

1 **MUNICIPAL AND COUNTY LAND USE AND DEVELOPMENT**

2 **REVISIONS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Steve Waldrip**

6 Senate Sponsor: Daniel McCay

8 **LONG TITLE**

9 **General Description:**

10 This bill revises provisions related to municipal and county land use development and
11 management.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ establishes certain annual training requirements for a municipal or county planning
16 commission;
- 17 ▶ requires a local land use authority to establish objective standards for conditional
18 uses;
- 19 ▶ prohibits a municipality or county from imposing certain land use regulations on
20 specified building permit applicants;
- 21 ▶ establishes certain requirements governing municipal and county development
22 agreements;
- 23 ▶ prohibits a municipality or county from imposing certain requirements related to the
24 installation of pavement for specified infrastructure improvements involving
25 roadways;
- 26 ▶ requires a municipality or county to establish by ordinance certain standards for
27 infrastructure improvements involving roadways;
- 28 ▶ modifies provisions related to property boundary adjustments, subdivision
29 amendments, and public street vacations;

- 30 ▶ prohibits a municipal or county land use appeal authority from hearing an appeal
- 31 from the enactment of a land use regulation; and
- 32 ▶ makes technical and conforming changes.

33 Money Appropriated in this Bill:

34 None

35 Other Special Clauses:

36 None

37 Utah Code Sections Affected:

38 AMENDS:

- 39 **10-9a-103**, as last amended by Laws of Utah 2020, Chapter 434
- 40 **10-9a-302**, as last amended by Laws of Utah 2020, Chapter 434
- 41 **10-9a-507**, as last amended by Laws of Utah 2019, Chapter 384
- 42 **10-9a-509**, as last amended by Laws of Utah 2020, Chapter 434
- 43 **10-9a-523**, as enacted by Laws of Utah 2013, Chapter 334
- 44 **10-9a-524**, as enacted by Laws of Utah 2013, Chapter 334
- 45 **10-9a-529**, as enacted by Laws of Utah 2020, Chapter 434
- 46 **10-9a-601**, as last amended by Laws of Utah 2019, Chapter 384
- 47 **10-9a-608**, as last amended by Laws of Utah 2020, Chapter 434
- 48 **10-9a-609.5**, as last amended by Laws of Utah 2020, Chapter 434
- 49 **10-9a-701**, as last amended by Laws of Utah 2020, Chapters 126 and 434
- 50 **10-9a-801**, as last amended by Laws of Utah 2020, Chapter 434
- 51 **17-27a-103**, as last amended by Laws of Utah 2020, Chapter 434
- 52 **17-27a-302**, as last amended by Laws of Utah 2020, Chapter 434
- 53 **17-27a-506**, as last amended by Laws of Utah 2019, Chapter 384
- 54 **17-27a-508**, as last amended by Laws of Utah 2019, Chapter 384 and last amended by
- 55 Coordination Clause, Laws of Utah 2019, Chapter 384
- 56 **17-27a-522**, as enacted by Laws of Utah 2013, Chapter 334
- 57 **17-27a-523**, as enacted by Laws of Utah 2013, Chapter 334

- 58 **17-27a-601**, as last amended by Laws of Utah 2019, Chapter 384
- 59 **17-27a-608**, as last amended by Laws of Utah 2020, Chapter 434
- 60 **17-27a-609.5**, as last amended by Laws of Utah 2020, Chapter 434
- 61 **17-27a-701**, as last amended by Laws of Utah 2020, Chapter 434
- 62 **17-27a-801**, as last amended by Laws of Utah 2020, Chapter 434
- 63 **57-1-13**, as last amended by Laws of Utah 2019, Chapter 384
- 64 **57-1-45**, as last amended by Laws of Utah 2019, Chapter 384
- 65 **63I-2-217**, as last amended by Laws of Utah 2020, Chapters 47, 114, and 434

66 ENACTS:

- 67 **10-9a-530**, Utah Code Annotated 1953
- 68 **10-9a-531**, Utah Code Annotated 1953
- 69 **17-27a-526**, Utah Code Annotated 1953
- 70 **17-27a-527**, Utah Code Annotated 1953



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

73 Section 1. Section **10-9a-103** is amended to read:

74 **10-9a-103. Definitions.**

75 As used in this chapter:

76 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
77 detached from a primary single-family dwelling and contained on one lot.

78 (2) "Adversely affected party" means a person other than a land use applicant who:

79 (a) owns real property adjoining the property that is the subject of a land use
80 application or land use decision; or

81 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
82 general community as a result of the land use decision.

83 (3) "Affected entity" means a county, municipality, local district, special service
84 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
85 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified

86 public utility, property owner, property owners association, or the Utah Department of
87 Transportation, if:

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

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

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

95 (4) "Affected owner" means the owner of real property that is:

96 (a) a single project;

97 (b) the subject of a land use approval that sponsors of a referendum timely challenged
98 in accordance with Subsection 20A-7-601(5)(a); and

99 (c) determined to be legally referable under Section 20A-7-602.8.

100 (5) "Appeal authority" means the person, board, commission, agency, or other body
101 designated by ordinance to decide an appeal of a decision of a land use application or a
102 variance.

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

106 (7) (a) "Charter school" means:

107 (i) an operating charter school;

108 (ii) a charter school applicant that ~~[has its application approved by]~~ a charter school
109 authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School
110 Authorization; or

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

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

114 (8) "Conditional use" means a land use that, because of ~~[its]~~ the unique characteristics
115 or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land
116 uses, may not be compatible in some areas or may be compatible only if certain conditions are
117 required that mitigate or eliminate the detrimental impacts.

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

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

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

122 (10) "Culinary water authority" means the department, agency, or public entity with
123 responsibility to review and approve the feasibility of the culinary water system and sources for
124 the subject property.

125 (11) "Development activity" means:

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

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

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

132 (12) (a) "Development agreement" means a written agreement or amendment to a
133 written agreement between a municipality and one or more parties that regulates or controls the
134 use or development of a specific area of land.

135 (b) "Development agreement" does not include an improvement completion assurance.

136 ~~[(12)]~~ (13) (a) "Disability" means a physical or mental impairment that substantially
137 limits one or more of a person's major life activities, including a person having a record of such
138 an impairment or being regarded as having such an impairment.

139 (b) "Disability" does not include current illegal use of, or addiction to, any federally
140 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
141 802.

142 [~~(13)~~] (14) "Educational facility":

143 (a) means:

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

147 (ii) a structure or facility:

148 (A) located on the same property as a building described in Subsection [~~(13)~~]

149 (14)(a)(i); and

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

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

153 (b) does not include:

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

156 (A) not located on the same property as a building described in Subsection [~~(13)~~]

157 (14)(a)(i); and

158 (B) used in support of the purposes of a building described in Subsection [~~(13)~~]

159 (14)(a)(i); or

160 (ii) a therapeutic school.

161 [~~(14)~~] (15) "Fire authority" means the department, agency, or public entity with
162 responsibility to review and approve the feasibility of fire protection and suppression services
163 for the subject property.

164 [~~(15)~~] (16) "Flood plain" means land that:

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

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

170 Federal Emergency Management Agency.

171 ~~[(16)]~~ (17) "General plan" means a document that a municipality adopts that sets forth
172 general guidelines for proposed future development of the land within the municipality.

173 ~~[(17)]~~ (18) "Geologic hazard" means:

174 (a) a surface fault rupture;

175 (b) shallow groundwater;

176 (c) liquefaction;

177 (d) a landslide;

178 (e) a debris flow;

179 (f) unstable soil;

180 (g) a rock fall; or

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

182 (i) to life;

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

184 (iii) of substantial damage to real property.

185 ~~[(18)]~~ (19) "Historic preservation authority" means a person, board, commission, or
186 other body designated by a legislative body to:

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

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

190 ~~[(19)]~~ (20) "Hookup fee" means a fee for the installation and inspection of any pipe,
191 line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or
192 other utility system.

193 ~~[(20)]~~ (21) "Identical plans" means building plans submitted to a municipality that:

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

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

197 (c) describe a building that:

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

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

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

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

205 [~~21~~] (22) "Impact fee" means a payment of money imposed under Title 11, Chapter
206 36a, Impact Fees Act.

207 [~~22~~] (23) "Improvement completion assurance" means a surety bond, letter of credit,
208 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
209 by a municipality to guaranty the proper completion of landscaping or an infrastructure
210 improvement required as a condition precedent to:

211 (a) recording a subdivision plat; or

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

213 [~~23~~] (24) "Improvement warranty" means an applicant's unconditional warranty that
214 the applicant's installed and accepted landscaping or infrastructure improvement:

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

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

219 [~~24~~] (25) "Improvement warranty period" means a period:

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

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

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

225 (ii) has substantial evidence, on record:

226 (A) of prior poor performance by the applicant; or
227 (B) that the area upon which the infrastructure will be constructed contains suspect soil
228 and the municipality has not otherwise required the applicant to mitigate the suspect soil.

229 ~~[(25)]~~ (26) "Infrastructure improvement" means permanent infrastructure that is
230 essential for the public health and safety or that:

231 (a) is required for human occupation; and

232 (b) an applicant must install:

233 (i) in accordance with published installation and inspection specifications for public
234 improvements; and

235 (ii) whether the improvement is public or private, as a condition of:

236 (A) recording a subdivision plat;

237 (B) obtaining a building permit; or

238 (C) development of a commercial, industrial, mixed use, condominium, or multifamily
239 project.

240 ~~[(26)]~~ (27) "Internal lot restriction" means a platted note, platted demarcation, or
241 platted designation that:

242 (a) runs with the land; and

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

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

247 ~~[(27)]~~ (28) "Land use applicant" means a property owner, or the property owner's
248 designee, who submits a land use application regarding the property owner's land.

249 ~~[(28)]~~ (29) "Land use application":

250 (a) means an application that is:

251 (i) required by a municipality; and

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

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

254 [~~(29)~~] (30) "Land use authority" means:

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

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

259 [~~(30)~~] (31) "Land use decision" means an administrative decision of a land use
260 authority or appeal authority regarding:

261 (a) a land use permit;

262 (b) a land use application; or

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

265 [~~(31)~~] (32) "Land use permit" means a permit issued by a land use authority.

266 [~~(32)~~] (33) "Land use regulation":

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

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

271 (c) does not include:

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

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

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

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

278 [~~(33)~~] (34) "Legislative body" means the municipal council.

279 [~~(34)~~] (35) "Local district" means an entity under Title 17B, Limited Purpose Local
280 Government Entities - Local Districts, and any other governmental or quasi-governmental
281 entity that is not a county, municipality, school district, or the state.

282 [~~(35)~~] (36) "Local historic district or area" means a geographically definable area that:

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

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

288 [~~(36)~~] (37) "Lot" means a tract of land, regardless of any label, that is created by and
289 shown on a subdivision plat that has been recorded in the office of the county recorder.

290 [~~(37)~~] (38) (a) "Lot line adjustment" means a relocation of a lot line boundary between
291 adjoining lots or between a lot and adjoining parcels[;] in accordance with Section 10-9a-608:

292 (i) whether or not the lots are located in the same subdivision[~~;~~ ~~in accordance with~~
293 Section 10-9a-608;]; and

294 (ii) with the consent of the owners of record.

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

296 (i) creates an additional lot; or

297 (ii) constitutes a subdivision.

298 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
299 Department of Transportation.

300 [~~(38)~~] (39) "Major transit investment corridor" means public transit service that uses or
301 occupies:

302 (a) public transit rail right-of-way;

303 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

304 or

305 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
306 municipality or county and:

307 (i) a public transit district as defined in Section 17B-2a-802; or

308 (ii) an eligible political subdivision as defined in Section 59-12-2219.

309 [~~(39)~~] (40) "Moderate income housing" means housing occupied or reserved for

310 occupancy by households with a gross household income equal to or less than 80% of the
311 median gross income for households of the same size in the county in which the city is located.

312 [~~(40)~~] (41) "Municipal utility easement" means an easement that:

313 (a) is created or depicted on a plat recorded in a county recorder's office and is
314 described as a municipal utility easement granted for public use;

315 (b) is not a protected utility easement or a public utility easement as defined in Section
316 54-3-27;

317 (c) the municipality or the municipality's affiliated governmental entity uses and
318 occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm
319 water, or communications or data lines;

320 (d) is used or occupied with the consent of the municipality in accordance with an
321 authorized franchise or other agreement;

322 (e) (i) is used or occupied by a specified public utility in accordance with an authorized
323 franchise or other agreement; and

324 (ii) is located in a utility easement granted for public use; or

325 (f) is described in Section 10-9a-529 and is used by a specified public utility.

326 [~~(41)~~] (42) "Nominal fee" means a fee that reasonably reimburses a municipality only
327 for time spent and expenses incurred in:

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

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

331 [~~(42)~~] (43) "Noncomplying structure" means a structure that:

332 (a) legally existed before [~~its~~] the structure's current land use designation; and

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

336 [~~(43)~~] (44) "Nonconforming use" means a use of land that:

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

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

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

342 [(44)] (45) "Official map" means a map drawn by municipal authorities and recorded in
343 a county recorder's office that:

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

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

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

350 [(45)] (46) "Parcel" means any real property that is not a lot [~~created by and shown on a~~
351 ~~subdivision plat recorded in the office of the county recorder~~].

352 [(46)] (47) (a) "Parcel boundary adjustment" means a recorded agreement between
353 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
354 line agreement in accordance with Section [~~57-1-45~~] [10-9a-524](#), if no additional parcel is
355 created and:

356 (i) none of the property identified in the agreement is [~~subdivided land~~] a lot; or

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

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

360 (i) creates an additional parcel; or

361 (ii) constitutes a subdivision.

362 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
363 the Department of Transportation.

364 [(47)] (48) "Person" means an individual, corporation, partnership, organization,
365 association, trust, governmental agency, or any other legal entity.

366 [~~(48)~~] (49) "Plan for moderate income housing" means a written document adopted by
367 a municipality's legislative body that includes:

368 (a) an estimate of the existing supply of moderate income housing located within the
369 municipality;

370 (b) an estimate of the need for moderate income housing in the municipality for the
371 next five years;

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

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

375 (e) a description of the municipality's program to encourage an adequate supply of
376 moderate income housing.

377 [~~(49)~~] (50) "Plat" means an instrument subdividing property into lots as depicted on a
378 map or other graphical representation of lands that a licensed professional land surveyor makes
379 and prepares in accordance with Section 10-9a-603 or 57-8-13.

380 [~~(50)~~] (51) "Potential geologic hazard area" means an area that:

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

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

387 [~~(51)~~] (52) "Public agency" means:

388 (a) the federal government;

389 (b) the state;

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

392 (d) a charter school.

