Senator Lincoln Fillmore proposes the following substitute bill:

1	LOCAL LAND USE AND DEVELOPMENT REVISIONS
2	2023 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Lincoln Fillmore
5	House Sponsor: Stephen L. Whyte
6 7	LONG TITLE
8	General Description:
9	This bill amends provisions related to local land use and development.
10	Highlighted Provisions:
11	This bill:
12	 amends the penalties for noncompliance with the requirements applicable to a
13	political subdivision's moderate income housing report;
14	 defines the circumstances under which a garage may be included in the definition of
15	an internal accessory dwelling unit;
16	 amends a political subdivision's authority with respect to restrictions and
17	requirements for internal accessory dwelling units;
18	 enacts a new process for subdivision review and approval; and
19	 makes technical changes.
20	Money Appropriated in this Bill:
21	None
22	Other Special Clauses:
23	None
24	Utah Code Sections Affected:
25	AMENDS:

10-9a-408, as last amended by Laws of Utah 2022, Chapter 406
10-9a-530, as enacted by Laws of Utah 2021, Chapter 102
10-9a-608, as last amended by Laws of Utah 2022, Chapter 355
17-27a-408, as last amended by Laws of Utah 2022, Chapter 406
17-27a-526, as enacted by Laws of Utah 2021, Chapter 102
17-27a-608, as last amended by Laws of Utah 2022, Chapter 355
63I-2-210, as last amended by Laws of Utah 2022, Chapter 274
63I-2-217, as last amended by Laws of Utah 2022, Chapter 123
ENACTS:
10-9a-604.1, Utah Code Annotated 1953
10-9a-604.2, Utah Code Annotated 1953
10-9a-604.9, Utah Code Annotated 1953
17-27a-604.1, Utah Code Annotated 1953
17-27a-604.2, Utah Code Annotated 1953
17-27a-604.9, Utah Code Annotated 1953
Be it enacted by the Legislature of the state of Utah:
Section 1. Section 10-9a-408 is amended to read:
10-9a-408. Moderate income housing report Contents Prioritization for
funds or projects Ineligibility for funds after noncompliance Civil actions.
(1) As used in this section:
(a) "Division" means the Housing and Community Development Division within the
(a) "Division" means the Housing and Community Development Division within the Department of Workforce Services.
(a) "Division" means the Housing and Community Development Division within the Department of Workforce Services.(b) "Implementation plan" means the implementation plan adopted as part of the
 (a) "Division" means the Housing and Community Development Division within the Department of Workforce Services. (b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified municipality's general plan as provided in
 (a) "Division" means the Housing and Community Development Division within the Department of Workforce Services. (b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified municipality's general plan as provided in Subsection 10-9a-403(2)(c).
 (a) "Division" means the Housing and Community Development Division within the Department of Workforce Services. (b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified municipality's general plan as provided in Subsection 10-9a-403(2)(c). (c) "Moderate income housing report" or "report" means the report described in
 (a) "Division" means the Housing and Community Development Division within the Department of Workforce Services. (b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified municipality's general plan as provided in Subsection 10-9a-403(2)(c). (c) "Moderate income housing report" or "report" means the report described in Subsection (2)(a).
 (a) "Division" means the Housing and Community Development Division within the Department of Workforce Services. (b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified municipality's general plan as provided in Subsection 10-9a-403(2)(c). (c) "Moderate income housing report" or "report" means the report described in Subsection (2)(a). (d) "Moderate income housing strategy" means a strategy described in Subsection
 (a) "Division" means the Housing and Community Development Division within the Department of Workforce Services. (b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified municipality's general plan as provided in Subsection 10-9a-403(2)(c). (c) "Moderate income housing report" or "report" means the report described in Subsection (2)(a).

02-22-23 7:37 PM

57 (i) a city of the first, second, third, or fourth class; 58 (ii) a city of the fifth class with a population of 5,000 or more, if the city is located 59 within a county of the first, second, or third class; or 60 (iii) a metro township with a population of 5,000 or more. 61 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative 62 body of a specified municipality shall annually submit a written moderate income housing 63 report to the division. 64 (b) The moderate income housing report submitted in 2022 shall include: 65 (i) a description of each moderate income housing strategy selected by the specified 66 municipality for implementation; and 67 (ii) an implementation plan. 68 (c) The moderate income housing report submitted in each calendar year after 2022 69 shall include: 70 (i) the information required under Subsection (2)(b); 71 (ii) a description of each action, whether one-time or ongoing, taken by the specified 72 municipality during the previous fiscal year to implement the moderate income housing 73 strategies selected by the specified municipality for implementation; 74 (iii) a description of each land use regulation or land use decision made by the 75 specified municipality during the previous fiscal year to implement the moderate income 76 housing strategies, including an explanation of how the land use regulation or land use decision 77 supports the specified municipality's efforts to implement the moderate income housing 78 strategies; 79 (iv) a description of any barriers encountered by the specified municipality in the 80 previous fiscal year in implementing the moderate income housing strategies; 81 (v) information regarding the number of internal and external or detached accessory 82 dwelling units located within the specified municipality for which the specified municipality: 83 (A) issued a building permit to construct; or 84 (B) issued a business license to rent; 85 (vi) a description of how the market has responded to the selected moderate income 86 housing strategies, including the number of entitled moderate income housing units or other 87 relevant data; and

88	(vii) any recommendations on how the state can support the specified municipality in
89	implementing the moderate income housing strategies.
90	(d) The moderate income housing report shall be in a form:
91	(i) approved by the division; and
92	(ii) made available by the division on or before July 1 of the year in which the report is
93	required.
94	(3) Within 90 days after the day on which the division receives a specified
95	municipality's moderate income housing report, the division shall:
96	(a) post the report on the division's website;
97	(b) send a copy of the report to the Department of Transportation, the Governor's
98	Office of Planning and Budget, the association of governments in which the specified
99	municipality is located, and, if the specified municipality is located within the boundaries of a
100	metropolitan planning organization, the appropriate metropolitan planning organization; and
101	(c) subject to Subsection (4), review the report to determine compliance with
102	Subsection (2).
103	(4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the
104	report:
105	(i) includes the information required under Subsection (2)(b);
106	(ii) demonstrates to the division that the specified municipality made plans to
107	implement:
108	(A) three or more moderate income housing strategies if the specified municipality
109	does not have a fixed guideway public transit station; or
110	(B) subject to Subsection $10-9a-403(2)(b)(iv)$, five or more moderate income housing
111	strategies if the specified municipality has a fixed guideway public transit station; and
112	(iii) is in a form approved by the division.
113	(b) The report described in Subsection (2)(c) complies with Subsection (2) if the
114	report:
115	(i) includes the information required under Subsection (2)(c);
116	(ii) demonstrates to the division that the specified municipality made plans to
117	implement:
118	(A) three or more moderate income housing strategies if the specified municipality

119	does not have a fixed guideway public transit station; or
120	(B) four or more moderate income housing strategies if the specified municipality has a
121	fixed guideway public transit station;
122	(iii) is in a form approved by the division; and
123	(iv) provides sufficient information for the division to:
124	(A) assess the specified municipality's progress in implementing the moderate income
125	housing strategies;
126	(B) monitor compliance with the specified municipality's implementation plan;
127	(C) identify a clear correlation between the specified municipality's land use
128	regulations and land use decisions and the specified municipality's efforts to implement the
129	moderate income housing strategies; and
130	(D) identify how the market has responded to the specified municipality's selected
131	moderate income housing strategies.
132	(5) (a) A specified municipality qualifies for priority consideration under this
133	Subsection (5) if the specified municipality's moderate income housing report:
134	(i) complies with Subsection (2); and
135	(ii) demonstrates to the division that the specified municipality made plans to
136	implement:
137	(A) five or more moderate income housing strategies if the specified municipality does
138	not have a fixed guideway public transit station; or
139	(B) six or more moderate income housing strategies if the specified municipality has a
140	fixed guideway public transit station.
141	[(b) The following apply to a specified municipality described in Subsection (5)(a)
142	during the fiscal year immediately following the fiscal year in which the report is required:]
143	[(i) the Transportation Commission may give priority consideration to transportation
144	projects located within the boundaries of the specified municipality in accordance with
145	Subsection 72-1-304(3)(c); and]
146	[(ii) the Governor's Office of Planning and Budget may give priority consideration for
147	awarding financial grants to the specified municipality under the COVID-19 Local Assistance
148	Matching Grant Program in accordance with Subsection 63J-4-802(6).]

