

1 **LAND USE DEVELOPMENT AND MANAGEMENT REVISIONS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Logan Wilde**

5 Senate Sponsor: _____



7 **LONG TITLE**

8 **General Description:**

9 This bill revises provisions applicable to municipal and county land use development
10 and management.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines and modifies terms;
- 14 ▶ modifies requirements applicable to certain land use recommendations made by a
15 planning commission;
- 16 ▶ modifies provisions applicable to certain exemptions from local plat requirements;
- 17 ▶ modifies provisions applicable to a petition for a subdivision amendment;
- 18 ▶ clarifies the powers of certain public utilities;
- 19 ▶ limits the right to appeal the decision of a land use authority to certain persons; and
- 20 ▶ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **10-9a-103**, as last amended by Laws of Utah 2019, Chapters 327, 384 and last amended



28 by Coordination Clause, Laws of Utah 2019, Chapter 384
29 **10-9a-302**, as last amended by Laws of Utah 2019, Chapter 384
30 **10-9a-404**, as last amended by Laws of Utah 2018, Chapter 218
31 **10-9a-408**, as last amended by Laws of Utah 2019, Chapter 327
32 **10-9a-509**, as last amended by Laws of Utah 2019, Chapter 384 and last amended by
33 Coordination Clause, Laws of Utah 2019, Chapter 384
34 **10-9a-603**, as last amended by Laws of Utah 2019, Chapters 35 and 384
35 **10-9a-604**, as last amended by Laws of Utah 2019, Chapter 35
36 **10-9a-605**, as last amended by Laws of Utah 2019, Chapter 384
37 **10-9a-608**, as last amended by Laws of Utah 2019, Chapter 384
38 **10-9a-609.5**, as last amended by Laws of Utah 2019, Chapter 384
39 **10-9a-611**, as last amended by Laws of Utah 2016, Chapter 303
40 **10-9a-701**, as last amended by Laws of Utah 2019, Chapter 384
41 **10-9a-703**, as last amended by Laws of Utah 2017, Chapter 17
42 **10-9a-704**, as last amended by Laws of Utah 2017, Chapter 17
43 **10-9a-801**, as last amended by Laws of Utah 2019, Chapter 384
44 **10-9a-802**, as last amended by Laws of Utah 2019, Chapter 384
45 **17-27a-103**, as last amended by Laws of Utah 2019, Chapters 327, 384 and last
46 amended by Coordination Clause, Laws of Utah 2019, Chapter 384
47 **17-27a-302**, as last amended by Laws of Utah 2019, Chapter 384
48 **17-27a-404**, as last amended by Laws of Utah 2018, Chapter 218
49 **17-27a-408**, as last amended by Laws of Utah 2019, Chapter 327
50 **17-27a-603**, as last amended by Laws of Utah 2019, Chapters 35 and 384
51 **17-27a-604**, as last amended by Laws of Utah 2019, Chapter 35
52 **17-27a-605**, as last amended by Laws of Utah 2019, Chapter 384
53 **17-27a-608**, as last amended by Laws of Utah 2019, Chapter 384
54 **17-27a-609.5**, as last amended by Laws of Utah 2019, Chapter 384
55 **17-27a-611**, as renumbered and amended by Laws of Utah 2005, Chapter 254
56 **17-27a-701**, as last amended by Laws of Utah 2011, Chapter 92
57 **17-27a-703**, as last amended by Laws of Utah 2009, Chapter 356
58 **17-27a-704**, as last amended by Laws of Utah 2006, Chapter 240

59 [17-27a-801](#), as last amended by Laws of Utah 2019, Chapter 384
 60 [17-27a-802](#), as last amended by Laws of Utah 2019, Chapter 384
 61 [63I-2-217](#), as last amended by Laws of Utah 2019, Chapters 136, 252, 327, 384, 510
 62 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 384
 63 [63J-4-607](#), as last amended by Laws of Utah 2019, Chapter 246

64
65 *Be it enacted by the Legislature of the state of Utah:*

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

67 **10-9a-103. Definitions.**

68 As used in this chapter:

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

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

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

74 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
75 general community as a result of the land use decision; and

76 (i) participated by any means in a public hearing before the land use authority on the
77 particular land use application or land use decision; or

78 (ii) owns real property that is located within an area that received mailed notice of the
79 proposed land use application or land use decision as required by local ordinance.

80 ~~[(2)]~~ (3) "Affected entity" means a county, municipality, local district, special service
81 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
82 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
83 public utility, property owner, property owners association, or the Utah Department of
84 Transportation, if:

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

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

89 (c) the entity has filed with the municipality a request for notice during the same

90 calendar year and before the municipality provides notice to an affected entity in compliance
91 with a requirement imposed under this chapter.

92 ~~[(3)]~~ (4) "Affected owner" means the owner of real property that is:

93 (a) a single project;

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

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

97 ~~[(4)]~~ (5) "Appeal authority" means the person, board, commission, agency, or other
98 body designated by ordinance to decide an appeal of a decision of a land use application or a
99 variance.

100 ~~[(5)]~~ (6) "Billboard" means a freestanding ground sign located on industrial,
101 commercial, or residential property if the sign is designed or intended to direct attention to a
102 business, product, or service that is not sold, offered, or existing on the property where the sign
103 is located.

104 ~~[(6)]~~ (7) (a) "Charter school" means:

105 (i) an operating charter school;

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

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

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

111 ~~[(7)]~~ (8) "Conditional use" means a land use that, because of its unique characteristics
112 or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not
113 be compatible in some areas or may be compatible only if certain conditions are required that
114 mitigate or eliminate the detrimental impacts.

115 ~~[(8)]~~ (9) "Constitutional taking" means a governmental action that results in a taking of
116 private property so that compensation to the owner of the property is required by the:

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

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

119 ~~[(9)]~~ (10) "Culinary water authority" means the department, agency, or public entity
120 with responsibility to review and approve the feasibility of the culinary water system and

121 sources for the subject property.

122 ~~[(10)]~~ (11) "Development activity" means:

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

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

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

129 ~~[(11)]~~ (12) (a) "Disability" means a physical or mental impairment that substantially
130 limits one or more of a person's major life activities, including a person having a record of such
131 an impairment or being regarded as having such an impairment.

132 (b) "Disability" does not include current illegal use of, or addiction to, any federally
133 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
134 802.

135 ~~[(12)]~~ (13) "Educational facility":

136 (a) means:

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

140 (ii) a structure or facility:

141 (A) located on the same property as a building described in Subsection ~~[(12)]~~
142 (13)(a)(i); and

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

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

146 (b) does not include:

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

149 (A) not located on the same property as a building described in Subsection ~~[(12)]~~
150 (13)(a)(i); and

151 (B) used in support of the purposes of a building described in Subsection ~~[(12)]~~

152 (13)(a)(i); or

153 (ii) a therapeutic school.

154 (14) (a) "Electrical corporation" includes every corporation, cooperative association,
155 and person, their lessees, trustees, and receivers, owning, controlling, operating, or managing
156 an electric plant as defined in Section 54-2-1, or in any way furnishing electric power for public
157 service to its consumers or members for domestic, commercial, or industrial use, within the
158 state.

159 (b) "Electrical corporation" does not include:

160 (i) an independent energy producer as defined in Section 54-2-1;

161 (ii) where electricity is generated on or distributed by the producer solely for the
162 producer's own use, or the use of the producer's tenants, or the use of members of an
163 association of unit owners formed under Title 57, Chapter 8, Condominium Ownership Act,
164 and not for sale to the public generally;

165 (iii) an eligible customer who provides electricity for the eligible customer's own use or
166 the use of the eligible customer's tenant or affiliate;

167 (iv) a nonutility energy supplier as defined in Section 54-2-1 who sells or provides
168 electricity to:

169 (A) an eligible customer who has transferred the eligible customer's service to the
170 nonutility energy supplier in accordance with Section 54-3-32; or

171 (B) the eligible customer's tenant or affiliate; or

172 (v) an entity that sells electric vehicle battery charging services, unless the entity
173 conducts another activity in the state that subjects the entity to the jurisdiction and regulation of
174 the commission as an electrical corporation.

175 (15) "Eligible customer" means the same as that term is defined in Section 54-2-1.

176 (16) "Eligible customer's tenant or affiliate" means the same as that term is defined in
177 Section 54-2-1.

178 ~~(13)~~ (17) "Fire authority" means the department, agency, or public entity with
179 responsibility to review and approve the feasibility of fire protection and suppression services
180 for the subject property.

181 ~~(14)~~ (18) "Flood plain" means land that:

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

183 Management Agency; or

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

188 (19) "Gas corporation" includes every corporation and person, their lessees, trustees,
189 and receivers, owning, controlling, operating, or managing a gas plant, as defined in Section
190 54-2-1, for public service within this state or for the selling or furnishing of natural gas to any
191 consumer or consumers within the state for domestic, commercial, or industrial use, except in
192 the situation that:

193 (a) gas is made or produced on, and distributed by the maker or producer through,
194 private property:

195 (i) solely for the maker's or producer's own use or the use of the maker's or producer's
196 tenants; and

197 (ii) not for sale to others;

198 (b) gas is compressed on private property solely for the owner's own use or the use of
199 the owner's employees as a motor vehicle fuel; or

200 (c) gas is compressed by a retailer of motor vehicle fuel on the retailer's property solely
201 for sale as a motor vehicle fuel.

202 [~~15~~] (20) "General plan" means a document that a municipality adopts that sets forth
203 general guidelines for proposed future development of the land within the municipality.