393 [~~(52)~~] (53) "Public hearing" means a hearing at which members of the public are

394 provided a reasonable opportunity to comment on the subject of the hearing.

395 ~~[(53)]~~ (54) "Public meeting" means a meeting that is required to be open to the public
396 under Title 52, Chapter 4, Open and Public Meetings Act.

397 ~~[(54)]~~ (55) "Public street" means a public right-of-way, including a public highway,
398 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
399 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
400 easement, or other public way.

401 ~~[(55)]~~ (56) "Receiving zone" means an area of a municipality that the municipality
402 designates, by ordinance, as an area in which an owner of land may receive a transferable
403 development right.

404 ~~[(56)]~~ (57) "Record of survey map" means a map of a survey of land prepared in
405 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

406 ~~[(57)]~~ (58) "Residential facility for persons with a disability" means a residence:

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

408 (b) (i) which is licensed or certified by the Department of Human Services under Title
409 62A, Chapter 2, Licensure of Programs and Facilities; or

410 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
411 21, Health Care Facility Licensing and Inspection Act.

412 ~~[(58)]~~ (59) "Rules of order and procedure" means a set of rules that govern and
413 prescribe in a public meeting:

414 (a) parliamentary order and procedure;

415 (b) ethical behavior; and

416 (c) civil discourse.

417 ~~[(59)]~~ (60) "Sanitary sewer authority" means the department, agency, or public entity
418 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
419 wastewater systems.

420 ~~[(60)]~~ (61) "Sending zone" means an area of a municipality that the municipality
421 designates, by ordinance, as an area from which an owner of land may transfer a transferable

422 development right.

423 ~~[(61)]~~ (62) "Specified public agency" means:

424 (a) the state;

425 (b) a school district; or

426 (c) a charter school.

427 ~~[(62)]~~ (63) "Specified public utility" means an electrical corporation, gas corporation,
428 or telephone corporation, as those terms are defined in Section 54-2-1.

429 ~~[(63)]~~ (64) "State" includes any department, division, or agency of the state.

430 ~~[(64) "Subdivided land" means the land, tract, or lot described in a recorded
431 subdivision plat.]~~

432 (65) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
433 divided into two or more lots or other division of land for the purpose, whether immediate or
434 future, for offer, sale, lease, or development either on the installment plan or upon any and all
435 other plans, terms, and conditions.

436 (b) "Subdivision" includes:

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

440 (ii) except as provided in Subsection (65)(c), divisions of land for residential and
441 nonresidential uses, including land used or to be used for commercial, agricultural, and
442 industrial purposes.

443 (c) "Subdivision" does not include:

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

448 (ii) ~~[an]~~ a boundary line agreement recorded with the county recorder's office between
449 owners of adjoining ~~[unsubdivided properties]~~ parcels adjusting the mutual boundary ~~[by a~~

450 ~~boundary line agreement~~] in accordance with Section ~~[57-1-45 if:]~~ 10-9a-524 if no new parcel
 451 is created;

452 ~~[(A) no new lot is created; and]~~

453 ~~[(B) the adjustment does not violate applicable land use ordinances;]~~

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

455 (A) revising the legal ~~[description of more than one contiguous parcel of property that~~
 456 ~~is not subdivided land]~~ descriptions of multiple parcels into one legal description

457 encompassing all such parcels ~~[of property];~~ or

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

460 (iv) ~~[an]~~ a boundary line agreement between owners of adjoining subdivided properties
 461 adjusting the mutual lot line boundary in accordance with ~~[Section 10-9a-603]~~ Sections
 462 10-9a-524 and 10-9a-608 if:

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

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

465 (v) a bona fide division ~~[or partition]~~ of land by deed or other instrument ~~[where the~~
 466 ~~land use authority expressly approves]~~ if the deed or other instrument states in writing that the
 467 division:

468 (A) ~~[in writing the division]~~ is in anticipation of ~~[further]~~ future land use approvals on
 469 the parcel or parcels;

470 (B) does not confer any land use approvals; and

471 (C) has not been approved by the land use authority;

472 (vi) a parcel boundary adjustment;

473 (vii) a lot line adjustment;

474 (viii) a road, street, or highway dedication plat; ~~[or]~~

475 (ix) a deed or easement for a road, street, or highway purpose~~[-];~~ or

476 (x) any other division of land authorized by law.

477 ~~[(d) The joining of a subdivided parcel of property to another parcel of property that~~

478 ~~has not been subdivided does not constitute a subdivision under this Subsection (65) as to the~~
479 ~~unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's~~
480 ~~subdivision ordinance.]~~

481 (66) "Subdivision amendment" means an amendment to a recorded subdivision in
482 accordance with Section 10-9a-608 that:

- 483 (a) vacates all or a portion of the subdivision;
- 484 (b) alters the outside boundary of the subdivision;
- 485 (c) changes the number of lots within the subdivision;
- 486 (d) alters a public right-of-way, a public easement, or public infrastructure within the
487 subdivision; or
- 488 (e) alters a common area or other common amenity within the subdivision.

489 (67) "Substantial evidence" means evidence that:

- 490 (a) is beyond a scintilla; and
- 491 (b) a reasonable mind would accept as adequate to support a conclusion.

492 ~~[(67)] (68) "Suspect soil" means soil that has:~~

- 493 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
494 3% swell potential;
- 495 (b) bedrock units with high shrink or swell susceptibility; or
- 496 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
497 commonly associated with dissolution and collapse features.

498 ~~[(68)] (69) "Therapeutic school" means a residential group living facility:~~

- 499 (a) for four or more individuals who are not related to:
 - 500 (i) the owner of the facility; or
 - 501 (ii) the primary service provider of the facility;
- 502 (b) that serves students who have a history of failing to function:
 - 503 (i) at home;
 - 504 (ii) in a public school; or
 - 505 (iii) in a nonresidential private school; and

- 506 (c) that offers:
- 507 (i) room and board; and
- 508 (ii) an academic education integrated with:
- 509 (A) specialized structure and supervision; or
- 510 (B) services or treatment related to a disability, an emotional development, a
- 511 behavioral development, a familial development, or a social development.

512 ~~[(69)]~~ (70) "Transferable development right" means a right to develop and use land that

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

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

515 ~~[(70)]~~ (71) "Unincorporated" means the area outside of the incorporated area of a city

516 or town.

517 ~~[(71)]~~ (72) "Water interest" means any right to the beneficial use of water, including:

- 518 (a) each of the rights listed in Section 73-1-11; and
- 519 (b) an ownership interest in the right to the beneficial use of water represented by:
- 520 (i) a contract; or
- 521 (ii) a share in a water company, as defined in Section 73-3-3.5.

522 ~~[(72)]~~ (73) "Zoning map" means a map, adopted as part of a land use ordinance, that

523 depicts land use zones, overlays, or districts.

524 Section 2. Section 10-9a-302 is amended to read:

525 **10-9a-302. Planning commission powers and duties -- Training requirements.**

526 (1) The planning commission shall review and make a recommendation to the

527 legislative body for:

- 528 (a) a general plan and amendments to the general plan;
- 529 (b) land use regulations, including:
- 530 (i) ordinances regarding the subdivision of land within the municipality; and
- 531 (ii) amendments to existing land use regulations;
- 532 (c) an appropriate delegation of power to at least one designated land use authority to
- 533 hear and act on a land use application;

534 (d) an appropriate delegation of power to at least one appeal authority to hear and act
535 on an appeal from a decision of the land use authority; and

536 (e) application processes that:

537 (i) may include a designation of routine land use matters that, upon application and
538 proper notice, will receive informal streamlined review and action if the application is
539 uncontested; and

540 (ii) shall protect the right of each:

541 (A) land use applicant and adversely affected party to require formal consideration of
542 any application by a land use authority;

543 (B) land use applicant or adversely affected party to appeal a land use authority's
544 decision to a separate appeal authority; and

545 (C) participant to be heard in each public hearing on a contested application.

546 (2) Before making a recommendation to a legislative body on an item described in
547 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance
548 with Section 10-9a-404.

549 (3) A legislative body may adopt, modify, or reject a planning commission's
550 recommendation to the legislative body under this section.

551 (4) A legislative body may consider a planning commission's failure to make a timely
552 recommendation as a negative recommendation.

553 (5) Nothing in this section limits the right of a municipality to initiate or propose the
554 actions described in this section.

555 (6) (a) (i) This Subsection (6) applies to:

556 (A) a city of the first, second, third, or fourth class;

557 (B) a city of the fifth class with a population of 5,000 or more, if the city is located
558 within a county of the first, second, or third class; and

559 (C) a metro township with a population of 5,000 or more.

560 (ii) The population figures described in Subsection (6)(a)(i) shall be derived from:

561 (A) the most recent official census or census estimate of the United States Census

562 Bureau; or

563 (B) if a population figure is not available under Subsection (6)(a)(ii)(A), an estimate of
564 the Utah Population Committee.

565 (b) A municipality described in Subsection (6)(a)(i) shall ensure that each member of
566 the municipality's planning commission completes four hours of annual land use training as
567 follows:

568 (i) one hour of annual training on general powers and duties under Title 10, Chapter 9a,
569 Municipal Land Use, Development, and Management Act; and

570 (ii) three hours of annual training on land use, which may include:

571 (A) appeals and variances;

572 (B) conditional use permits;

573 (C) exactions;

574 (D) impact fees;

575 (E) vested rights;

576 (F) subdivision regulations and improvement guarantees;

577 (G) land use referenda;

578 (H) property rights;

579 (I) real estate procedures and financing;

580 (J) zoning, including use-based and form-based; and

581 (K) drafting ordinances and code that complies with statute.

582 (c) A newly appointed planning commission member may not participate in a public
583 meeting as an appointed member until the member completes the training described in
584 Subsection (6)(b)(i).

585 (d) A planning commission member may qualify for one completed hour of training
586 required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public
587 meetings of the planning commission within a calendar year.

588 (e) A municipality shall provide the training described in Subsection (6)(b) through:

589 (i) municipal staff;

- 590 (ii) the Utah League of Cities and Towns; or
- 591 (iii) a list of training courses selected by:
- 592 (A) the Utah League of Cities and Towns; or
- 593 (B) the Division of Real Estate created in Section [61-2-201](#).
- 594 (f) A municipality shall, for each planning commission member:
- 595 (i) monitor compliance with the training requirements in Subsection (6)(b); and
- 596 (ii) maintain a record of training completion at the end of each calendar year.

597 Section 3. Section **10-9a-507** is amended to read:

598 **10-9a-507. Conditional uses.**

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

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

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

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

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

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

617 (3) A land use authority's decision to approve or deny conditional use is an

618 administrative land use decision.

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

621 Section 4. Section **10-9a-509** is amended to read:

622 **10-9a-509. Applicant's entitlement to land use application approval --**
623 **Municipality's requirements and limitations -- Vesting upon submission of development**
624 **plan and schedule.**

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

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

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

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

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

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

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

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

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

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

649 (d) A subsequent incorporation of a municipality or a petition that proposes the
650 incorporation of a municipality does not affect a land use application approved by a county in
651 accordance with Section 17-27a-508.

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

654 (f) A municipality may not impose on an applicant who has submitted a complete
655 application a requirement that is not expressed in:

656 (i) this chapter;

657 (ii) a municipal ordinance; or

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

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

662 (i) in a land use permit;

663 (ii) on the subdivision plat;

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

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

667 (v) in this chapter; or

668 (vi) in a municipal ordinance.

669 (h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance
670 of a certificate of occupancy or acceptance of subdivision improvements because of an
671 applicant's failure to comply with a requirement that is not expressed:

672 (i) in the building permit or subdivision plat, documents on which the building permit
673 or subdivision plat is based, or the written record evidencing approval of the land use permit or

674 subdivision plat; or

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

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

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

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

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

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

689 (4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on
690 which a subdivision plat is recorded, a municipality may not impose on a building permit
691 applicant for a single-family dwelling located within the subdivision any land use regulation
692 that is enacted within 10 years after the day on which the subdivision plat is recorded.

693 (b) Subsection (4)(a) does not apply to any changes in the requirements of the
694 applicable building code, health code, or fire code, or other similar regulations.

695 [~~4~~] (5) Upon a specified public agency's submission of a development plan and
696 schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that
697 subsection, the specified public agency vests in the municipality's applicable land use maps,
698 zoning map, hookup fees, impact fees, other applicable development fees, and land use
699 regulations in effect on the date of submission.

700 [~~5~~] (6) (a) If sponsors of a referendum timely challenge a project in accordance with
701 Subsection 20A-7-601(5)(a), the project's affected owner may rescind the project's land use

702 approval by delivering a written notice:

703 (i) to the local clerk as defined in Section 20A-7-101; and

704 (ii) no later than seven days after the day on which a petition for a referendum is

705 determined sufficient under Section 20A-7-607(5).

706 (b) Upon delivery of a written notice described in Subsection ~~[(5)]~~ (6)(a) the following
707 are rescinded and are of no further force or effect:

708 (i) the relevant land use approval; and

709 (ii) any land use regulation enacted specifically in relation to the land use approval.

710 Section 5. Section 10-9a-523 is amended to read:

711 **10-9a-523. Property boundary adjustment.**

712 ~~[(1) A property owner:]~~

713 ~~[(a) may execute a parcel boundary adjustment by quitclaim deed or by a boundary line
714 agreement as described in Section 57-1-45; and]~~

715 ~~[(b) shall record the quitclaim deed or boundary line agreement in the office of the
716 county recorder.]~~

717 ~~[(2) A parcel boundary adjustment is not subject to the review of a land use authority.]~~

718 (1) To make a parcel boundary adjustment, a property owner shall:

719 (a) execute a boundary adjustment through:

720 (i) a quitclaim deed; or

721 (ii) a boundary line agreement under Section 10-9a-524; and

722 (b) record the quitclaim deed or boundary line agreement described in Subsection

723 (1)(a) in the office of the county recorder of the county in which each property is located.

724 (2) To make a lot line adjustment, a property owner shall:

725 (a) obtain approval of the boundary adjustment under Section 10-9a-608;

726 (b) execute a boundary adjustment through:

727 (i) a quitclaim deed; or

728 (ii) a boundary line agreement under Section 10-9a-524; and

729 (c) record the quitclaim deed or boundary line agreement described in Subsection

730 (2)(b) in the office of the county recorder of the county in which each property is located.

731 (3) A parcel boundary adjustment under Subsection (1) is not subject to review of a
732 land use authority unless:

733 (a) the parcel includes a dwelling; and

734 (b) the land use authority's approval is required under Subsection [10-9a-524\(5\)](#).

735 (4) The recording of a boundary line agreement or other document used to adjust a
736 mutual boundary line that is not subject to review of a land use authority:

737 (a) does not constitute a land use approval; and

738 (b) does not affect the validity of the boundary line agreement or other document used
739 to adjust a mutual boundary line.

