application is
1949 uncontested; and

1950 ~~[(b)]~~ (ii) shall protect the right of each:

1951 ~~[(i)]~~ (A) applicant and third party to require formal consideration of any application by
1952 a land use authority;

1953 ~~[(ii)]~~ (B) applicant, adversely affected party, or county officer or employee to appeal a
1954 land use authority's decision to a separate appeal authority; and

1955 ~~[(iii)]~~ (C) participant to be heard in each public hearing on a contested application.

1956 (2) Nothing in this section limits the right of a county to initiate or propose the actions
1957 described in this section.

1958 Section 30. Section 17-27a-501 is amended to read:

1959 **17-27a-501. Enactment of land use regulation.**

1960 (1) Only a legislative body, as the body authorized to weigh policy considerations, may
1961 enact a land use regulation.

1962 (2) (a) Except as provided in Subsection (2)(b), a legislative body may enact a land use
1963 regulation only by ordinance.

1964 (b) A legislative body may, by ordinance or resolution, enact a land use regulation that
1965 imposes a fee.

1966 (3) A land use regulation shall be consistent with the purposes set forth in this chapter.

1967 (4) (a) A legislative body shall adopt a land use regulation to:

1968 (i) create or amend a zoning district under Subsection 17-27a-503(1)(a); and

1969 (ii) designate general uses allowed in each zoning district.

1970 (b) A land use authority may establish or modify other restrictions or requirements

1971 other than those described in Subsection (4)(a), including the configuration or modification of
1972 uses or density, through a land use decision that applies criteria or policy elements that a land
1973 use regulation establishes or describes.

1974 Section 31. Section 17-27a-502 is amended to read:

1975 **17-27a-502. Preparation and adoption of land use regulation.**

1976 (1) ~~[The]~~ A planning commission shall:

1977 (a) provide notice as required by Subsection 17-27a-205(1)(a) and, if applicable,
1978 Subsection 17-27a-205(4);

- 1979 (b) hold a public hearing on a proposed land use regulation;
- 1980 (c) if applicable, consider each written objection filed in accordance with Subsection
- 1981 17-27a-205(4) prior to the public hearing; and
- 1982 (d) (i) [~~prepare~~] review and recommend to the legislative body a proposed land use
- 1983 regulation that represents the planning commission's recommendation for regulating the use
- 1984 and development of land within:
- 1985 (A) all or any part of the unincorporated area of the county; or
- 1986 (B) for a mountainous planning district, all or any part of the area in the mountainous
- 1987 planning district; and
- 1988 (ii) forward to the legislative body all objections filed in accordance with Subsection
- 1989 17-27a-205(4).
- 1990 (2) (a) The legislative body shall consider each proposed land use regulation
- 1991 [~~recommended to the legislative body by~~] that the planning commission[~~, and, after~~]
- 1992 recommends to the legislative body.
- 1993 (b) After providing notice as required by Subsection 17-27a-205(1)(b) and holding a
- 1994 public meeting, the legislative body may adopt or reject the proposed land use regulation
- 1995 [~~either~~] described in Subsection (2)(a):
- 1996 (i) as proposed by the planning commission; or
- 1997 (ii) after making any revision the legislative body considers appropriate.
- 1998 (c) A legislative body may consider a planning commission's failure to make a timely
- 1999 recommendation as a negative recommendation if the legislative body has provided for that
- 2000 consideration by ordinance.
- 2001 Section 32. Section **17-27a-503** is amended to read:
- 2002 **17-27a-503. Zoning district or land use regulation amendments.**
- 2003 (1) Only a legislative body may amend:
- 2004 (a) the number, shape, boundaries, [~~or~~] area, or general uses of any zoning district;
- 2005 (b) any regulation of or within the zoning district; or
- 2006 (c) any other provision of a land use regulation.
- 2007 (2) [~~The~~] A legislative body may not make any amendment authorized by this section
- 2008 unless the legislative body first submits the amendment [~~was proposed by the planning~~
- 2009 ~~commission or is first submitted~~] to the planning commission for [~~its~~] the planning

2010 commission's recommendation.

2011 (3) [~~The~~] A legislative body shall comply with the procedure specified in Section
2012 17-27a-502 in preparing and adopting an amendment to a land use regulation.

2013 Section 33. Section **17-27a-506** is amended to read:

2014 **17-27a-506. Conditional uses.**

2015 (1) (a) A county may adopt a land use ordinance that includes conditional uses and
2016 provisions for conditional uses that require compliance with standards set forth in an applicable
2017 ordinance.

2018 (b) A county may not impose a requirement or standard on a conditional use that
2019 conflicts with a provision of this chapter or other state or federal law.

2020 (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions
2021 are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of
2022 the proposed use in accordance with applicable standards.

2023 (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate
2024 anticipated detrimental effects of the proposed conditional use does not require elimination of
2025 the detrimental effects.

2026 (b) If a land use authority proposes reasonable conditions on a proposed conditional
2027 use, the land use authority shall ensure that the conditions are stated on the record and
2028 reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

2029 (c) If the reasonably anticipated detrimental effects of a proposed conditional use
2030 cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to
2031 achieve compliance with applicable standards, the land use authority may deny the conditional
2032 use.

2033 (3) A land use authority's decision to approve or deny a conditional use is an
2034 administrative land use decision.

2035 (4) A legislative body shall classify any use that a land use regulation allows in a
2036 zoning district as either a permitted or conditional use under this chapter.

2037 Section 34. Section **17-27a-508** is amended to read:

2038 **17-27a-508. Applicant's entitlement to land use application approval --**
2039 **Application relating to land in a high priority transportation corridor -- County's**
2040 **requirements and limitations -- Vesting upon submission of development plan and**

2041 **schedule.**

2042 (1) (a) (i) An applicant who has submitted a complete land use application, including
2043 the payment of all application fees, is entitled to substantive review of the application under the
2044 land use regulations:

2045 (A) in effect on the date that the application is complete; and

2046 (B) applicable to the application or to the information shown on the submitted
2047 application.

2048 (ii) An applicant is entitled to approval of a land use application if the application
2049 conforms to the requirements of the applicable land use regulations, land use decisions, and
2050 development standards in effect when the applicant submits a complete application and pays all
2051 application fees, unless:

2052 (A) the land use authority, on the record, formally finds that a compelling,
2053 countervailing public interest would be jeopardized by approving the application and specifies
2054 the compelling, countervailing public interest in writing; or

2055 (B) in the manner provided by local ordinance and before the applicant submits the
2056 application, the county formally initiates proceedings to amend the county's land use
2057 regulations in a manner that would prohibit approval of the application as submitted.

2058 (b) The county shall process an application without regard to proceedings the county
2059 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:

2060 (i) 180 days have passed since the county initiated the proceedings; and

2061 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
2062 application as submitted.

