SB0174S02 compared with SB0174

~~{deleted text}~~ shows text that was in SB0174 but was deleted in SB0174S02.

inserted text shows text that was not in SB0174 but was inserted into SB0174S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Stephen L. Whyte proposes the following substitute bill:

LOCAL LAND USE AND DEVELOPMENT REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: ~~{_____}~~Stephen L. Whyte

LONG TITLE

General Description:

This bill amends provisions related to local land use and development.

Highlighted Provisions:

This bill:

- amends the penalties for noncompliance with the requirements applicable to a political subdivision's moderate income housing report;
- defines the circumstances under which a garage may be included in the definition of an internal accessory dwelling unit;
- amends a political subdivision's authority with respect to restrictions and requirements for internal accessory dwelling units;
- enacts a new process for subdivision review and approval; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

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 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 10-9a-403(2)(b)(iii).

(e) "Specified municipality" means:

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

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

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

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

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

(i) a description of each moderate income housing strategy selected by the specified municipality for implementation; and

(ii) an implementation plan.

(c) The moderate income housing report submitted in each calendar year after 2022 shall include:

(i) the information required under Subsection (2)(b);

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

(iii) a description of each land use regulation or land use decision made by the specified municipality during the previous fiscal year to implement the moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified municipality's efforts to implement the moderate income housing strategies;

(iv) a description of any barriers encountered by the specified municipality in the previous fiscal year in implementing the moderate income housing strategies;

(v) information regarding the number of internal and external or detached accessory

dwelling units located within the specified municipality for which the specified municipality:

(A) issued a building permit to construct; or

(B) issued a business license to rent;

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

(vii) any recommendations on how the state can support the specified municipality in implementing the moderate income housing strategies.

(d) The moderate income housing report shall be in a form:

(i) approved by the division; and

(ii) made available by the division on or before July 1 of the year in which the report is required.

(3) Within 90 days after the day on which the division receives a specified municipality's moderate income housing report, the division shall:

(a) post the report on the division's website;

(b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified municipality is located, and, if the specified municipality is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and

(c) subject to Subsection (4), review the report to determine compliance with Subsection (2).

(4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(b);

(ii) demonstrates to the division that the specified municipality made plans to implement:

(A) three or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

(B) subject to Subsection 10-9a-403(2)(b)(iv), five or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station; and

(iii) is in a form approved by the division.

(b) The report described in Subsection (2)(c) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(c);

(ii) demonstrates to the division that the specified municipality made plans to implement:

(A) three or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

(B) four or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station;

(iii) is in a form approved by the division; and

(iv) provides sufficient information for the division to:

(A) assess the specified municipality's progress in implementing the moderate income housing strategies;

(B) monitor compliance with the specified municipality's implementation plan;

(C) identify a clear correlation between the specified municipality's land use regulations and land use decisions and the specified municipality's efforts to implement the moderate income housing strategies; and

(D) identify how the market has responded to the specified municipality's selected moderate income housing strategies.

(5) (a) A specified municipality qualifies for priority consideration under this Subsection (5) if the specified municipality's moderate income housing report:

(i) complies with Subsection (2); and

(ii) demonstrates to the division that the specified municipality made plans to implement:

(A) five or more moderate income housing strategies if the specified municipality does not have a fixed guideway public transit station; or

(B) six or more moderate income housing strategies if the specified municipality has a fixed guideway public transit station.

[~~(b) The following apply to a specified municipality described in Subsection (5)(a) during the fiscal year immediately following the fiscal year in which the report is required:~~]

[~~(i) the Transportation Commission may give priority consideration to transportation~~

~~projects located within the boundaries of the specified municipality in accordance with Subsection 72-1-304(3)(c); and~~]

[~~(ii) the Governor's Office of Planning and Budget may give priority consideration for awarding financial grants to the specified municipality under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(6).~~]

(b) The Transportation Commission may give priority consideration to transportation projects located within the boundaries of a specified municipality described in subsection (5)(a) during the fiscal year immediately following the fiscal year in which the report is required, in accordance with Subsection 72-1-304(3)(c).

(c) Upon determining that a specified municipality qualifies for priority consideration under this Subsection (5), the division shall send a notice of prioritization to the legislative body of the specified municipality[~~,~~] and the Department of Transportation[~~, and the Governor's Office of Planning and Budget~~].

(d) The notice described in Subsection (5)(c) shall:

(i) name the specified municipality that qualifies for priority consideration;

(ii) describe the funds or projects for which the specified municipality qualifies to receive priority consideration;

(iii) specify the fiscal year during which the specified municipality qualifies for priority consideration; and

(iv) state the basis for the division's determination that the specified municipality qualifies for priority consideration.

(6) (a) If the division, after reviewing a specified municipality's moderate income housing report, determines that the report does not comply with Subsection (2), the division shall send a notice of noncompliance to the legislative body of the specified municipality.

(b) The notice described in Subsection (6)(a) shall:

(i) describe each deficiency in the report and the actions needed to cure each deficiency;

(ii) state that the specified municipality has an opportunity to cure the deficiencies within 90 days after the day on which the notice is sent; and

(iii) state that failure to cure the deficiencies within 90 days after the day on which the notice is sent will result in ineligibility for funds and fees owed under Subsection (7).