740 (5) A municipality may withhold approval of a land use application for property that is
741 subject to a recorded boundary line agreement or other document used to adjust a mutual
742 boundary line if the municipality determines that the lots or parcels, as adjusted by the
743 boundary line agreement or other document used to adjust the mutual boundary line, are not in
744 compliance with the municipality's land use regulations in effect on the day on which the
745 boundary line agreement or other document used to adjust the mutual boundary line is
746 recorded.

747 Section 6. Section **10-9a-524** is amended to read:

748 **10-9a-524. Boundary line agreement.**

749 ~~[(1) As used in this section, "boundary line agreement" is an agreement described in~~
750 ~~Section [57-1-45](#).]~~

751 ~~[(2) A property owner:]~~

752 ~~[(a) may execute a boundary line agreement; and]~~

753 ~~[(b) shall record a boundary line agreement in the office of the county recorder.]~~

754 ~~[(3) A boundary line agreement is not subject to the review of a land use authority.]~~

755 (1) If properly executed and acknowledged as required by law, an agreement between
756 owners of adjoining property that designates the boundary line between the adjoining
757 properties acts, upon recording in the office of the recorder of the county in which each

758 property is located, as a quitclaim deed to convey all of each party's right, title, interest, and
759 estate in property outside the agreed boundary line that had been the subject of the boundary
760 line agreement or dispute that led to the boundary line agreement.

761 (2) Adjoining property owners executing a boundary line agreement described in
762 Subsection (1) shall:

763 (a) ensure that the agreement includes:

764 (i) a legal description of the agreed upon boundary line and of each parcel or lot after
765 the boundary line is changed;

766 (ii) the name and signature of each grantor that is party to the agreement;

767 (iii) a sufficient acknowledgment for each grantor's signature;

768 (iv) the address of each grantee for assessment purposes;

769 (v) a legal description of the parcel or lot each grantor owns before the boundary line is
770 changed; and

771 (vi) the date of the agreement if the date is not included in the acknowledgment in a
772 form substantially similar to a quitclaim deed as described in Section [57-1-13](#);

773 (b) if any of the property subject to the boundary line agreement is a lot, prepare an
774 amended plat in accordance with Section [10-9a-608](#) before executing the boundary line
775 agreement; and

776 (c) if none of the property subject to the boundary line agreement is a lot, ensure that
777 the boundary line agreement includes a statement citing the file number of a record of a survey
778 map in accordance with Section [17-23-17](#), unless the statement is exempted by the
779 municipality.

780 (3) A boundary line agreement described in Subsection (1) that complies with
781 Subsection (2) presumptively:

782 (a) has no detrimental effect on any easement on the property that is recorded before
783 the day on which the agreement is executed unless the owner of the property benefitting from
784 the easement specifically modifies the easement within the boundary line agreement or a
785 separate recorded easement modification or relinquishment document; and

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

787 (4) Notwithstanding Part 6, Subdivisions, or a municipality's ordinances or policies, a
788 boundary line agreement that only affects parcels is not subject to:

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

790 (b) the review of a land use authority; or

791 (c) an engineering review or approval of the municipality, except as provided in

792 Subsection (5).

793 (5) (a) If a parcel that is the subject of a boundary line agreement contains a dwelling
794 unit, the municipality may require a review of the boundary line agreement if the municipality:

795 (i) adopts an ordinance that:

796 (A) requires review and approval for a boundary line agreement containing a dwelling
797 unit; and

798 (B) includes specific criteria for approval; and

799 (ii) completes the review within 14 days after the day on which the property owner
800 submits the boundary line agreement for review.

801 (b) (i) If a municipality, upon a review under Subsection (5)(a), determines that the
802 boundary line agreement is deficient or if the municipality requires additional information to
803 approve the boundary line agreement, the municipality shall send, within the time period
804 described in Subsection (5)(a)(ii), written notice to the property owner that:

805 (A) describes the specific deficiency or additional information that the municipality
806 requires to approve the boundary line agreement; and

807 (B) states that the municipality shall approve the boundary line agreement upon the
808 property owner's correction of the deficiency or submission of the additional information
809 described in Subsection (5)(b)(i)(A).

810 (ii) If a municipality, upon a review under Subsection (5)(a), approves the boundary
811 line agreement, the municipality shall send written notice of the boundary line agreement's
812 approval to the property owner within the time period described in Subsection (5)(a)(ii).

813 (c) If a municipality fails to send a written notice under Subsection (5)(b) within the

814 time period described in Subsection (5)(a)(ii), the property owner may record the boundary line
815 agreement as if no review under this Subsection (5) was required.

816 Section 7. Section **10-9a-529** is amended to read:

817 **10-9a-529. Specified public utility located in a municipal utility easement.**

818 A specified public utility may exercise each power of a public utility under Section
819 [54-3-27](#) if the specified public utility uses an easement:

820 (1) with the consent of a municipality; and

821 (2) that is located within a municipal utility easement described in [Subsection]

822 Subsections [10-9a-103](#)~~(40)~~(41)(a) through (e).

823 Section 8. Section **10-9a-530** is enacted to read:

824 **10-9a-530. Development agreements.**

825 (1) Subject to Subsection (2), a municipality may enter into a development agreement
826 containing any term that the municipality considers necessary or appropriate to accomplish the
827 purposes of this chapter.

828 (2) (a) A development agreement may not:

829 (i) limit a municipality's authority in the future to:

830 (A) enact a land use regulation; or

831 (B) take any action allowed under Section [10-8-84](#);

832 (ii) require a municipality to change the zoning designation of an area of land within
833 the municipality in the future; or

834 (iii) contain a term that conflicts with, or is different from, a standard set forth in an
835 existing land use regulation that governs the area subject to the development agreement, unless
836 the legislative body approves the development agreement in accordance with the same
837 procedures for enacting a land use regulation under Section [10-9a-502](#), including a review and
838 recommendation from the planning commission and a public hearing.

839 (b) A development agreement that requires the implementation of an existing land use
840 regulation as an administrative act does not require a legislative body's approval under Section
841 [10-9a-502](#).

842 (c) A municipality may not require a development agreement as the only option for
843 developing land within the municipality.

844 (d) To the extent that a development agreement does not specifically address a matter
845 or concern related to land use or development, the matter or concern is governed by:

846 (i) this chapter; and

847 (ii) any applicable land use regulations.

848 Section 9. Section **10-9a-531** is enacted to read:

849 **10-9a-531. Infrastructure improvements involving roadways.**

850 (1) As used in this section:

851 (a) "Low impact development" means the same as that term is defined in Section
852 [19-5-108.5](#).

853 (b) (i) "Pavement" means the bituminous or concrete surface of a roadway.

854 (ii) "Pavement" does not include a curb or gutter.

855 (c) "Residential street" means a public or private roadway that:

856 (i) currently serves or is projected to serve an area designated primarily for
857 single-family residential use;

858 (ii) requires at least two off-site parking spaces for each single-family residential
859 property abutting the roadway; and

860 (iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day,
861 based on findings contained in:

862 (A) a traffic impact study;

863 (B) the municipality's general plan under Section [10-9a-401](#);

864 (C) an adopted phasing plan; or

865 (D) a written plan or report on current or projected traffic usage.

866 (2) (a) Except as provided in Subsection (2)(b), a municipality may not, as part of an
867 infrastructure improvement, require the installation of pavement on a residential street at a
868 width in excess of 32 feet if the municipality requires low impact development for the area in
869 which the residential street is located.

870 (b) Subsection (2)(a) does not apply if a municipality requires the installation of
871 pavement:

872 (i) in a vehicle turnaround area; or

873 (ii) to address specific traffic flow constraints at an intersection or other area.

874 (3) (a) A municipality shall, by ordinance, establish any standards that the municipality
875 requires, as part of an infrastructure improvement, for fire department vehicle access and
876 turnaround on roadways.

877 (b) The municipality shall ensure that the standards established under Subsection (3)(a)
878 are consistent with the State Fire Code as defined in Section [15A-1-102](#).

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

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

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

884 (a) the subdivision plat may be filed and recorded in the county recorder's office; and

885 (b) lots may be sold.

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

888 (3) The joining of a lot or lots to a parcel does not constitute a subdivision as to the
889 parcel or subject the parcel to the municipality's subdivision ordinance.

890 Section 11. Section **10-9a-608** is amended to read:

891 **10-9a-608. Subdivision amendments.**

892 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
893 subdivision that has been laid out and platted as provided in this part may file a written petition
894 with the land use authority to request a subdivision amendment.

895 (b) Upon filing a written petition to request a subdivision amendment under Subsection
896 (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in
897 accordance with Section [10-9a-603](#) that:

- 898 (i) depicts only the portion of the subdivision that is proposed to be amended;
- 899 (ii) includes a plat name distinguishing the amended plat from the original plat;
- 900 (iii) describes the differences between the amended plat and the original plat; and
- 901 (iv) includes references to the original plat.

902 (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide
903 notice of the petition by mail, email, or other effective means to each affected entity that
904 provides a service to an owner of record of the portion of the plat that is being vacated or
905 amended at least 10 calendar days before the land use authority may approve the petition for a
906 subdivision amendment.

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

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

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

913 (e) A land use authority may not approve a petition for a subdivision amendment under
914 this section unless the amendment identifies and preserves any easements owned by a culinary
915 water authority and sanitary sewer authority for existing facilities located within the
916 subdivision.

917 (2) [~~Unless a local ordinance provides otherwise, the~~] The public hearing requirement
918 of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting
919 an owner's petition for a subdivision amendment if:

920 (a) the petition seeks to:

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

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

924 (iii) adjust the lot lines of adjoining lots or [~~parcels~~] between a lot and an adjoining
925 parcel if the fee owners of each of the adjoining [~~lots or parcels~~] properties join in the petition,

926 regardless of whether the [~~lots or parcels~~] properties are located in the same subdivision;

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

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

931 (A) owned by the petitioner; or

932 (B) designated as a common area; and

933 (b) notice has been given to [~~adjacent~~] adjoining property owners in accordance with
934 any applicable local ordinance.

935 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or
936 municipal utility easement is also subject to Section [10-9a-609.5](#).

937 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or
938 a portion of a plat shall include:

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

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

943 (5) (a) The owners of record of [~~adjacent parcels that are described by either a metes
944 and bounds description or by a recorded plat~~] adjoining properties where one or more of the
945 properties is a lot may exchange title to portions of those parcels if the exchange of title is
946 approved by the land use authority in accordance with Subsection (5)(b).

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

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

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

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

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

954 (C) recites the legal descriptions of both the original [~~parcels~~] properties and the
955 [~~parcels created by~~] properties resulting from the exchange of title; and

956 (ii) a document of conveyance shall be recorded in the office of the county recorder
957 with an amended plat.

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

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

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

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

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

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

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

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

974 Section 12. Section **10-9a-609.5** is amended to read:

975 **10-9a-609.5. Petition to vacate a public street.**

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

979 (2) A petition to vacate some or all of a public street or municipal utility easement shall
980 include:

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

982 (i) adjacent to the public street or municipal utility easement between the two nearest
983 public street intersections; or

984 (ii) accessed exclusively by or within 300 feet of the public street or municipal utility
985 easement;

986 (b) proof of written notice to operators of utilities and culinary water or sanitary sewer
987 facilities located within the bounds of the public street or municipal utility easement sought to
988 be vacated; and

989 (c) the signature of each owner under Subsection (2)(a) who consents to the vacation.

990 (3) If a petition is submitted containing a request to vacate some or all of a public street
991 or municipal utility easement, the legislative body shall hold a public hearing in accordance
992 with Section 10-9a-208 and determine whether:

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

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

996 (4) The legislative body may adopt an ordinance granting a petition to vacate some or
997 all of a public street or municipal utility easement if the legislative body finds that:

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

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

1000 (5) If the legislative body adopts an ordinance vacating some or all of a public street or
1001 municipal utility easement, the legislative body shall ensure that one or both of the following is
1002 recorded in the office of the recorder of the county in which the land is located:

1003 (a) a plat reflecting the vacation; or

1004 (b) (i) an ordinance described in Subsection (4); and

1005 (ii) a legal description of the public street to be vacated.

1006 (6) The action of the legislative body vacating some or all of a public street or
1007 municipal utility easement that has been dedicated to public use:

1008 (a) operates to the extent to which it is vacated, upon the effective date of the recorded
1009 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the

1010 municipality's fee in the vacated public street or municipal utility easement; and

1011 (b) may not be construed to impair:

1012 (i) any right-of-way or easement of any parcel or lot owner; ~~[or]~~

1013 (ii) the rights of any public utility~~[-];~~ or

1014 (iii) the rights of a culinary water authority or sanitary sewer authority.

1015 (7) (a) A municipality may submit a petition, in accordance with Subsection (2), and
1016 initiate and complete a process to vacate some or all of a public street.

1017 (b) If a municipality submits a petition and initiates a process under Subsection (7)(a):

1018 (i) the legislative body shall hold a public hearing;

1019 (ii) the petition and process may not apply to or affect a public utility easement, except
1020 to the extent:

1021 (A) the easement is not a protected utility easement as defined in Section 54-3-27;

1022 (B) the easement is included within the public street; and

1023 (C) the notice to vacate the public street also contains a notice to vacate the easement;

1024 and

1025 (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating
1026 a public street through a recorded plat or amended plat.

1027 (8) A legislative body may not approve a petition to vacate a public street under this
1028 section unless the vacation identifies and preserves any easements owned by a culinary water
1029 authority and sanitary sewer authority for existing facilities located within the public street.

1030 Section 13. Section 10-9a-701 is amended to read:

1031 **10-9a-701. Appeal authority required -- Condition precedent to judicial review --**

1032 **Appeal authority duties.**

1033 (1) (a) Each municipality adopting a land use ordinance shall, by ordinance, establish
1034 one or more appeal authorities ~~[to hear and decide:]~~.

1035 (b) An appeal authority described in Subsection (1)(a) shall hear and decide:

1036 ~~[(a)]~~ (i) requests for variances from the terms of ~~[the]~~ land use ordinances;

1037 ~~[(b)]~~ (ii) appeals from land use decisions applying ~~[the]~~ land use ordinances; and

1038 ~~[(e)]~~ (iii) appeals from a fee charged in accordance with Section 10-9a-510.

1039 (c) An appeal authority described in Subsection (1)(a) may not hear an appeal from the
1040 enactment of a land use regulation.

1041 (2) As a condition precedent to judicial review, each adversely affected party shall
1042 timely and specifically challenge a land use authority's land use decision, in accordance with
1043 local ordinance.