149 (b) The Transportation Commission may give priority consideration to transportation

150	projects located within the boundaries of a specified municipality described in subsection (5)(a)
151	during the fiscal year immediately following the fiscal year in which the report is required, in
152	accordance with Subsection 72-1-304(3)(c).
153	(c) Upon determining that a specified municipality qualifies for priority consideration
154	under this Subsection (5), the division shall send a notice of prioritization to the legislative
155	body of the specified municipality[;] and the Department of Transportation[, and the
156	Governor's Office of Planning and Budget].
157	(d) The notice described in Subsection (5)(c) shall:
158	(i) name the specified municipality that qualifies for priority consideration;
159	(ii) describe the funds or projects for which the specified municipality qualifies to
160	receive priority consideration;
161	(iii) specify the fiscal year during which the specified municipality qualifies for priority
162	consideration; and
163	(iv) state the basis for the division's determination that the specified municipality
164	qualifies for priority consideration.
165	(6) (a) If the division, after reviewing a specified municipality's moderate income
166	housing report, determines that the report does not comply with Subsection (2), the division
167	shall send a notice of noncompliance to the legislative body of the specified municipality.
168	(b) The notice described in Subsection (6)(a) shall:
169	(i) describe each deficiency in the report and the actions needed to cure each
170	deficiency;
171	(ii) state that the specified municipality has an opportunity to cure the deficiencies
172	within 90 days after the day on which the notice is sent; and
173	(iii) state that failure to cure the deficiencies within 90 days after the day on which the
174	notice is sent will result in ineligibility for funds and fees owed under Subsection (7).
175	(7) (a) A specified municipality is ineligible for funds and owes a fee under this
176	Subsection (7) if the specified municipality:
177	(i) fails to submit a moderate income housing report to the division; or
178	(ii) fails to cure the deficiencies in the specified municipality's moderate income
179	housing report within 90 days after the day on which the division sent to the specified
180	municipality a notice of noncompliance under Subsection (6).

181	(b) The following apply to a specified municipality described in Subsection (7)(a)
182	during the fiscal year immediately following the fiscal year in which the report is required:
183	(i) the executive director of the Department of Transportation may not program funds
184	from the Transportation Investment Fund of 2005, including the Transit Transportation
185	Investment Fund, to projects located within the boundaries of the specified municipality in
186	accordance with Subsection 72-2-124(5); [and]
187	[(ii) the Governor's Office of Planning and Budget may not award financial grants to
188	the specified municipality under the COVID-19 Local Assistance Matching Grant Program in
189	accordance with Subsection 63J-4-802(7)]
190	(ii) beginning with a report submitted in 2024, the specified municipality shall pay a
191	fee to the Olene Walker Housing Loan Fund in the amount of \$250 per day that the specified
192	municipality:
193	(A) fails to submit the report to the division in accordance with this section, beginning
194	the day after the day on which the report was due; or
195	(B) fails to cure the deficiencies in the report, beginning the day after the day by which
196	the cure was required to occur as described in the notice of noncompliance under Subsection
197	<u>(6)[-]; and</u>
198	(iii) beginning with the report submitted in 2025, the specified municipality shall pay a
199	fee to the Olene Walker Housing Loan Fund in the amount of \$500 per day that the specified
200	municipality, in a consecutive year:
201	(A) fails to submit the report to the division in accordance with this section, beginning
202	the day after the day on which the report was due; or
203	(B) fails to cure the deficiencies in the report, beginning the day after the day by which
204	the cure was required to occur as described in the notice of noncompliance under Subsection
205	<u>(6).</u>
206	(c) Upon determining that a specified municipality is ineligible for funds under this
207	Subsection (7), and is required to pay a fee under Subsection (7)(b), if applicable, the division
208	shall send a notice of ineligibility to the legislative body of the specified municipality, the
209	Department of Transportation, and the Governor's Office of Planning and Budget.
210	(d) The notice described in Subsection (7)(c) shall:
211	(i) name the specified municipality that is ineligible for funds;

212	(ii) describe the funds for which the specified municipality is ineligible to receive;
213	(iii) describe the fee the specified municipality is required to pay under Subsection
214	(7)(b), if applicable;
215	[(iii)] (iv) specify the fiscal year during which the specified municipality is ineligible
216	for funds; and
217	$\left[\frac{(iv)}{(v)}\right]$ state the basis for the division's determination that the specified municipality
218	is ineligible for funds.
219	(e) The division may not determine that a specified municipality that is required to pay
220	a fee under Subsection (7)(b) is in compliance with the reporting requirements of this section
221	until the specified municipality pays all outstanding fees required under Subsection (7)(b) to
222	the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene
223	Walker Housing Loan Fund.
224	(8) In a civil action seeking enforcement or claiming a violation of this section or of
225	Subsection 10-9a-404(4)(c), a plaintiff may not recover damages but may be awarded only
226	injunctive or other equitable relief.
227	Section 2. Section 10-9a-530 is amended to read:
228	10-9a-530. Internal accessory dwelling units.
229	(1) As used in this section:
230	(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
231	(i) within a primary dwelling;
232	(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the
233	time the internal accessory dwelling unit is created; and
234	(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
235	(b) (i) "Primary dwelling" means a single-family dwelling that:
236	[(i)] (A) is detached; and
237	[(ii)] (B) is occupied as the primary residence of the owner of record.
238	(ii) "Primary dwelling" includes a garage if the garage:
239	(A) is a habitable space; and
240	(B) is connected to the primary dwelling by a common wall.
241	(2) In any area zoned primarily for residential use:
242	(a) the use of an internal accessory dwelling unit is a permitted use; [and]

243	(b) except as provided in Subsections (3) and (4), a municipality may not establish any
244	restrictions or requirements for the construction or use of one internal accessory dwelling unit
245	within a primary dwelling, including a restriction or requirement governing:
246	(i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
247	(ii) total lot size; [or]
248	(iii) street frontage[-]; or
249	(iv) internal connectivity; and
250	(c) a municipality's regulation of architectural elements for internal accessory dwelling
251	units shall be consistent with the regulation of single-family units, including single-family units
252	located in historic districts.
253	(3) An internal accessory dwelling unit shall comply with all applicable building,
254	health, and fire codes.
255	(4) A municipality may:
256	(a) prohibit the installation of a separate utility meter for an internal accessory dwelling
257	unit;
258	(b) require that an internal accessory dwelling unit be designed in a manner that does
259	not change the appearance of the primary dwelling as a single-family dwelling;
260	(c) require a primary dwelling:
261	(i) regardless of whether the primary dwelling is existing or new construction, to
262	include one additional on-site parking space for an internal accessory dwelling unit, [regardless
263	of whether the primary dwelling is existing or new construction] in addition to the parking
264	spaces required under the municipality's land use ordinance, except that if the municipality's
265	land use ordinance requires four off-street parking spaces, the municipality may not require the
266	additional space contemplated under this Subsection (4)(c)(i); and
267	(ii) to replace any parking spaces contained within a garage or carport if an internal
268	accessory dwelling unit is created within the garage or carport and is a habitable space;
269	(d) prohibit the creation of an internal accessory dwelling unit within a mobile home as
270	defined in Section 57-16-3;
271	(e) require the owner of a primary dwelling to obtain a permit or license for renting an
272	internal accessory dwelling unit;
273	(f) prohibit the creation of an internal accessory dwelling unit within a zoning district