204 [~~16~~] (21) "Geologic hazard" means:

205 (a) a surface fault rupture;

206 (b) shallow groundwater;

207 (c) liquefaction;

208 (d) a landslide;

209 (e) a debris flow;

210 (f) unstable soil;

211 (g) a rock fall; or

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

213 (i) to life;

214 (ii) of substantial loss of real property; or
215 (iii) of substantial damage to real property.

216 [~~(17)~~] (22) "Historic preservation authority" means a person, board, commission, or
217 other body designated by a legislative body to:

218 (a) recommend land use regulations to preserve local historic districts or areas; and
219 (b) administer local historic preservation land use regulations within a local historic
220 district or area.

221 [~~(18)~~] (23) "Hookup fee" means a fee for the installation and inspection of any pipe,
222 line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or
223 other utility system.

224 [~~(19)~~] (24) "Identical plans" means building plans submitted to a municipality that:

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

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

228 (c) describe a building that:

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

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

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

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

236 [~~(20)~~] (25) "Impact fee" means a payment of money imposed under Title 11, Chapter
237 36a, Impact Fees Act.

238 [~~(21)~~] (26) "Improvement completion assurance" means a surety bond, letter of credit,
239 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
240 by a municipality to guaranty the proper completion of landscaping or an infrastructure
241 improvement required as a condition precedent to:

242 (a) recording a subdivision plat; or

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

244 [~~(22)~~] (27) "Improvement warranty" means an applicant's unconditional warranty that

245 the applicant's installed and accepted landscaping or infrastructure improvement:

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

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

250 [~~(23)~~] (28) "Improvement warranty period" means a period:

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

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

253 unless the municipality:

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

256 (ii) has substantial evidence, on record:

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

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

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

260 [~~(24)~~] (29) "Infrastructure improvement" means permanent infrastructure that is
261 essential for the public health and safety or that:

262 (a) is required for human occupation; and

263 (b) an applicant must install:

264 (i) in accordance with published installation and inspection specifications for public
265 improvements; and

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

267 (A) recording a subdivision plat;

268 (B) obtaining a building permit; or

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

271 [~~(25)~~] (30) "Internal lot restriction" means a platted note, platted demarcation, or
272 platted designation that:

273 (a) runs with the land; and

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

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

278 [~~(26)~~] (31) "Land use applicant" means a property owner, or the property owner's
279 designee, who submits a land use application regarding the property owner's land.

280 [~~(27)~~] (32) "Land use application":

281 (a) means an application that is:

282 (i) required by a municipality; and

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

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

285 [~~(28)~~] (33) "Land use authority" means:

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

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

290 [~~(29)~~] (34) "Land use decision" means an administrative decision of a land use
291 authority or appeal authority regarding:

292 (a) a land use permit;

293 (b) a land use application; or

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

296 [~~(30)~~] (35) "Land use permit" means a permit issued by a land use authority.

297 [~~(31)~~] (36) "Land use regulation":

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

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

302 (c) does not include:

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

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

306 (A) increase a land use applicant's cost of development compared to the existing

307 specification; or

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

309 ~~[(32)]~~ (37) "Legislative body" means the municipal council.

310 ~~[(33)]~~ (38) "Local district" means an entity under Title 17B, Limited Purpose Local
311 Government Entities - Local Districts, and any other governmental or quasi-governmental
312 entity that is not a county, municipality, school district, or the state.

313 ~~[(34)]~~ (39) "Local historic district or area" means a geographically definable area that:

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

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

319 ~~[(35)]~~ (40) "Lot" means a tract of land, regardless of any label, that is created by and
320 shown on a subdivision plat that has been recorded in the office of the county recorder.

321 ~~[(36)]~~ (41) (a) "Lot line adjustment" means a relocation of a lot line boundary between
322 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in
323 accordance with Section [10-9a-608](#), with the consent of the owners of record.

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

325 (i) creates an additional lot; or

326 (ii) constitutes a subdivision.

327 ~~[(37)]~~ (42) "Major transit investment corridor" means public transit service that uses or
328 occupies:

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

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

331 or

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

334 (i) a public transit district as defined in Section [17B-2a-802](#); or

335 (ii) an eligible political subdivision as defined in Section [59-12-2219](#).

336 ~~[(38)]~~ (43) "Moderate income housing" means housing occupied or reserved for
337 occupancy by households with a gross household income equal to or less than 80% of the

338 median gross income for households of the same size in the county in which the city is located.

339 ~~[(39)]~~ (44) "Municipal utility easement" means an easement that:

340 (a) is created or depicted on a plat recorded in a county recorder's office and is
341 described as a [municipal] utility easement [or otherwise as a utility easement] dedicated for
342 public use;

343 (b) is not a protected utility easement or a public utility easement as defined in Section
344 [54-3-27](#);

345 ~~[(c) the municipality or the municipality's affiliated governmental entity owns or~~
346 ~~creates, and]~~

347 ~~[(d) (i) either:]~~

348 ~~[(A) no person uses or occupies; or]~~

349 ~~[(B) the municipality or the municipality's affiliated governmental entity uses and~~
350 ~~occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm~~
351 ~~water, or communications or data lines; or]~~

352 ~~[(ii) a person uses or occupies with or without an authorized franchise or other~~
353 ~~agreement with the municipality;]~~

354 (c) is used or occupied with the consent of the municipality in accordance with an
355 authorized franchise or other agreement; or

356 (d) (i) is used or occupied by a specified public utility; and

357 (ii) is located in a utility easement dedicated for public use.

358 ~~[(40)]~~ (45) "Nominal fee" means a fee that reasonably reimburses a municipality only
359 for time spent and expenses incurred in:

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

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

363 ~~[(41)]~~ (46) "Noncomplying structure" means a structure that:

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

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

368 ~~[(42)]~~ (47) "Nonconforming use" means a use of land that:

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

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

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

374 ~~[(43)]~~ (48) "Official map" means a map drawn by municipal authorities and recorded in
375 a county recorder's office that:

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

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

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

382 ~~[(44)]~~ (49) "Parcel" means any real property that is not a lot created by and shown on a
383 subdivision plat recorded in the office of the county recorder.

384 ~~[(45)]~~ (50) (a) "Parcel boundary adjustment" means a recorded agreement between
385 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
386 line agreement in accordance with Section 57-1-45, if no additional parcel is created and:

387 (i) none of the property identified in the agreement is subdivided land; or

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

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

391 (i) creates an additional parcel; or

392 (ii) constitutes a subdivision.

393 ~~[(46)]~~ (51) "Person" means an individual, corporation, partnership, organization,
394 association, trust, governmental agency, or any other legal entity.

395 ~~[(47)]~~ (52) "Plan for moderate income housing" means a written document adopted by
396 a municipality's legislative body that includes:

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

399 (b) an estimate of the need for moderate income housing in the municipality for the

400 next five years;

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

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

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

406 ~~[(48)]~~ (53) "Plat" means a map or other graphical representation of lands that a licensed
407 professional land surveyor makes and prepares in accordance with Section 10-9a-603 or
408 57-8-13.

409 ~~[(49)]~~ (54) "Potential geologic hazard area" means an area that:

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

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

416 ~~[(50)]~~ (55) "Public agency" means:

417 (a) the federal government;

418 (b) the state;

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

421 (d) a charter school.

422 ~~[(51)]~~ (56) "Public hearing" means a hearing at which members of the public are
423 provided a reasonable opportunity to comment on the subject of the hearing.

424 ~~[(52)]~~ (57) "Public meeting" means a meeting that is required to be open to the public
425 under Title 52, Chapter 4, Open and Public Meetings Act.

426 ~~[(53)]~~ (58) "Public street" means a public right-of-way, including a public highway,
427 public avenue, public boulevard, public parkway, public road, public lane, ~~[public trail or~~
428 ~~walk;]~~ public alley, public viaduct, public subway, public tunnel, public bridge, public byway,
429 other public transportation easement, or other public way.

430 ~~[(54)]~~ (59) "Receiving zone" means an area of a municipality that the municipality

431 designates, by ordinance, as an area in which an owner of land may receive a transferable
432 development right.

433 ~~[(55)]~~ (60) "Record of survey map" means a map of a survey of land prepared in
434 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

435 ~~[(56)]~~ (61) "Residential facility for persons with a disability" means a residence:

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

437 (b) (i) which is licensed or certified by the Department of Human Services under Title
438 62A, Chapter 2, Licensure of Programs and Facilities; or

439 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
440 21, Health Care Facility Licensing and Inspection Act.

441 ~~[(57)]~~ (62) "Rules of order and procedure" means a set of rules that govern and
442 prescribe in a public meeting:

443 (a) parliamentary order and procedure;

444 (b) ethical behavior; and

445 (c) civil discourse.

446 ~~[(58)]~~ (63) "Sanitary sewer authority" means the department, agency, or public entity
447 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
448 wastewater systems.

449 ~~[(59)]~~ (64) "Sending zone" means an area of a municipality that the municipality
450 designates, by ordinance, as an area from which an owner of land may transfer a transferable
451 development right.

452 ~~[(60)]~~ (65) "Specified public agency" means:

453 (a) the state;

454 (b) a school district; or

455 (c) a charter school.

456 ~~[(61)]~~ (66) "Specified public utility" means an electrical corporation, gas corporation,
457 or telephone corporation~~[, as those terms are defined in Section [54-2-1](#)].~~

458 ~~[(62)]~~ (67) "State" includes any department, division, or agency of the state.

459 ~~[(63)]~~ (68) "Subdivided land" means the land, tract, or lot described in a recorded
460 subdivision plat.