1044 (3) An appeal authority described in Subsection (1)(a):

1045 (a) shall:

1046 (i) act in a quasi-judicial manner; and

1047 (ii) serve as the final arbiter of issues involving the interpretation or application of land
1048 use ordinances; and

1049 (b) may not entertain an appeal of a matter in which the appeal authority, or any
1050 participating member, had first acted as the land use authority.

1051 (4) By ordinance, a municipality may:

1052 (a) designate a separate appeal authority to hear requests for variances than the appeal
1053 authority ~~[it]~~ the municipality designates to hear appeals;

1054 (b) designate one or more separate appeal authorities to hear distinct types of appeals
1055 of land use authority decisions;

1056 (c) require an adversely affected party to present to an appeal authority every theory of
1057 relief that ~~[it]~~ the adversely affected party can raise in district court;

1058 (d) not require a land use applicant or adversely affected party to pursue duplicate or
1059 successive appeals before the same or separate appeal authorities as a condition of an appealing
1060 party's duty to exhaust administrative remedies; and

1061 (e) provide that specified types of land use decisions may be appealed directly to the
1062 district court.

1063 (5) If the municipality establishes or, prior to the effective date of this chapter, has
1064 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the
1065 board, body, or panel shall:

1066 (a) notify each of [its] the members of the board, body, or panel of any meeting or
1067 hearing of the board, body, or panel;

1068 (b) provide each of [its] the members of the board, body, or panel with the same
1069 information and access to municipal resources as any other member;

1070 (c) convene only if a quorum of [its] the members of the board, body, or panel is
1071 present; and

1072 (d) act only upon the vote of a majority of [its] the convened members of the board,
1073 body, or panel.

1074 Section 14. Section **10-9a-801** is amended to read:

1075 **10-9a-801. No district court review until administrative remedies exhausted --**

1076 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**

1077 **-- Staying of decision.**

1078 (1) No person may challenge in district court a land use decision until that person has
1079 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
1080 Variances, if applicable.

1081 (2) (a) [~~A~~] Subject to Subsection (1), a land use applicant or adversely affected party
1082 may file a petition for review of [the] a land use decision with the district court within 30 days
1083 after the decision is final.

1084 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
1085 property owner files a request for arbitration of a constitutional taking issue with the property
1086 rights ombudsman under Section [13-43-204](#) until 30 days after:

1087 (A) the arbitrator issues a final award; or

1088 (B) the property rights ombudsman issues a written statement under Subsection
1089 [13-43-204\(3\)\(b\)](#) declining to arbitrate or to appoint an arbitrator.

1090 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
1091 taking issue that is the subject of the request for arbitration filed with the property rights
1092 ombudsman by a property owner.

1093 (iii) A request for arbitration filed with the property rights ombudsman after the time

1094 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

1095 (3) (a) A court shall:

1096 (i) presume that a land use regulation properly enacted under the authority of this
1097 chapter is valid; and

1098 (ii) determine only whether:

1099 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
1100 or federal law; and

1101 (B) it is reasonably debatable that the land use regulation is consistent with this
1102 chapter.

1103 (b) A court shall:

1104 (i) presume that a final land use decision of a land use authority or an appeal authority
1105 is valid; and

1106 (ii) uphold the land use decision unless the land use decision is:

1107 (A) arbitrary and capricious; or

1108 (B) illegal.

1109 (c) (i) A land use decision is arbitrary and capricious if the land use decision is not
1110 supported by substantial evidence in the record.

1111 (ii) A land use decision is illegal if the land use decision is:

1112 (A) based on an incorrect interpretation of a land use regulation; or

1113 (B) contrary to law.

1114 (d) (i) A court may affirm or reverse [~~the decision of a land use authority~~] a land use
1115 decision.

1116 (ii) If the court reverses a land use [~~authority's~~] decision, the court shall remand the
1117 matter to the land use authority with instructions to issue a land use decision consistent with
1118 the court's ruling.

1119 (4) The provisions of Subsection (2)(a) apply from the date on which the municipality
1120 takes final action on a land use application, if the municipality conformed with the notice
1121 provisions of Part 2, Notice, or for any person who had actual notice of the pending land use

1122 decision.

1123 (5) If the municipality has complied with Section 10-9a-205, a challenge to the
1124 enactment of a land use regulation or general plan may not be filed with the district court more
1125 than 30 days after the enactment.

1126 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
1127 days after the land use decision is final.

1128 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
1129 the reviewing court the record of ~~its~~ the proceedings of the land use authority or appeal
1130 authority, including ~~its~~ the minutes, findings, orders, and, if available, a true and correct
1131 transcript of ~~its~~ the proceedings.

1132 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
1133 transcript for purposes of this Subsection (7).

1134 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
1135 by the land use authority or appeal authority, as the case may be.

1136 (ii) The court may not accept or consider any evidence outside the record of the land
1137 use authority or appeal authority, as the case may be, unless that evidence was offered to the
1138 land use authority or appeal authority, respectively, and the court determines that ~~it~~ the
1139 evidence was improperly excluded.

1140 (b) If there is no record, the court may call witnesses and take evidence.

1141 (9) (a) The filing of a petition does not stay the land use decision of the land use
1142 authority or appeal authority, as the case may be.

1143 (b) (i) Before filing a petition under this section or a request for mediation or
1144 arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may
1145 petition the appeal authority to stay ~~its~~ the appeal authority's land use decision.

1146 (ii) Upon receipt of a petition to stay, the appeal authority may order ~~its~~ the appeal
1147 authority's land use decision stayed pending district court review if the appeal authority finds
1148 ~~it~~ the order to be in the best interest of the municipality.

1149 (iii) After a petition is filed under this section or a request for mediation or arbitration

1150 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
1151 injunction staying the appeal authority's land use decision.

1152 (10) If the court determines that a party initiated or pursued a challenge to ~~the~~ a land
1153 use decision on a land use application in bad faith, the court may award attorney fees.

1154 Section 15. Section 17-27a-103 is amended to read:

1155 **17-27a-103. Definitions.**

1156 As used in this chapter:

1157 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
1158 detached from a primary single-family dwelling and contained on one lot.

1159 (2) "Adversely affected party" means a person other than a land use applicant who:

1160 (a) owns real property adjoining the property that is the subject of a land use
1161 application or land use decision; or

1162 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
1163 general community as a result of the land use decision.

1164 (3) "Affected entity" means a county, municipality, local district, special service
1165 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
1166 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
1167 property owner, property owners association, public utility, or the Utah Department of
1168 Transportation, if:

1169 (a) the entity's services or facilities are likely to require expansion or significant
1170 modification because of an intended use of land;

1171 (b) the entity has filed with the county a copy of the entity's general or long-range plan;

1172 or

1173 (c) the entity has filed with the county a request for notice during the same calendar
1174 year and before the county provides notice to an affected entity in compliance with a
1175 requirement imposed under this chapter.

1176 (4) "Affected owner" means the owner of real property that is:

1177 (a) a single project;

1178 (b) the subject of a land use approval that sponsors of a referendum timely challenged
1179 in accordance with Subsection 20A-7-601(5)(a); and

1180 (c) determined to be legally referable under Section 20A-7-602.8.

1181 (5) "Appeal authority" means the person, board, commission, agency, or other body
1182 designated by ordinance to decide an appeal of a decision of a land use application or a
1183 variance.

1184 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
1185 residential property if the sign is designed or intended to direct attention to a business, product,
1186 or service that is not sold, offered, or existing on the property where the sign is located.

1187 (7) (a) "Charter school" means:

1188 (i) an operating charter school;

1189 (ii) a charter school applicant that ~~[has its application approved by]~~ a charter school
1190 authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School
1191 Authorization; or

1192 (iii) an entity that is working on behalf of a charter school or approved charter
1193 applicant to develop or construct a charter school building.

1194 (b) "Charter school" does not include a therapeutic school.

1195 (8) "Chief executive officer" means the person or body that exercises the executive
1196 powers of the county.

1197 (9) "Conditional use" means a land use that, because of ~~[its]~~ the unique characteristics
1198 or potential impact of the land use on the county, surrounding neighbors, or adjacent land uses,
1199 may not be compatible in some areas or may be compatible only if certain conditions are
1200 required that mitigate or eliminate the detrimental impacts.

1201 (10) "Constitutional taking" means a governmental action that results in a taking of
1202 private property so that compensation to the owner of the property is required by the:

1203 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

1204 (b) Utah Constitution, Article I, Section 22.

1205 (11) "County utility easement" means an easement that:

1206 (a) a plat recorded in a county recorder's office described as a county utility easement
1207 or otherwise as a utility easement;

1208 (b) is not a protected utility easement or a public utility easement as defined in Section
1209 54-3-27;

1210 (c) the county or the county's affiliated governmental entity owns or creates; and

1211 (d) (i) either:

1212 (A) no person uses or occupies; or

1213 (B) the county or the county's affiliated governmental entity uses and occupies to
1214 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
1215 communications or data lines; or

1216 (ii) a person uses or occupies with or without an authorized franchise or other
1217 agreement with the county.

1218 (12) "Culinary water authority" means the department, agency, or public entity with
1219 responsibility to review and approve the feasibility of the culinary water system and sources for
1220 the subject property.

1221 (13) "Development activity" means:

1222 (a) any construction or expansion of a building, structure, or use that creates additional
1223 demand and need for public facilities;

1224 (b) any change in use of a building or structure that creates additional demand and need
1225 for public facilities; or

1226 (c) any change in the use of land that creates additional demand and need for public
1227 facilities.

1228 (14) (a) "Development agreement" means a written agreement or amendment to a
1229 written agreement between a county and one or more parties that regulates or controls the use
1230 or development of a specific area of land.

1231 (b) "Development agreement" does not include an improvement completion assurance.

1232 [~~14~~] (15) (a) "Disability" means a physical or mental impairment that substantially
1233 limits one or more of a person's major life activities, including a person having a record of such

1234 an impairment or being regarded as having such an impairment.

1235 (b) "Disability" does not include current illegal use of, or addiction to, any federally
1236 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
1237 Sec. 802.

1238 [~~15~~] (16) "Educational facility":

1239 (a) means:

1240 (i) a school district's building at which pupils assemble to receive instruction in a
1241 program for any combination of grades from preschool through grade 12, including
1242 kindergarten and a program for children with disabilities;

1243 (ii) a structure or facility:

1244 (A) located on the same property as a building described in Subsection [~~15~~]

1245 (16)(a)(i); and

1246 (B) used in support of the use of that building; and

1247 (iii) a building to provide office and related space to a school district's administrative
1248 personnel; and

1249 (b) does not include:

1250 (i) land or a structure, including land or a structure for inventory storage, equipment
1251 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1252 (A) not located on the same property as a building described in Subsection [~~15~~]

1253 (16)(a)(i); and

1254 (B) used in support of the purposes of a building described in Subsection [~~15~~]

1255 (16)(a)(i); or

1256 (ii) a therapeutic school.

1257 [~~16~~] (17) "Fire authority" means the department, agency, or public entity with
1258 responsibility to review and approve the feasibility of fire protection and suppression services
1259 for the subject property.

1260 [~~17~~] (18) "Flood plain" means land that:

1261 (a) is within the 100-year flood plain designated by the Federal Emergency

1262 Management Agency; or

1263 (b) has not been studied or designated by the Federal Emergency Management Agency
1264 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
1265 the land has characteristics that are similar to those of a 100-year flood plain designated by the
1266 Federal Emergency Management Agency.

1267 [~~(18)~~] (19) "Gas corporation" has the same meaning as defined in Section 54-2-1.

1268 [~~(19)~~] (20) "General plan" means a document that a county adopts that sets forth
1269 general guidelines for proposed future development of:

1270 (a) the unincorporated land within the county; or

1271 (b) for a mountainous planning district, the land within the mountainous planning
1272 district.

1273 [~~(20)~~] (21) "Geologic hazard" means:

1274 (a) a surface fault rupture;

1275 (b) shallow groundwater;

1276 (c) liquefaction;

1277 (d) a landslide;

1278 (e) a debris flow;

1279 (f) unstable soil;

1280 (g) a rock fall; or

1281 (h) any other geologic condition that presents a risk:

1282 (i) to life;

1283 (ii) of substantial loss of real property; or

1284 (iii) of substantial damage to real property.

1285 [~~(21)~~] (22) "Hookup fee" means a fee for the installation and inspection of any pipe,
1286 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
1287 utility system.

1288 [~~(22)~~] (23) "Identical plans" means building plans submitted to a county that:

1289 (a) are clearly marked as "identical plans";

1290 (b) are substantially identical building plans that were previously submitted to and
1291 reviewed and approved by the county; and

1292 (c) describe a building that:

1293 (i) is located on land zoned the same as the land on which the building described in the
1294 previously approved plans is located;

1295 (ii) is subject to the same geological and meteorological conditions and the same law
1296 as the building described in the previously approved plans;

1297 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
1298 and approved by the county; and

1299 (iv) does not require any additional engineering or analysis.

1300 [~~(23)~~] (24) "Impact fee" means a payment of money imposed under Title 11, Chapter
1301 36a, Impact Fees Act.

1302 [~~(24)~~] (25) "Improvement completion assurance" means a surety bond, letter of credit,
1303 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
1304 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
1305 required as a condition precedent to:

1306 (a) recording a subdivision plat; or

1307 (b) development of a commercial, industrial, mixed use, or multifamily project.

1308 [~~(25)~~] (26) "Improvement warranty" means an applicant's unconditional warranty that
1309 the applicant's installed and accepted landscaping or infrastructure improvement:

1310 (a) complies with the county's written standards for design, materials, and
1311 workmanship; and

1312 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1313 within the improvement warranty period.

1314 [~~(26)~~] (27) "Improvement warranty period" means a period:

1315 (a) no later than one year after a county's acceptance of required landscaping; or

1316 (b) no later than one year after a county's acceptance of required infrastructure, unless
1317 the county:

1318 (i) determines for good cause that a one-year period would be inadequate to protect the
1319 public health, safety, and welfare; and

1320 (ii) has substantial evidence, on record:

1321 (A) of prior poor performance by the applicant; or

1322 (B) that the area upon which the infrastructure will be constructed contains suspect soil
1323 and the county has not otherwise required the applicant to mitigate the suspect soil.

1324 ~~[(27)]~~ (28) "Infrastructure improvement" means permanent infrastructure that is
1325 essential for the public health and safety or that:

1326 (a) is required for human consumption; and

1327 (b) an applicant must install:

1328 (i) in accordance with published installation and inspection specifications for public
1329 improvements; and

1330 (ii) as a condition of:

1331 (A) recording a subdivision plat;

1332 (B) obtaining a building permit; or

1333 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
1334 project.

1335 ~~[(28)]~~ (29) "Internal lot restriction" means a platted note, platted demarcation, or
1336 platted designation that:

1337 (a) runs with the land; and

1338 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
1339 the plat; or

1340 (ii) designates a development condition that is enclosed within the perimeter of a lot
1341 described on the plat.