274	covering an area that is equivalent to:
275	(i) 25% or less of the total area in the municipality that is zoned primarily for
276	residential use, except that the municipality may not prohibit newly constructed internal
277	accessory dwelling units that:
278	(A) have a final plat approval dated on or after October 1, 2021; and
279	(B) comply with applicable land use regulations; or
280	(ii) 67% or less of the total area in the municipality that is zoned primarily for
281	residential use, if the main campus of a state or private university with a student population of
282	10,000 or more is located within the municipality;
283	(g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling
284	is served by a failing septic tank;
285	(h) prohibit the creation of an internal accessory dwelling unit if the lot containing the
286	primary dwelling is 6,000 square feet or less in size;
287	(i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a
288	period of less than 30 consecutive days;
289	(j) prohibit the rental of an internal accessory dwelling unit if the internal accessory
290	dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
291	(k) hold a lien against a property that contains an internal accessory dwelling unit in
292	accordance with Subsection (5); and
293	(1) record a notice for an internal accessory dwelling unit in accordance with
294	Subsection (6).
295	(5) (a) In addition to any other legal or equitable remedies available to a municipality, a
296	municipality may hold a lien against a property that contains an internal accessory dwelling
297	unit if:
298	(i) the owner of the property violates any of the provisions of this section or any
299	ordinance adopted under Subsection (4);
300	(ii) the municipality provides a written notice of violation in accordance with
301	Subsection (5)(b);
302	(iii) the municipality holds a hearing and determines that the violation has occurred in
303	accordance with Subsection (5)(d), if the owner files a written objection in accordance with
304	Subsection (5)(b)(iv);

305	(iv) the owner fails to cure the violation within the time period prescribed in the
306	written notice of violation under Subsection (5)(b);
307	(v) the municipality provides a written notice of lien in accordance with Subsection
308	(5)(c); and
309	(vi) the municipality records a copy of the written notice of lien described in
310	Subsection $[(5)(a)(iv)](5)(a)(v)$ with the county recorder of the county in which the property is
311	located.
312	(b) The written notice of violation shall:
313	(i) describe the specific violation;
314	(ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity
315	to cure the violation that is:
316	(A) no less than 14 days after the day on which the municipality sends the written
317	notice of violation, if the violation results from the owner renting or offering to rent the internal
318	accessory dwelling unit for a period of less than 30 consecutive days; or
319	(B) no less than 30 days after the day on which the municipality sends the written
320	notice of violation, for any other violation;
321	(iii) state that if the owner of the property fails to cure the violation within the time
322	period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property
323	in an amount of up to \$100 for each day of violation after the day on which the opportunity to
324	cure the violation expires;
325	(iv) notify the owner of the property:
326	(A) that the owner may file a written objection to the violation within 14 days after the
327	day on which the written notice of violation is post-marked or posted on the property; and
328	(B) of the name and address of the municipal office where the owner may file the
329	written objection;
330	(v) be mailed to:
331	(A) the property's owner of record; and
332	(B) any other individual designated to receive notice in the owner's license or permit
333	records; and
334	(vi) be posted on the property.
335	(c) The written notice of lien shall:

336	(i) comply with the requirements of Section 38-12-102;
337	(ii) state that the property is subject to a lien;
338	(iii) specify the lien amount, in an amount of up to \$100 for each day of violation after
339	the day on which the opportunity to cure the violation expires;
340	(iv) be mailed to:
341	(A) the property's owner of record; and
342	(B) any other individual designated to receive notice in the owner's license or permit
343	records; and
344	(v) be posted on the property.
345	(d) (i) If an owner of property files a written objection in accordance with Subsection
346	(5)(b)(iv), the municipality shall:
347	(A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings
348	Act, to conduct a review and determine whether the specific violation described in the written
349	notice of violation under Subsection (5)(b) has occurred; and
350	(B) notify the owner in writing of the date, time, and location of the hearing described
351	in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
352	(ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a
353	municipality may not record a lien under this Subsection (5) until the municipality holds a
354	hearing and determines that the specific violation has occurred.
355	(iii) If the municipality determines at the hearing that the specific violation has
356	occurred, the municipality may impose a lien in an amount of up to \$100 for each day of
357	violation after the day on which the opportunity to cure the violation expires, regardless of
358	whether the hearing is held after the day on which the opportunity to cure the violation has
359	expired.
360	(e) If an owner cures a violation within the time period prescribed in the written notice
361	of violation under Subsection (5)(b), the municipality may not hold a lien against the property,
362	or impose any penalty or fee on the owner, in relation to the specific violation described in the
363	written notice of violation under Subsection (5)(b).
364	(6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an
365	owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to
366	an owner of a primary dwelling to create an internal accessory dwelling unit, may record a

367	notice in the office of the recorder of the county in which the primary dwelling is located.
368	(b) The notice described in Subsection (6)(a) shall include:
369	(i) a description of the primary dwelling;
370	(ii) a statement that the primary dwelling contains an internal accessory dwelling unit;
371	and
372	(iii) a statement that the internal accessory dwelling unit may only be used in
373	accordance with the municipality's land use regulations.
374	(c) The municipality shall, upon recording the notice described in Subsection (6)(a),
375	deliver a copy of the notice to the owner of the internal accessory dwelling unit.
376	Section 3. Section 10-9a-604.1 is enacted to read:
377	<u>10-9a-604.1.</u> Process for subdivision review and approval.
378	(1) (a) As used in this section, an "administrative land use authority" means an
379	individual, board, or commission, appointed or employed by a municipality, including
380	municipal staff or a municipal planning commission.
381	(b) "Administrative land use authority" does not include a municipal legislative body
382	or a member of a municipal legislative body.
383	(2) (a) This section applies to land use decisions arising from applications to subdivide
384	land for single family dwellings, two-family dwellings, and townhomes.
385	(b) This section does not apply to land use regulations adopted, approved, or agreed
386	upon by a legislative body exercising land use authority in the review of land use applications
387	for zoning or other land use regulation approvals.
388	(3) A municipal ordinance governing the subdivision of land shall:
389	(a) comply with this section, and establish a standard method and form of application
390	for preliminary subdivision applications and final subdivision applications; and
391	(b) (i) designate a single administrative land use authority for the review of preliminary
392	applications to subdivide land; or
393	(ii) if the municipality has adopted an ordinance that establishes a separate procedure
394	for the review and approval of subdivisions under Section 10-9a-605, the municipality may
395	designate a different and separate administrative land use authority for the approval of
396	subdivisions under Section 10-9a-605.
397	(4) (a) If an applicant requests a pre-application meeting, the municipality shall, within

398	15 business days after the request, schedule the meeting to review the concept plan and give
399	initial feedback.
400	(b) At the pre-application meeting, the municipal staff shall, where applicable, provide
401	or have available on the municipal website the following:
402	(i) copies of applicable land use regulations;
403	(ii) a complete list of standards required for the project;
404	(iii) preliminary and final application checklists; and
405	(iv) feedback on the concept plan.
406	(5) A preliminary subdivision application shall comply with all applicable municipal
407	ordinances and requirements of this section.
408	(6) An administrative land use authority may complete a preliminary subdivision
409	application review in a public meeting or at a municipal staff level.
410	(7) With respect to a preliminary application to subdivide land, an administrative land
411	use authority may:
412	(a) receive public comment; and
413	(b) hold no more than one public hearing.
414	(8) If a preliminary subdivision application complies with the applicable municipal
415	ordinances and the requirements of this section, the administrative land use authority shall
416	approve the preliminary subdivision application.
417	(9) A municipality shall review and approve or deny a final subdivision plat
418	application in accordance with the provisions of this section and municipal ordinances, which:
419	(a) may permit concurrent processing of the final subdivision plat application with the
420	preliminary subdivision plat application; and
421	(b) may not require planning commission or city council approval.
422	(10) If a final subdivision application complies with the requirements of this section,
423	the applicable municipal ordinances, and the preliminary subdivision approval granted under
424	Subsection (9)(a), a municipality shall approve the final subdivision application.
425	Section 4. Section 10-9a-604.2 is enacted to read:
426	<u>10-9a-604.2.</u> Review of subdivision land use applications and subdivision
427	improvement plans.
428	(1) As used in this section:

429	(a) "Review cycle" means the occurrence of:
430	(i) the applicant's submittal of a complete subdivision land use application;
431	(ii) the municipality's review of that subdivision land use application;
432	(iii) the municipality's response to that subdivision land use application, in accordance
433	with this section; and
434	(iv) the applicant's reply to the municipality's response that addresses each of the
435	municipality's requests for modification or additional information
436	(b) "Subdivision improvement plans" means the civil engineering plans associated with
437	required infrastructure and municipally controlled utilities required for a subdivision.
438	(c) "Subdivision ordinance review" means review by a municipality to verify that a
439	subdivision land use application meets the criteria of the municipality's subdivision ordinances.
440	(d) "Subdivision plan review" means a review of the applicant's subdivision
441	improvement plans and other aspects of the subdivision land use application to verify that the
442	application complies with municipal ordinances and applicable standards and specifications.
443	(2) The review cycle restrictions and requirements of this section do not apply to the
444	review of subdivision applications affecting property within identified geological hazard areas.
445	(3) (a) No later than 15 business days after the day on which an applicant submits a
446	complete preliminary subdivision land use application for a residential subdivision for
447	single-family dwellings, two-family dwellings, or townhomes, the municipality shall complete
448	the initial review of the application, including subdivision improvement plans.
449	(b) A municipality shall maintain and publish a list of the items comprising the
450	complete preliminary subdivision land use application, including:
451	(i) the application;
452	(ii) the owner's affidavit;
453	(iii) an electronic copy of all plans in PDF format;
454	(iv) the preliminary subdivision plat drawings; and
455	(v) a breakdown of fees due upon approval of the application.
456	(4) (a) No later than 20 business days after the day on which an applicant submits a
457	plat, the municipality shall complete a review of the applicant's final subdivision land use
458	application for a residential subdivision for single-family dwellings, two-family dwellings, or
459	townhomes, including all subdivision plan reviews.

460	(b) A municipality shall publish a list of the items comprising a complete final
461	subdivision land use application.
462	(5) (a) In reviewing a subdivision land use application, a municipality may request:
463	(i) additional information relating to an applicant's plans to ensure compliance with
464	municipal ordinances and approved standards and specifications for construction of public
465	improvements; and
466	(ii) modifications to plans that do not meet current ordinances, applicable standards or
467	specifications, or do not contain complete information.
468	(b) A municipality's request for additional information or modifications to plans under
469	Subsection (5)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or
470	specifications that require the modifications to plans, and shall be logged in an index of
471	requested modifications or additions.
472	(c) A municipality may not require more than four review cycles.
473	(d) (i) Subject to Subsection (5)(d)(ii), unless the change or correction is necessitated
474	by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the
475	infrastructure needed for the specific development, a change or correction not addressed or
476	referenced in a municipality's plan review is waived.
477	(ii) A modification or correction necessary to protect public health and safety or to
478	enforce state or federal law may not be waived.
479	(iii) If an applicant makes a material change to a plan set, the municipality has the
480	discretion to restart the review process at the first review of the final application, but only with
481	respect to the portion of the plan set that the material change substantively effects.
482	(e) If an applicant does not submit a revised plan within 20 business days after the
483	municipality requests a modification or correction, the municipality shall have an additional 20
484	business days to respond to the plans.
485	(6) After the applicant has responded to the final review cycle, and the applicant has
486	complied with each modification requested in the municipality's previous review cycle, the
487	municipality may not require additional revisions, if the applicant has not materially changed
488	the plan, other than changes that were in response to requested modifications or corrections.
489	(7) (a) In addition to revised plans, an applicant shall provide a written explanation in
490	response to the municipality's review comments, identifying and explaining the applicant's

491	revisions and reasons for declining to make any revisions.
492	(b) The applicant's written explanation shall be comprehensive and specific, including
493	citations to applicable standards and ordinances for the design and an index of requested
494	revisions or additions for each redlined response.
495	(c) If an applicant fails to address a review comment in the response, the review cycle
496	is not complete and the subsequent review cycle may not begin until all comments are
497	addressed.
498	(8) (a) If, on the fourth or final review, a municipality fails to respond within 20
499	business days, the municipality shall, upon request of the property owner, and within 10
500	business days after the day on which the request is received:
501	(i) for a dispute arising from the subdivision improvement plans, assemble an appeal
502	panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final
503	revised set of plans; or
504	(ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in
505	writing, of the deficiency in the application and of the right to appeal the determination to a
506	designated appeal authority.
507	Section 5. Section 10-9a-604.9 is enacted to read:
508	<u>10-9a-604.9.</u> Effective dates of Sections 10-9a-604.1 and 10-9a-604.2.
509	(1) Except as provided in Subsection (2), Sections 10-9a-604.1 and 10-9a-604.2 do not
510	apply until December 31, 2024.
511	(2) For a specified municipality, as defined in Section <u>10-9a-408</u> , Sections <u>10-9a-604.1</u>
512	and 10-9a-604.2 do not apply until February 1, 2024.
513	Section 6. Section 10-9a-608 is amended to read:
514	10-9a-608. Subdivision amendments.
515	(1) (a) A fee owner of land, as shown on the last county assessment roll, in a
516	subdivision that has been laid out and platted as provided in this part may file a written petition
517	with the land use authority to request a subdivision amendment.
518	(b) Upon filing a written petition to request a subdivision amendment under Subsection
519	(1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in
520	accordance with Section 10-9a-603 that:
521	(i) depicts only the portion of the subdivision that is proposed to be amended;

1st Sub. (Green) S.B. 174

522 (ii) includes a plat name distinguishing the amended plat from the original plat;

523

(iii) describes the differences between the amended plat and the original plat; and

524

(iv) includes references to the original plat.

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

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

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

(ii) a public hearing is required because all of the owners in the subdivision have notsigned the revised plat.

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

540 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use541 authority may consider at a public meeting an owner's petition for a subdivision amendment if:

542 (a) the petition seeks to:

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

(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will notresult in a violation of a land use ordinance or a development condition;

(iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the
fee owners of each of the adjoining properties join in the petition, regardless of whether the
properties are located in the same subdivision;

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

551 (v) alter the plat in a manner that does not change existing boundaries or other 552 attributes of lots within the subdivision that are not:

553 (A) owned by the petitioner; or 554 (B) designated as a common area; and 555 (b) notice has been given to adjoining property owners in accordance with any 556 applicable local ordinance. 557 (3) A petition under Subsection (1)(a) that contains a request to amend a public street 558 or municipal utility easement is also subject to Section 10-9a-609.5. 559 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or 560 a portion of a plat shall include: 561 (a) the name and address of each owner of record of the land contained in the entire 562 plat or on that portion of the plat described in the petition; and 563 (b) the signature of each owner described in Subsection (4)(a) who consents to the 564 petition. 565 (5) (a) The owners of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those [parcels] properties if the exchange of 566 567 title is approved by the land use authority as a lot line adjustment in accordance with 568 Subsection (5)(b). 569 (b) The land use authority shall approve [an exchange of title] a lot line adjustment 570 under Subsection (5)(a) if the exchange of title will not result in a violation of any land use 571 ordinance. 572 (c) If [an exchange of title] a lot line adjustment is approved under Subsection (5)(b): 573 (i) a notice of lot line adjustment approval shall be recorded in the office of the county 574 recorder which: 575 (A) is [executed] approved by [each owner included in the exchange and by] the land 576 use authority; and 577 [(B) contains an acknowledgment for each party executing the notice in accordance 578 with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and] 579 [(C)] (B) recites the legal descriptions of both the original properties and the properties 580 resulting from the exchange of title; and 581 (ii) a document of conveyance shall be recorded in the office of the county recorder 582 with an amended plat.