2063 (c) A land use application is considered submitted and complete when the applicant
2064 provides the application in a form that complies with the requirements of applicable ordinances
2065 and pays all applicable fees.

2066 (d) The continuing validity of an approval of a land use application is conditioned upon
2067 the applicant proceeding after approval to implement the approval with reasonable diligence.

2068 (e) A county may not impose on an applicant who has submitted a complete
2069 application [~~for preliminary subdivision approval~~] a requirement that is not expressed:

2070 (i) in this chapter;

2071 (ii) in a county ordinance; or

2072 (iii) in a county specification for public improvements applicable to a subdivision or
2073 development that is in effect on the date that the applicant submits an application.

2074 (f) A county may not impose on a holder of an issued land use permit or a final,
2075 unexpired subdivision plat a requirement that is not expressed:

2076 (i) in a land use permit;

2077 (ii) on the subdivision plat;

2078 (iii) in a document on which the land use permit or subdivision plat is based;

2079 (iv) in the written record evidencing approval of the land use permit or subdivision
2080 plat;

2081 (v) in this chapter; or

2082 (vi) in a county ordinance.

2083 (g) ~~[A]~~ Except as provided in Subsection (1)(h), a county may not withhold issuance of
2084 a certificate of occupancy or acceptance of subdivision improvements because of an applicant's
2085 failure to comply with a requirement that is not expressed:

2086 (i) in the building permit or subdivision plat, documents on which the building permit
2087 or subdivision plat is based, or the written record evidencing approval of the building permit or
2088 subdivision plat; or

2089 (ii) in this chapter or the county's ordinances.

2090 (h) A county may not unreasonably withhold issuance of a certificate of occupancy
2091 where an applicant has met all requirements essential for the public health, public safety, and
2092 general welfare of the occupants, in accordance with this chapter, unless:

2093 (i) the applicant and the county have agreed in a written document to the withholding
2094 of a certificate of occupancy; or

2095 (ii) the applicant has not provided a financial assurance for required and uncompleted
2096 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
2097 legislative body adopts under this chapter.

2098 (2) A county is bound by the terms and standards of applicable land use regulations and
2099 shall comply with mandatory provisions of those regulations.

2100 (3) A county may not, as a condition of land use application approval, require a person
2101 filing a land use application to obtain documentation regarding a school district's willingness,
2102 capacity, or ability to serve the development proposed in the land use application.

2103 (4) Upon a specified public agency's submission of a development plan and schedule as
2104 required in Subsection 17-27a-305(8) that complies with the requirements of that subsection,
2105 the specified public agency vests in the county's applicable land use maps, zoning map, hookup
2106 fees, impact fees, other applicable development fees, and land use regulations in effect on the
2107 date of submission.

2108 Section 35. Section 17-27a-509.5 is amended to read:

2109 **17-27a-509.5. Review for application completeness -- Substantive application**
2110 **review -- Reasonable diligence required for determination of whether improvements or**
2111 **warranty work meets standards -- Money damages claim prohibited.**

2112 (1) (a) Each county shall, in a timely manner, determine whether ~~an~~ a land use
2113 application is complete for the purposes of subsequent, substantive land use authority review.

2114 (b) After a reasonable period of time to allow the county diligently to evaluate whether
2115 all objective ordinance-based application criteria have been met, if application fees have been
2116 paid, the applicant may in writing request that the county provide a written determination either
2117 that the application is:

2118 (i) complete for the purposes of allowing subsequent, substantive land use authority
2119 review; or

2120 (ii) deficient with respect to a specific, objective, ordinance-based application
2121 requirement.

2122 (c) Within 30 days of receipt of an applicant's request under this section, the county
2123 shall either:

2124 (i) mail a written notice to the applicant advising that the application is deficient with
2125 respect to a specified, objective, ordinance-based criterion, and stating that the application must
2126 be supplemented by specific additional information identified in the notice; or

2127 (ii) accept the application as complete for the purposes of further substantive
2128 processing by the land use authority.

2129 (d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the application
2130 shall be considered complete, for purposes of further substantive land use authority review.

2131 (e) (i) The applicant may raise and resolve in a single appeal any determination made
2132 under this Subsection (1) to the appeal authority, including an allegation that a reasonable
2133 period of time has elapsed under Subsection (1)(a).

2134 (ii) The appeal authority shall issue a written decision for any appeal requested under
2135 this Subsection (1)(e).

2136 (f) (i) The applicant may appeal to district court the decision of the appeal authority
2137 made under Subsection (1)(e).

2138 (ii) Each appeal under Subsection (1)(f)(i) shall be made within 30 days of the date of
2139 the written decision.

2140 (2) (a) Each land use authority shall substantively review a complete application and an
2141 application considered complete under Subsection (1)(d), and shall approve or deny each
2142 application with reasonable diligence.

2143 (b) After a reasonable period of time to allow the land use authority to consider an
2144 application, the applicant may in writing request that the land use authority take final action
2145 within 45 days from date of service of the written request.

2146 (c) Within 45 days from the date of service of the written request described in
2147 Subsection (2)(b):

2148 (i) [The] except as provided in Subsection (2)(c)(ii), the land use authority shall take
2149 final action, approving or denying the application [within 45 days of the written request.]; and

2150 (ii) if a landowner petitions for a land use regulation, a legislative body shall take final
2151 action by approving or denying the petition.

2152 (d) If the land use authority denies an application processed under the mandates of
2153 Subsection (2)(b), or if the applicant has requested a written decision in the application, the
2154 land use authority shall include its reasons for denial in writing, on the record, which may
2155 include the official minutes of the meeting in which the decision was rendered.

2156 (e) If the land use authority fails to comply with Subsection (2)(c), the applicant may
2157 appeal this failure to district court within 30 days of the date on which the land use authority
2158 should have taken final action under Subsection (2)(c).

2159 (3) (a) With reasonable diligence, each land use authority shall determine whether the
2160 installation of required subdivision improvements or the performance of warranty work meets
2161 the county's adopted standards.

2162 (b) (i) An applicant may in writing request the land use authority to accept or reject the
2163 applicant's installation of required subdivision improvements or performance of warranty work.

2164 (ii) The land use authority shall accept or reject subdivision improvements within 15

2165 days after receiving an applicant's written request under Subsection (3)(b)(i), or as soon as
 2166 practicable after that 15-day period if inspection of the subdivision improvements is impeded
 2167 by winter weather conditions.

2168 (iii) The land use authority shall accept or reject the performance of warranty work
 2169 within 45 days after receiving an applicant's written request under Subsection (3)(b)(i), or as
 2170 soon as practicable after that 45-day period if inspection of the warranty work is impeded by
 2171 winter weather conditions.

2172 (c) If a land use authority determines that the installation of required subdivision
 2173 improvements or the performance of warranty work does not meet the county's adopted
 2174 standards, the land use authority shall comprehensively and with specificity list the reasons for
 2175 [its] the land use authority's determination.