1342 ~~[(29)]~~ (30) "Interstate pipeline company" means a person or entity engaged in natural
1343 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
1344 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1345 ~~[(30)]~~ (31) "Intrastate pipeline company" means a person or entity engaged in natural

1346 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1347 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1348 ~~[(31)]~~ (32) "Land use applicant" means a property owner, or the property owner's
1349 designee, who submits a land use application regarding the property owner's land.

1350 ~~[(32)]~~ (33) "Land use application":

1351 (a) means an application that is:

1352 (i) required by a county; and

1353 (ii) submitted by a land use applicant to obtain a land use decision; and

1354 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1355 ~~[(33)]~~ (34) "Land use authority" means:

1356 (a) a person, board, commission, agency, or body, including the local legislative body,
1357 designated by the local legislative body to act upon a land use application; or

1358 (b) if the local legislative body has not designated a person, board, commission,
1359 agency, or body, the local legislative body.

1360 ~~[(34)]~~ (35) "Land use decision" means an administrative decision of a land use
1361 authority or appeal authority regarding:

1362 (a) a land use permit;

1363 (b) a land use application; or

1364 (c) the enforcement of a land use regulation, land use permit, or development
1365 agreement.

1366 ~~[(35)]~~ (36) "Land use permit" means a permit issued by a land use authority.

1367 ~~[(36)]~~ (37) "Land use regulation":

1368 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1369 specification, fee, or rule that governs the use or development of land;

1370 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
1371 and

1372 (c) does not include:

1373 (i) a land use decision of the legislative body acting as the land use authority, even if

1374 the decision is expressed in a resolution or ordinance; or

1375 (ii) a temporary revision to an engineering specification that does not materially:

1376 (A) increase a land use applicant's cost of development compared to the existing
1377 specification; or

1378 (B) impact a land use applicant's use of land.

1379 ~~[(37)]~~ (38) "Legislative body" means the county legislative body, or for a county that
1380 has adopted an alternative form of government, the body exercising legislative powers.

1381 ~~[(38)]~~ (39) "Local district" means any entity under Title 17B, Limited Purpose Local
1382 Government Entities - Local Districts, and any other governmental or quasi-governmental
1383 entity that is not a county, municipality, school district, or the state.

1384 ~~[(39)]~~ (40) "Lot" means a tract of land, regardless of any label, that is created by and
1385 shown on a subdivision plat that has been recorded in the office of the county recorder.

1386 ~~[(40)]~~ (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between
1387 adjoining lots or between a lot and adjoining parcels~~;~~ in accordance with Section 17-27a-608:

1388 (i) whether or not the lots are located in the same subdivision~~;~~ in accordance with
1389 Section 17-27a-608;~~]; and~~

1390 (ii) with the consent of the owners of record.

1391 (b) "Lot line adjustment" does not mean a new boundary line that:

1392 (i) creates an additional lot; or

1393 (ii) constitutes a subdivision.

1394 (c) "Lot line adjustment" does not include a boundary line adjustment made by the
1395 Department of Transportation.

1396 ~~[(41)]~~ (42) "Major transit investment corridor" means public transit service that uses or
1397 occupies:

1398 (a) public transit rail right-of-way;

1399 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1400 or

1401 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a

1402 municipality or county and:

1403 (i) a public transit district as defined in Section 17B-2a-802; or

1404 (ii) an eligible political subdivision as defined in Section 59-12-2219.

1405 ~~[(42)]~~ (43) "Moderate income housing" means housing occupied or reserved for
1406 occupancy by households with a gross household income equal to or less than 80% of the
1407 median gross income for households of the same size in the county in which the housing is
1408 located.

1409 ~~[(43)]~~ (44) "Mountainous planning district" means an area:

1410 (a) designated by a county legislative body in accordance with Section 17-27a-901; and

1411 (b) that is not otherwise exempt under Section 10-9a-304.

1412 ~~[(44)]~~ (45) "Nominal fee" means a fee that reasonably reimburses a county only for
1413 time spent and expenses incurred in:

1414 (a) verifying that building plans are identical plans; and

1415 (b) reviewing and approving those minor aspects of identical plans that differ from the
1416 previously reviewed and approved building plans.

1417 ~~[(45)]~~ (46) "Noncomplying structure" means a structure that:

1418 (a) legally existed before ~~[its]~~ the structure's current land use designation; and

1419 (b) because of one or more subsequent land use ordinance changes, does not conform
1420 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1421 the use of land.

1422 ~~[(46)]~~ (47) "Nonconforming use" means a use of land that:

1423 (a) legally existed before its current land use designation;

1424 (b) has been maintained continuously since the time the land use ordinance regulation
1425 governing the land changed; and

1426 (c) because of one or more subsequent land use ordinance changes, does not conform
1427 to the regulations that now govern the use of the land.

1428 ~~[(47)]~~ (48) "Official map" means a map drawn by county authorities and recorded in
1429 the county recorder's office that:

1430 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1431 highways and other transportation facilities;

1432 (b) provides a basis for restricting development in designated rights-of-way or between
1433 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1434 the land; and

1435 (c) has been adopted as an element of the county's general plan.

1436 ~~[(48)]~~ (49) "Parcel" means any real property that is not a lot ~~[created by and shown on a~~
1437 ~~subdivision plat recorded in the office of the county recorder].~~

1438 ~~[(49)]~~ (50) (a) "Parcel boundary adjustment" means a recorded agreement between
1439 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
1440 line agreement in accordance with Section ~~[57-1-45]~~ [17-27a-523](#), if no additional parcel is
1441 created and:

1442 (i) none of the property identified in the agreement is ~~[subdivided land]~~ a lot; or

1443 (ii) the adjustment is to the boundaries of a single person's parcels.

1444 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1445 line that:

1446 (i) creates an additional parcel; or

1447 (ii) constitutes a subdivision.

1448 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by
1449 the Department of Transportation.

1450 ~~[(50)]~~ (51) "Person" means an individual, corporation, partnership, organization,
1451 association, trust, governmental agency, or any other legal entity.

1452 ~~[(51)]~~ (52) "Plan for moderate income housing" means a written document adopted by
1453 a county legislative body that includes:

1454 (a) an estimate of the existing supply of moderate income housing located within the
1455 county;

1456 (b) an estimate of the need for moderate income housing in the county for the next five
1457 years;

1458 (c) a survey of total residential land use;

1459 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1460 income housing; and

1461 (e) a description of the county's program to encourage an adequate supply of moderate
1462 income housing.

1463 [~~(52)~~] (53) "Planning advisory area" means a contiguous, geographically defined
1464 portion of the unincorporated area of a county established under this part with planning and
1465 zoning functions as exercised through the planning advisory area planning commission, as
1466 provided in this chapter, but with no legal or political identity separate from the county and no
1467 taxing authority.

1468 [~~(53)~~] (54) "Plat" means an instrument subdividing property into lots as depicted on a
1469 map or other graphical representation of lands that a licensed professional land surveyor makes
1470 and prepares in accordance with Section [17-27a-603](#) or [57-8-13](#).

1471 [~~(54)~~] (55) "Potential geologic hazard area" means an area that:

1472 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1473 relevant map or report as needing further study to determine the area's potential for geologic
1474 hazard; or

1475 (b) has not been studied by the Utah Geological Survey or a county geologist but
1476 presents the potential of geologic hazard because the area has characteristics similar to those of
1477 a designated geologic hazard area.

1478 [~~(55)~~] (56) "Public agency" means:

1479 (a) the federal government;

1480 (b) the state;

1481 (c) a county, municipality, school district, local district, special service district, or other
1482 political subdivision of the state; or

1483 (d) a charter school.

1484 [~~(56)~~] (57) "Public hearing" means a hearing at which members of the public are
1485 provided a reasonable opportunity to comment on the subject of the hearing.

1486 [~~(57)~~] (58) "Public meeting" means a meeting that is required to be open to the public
1487 under Title 52, Chapter 4, Open and Public Meetings Act.

1488 [~~(58)~~] (59) "Public street" means a public right-of-way, including a public highway,
1489 public avenue, public boulevard, public parkway, public road, public lane, public alley, public
1490 viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1491 easement, or other public way.

1492 [~~(59)~~] (60) "Receiving zone" means an unincorporated area of a county that the county
1493 designates, by ordinance, as an area in which an owner of land may receive a transferable
1494 development right.

1495 [~~(60)~~] (61) "Record of survey map" means a map of a survey of land prepared in
1496 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1497 [~~(61)~~] (62) "Residential facility for persons with a disability" means a residence:

1498 (a) in which more than one person with a disability resides; and

1499 (b) (i) which is licensed or certified by the Department of Human Services under Title
1500 62A, Chapter 2, Licensure of Programs and Facilities; or

1501 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
1502 21, Health Care Facility Licensing and Inspection Act.

1503 [~~(62)~~] (63) "Rules of order and procedure" means a set of rules that govern and
1504 prescribe in a public meeting:

1505 (a) parliamentary order and procedure;

1506 (b) ethical behavior; and

1507 (c) civil discourse.

1508 [~~(63)~~] (64) "Sanitary sewer authority" means the department, agency, or public entity
1509 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1510 wastewater systems.

1511 [~~(64)~~] (65) "Sending zone" means an unincorporated area of a county that the county
1512 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1513 development right.

1514 ~~[(65)]~~ (66) "Site plan" means a document or map that may be required by a county
1515 during a preliminary review preceding the issuance of a building permit to demonstrate that an
1516 owner's or developer's proposed development activity meets a land use requirement.

1517 ~~[(66)]~~ (67) "Specified public agency" means:

- 1518 (a) the state;
- 1519 (b) a school district; or
- 1520 (c) a charter school.

1521 ~~[(67)]~~ (68) "Specified public utility" means an electrical corporation, gas corporation,
1522 or telephone corporation, as those terms are defined in Section [54-2-1](#).

1523 ~~[(68)]~~ (69) "State" includes any department, division, or agency of the state.

1524 ~~[(69)] "Subdivided land" means the land, tract, or lot described in a recorded~~
1525 ~~subdivision plat.]~~

1526 (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed to be
1527 divided into two or more lots or other division of land for the purpose, whether immediate or
1528 future, for offer, sale, lease, or development either on the installment plan or upon any and all
1529 other plans, terms, and conditions.

1530 (b) "Subdivision" includes:

1531 (i) the division or development of land, whether by deed, metes and bounds
1532 description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
1533 the division includes all or a portion of a parcel or lot; and

1534 (ii) except as provided in Subsection (70)(c), divisions of land for residential and
1535 nonresidential uses, including land used or to be used for commercial, agricultural, and
1536 industrial purposes.

1537 (c) "Subdivision" does not include:

1538 (i) a bona fide division or partition of agricultural land for agricultural purposes;

1539 (ii) ~~[an]~~ a boundary line agreement recorded with the county recorder's office between
1540 owners of adjoining ~~[properties]~~ parcels adjusting the mutual boundary ~~[by a boundary line~~
1541 ~~agreement]~~ in accordance with Section ~~[57-1-45 if:]~~ [17-27a-523](#) if no new lot is created;

- 1542 ~~[(A) no new lot is created; and]~~
 1543 ~~[(B) the adjustment does not violate applicable land use ordinances;]~~
 1544 (iii) a recorded document, executed by the owner of record:
 1545 (A) revising the legal ~~[description of more than one contiguous parcel of property that~~
 1546 ~~is not subdivided land]~~ descriptions of multiple parcels into one legal description
 1547 encompassing all such parcels ~~[of property]~~; or
 1548 (B) joining a ~~[subdivided parcel of property to another parcel of property that has not~~
 1549 ~~been subdivided, if the joinder does not violate applicable land use ordinances]~~ lot to a parcel;
 1550 (iv) a bona fide division or partition of land in a county other than a first class county
 1551 for the purpose of siting, on one or more of the resulting separate parcels:
 1552 (A) an electrical transmission line or a substation;
 1553 (B) a natural gas pipeline or a regulation station; or
 1554 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
 1555 utility service regeneration, transformation, retransmission, or amplification facility;
 1556 (v) ~~[an]~~ a boundary line agreement between owners of adjoining subdivided properties
 1557 adjusting the mutual lot line boundary in accordance with ~~[Section 10-9a-603]~~ Sections
 1558 17-27a-523 and 17-27a-608 if:
 1559 (A) no new dwelling lot or housing unit will result from the adjustment; and
 1560 (B) the adjustment will not violate any applicable land use ordinance;
 1561 (vi) a bona fide division ~~[or partition]~~ of land by deed or other instrument ~~[where the~~
 1562 ~~land use authority expressly approves]~~ if the deed or other instrument states in writing that the
 1563 division:
 1564 (A) ~~[in writing the division]~~ is in anticipation of ~~[further]~~ future land use approvals on
 1565 the parcel or parcels;
 1566 (B) does not confer any land use approvals; and
 1567 (C) has not been approved by the land use authority;
 1568 (vii) a parcel boundary adjustment;
 1569 (viii) a lot line adjustment;

- 1570 (ix) a road, street, or highway dedication plat; ~~[or]~~
- 1571 (x) a deed or easement for a road, street, or highway purpose~~[-];~~ or
- 1572 (xi) any other division of land authorized by law.
- 1573 ~~[(d) The joining of a subdivided parcel of property to another parcel of property that~~
- 1574 ~~has not been subdivided does not constitute a subdivision under this Subsection (70) as to the~~
- 1575 ~~unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision~~
- 1576 ~~ordinance.]~~
- 1577 (71) "Subdivision amendment" means an amendment to a recorded subdivision in
- 1578 accordance with Section [17-27a-608](#) that:
- 1579 (a) vacates all or a portion of the subdivision;
- 1580 (b) alters the outside boundary of the subdivision;
- 1581 (c) changes the number of lots within the subdivision;
- 1582 (d) alters a public right-of-way, a public easement, or public infrastructure within the
- 1583 subdivision; or
- 1584 (e) alters a common area or other common amenity within the subdivision.
- 1585 (72) "Substantial evidence" means evidence that:
- 1586 (a) is beyond a scintilla; and
- 1587 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1588 ~~[(72)]~~ (73) "Suspect soil" means soil that has:
- 1589 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1590 3% swell potential;
- 1591 (b) bedrock units with high shrink or swell susceptibility; or
- 1592 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1593 commonly associated with dissolution and collapse features.
- 1594 ~~[(73)]~~ (74) "Therapeutic school" means a residential group living facility:
- 1595 (a) for four or more individuals who are not related to:
- 1596 (i) the owner of the facility; or
- 1597 (ii) the primary service provider of the facility;

1598 (b) that serves students who have a history of failing to function:

1599 (i) at home;

1600 (ii) in a public school; or

1601 (iii) in a nonresidential private school; and

1602 (c) that offers:

1603 (i) room and board; and

1604 (ii) an academic education integrated with:

1605 (A) specialized structure and supervision; or

1606 (B) services or treatment related to a disability, an emotional development, a

1607 behavioral development, a familial development, or a social development.