(7) (a) A specified municipality is ineligible for funds and owes a fee under this Subsection (7) if the specified municipality:

(i) fails to submit a moderate income housing report to the division; or

(ii) fails to cure the deficiencies in the specified municipality's moderate income housing report within 90 days after the day on which the division sent to the specified municipality a notice of noncompliance under Subsection (6).

(b) The following apply to a specified municipality described in Subsection (7)(a) during the fiscal year immediately following the fiscal year in which the report is required:

(i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to projects located within the boundaries of the specified municipality in accordance with Subsection 72-2-124(5); [~~and~~]

[~~(ii) the Governor's Office of Planning and Budget may not award financial grants to the specified municipality under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(7).~~]

(ii) beginning with ~~{the moderate income housing}~~a report submitted in 2024, the specified municipality shall pay a fee to the Olene Walker Housing Loan Fund in the amount of $250 per day that the specified municipality:

(A) fails to submit ~~{a moderate income housing}~~the report to the division in accordance with ~~{Subsection (2)}~~this section, beginning the day after the day on which the report was due; or

(B) fails to cure the deficiencies in the ~~{specified municipality's moderate income housing }~~report, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance under Subsection (6)~~{(b).~~

~~}~~; and

(iii) beginning with the report submitted in 2025, the specified municipality shall pay a fee to the Olene Walker Housing Loan Fund in the amount of $500 per day that the specified municipality, in a consecutive year:

(A) fails to submit the report to the division in accordance with this section, beginning the day after the day on which the report was due; or

(B) fails to cure the deficiencies in the report, beginning the day after the day by which

the cure was required to occur as described in the notice of noncompliance under Subsection (6).

(c) Upon determining that a specified municipality is ineligible for funds under this Subsection (7), and is required to pay a fee under Subsection (7)(b), if applicable, the division shall send a notice of ineligibility to the legislative body of the specified municipality, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (7)(c) shall:

(i) name the specified municipality that is ineligible for funds;

(ii) describe the funds for which the specified municipality is ineligible to receive;

(iii) describe the fee the specified municipality is required to pay under Subsection (7)(b), if applicable;

[~~(iii)~~] (iv) specify the fiscal year during which the specified municipality is ineligible for funds; and

[~~(iv)~~] (v) state the basis for the division's determination that the specified municipality is ineligible for funds.

(e) The division may not determine that a specified municipality that is required to pay a fee under Subsection (7)(b) is in compliance with the reporting requirements of this section until the specified municipality pays all outstanding fees required under Subsection (7)(b) to the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

(8) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 10-9a-404(4)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Section 2. Section **10-9a-530** is amended to read:

10-9a-530. Internal accessory dwelling units.

(1) As used in this section:

(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

(i) within a primary dwelling;

(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and

(iii) for the purpose of offering a long-term rental of ~~{}~~30~~{}~~ 31~~}~~ consecutive days or

longer.

(b) (i) "Primary dwelling" means a single-family dwelling that:

[~~(i)~~] (A) is detached; and

[~~(ii)~~] (B) is occupied as the primary residence of the owner of record.

(ii) "Primary dwelling" includes a garage if the garage:

(A) is a habitable space; and

(B) is connected to the primary dwelling by a common wall.

(2) In any area zoned primarily for residential use:

(a) the use of an internal accessory dwelling unit is a permitted use; [~~and~~]

(b) except as provided in Subsections (3) and (4), a municipality may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:

(i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

(ii) total lot size; [~~or~~]

(iii) street frontage[~~.~~]; or

(iv) internal connectivity; and

(c) a municipality's regulation of architectural elements for internal accessory dwelling units ~~{must}~~shall be consistent with the regulation ~~{for single family}~~of single-family units, including single-family units located in historic districts.

(3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.

(4) A municipality may:

(a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;

(b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;

(c) require a primary dwelling:

(i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, [~~regardless of whether the primary dwelling is existing or new construction~~] in addition to the parking spaces required under the municipality's land use ~~{ordinance}~~regulation, except that if the

municipality's land use ordinance requires four ~~{or more }~~off-street parking spaces~~{ within the setbacks}~~, the municipality may not require the additional space contemplated under this Subsection (4)(c)(i); and

(ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is a habitable space;

(d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;

(e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;

(f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to:

(i) 25% or less of the total area in the municipality that is zoned primarily for residential use, except that the municipality may not prohibit newly constructed internal accessory dwelling units ~~{with}~~that:

(A) have a final plat approval dated on or after October 1, 2021; and

(B) comply with applicable land use regulations; or

(ii) 67% or less of the total area in the municipality that is zoned primarily for residential use, if the main campus of a state or private university with a student population of 10,000 or more is located within the municipality;

(g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;

(h) prohibit the creation of an internal accessory dwelling unit if the lot containing the primary dwelling is 6,000 square feet or less in size;

(i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;

(j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;

(k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and

(l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).

(5) (a) In addition to any other legal or equitable remedies available to a municipality, a municipality may hold a lien against a property that contains an internal accessory dwelling unit if:

(i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (4);

(ii) the municipality provides a written notice of violation in accordance with Subsection (5)(b);

(iii) the municipality holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);

(iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);

(v) the municipality provides a written notice of lien in accordance with Subsection (5)(c); and

(vi) the municipality records a copy of the written notice of lien described in Subsection [~~(5)(a)(iv)~~] (5)(a)(v) with the county recorder of the county in which the property is located.