2176 (4) Subject to Section 17-27a-508, nothing in this section and no action or inaction of
 2177 the land use authority relieves an applicant's duty to comply with all applicable substantive
 2178 ordinances and regulations.

2179 (5) There shall be no money damages remedy arising from a claim under this section.

2180 Section 36. Section **17-27a-601** is amended to read:

2181 **17-27a-601. Enactment of subdivision ordinance.**

2182 (1) The legislative body of a county may enact ordinances requiring that a subdivision
 2183 plat comply with the provisions of the [ordinance] county's ordinances and this part before:

2184 (a) [it] the subdivision plat may be filed [or] and recorded in the county recorder's
 2185 office; and

2186 (b) lots may be sold.

2187 (2) If the legislative body fails to enact a subdivision ordinance, the county may
 2188 regulate subdivisions only as provided in this part.

2189 Section 37. Section **17-27a-602** is amended to read:

2190 **17-27a-602. Planning commission preparation and recommendation of**
 2191 **subdivision ordinance -- Adoption or rejection by legislative body.**

2192 (1) ~~[The]~~ A planning commission shall:

2193 (a) ~~[prepare and recommend a]~~ review and provide a recommendation to the legislative
 2194 body on any proposed ordinance [to the legislative body] that regulates the subdivision of land
 2195 in the municipality;

2196 (b) ~~[prepare and recommend or consider and recommend a]~~ review and make a
2197 recommendation to the legislative body on any proposed ordinance that amends the regulation
2198 of the subdivision of the unincorporated land in the county or, in the case of a mountainous
2199 planning district, the mountainous planning district;

2200 (c) provide notice consistent with Section 17-27a-205; and

2201 (d) hold a public hearing on the proposed ordinance before making [its] the planning
2202 commission's final recommendation to the legislative body.

2203 (2) (a) ~~[The county]~~ A legislative body may adopt, modify, revise, or reject [the] an
2204 ordinance [either as proposed by] described in Subsection (1) that the planning commission [or
2205 after making any revision the county legislative body considers appropriate] recommends.

2206 (b) A legislative body may consider a planning commission's failure to make a timely
2207 recommendation as a negative recommendation if the legislative body has provided for that
2208 consideration by ordinance.

2209 Section 38. Section 17-27a-603 is amended to read:

2210 **17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
2211 **acknowledgment, surveyor certification, and underground utility facility owner**
2212 **verification of plat -- Recording plat.**

2213 (1) Unless exempt under Section 17-27a-605 or excluded from the definition of
2214 subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of
2215 the land shall provide an accurate plat that describes or specifies:

2216 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
2217 the county recorder's office;

2218 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
2219 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
2220 intended to be used as a street or for any other public use, and whether any such area is
2221 reserved or proposed for dedication for a public purpose;

2222 (c) the lot or unit reference, block or building reference, street or site address, street
2223 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
2224 and width of the blocks and lots intended for sale; and

2225 (d) every existing right-of-way and easement grant of record for an underground
2226 facility, as defined in Section 54-8a-2, and for any other utility facility.

2227 (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's
2228 ordinances and this part and has been approved by the culinary water authority, the sanitary
2229 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local
2230 health department and the county consider the local health department's approval necessary, the
2231 county shall approve the plat.

2232 (b) Counties are encouraged to receive a recommendation from the fire authority before
2233 approving a plat.

2234 (c) A county may not require that a plat be approved or signed by a person or entity
2235 who:

2236 (i) is not an employee or agent of the county; or

2237 (ii) does not:

2238 (A) have a legal or equitable interest in the property within the proposed subdivision;

2239 (B) provide a utility or other service directly to a lot within the subdivision;

2240 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs
2241 for the purpose of confirming the accuracy of the location of the easement or right-of-way in
2242 relation to the plat; or

2243 (D) provide culinary public water service whose source protection zone designated as
2244 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.

2245 (d) For a subdivision application that includes land located within a notification zone,
2246 as determined under Subsection (2)~~(e)~~(f), the land use authority shall:

2247 (i) within 20 days after the day on which a complete subdivision application is filed,
2248 provide written notice of the application to the canal owner or associated canal operator contact
2249 described in:

2250 (A) Section 17-27a-211;

2251 (B) Subsection 73-5-7(2); or

2252 (C) Subsection (4)(c); and

2253 (ii) wait to approve or reject the subdivision application for at least 20 days after the
2254 day on which the land use authority mails the notice under Subsection (2)(d)(i) in order to
2255 receive input from the canal owner or associated canal operator, including input regarding:

2256 (A) access to the canal;

2257 (B) maintenance of the canal;

2258 (C) canal protection; and
2259 (D) canal safety.
2260 (e) When applicable, the subdivision applicant shall comply with Section 73-1-15.5.
2261 ~~[(e)]~~ (f) The land use authority shall provide the notice described in Subsection (2)(d)
2262 to a canal owner or associated canal operator if:
2263 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and
2264 (ii) the centerline alignment is available to the land use authority:
2265 (A) from information provided by the canal company under Section 17-27a-211 using
2266 mapping-grade global positioning satellite units or digitized data from the most recent aerial
2267 photo available to the canal owner or canal operator;
2268 (B) using the state engineer's inventory of canals under Section 73-5-7; or
2269 (C) from information provided by a surveyor under Subsection (4)(c).
2270 (3) The county may withhold an otherwise valid plat approval until the owner of the
2271 land provides the legislative body with a tax clearance indicating that all taxes, interest, and
2272 penalties owing on the land have been paid.
2273 (4) (a) A ~~[plat may not be submitted to a]~~ county recorder ~~[for recording]~~ may not
2274 record a plat unless, subject to Subsection 17-27a-604(2):
2275 (i) prior to recordation, the county has approved and signed the plat;
2276 (ii) each owner of record of land described on the plat has signed the owner's
2277 dedication as shown on the plat; and
2278 ~~[(ii)]~~ (iii) the signature of each owner described in Subsection ~~[(4)(a)(i)]~~ (4)(a)(iii) is
2279 acknowledged as provided by law.
2280 (b) The surveyor making the plat shall certify that the surveyor:
2281 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
2282 Professional Land Surveyors Licensing Act;
2283 (ii) has completed a survey of the property described on the plat in accordance with
2284 Section 17-23-17 and has verified all measurements; and
2285 (iii) has placed monuments as represented on the plat.
2286 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of
2287 an existing or proposed underground facility or utility facility within the proposed subdivision,
2288 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's

2289 depiction of the:

2290 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a
2291 public or private easement, or grants of record;

2292 (B) location of an existing underground facility and utility facility; and

2293 (C) physical restrictions governing the location of the underground facility and utility
2294 facility within the subdivision.