461 ~~[(64)]~~ (69) (a) "Subdivision" means any land that is divided, resubdivided, or proposed

462 to be divided into two or more lots or other division of land for the purpose, whether
463 immediate or future, for offer, sale, lease, or development either on the installment plan or
464 upon any and all other plans, terms, and conditions.

465 (b) "Subdivision" includes:

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

469 (ii) except as provided in Subsection [~~(64)~~] (69)(c), divisions of land for residential and
470 nonresidential uses, including land used or to be used for commercial, agricultural, and
471 industrial purposes.

472 (c) "Subdivision" does not include:

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

477 (ii) an agreement recorded with the county recorder's office between owners of
478 adjoining unsubdivided properties adjusting the mutual boundary by a boundary line agreement
479 in accordance with Section 57-1-45 if:

480 (A) no new lot is created; and

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

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

483 (A) revising the legal description of more than one contiguous parcel of property that is
484 not subdivided land into one legal description encompassing all such parcels of property; or

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

487 (iv) an agreement between owners of adjoining subdivided properties adjusting the
488 mutual lot line boundary in accordance with Section 10-9a-603 if:

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

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

491 (v) a bona fide division or partition of land by deed or other instrument where the land
492 use authority expressly approves in writing the division in anticipation of further land use

493 approvals on the parcel or parcels;

494 (vi) a parcel boundary adjustment;

495 (vii) a lot line adjustment;

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

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

498 (x) a bona fide division or partition of land by a metes and bounds description where
 499 the deed expressly states that:

500 (A) the division or partition of land is in anticipation of future development; and

501 (B) the newly created parcel must be subdivided or receive written approval from the
 502 land use authority before a structure may be built on the parcel.

503 (d) The joining of a subdivided parcel of property to another parcel of property that has
 504 not been subdivided does not constitute a subdivision under this Subsection [~~(57)~~] (69) as to
 505 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
 506 subdivision ordinance.

507 (70) "Subdivision amendment" means an amendment to a recorded subdivision in
 508 accordance with Section 10-9a-608 that:

509 (a) vacates all or a portion of the subdivision;

510 (b) alters the outside boundary of the subdivision;

511 (c) increases the number of lots within the subdivision;

512 (d) alters a public right-of-way, a public easement, public infrastructure, or other public
 513 dedication within the subdivision; or

514 (e) alters a common area or other common amenity within the subdivision.

515 [~~(65)~~] (71) "Suspect soil" means soil that has:

516 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
 517 3% swell potential;

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

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

521 (72) (a) "Telephone corporation" means any corporation or person, and their lessees,
 522 trustee, receivers, or trustees appointed by any court, who owns, controls, operates, manages, or
 523 resells a public telecommunications service as defined in Section 54-8b-2.

524 (b) "Telephone corporation" does not include a corporation, partnership, or firm
525 providing:

526 (i) intrastate telephone service offered by a provider of cellular, personal
527 communication systems, or other commercial mobile radio service as defined in 47 U.S.C. Sec.
528 332 that has been issued a covering license by the Federal Communications Commission;

529 (ii) internet service; or

530 (iii) resold intrastate toll service.

531 ~~[(66)]~~ (73) "Therapeutic school" means a residential group living facility:

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

533 (i) the owner of the facility; or

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

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

536 (i) at home;

537 (ii) in a public school; or

538 (iii) in a nonresidential private school; and

539 (c) that offers:

540 (i) room and board; and

541 (ii) an academic education integrated with:

542 (A) specialized structure and supervision; or

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

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

545 ~~[(67)]~~ (74) "Transferable development right" means a right to develop and use land that
546 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
547 land use rights from a designated sending zone to a designated receiving zone.

548 ~~[(68)]~~ (75) "Unincorporated" means the area outside of the incorporated area of a city
549 or town.

550 ~~[(69)]~~ (76) "Water interest" means any right to the beneficial use of water, including:

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

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

553 (i) a contract; or

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

555 [(70)] (77) "Zoning map" means a map, adopted as part of a land use ordinance, that
556 depicts land use zones, overlays, or districts.

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

558 **10-9a-302. Planning commission powers and duties.**

559 (1) The planning commission shall review and make a recommendation to the
560 legislative body for:

561 (a) a general plan and amendments to the general plan;

562 (b) land use regulations[;], including:

563 (i) ordinances regarding the subdivision of land within the municipality; and

564 (ii) amendments to existing land use regulations;

565 (c) an appropriate delegation of power to at least one designated land use authority to
566 hear and act on a land use application;

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

569 (e) application processes that:

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

573 (ii) shall protect the right of each:

574 (A) land use applicant and [third party] adversely affected party to require formal
575 consideration of any application by a land use authority;

576 (B) land use applicant[;] or adversely affected party[; or municipal officer or employee]
577 to appeal a land use authority's decision to a separate appeal authority; and

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

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

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

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

586 ~~[(2)]~~ (5) Nothing in this section limits the right of a municipality to initiate or propose
587 the actions described in this section.

588 Section 3. Section **10-9a-404** is amended to read:

589 **10-9a-404. Public hearing by planning commission on proposed general plan or**
590 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
591 **by legislative body.**

592 (1) (a) After completing its recommendation for a proposed general plan, or proposal to
593 amend the general plan, the planning commission shall schedule and hold a public hearing on
594 the proposed plan or amendment.

595 (b) The planning commission shall provide notice of the public hearing, as required by
596 Section **10-9a-204**.

597 (c) After the public hearing, the planning commission may modify the proposed
598 general plan or amendment.

599 (2) The planning commission shall forward the proposed general plan or amendment to
600 the legislative body.

601 (3) (a) The legislative body may adopt, reject, or make any revisions to the proposed
602 general plan or amendment that it considers appropriate.

603 ~~[(4)] (a) The municipal legislative body may adopt or reject the proposed general plan~~
604 ~~or amendment either as proposed by the planning commission or after making any revision that~~
605 ~~the municipal legislative body considers appropriate.]~~

606 (b) If the municipal legislative body rejects the proposed general plan or amendment, it
607 may provide suggestions to the planning commission for ~~[its consideration]~~ the planning
608 commission's review and recommendation.

609 ~~[(5)]~~ (4) The legislative body shall adopt:

610 (a) a land use element as provided in Subsection **10-9a-403**(2)(a)(i);

611 (b) a transportation and traffic circulation element as provided in Subsection
612 **10-9a-403**(2)(a)(ii); and

613 (c) for a municipality, other than a town, after considering the factors included in
614 Subsection **10-9a-403**(2)(b)(ii), a plan to provide a realistic opportunity to meet the need for
615 additional moderate income housing within the next five years.

616 Section 4. Section **10-9a-408** is amended to read:

617 **10-9a-408. Reporting requirements and civil action regarding moderate income**
618 **housing element of general plan.**

619 (1) The legislative body of a municipality described in Subsection 10-9a-401(3)(b)
620 shall annually:

621 (a) review the moderate income housing plan element of the municipality's general
622 plan and implementation of that element of the general plan;

623 (b) prepare a report on the findings of the review described in Subsection (1)(a); and

624 (c) post the report described in Subsection (1)(b) on the municipality's website.

625 (2) The report described in Subsection (1) shall include:

626 (a) a revised estimate of the need for moderate income housing in the municipality for
627 the next five years;

628 (b) a description of progress made within the municipality to provide moderate income
629 housing, demonstrated by analyzing and publishing data on the number of housing units in the
630 municipality that are at or below:

631 (i) 80% of the adjusted median family income;

632 (ii) 50% of the adjusted median family income; and

633 (iii) 30% of the adjusted median family income;

634 (c) a description of any efforts made by the municipality to utilize a moderate income
635 housing set-aside from a community reinvestment agency, redevelopment agency, or
636 community development and renewal agency; and

637 (d) a description of how the municipality has implemented any of the recommendations
638 related to moderate income housing described in Subsection 10-9a-403(2)(b)(iii).

639 (3) The legislative body of each municipality described in Subsection (1) shall send a
640 copy of the report under Subsection (1) to the Department of Workforce Services, the
641 association of governments in which the municipality is located, and, if located within the
642 boundaries of a metropolitan planning organization, the appropriate metropolitan planning
643 organization.

644 (4) In a civil action seeking enforcement or claiming a violation of this section or of
645 Subsection 10-9a-404~~(5)~~(4)(c), a plaintiff may not recover damages but may be awarded only
646 injunctive or other equitable relief.

647 Section 5. Section **10-9a-509** is amended to read:

648 **10-9a-509. Applicant's entitlement to land use application approval --**
649 **Municipality's requirements and limitations -- Vesting upon submission of development**
650 **plan and schedule.**

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

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

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

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

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

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

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

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

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

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

675 (d) A subsequent incorporation of a municipality or a petition that proposes the
676 incorporation of a municipality does not affect a land use application approved by a county in
677 accordance with Section [17-27a-508](#).

678 ~~(e)~~ (e) The continuing validity of an approval of a land use application is conditioned

679 upon the applicant proceeding after approval to implement the approval with reasonable
680 diligence.

681 ~~[(e)]~~ (f) A municipality may not impose on an applicant who has submitted a complete
682 application a requirement that is not expressed in:

- 683 (i) this chapter;
684 (ii) a municipal ordinance; or
685 (iii) a municipal specification for public improvements applicable to a subdivision or
686 development that is in effect on the date that the applicant submits an application.

687 ~~[(f)]~~ (g) A municipality may not impose on a holder of an issued land use permit or a
688 final, unexpired subdivision plat a requirement that is not expressed:

- 689 (i) in a land use permit;
690 (ii) on the subdivision plat;
691 (iii) in a document on which the land use permit or subdivision plat is based;
692 (iv) in the written record evidencing approval of the land use permit or subdivision
693 plat;
694 (v) in this chapter; or
695 (vi) in a municipal ordinance.