583 (d) A notice of approval recorded under this Subsection (5) does not act as a

584	conveyance of title to real property and is not required in order to record a document conveying
585	title to real property.
586	(6) (a) The name of a recorded subdivision may be changed by recording an amended
587	plat making that change, as provided in this section and subject to Subsection (6)(c).
588	(b) The surveyor preparing the amended plat shall certify that the surveyor:
589	(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
590	Professional Land Surveyors Licensing Act;
591	(ii) (A) has completed a survey of the property described on the plat in accordance with
592	Section 17-23-17 and has verified all measurements; or
593	(B) has referenced a record of survey map of the existing property boundaries shown
594	on the plat and verified the locations of the boundaries; and
595	(iii) has placed monuments as represented on the plat.
596	(c) An owner of land may not submit for recording an amended plat that gives the
597	subdivision described in the amended plat the same name as a subdivision in a plat already
598	recorded in the county recorder's office.
599	(d) Except as provided in Subsection (6)(a), the recording of a declaration or other
600	document that purports to change the name of a recorded plat is void.
601	Section 7. Section 17-27a-408 is amended to read:
602	17-27a-408. Moderate income housing report Contents Prioritization for
603	funds or projects Ineligibility for funds after noncompliance Civil actions.
604	(1) As used in this section:
605	(a) "Division" means the Housing and Community Development Division within the
606	Department of Workforce Services.
607	(b) "Implementation plan" means the implementation plan adopted as part of the
608	moderate income housing element of a specified county's general plan as provided in
609	Subsection [10-9a-403(2)(c)] <u>17-27a-401(3)(a)</u> .
610	(c) "Moderate income housing report" or "report" means the report described in
611	Subsection (2)(a).
612	(d) "Moderate income housing strategy" means a strategy described in Subsection
613	17-27a-403(2)(b)(ii).
614	(e) "Specified county" means a county of the first, second, or third class, which has a

02-22-23 7:37 PM

615 population of more than 5,000 in the county's unincorporated areas.

- 616 (2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative 617 body of a specified county shall annually submit a written moderate income housing report to 618 the division.
- 619

(b) The moderate income housing report submitted in 2022 shall include:

- 620 (i) a description of each moderate income housing strategy selected by the specified 621 county for implementation; and
- 622

(ii) an implementation plan.

- 623 (c) The moderate income housing report submitted in each calendar year after 2022 624 shall include:
- 625 (i) the information required under Subsection (2)(b);

626 (ii) a description of each action, whether one-time or ongoing, taken by the specified 627 county during the previous fiscal year to implement the moderate income housing strategies 628 selected by the specified county for implementation;

- 629 (iii) a description of each land use regulation or land use decision made by the 630 specified county during the previous fiscal year to implement the moderate income housing
- 631 strategies, including an explanation of how the land use regulation or land use decision
- 632 supports the specified county's efforts to implement the moderate income housing strategies;
- 633 (iv) a description of any barriers encountered by the specified county in the previous 634 fiscal year in implementing the moderate income housing strategies; and
- 635 (v) information regarding the number of internal and external or detached accessory 636 dwelling units located within the specified county for which the specified county:
- 637 (A) issued a building permit to construct; or
- 638 (B) issued a business license to rent;

639 (vi) a description of how the market has responded to the selected moderate income 640 housing strategies, including the number of entitled moderate income housing units or other 641 relevant data; and

- 642 (vii) any recommendations on how the state can support the specified county in 643 implementing the moderate income housing strategies.
- 644 (d) The moderate income housing report shall be in a form:
- 645 (i) approved by the division; and

646	(ii) made available by the division on or before July 1 of the year in which the report is
647	required.
648	(3) Within 90 days after the day on which the division receives a specified county's
649	moderate income housing report, the division shall:
650	(a) post the report on the division's website;
651	(b) send a copy of the report to the Department of Transportation, the Governor's
652	Office of Planning and Budget, the association of governments in which the specified county is
653	located, and, if the unincorporated area of the specified county is located within the boundaries
654	of a metropolitan planning organization, the appropriate metropolitan planning organization;
655	and
656	(c) subject to Subsection (4), review the report to determine compliance with
657	Subsection (2).
658	(4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the
659	report:
660	(i) includes the information required under Subsection (2)(b);
661	(ii) demonstrates to the division that the specified county made plans to implement
662	three or more moderate income housing strategies; and
663	(iii) is in a form approved by the division.
664	(b) The report described in Subsection (2)(c) complies with Subsection (2) if the
665	report:
666	(i) includes the information required under Subsection (2)(c);
667	(ii) demonstrates to the division that the specified county made plans to implement
668	three or more moderate income housing strategies;
669	(iii) is in a form approved by the division; and
670	(iv) provides sufficient information for the division to:
671	(A) assess the specified county's progress in implementing the moderate income
672	housing strategies;
673	(B) monitor compliance with the specified county's implementation plan;
674	(C) identify a clear correlation between the specified county's land use decisions and
675	efforts to implement the moderate income housing strategies; and

676 (D) identify how the market has responded to the specified county's selected moderate

677	income housing strategies.
678	(5) (a) A specified county qualifies for priority consideration under this Subsection (5)
679	if the specified county's moderate income housing report:
680	(i) complies with Subsection (2); and
681	(ii) demonstrates to the division that the specified county made plans to implement five
682	or more moderate income housing strategies.
683	[(b) The following apply to a specified county described in Subsection (5)(a) during the
684	fiscal year immediately following the fiscal year in which the report is required:]
685	[(i) the Transportation Commission may give priority consideration to transportation
686	projects located within the unincorporated areas of the specified county in accordance with
687	Subsection 72-1-304(3)(c); and]
688	[(ii) the Governor's Office of Planning and Budget may give priority consideration for
689	awarding financial grants to the specified county under the COVID-19 Local Assistance
690	Matching Grant Program in accordance with Subsection 63J-4-802(6).]
691	(b) The Transportation Commission may give priority consideration to transportation
692	projects located within the boundaries of a specified county described in subsection (5)(a)
693	during the fiscal year immediately following the fiscal year in which the report is required, in
694	accordance with Subsection 72-1-304(3)(c).
695	(c) Upon determining that a specified county qualifies for priority consideration under
696	this Subsection (5), the division shall send a notice of prioritization to the legislative body of
697	the specified county[;] and the Department of Transportation[, and the Governor's Office of
698	Planning and Budget].
699	(d) The notice described in Subsection (5)(c) shall:
700	(i) name the specified county that qualifies for priority consideration;
701	(ii) describe the funds or projects for which the specified county qualifies to receive
702	priority consideration;
703	(iii) specify the fiscal year during which the specified county qualifies for priority
704	consideration; and
705	(iv) state the basis for the division's determination that the specified county qualifies
706	for priority consideration.
707	(6) (a) If the division, after reviewing a specified county's moderate income housing

708	report, determines that the report does not comply with Subsection (2), the division shall send a
709	notice of noncompliance to the legislative body of the specified county.
710	(b) The notice described in Subsection (6)(a) shall:
711	(i) describe each deficiency in the report and the actions needed to cure each
712	deficiency;
713	(ii) state that the specified county has an opportunity to cure the deficiencies within 90
714	days after the day on which the notice is sent; and
715	(iii) state that failure to cure the deficiencies within 90 days after the day on which the
716	notice is sent will result in ineligibility for funds and fees owed under Subsection (7).
717	(7) (a) A specified county is ineligible for funds and owes a fee under this Subsection
718	(7) if the specified county:
719	(i) fails to submit a moderate income housing report to the division; or
720	(ii) fails to cure the deficiencies in the specified county's moderate income housing
721	report within 90 days after the day on which the division sent to the specified county a notice of
722	noncompliance under Subsection (6).
723	(b) The following apply to a specified county described in Subsection (7)(a) during the
724	fiscal year immediately following the fiscal year in which the report is required:
725	(i) the executive director of the Department of Transportation may not program funds
726	from the Transportation Investment Fund of 2005, including the Transit Transportation
727	Investment Fund, to projects located within the unincorporated areas of the specified county in
728	accordance with Subsection 72-2-124(6); and
729	[(ii) the Governor's Office of Planning and Budget may not award financial grants to
730	the specified county under the COVID-19 Local Assistance Matching Grant Program in
731	accordance with Subsection 63J-4-802(7)]
732	(ii) beginning with the report submitted in 2024, the specified county shall pay a fee to
733	the Olene Walker Housing Loan Fund in the amount of \$250 per day that the specified county:
734	(A) fails to submit the report to the division in accordance with this section, beginning
735	the day after the day on which the report was due; or
736	(B) fails to cure the deficiencies in the report, beginning the day after the day by which
737	the cure was required to occur as described in the notice of noncompliance under Subsection
738	<u>(6)[-]; and</u>