2295 (ii) The cooperation of an owner or operator under Subsection (4)(c)(i):

2296 (A) indicates only that the plat approximates the location of the existing underground
2297 and utility facilities but does not warrant or verify their precise location; and

2298 (B) does not affect a right that the owner or operator has under~~[(H)]~~ Title 54, Chapter
2299 8a, Damage to Underground Utility Facilities~~[(H)]~~, a recorded easement or right-of-way~~[(H)]~~
2300 ~~[(H)]~~, the law applicable to prescriptive rights~~[(IV)]~~, or any other provision of law.

2301 (5) (a) ~~After~~ Except as provided in Subsection (4)(c), after the plat has been
2302 acknowledged, certified, and approved, the ~~owner of the land~~ individual seeking to record the
2303 plat shall, within the time period and manner designated by ordinance, record the plat in the
2304 county recorder's office in the county in which the lands platted and laid out are situated.

2305 (b) ~~An owner's~~ A failure to record a plat within the time period designated by
2306 ordinance renders the plat voidable.

2307 Section 39. Section **17-27a-604.5** is amended to read:

2308 **17-27a-604.5. Subdivision plat recording or development activity before required**
2309 **infrastructure is completed -- Improvement completion assurance -- Improvement**
2310 **warranty.**

2311 (1) A land use authority shall establish objective inspection standards for acceptance of
2312 a required landscaping or infrastructure improvement.

2313 (2) (a) Before an applicant conducts any development activity or records a plat, the
2314 applicant shall:

2315 (i) complete any required landscaping or infrastructure improvements; or

2316 (ii) post an improvement completion assurance for any required landscaping or
2317 infrastructure improvements.

2318 (b) If an applicant elects to post an improvement completion assurance, the applicant
2319 shall ~~ensure that the~~ provide completion assurance for:

2320 (i) [~~provides for~~] completion of 100% of the required landscaping or infrastructure
2321 improvements; or

2322 (ii) if the county has inspected and accepted a portion of the landscaping or
2323 infrastructure improvements, [~~provides for completion of~~] 100% of the incomplete or
2324 unaccepted landscaping or infrastructure improvements.

2325 (c) A county shall:

2326 (i) establish a minimum of two acceptable forms of completion assurance;

2327 ~~[(i)]~~ (ii) if an applicant elects to post an improvement completion assurance, allow the
2328 applicant to post an assurance that meets the conditions of this title, and any local ordinances;

2329 ~~[(ii)]~~ (iii) establish a system for the partial release of an improvement completion
2330 assurance as portions of required landscaping or infrastructure improvements are completed
2331 and accepted in accordance with local ordinance; and

2332 ~~[(iii)]~~ (iv) issue or deny a building permit in accordance with Section 17-27a-802 based
2333 on the installation of landscaping or infrastructure improvements.

2334 (d) A county may not require an applicant to post an improvement completion
2335 assurance for:

2336 (i) landscaping or an infrastructure improvement that the county has previously
2337 inspected and accepted[-];

2338 (ii) infrastructure improvements that are private and not essential or required to meet
2339 the building code, fire code, flood or storm water management provisions, street and access
2340 requirements, or other essential necessary public safety improvements adopted in a land use
2341 regulation; or

2342 (iii) in a municipality where ordinances require all infrastructure improvements within
2343 the area to be private, infrastructure improvements within a development that the municipality
2344 requires to be private.

2345 (3) At any time before a county accepts a landscaping or infrastructure improvement,
2346 and for the duration of each improvement warranty period, the land use authority may require
2347 the applicant to:

2348 (a) execute an improvement warranty for the improvement warranty period; and

2349 (b) post a cash deposit, surety bond, letter of credit, or other similar security, as
2350 required by the county, in the amount of up to 10% of the lesser of the:

2351 (i) county engineer's original estimated cost of completion; or

2352 (ii) applicant's reasonable proven cost of completion.

2353 (4) When a county accepts an improvement completion assurance for landscaping or
2354 infrastructure improvements for a development in accordance with Subsection (2)(c)~~(f)~~(ii),
2355 the county may not deny an applicant a building permit if the development meets the
2356 requirements for the issuance of a building permit under the building code and fire code.

2357 (5) The provisions of this section do not supersede the terms of a valid development
2358 agreement, an adopted phasing plan, or the state construction code.

2359 Section 40. Section 17-27a-605 is amended to read:

2360 **17-27a-605. Exemptions from plat requirement.**

2361 (1) Notwithstanding Sections 17-27a-603 and 17-27a-604, ~~[the land use authority]~~ a
2362 county may establish a process to approve an administrative land use decision for the
2363 subdivision of unincorporated land or mountainous planning district land into 10 lots or less
2364 without a plat, by certifying in writing that:

2365 (a) the county has provided notice as required by ordinance; and

2366 (b) the proposed subdivision:

2367 (i) is not traversed by the mapped lines of a proposed street as shown in the general
2368 plan ~~[and does not require the dedication of any land for street or other]~~ unless the county has
2369 approved the location and dedication of any public street, county utility easement, any other
2370 easement, or any other land for public purposes as the county's ordinance requires;

2371 (ii) has been approved by the culinary water authority and the sanitary sewer authority;

2372 (iii) is located in a zoned area; and

2373 (iv) conforms to all applicable land use ordinances or has properly received a variance
2374 from the requirements of an otherwise conflicting and applicable land use ordinance.

2375 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural
2376 land is exempt from the plat requirements of Section 17-27a-603 if:

2377 (i) the lot or parcel:

2378 (A) qualifies as land in agricultural use under Section 59-2-502; and

2379 (B) is not used and will not be used for any nonagricultural purpose; and

2380 (ii) the new owner of record completes, signs, and records with the county recorder a
2381 notice:

2382 (A) describing the parcel by legal description; and
2383 (B) stating that the lot or parcel is created for agricultural purposes as defined in
2384 Section 59-2-502 and will remain so until a future zoning change permits other uses.

2385 (b) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
2386 purpose, the county shall require the lot or parcel to comply with the requirements of Section
2387 17-27a-603 and all applicable land use ordinance requirements.

2388 (3) (a) Except as provided in Subsection (4), a document recorded in the county
2389 recorder's office that divides property by a metes and bounds description does not create an
2390 approved subdivision allowed by this part unless the land use authority's certificate of written
2391 approval required by Subsection (1) is attached to the document.

2392 (b) The absence of the certificate or written approval required by Subsection (1) does
2393 not:

2394 (i) prohibit the county recorder from recording a document; or
2395 (ii) affect the validity of a recorded document.

2396 (c) A document which does not meet the requirements of Subsection (1) may be
2397 corrected by the recording of an affidavit to which the required certificate or written approval is
2398 attached [~~in accordance~~] and that complies with Section 57-3-106.

2399 (4) (a) As used in this Subsection (4):

2400 (i) "Divided land" means land that:

2401 (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and
2402 (B) has been divided by a minor subdivision.