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

- 699 (i) in the building permit or subdivision plat, documents on which the building permit
700 or subdivision plat is based, or the written record evidencing approval of the land use permit or
701 subdivision plat; or
702 (ii) in this chapter or the municipality's ordinances.

703 ~~[(h)]~~ (i) A municipality may not unreasonably withhold issuance of a certificate of
704 occupancy where an applicant has met all requirements essential for the public health, public
705 safety, and general welfare of the occupants, in accordance with this chapter, unless:

- 706 (i) the applicant and the municipality have agreed in a written document to the
707 withholding of a certificate of occupancy; or
708 (ii) the applicant has not provided a financial assurance for required and uncompleted
709 landscaping or infrastructure improvements in accordance with an applicable ordinance that the

710 legislative body adopts under this chapter.

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

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

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

721 (5) (a) If sponsors of a referendum timely challenge a project in accordance with
722 Subsection 20A-7-601(5)(a), the project's affected owner may rescind the project's land use
723 approval by delivering a written notice:

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

725 (ii) no later than seven days after the day on which a petition for a referendum is
726 determined sufficient under Section 20A-7-607(5).

727 (b) Upon delivery of a written notice described in Subsection (5)(a) the following are
728 rescinded and are of no further force or effect:

729 (i) the relevant land use approval; and

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

731 Section 6. Section 10-9a-603 is amended to read:

732 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
733 **acknowledgment, surveyor certification, and underground utility facility owner**
734 **verification of plat -- Recording plat.**

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

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

740 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by

741 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
742 intended to be used as a street or for any other public use, and whether any such area is
743 reserved or proposed for dedication for a public purpose;

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

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

749 (2) (a) Subject to Subsections (3), (5), and (6), if the plat conforms to the municipality's
750 ordinances and this part and has been approved by the culinary water authority, the sanitary
751 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local
752 health department and the municipality consider the local health department's approval
753 necessary, the municipality shall approve the plat.

754 (b) Municipalities are encouraged to receive a recommendation from the fire authority
755 and the public safety answering point before approving a plat.

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

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

759 (ii) does not:

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

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

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

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

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

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

- 772 (A) Section 10-9a-211;
- 773 (B) Subsection 73-5-7(2); or
- 774 (C) Subsection (5)(c); and
- 775 (ii) wait to approve or reject the subdivision application for at least 20 days after the
- 776 day on which the land use authority mails the notice described in Subsection (2)(d)(i) in order
- 777 to receive input from the canal owner or associated canal operator, including input regarding:
- 778 (A) access to the canal;
- 779 (B) maintenance of the canal;
- 780 (C) canal protection; and
- 781 (D) canal safety.
- 782 (e) When applicable, the subdivision applicant shall comply with Section 73-1-15.5.
- 783 (f) The land use authority shall provide the notice described in Subsection (2)(d) to a
- 784 canal owner or associated canal operator if:
- 785 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and
- 786 (ii) the centerline alignment is available to the land use authority:
- 787 (A) from information provided by the canal company under Section 10-9a-211, using
- 788 mapping-grade global positioning satellite units or digitized data from the most recent aerial
- 789 photo available to the canal owner or associated canal operator;
- 790 (B) using the state engineer's inventory of canals under Section 73-5-7; or
- 791 (C) from information provided by a surveyor under Subsection (5)(c).
- 792 (3) The municipality may withhold an otherwise valid plat approval until the owner of
- 793 the land provides the legislative body with a tax clearance indicating that all taxes, interest, and
- 794 penalties owing on the land have been paid.
- 795 (4) (a) Within 30 days after approving a final plat under this section, a municipality
- 796 shall submit to the Automated Geographic Reference Center, created in Section 63F-1-506, for
- 797 inclusion in the unified statewide 911 emergency service database described in Subsection
- 798 63H-7a-304(4)(b):
- 799 (i) an electronic copy of the approved final plat; or
- 800 (ii) preliminary geospatial data that depict any new streets and situs addresses proposed
- 801 for construction within the bounds of the approved plat.
- 802 (b) If requested by the Automated Geographic Reference Center, a municipality that

803 approves a final plat under this section shall:

804 (i) coordinate with the Automated Geographic Reference Center to validate the
805 information described in Subsection (4)(a); and

806 (ii) assist the Automated Geographic Reference Center in creating electronic files that
807 contain the information described in Subsection (4)(a) for inclusion in the unified statewide
808 911 emergency service database.

809 (5) (a) A county recorder may not record a plat unless:

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

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

813 (iii) the signature of each owner described in Subsection (5)(a)(ii) is acknowledged as
814 provided by law.

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

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

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

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

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

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

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

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

830 (ii) The cooperation of an owner or operator under Subsection (5)(c)(i):

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

833 (B) does not affect a right that the owner or operator has under Title 54, Chapter 8a,

834 Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law
835 applicable to prescriptive rights, or any other provision of law.

836 (6) (a) Except as provided in Subsection (5)(c), after the plat has been acknowledged,
837 certified, and approved, the individual seeking to record the plat shall, within the time period
838 and manner designated by ordinance, record the plat in the county recorder's office in the
839 county in which the lands platted and laid out are situated.

840 (b) A failure to record a plat within the time period designated by ordinance renders the
841 plat voidable by the land use authority.

842 Section 7. Section **10-9a-604** is amended to read:

843 **10-9a-604. Subdivision plat approval procedure -- Effect of not complying.**

844 (1) A person may not submit a subdivision plat to the county recorder's office for
845 recording unless:

846 (a) the person has complied with the requirements of Subsection **10-9a-603(5)(a)**;

847 (b) the plat has been approved by:

848 (i) the land use authority of the municipality in which the land described in the plat is
849 located; and

850 (ii) other officers that the municipality designates in its ordinance;

851 (c) all approvals described in Subsection (1)(b) are entered in writing on the plat by the
852 designated officers; and

853 (d) if the person submitting the plat intends the plat to be or if the plat is part of a
854 community association subject to Title 57, Chapter 8a, Community Association Act, the plat
855 includes language conveying to the association, as that term is defined in Section **57-8a-102**, all
856 common areas, as that term is defined in Section **57-8a-102**.

857 (2) A subdivision plat recorded without the signatures required under this section is
858 void.

859 (3) A transfer of land pursuant to a void plat is voidable by the land use authority.

860 Section 8. Section **10-9a-605** is amended to read:

861 **10-9a-605. Exemptions from plat requirement.**

862 [~~(1) Notwithstanding Sections **10-9a-603** and **10-9a-604**, a municipality may establish~~
863 ~~a process to approve an administrative land use decision for a subdivision of 10 lots or less~~
864 ~~without a plat, by certifying in writing that:]~~

- 865 (1) Notwithstanding any other provision of law, a plat is not required if:
866 (a) a municipality establishes a process to approve an administrative land use decision
867 for a subdivision of 10 or fewer lots without a plat; and
868 (b) the municipality provides in writing that:
869 ~~[(a)]~~ (i) the municipality has provided notice as required by ordinance; and
870 ~~[(b)]~~ (ii) the proposed subdivision:
871 ~~[(i)]~~ (A) is not traversed by the mapped lines of a proposed street as shown in the
872 general plan unless the municipality has approved the location and dedication of any public
873 street, municipal utility easement, any other easement, or any other land for public purposes as
874 the municipality's ordinance requires;
875 ~~[(ii)]~~ (B) has been approved by the culinary water authority and the sanitary sewer
876 authority;
877 ~~[(iii)]~~ (C) is located in a zoned area; and
878 ~~[(iv)]~~ (D) conforms to all applicable land use ordinances or has properly received a
879 variance from the requirements of an otherwise conflicting and applicable land use ordinance.
880 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural
881 land is exempt from the plat requirements of Section 10-9a-603 if the lot or parcel:
882 (i) qualifies as land in agricultural use under Section 59-2-502;
883 (ii) meets the minimum size requirement of applicable land use ordinances; and
884 (iii) is not used and will not be used for any nonagricultural purpose.
885 (b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be
886 graphically illustrated on a record of survey map that, after receiving the same approvals as are
887 required for a plat under Section 10-9a-604, shall be recorded with the county recorder.
888 (c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
889 purpose, the municipality may require the lot or parcel to comply with the requirements of
890 Section 10-9a-603.
891 (3) (a) Documents recorded in the county recorder's office that divide property by a
892 metes and bounds description do not create an approved subdivision allowed by this part unless
893 the land use authority's certificate of written approval required by Subsection (1) is attached to
894 the document.
895 (b) The absence of the certificate or written approval required by Subsection (1) does

896 not:

897 (i) prohibit the county recorder from recording a document; or

898 (ii) affect the validity of a recorded document.

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

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

903 **10-9a-608. Subdivision amendments.**

904 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
905 subdivision that has been laid out and platted as provided in this part may file a written petition
906 with the land use authority [~~to have some or all of the plat vacated or amended~~] to request a
907 subdivision amendment.

908 (b) Upon filing a written petition to request a subdivision amendment under Subsection
909 (1)(a), the owner shall prepare and record a plat in accordance with Section [10-9a-603](#) that:

910 (i) depicts only the portion of the subdivision that has been amended;

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

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

913 (iv) includes references to the original plat.