(b) The written notice of violation shall:

(i) describe the specific violation;

(ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:

(A) no less than 14 days after the day on which the municipality sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or

(B) no less than 30 days after the day on which the municipality sends the written notice of violation, for any other violation;

(iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the municipality may hold a lien against the property in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;

(iv) notify the owner of the property:

(A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and

(B) of the name and address of the municipal office where the owner may file the written objection;

(v) be mailed to:

(A) the property's owner of record; and

(B) any other individual designated to receive notice in the owner's license or permit records; and

(vi) be posted on the property.

(c) The written notice of lien shall:

(i) comply with the requirements of Section 38-12-102;

(ii) state that the property is subject to a lien;

(iii) specify the lien amount, in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;

(iv) be mailed to:

(A) the property's owner of record; and

(B) any other individual designated to receive notice in the owner's license or permit records; and

(v) be posted on the property.

(d) (i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the municipality shall:

(A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and

(B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.

(ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a municipality may not record a lien under this Subsection (5) until the municipality holds a hearing and determines that the specific violation has occurred.

(iii) If the municipality determines at the hearing that the specific violation has occurred, the municipality may impose a lien in an amount of up to $100 for each day of

violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.

(e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (5)(b), the municipality may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (5)(b).

(6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.

(b) The notice described in Subsection (6)(a) shall include:

(i) a description of the primary dwelling;

(ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and

(iii) a statement that the internal accessory dwelling unit may only be used in accordance with the municipality's land use regulations.

(c) The municipality shall, upon recording the notice described in Subsection (6)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

Section 3. Section **10-9a-604.1** is enacted to read:

10-9a-604.1. Process for subdivision review and approval.

(1) (a) As used in this section~~:~~

~~(a) }~~, an "~~{Administrative}~~administrative land use authority" means ~~{a person}~~an individual, board, or commission, appointed or employed by a municipality, including municipal staff or a municipal planning commission.

(b) "Administrative land use authority" does not include a municipal legislative body~~{:~~

~~(2)~~ or a member of a municipal legislative body.

(2) (a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.

(b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications

for zoning or other land use regulation approvals.

(3) A municipal ordinance governing the subdivision of land shall:

(a) comply with this section~~{;~~

~~(b) designate a single administrative land use authority for the review of preliminary applications to subdivide land; and~~

~~(c) identify}~~, and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications~~{.~~

~~(3)}~~; and

(b) (i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or

(ii) if the municipality has adopted an ordinance that establishes a separate procedure for the review and approval of subdivisions under Section 10-9a-605, the municipality may designate a different and separate administrative land use authority for the approval of subdivisions under Section 10-9a-605.

(4) (a) If an applicant requests a pre-application meeting, the municipality shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.

(b) At the pre-application meeting, the municipal staff shall provide or have available on the municipal website the following:

(i) copies of applicable land use regulations;

(ii) a complete list of standards required for the project;

(iii) preliminary and final application checklists; and

(iv) feedback on the concept plan.

(5) A preliminary subdivision application shall comply with all applicable municipal ordinances and requirements of this section.

(~~{4}~~6) An administrative land use authority ~~{shall review}~~may complete a preliminary subdivision application review in a public meeting or at a municipal staff level.

(~~{5}~~7) With respect to a preliminary application to subdivide land, an administrative land use authority may:

(a) receive public comment; and

(b) ~~{conduct}~~hold no more than one public hearing.

({6}8) {A municipality shall give written notice of the}If a preliminary subdivision application {and the time, place, and manner of the public meeting under Subsection (4), and any public comment opportunity or public hearing under Subsection (5), at least 30 days before the meeting, public comment opportunity, or public hearing, by:

(a) mailing the notice to the owners of any property that is within 300 feet of the property that is the subject property of the application to subdivide land; or

(b) posting the notice on a sign that:

(i) is on the property that is the subject property of the application to subdivide; and

(ii) at a location and of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

(7) (a) An}complies with the applicable municipal ordinances and the requirements of this section, the administrative land use authority shall approve {a}the preliminary subdivision application{ if the application and record of proceedings before the administrative land use authority demonstrate that the application complies with:

(i) the applicable municipal ordinances; and

(ii) the requirements of this section.

(b) An administrative land use authority may deny a preliminary subdivision application only if there is substantial evidence to show that the application does not comply with:

(i) the applicable municipal ordinances; or

(ii) the requirements of this section}.

({8}9) A municipality shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and municipal ordinances, which:

(a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and

(b) {shall}may not require planning commission or city council approval.

({9}10) {A municipality shall approve the final subdivision application if the}If a final subdivision application complies with{:

(a) } the requirements of this section, the applicable municipal ordinances, and the preliminary subdivision approval granted under Subsection ({7)(a);

(b) the applicable}9)(a), a municipality shall approve the final subdivision application.

Section 4. Section **10-9a-604.2** is enacted to read:

10-9a-604.2. Review of subdivision land use applications and subdivision improvement plans.

(1) As used in this section:

(a) "Review cycle" means the occurrence of:

(i) the applicant's submittal of a complete subdivision land use application;

(ii) the municipality's review of that subdivision land use application;

(iii) the municipality's response to that subdivision land use application, in accordance with this section; and

(iv) the applicant's reply to the municipality's response that addresses each of the municipality's required modifications or requests for additional information.

(b) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and municipally controlled utilities required for a subdivision.

(c) "Subdivision ordinance review" means review by a municipality to verify that a subdivision land use application meets the criteria of the municipality's subdivision ordinances.