2403 (ii) "Land to be divided" means land that is proposed to be divided by a minor
2404 subdivision.

2405 (iii) "Minor subdivision" means a division of at least 100 contiguous acres of
2406 agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that,
2407 after the division, is separate from the remainder of the original 100 or more contiguous acres
2408 of agricultural land.

2409 (iv) "Minor subdivision lot" means a lot created by a minor subdivision.

2410 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100
2411 contiguous acres of agricultural land may make a minor subdivision by submitting for
2412 recording in the office of the recorder of the county in which the land to be divided is located:

- 2413 (i) a recordable deed containing the legal description of the minor subdivision lot; and
- 2414 (ii) a notice:
- 2415 (A) indicating that the owner of the land to be divided is making a minor subdivision;
- 2416 (B) referring specifically to this section as the authority for making the minor
- 2417 subdivision; and
- 2418 (C) containing the legal description of:
- 2419 (I) the land to be divided; and
- 2420 (II) the minor subdivision lot.
- 2421 (c) A minor subdivision lot:
- 2422 (i) may not be less than one acre in size;
- 2423 (ii) may not be within 1,000 feet of another minor subdivision lot; and
- 2424 (iii) is not subject to the subdivision ordinance of the county in which the minor
- 2425 subdivision lot is located.
- 2426 (d) Land to be divided by a minor subdivision may not include divided land.
- 2427 (e) A county:
- 2428 (i) may not deny a building permit to an owner of a minor subdivision lot based on:
- 2429 (A) the lot's status as a minor subdivision lot; or
- 2430 (B) the absence of standards described in Subsection (4)(e)(ii); and
- 2431 (ii) may, in connection with the issuance of a building permit, subject a minor
- 2432 subdivision lot to reasonable health, safety, and access standards that the county has established
- 2433 and made public.
- 2434 (5) (a) Notwithstanding Sections [17-27a-603](#) and [17-27a-604](#), and subject to
- 2435 Subsection (1), the legislative body of a county may enact an ordinance allowing the
- 2436 subdivision of a parcel, without complying with the plat requirements of Section [17-27a-603](#),
- 2437 if:
- 2438 (i) the parcel contains an existing legal single family dwelling unit;
- 2439 (ii) the subdivision results in two parcels, one of which is agricultural land;
- 2440 (iii) the parcel of agricultural land:
- 2441 (A) qualifies as land in agricultural use under Section [59-2-502](#); and
- 2442 (B) is not used, and will not be used, for a nonagricultural purpose;
- 2443 (iv) both the parcel with an existing legal single family dwelling unit and the parcel of

2444 agricultural land meet the minimum area, width, frontage, and setback requirements of the
2445 applicable zoning designation in the applicable land use ordinance; and

2446 (v) the owner of record completes, signs, and records with the county recorder a notice:

2447 (A) describing the parcel of agricultural land by legal description; and

2448 (B) stating that the parcel of agricultural land is created as land in agricultural use, as
2449 defined in Section 59-2-502, and will remain as land in agricultural use until a future zoning
2450 change permits another use.

2451 (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a)
2452 is later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a) no
2453 longer applies, and the county shall require the owner of the parcel to:

2454 (i) retroactively comply with the subdivision plat requirements of Section 17-27a-603;
2455 and

2456 (ii) comply with all applicable land use ordinance requirements.

2457 Section 41. Section 17-27a-607 is amended to read:

2458 **17-27a-607. Dedication by plat of public streets and other public places.**

2459 (1) A plat that is signed, dedicated, and acknowledged by each owner of record, and
2460 approved according to the procedures specified in this part, operates, when recorded, as a
2461 dedication of all public streets and other public places, and vests the fee of those parcels of land
2462 in the county for the public for the uses named or intended in the plat.

2463 (2) The dedication established by this section does not impose liability upon the county
2464 for public streets and other public places that are dedicated in this manner but are unimproved
2465 unless:

2466 (a) adequate financial assurance has been provided in accordance with this chapter; and

2467 (b) the county has accepted the dedication.

2468 Section 42. Section 17-27a-608 is amended to read:

2469 **17-27a-608. Vacating or amending a subdivision plat.**

2470 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
2471 subdivision that has been laid out and platted as provided in this part may file a written petition
2472 with the land use authority to have some or all of the plat vacated or amended.

2473 (b) If a petition is filed under Subsection (1)(a), the land use authority shall provide
2474 notice of the petition by mail, email, or other effective means to each affected entity that

2475 provides a service to an owner of record of the portion of the plat that is being vacated or
2476 amended at least 10 calendar days before the land use authority may approve the vacation or
2477 amendment of the plat.

2478 (c) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
2479 public hearing within 45 days after the day on which the petition is filed if:

2480 (i) any owner within the plat notifies the county of the owner's objection in writing
2481 within 10 days of mailed notification; or

2482 (ii) a public hearing is required because all of the owners in the subdivision have not
2483 signed the revised plat.

2484 (2) Unless a local ordinance provides otherwise, the public hearing requirement of
2485 Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an
2486 owner's petition to vacate or amend a subdivision plat if:

2487 (a) the petition seeks to:

2488 (i) join two or more of the petitioning fee owner's contiguous lots;

2489 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
2490 result in a violation of a land use ordinance or a development condition;

2491 (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the
2492 adjoining lots or parcels join the petition, regardless of whether the lots or parcels are located in
2493 the same subdivision;

2494 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
2495 imposed by the local political subdivision; or

2496 (v) alter the plat in a manner that does not change existing boundaries or other
2497 attributes of lots within the subdivision that are not:

2498 (A) owned by the petitioner; or

2499 (B) designated as a common area; and

2500 (b) notice has been given to adjacent property owners in accordance with any
2501 applicable local ordinance.

2502 (3) Each request to vacate or amend a plat that contains a request to vacate or amend a
2503 public street[~~, right-of-way,~~] or county utility easement is also subject to Section [17-27a-609.5](#).