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

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

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

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

925 (2) Unless a local ordinance provides otherwise, the public hearing requirement of
926 Subsection (1)[~~(c)~~](d) does not apply and a land use authority may consider at a public meeting

927 an owner's petition [~~to vacate or amend a subdivision plat if~~] for a subdivision amendment if:

928 (a) the petition seeks to:

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

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

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

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

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

939 (A) owned by the petitioner; or

940 (B) designated as a common area; and

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

943 (3) [~~Each request to vacate or amend a plat~~] A petition under Subsection (1)(a) that
944 contains a request to [~~vacate or~~] amend a public street or municipal utility easement is also
945 subject to Section 10-9a-609.5.

946 (4) [~~Each~~] A petition [~~to vacate or~~] under Subsection (1)(a) that contains a request to
947 amend an entire plat or a portion of a plat shall include:

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

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

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

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

958 (c) If an exchange of title is approved under Subsection (5)(b):
959 (i) a notice of approval shall be recorded in the office of the county recorder which:
960 (A) is executed by each owner included in the exchange and by the land use authority;
961 (B) contains an acknowledgment for each party executing the notice in accordance with
962 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
963 (C) recites the descriptions of both the original parcels and the parcels created by the
964 exchange of title; and
965 (ii) a document of conveyance shall be recorded in the office of the county recorder.
966 (d) A notice of approval recorded under this Subsection (5) does not act as a
967 conveyance of title to real property and is not required in order to record a document conveying
968 title to real property.
969 (6) (a) The name of a recorded subdivision may be changed by recording an amended
970 plat making that change, as provided in this section and subject to Subsection (6)(c).
971 (b) The surveyor preparing the amended plat shall certify that the surveyor:
972 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
973 Professional Land Surveyors Licensing Act;
974 (ii) has completed a survey of the property described on the plat in accordance with
975 Section 17-23-17 and has verified all measurements; and
976 (iii) has placed monuments as represented on the plat.
977 (c) An owner of land may not submit for recording an amended plat that gives the
978 subdivision described in the amended plat the same name as a subdivision in a plat already
979 recorded in the county recorder's office.
980 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
981 document that purports to change the name of a recorded plat is void.
982 Section 10. Section 10-9a-609.5 is amended to read:
983 **10-9a-609.5. Petition to vacate a public street.**
984 (1) In lieu of vacating some or all of a public street through a plat or amended plat in
985 accordance with Sections 10-9a-603 through 10-9a-609, a legislative body may approve a
986 petition to vacate a public street in accordance with this section.
987 (2) A petition to vacate some or all of a public street or municipal utility easement shall
988 include:

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

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

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

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

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

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

1000 (a) good cause exists for the vacation; and

1001 (b) the public interest or any person will be materially injured by the proposed
1002 vacation.

1003 (4) The legislative body may adopt an ordinance granting a petition to vacate some or
1004 all of a public street or municipal utility easement if the legislative body finds that:

1005 (a) good cause exists for the vacation; and

1006 (b) neither the public interest nor any person will be materially injured by the vacation.

1007 (5) If the legislative body adopts an ordinance vacating some or all of a public street or
1008 municipal utility easement, the legislative body shall ensure that one or both of the following is
1009 recorded in the office of the recorder of the county in which the land is located:

1010 (a) a plat reflecting the vacation; or

1011 (b) (i) an ordinance described in Subsection (4); and

1012 (ii) a legal description of the public street to be vacated.

1013 (6) The action of the legislative body vacating some or all of a public street or
1014 municipal utility easement that has been dedicated to public use:

1015 (a) operates to the extent to which it is vacated, upon the effective date of the recorded
1016 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the
1017 municipality's fee in the vacated public street or municipal utility easement; and

1018 (b) may not be construed to impair:

1019 (i) any right-of-way or easement of any parcel or lot owner; or

1020 (ii) the rights of any public utility.

1021 (7) (a) A municipality may submit a petition, in accordance with Subsection (2), and
1022 initiate and complete a process to vacate some or all of a public street.

1023 (b) If a municipality submits a petition and initiates a process under Subsection (7)(a):

1024 (i) the legislative body shall hold a public hearing;

1025 (ii) the petition and process may not apply to or affect a public utility easement, except
1026 to the extent:

1027 (A) the easement is not a protected utility easement as defined in Section 54-3-27;

1028 (B) the easement is included within the public street; and

1029 (C) the notice to vacate the public street also contains a notice to vacate the easement;

1030 and

1031 (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating
1032 a public street through a recorded plat or amended plat.

1033 (8) A specified public utility that holds an easement that is located within a municipal
1034 utility easement may exercise each power of a public utility under Section 54-3-27.

1035 Section 11. Section 10-9a-611 is amended to read:

1036 **10-9a-611. Prohibited acts.**

1037 (1) (a) (i) ~~Am~~ If a subdivision requires a plat, an owner of any land located in a
1038 subdivision who transfers or sells any land in that subdivision before a plat of the subdivision
1039 has been approved and recorded violates this part for each lot or parcel transferred or sold.

1040 (ii) A violation of Subsection (1)(a)(i) is an infraction.

1041 (b) The description by metes and bounds in an instrument of transfer or other
1042 documents used in the process of selling or transferring does not exempt the transaction from
1043 being a violation of Subsection (1)(a) or from the penalties or remedies provided in this
1044 chapter.

1045 (c) Notwithstanding any other provision of this Subsection (1), the recording of an
1046 instrument of transfer or other document used in the process of selling or transferring real
1047 property that violates this part:

1048 (i) does not affect the validity of the instrument or other document; and

1049 (ii) does not affect whether the property that is the subject of the instrument or other
1050 document complies with applicable municipal ordinances on land use and development.

1051 (2) (a) A municipality may bring an action against an owner to require the property to
1052 conform to the provisions of this part or an ordinance enacted under the authority of this part.

1053 (b) An action under this Subsection (2) may include an injunction[~~-, abatement, merger~~
1054 ~~of title;~~] or any other appropriate action or proceeding to prevent[~~;~~] or enjoin[~~-, or abate~~] the
1055 violation.

1056 (c) A municipality need only establish the violation to obtain the injunction.

1057 Section 12. Section **10-9a-701** is amended to read:

1058 **10-9a-701. Appeal authority required -- Condition precedent to judicial review --**
1059 **Appeal authority duties.**

1060 (1) Each municipality adopting a land use ordinance shall, by ordinance, establish one
1061 or more appeal authorities to hear and decide:

1062 (a) requests for variances from the terms of the land use ordinances;

1063 (b) appeals from decisions applying the land use ordinances; and

1064 (c) appeals from a fee charged in accordance with Section [10-9a-510](#).

1065 (2) As a condition precedent to judicial review, each adversely affected person shall
1066 timely and specifically challenge a land use authority's decision, in accordance with local
1067 ordinance.

1068 (3) An appeal authority:

1069 (a) shall:

1070 (i) act in a quasi-judicial manner; and

1071 (ii) serve as the final arbiter of issues involving the interpretation or application of land
1072 use ordinances, except as provided in Title 11, Chapter 58, Part 4, Appeals to Appeals Panel,
1073 for an appeal of an inland port use appeal decision, as defined in Section [11-58-401](#); and

1074 (b) may not entertain an appeal of a matter in which the appeal authority, or any
1075 participating member, had first acted as the land use authority.

1076 (4) By ordinance, a municipality may:

1077 (a) designate a separate appeal authority to hear requests for variances than the appeal
1078 authority it designates to hear appeals;

1079 (b) designate one or more separate appeal authorities to hear distinct types of appeals
1080 of land use authority decisions;

1081 (c) require an adversely affected party to present to an appeal authority every theory of

1082 relief that it can raise in district court;

1083 (d) not require [~~an~~] a land use applicant or adversely affected party to pursue duplicate
1084 or successive appeals before the same or separate appeal authorities as a condition of [~~the~~
1085 ~~adversely affected~~] an appealing party's duty to exhaust administrative remedies; and

1086 (e) provide that specified types of land use decisions may be appealed directly to the
1087 district court.

1088 (5) If the municipality establishes or, prior to the effective date of this chapter, has
1089 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the
1090 board, body, or panel shall:

1091 (a) notify each of its members of any meeting or hearing of the board, body, or panel;

1092 (b) provide each of its members with the same information and access to municipal
1093 resources as any other member;

1094 (c) convene only if a quorum of its members is present; and

1095 (d) act only upon the vote of a majority of its convened members.

1096 Section 13. Section **10-9a-703** is amended to read:

1097 **10-9a-703. Appealing a land use authority's decision -- Panel of experts for**
1098 **appeals of geologic hazard decisions -- Automatic appeal for certain decisions.**

1099 (1) The land use applicant, a board or officer of the municipality, or [~~any person~~
1100 ~~adversely affected by the land use authority's decision administering or interpreting a land use~~
1101 ~~ordinance~~] an adversely affected party may, within the applicable time period, appeal that
1102 decision to the appeal authority by alleging that there is error in any order, requirement,
1103 decision, or determination made by the land use authority in the administration or interpretation
1104 of the land use ordinance.

1105 (2) (a) [~~An~~] A land use applicant who has appealed a decision of the land use authority
1106 administering or interpreting the municipality's geologic hazard ordinance may request the
1107 municipality to assemble a panel of qualified experts to serve as the appeal authority for
1108 purposes of determining the technical aspects of the appeal.

1109 (b) If [~~an~~] a land use applicant makes a request under Subsection (2)(a), the
1110 municipality shall assemble the panel described in Subsection (2)(a) consisting of, unless
1111 otherwise agreed by the applicant and municipality:

1112 (i) one expert designated by the municipality;

- 1113 (ii) one expert designated by the land use applicant; and
- 1114 (iii) one expert chosen jointly by the municipality's designated expert and the land use
- 1115 applicant's designated expert.