739	(iii) beginning with the report submitted in 2025, the specified county shall pay a fee to
740	the Olene Walker Housing Loan Fund in the amount of \$500 per day that the specified county,
741	for a consecutive year:
742	(A) fails to submit the report to the division in accordance with this section, beginning
743	the day after the day on which the report was due; or
744	(B) fails to cure the deficiencies in the report, beginning the day after the day by which
745	the cure was required to occur as described in the notice of noncompliance under Subsection
746	<u>(6).</u>
747	(c) Upon determining that a specified county is ineligible for funds under this
748	Subsection (7), and is required to pay a fee under Subsection (7)(b), if applicable, the division
749	shall send a notice of ineligibility to the legislative body of the specified county, the
750	Department of Transportation, and the Governor's Office of Planning and Budget.
751	(d) The notice described in Subsection (7)(c) shall:
752	(i) name the specified county that is ineligible for funds;
753	(ii) describe the funds for which the specified county is ineligible to receive;
754	(iii) describe the fee the specified county is required to pay under Subsection (7)(b), if
755	applicable;
756	[(iii)] (iv) specify the fiscal year during which the specified county is ineligible for
757	funds; and
758	$\left[\frac{(iv)}{(v)}\right]$ state the basis for the division's determination that the specified county is
759	ineligible for funds.
760	(e) The division may not determine that a specified county that is required to pay a fee
761	under Subsection (7)(b) is in compliance with the reporting requirements of this section until
762	the specified county pays all outstanding fees required under Subsection (7)(b) to the Olene
763	Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene Walker Housing
764	Loan Fund.
765	(8) In a civil action seeking enforcement or claiming a violation of this section or of
766	Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only
767	injunctive or other equitable relief.
768	Section 8. Section 17-27a-526 is amended to read:
769	17-27a-526. Internal accessory dwelling units.

770	(1) As used in this section:
771	(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
772	(i) within a primary dwelling;
773	(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the
774	time the internal accessory dwelling unit is created; and
775	(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
776	(b) (i) "Primary dwelling" means a single-family dwelling that:
777	$\left[\frac{(i)}{(A)}\right]$ is detached; and
778	[(ii)] (B) is occupied as the primary residence of the owner of record.
779	(ii) "Primary dwelling" includes a garage if the garage:
780	(A) is a habitable space; and
781	(B) is connected to the primary dwelling by a common wall.
782	(2) In any area zoned primarily for residential use:
783	(a) the use of an internal accessory dwelling unit is a permitted use; [and]
784	(b) except as provided in Subsections (3) and (4), a county may not establish any
785	restrictions or requirements for the construction or use of one internal accessory dwelling unit
786	within a primary dwelling, including a restriction or requirement governing:
787	(i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
788	(ii) total lot size; [or]
789	(iii) street frontage[.]; or
790	(iv) internal connectivity; and
791	(c) a county's regulation of architectural elements for internal accessory dwelling units
792	shall be consistent with the regulation of single family units, including single family units
793	located in historic districts.
794	(3) An internal accessory dwelling unit shall comply with all applicable building,
795	health, and fire codes.
796	(4) A county may:
797	(a) prohibit the installation of a separate utility meter for an internal accessory dwelling
798	unit;
799	(b) require that an internal accessory dwelling unit be designed in a manner that does
800	not change the appearance of the primary dwelling as a single-family dwelling;

801	(c) require a primary dwelling:
802	(i) <u>regardless of whether the primary dwelling is existing or new construction</u> , to
803	include one additional on-site parking space for an internal accessory dwelling unit, [regardless
804	of whether the primary dwelling is existing or new construction] in addition to the parking
805	spaces required under the county's land use ordinance, except that if the county's land use
806	ordinance requires four off-street parking spaces, the county may not require the additional
807	space contemplated under this Subsection (4)(c)(i); and
808	(ii) to replace any parking spaces contained within a garage or carport if an internal
809	accessory dwelling unit is created within the garage or carport and is habitable space;
810	(d) prohibit the creation of an internal accessory dwelling unit within a mobile home as
811	defined in Section 57-16-3;
812	(e) require the owner of a primary dwelling to obtain a permit or license for renting an
813	internal accessory dwelling unit;
814	(f) prohibit the creation of an internal accessory dwelling unit within a zoning district
815	covering an area that is equivalent to 25% or less of the total unincorporated area in the county
816	that is zoned primarily for residential use[;], except that the county may not prohibit newly
817	constructed internal accessory dwelling units that:
818	(i) have a final plat approval dated on or after October 1, 2021; and
819	(ii) comply with applicable land use regulations;
820	(g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling
821	is served by a failing septic tank;
822	(h) prohibit the creation of an internal accessory dwelling unit if the lot containing the
823	primary dwelling is 6,000 square feet or less in size;
824	(i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a
825	period of less than 30 consecutive days;
826	(j) prohibit the rental of an internal accessory dwelling unit if the internal accessory
827	dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;
828	(k) hold a lien against a property that contains an internal accessory dwelling unit in
829	accordance with Subsection (5); and
830	(1) record a notice for an internal accessory dwelling unit in accordance with
831	Subsection (6).

832	(5) (a) In addition to any other legal or equitable remedies available to a county, a
833	county may hold a lien against a property that contains an internal accessory dwelling unit if:
834	(i) the owner of the property violates any of the provisions of this section or any
835	ordinance adopted under Subsection (4);
836	(ii) the county provides a written notice of violation in accordance with Subsection
837	(5)(b);
838	(iii) the county holds a hearing and determines that the violation has occurred in
839	accordance with Subsection $(5)(d)$, if the owner files a written objection in accordance with
840	Subsection (5)(b)(iv);
841	(iv) the owner fails to cure the violation within the time period prescribed in the
842	written notice of violation under Subsection (5)(b);
843	(v) the county provides a written notice of lien in accordance with Subsection (5)(c);
844	and
845	(vi) the county records a copy of the written notice of lien described in Subsection
846	[(5)(a)(iv)] $(5)(a)(v)$ with the county recorder of the county in which the property is located.
847	(b) The written notice of violation shall:
848	(i) describe the specific violation;
849	(ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity
850	to cure the violation that is:
851	(A) no less than 14 days after the day on which the county sends the written notice of
852	violation, if the violation results from the owner renting or offering to rent the internal
853	accessory dwelling unit for a period of less than 30 consecutive days; or
854	(B) no less than 30 days after the day on which the county sends the written notice of
855	violation, for any other violation; [and]
856	(iii) state that if the owner of the property fails to cure the violation within the time
857	period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an
858	amount of up to \$100 for each day of violation after the day on which the opportunity to cure
859	the violation expires;
860	(iv) notify the owner of the property:
861	(A) that the owner may file a written objection to the violation within 14 days after the
862	day on which the written notice of violation is post-marked or posted on the property; and

863	(B) of the name and address of the county office where the owner may file the written
864	objection;
865	(v) be mailed to:
866	(A) the property's owner of record; and
867	(B) any other individual designated to receive notice in the owner's license or permit
868	records; and
869	(vi) be posted on the property.
870	(c) The written notice of lien shall:
871	(i) comply with the requirements of Section 38-12-102;
872	(ii) describe the specific violation;
873	(iii) specify the lien amount, in an amount of up to \$100 for each day of violation after
874	the day on which the opportunity to cure the violation expires;
875	(iv) be mailed to:
876	(A) the property's owner of record; and
877	(B) any other individual designated to receive notice in the owner's license or permit
878	records; and
879	(v) be posted on the property.
880	(d) (i) If an owner of property files a written objection in accordance with Subsection
881	(5)(b)(iv), the county shall:
882	(A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings
883	Act, to conduct a review and determine whether the specific violation described in the written
884	notice of violation under Subsection (5)(b) has occurred; and
885	(B) notify the owner in writing of the date, time, and location of the hearing described
886	in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.
887	(ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a
888	county may not record a lien under this Subsection (5) until the county holds a hearing and
889	determines that the specific violation has occurred.
890	(iii) If the county determines at the hearing that the specific violation has occurred, the
891	county may impose a lien in an amount of up to \$100 for each day of violation after the day on
892	which the opportunity to cure the violation expires, regardless of whether the hearing is held
893	after the day on which the opportunity to cure the violation has expired.