(d) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with municipal ordinances~~; and~~

~~(e) the~~ and applicable standards and specifications.

(2) The review cycle restrictions and requirements of this section do not apply to the review of subdivision applications affecting property within identified geological hazard areas.

(3) (a) No later than 15 business days after the day on which an applicant submits a complete preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the municipality shall complete the initial review of the application, including subdivision improvement plans.

(b) A municipality shall maintain and publish a list of the items comprising the complete preliminary subdivision land use application, including:

(i) the application;

(ii) the owner's affidavit;

(iii) an electronic copy of all plans in PDF format;

(iv) the preliminary subdivision plat drawings; and

(v) a breakdown of fees due upon approval of the application.

(4) (a) A municipality shall publish a list of the items that comprise a complete final subdivision land use application.

(b) No later than 20 business days after the day on which an applicant submits a plat, the municipality shall complete a review of the applicant's final subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, including all subdivision plan reviews.

(5) (a) In reviewing a subdivision land use application, a municipality may require:

(i) additional information relating to an applicant's plans to ensure compliance with municipal ordinances and approved standards and specifications for construction of public improvements; and

(ii) modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.

(b) A municipality's request for additional information or modifications to plans under Subsection (5)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

(c) A municipality may not require more than four review cycles.

(d) (i) Subject to Subsection (5)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the infrastructure needed for the specific development, a change or correction not addressed or referenced in a municipality's plan review is waived.

(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a plan set, the municipality has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.

(e) If an applicant does not submit a revised plan within 20 business days after the municipality requires a modification or correction, the municipality shall have an additional 20 business days to respond to the plans.

(6) After the applicant has responded to the final review cycle, and the applicant has

complied with each modification requested in the municipality's previous review cycle, the municipality may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(7) (a) In addition to revised plans, an applicant shall provide a written explanation in response to the municipality's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

(8) (a) If, on the fourth or final review, a municipality fails to respond within 20 business days, the municipality shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

(ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

Section 5. Section **10-9a-604.9** is enacted to read:

10-9a-604.9. Effective dates of Sections 10-9a-604.1 and 10-9a-604.2.

(1) Except as provided in Subsection (2), Sections 10-9a-604.1 and 10-9a-604.2 do not apply until December 31, 2024.

(2) For a specified municipality, as defined in Section 10-9a-408, Sections 10-9a-604.1 and 10-9a-604.2 do not apply until February 1, 2024.

Section 6. Section **10-9a-608** is amended to read:

10-9a-608. Subdivision amendments.

(1) (a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition

with the land use authority to request a subdivision amendment.

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

(i) depicts only the portion of the subdivision that is proposed to be amended;

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

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

(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 in writing within 10 days of mailed notification; or

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

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

(a) the petition seeks to:

(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 not result 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 restriction imposed by the local political subdivision; or

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

(A) owned by the petitioner; or

(B) designated as a common area; and

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

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

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

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

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

(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 title is approved by the land use authority as a lot line adjustment in accordance with Subsection (5)(b).

(b) The land use authority shall approve [~~an exchange of title~~] a lot line adjustment under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.

(c) If [~~an exchange of title~~] a lot line adjustment is approved under Subsection (5)(b):

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

(A) is [~~executed~~] approved by [~~each owner included in the exchange and by~~] the land use authority; and

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

[~~(C)~~] (B) recites the legal descriptions of both the original properties and the properties resulting from the exchange of title; and

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

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

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

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

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

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

(B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and

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

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

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

Section ~~{4}~~7. Section **17-27a-408** is amended to read:

17-27a-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 Department of Workforce Services.

(b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified county's general plan as provided in Subsection [~~10-9a-403(2)(c)~~] 17-27a-401(3)(a).

(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 17-27a-403(2)(b)(ii).

(e) "Specified county" means a county of the first, second, or third class, which has a population of more than 5,000 in the county's unincorporated areas.

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

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

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

(ii) an implementation plan.

(c) The moderate income housing report submitted in each calendar year after 2022 shall include:

(i) the information required under Subsection (2)(b);

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

(iii) a description of each land use regulation or land use decision made by the specified county during the previous fiscal year to implement the moderate income housing strategies, including an explanation of how the land use regulation or land use decision supports the specified county's efforts to implement the moderate income housing strategies;

(iv) a description of any barriers encountered by the specified county in the previous fiscal year in implementing the moderate income housing strategies; and

(v) information regarding the number of internal and external or detached accessory dwelling units located within the specified county for which the specified county:

(A) issued a building permit to construct; or

(B) issued a business license to rent;

(vi) a description of how the market has responded to the selected moderate income housing strategies, including the number of entitled moderate income housing units or other

relevant data; and

(vii) any recommendations on how the state can support the specified county in implementing the moderate income housing strategies.

(d) The moderate income housing report shall be in a form:

(i) approved by the division; and

(ii) made available by the division on or before July 1 of the year in which the report is required.

(3) Within 90 days after the day on which the division receives a specified county's moderate income housing report, the division shall:

(a) post the report on the division's website;

(b) send a copy of the report to the Department of Transportation, the Governor's Office of Planning and Budget, the association of governments in which the specified county is located, and, if the unincorporated area of the specified county is located within the boundaries of a metropolitan planning organization, the appropriate metropolitan planning organization; and

(c) subject to Subsection (4), review the report to determine compliance with Subsection (2).