1608 [~~74~~] (75) "Transferable development right" means a right to develop and use land that
1609 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
1610 land use rights from a designated sending zone to a designated receiving zone.

1611 [~~75~~] (76) "Unincorporated" means the area outside of the incorporated area of a
1612 municipality.

1613 [~~76~~] (77) "Water interest" means any right to the beneficial use of water, including:

1614 (a) each of the rights listed in Section 73-1-11; and

1615 (b) an ownership interest in the right to the beneficial use of water represented by:

1616 (i) a contract; or

1617 (ii) a share in a water company, as defined in Section 73-3-3.5.

1618 [~~77~~] (78) "Zoning map" means a map, adopted as part of a land use ordinance, that
1619 depicts land use zones, overlays, or districts.

1620 Section 16. Section 17-27a-302 is amended to read:

1621 **17-27a-302. Planning commission powers and duties -- Training requirements.**

1622 (1) Each countywide, planning advisory area, or mountainous planning district
1623 planning commission shall, with respect to the unincorporated area of the county, the planning
1624 advisory area, or the mountainous planning district, review and make a recommendation to the
1625 county legislative body for:

- 1626 (a) a general plan and amendments to the general plan;
- 1627 (b) land use regulations, including:
- 1628 (i) ordinances regarding the subdivision of land within the county; and
- 1629 (ii) amendments to existing land use regulations;
- 1630 (c) an appropriate delegation of power to at least one designated land use authority to
- 1631 hear and act on a land use application;
- 1632 (d) an appropriate delegation of power to at least one appeal authority to hear and act
- 1633 on an appeal from a decision of the land use authority; and
- 1634 (e) application processes that:
- 1635 (i) may include a designation of routine land use matters that, upon application and
- 1636 proper notice, will receive informal streamlined review and action if the application is
- 1637 uncontested; and
- 1638 (ii) shall protect the right of each:
- 1639 (A) land use applicant and adversely affected party to require formal consideration of
- 1640 any application by a land use authority;
- 1641 (B) land use applicant or adversely affected party to appeal a land use authority's
- 1642 decision to a separate appeal authority; and
- 1643 (C) participant to be heard in each public hearing on a contested application.
- 1644 (2) Before making a recommendation to a legislative body on an item described in
- 1645 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance
- 1646 with Section [17-27a-404](#).
- 1647 (3) A legislative body may adopt, modify, or reject a planning commission's
- 1648 recommendation to the legislative body under this section.
- 1649 (4) A legislative body may consider a planning commission's failure to make a timely
- 1650 recommendation as a negative recommendation.
- 1651 (5) Nothing in this section limits the right of a county to initiate or propose the actions
- 1652 described in this section.
- 1653 (6) (a) (i) This Subsection (6) applies to a county that:

1654 (A) is a county of the first, second, or third class; and
1655 (B) has a population in the county's unincorporated areas of 5,000 or more.
1656 (ii) The population figure described in Subsection (6)(a)(i) shall be derived from:
1657 (A) the most recent official census or census estimate of the United States Census
1658 Bureau; or
1659 (B) if a population figure is not available under Subsection (6)(a)(ii)(A), an estimate of
1660 the Utah Population Committee.
1661 (b) A county described in Subsection (6)(a)(i) shall ensure that each member of the
1662 county's planning commission completes four hours of annual land use training as follows:
1663 (i) one hour of annual training on general powers and duties under Title 17, Chapter
1664 27a, County Land Use, Development, and Management Act; and
1665 (ii) three hours of annual training on land use, which may include:
1666 (A) appeals and variances;
1667 (B) conditional use permits;
1668 (C) exactions;
1669 (D) impact fees;
1670 (E) vested rights;
1671 (F) subdivision regulations and improvement guarantees;
1672 (G) land use referenda;
1673 (H) property rights;
1674 (I) real estate procedures and financing;
1675 (J) zoning, including use-based and form-based; and
1676 (K) drafting ordinances and code that complies with statute.
1677 (c) A newly appointed planning commission member may not participate in a public
1678 meeting as an appointed member until the member completes the training described in
1679 Subsection (6)(b)(i).
1680 (d) A planning commission member may qualify for one completed hour of training
1681 required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public

1682 meetings of the planning commission within a calendar year.

1683 (e) A county shall provide the training described in Subsection (6)(b) through:

1684 (i) county staff;

1685 (ii) the Utah Association of Counties; or

1686 (iii) a list of training courses selected by:

1687 (A) the Utah Association of Counties; or

1688 (B) the Division of Real Estate created in Section [61-2-201](#).

1689 (f) A county shall, for each planning commission member:

1690 (i) monitor compliance with the training requirements in Subsection (6)(b); and

1691 (ii) maintain a record of training completion at the end of each calendar year.

1692 Section 17. Section **17-27a-506** is amended to read:

1693 **17-27a-506. Conditional uses.**

1694 (1) (a) A county may adopt a land use ordinance that includes conditional uses and
1695 provisions for conditional uses that require compliance with objective standards set forth in an
1696 applicable ordinance.

1697 (b) A county may not impose a requirement or standard on a conditional use that
1698 conflicts with a provision of this chapter or other state or federal law.

1699 (2) (a) (i) A land use authority shall approve a conditional use if reasonable conditions
1700 are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of
1701 the proposed use in accordance with applicable standards.

1702 (ii) The requirement described in Subsection (2)(a)(i) to reasonably mitigate
1703 anticipated detrimental effects of the proposed conditional use does not require elimination of
1704 the detrimental effects.

1705 (b) If a land use authority proposes reasonable conditions on a proposed conditional
1706 use, the land use authority shall ensure that the conditions are stated on the record and
1707 reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

1708 (c) If the reasonably anticipated detrimental effects of a proposed conditional use
1709 cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to

1710 achieve compliance with applicable standards, the land use authority may deny the conditional
1711 use.

1712 (3) A land use authority's decision to approve or deny a conditional use is an
1713 administrative land use decision.

1714 (4) A legislative body shall classify any use that a land use regulation allows in a
1715 zoning district as either a permitted or conditional use under this chapter.

1716 Section 18. Section **17-27a-508** is amended to read:

1717 **17-27a-508. Applicant's entitlement to land use application approval --**
1718 **Application relating to land in a high priority transportation corridor -- County's**
1719 **requirements and limitations -- Vesting upon submission of development plan and**
1720 **schedule.**

1721 (1) (a) (i) An applicant who has submitted a complete land use application, including
1722 the payment of all application fees, is entitled to substantive review of the application under the
1723 land use regulations:

1724 (A) in effect on the date that the application is complete; and

1725 (B) applicable to the application or to the information shown on the submitted
1726 application.

1727 (ii) An applicant is entitled to approval of a land use application if the application
1728 conforms to the requirements of the applicable land use regulations, land use decisions, and
1729 development standards in effect when the applicant submits a complete application and pays all
1730 application fees, unless:

1731 (A) the land use authority, on the record, formally finds that a compelling,
1732 countervailing public interest would be jeopardized by approving the application and specifies
1733 the compelling, countervailing public interest in writing; or

1734 (B) in the manner provided by local ordinance and before the applicant submits the
1735 application, the county formally initiates proceedings to amend the county's land use
1736 regulations in a manner that would prohibit approval of the application as submitted.

1737 (b) The county shall process an application without regard to proceedings the county

- 1738 initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:
- 1739 (i) 180 days have passed since the county initiated the proceedings; and
- 1740 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
- 1741 application as submitted.
- 1742 (c) A land use application is considered submitted and complete when the applicant
- 1743 provides the application in a form that complies with the requirements of applicable ordinances
- 1744 and pays all applicable fees.
- 1745 (d) The continuing validity of an approval of a land use application is conditioned upon
- 1746 the applicant proceeding after approval to implement the approval with reasonable diligence.
- 1747 (e) A county may not impose on an applicant who has submitted a complete
- 1748 application a requirement that is not expressed:
- 1749 (i) in this chapter;
- 1750 (ii) in a county ordinance; or
- 1751 (iii) in a county specification for public improvements applicable to a subdivision or
- 1752 development that is in effect on the date that the applicant submits an application.
- 1753 (f) A county may not impose on a holder of an issued land use permit or a final,
- 1754 unexpired subdivision plat a requirement that is not expressed:
- 1755 (i) in a land use permit;
- 1756 (ii) on the subdivision plat;
- 1757 (iii) in a document on which the land use permit or subdivision plat is based;
- 1758 (iv) in the written record evidencing approval of the land use permit or subdivision
- 1759 plat;
- 1760 (v) in this chapter; or
- 1761 (vi) in a county ordinance.
- 1762 (g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a
- 1763 certificate of occupancy or acceptance of subdivision improvements because of an applicant's
- 1764 failure to comply with a requirement that is not expressed:
- 1765 (i) in the building permit or subdivision plat, documents on which the building permit

1766 or subdivision plat is based, or the written record evidencing approval of the building permit or
1767 subdivision plat; or

1768 (ii) in this chapter or the county's ordinances.

1769 (h) A county may not unreasonably withhold issuance of a certificate of occupancy
1770 where an applicant has met all requirements essential for the public health, public safety, and
1771 general welfare of the occupants, in accordance with this chapter, unless:

1772 (i) the applicant and the county have agreed in a written document to the withholding
1773 of a certificate of occupancy; or

1774 (ii) the applicant has not provided a financial assurance for required and uncompleted
1775 landscaping or infrastructure improvements in accordance with an applicable ordinance that the
1776 legislative body adopts under this chapter.

1777 (2) A county is bound by the terms and standards of applicable land use regulations and
1778 shall comply with mandatory provisions of those regulations.

1779 (3) A county may not, as a condition of land use application approval, require a person
1780 filing a land use application to obtain documentation regarding a school district's willingness,
1781 capacity, or ability to serve the development proposed in the land use application.

1782 (4) (a) Except as provided in Subsection (4)(b), for a period of 10 years after the day on
1783 which a subdivision plat is recorded, a county may not impose on a building permit applicant
1784 for a single-family dwelling located within the subdivision any land use regulation that is
1785 enacted within 10 years after the day on which the subdivision plat is recorded.

1786 (b) Subsection (4)(a) does not apply to any changes in the requirements of the
1787 applicable building code, health code, or fire code, or other similar regulations.

1788 [~~4~~] (5) Upon a specified public agency's submission of a development plan and
1789 schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that
1790 subsection, the specified public agency vests in the county's applicable land use maps, zoning
1791 map, hookup fees, impact fees, other applicable development fees, and land use regulations in
1792 effect on the date of submission.

1793 [~~5~~] (6) (a) If sponsors of a referendum timely challenge a project in accordance with

1794 Subsection 20A-7-601(5)(a), the project's affected owner may rescind the project's land use
 1795 approval by delivering a written notice:

- 1796 (i) to the local clerk as defined in Section 20A-7-101; and
- 1797 (ii) no later than seven days after the day on which a petition for a referendum is
 1798 determined sufficient under Section 20A-7-607(5).

1799 (b) Upon delivery of a written notice described in Subsection ~~[(5)]~~ (6)(a) the following
 1800 are rescinded and are of no further force or effect:

- 1801 (i) the relevant land use approval; and
- 1802 (ii) any land use regulation enacted specifically in relation to the land use approval.

1803 Section 19. Section 17-27a-522 is amended to read:

1804 **17-27a-522. Property boundary adjustment.**

1805 ~~[(1) A property owner:]~~

1806 ~~[(a) may execute a parcel boundary adjustment by quitclaim deed or by a boundary line
 1807 agreement as described in Section 57-1-45; and]~~

1808 ~~[(b) shall record the quitclaim deed or boundary line agreement in the office of the
 1809 county recorder.]~~

1810 ~~[(2) A parcel boundary adjustment is not subject to the review of a land use authority.]~~

1811 (1) To make a parcel line adjustment, a property owner shall:

1812 (a) execute a boundary adjustment through:

1813 (i) a quitclaim deed; or

1814 (ii) a boundary line agreement under Section 17-27a-523; and

1815 (b) record the quitclaim deed or boundary line agreement described in Subsection

1816 (1)(a) in the office of the county recorder of the county in which each property is located.

1817 (2) To make a lot line adjustment, a property owner shall:

1818 (a) obtain approval of the boundary adjustment under Section 17-27a-608;

1819 (b) execute a boundary adjustment through:

1820 (i) a quitclaim deed; or

1821 (ii) a boundary line agreement under Section 17-27a-523; and

1822 (c) record the quitclaim deed or boundary line agreement described in Subsection
1823 (2)(b) in the office of the county recorder of the county in which each property is located.

1824 (3) A parcel boundary adjustment under Subsection (1) is not subject to review of a
1825 land use authority unless:

1826 (a) the parcel includes a dwelling; and

1827 (b) the land use authority's approval is required under Subsection [17-27a-523\(5\)](#).

1828 (4) The recording of a boundary line agreement or other document used to adjust a
1829 mutual boundary line that is not subject to review of a land use authority:

1830 (a) does not constitute a land use approval; and

1831 (b) does not affect the validity of the boundary line agreement or other document used
1832 to adjust a mutual boundary line.

1833 (5) A county may withhold approval of a land use application for property that is
1834 subject to a recorded boundary line agreement or other document used to adjust a mutual
1835 boundary line if the county determines that the lots or parcels, as adjusted by the boundary line
1836 agreement or other document used to adjust the mutual boundary line, are not in compliance
1837 with the county's land use regulations in effect on the day on which the boundary line
1838 agreement or other document used to adjust the mutual boundary line is recorded.

1839 Section 20. Section **17-27a-523** is amended to read:

1840 **17-27a-523. Boundary line agreement.**

1841 ~~[(1) As used in this section, "boundary line agreement" is an agreement described in~~
1842 ~~Section [57-1-45](#).]~~

1843 ~~[(2) A property owner:]~~

1844 ~~[(a) may execute a boundary line agreement; and]~~

1845 ~~[(b) shall record a boundary line agreement in the office of the county recorder.]~~

1846 ~~[(3) A boundary line agreement is not subject to the review of a land use authority.]~~

1847 (1) If properly executed and acknowledged as required by law, an agreement between
1848 owners of adjoining property that designates the boundary line between the adjoining
1849 properties acts, upon recording in the office of the recorder of the county in which each

1850 property is located, as a quitclaim deed to convey all of each party's right, title, interest, and
1851 estate in property outside the agreed boundary line that had been the subject of the boundary
1852 line agreement or dispute that led to the boundary line agreement.