894	(e) If an owner cures a violation within the time period prescribed in the written notice
895	of violation under Subsection (5)(b), the county may not hold a lien against the property, or
896	impose any penalty or fee on the owner, in relation to the specific violation described in the
897	written notice of violation under Subsection (5)(b).
898	(6) (a) A county that issues, on or after October 1, 2021, a permit or license to an
899	owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to
900	an owner of a primary dwelling to create an internal accessory dwelling unit, may record a
901	notice in the office of the recorder of the county in which the primary dwelling is located.
902	(b) The notice described in Subsection (6)(a) shall include:
903	(i) a description of the primary dwelling;
904	(ii) a statement that the primary dwelling contains an internal accessory dwelling unit;
905	and
906	(iii) a statement that the internal accessory dwelling unit may only be used in
907	accordance with the county's land use regulations.
908	(c) The county shall, upon recording the notice described in Subsection (6)(a), deliver a
909	copy of the notice to the owner of the internal accessory dwelling unit.
910	Section 9. Section 17-27a-604.1 is enacted to read:
911	<u>17-27a-604.1.</u> Process for subdivision review and approval.
912	(1) (a) As used in this section, an "administrative land use authority" means an
913	individual, board, or commission, appointed or employed by a county, including county staff or
914	a county planning commission.
915	(b) "Administrative land use authority" does not include a county legislative body or a
916	member of a county legislative body.
917	(2) (a) This section applies to land use decisions arising from applications to subdivide
918	land for single-family dwellings, two-family dwellings, and townhomes.
919	(b) This section does not apply to land use regulations adopted, approved, or agreed
920	upon by a legislative body exercising land use authority in the review of land use applications
921	for zoning or other land use regulation approvals.
922	(3) A county ordinance governing the subdivision of land shall:
923	(a) comply with this section and establish a standard method and form of application
924	for preliminary subdivision applications and final subdivision applications; and

925	(b) (i) designate a single administrative land use authority for the review of preliminary
926	applications to subdivide land; or
927	(ii) if the county has adopted an ordinance that establishes a separate procedure for the
928	review and approval of subdivisions under Section 17-27a-605, the county may designate a
929	different and separate administrative land use authority for the approval of subdivisions under
930	<u>Section 17-27a-605.</u>
931	(4) (a) If an applicant requests a pre-application meeting, the county shall, within 15
932	business days after the request, schedule the meeting to review the concept plan and give initial
933	feedback.
934	(b) At the pre-application meeting, the county staff shall, where applicable, provide or
935	have available on the county website the following:
936	(i) copies of applicable land use regulations;
937	(ii) a complete list of standards required for the project;
938	(iii) preliminary and final application checklists; and
939	(iv) feedback on the concept plan.
940	(5) A preliminary subdivision application shall comply with all applicable county
941	ordinances and requirements of this section.
942	(6) An administrative land use authority may complete a preliminary subdivision
943	application review in a public meeting or at a county staff level.
944	(7) With respect to a preliminary application to subdivide land, an administrative land
945	use authority may:
946	(a) receive public comment; and
947	(b) hold no more than one public hearing.
948	(8) If a preliminary subdivision application complies with the applicable county
949	ordinances and the requirements of this section, the administrative land use authority shall
950	approve the preliminary subdivision application.
951	(9) A county shall review and approve or deny a final subdivision plat application in
952	accordance with the provisions of this section and county ordinances, which:
953	(a) may permit concurrent processing of the final subdivision plat application with the
954	preliminary subdivision plat application; and
955	(b) may not require planning commission or county legislative body approval.

956	(10) If a final subdivision application complies with the requirements of this section,
957	the applicable county ordinances, and the preliminary subdivision approval granted under
958	Subsection (9)(a), a county shall approve the final subdivision application.
959	Section 10. Section 17-27a-604.2 is enacted to read:
960	<u>17-27a-604.2.</u> Review of subdivision land use applications and subdivision
961	improvement plans.
962	(1) As used in this section:
963	(a) "Review cycle" means the occurrence of:
964	(i) the applicant's submittal of a complete subdivision land use application;
965	(ii) the county's review of that subdivision land use application;
966	(iii) the county's response to that subdivision land use application, in accordance with
967	this section; and
968	(iv) the applicant's reply to the county's response that addresses each of the county's
969	requests for modification or additional information.
970	(b) "Subdivision improvement plans" means the civil engineering plans associated with
971	required infrastructure and county-controlled utilities required for a subdivision.
972	(c) "Subdivision ordinance review" means review by a county to verify that a
973	subdivision land use application meets the criteria of the county's subdivision ordinances.
974	(d) "Subdivision plan review" means a review of the applicant's subdivision
975	improvement plans and other aspects of the subdivision land use application to verify that the
976	application complies with county ordinances and applicable standards and specifications.
977	(2) The review cycle restrictions and requirements of this section do not apply to the
978	review of subdivision applications affecting property within identified geological hazard areas.
979	(3) (a) No later than 15 business days after the day on which an applicant submits a
980	complete preliminary subdivision land use application for a residential subdivision for
981	single-family dwellings, two-family dwellings, or townhomes, the county shall complete the
982	initial review of the application, including subdivision improvement plans.
983	(b) A county shall maintain and publish a list of the items comprising the complete
984	preliminary subdivision land use application, including:
985	(i) the application;
986	(ii) the owner's affidavit;

987	(iii) an electronic copy of all plans in PDF format;
988	(iv) the preliminary subdivision plat drawings; and
989	(v) a breakdown of fees due upon approval of the application.
990	(4) (a) No later than 20 business days after the day on which an applicant submits a
991	plat, the county shall complete a review of the applicant's final subdivision land use application
992	for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes,
993	including all subdivision plan reviews.
994	(b) A county shall publish a list of the items comprising a complete final subdivision
995	land use application.
996	(5) (a) In reviewing a subdivision land use application, a county may request:
997	(i) additional information relating to an applicant's plans to ensure compliance with
998	county ordinances and approved standards and specifications for construction of public
999	improvements; and
1000	(ii) modifications to plans that do not meet current ordinances, applicable standards, or
1001	specifications or do not contain complete information.
1002	(b) A county's request for additional information or modifications to plans under
1003	Subsections (5)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or
1004	specifications that require the modifications to plans, and shall be logged in an index of
1005	requested modifications or additions.
1006	(c) A county may not require more than four review cycles.
1007	(d) (i) Subject to Subsection (5)(d)(ii), unless the change or correction is necessitated
1008	by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the
1009	infrastructure needed for the specific development, a change or correction not addressed or
1010	referenced in a county's plan review is waived.
1011	(ii) A modification or correction necessary to protect public health and safety or to
1012	enforce state or federal law may not be waived.
1013	(iii) If an applicant makes a material change to a plan set, the county has the discretion
1014	to restart the review process at the first review of the final application, but only with respect to
1015	the portion of the plan set that the material change substantively effects.
1016	(e) If an applicant does not submit a revised plan within 20 business days after the
1017	county requests a modification or correction, the county shall have an additional 20 business