(4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(b);

(ii) demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies; and

(iii) is in a form approved by the division.

(b) The report described in Subsection (2)(c) complies with Subsection (2) if the report:

(i) includes the information required under Subsection (2)(c);

(ii) demonstrates to the division that the specified county made plans to implement three or more moderate income housing strategies;

(iii) is in a form approved by the division; and

(iv) provides sufficient information for the division to:

(A) assess the specified county's progress in implementing the moderate income

housing strategies;

(B) monitor compliance with the specified county's implementation plan;

(C) identify a clear correlation between the specified county's land use decisions and efforts to implement the moderate income housing strategies; and

(D) identify how the market has responded to the specified county's selected moderate income housing strategies.

(5) (a) A specified county qualifies for priority consideration under this Subsection (5) if the specified county's moderate income housing report:

(i) complies with Subsection (2); and

(ii) demonstrates to the division that the specified county made plans to implement five or more moderate income housing strategies.

[~~(b) The following apply to a specified county described in Subsection (5)(a) during the fiscal year immediately following the fiscal year in which the report is required:~~]

[~~(i) the Transportation Commission may give priority consideration to transportation projects located within the unincorporated areas of the specified county in accordance with Subsection 72-1-304(3)(c); and~~]

[~~(ii) the Governor's Office of Planning and Budget may give priority consideration for awarding financial grants to the specified county under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(6).~~]

(b) The Transportation Commission may give priority consideration to transportation projects located within the boundaries of a specified county described in subsection (5)(a) during the fiscal year immediately following the fiscal year in which the report is required, in accordance with Subsection 72-1-304(3)(c).

(c) Upon determining that a specified county qualifies for priority consideration under this Subsection (5), the division shall send a notice of prioritization to the legislative body of the specified county[~~;~~] and the Department of Transportation[~~, and the Governor's Office of Planning and Budget~~].

(d) The notice described in Subsection (5)(c) shall:

(i) name the specified county that qualifies for priority consideration;

(ii) describe the funds or projects for which the specified county qualifies to receive priority consideration;

(iii) specify the fiscal year during which the specified county qualifies for priority consideration; and

(iv) state the basis for the division's determination that the specified county qualifies for priority consideration.

(6) (a) If the division, after reviewing a specified county's moderate income housing report, determines that the report does not comply with Subsection (2), the division shall send a notice of noncompliance to the legislative body of the specified county.

(b) The notice described in Subsection (6)(a) shall:

(i) describe each deficiency in the report and the actions needed to cure each deficiency;

(ii) state that the specified county has an opportunity to cure the deficiencies within 90 days after the day on which the notice is sent; and

(iii) state that failure to cure the deficiencies within 90 days after the day on which the notice is sent will result in ineligibility for funds and fees owed under Subsection (7).

(7) (a) A specified county is ineligible for funds and owes a fee under this Subsection (7) if the specified county:

(i) fails to submit a moderate income housing report to the division; or

(ii) fails to cure the deficiencies in the specified county's moderate income housing report within 90 days after the day on which the division sent to the specified county a notice of noncompliance under Subsection (6).

(b) The following apply to a specified county described in Subsection (7)(a) during the fiscal year immediately following the fiscal year in which the report is required:

(i) the executive director of the Department of Transportation may not program funds from the Transportation Investment Fund of 2005, including the Transit Transportation Investment Fund, to projects located within the unincorporated areas of the specified county in accordance with Subsection 72-2-124(6); and

[~~(ii) the Governor's Office of Planning and Budget may not award financial grants to the specified county under the COVID-19 Local Assistance Matching Grant Program in accordance with Subsection 63J-4-802(7)~~]

(ii) beginning with the ~~{moderate income housing }~~report submitted in 2024, the specified county shall pay a fee to the Olene Walker Housing Loan Fund in the amount of $250

per day that the specified county:

(A) fails to submit ~~{a moderate income housing}~~the report to the division in accordance with ~~{Subsection (2)}~~this section, beginning the day after the day on which the report was due; or

(B) fails to cure the deficiencies in the ~~{specified municipality's moderate income housing }~~report, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance under Subsection (6)~~{(b).
}~~[~~:~~]; and

(iii) beginning with the report submitted in 2025, the specified county shall pay a fee to the Olene Walker Housing Loan Fund in the amount of $500 per day that the specified county, for a consecutive year:

(A) fails to submit the report to the division in accordance with this section, beginning the day after the day on which the report was due; or

(B) fails to cure the deficiencies in the report, beginning the day after the day by which the cure was required to occur as described in the notice of noncompliance under Subsection (6).

(c) Upon determining that a specified county is ineligible for funds under this Subsection (7), and is required to pay a fee under Subsection (7)(b), if applicable, the division shall send a notice of ineligibility to the legislative body of the specified county, the Department of Transportation, and the Governor's Office of Planning and Budget.

(d) The notice described in Subsection (7)(c) shall:

(i) name the specified county that is ineligible for funds;

(ii) describe the funds for which the specified county is ineligible to receive;

(iii) describe the fee the specified county is required to pay under Subsection (7)(b), if applicable;

[~~(iii)~~] (iv) specify the fiscal year during which the specified county is ineligible for funds; and

[~~(iv)~~] (v) state the basis for the division's determination that the specified county is ineligible for funds.