2504 (4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:

2505 (a) the name and address of each owner of record of the land contained in:

2506 (i) the entire plat; or
2507 (ii) that portion of the plan described in the petition; and
2508 (b) the signature of each owner who consents to the petition.
2509 (5) (a) The owners of record of adjacent parcels that are described by either a metes
2510 and bounds description or by a recorded plat may exchange title to portions of those parcels if
2511 the exchange of title is approved by the land use authority in accordance with Subsection
2512 (5)(b).
2513 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
2514 the exchange of title will not result in a violation of any land use ordinance.
2515 (c) If an exchange of title is approved under Subsection (5)(b):
2516 (i) a notice of approval shall be recorded in the office of the county recorder which:
2517 (A) is executed by each owner included in the exchange and by the land use authority;
2518 (B) contains an acknowledgment for each party executing the notice in accordance with
2519 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
2520 (C) recites the descriptions of both the original parcels and the parcels created by the
2521 exchange of title; and
2522 (ii) a document of conveyance of title reflecting the approved change shall be recorded
2523 in the office of the county recorder.
2524 (d) A notice of approval recorded under this Subsection (5) does not act as a
2525 conveyance of title to real property and is not required to record a document conveying title to
2526 real property.
2527 (6) (a) The name of a recorded subdivision may be changed by recording an amended
2528 plat making that change, as provided in this section and subject to Subsection (6)(c).
2529 (b) The surveyor preparing the amended plat shall certify that the surveyor:
2530 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
2531 Professional Land Surveyors Licensing Act;
2532 (ii) has completed a survey of the property described on the plat in accordance with
2533 Section 17-23-17 and has verified all measurements; and
2534 (iii) has placed monuments as represented on the plat.
2535 (c) An owner of land may not submit for recording an amended plat that gives the
2536 subdivision described in the amended plat the same name as a subdivision recorded in the

2537 county recorder's office.

2538 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
2539 document that purports to change the name of a recorded plat is void.

2540 Section 43. Section **17-27a-609** is amended to read:

2541 **17-27a-609. Land use authority approval of vacation or amendment of plat --**
2542 **Recording the amended plat.**

2543 (1) The land use authority may approve the vacation or amendment of a plat by signing
2544 an amended plat showing the vacation or amendment if the land use authority finds that:

2545 (a) there is good cause for the vacation or amendment; and

2546 (b) no public street~~[, right-of-way,]~~ or county utility easement has been vacated or
2547 amended.

2548 (2) (a) The land use authority shall ensure that the amended plat showing the vacation
2549 or amendment is recorded in the office of the county recorder in which the land is located.

2550 (b) If the amended plat is approved and recorded in accordance with this section, the
2551 recorded plat shall vacate, supersede, and replace any contrary provision in a previously
2552 recorded plat of the same land.

2553 (3) (a) A legislative body may vacate a subdivision or a portion of a subdivision by
2554 recording in the county recorder's office an ordinance describing the subdivision or the portion
2555 being vacated.

2556 (b) The recorded vacating ordinance shall replace a previously recorded plat described
2557 in the vacating ordinance.

2558 (4) An amended plat may not be submitted to the county recorder for recording unless
2559 it is:

2560 (a) signed by the land use authority; and

2561 (b) signed, acknowledged, and dedicated by each owner of record of the portion of the
2562 plat that is amended.

2563 (5) A management committee may sign and dedicate an amended plat as provided in
2564 Title 57, Chapter 8, Condominium Ownership Act.

2565 (6) A plat may be corrected as provided in Section [57-3-106](#).

2566 Section 44. Section **17-27a-609.5** is amended to read:

2567 **17-27a-609.5. Petition to vacate a public street.**

2568 (1) In lieu of vacating some or all of a public street through a plat or amended plat in
2569 accordance with Sections 17-27a-603 through 17-27a-609, a legislative body may approve a
2570 petition to vacate a public street in accordance with this section.

2571 ~~(1)~~ (2) A petition to vacate some or all of a public street~~[, right-of-way,]~~ or county
2572 utility easement shall include:

2573 (a) the name and address of each owner of record of land that is:

2574 (i) adjacent to the public street~~[, right-of-way,]~~ or county utility easement between the
2575 two nearest public street intersections; or

2576 (ii) accessed exclusively by or within 300 feet of the public street~~[, right-of-way,]~~ or
2577 county utility easement; [and]

2578 (b) proof of written notice to operators of utilities located within the bounds of the
2579 public street or county utility easement sought to be vacated; and

2580 ~~(b)~~ (c) the signature of each owner under Subsection ~~(1)~~ (2)(a) who consents to the
2581 vacation.

2582 ~~(2)~~ (3) If a petition is submitted containing a request to vacate some or all of a public
2583 street~~[, right-of-way,]~~ or county utility easement, the legislative body shall hold a public
2584 hearing in accordance with Section 17-27a-208 and determine whether:

2585 (a) good cause exists for the vacation; and

2586 (b) the public interest or any person will be materially injured by the proposed
2587 vacation.

2588 ~~(3)~~ (4) The legislative body may adopt an ordinance granting a petition to vacate
2589 some or all of a public street~~[, right-of-way,]~~ or county utility easement if the legislative body
2590 finds that:

2591 (a) good cause exists for the vacation; and

2592 (b) neither the public interest nor any person will be materially injured by the vacation.

2593 ~~(4)~~ (5) If the legislative body adopts an ordinance vacating some or all of a public
2594 street~~[, right-of-way,]~~ or county utility easement, the legislative body shall ensure that one or
2595 both of the following is recorded in the office of the recorder of the county in which the land is
2596 located:

2597 (a) a plat reflecting the vacation; or

2598 (b) (i) an ordinance described in Subsection ~~(3)~~ (4); and

2599 (ii) a legal description of the public street to be vacated.

2600 [~~(5)~~] (6) The action of the legislative body vacating some or all of a public street;
2601 right-of-way,] or county utility easement that has been dedicated to public use:

2602 (a) operates to the extent to which it is vacated, upon the effective date of the recorded
2603 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the county's
2604 fee in the vacated street, right-of-way, or easement; and

2605 (b) may not be construed to impair:

2606 (i) any right-of-way or easement of any lot owner; or

2607 (ii) the [~~franchise~~] rights of any public utility.

2608 (7) (a) A county may submit a petition, in accordance with Subsection (2), and initiate
2609 and complete a process to vacate some or all of a public street.

2610 (b) If a county submits a petition and initiates a process under Subsection (7)(a):

2611 (i) the legislative body shall hold a public hearing;

2612 (ii) the petition and process may not apply to or affect a public utility easement, except
2613 to the extent:

2614 (A) the easement is not a protected utility easement as defined in Section [54-3-27](#);

2615 (B) the easement is included within the public street; and

2616 (C) the notice to vacate the public street also contains a notice to vacate the easement;

2617 and

2618 (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating
2619 a public street through a recorded plat or amended plat.

2620 Section 45. Section **17-27a-707** is amended to read:

2621 **17-27a-707. Scope of review of factual matters on appeal -- Appeal authority**
2622 **requirements.**

2623 (1) A county may, by ordinance, designate the scope of review of factual matters for
2624 appeals of land use authority decisions.

2625 (2) If the county fails to designate a scope of review of factual matters, the appeal
2626 authority shall review the matter de novo, without deference to the land use authority's
2627 determination of factual matters.

2628 (3) If the scope of review of factual matters is on the record, the appeal authority shall
2629 determine whether the record on appeal includes substantial evidence for each essential finding

2630 of fact.

2631 (4) The appeal authority shall:

2632 (a) determine the correctness of the land use authority's interpretation and application
2633 of the plain meaning of the land use regulations; and

2634 (b) interpret and apply a land use regulation to favor a land use application unless the
2635 land use regulation plainly restricts the land use application.