1853 (2) Adjoining property owners executing a boundary line agreement described in
1854 Subsection (1) shall:

1855 (a) ensure that the agreement includes:

1856 (i) a legal description of the agreed upon boundary line and of each parcel or lot after
1857 the boundary line is changed;

1858 (ii) the name and signature of each grantor that is party to the agreement;

1859 (iii) a sufficient acknowledgment for each grantor's signature;

1860 (iv) the address of each grantee for assessment purposes;

1861 (v) a legal description of the parcel or lot each grantor owns before the boundary line is
1862 changed; and

1863 (vi) the date of the agreement if the date is not included in the acknowledgment in a
1864 form substantially similar to a quitclaim deed as described in Section [57-1-13](#);

1865 (b) if any of the property subject to the boundary line agreement is a lot, prepare an
1866 amended plat in accordance with Section [17-27a-608](#) before executing the boundary line
1867 agreement; and

1868 (c) if none of the property subject to the boundary line agreement is a lot, ensure that
1869 the boundary line agreement includes a statement citing the file number of a record of a survey
1870 map in accordance with Section [17-23-17](#), unless the statement is exempted by the county.

1871 (3) A boundary line agreement described in Subsection (1) that complies with
1872 Subsection (2) presumptively:

1873 (a) has no detrimental effect on any easement on the property that is recorded before
1874 the day on which the agreement is executed unless the owner of the property benefitting from
1875 the easement specifically modifies the easement within the boundary line agreement or a
1876 separate recorded easement modification or relinquishment document; and

1877 (b) relocates the parties' common boundary line for an exchange of consideration.

1878 (4) Notwithstanding Part 6, Subdivisions, or a county's ordinances or policies, a
1879 boundary line agreement that only affects parcels is not subject to:
1880 (a) any public notice, public hearing, or preliminary platting requirement;
1881 (b) the review of a land use authority; or
1882 (c) an engineering review or approval of the county, except as provided in Subsection
1883 (5).
1884 (5) (a) If a parcel that is the subject of a boundary line agreement contains a dwelling
1885 unit, the county may require a review of the boundary line agreement if the county:
1886 (i) adopts an ordinance that:
1887 (A) requires review and approval for a boundary line agreement containing a dwelling
1888 unit; and
1889 (B) includes specific criteria for approval; and
1890 (ii) completes the review within 14 days after the day on which the property owner
1891 submits the boundary line agreement for review.
1892 (b) (i) If a county, upon a review under Subsection (5)(a), determines that the boundary
1893 line agreement is deficient or if the county requires additional information to approve the
1894 boundary line agreement, the county shall send, within the time period described in Subsection
1895 (5)(a)(ii), written notice to the property owner that:
1896 (A) describes the specific deficiency or additional information that the county requires
1897 to approve the boundary line agreement; and
1898 (B) states that the county shall approve the boundary line agreement upon the property
1899 owner's correction of the deficiency or submission of the additional information described in
1900 Subsection (5)(b)(i)(A).
1901 (ii) If a county, upon a review under Subsection (5)(a), approves the boundary line
1902 agreement, the county shall send written notice of the boundary line agreement's approval to
1903 the property owner within the time period described in Subsection (5)(a)(ii).
1904 (c) If a county fails to send a written notice under Subsection (5)(b) within the time
1905 period described in Subsection (5)(a)(ii), the property owner may record the boundary line

1906 agreement as if no review under this Subsection (5) was required.

1907 Section 21. Section **17-27a-526** is enacted to read:

1908 **17-27a-526. Development agreements.**

1909 (1) Subject to Subsection (2), a county may enter into a development agreement
1910 containing any term that the county considers necessary or appropriate to accomplish the
1911 purposes of this chapter.

1912 (2) (a) A development agreement may not:

1913 (i) limit a county's authority in the future to:

1914 (A) enact a land use regulation; or

1915 (B) take any action allowed under Section [17-53-223](#);

1916 (ii) require a county to change the zoning designation of an area of land within the
1917 county in the future; or

1918 (iii) contain a term that conflicts with, or is different from, a standard set forth in an
1919 existing land use regulation that governs the area subject to the development agreement, unless
1920 the legislative body approves the development agreement in accordance with the same
1921 procedures for enacting a land use regulation under Section [17-27a-502](#), including a review and
1922 recommendation from the planning commission and a public hearing.

1923 (b) A development agreement that requires the implementation of an existing land use
1924 regulation as an administrative act does not require a legislative body's approval under Section
1925 [17-27a-502](#).

1926 (c) A county may not require a development agreement as the only option for
1927 developing land within the county.

1928 (d) To the extent that a development agreement does not specifically address a matter
1929 or concern related to land use or development, the matter or concern is governed by:

1930 (i) this chapter; and

1931 (ii) any applicable land use regulations.

1932 Section 22. Section **17-27a-527** is enacted to read:

1933 **17-27a-527. Infrastructure improvements involving roadways.**

- 1934 (1) As used in this section:
- 1935 (a) "Low impact development" means the same as that term is defined in Section
- 1936 19-5-108.5.
- 1937 (b) (i) "Pavement" means the bituminous or concrete surface of a roadway.
- 1938 (ii) "Pavement" does not include a curb or gutter.
- 1939 (c) "Residential street" means a public or private roadway that:
- 1940 (i) currently serves or is projected to serve an area designated primarily for
- 1941 single-family residential use;
- 1942 (ii) requires at least two off-site parking spaces for each single-family residential
- 1943 property abutting the roadway; and
- 1944 (iii) has or is projected to have, on average, traffic of no more than 1,000 trips per day,
- 1945 based on findings contained in:
- 1946 (A) a traffic impact study;
- 1947 (B) the county's general plan under Section [17-27a-401](#);
- 1948 (C) an adopted phasing plan; or
- 1949 (D) a written plan or report on current or projected traffic usage.
- 1950 (2) (a) Except as provided in Subsection (2)(b), a county may not, as part of an
- 1951 infrastructure improvement, require the installation of pavement on a residential street at a
- 1952 width in excess of 32 feet if the county requires low impact development for the area in which
- 1953 the residential street is located.
- 1954 (b) Subsection (2)(a) does not apply if a county requires the installation of pavement:
- 1955 (i) in a vehicle turnaround area; or
- 1956 (ii) to address specific traffic flow constraints at an intersection or other area.
- 1957 (3) (a) A county shall, by ordinance, establish any standards that the county requires, as
- 1958 part of an infrastructure improvement, for fire department vehicle access and turnaround on
- 1959 roadways.
- 1960 (b) The county shall ensure that the standards established under Subsection (3)(a) are
- 1961 consistent with the State Fire Code as defined in Section [15A-1-102](#).

1962 Section 23. Section **17-27a-601** is amended to read:

1963 **17-27a-601. Enactment of subdivision ordinance.**

1964 (1) The legislative body of a county may enact ordinances requiring that a subdivision
1965 plat comply with the provisions of the county's ordinances and this part before:

1966 (a) the subdivision plat may be filed and recorded in the county recorder's office; and

1967 (b) lots may be sold.

1968 (2) If the legislative body fails to enact a subdivision ordinance, the county may
1969 regulate subdivisions only as provided in this part.

1970 (3) The joining of a lot or lots to a parcel does not constitute a subdivision as to the
1971 parcel or subject the parcel to the county's subdivision ordinance.

1972 Section 24. Section **17-27a-608** is amended to read:

1973 **17-27a-608. Subdivision amendments.**

1974 (1) (a) A fee owner of ~~[land]~~ a lot, as shown on the last county assessment roll, in a
1975 ~~[subdivision]~~ plat that has been laid out and platted as provided in this part may file a written
1976 petition with the land use authority to request a subdivision amendment.

1977 (b) Upon filing a written petition to request a subdivision amendment under Subsection
1978 (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in
1979 accordance with Section **17-27a-603** that:

1980 (i) depicts only the portion of the subdivision that is proposed to be amended;

1981 (ii) includes a plat name distinguishing the amended plat from the original plat;

1982 (iii) describes the differences between the amended plat and the original plat; and

1983 (iv) includes references to the original plat.

1984 (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide
1985 notice of the petition by mail, email, or other effective means to each affected entity that
1986 provides a service to an owner of record of the portion of the plat that is being amended at least
1987 10 calendar days before the land use authority may approve the petition for a subdivision
1988 amendment.

1989 (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a

1990 public hearing within 45 days after the day on which the petition is filed if:

1991 (i) any owner within the plat notifies the county of the owner's objection in writing
1992 within 10 days of mailed notification; or

1993 (ii) a public hearing is required because all of the owners in the subdivision have not
1994 signed the revised plat.

1995 (e) A land use authority may not approve a petition for a subdivision amendment under
1996 this section unless the amendment identifies and preserves any easements owned by a culinary
1997 water authority and sanitary sewer authority for existing facilities located within the
1998 subdivision.

1999 (2) [~~Unless a local ordinance provides otherwise, the~~] The public hearing requirement
2000 of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting
2001 an owner's petition for a subdivision amendment if:

2002 (a) the petition seeks to:

2003 (i) join two or more of the petitioning fee owner's contiguous lots;

2004 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
2005 result in a violation of a land use ordinance or a development condition;

2006 (iii) adjust the lot lines of adjoining lots or [~~parcels~~] between a lot and an adjoining
2007 parcel if the fee owners of each of the adjoining [~~lots or parcels~~] properties join the petition,
2008 regardless of whether the [~~lots or parcels~~] properties are located in the same subdivision;

2009 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
2010 imposed by the local political subdivision; or

2011 (v) alter the plat in a manner that does not change existing boundaries or other
2012 attributes of lots within the subdivision that are not:

2013 (A) owned by the petitioner; or

2014 (B) designated as a common area; and

2015 (b) notice has been given to [~~adjacent~~] adjoining property owners in accordance with
2016 any applicable local ordinance.

2017 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or

2018 county utility easement is also subject to Section 17-27a-609.5.

2019 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or
2020 a portion of a plat shall include:

2021 (a) the name and address of each owner of record of the land contained in:

2022 (i) the entire plat; or

2023 (ii) that portion of the plan described in the petition; and

2024 (b) the signature of each owner who consents to the petition.

2025 (5) (a) The owners of record of ~~[adjacent parcels that are described by either a metes~~
2026 ~~and bounds description or by a recorded plat]~~ adjoining properties where one or more of the
2027 properties is a lot may exchange title to portions of those ~~[parcels]~~ properties if the exchange of
2028 title is approved by the land use authority in accordance with Subsection (5)(b).

2029 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
2030 the exchange of title will not result in a violation of any land use ordinance.

2031 (c) If an exchange of title is approved under Subsection (5)(b):

2032 (i) a notice of approval shall be recorded in the office of the county recorder which:

2033 (A) is executed by each owner included in the exchange and by the land use authority;

2034 (B) contains an acknowledgment for each party executing the notice in accordance with
2035 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

2036 (C) recites the legal descriptions of both the ~~[original parcels]~~ properties and the
2037 ~~[parcels created by]~~ properties resulting from the exchange of title; and

2038 (ii) a document of conveyance of title reflecting the approved change shall be recorded
2039 in the office of the county recorder with an amended plat.

2040 (d) A notice of approval recorded under this Subsection (5) does not act as a
2041 conveyance of title to real property and is not required to record a document conveying title to
2042 real property.

2043 (6) (a) The name of a recorded subdivision may be changed by recording an amended
2044 plat making that change, as provided in this section and subject to Subsection (6)(c).

2045 (b) The surveyor preparing the amended plat shall certify that the surveyor:

2046 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
2047 Professional Land Surveyors Licensing Act;

2048 (ii) has completed a survey of the property described on the plat in accordance with
2049 Section 17-23-17 and has verified all measurements; and

2050 (iii) has placed monuments as represented on the plat.

2051 (c) An owner of land may not submit for recording an amended plat that gives the
2052 subdivision described in the amended plat the same name as a subdivision recorded in the
2053 county recorder's office.

2054 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
2055 document that purports to change the name of a recorded plat is void.

2056 Section 25. Section 17-27a-609.5 is amended to read:

2057 **17-27a-609.5. Petition to vacate a public street.**

2058 (1) In lieu of vacating some or all of a public street through a plat or amended plat in
2059 accordance with Sections 17-27a-603 through 17-27a-609, a legislative body may approve a
2060 petition to vacate a public street in accordance with this section.

2061 (2) A petition to vacate some or all of a public street or county utility easement shall
2062 include:

2063 (a) the name and address of each owner of record of land that is:

2064 (i) adjacent to the public street or county utility easement between the two nearest
2065 public street intersections; or

2066 (ii) accessed exclusively by or within 300 feet of the public street or county utility
2067 easement;

2068 (b) proof of written notice to operators of utilities and culinary water or sanitary sewer
2069 facilities located within the bounds of the public street or county utility easement sought to be
2070 vacated; and

2071 (c) the signature of each owner under Subsection (2)(a) who consents to the vacation.

2072 (3) If a petition is submitted containing a request to vacate some or all of a public street
2073 or county utility easement, the legislative body shall hold a public hearing in accordance with

2074 Section 17-27a-208 and determine whether:

2075 (a) good cause exists for the vacation; and

2076 (b) the public interest or any person will be materially injured by the proposed

2077 vacation.

2078 (4) The legislative body may adopt an ordinance granting a petition to vacate some or

2079 all of a public street or county utility easement if the legislative body finds that:

2080 (a) good cause exists for the vacation; and

2081 (b) neither the public interest nor any person will be materially injured by the vacation.

2082 (5) If the legislative body adopts an ordinance vacating some or all of a public street or

2083 county utility easement, the legislative body shall ensure that one or both of the following is

2084 recorded in the office of the recorder of the county in which the land is located:

2085 (a) a plat reflecting the vacation; or

2086 (b) (i) an ordinance described in Subsection (4); and

2087 (ii) a legal description of the public street to be vacated.

2088 (6) The action of the legislative body vacating some or all of a public street or county

2089 utility easement that has been dedicated to public use:

2090 (a) operates to the extent to which it is vacated, upon the effective date of the recorded

2091 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the county's

2092 fee in the vacated street, right-of-way, or easement; and

2093 (b) may not be construed to impair:

2094 (i) any right-of-way or easement of any parcel or lot owner; ~~or~~

2095 (ii) the rights of any public utility~~[-];~~ or

2096 (iii) the rights of a culinary water authority or sanitary sewer authority.

2097 (7) (a) A county may submit a petition, in accordance with Subsection (2), and initiate

2098 and complete a process to vacate some or all of a public street.

2099 (b) If a county submits a petition and initiates a process under Subsection (7)(a):

2100 (i) the legislative body shall hold a public hearing;

2101 (ii) the petition and process may not apply to or affect a public utility easement, except

2102 to the extent:

2103 (A) the easement is not a protected utility easement as defined in Section 54-3-27;

2104 (B) the easement is included within the public street; and

2105 (C) the notice to vacate the public street also contains a notice to vacate the easement;

2106 and

2107 (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating
2108 a public street through a recorded plat or amended plat.