(e) The division may not determine that a specified county that is required to pay a fee under Subsection (7)(b) is in compliance with the reporting requirements of this section until

the specified county pays all outstanding fees required under Subsection (7)(b) to the Olene Walker Housing Loan Fund, created under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.

(8) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 17-27a-404(5)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

Section ~~{5}~~8. Section **17-27a-526** is amended to read:

17-27a-526. Internal accessory dwelling units.

(1) As used in this section:

(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:

(i) within a primary dwelling;

(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the time the internal accessory dwelling unit is created; and

(iii) for the purpose of offering a long-term rental of ~~{~~30~~{~~ 31~~}~~ consecutive days or longer.

(b) (i) "Primary dwelling" means a single-family dwelling that:

[~~(i)~~] (A) is detached; and

[~~(ii)~~] (B) is occupied as the primary residence of the owner of record.

(ii) "Primary dwelling" includes a garage if the garage:

(A) is a habitable space; and

(B) is connected to the primary dwelling by a common wall.

(2) In any area zoned primarily for residential use:

(a) the use of an internal accessory dwelling unit is a permitted use; [~~and~~]

(b) except as provided in Subsections (3) and (4), a county may not establish any restrictions or requirements for the construction or use of one internal accessory dwelling unit within a primary dwelling, including a restriction or requirement governing:

(i) the size of the internal accessory dwelling unit in relation to the primary dwelling;

(ii) total lot size; [~~or~~]

(iii) street frontage[~~.~~]; or

(iv) internal connectivity; and

(c) a county's regulation of architectural elements for internal accessory dwelling units

~~{must}~~shall be consistent with the regulation ~~{for}~~of single family units, including single family units located in historic districts.

(3) An internal accessory dwelling unit shall comply with all applicable building, health, and fire codes.

(4) A county may:

(a) prohibit the installation of a separate utility meter for an internal accessory dwelling unit;

(b) require that an internal accessory dwelling unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;

(c) require a primary dwelling:

(i) regardless of whether the primary dwelling is existing or new construction, to include one additional on-site parking space for an internal accessory dwelling unit, [~~regardless of whether the primary dwelling is existing or new construction~~] in addition to the parking spaces required under the county's land use ordinance, except that if the county's land use ordinance requires four ~~{or more }~~off-street parking spaces~~{ within the setbacks}~~, the county may not require the additional space contemplated under this Subsection (4)(c)(i); and

(ii) to replace any parking spaces contained within a garage or carport if an internal accessory dwelling unit is created within the garage or carport and is habitable space;

(d) prohibit the creation of an internal accessory dwelling unit within a mobile home as defined in Section 57-16-3;

(e) require the owner of a primary dwelling to obtain a permit or license for renting an internal accessory dwelling unit;

(f) prohibit the creation of an internal accessory dwelling unit within a zoning district covering an area that is equivalent to 25% or less of the total unincorporated area in the county that is zoned primarily for residential use[~~:~~], except that the ~~{municipality}~~county may not prohibit newly constructed internal accessory dwelling units ~~{with}~~that:

(i) have a final plat approval dated on or after October 1, 2021; and

(ii) comply with applicable land use regulations;

(g) prohibit the creation of an internal accessory dwelling unit if the primary dwelling is served by a failing septic tank;

(h) prohibit the creation of an internal accessory dwelling unit if the lot containing the

primary dwelling is 6,000 square feet or less in size;

(i) prohibit the rental or offering the rental of an internal accessory dwelling unit for a period of less than 30 consecutive days;

(j) prohibit the rental of an internal accessory dwelling unit if the internal accessory dwelling unit is located in a dwelling that is not occupied as the owner's primary residence;

(k) hold a lien against a property that contains an internal accessory dwelling unit in accordance with Subsection (5); and

(l) record a notice for an internal accessory dwelling unit in accordance with Subsection (6).

(5) (a) In addition to any other legal or equitable remedies available to a county, a county may hold a lien against a property that contains an internal accessory dwelling unit if:

(i) the owner of the property violates any of the provisions of this section or any ordinance adopted under Subsection (4);

(ii) the county provides a written notice of violation in accordance with Subsection (5)(b);

(iii) the county holds a hearing and determines that the violation has occurred in accordance with Subsection (5)(d), if the owner files a written objection in accordance with Subsection (5)(b)(iv);

(iv) the owner fails to cure the violation within the time period prescribed in the written notice of violation under Subsection (5)(b);

(v) the county provides a written notice of lien in accordance with Subsection (5)(c); and

(vi) the county records a copy of the written notice of lien described in Subsection [~~(5)(a)(iv)~~] (5)(a)(v) with the county recorder of the county in which the property is located.

(b) The written notice of violation shall:

(i) describe the specific violation;

(ii) provide the owner of the internal accessory dwelling unit a reasonable opportunity to cure the violation that is:

(A) no less than 14 days after the day on which the county sends the written notice of violation, if the violation results from the owner renting or offering to rent the internal accessory dwelling unit for a period of less than 30 consecutive days; or

(B) no less than 30 days after the day on which the county sends the written notice of violation, for any other violation; [~~and~~]

(iii) state that if the owner of the property fails to cure the violation within the time period described in Subsection (5)(b)(ii), the county may hold a lien against the property in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;

(iv) notify the owner of the property:

(A) that the owner may file a written objection to the violation within 14 days after the day on which the written notice of violation is post-marked or posted on the property; and

(B) of the name and address of the county office where the owner may file the written objection;

(v) be mailed to:

(A) the property's owner of record; and

(B) any other individual designated to receive notice in the owner's license or permit records; and

(vi) be posted on the property.