1116 (c) A member of the panel assembled by the municipality under Subsection (2)(b) may

1117 not be associated with the application that is the subject of the appeal.

1118 (d) The land use applicant shall pay:

- 1119 (i) 1/2 of the cost of the panel; and
- 1120 (ii) the municipality's published appeal fee.

1121 Section 14. Section **10-9a-704** is amended to read:

1122 **10-9a-704. Time to appeal.**

1123 (1) The municipality shall enact an ordinance establishing a reasonable time of not less

1124 than 10 days to appeal to an appeal authority a written decision issued by a land use authority.

1125 (2) In the absence of an ordinance establishing a reasonable time to appeal, ~~an~~ a land

1126 use applicant or adversely affected party shall have 10 calendar days to appeal to an appeal

1127 authority a written decision issued by a land use authority.

1128 (3) Notwithstanding Subsections (1) and (2), for an appeal from a decision of a historic

1129 preservation authority regarding a land use application, the land use applicant may appeal the

1130 decision within 30 days after the day on which the historic preservation authority issues a

1131 written decision.

1132 Section 15. Section **10-9a-801** is amended to read:

1133 **10-9a-801. No district court review until administrative remedies exhausted --**

1134 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**

1135 **-- Staying of decision.**

1136 (1) No person may challenge in district court a land use decision until that person has

1137 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and

1138 Variances, if applicable.

1139 (2) (a) ~~[Any person adversely affected by a final decision made in the exercise of or in~~

1140 ~~violation of the provisions of this chapter]~~ A land use applicant or adversely affected party may

1141 file a petition for review of the decision with the district court within 30 days after the decision

1142 is final.

1143 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a

1144 property owner files a request for arbitration of a constitutional taking issue with the property
1145 rights ombudsman under Section 13-43-204 until 30 days after:

1146 (A) the arbitrator issues a final award; or

1147 (B) the property rights ombudsman issues a written statement under Subsection

1148 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

1149 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
1150 taking issue that is the subject of the request for arbitration filed with the property rights
1151 ombudsman by a property owner.

1152 (iii) A request for arbitration filed with the property rights ombudsman after the time
1153 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

1154 (3) (a) A court shall:

1155 (i) presume that a land use regulation properly enacted under the authority of this
1156 chapter is valid; and

1157 (ii) determine only whether:

1158 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
1159 or federal law; and

1160 (B) it is reasonably debatable that the land use regulation is consistent with this
1161 chapter.

1162 (b) A court shall:

1163 (i) presume that a final decision of a land use authority or an appeal authority is valid;

1164 and

1165 (ii) uphold the decision unless the decision is:

1166 (A) arbitrary and capricious; or

1167 (B) illegal.

1168 (c) (i) A decision is arbitrary and capricious if the decision is not supported by
1169 substantial evidence in the record.

1170 (ii) A decision is illegal if the decision is:

1171 (A) based on an incorrect interpretation of a land use regulation; or

1172 (B) contrary to law.

1173 (d) (i) A court may affirm or reverse the decision of a land use authority.

1174 (ii) If the court reverses a land use authority's decision, the court shall remand the

1175 matter to the land use authority with instructions to issue a decision consistent with the court's
1176 ruling.

1177 (4) The provisions of Subsection (2)(a) apply from the date on which the municipality
1178 takes final action on a land use application [~~for any adversely affected third party~~], if the
1179 municipality conformed with the notice provisions of Part 2, Notice, or for any person who had
1180 actual notice of the pending decision.

1181 (5) If the municipality has complied with Section 10-9a-205, a challenge to the
1182 enactment of a land use regulation or general plan may not be filed with the district court more
1183 than 30 days after the enactment.

1184 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
1185 days after the land use decision is final.

1186 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
1187 the reviewing court the record of its proceedings, including its minutes, findings, orders, and, if
1188 available, a true and correct transcript of its proceedings.

1189 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
1190 transcript for purposes of this Subsection (7).

1191 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
1192 by the land use authority or appeal authority, as the case may be.

1193 (ii) The court may not accept or consider any evidence outside the record of the land
1194 use authority or appeal authority, as the case may be, unless that evidence was offered to the
1195 land use authority or appeal authority, respectively, and the court determines that it was
1196 improperly excluded.

1197 (b) If there is no record, the court may call witnesses and take evidence.

1198 (9) (a) The filing of a petition does not stay the decision of the land use authority or
1199 [~~authority~~] appeal authority, as the case may be.

1200 (b) (i) Before filing a petition under this section or a request for mediation or
1201 arbitration of a constitutional taking issue under Section 13-43-204, [~~the aggrieved party~~] a
1202 land use applicant may petition the appeal authority to stay its decision.

1203 (ii) Upon receipt of a petition to stay, the appeal authority may order its decision stayed
1204 pending district court review if the appeal authority finds it to be in the best interest of the
1205 municipality.

1206 (iii) After a petition is filed under this section or a request for mediation or arbitration
1207 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
1208 injunction staying the appeal authority's decision.

1209 (10) If the court determines that a party initiated or pursued a challenge to the decision
1210 on a land use application in bad faith, the court may award attorney fees.

1211 Section 16. Section 10-9a-802 is amended to read:

1212 **10-9a-802. Enforcement.**

1213 (1) (a) A municipality [~~or any adversely affected owner of real estate within the~~
1214 ~~municipality in which violations of this chapter or ordinances enacted under the authority of~~
1215 ~~this chapter occur or are about to occur~~] may, in addition to other remedies provided by law,
1216 institute:

- 1217 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
- 1218 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
- 1219 (b) A municipality need only establish the violation to obtain the injunction.

1220 (2) (a) A municipality may enforce the municipality's ordinance by withholding a
1221 building permit.

1222 (b) It is an infraction to erect, construct, reconstruct, alter, or change the use of any
1223 building or other structure within a municipality without approval of a building permit.

1224 (c) A municipality may not issue a building permit unless the plans of and for the
1225 proposed erection, construction, reconstruction, alteration, or use fully conform to all
1226 regulations then in effect.

1227 (d) A municipality may not deny an applicant a building permit or certificate of
1228 occupancy because the applicant has not completed an infrastructure improvement:

- 1229 (i) that is not essential to meet the requirements for the issuance of a building permit or
1230 certificate of occupancy under the building code and fire code; and
- 1231 (ii) for which the municipality has accepted an improvement completion assurance for
1232 landscaping or infrastructure improvements for the development.

1233 Section 17. Section 17-27a-103 is amended to read:

1234 **17-27a-103. Definitions.**

1235 As used in this chapter:

1236 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or

1237 detached from a primary single-family dwelling and contained on one lot.

1238 (2) "Adversely affected party" means a person other than a land use applicant who:

1239 (a) owns real property adjoining the property that is the subject of a land use

1240 application or land use decision; or

1241 (b) will suffer a damage different in kind than, or an injury distinct from, that of the

1242 general community as a result of the land use decision; and

1243 (i) participated by any means in a public hearing before the land use authority on the

1244 particular land use application or land use decision; or

1245 (ii) owns real property that is located within an area that received mailed notice of the

1246 proposed land use application or land use decision as required by local ordinance.

1247 ~~[(2)]~~ (3) "Affected entity" means a county, municipality, local district, special service

1248 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal

1249 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified

1250 property owner, property owners association, public utility, or the Utah Department of

1251 Transportation, if:

1252 (a) the entity's services or facilities are likely to require expansion or significant

1253 modification because of an intended use of land;

1254 (b) the entity has filed with the county a copy of the entity's general or long-range plan;

1255 or

1256 (c) the entity has filed with the county a request for notice during the same calendar

1257 year and before the county provides notice to an affected entity in compliance with a

1258 requirement imposed under this chapter.

1259 ~~[(3)]~~ (4) "Affected owner" means the owner of real property that is:

1260 (a) a single project;

1261 (b) the subject of a land use approval that sponsors of a referendum timely challenged

1262 in accordance with Subsection 20A-7-601(5)(a); and

1263 (c) determined to be legally referable under Section 20A-7-602.8.

1264 ~~[(4)]~~ (5) "Appeal authority" means the person, board, commission, agency, or other

1265 body designated by ordinance to decide an appeal of a decision of a land use application or a

1266 variance.

1267 ~~[(5)]~~ (6) "Billboard" means a freestanding ground sign located on industrial,

1268 commercial, or residential property if the sign is designed or intended to direct attention to a
1269 business, product, or service that is not sold, offered, or existing on the property where the sign
1270 is located.

1271 ~~[(6)]~~ (7) (a) "Charter school" means:

1272 (i) an operating charter school;

1273 (ii) a charter school applicant that has its application approved by a charter school
1274 authorizer in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

1275 (iii) an entity that is working on behalf of a charter school or approved charter
1276 applicant to develop or construct a charter school building.

1277 (b) "Charter school" does not include a therapeutic school.

1278 ~~[(7)]~~ (8) "Chief executive officer" means the person or body that exercises the
1279 executive powers of the county.

1280 ~~[(8)]~~ (9) "Conditional use" means a land use that, because of its unique characteristics
1281 or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
1282 compatible in some areas or may be compatible only if certain conditions are required that
1283 mitigate or eliminate the detrimental impacts.

1284 ~~[(9)]~~ (10) "Constitutional taking" means a governmental action that results in a taking
1285 of private property so that compensation to the owner of the property is required by the:

1286 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

1287 (b) Utah Constitution, Article I, Section 22.