2636 (5) (a) An appeal authority's land use decision is a quasi-judicial act~~[, even if the appeal~~
2637 ~~authority is the]~~.

2638 (b) A legislative body may act as an appeal authority unless both the legislative body
2639 and the appealing party agree to allow a third party to act as the appeal authority.

2640 (6) Only a decision in which a land use authority has applied a land use regulation to a
2641 particular land use application, person, or parcel may be appealed to an appeal authority.

2642 Section 46. Section 17-27a-801 is amended to read:

2643 **17-27a-801. No district court review until administrative remedies exhausted --**
2644 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**
2645 **-- Staying of decision.**

2646 (1) No person may challenge in district court a land use decision until that person has
2647 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
2648 Variances, if applicable.

2649 (2) (a) Any person adversely affected by a final decision made in the exercise of or in
2650 violation of the provisions of this chapter may file a petition for review of the decision with the
2651 district court within 30 days after the decision is final.

2652 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
2653 property owner files a request for arbitration of a constitutional taking issue with the property
2654 rights ombudsman under Section 13-43-204 until 30 days after:

2655 (A) the arbitrator issues a final award; or

2656 (B) the property rights ombudsman issues a written statement under Subsection
2657 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

2658 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
2659 taking issue that is the subject of the request for arbitration filed with the property rights
2660 ombudsman by a property owner.

2661 (iii) A request for arbitration filed with the property rights ombudsman after the time
2662 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

2663 (3) (a) A court shall:

2664 (i) presume that a land use regulation properly enacted under the authority of this
2665 chapter is valid; and

2666 (ii) determine only whether:

2667 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
2668 or federal law; and

2669 (B) it is reasonably debatable that the land use regulation is consistent with this
2670 chapter.

2671 (b) A court shall:

2672 (i) presume that a final decision of a land use authority or an appeal authority is valid;
2673 and

2674 (ii) uphold the decision unless the decision is:

2675 (A) arbitrary and capricious; or

2676 (B) illegal.

2677 (c) (i) A decision is arbitrary and capricious if the decision is not supported by
2678 substantial evidence in the record.

2679 (ii) A decision is illegal if the decision is:

2680 (A) based on an incorrect interpretation of a land use regulation; or

2681 (B) contrary to law.

2682 (d) (i) A court may affirm or reverse the decision of a land use authority.

2683 (ii) If the court reverses a denial of a land use application, the court shall remand the
2684 matter to the land use authority with instructions to issue an approval consistent with the court's
2685 decision.

2686 (4) The provisions of Subsection (2)(a) apply from the date on which the county takes
2687 final action on a land use application for any adversely affected third party, if the county
2688 conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice
2689 of the pending decision.

2690 (5) If the county has complied with Section 17-27a-205, a challenge to the enactment
2691 of a land use regulation or general plan may not be filed with the district court more than 30

2692 days after the enactment.

2693 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
2694 days after the land use decision is final.

2695 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
2696 the reviewing court the record of its proceedings, including its minutes, findings, orders and, if
2697 available, a true and correct transcript of its proceedings.

2698 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
2699 transcript for purposes of this Subsection (7).

2700 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
2701 by the land use authority or appeal authority, as the case may be.

2702 (ii) The court may not accept or consider any evidence outside the record of the land
2703 use authority or appeal authority, as the case may be, unless that evidence was offered to the
2704 land use authority or appeal authority, respectively, and the court determines that it was
2705 improperly excluded.

2706 (b) If there is no record, the court may call witnesses and take evidence.

2707 (9) (a) The filing of a petition does not stay the decision of the land use authority or
2708 appeal authority, as the case may be.

2709 (b) (i) Before filing a petition under this section or a request for mediation or
2710 arbitration of a constitutional taking issue under Section 13-43-204, the aggrieved party may
2711 petition the appeal authority to stay its decision.

2712 (ii) Upon receipt of a petition to stay, the appeal authority may order its decision stayed
2713 pending district court review if the appeal authority finds it to be in the best interest of the
2714 county.

2715 (iii) After a petition is filed under this section or a request for mediation or arbitration
2716 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
2717 injunction staying the appeal authority's decision.

2718 (10) If the court determines that a party initiated or pursued a challenge to the decision
2719 on a land use application in bad faith, the court may award attorney fees.

2720 Section 47. Section 17-27a-802 is amended to read:

2721 **17-27a-802. Enforcement.**

2722 (1) (a) A county or any adversely affected owner of real estate within the county in

2723 which violations of this chapter or ordinances enacted under the authority of this chapter occur
2724 or are about to occur may, in addition to other remedies provided by law, institute:

- 2725 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
- 2726 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

2727 (b) A county need only establish the violation to obtain the injunction.

2728 (2) (a) A county may enforce the county's ordinance by withholding a building permit.

2729 (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any
2730 building or other structure within a county without approval of a building permit.

2731 (c) The county may not issue a building permit unless the plans of and for the proposed
2732 erection, construction, reconstruction, alteration, or use fully conform to all regulations then in
2733 effect.

2734 (d) A county may not deny an applicant a building permit or certificate of occupancy
2735 because the applicant has not completed an infrastructure improvement:

2736 (i) that is not essential to meet the requirements for the issuance of a building permit or
2737 certificate of occupancy under the building code and fire code; and

2738 (ii) for which the county has accepted an improvement completion assurance for
2739 landscaping or infrastructure improvements for the development.

2740 Section 48. Section **57-1-13** is amended to read:

2741 **57-1-13. Form of quitclaim deed -- Effect.**

2742 (1) A conveyance of land may also be substantially in the following form:

2743 "QUITCLAIM DEED

2744 ____ (here insert name), grantor, of ____ (insert place of residence), hereby quitclaims
2745 to ____ (insert name), grantee, of ____ (here insert place of residence), for the sum of ____
2746 dollars, the following described tract ____ of land in ____ County, Utah, to wit: (here describe
2747 the premises).

2748 Witness the hand of said grantor this _____(month\day\year).

2749 A quitclaim deed when executed as required by law shall have the effect of a
2750 conveyance of all right, title, interest, and estate of the grantor in and to the premises therein
2751 described and all rights, privileges, and appurtenances thereunto belonging, at the date of the
2752 conveyance."