(c) The written notice of lien shall:

(i) comply with the requirements of Section 38-12-102;

(ii) describe the specific violation;

(iii) specify the lien amount, in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires;

(iv) be mailed to:

(A) the property's owner of record; and

(B) any other individual designated to receive notice in the owner's license or permit records; and

(v) be posted on the property.

(d) (i) If an owner of property files a written objection in accordance with Subsection (5)(b)(iv), the county shall:

(A) hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act, to conduct a review and determine whether the specific violation described in the written notice of violation under Subsection (5)(b) has occurred; and

(B) notify the owner in writing of the date, time, and location of the hearing described in Subsection (5)(d)(i)(A) no less than 14 days before the day on which the hearing is held.

(ii) If an owner of property files a written objection under Subsection (5)(b)(iv), a county may not record a lien under this Subsection (5) until the county holds a hearing and determines that the specific violation has occurred.

(iii) If the county determines at the hearing that the specific violation has occurred, the county may impose a lien in an amount of up to $100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.

(e) If an owner cures a violation within the time period prescribed in the written notice of violation under Subsection (5)(b), the county may not hold a lien against the property, or impose any penalty or fee on the owner, in relation to the specific violation described in the written notice of violation under Subsection (5)(b).

(6) (a) A county that issues, on or after October 1, 2021, a permit or license to an owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to an owner of a primary dwelling to create an internal accessory dwelling unit, may record a notice in the office of the recorder of the county in which the primary dwelling is located.

(b) The notice described in Subsection (6)(a) shall include:

(i) a description of the primary dwelling;

(ii) a statement that the primary dwelling contains an internal accessory dwelling unit; and

(iii) a statement that the internal accessory dwelling unit may only be used in accordance with the county's land use regulations.

(c) The county shall, upon recording the notice described in Subsection (6)(a), deliver a copy of the notice to the owner of the internal accessory dwelling unit.

Section 9. Section **17-27a-604.1** is enacted to read:

17-27a-604.1. Process for subdivision review and approval.

(1) (a) As used in this section, an "administrative land use authority" means an individual, board, or commission, appointed or employed by a county, including county staff or a county planning commission.

(b) "Administrative land use authority" does not include a county legislative body or a

member of a county legislative body.

(2) (a) This section applies to land use decisions arising from subdivision applications for single-family dwellings, two-family dwellings, or townhomes.

(b) This section does not apply to land use regulations adopted, approved, or agreed upon by a legislative body exercising land use authority in the review of land use applications for zoning or other land use regulation approvals.

(3) A county ordinance governing the subdivision of land shall:

(a) comply with this section and establish a standard method and form of application for preliminary subdivision applications and final subdivision applications; and

(b) (i) designate a single administrative land use authority for the review of preliminary applications to subdivide land; or

(ii) if the county has adopted an ordinance that establishes a separate procedure for the review and approval of subdivisions under Section 17-27a-605, the county may designate a different and separate administrative land use authority for the approval of subdivisions under Section 17-27a-605.

(4) (a) If an applicant requests a pre-application meeting, the county shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.

(b) At the pre-application meeting, the county staff shall provide or have available on the county website the following:

(i) copies of applicable land use regulations;

(ii) a complete list of standards required for the project;

(iii) preliminary and final application checklists; and

(iv) feedback on the concept plan.

(5) A preliminary subdivision application shall comply with all applicable county ordinances and requirements of this section.

(6) An administrative land use authority may complete a preliminary subdivision application review in a public meeting or at a county staff level.

(7) With respect to a preliminary application to subdivide land, an administrative land use authority may:

(a) receive public comment; and

(b) hold no more than one public hearing.

(8) If a preliminary subdivision application complies with the applicable county ordinances and the requirements of this section, the administrative land use authority shall approve the preliminary subdivision application.

(9) A county shall review and approve or deny a final subdivision plat application in accordance with the provisions of this section and county ordinances, which:

(a) may permit concurrent processing of the final subdivision plat application with the preliminary subdivision plat application; and

(b) may not require planning commission or county legislative body approval.

(10) If a final subdivision application complies with the requirements of this section, the applicable county ordinances, and the preliminary subdivision approval granted under Subsection (9)(a), a county shall approve the final subdivision application.

Section 10. Section **17-27a-604.2** is enacted to read:

17-27a-604.2. Review of subdivision land use applications and subdivision improvement plans.

(1) As used in this section:

(a) "Review cycle" means the occurrence of:

(i) the applicant's submittal of a complete subdivision land use application;

(ii) the county's review of that subdivision land use application;

(iii) the county's response to that subdivision land use application, in accordance with this section; and

(iv) the applicant's reply to the county's response that addresses each of the county's required modifications or requests for additional information.

(b) "Subdivision improvement plans" means the civil engineering plans associated with required infrastructure and county-controlled utilities required for a subdivision.

(c) "Subdivision ordinance review" means review by a county to verify that a subdivision land use application meets the criteria of the county's subdivision ordinances.

(d) "Subdivision plan review" means a review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with county ordinances and applicable standards and specifications.

(2) The review cycle restrictions and requirements of this section do not apply to the

review of subdivision applications affecting property within identified geological hazard areas.