1288 ~~[(10)]~~ (11) "County utility easement" means an easement that:

1289 (a) a plat recorded in a county recorder's office described as a county utility easement
1290 or otherwise as a utility easement;

1291 (b) is not a protected utility easement or a public utility easement as defined in Section
1292 54-3-27;

1293 (c) the county or the county's affiliated governmental entity owns or creates; and

1294 (d) (i) either:

1295 (A) no person uses or occupies; or

1296 (B) the county or the county's affiliated governmental entity uses and occupies to
1297 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or
1298 communications or data lines; or

1299 (ii) a person uses or occupies with or without an authorized franchise or other
1300 agreement with the county.

1301 [~~(11)~~] (12) "Culinary water authority" means the department, agency, or public entity
1302 with responsibility to review and approve the feasibility of the culinary water system and
1303 sources for the subject property.

1304 [~~(12)~~] (13) "Development activity" means:

1305 (a) any construction or expansion of a building, structure, or use that creates additional
1306 demand and need for public facilities;

1307 (b) any change in use of a building or structure that creates additional demand and need
1308 for public facilities; or

1309 (c) any change in the use of land that creates additional demand and need for public
1310 facilities.

1311 [~~(13)~~] (14) (a) "Disability" means a physical or mental impairment that substantially
1312 limits one or more of a person's major life activities, including a person having a record of such
1313 an impairment or being regarded as having such an impairment.

1314 (b) "Disability" does not include current illegal use of, or addiction to, any federally
1315 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
1316 Sec. 802.

1317 [~~(14)~~] (15) "Educational facility":

1318 (a) means:

1319 (i) a school district's building at which pupils assemble to receive instruction in a
1320 program for any combination of grades from preschool through grade 12, including
1321 kindergarten and a program for children with disabilities;

1322 (ii) a structure or facility:

1323 (A) located on the same property as a building described in Subsection [~~(14)~~]

1324 (15)(a)(i); and

1325 (B) used in support of the use of that building; and

1326 (iii) a building to provide office and related space to a school district's administrative
1327 personnel; and

1328 (b) does not include:

1329 (i) land or a structure, including land or a structure for inventory storage, equipment

1330 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

1331 (A) not located on the same property as a building described in Subsection [~~(14)~~]

1332 (15)(a)(i); and

1333 (B) used in support of the purposes of a building described in Subsection [~~(14)~~]

1334 (15)(a)(i); or

1335 (ii) a therapeutic school.

1336 [~~(15)~~] (16) "Fire authority" means the department, agency, or public entity with

1337 responsibility to review and approve the feasibility of fire protection and suppression services

1338 for the subject property.

1339 [~~(16)~~] (17) "Flood plain" means land that:

1340 (a) is within the 100-year flood plain designated by the Federal Emergency

1341 Management Agency; or

1342 (b) has not been studied or designated by the Federal Emergency Management Agency

1343 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

1344 the land has characteristics that are similar to those of a 100-year flood plain designated by the

1345 Federal Emergency Management Agency.

1346 [~~(17)~~] (18) "Gas corporation" has the same meaning as defined in Section [54-2-1](#).

1347 [~~(18)~~] (19) "General plan" means a document that a county adopts that sets forth

1348 general guidelines for proposed future development of:

1349 (a) the unincorporated land within the county; or

1350 (b) for a mountainous planning district, the land within the mountainous planning

1351 district.

1352 [~~(19)~~] (20) "Geologic hazard" means:

1353 (a) a surface fault rupture;

1354 (b) shallow groundwater;

1355 (c) liquefaction;

1356 (d) a landslide;

1357 (e) a debris flow;

1358 (f) unstable soil;

1359 (g) a rock fall; or

1360 (h) any other geologic condition that presents a risk:

- 1361 (i) to life;
- 1362 (ii) of substantial loss of real property; or
- 1363 (iii) of substantial damage to real property.
- 1364 [~~(20)~~] (21) "Hookup fee" means a fee for the installation and inspection of any pipe,
- 1365 line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
- 1366 utility system.
- 1367 [~~(21)~~] (22) "Identical plans" means building plans submitted to a county that:
- 1368 (a) are clearly marked as "identical plans";
- 1369 (b) are substantially identical building plans that were previously submitted to and
- 1370 reviewed and approved by the county; and
- 1371 (c) describe a building that:
- 1372 (i) is located on land zoned the same as the land on which the building described in the
- 1373 previously approved plans is located;
- 1374 (ii) is subject to the same geological and meteorological conditions and the same law
- 1375 as the building described in the previously approved plans;
- 1376 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 1377 and approved by the county; and
- 1378 (iv) does not require any additional engineering or analysis.
- 1379 [~~(22)~~] (23) "Impact fee" means a payment of money imposed under Title 11, Chapter
- 1380 36a, Impact Fees Act.
- 1381 [~~(23)~~] (24) "Improvement completion assurance" means a surety bond, letter of credit,
- 1382 financial institution bond, cash, assignment of rights, lien, or other equivalent security required
- 1383 by a county to guaranty the proper completion of landscaping or an infrastructure improvement
- 1384 required as a condition precedent to:
- 1385 (a) recording a subdivision plat; or
- 1386 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 1387 [~~(24)~~] (25) "Improvement warranty" means an applicant's unconditional warranty that
- 1388 the applicant's installed and accepted landscaping or infrastructure improvement:
- 1389 (a) complies with the county's written standards for design, materials, and
- 1390 workmanship; and
- 1391 (b) will not fail in any material respect, as a result of poor workmanship or materials,

1392 within the improvement warranty period.

1393 [~~(25)~~] (26) "Improvement warranty period" means a period:

1394 (a) no later than one year after a county's acceptance of required landscaping; or

1395 (b) no later than one year after a county's acceptance of required infrastructure, unless

1396 the county:

1397 (i) determines for good cause that a one-year period would be inadequate to protect the

1398 public health, safety, and welfare; and

1399 (ii) has substantial evidence, on record:

1400 (A) of prior poor performance by the applicant; or

1401 (B) that the area upon which the infrastructure will be constructed contains suspect soil

1402 and the county has not otherwise required the applicant to mitigate the suspect soil.

1403 [~~(26)~~] (27) "Infrastructure improvement" means permanent infrastructure that is

1404 essential for the public health and safety or that:

1405 (a) is required for human consumption; and

1406 (b) an applicant must install:

1407 (i) in accordance with published installation and inspection specifications for public

1408 improvements; and

1409 (ii) as a condition of:

1410 (A) recording a subdivision plat;

1411 (B) obtaining a building permit; or

1412 (C) developing a commercial, industrial, mixed use, condominium, or multifamily

1413 project.

1414 [~~(27)~~] (28) "Internal lot restriction" means a platted note, platted demarcation, or

1415 platted designation that:

1416 (a) runs with the land; and

1417 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on

1418 the plat; or

1419 (ii) designates a development condition that is enclosed within the perimeter of a lot

1420 described on the plat.

1421 [~~(28)~~] (29) "Interstate pipeline company" means a person or entity engaged in natural

1422 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission

1423 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1424 ~~[(29)]~~ (30) "Intrastate pipeline company" means a person or entity engaged in natural
1425 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1426 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1427 ~~[(30)]~~ (31) "Land use applicant" means a property owner, or the property owner's
1428 designee, who submits a land use application regarding the property owner's land.

1429 ~~[(31)]~~ (32) "Land use application":

1430 (a) means an application that is:

1431 (i) required by a county; and

1432 (ii) submitted by a land use applicant to obtain a land use decision; and

1433 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1434 ~~[(32)]~~ (33) "Land use authority" means:

1435 (a) a person, board, commission, agency, or body, including the local legislative body,
1436 designated by the local legislative body to act upon a land use application; or

1437 (b) if the local legislative body has not designated a person, board, commission,
1438 agency, or body, the local legislative body.

1439 ~~[(33)]~~ (34) "Land use decision" means an administrative decision of a land use
1440 authority or appeal authority regarding:

1441 (a) a land use permit;

1442 (b) a land use application; or

1443 (c) the enforcement of a land use regulation, land use permit, or development
1444 agreement.

1445 ~~[(34)]~~ (35) "Land use permit" means a permit issued by a land use authority.

1446 ~~[(35)]~~ (36) "Land use regulation":

1447 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1448 specification, fee, or rule that governs the use or development of land;

1449 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
1450 and

1451 (c) does not include:

1452 (i) a land use decision of the legislative body acting as the land use authority, even if
1453 the decision is expressed in a resolution or ordinance; or

1454 (ii) a temporary revision to an engineering specification that does not materially:

1455 (A) increase a land use applicant's cost of development compared to the existing
1456 specification; or

1457 (B) impact a land use applicant's use of land.

1458 [~~36~~] (37) "Legislative body" means the county legislative body, or for a county that
1459 has adopted an alternative form of government, the body exercising legislative powers.

1460 [~~37~~] (38) "Local district" means any entity under Title 17B, Limited Purpose Local
1461 Government Entities - Local Districts, and any other governmental or quasi-governmental
1462 entity that is not a county, municipality, school district, or the state.

1463 [~~38~~] (39) "Lot" means a tract of land, regardless of any label, that is created by and
1464 shown on a subdivision plat that has been recorded in the office of the county recorder.

1465 [~~39~~] (40) (a) "Lot line adjustment" means a relocation of a lot line boundary between
1466 adjoining lots or parcels, whether or not the lots are located in the same subdivision, in
1467 accordance with Section 17-27a-608, with the consent of the owners of record.

1468 (b) "Lot line adjustment" does not mean a new boundary line that:

1469 (i) creates an additional lot; or

1470 (ii) constitutes a subdivision.