1018	days to respond to the plans.
1019	(6) After the applicant has responded to the final review cycle, and the applicant has
1020	complied with each modification requested in the county's previous review cycle, the county
1021	may not require additional revisions, if the applicant has not materially changed the plan, other
1022	than changes that were in response to requested modifications or corrections.
1023	(7) (a) In addition to revised plans, an applicant shall provide a written explanation in
1024	response to the county's review comments, identifying and explaining the applicant's revisions
1025	and reasons for declining to make any revisions.
1026	(b) The applicant's written explanation shall be comprehensive and specific, including
1027	citations to applicable standards and ordinances for the design and an index of requested
1028	revisions or additions for each redlined response.
1029	(c) If an applicant fails to address a review comment in the response, the review cycle
1030	is not complete and the subsequent review cycle may not begin until all comments are
1031	addressed.
1032	(8) (a) If, on the fourth or final review, a county fails to respond within 20 business
1033	days, the county shall, upon request of the property owner, and within 10 business days after
1034	the day on which the request is received:
1035	(i) for a dispute arising from the subdivision improvement plans, assemble an appeal
1036	panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final
1037	revised set of plans; or
1038	(ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in
1039	writing, of the deficiency in the application and of the right to appeal the determination to a
1040	designated appeal authority.
1041	Section 11. Section 17-27a-604.9 is enacted to read:
1042	<u>17-27a-604.9.</u> Effective dates of Sections 17-27a-604.1 and 17-27a-604.2.
1043	(1) Except as provided in Subsection (2), Sections 17-27a-604.1 and 17-27a-604.2 do
1044	not apply until December 31, 2024.
1045	(2) Sections 17-27a-604.1 and 17-27a-604.2 do not apply until February 1, 2024 for:
1046	(a) a specified county, as defined in Section <u>17-27a-408</u> ;
1047	(b) a county that is a voting member of the Wasatch Front Regional Council, including:
1048	(i) Davis County;

1049 (ii) Morgan County; 1050 (iii) Salt Lake County; 1051 (iv) Tooele County; and 1052 (v) Weber County; and 1053 (c) a county that is a member of the Mountainland Association of Governments, 1054 including: 1055 (i) Summit County; 1056 (ii) Utah County; and 1057 (iii) Wasatch County. 1058 Section 12. Section 17-27a-608 is amended to read: 1059 17-27a-608. Subdivision amendments. 1060 (1) (a) A fee owner of a lot, as shown on the last county assessment roll, in a plat that 1061 has been laid out and platted as provided in this part may file a written petition with the land 1062 use authority to request a subdivision amendment. 1063 (b) Upon filing a written petition to request a subdivision amendment under Subsection 1064 (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 17-27a-603 that: 1065 1066 (i) depicts only the portion of the subdivision that is proposed to be amended; 1067 (ii) includes a plat name distinguishing the amended plat from the original plat; 1068 (iii) describes the differences between the amended plat and the original plat; and 1069 (iv) includes references to the original plat. 1070 (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide 1071 notice of the petition by mail, email, or other effective means to each affected entity that 1072 provides a service to an owner of record of the portion of the plat that is being amended at least 1073 10 calendar days before the land use authority may approve the petition for a subdivision 1074 amendment. 1075 (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a 1076 public hearing within 45 days after the day on which the petition is filed if: 1077 (i) any owner within the plat notifies the county of the owner's objection in writing 1078 within 10 days of mailed notification; or 1079 (ii) a public hearing is required because all of the owners in the subdivision have not

02-22-23 7:37 PM

1080 signed the revised plat. 1081 (e) A land use authority may not approve a petition for a subdivision amendment under 1082 this section unless the amendment identifies and preserves any easements owned by a culinary 1083 water authority and sanitary sewer authority for existing facilities located within the 1084 subdivision. 1085 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use 1086 authority may consider at a public meeting an owner's petition for a subdivision amendment if: 1087 (a) the petition seeks to: 1088 (i) join two or more of the petitioning fee owner's contiguous lots; 1089 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not 1090 result in a violation of a land use ordinance or a development condition; 1091 (iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the 1092 fee owners of each of the adjoining properties join the petition, regardless of whether the 1093 properties are located in the same subdivision; (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction 1094 1095 imposed by the local political subdivision; or 1096 (v) alter the plat in a manner that does not change existing boundaries or other 1097 attributes of lots within the subdivision that are not: 1098 (A) owned by the petitioner; or 1099 (B) designated as a common area; and 1100 (b) notice has been given to adjoining property owners in accordance with any 1101 applicable local ordinance. 1102 (3) A petition under Subsection (1)(a) that contains a request to amend a public street 1103 or county utility easement is also subject to Section 17-27a-609.5. 1104 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or 1105 a portion of a plat shall include: 1106 (a) the name and address of each owner of record of the land contained in: 1107 (i) the entire plat; or 1108 (ii) that portion of the plan described in the petition; and 1109 (b) the signature of each owner who consents to the petition. 1110 (5) (a) The owners of record of adjoining properties where one or more of the

1111	properties is a lot may exchange title to portions of those properties if the exchange of title is
1112	approved by the land use authority as a lot line adjustment in accordance with Subsection
1113	(5)(b).
1114	(b) The land use authority shall approve [an exchange of title] a lot line adjustment
1115	under Subsection (5)(a) if the exchange of title will not result in a violation of any land use
1116	ordinance.
1117	(c) If [an exchange of title] a lot line adjustment is approved under Subsection (5)(b):
1118	(i) a notice of <u>lot line adjustment</u> approval shall be recorded in the office of the county
1119	recorder which:
1120	(A) is [executed] approved by [each owner included in the exchange and by] the land
1121	use authority; <u>and</u>
1122	[(B) contains an acknowledgment for each party executing the notice in accordance
1123	with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and]
1124	[(C)] (B) recites the legal descriptions of both the properties and the properties
1125	resulting from the exchange of title; and
1126	(ii) a document of conveyance of title reflecting the approved change shall be recorded
1127	in the office of the county recorder with an amended plat.
1128	(d) A notice of approval recorded under this Subsection (5) does not act as a
1129	conveyance of title to real property and is not required to record a document conveying title to
1130	real property.
1131	(6) (a) The name of a recorded subdivision may be changed by recording an amended
1132	plat making that change, as provided in this section and subject to Subsection (6)(c).
1133	(b) The surveyor preparing the amended plat shall certify that the surveyor:
1134	(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
1135	Professional Land Surveyors Licensing Act;
1136	(ii) (A) has completed a survey of the property described on the plat in accordance with
1137	Section 17-23-17 and has verified all measurements; or
1138	(B) has referenced a record of survey map of the existing property boundaries shown
1139	on the plat and verified the locations of the boundaries; and
1140	(iii) has placed monuments as represented on the plat.
1141	(c) An owner of land may not submit for recording an amended plat that gives the

1142	subdivision described in the amended plat the same name as a subdivision recorded in the
1143	county recorder's office.
1144	(d) Except as provided in Subsection (6)(a), the recording of a declaration or other
1145	document that purports to change the name of a recorded plat is void.
1146	Section 13. Section 63I-2-210 is amended to read:
1147	63I-2-210. Repeal dates: Title 10.
1148	On January 1, 2024, Section 10-9a-604.9 is repealed.
1149	Section 14. Section 63I-2-217 is amended to read:
1150	63I-2-217. Repeal dates: Title 17.
1151	[(1) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed
1152	January 1, 2022.]
1153	(1) On January 1, 2022, Title 17, Chapter 35b, Consolidation of Local Government
1154	Units, is repealed.
1155	[(2) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to
1156	initiate a change of form of government process by July 1, 2018, is repealed.]
1157	[(3)] <u>(2)</u> On June 1, 2022:
1158	(a) Section 17-52a-104 is repealed;
1159	(b) in Subsection $17-52a-301(3)(a)$, the language that states "or under a provision
1160	described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and
1161	(c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.
1162	(3) On January 1, 2024, Section <u>17-27a-604.9</u> is repealed.
1163	(4) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to initiate
1164	a change of form of government process by July 1, 2018, is repealed.