(3) (a) No later than 15 business days after the day on which an applicant submits a complete preliminary subdivision land use application for a residential subdivision for single-family dwellings, two-family dwellings, or townhomes, the county shall complete the initial review of the application, including subdivision improvement plans.

(b) A county shall maintain and publish a list of the items comprising the complete preliminary subdivision land use application, including:

(i) the application;

(ii) the owner's affidavit;

(iii) an electronic copy of all plans in PDF format;

(iv) the preliminary subdivision plat drawings; and

(v) a breakdown of fees due upon approval of the application.

(4) (a) A county shall publish a list of the items that comprise a complete final subdivision land use application.

(b) No later than 20 business days after the day on which an applicant submits a plat, the county shall complete a review of the applicant's final subdivision land use application for single-family dwellings, two-family dwellings, or townhomes, including all subdivision plan reviews.

(5) (a) In reviewing a subdivision land use application, a county may require:

(i) additional information relating to an applicant's plans to ensure compliance with county ordinances and approved standards and specifications for construction of public improvements; and

(ii) modifications to plans that do not meet current ordinances, applicable standards, or specifications or do not contain complete information.

(b) A county's request for additional information or modifications to plans under Subsections (5)(a)(i) or (ii) shall be specific and include citations to ordinances, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

(c) A county may not require more than four review cycles.

(d) (i) Subject to Subsection (5)(d)(ii), unless the change or correction is necessitated by the applicant's adjustment to a plan set or an update to a phasing plan that adjusts the

infrastructure needed for the specific development, a change or correction not addressed or referenced in a county's plan review is waived.

(ii) A modification or correction necessary to protect public health and safety or to enforce state or federal law may not be waived.

(iii) If an applicant makes a material change to a plan set, the county has the discretion to restart the review process at the first review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.

(e) If an applicant does not submit a revised plan within 20 business days after the county requires a modification or correction, the county shall have an additional 20 business days to respond to the plans.

(6) After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the county's previous review cycle, the county may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

(7) (a) In addition to revised plans, an applicant shall provide a written explanation in response to the county's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.

(b) The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.

(c) If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle may not begin until all comments are addressed.

(8) (a) If, on the fourth or final review, a county fails to respond within 20 business days, the county shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

(i) for a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with Subsection 10-9a-508(5)(d) to review and approve or deny the final revised set of plans; or

(ii) for a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a

designated appeal authority.

Section 11. Section **17-27a-604.9** is enacted to read:

17-27a-604.9. Effective dates of Sections 17-27a-604.1 and 17-27a-604.2.

(1) Except as provided in Subsection (2), Sections 17-27a-604.1 and 17-27a-604.2 do not apply until December 31, 2024.

(2) Sections 17-27a-604.1 and 17-27a-604.2 do not apply until February 1, 2024 for:

(a) a specified county, as defined in Section 17-27a-408;

(b) a county that is a voting member of the Wasatch Front Regional Council, including:

(i) Davis County;

(ii) Morgan County;

(iii) Salt Lake County;

(iv) Tooele County; and

(v) Weber County; and

(c) a county that is a member of the Mountainland Association of Governments, including:

(i) Summit County;

(ii) Utah County; and

(iii) Wasatch County.

Section 12. Section **17-27a-608** is amended to read:

17-27a-608. Subdivision amendments.

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

(b) Upon filing a written petition to request a subdivision amendment under Subsection (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:

(i) depicts only the portion of the subdivision that is proposed to be amended;

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

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

(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 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 county of the owner's objection in writing within 10 days of mailed notification; or

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

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

(a) the petition seeks to:

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

(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result 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 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 restriction imposed by the local political subdivision; or

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

(A) owned by the petitioner; or

(B) designated as a common area; and

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

(3) A petition under Subsection (1)(a) that contains a request to amend a public street or county utility easement is also subject to Section 17-27a-609.5.

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

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

(i) the entire plat; or

(ii) that portion of the plan described in the petition; and

(b) the signature of each owner who consents to the petition.

(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 properties if the exchange of title is approved by the land use authority as a lot line adjustment in accordance with Subsection (5)(b).

(b) The land use authority shall approve [~~an exchange of title~~] a lot line adjustment under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.

(c) If [~~an exchange of title~~] a lot line adjustment is approved under Subsection (5)(b):

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

(A) is [~~executed~~] approved by [~~each owner included in the exchange and by~~] the land use authority; and

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

[~~(C)~~] (B) recites the legal descriptions of both the properties and the properties resulting from the exchange of title; and

(ii) a document of conveyance of title reflecting the approved change shall be recorded in the office of the county recorder [~~with an amended plat~~].

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

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

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

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

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

(B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and

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

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

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

Section 13. Section **63I-2-210** is amended to read:

63I-2-210. Repeal dates: Title 10.

On January 1, 2025, Section 10-9a-604.9 is repealed.

Section 14. Section **63I-2-217** is amended to read:

63I-2-217. Repeal dates: Title 17.

~~[(1) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed January 1, 2022.]~~

(1) On January 1, 2022, Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed.

~~[(2) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to initiate a change of form of government process by July 1, 2018, is repealed.]~~

[~~(3)~~] (2) On June 1, 2022:

(a) Section 17-52a-104 is repealed;

(b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and

(c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.

(3) On January 1, 2025, Section 17-27a-604.9 is repealed.

(4) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to initiate

a change of form of government process by July 1, 2018, is repealed.