2109 (8) A legislative body may not approve a petition to vacate a public street under this
2110 section unless the vacation identifies and preserves any easements owned by a culinary water
2111 authority and sanitary sewer authority for existing facilities located within the public street.

2112 Section 26. Section 17-27a-701 is amended to read:

2113 **17-27a-701. Appeal authority required -- Condition precedent to judicial review**
2114 **-- Appeal authority duties.**

2115 (1) (a) Each county adopting a land use ordinance shall, by ordinance, establish one or
2116 more appeal authorities [~~to hear and decide~~].

2117 (b) An appeal authority shall hear and decide:

2118 [~~(a)~~] (i) requests for variances from the terms of [~~the~~] land use ordinances;

2119 [~~(b)~~] (ii) appeals from land use decisions applying [~~the~~] land use ordinances; and

2120 [~~(c)~~] (iii) appeals from a fee charged in accordance with Section 17-27a-509.

2121 (c) An appeal authority may not hear an appeal from the enactment of a land use
2122 regulation.

2123 (2) As a condition precedent to judicial review, each adversely affected party shall
2124 timely and specifically challenge a land use authority's land use decision, in accordance with
2125 local ordinance.

2126 (3) An appeal authority described in Subsection (1)(a):

2127 (a) shall:

2128 (i) act in a quasi-judicial manner; and

2129 (ii) serve as the final arbiter of issues involving the interpretation or application of land

2130 use ordinances; and

2131 (b) may not entertain an appeal of a matter in which the appeal authority, or any
2132 participating member, had first acted as the land use authority.

2133 (4) By ordinance, a county may:

2134 (a) designate a separate appeal authority to hear requests for variances than the appeal
2135 authority [~~it~~] the county designates to hear appeals;

2136 (b) designate one or more separate appeal authorities to hear distinct types of appeals
2137 of land use authority decisions;

2138 (c) require an adversely affected party to present to an appeal authority every theory of
2139 relief that [~~it~~] the adversely affected party can raise in district court;

2140 (d) not require a land use applicant or adversely affected party to pursue duplicate or
2141 successive appeals before the same or separate appeal authorities as a condition of an appealing
2142 party's duty to exhaust administrative remedies; and

2143 (e) provide that specified types of land use decisions may be appealed directly to the
2144 district court.

2145 (5) If the county establishes or, prior to the effective date of this chapter, has
2146 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the
2147 board, body, or panel shall:

2148 (a) notify each of [~~its~~] the members of the board, body, or panel of any meeting or
2149 hearing of the board, body, or panel;

2150 (b) provide each of [~~its~~] the members of the board, body, or panel with the same
2151 information and access to municipal resources as any other member;

2152 (c) convene only if a quorum of [~~its~~] the members of the board, body, or panel is
2153 present; and

2154 (d) act only upon the vote of a majority of [~~its~~] the convened members of the board,
2155 body, or panel.

2156 Section 27. Section **17-27a-801** is amended to read:

2157 **17-27a-801. No district court review until administrative remedies exhausted --**

2158 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**
2159 **-- Staying of decision.**

2160 (1) No person may challenge in district court a land use decision until that person has
2161 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
2162 Variances, if applicable.

2163 (2) (a) [~~A~~] Subject to Subsection (1), a land use applicant or adversely affected party
2164 may file a petition for review of [~~the~~] a land use decision with the district court within 30 days
2165 after the decision is final.

2166 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
2167 property owner files a request for arbitration of a constitutional taking issue with the property
2168 rights ombudsman under Section 13-43-204 until 30 days after:

2169 (A) the arbitrator issues a final award; or

2170 (B) the property rights ombudsman issues a written statement under Subsection
2171 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

2172 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
2173 taking issue that is the subject of the request for arbitration filed with the property rights
2174 ombudsman by a property owner.

2175 (iii) A request for arbitration filed with the property rights ombudsman after the time
2176 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

2177 (3) (a) A court shall:

2178 (i) presume that a land use regulation properly enacted under the authority of this
2179 chapter is valid; and

2180 (ii) determine only whether:

2181 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
2182 or federal law; and

2183 (B) it is reasonably debatable that the land use regulation is consistent with this
2184 chapter.

2185 (b) A court shall:

2186 (i) presume that a final land use decision of a land use authority or an appeal authority
2187 is valid; and

2188 (ii) uphold the land use decision unless the land use decision is:

2189 (A) arbitrary and capricious; or

2190 (B) illegal.

2191 (c) (i) A land use decision is arbitrary and capricious if the land use decision is not
2192 supported by substantial evidence in the record.

2193 (ii) A land use decision is illegal if the land use decision is:

2194 (A) based on an incorrect interpretation of a land use regulation; or

2195 (B) contrary to law.

2196 (d) (i) A court may affirm or reverse [~~the decision of a land use authority~~] a land use
2197 decision.

2198 (ii) If the court reverses a [~~denial of a land use application~~] land use decision, the court
2199 shall remand the matter to the land use authority with instructions to issue [~~an approval~~] a land
2200 use decision consistent with the court's decision.

2201 (4) The provisions of Subsection (2)(a) apply from the date on which the county takes
2202 final action on a land use application, if the county conformed with the notice provisions of
2203 Part 2, Notice, or for any person who had actual notice of the pending land use decision.

2204 (5) If the county has complied with Section 17-27a-205, a challenge to the enactment
2205 of a land use regulation or general plan may not be filed with the district court more than 30
2206 days after the enactment.

2207 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
2208 days after the land use decision is final.

2209 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
2210 the reviewing court the record of [its] the proceedings of the land use authority or appeal
2211 authority, including [its] the minutes, findings, orders and, if available, a true and correct
2212 transcript of [its] the proceedings.

2213 (b) If the proceeding was recorded, a transcript of that recording is a true and correct

2214 transcript for purposes of this Subsection (7).

2215 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
2216 by the land use authority or appeal authority, as the case may be.

2217 (ii) The court may not accept or consider any evidence outside the record of the land
2218 use authority or appeal authority, as the case may be, unless that evidence was offered to the
2219 land use authority or appeal authority, respectively, and the court determines that [it] the
2220 evidence was improperly excluded.

2221 (b) If there is no record, the court may call witnesses and take evidence.

2222 (9) (a) The filing of a petition does not stay the land use decision of the land use
2223 authority or appeal authority, as the case may be.

2224 (b) (i) Before filing a petition under this section or a request for mediation or
2225 arbitration of a constitutional taking issue under Section 13-43-204, a land use applicant may
2226 petition the appeal authority to stay [its] the appeal authority's decision.

2227 (ii) Upon receipt of a petition to stay, the appeal authority may order [its] the appeal
2228 authority's decision stayed pending district court review if the appeal authority finds [it] the
2229 order to be in the best interest of the county.

2230 (iii) After a petition is filed under this section or a request for mediation or arbitration
2231 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
2232 injunction staying the appeal authority's land use decision.

2233 (10) If the court determines that a party initiated or pursued a challenge to ~~the~~ a land
2234 use decision on a land use application in bad faith, the court may award attorney fees.

2235 Section 28. Section 57-1-13 is amended to read:

2236 **57-1-13. Form of quitclaim deed -- Effect.**

2237 (1) A conveyance of land may also be substantially in the following form:

2238 "QUITCLAIM DEED

2239 ____ (here insert name), grantor, of ____ (insert place of residence), hereby quitclaims
2240 to ____ (insert name), grantee, of ____ (here insert place of residence), for the sum of ____
2241 dollars, the following described tract ____ of land in ____ County, Utah, to wit: (here describe

2242 the premises).

2243 Witness the hand of said grantor this _____(month\day\year).

2244 A quitclaim deed when executed as required by law shall have the effect of a
2245 conveyance of all right, title, interest, and estate of the grantor in and to the premises therein
2246 described and all rights, privileges, and appurtenances thereunto belonging, at the date of the
2247 conveyance."

2248 (2) A boundary line agreement operating as a quitclaim deed shall meet the
2249 requirements described in Section ~~[57-1-45]~~ 10-9a-524 or 17-27a-523, as applicable.

2250 Section 29. Section **57-1-45** is amended to read:

2251 **57-1-45. Boundary line agreements.**

2252 ~~[(1) If properly executed and acknowledged as required under this chapter, and when
2253 recorded in the office of the recorder of the county in which the property is located, an
2254 agreement between adjoining property owners of land that designates the boundary line
2255 between the adjoining properties acts as a quitclaim deed to convey all of each party's right,
2256 title, interest, and estate in property outside the agreed boundary line that had been the subject
2257 of the boundary line agreement or dispute that led to the boundary line agreement.]~~

2258 ~~[(2) Adjoining property owners executing a boundary line agreement described in
2259 Subsection (1) shall:]~~

2260 ~~[(a) ensure that the agreement includes:]~~

2261 ~~[(i) a legal description of the agreed upon boundary line;]~~

2262 ~~[(ii) the name and signature of each grantor that is party to the agreement;]~~

2263 ~~[(iii) a sufficient acknowledgment for each grantor's signature;]~~

2264 ~~[(iv) the address of each grantee for assessment purposes;]~~

2265 ~~[(v) the parcel or lot each grantor owns before the boundary line is changed;]~~

2266 ~~[(vi) a statement citing the file number of a record of a survey map, as defined in
2267 Sections 10-9a-103 and 17-27a-103, that the parties prepare and file, in accordance with
2268 Section 17-23-17, in conjunction with the boundary line agreement, and]~~

2269 ~~[(vii) the date of the agreement if the date is not included in the acknowledgment in a~~

2270 form substantially similar to a quitclaim deed as described in Section ~~57-1-13~~; and]

2271 [~~(b) prepare an amended plat in accordance with Title 10, Chapter 9a, Part 6,~~

2272 ~~Subdivisions, or Title 17, Chapter 27a, Part 6, Subdivisions.]~~

2273 [~~(3) A boundary line agreement described in Subsection (1) that complies with~~

2274 ~~Subsection (2) presumptively:]~~

2275 [~~(a) has no detrimental effect on any easement on the property that is recorded before~~

2276 ~~the date on which the agreement is executed unless the owner of the property benefitting from~~

2277 ~~the easement specifically modifies the easement within the boundary line agreement or a~~

2278 ~~separate recorded easement modification or relinquishment document; and]~~

2279 [~~(b) relocates the parties' common boundary line for an exchange of consideration.]~~

2280 [~~(4) Notwithstanding Title 10, Chapter 9a, Part 6, Subdivisions, Title 17, Chapter 27a,~~

2281 ~~Part 6, Subdivisions, or the local entity's ordinances or policies, a boundary line agreement is~~

2282 ~~not subject to:]~~

2283 [~~(a) any public notice, public hearing, or preliminary platting requirement;]~~

2284 [~~(b) the local entity's planning commission review or recommendation; or]~~

2285 [~~(c) an engineering review or approval of the local entity:]~~

2286 A boundary line agreement to adjust the boundaries of adjoining properties shall

2287 comply with Section ~~10-9a-524~~ or ~~17-27a-523~~, as applicable.

2288 Section 30. Section **63I-2-217** is amended to read:

2289 **63I-2-217. Repeal dates -- Title 17.**

2290 (1) Section ~~17-22-32.2~~, regarding restitution reporting, is repealed January 1, 2021.

2291 (2) Section ~~17-22-32.3~~, regarding the Jail Incarceration and Transportation Costs Study

2292 Council, is repealed January 1, 2021.

2293 (3) Subsection ~~17-27a-102~~(1)(b), the language that states "or a designated mountainous

2294 planning district" is repealed June 1, 2021.

2295 (4) (a) Subsection ~~17-27a-103~~~~(18)~~(20)(b), regarding a mountainous planning district,

2296 is repealed June 1, 2021.

2297 (b) Subsection ~~17-27a-103~~~~(42)~~(44), regarding a mountainous planning district, is

2298 repealed June 1, 2021.

2299 (5) Subsection 17-27a-210(2)(a), the language that states "or the mountainous planning
2300 district area" is repealed June 1, 2021.

2301 (6) (a) Subsection 17-27a-301(1)(b)(iii), regarding a mountainous planning district, is
2302 repealed June 1, 2021.

2303 (b) Subsection 17-27a-301(1)(c), regarding a mountainous planning district, is repealed
2304 June 1, 2021.

2305 (c) Subsection 17-27a-301(3)(a), the language that states " or (c)" is repealed June 1,
2306 2021.

2307 (7) Section 17-27a-302, the language that states ", or mountainous planning district"
2308 and "or the mountainous planning district," is repealed June 1, 2021.

2309 (8) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning
2310 district or" and ", as applicable" is repealed June 1, 2021.

2311 (9) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning district, is
2312 repealed June 1, 2021.

2313 (b) Subsection 17-27a-401(7), regarding a mountainous planning district, is repealed
2314 June 1, 2021.

2315 (10) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning district, is
2316 repealed June 1, 2021.

2317 (b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is
2318 repealed June 1, 2021.

2319 (c) Subsection 17-27a-403(2)(a)(iii), the language that states "or the mountainous
2320 planning district" is repealed June 1, 2021.

2321 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
2322 district" is repealed June 1, 2021.

2323 (11) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning district, is
2324 repealed June 1, 2021.

2325 (12) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning district, is

2326 repealed June 1, 2021.

2327 (13) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
2328 mountainous planning district, the mountainous planning district" is repealed June 1, 2021.

2329 (14) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning district, is
2330 repealed June 1, 2021.

2331 (15) Subsection 17-27a-605(1)(a), the language that states "or mountainous planning
2332 district land" is repealed June 1, 2021.

2333 (16) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
2334 2021.

2335 (17) On June 1, 2021, when making the changes in this section, the Office of
2336 Legislative Research and General Counsel shall:

2337 (a) in addition to its authority under Subsection 36-12-12(3):

2338 (i) make corrections necessary to ensure that sections and subsections identified in this
2339 section are complete sentences and accurately reflect the office's understanding of the
2340 Legislature's intent; and

2341 (ii) make necessary changes to subsection numbering and cross references; and

2342 (b) identify the text of the affected sections and subsections based upon the section and
2343 subsection numbers used in Laws of Utah 2017, Chapter 448.

2344 (18) Subsection 17-34-1(5)(d), regarding county funding of certain municipal services
2345 in a designated recreation area, is repealed June 1, 2021.

2346 (19) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed
2347 January 1, 2022.

2348 (20) On June 1, 2022:

2349 (a) Section 17-52a-104 is repealed;

2350 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
2351 described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and

2352 (c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.

2353 (21) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to

2354 initiate a change of form of government process by July 1, 2018, is repealed.