2753 (2) [~~For a~~] A boundary line agreement operating as a quitclaim deed [~~as~~] shall meet the

2754 requirements described in Section 57-1-45 [~~the boundary line agreement shall include, in~~
2755 ~~addition to a legal description of the agreed upon boundary line:].~~

2756 [~~(a) the signature of each grantor;~~]

2757 [~~(b) a sufficient acknowledgment for each grantor's signature; and]~~

2758 [~~(c) the address of each grantee for assessment purposes.].~~

2759 Section 49. Section ~~57-1-45~~ is amended to read:

2760 **57-1-45. Boundary line agreements.**

2761 (1) If properly executed and acknowledged as required under this chapter, and when
2762 recorded in the office of the recorder of the county in which the property is located, an
2763 agreement between adjoining property owners [~~designating~~] of land that designates the
2764 boundary line between [~~their properties, when recorded in the office of the recorder of the~~
2765 ~~county in which the property is located, shall act]~~ the adjoining properties acts as a quitclaim
2766 deed [~~and~~] to convey all of each party's right, title, interest, and estate in property outside the
2767 agreed boundary line that had been the subject of the boundary line agreement or dispute that
2768 led to the boundary line agreement.

2769 (2) [~~A~~] Adjoining property owners executing a boundary line agreement described in
2770 Subsection (1) shall [~~include~~]:

2771 (a) ensure that the agreement includes:

2772 [~~(a)~~] (i) a legal description of the agreed upon boundary line;

2773 [~~(b)~~] (ii) the name and signature of each grantor that is party to the agreement;

2774 [~~(c)~~] (iii) a sufficient acknowledgment for each grantor's signature; [~~and~~]

2775 [~~(d)~~] (iv) the address of each grantee for assessment purposes[~~;~~];

2776 (v) the parcel or lot each grantor owns before the boundary line is changed;

2777 (vi) a statement citing the file number of a record of a survey map, as defined in

2778 Sections 10-9a-103 and 17-27a-103, that the parties prepare and file, in accordance with

2779 Section 17-23-17, in conjunction with the boundary line agreement; and

2780 (vii) the date of the agreement if the date is not included in the acknowledgment in a
2781 form substantially similar to a quitclaim deed as described in Section 57-1-13; and

2782 (b) prepare an amended plat in accordance with Title 10, Chapter 9a, Part 6,
2783 Subdivisions, or Title 17, Chapter 27a, Part 6, Subdivisions.

2784 (3) A boundary line agreement described in Subsection (1) that complies with

2785 Subsection (2) presumptively:

2786 (a) has no detrimental effect on any easement on the property that is recorded before
 2787 the date on which the agreement is executed unless the owner of the property benefitting from
 2788 the easement specifically modifies the easement within the boundary line agreement or a
 2789 separate recorded easement modification or relinquishment document; and

2790 (b) relocates the parties' common boundary line for an exchange of consideration.

2791 (4) Notwithstanding Title 10, Chapter 9a, Part 6, Subdivisions, Title 17, Chapter 27a,
 2792 Part 6, Subdivisions, or the local entity's ordinances or policies, a boundary line agreement is
 2793 not subject to:

2794 (a) any public notice, public hearing, or preliminary platting requirement;

2795 (b) the local entity's planning commission review or recommendation; or

2796 (c) an engineering review or approval of the local entity.

2797 Section 50. Section **63I-2-217** is amended to read:

2798 **63I-2-217. Repeal dates -- Title 17.**

2799 (1) Subsection 17-27a-102(1)(b), the language that states "or a designated mountainous
 2800 planning district" is repealed June 1, 2020.

2801 (2) (a) Subsection [~~17-27a-103(15)(b)~~] 17-27a-103(16)(b), regarding general plan
 2802 guidelines for a mountainous planning district, is repealed June 1, 2020.

2803 (b) Subsection [~~17-27a-103(37)~~] 17-27a-103(39), regarding the definition of a
 2804 "mountainous planning district," is repealed June 1, 2020.

2805 (3) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning
 2806 district area" is repealed June 1, 2020.

2807 (4) (a) Subsection 17-27a-301(1)(b)(iii) is repealed June 1, 2020.

2808 (b) Subsection 17-27a-301(1)(c) is repealed June 1, 2020.

2809 (c) Subsection 17-27a-301(2)(a), the language that states "described in Subsection
 2810 (1)(a) or (c)" is repealed June 1, 2020.

2811 (5) Subsection 17-27a-302(1), the language that states ", or mountainous planning
 2812 district" and "or the mountainous planning district," is repealed June 1, 2020.

2813 (6) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning
 2814 district or" and ", as applicable" is repealed June 1, 2020.

2815 (7) (a) Subsection 17-27a-401(1)(b)(ii) is repealed June 1, 2020.

- 2816 (b) Subsection 17-27a-401(6) is repealed June 1, 2020.
- 2817 (8) (a) Subsection 17-27a-403(1)(b)(ii) is repealed June 1, 2020.
- 2818 (b) Subsection 17-27a-403(1)(c)(iii) is repealed June 1, 2020.
- 2819 (c) Subsection (2)(a)(iii), the language that states "or the mountainous planning
- 2820 district" is repealed June 1, 2020.
- 2821 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
- 2822 district" is repealed June 1, 2020.
- 2823 (9) Subsection 17-27a-502(1)(d)(i)(B) is repealed June 1, 2020.
- 2824 (10) Subsection 17-27a-505.5(2)(a)(iii) is repealed June 1, 2020.
- 2825 (11) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
- 2826 mountainous planning district, the mountainous planning district" is repealed June 1, 2020.
- 2827 (12) Subsection 17-27a-604(1)(b)(i)(B) is repealed June 1, 2020.
- 2828 (13) Subsection 17-27a-605(1), the language that states "or mountainous planning
- 2829 district land" is repealed June 1, 2020.
- 2830 (14) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
- 2831 2020.
- 2832 (15) On June 1, 2020, when making the changes in this section, the Office of
- 2833 Legislative Research and General Counsel shall:
- 2834 (a) in addition to its authority under Subsection 36-12-12(3), make corrections
- 2835 necessary to ensure that sections and subsections identified in this section are complete
- 2836 sentences and accurately reflect the office's understanding of the Legislature's intent; and
- 2837 (b) identify the text of the affected sections and subsections based upon the section and
- 2838 subsection numbers used in Laws of Utah 2017, Chapter 448.
- 2839 (16) On June 1, 2020:
- 2840 (a) Section 17-52a-104 is repealed;
- 2841 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
- 2842 described in Subsection 17-52a-104(2)," is repealed;
- 2843 (c) Subsection 17-52a-301(3)(a)(vi) is repealed;
- 2844 (d) in Subsection 17-52a-501(1), the language that states "or, for a county under a
- 2845 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was
- 2846 in effect on March 14, 2018," is repealed; and

2847 (e) in Subsection 17-52a-501(3)(a), the language that states "or, for a county under a
2848 pending process described in Section 17-52a-104, the attorney's report that is described in
2849 Section 17-52-204 as that section was in effect on March 14, 2018 and that contains a
2850 statement described in Subsection 17-52-204(5) as that subsection was in effect on March 14,
2851 2018," is repealed.
2852 (17) On January 1, 2028, Subsection 17-52a-102(3) is repealed.