1471 [~~40~~] (41) "Major transit investment corridor" means public transit service that uses or
1472 occupies:

1473 (a) public transit rail right-of-way;

1474 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;

1475 or

1476 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
1477 municipality or county and:

1478 (i) a public transit district as defined in Section 17B-2a-802; or

1479 (ii) an eligible political subdivision as defined in Section 59-12-2219.

1480 [~~41~~] (42) "Moderate income housing" means housing occupied or reserved for
1481 occupancy by households with a gross household income equal to or less than 80% of the
1482 median gross income for households of the same size in the county in which the housing is
1483 located.

1484 [~~42~~] (43) "Mountainous planning district" means an area:

1485 (a) designated by a county legislative body in accordance with Section 17-27a-901; and

1486 (b) that is not otherwise exempt under Section 10-9a-304.

1487 [~~43~~] (44) "Nominal fee" means a fee that reasonably reimburses a county only for
1488 time spent and expenses incurred in:

1489 (a) verifying that building plans are identical plans; and

1490 (b) reviewing and approving those minor aspects of identical plans that differ from the
1491 previously reviewed and approved building plans.

1492 [~~44~~] (45) "Noncomplying structure" means a structure that:

1493 (a) legally existed before its current land use designation; and

1494 (b) because of one or more subsequent land use ordinance changes, does not conform
1495 to the setback, height restrictions, or other regulations, excluding those regulations that govern
1496 the use of land.

1497 [~~45~~] (46) "Nonconforming use" means a use of land that:

1498 (a) legally existed before its current land use designation;

1499 (b) has been maintained continuously since the time the land use ordinance regulation
1500 governing the land changed; and

1501 (c) because of one or more subsequent land use ordinance changes, does not conform
1502 to the regulations that now govern the use of the land.

1503 [~~46~~] (47) "Official map" means a map drawn by county authorities and recorded in
1504 the county recorder's office that:

1505 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1506 highways and other transportation facilities;

1507 (b) provides a basis for restricting development in designated rights-of-way or between
1508 designated setbacks to allow the government authorities time to purchase or otherwise reserve
1509 the land; and

1510 (c) has been adopted as an element of the county's general plan.

1511 [~~47~~] (48) "Parcel" means any real property that is not a lot created by and shown on a
1512 subdivision plat recorded in the office of the county recorder.

1513 [~~48~~] (49) (a) "Parcel boundary adjustment" means a recorded agreement between
1514 owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary
1515 line agreement in accordance with Section 57-1-45, if no additional parcel is created and:

- 1516 (i) none of the property identified in the agreement is subdivided land; or
- 1517 (ii) the adjustment is to the boundaries of a single person's parcels.
- 1518 (b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
- 1519 line that:
 - 1520 (i) creates an additional parcel; or
 - 1521 (ii) constitutes a subdivision.
- 1522 [~~(49)~~] (50) "Person" means an individual, corporation, partnership, organization,
- 1523 association, trust, governmental agency, or any other legal entity.
- 1524 [~~(50)~~] (51) "Plan for moderate income housing" means a written document adopted by
- 1525 a county legislative body that includes:
 - 1526 (a) an estimate of the existing supply of moderate income housing located within the
 - 1527 county;
 - 1528 (b) an estimate of the need for moderate income housing in the county for the next five
 - 1529 years;
 - 1530 (c) a survey of total residential land use;
 - 1531 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
 - 1532 income housing; and
 - 1533 (e) a description of the county's program to encourage an adequate supply of moderate
 - 1534 income housing.
- 1535 [~~(51)~~] (52) "Planning advisory area" means a contiguous, geographically defined
- 1536 portion of the unincorporated area of a county established under this part with planning and
- 1537 zoning functions as exercised through the planning advisory area planning commission, as
- 1538 provided in this chapter, but with no legal or political identity separate from the county and no
- 1539 taxing authority.
- 1540 [~~(52)~~] (53) "Plat" means a map or other graphical representation of lands that a licensed
- 1541 professional land surveyor makes and prepares in accordance with Section [17-27a-603](#) or
- 1542 [57-8-13](#).
- 1543 [~~(53)~~] (54) "Potential geologic hazard area" means an area that:
 - 1544 (a) is designated by a Utah Geological Survey map, county geologist map, or other
 - 1545 relevant map or report as needing further study to determine the area's potential for geologic
 - 1546 hazard; or

1547 (b) has not been studied by the Utah Geological Survey or a county geologist but
1548 presents the potential of geologic hazard because the area has characteristics similar to those of
1549 a designated geologic hazard area.

1550 [~~(54)~~] (55) "Public agency" means:

1551 (a) the federal government;

1552 (b) the state;

1553 (c) a county, municipality, school district, local district, special service district, or other
1554 political subdivision of the state; or

1555 (d) a charter school.

1556 [~~(55)~~] (56) "Public hearing" means a hearing at which members of the public are
1557 provided a reasonable opportunity to comment on the subject of the hearing.

1558 [~~(56)~~] (57) "Public meeting" means a meeting that is required to be open to the public
1559 under Title 52, Chapter 4, Open and Public Meetings Act.

1560 [~~(57)~~] (58) "Public street" means a public right-of-way, including a public highway,
1561 public avenue, public boulevard, public parkway, public road, public lane, [~~public trail or~~
1562 ~~walk,~~] public alley, public viaduct, public subway, public tunnel, public bridge, public byway,
1563 other public transportation easement, or other public way.

1564 [~~(58)~~] (59) "Receiving zone" means an unincorporated area of a county that the county
1565 designates, by ordinance, as an area in which an owner of land may receive a transferable
1566 development right.

1567 [~~(59)~~] (60) "Record of survey map" means a map of a survey of land prepared in
1568 accordance with Section [10-9a-603](#), [17-23-17](#), [17-27a-603](#), or [57-8-13](#).

1569 [~~(60)~~] (61) "Residential facility for persons with a disability" means a residence:

1570 (a) in which more than one person with a disability resides; and

1571 (b) (i) which is licensed or certified by the Department of Human Services under Title
1572 62A, Chapter 2, Licensure of Programs and Facilities; or

1573 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter
1574 21, Health Care Facility Licensing and Inspection Act.

1575 [~~(61)~~] (62) "Rules of order and procedure" means a set of rules that govern and
1576 prescribe in a public meeting:

1577 (a) parliamentary order and procedure;

1578 (b) ethical behavior; and

1579 (c) civil discourse.

1580 [~~(62)~~] (63) "Sanitary sewer authority" means the department, agency, or public entity
1581 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1582 wastewater systems.

1583 [~~(63)~~] (64) "Sending zone" means an unincorporated area of a county that the county
1584 designates, by ordinance, as an area from which an owner of land may transfer a transferable
1585 development right.

1586 [~~(64)~~] (65) "Site plan" means a document or map that may be required by a county
1587 during a preliminary review preceding the issuance of a building permit to demonstrate that an
1588 owner's or developer's proposed development activity meets a land use requirement.

1589 [~~(65)~~] (66) "Specified public agency" means:

1590 (a) the state;

1591 (b) a school district; or

1592 (c) a charter school.

1593 [~~(66)~~] (67) "Specified public utility" means an electrical corporation, gas corporation,
1594 or telephone corporation, as those terms are defined in Section 54-2-1.

1595 [~~(67)~~] (68) "State" includes any department, division, or agency of the state.

1596 [~~(68)~~] (69) "Subdivided land" means the land, tract, or lot described in a recorded
1597 subdivision plat.

1598 [~~(69)~~] (70) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
1599 to be divided into two or more lots or other division of land for the purpose, whether
1600 immediate or future, for offer, sale, lease, or development either on the installment plan or
1601 upon any and all other plans, terms, and conditions.

1602 (b) "Subdivision" includes:

1603 (i) the division or development of land whether by deed, metes and bounds description,
1604 devise and testacy, map, plat, or other recorded instrument, regardless of whether the division
1605 includes all or a portion of a parcel or lot; and

1606 (ii) except as provided in Subsection [~~(69)~~] (70)(c), divisions of land for residential and
1607 nonresidential uses, including land used or to be used for commercial, agricultural, and
1608 industrial purposes.

- 1609 (c) "Subdivision" does not include:
- 1610 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 1611 (ii) an agreement recorded with the county recorder's office between owners of
- 1612 adjoining properties adjusting the mutual boundary by a boundary line agreement in accordance
- 1613 with Section [57-1-45](#) if:
- 1614 (A) no new lot is created; and
- 1615 (B) the adjustment does not violate applicable land use ordinances;
- 1616 (iii) a recorded document, executed by the owner of record:
- 1617 (A) revising the legal description of more than one contiguous parcel of property that is
- 1618 not subdivided land into one legal description encompassing all such parcels of property; or
- 1619 (B) joining a subdivided parcel of property to another parcel of property that has not
- 1620 been subdivided, if the joinder does not violate applicable land use ordinances;
- 1621 (iv) a bona fide division or partition of land in a county other than a first class county
- 1622 for the purpose of siting, on one or more of the resulting separate parcels:
- 1623 (A) an electrical transmission line or a substation;
- 1624 (B) a natural gas pipeline or a regulation station; or
- 1625 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 1626 utility service regeneration, transformation, retransmission, or amplification facility;
- 1627 (v) an agreement between owners of adjoining subdivided properties adjusting the
- 1628 mutual lot line boundary in accordance with Section [10-9a-603](#) if:
- 1629 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 1630 (B) the adjustment will not violate any applicable land use ordinance;
- 1631 (vi) a bona fide division or partition of land by deed or other instrument where the land
- 1632 use authority expressly approves in writing the division in anticipation of further land use
- 1633 approvals on the parcel or parcels;
- 1634 (vii) a parcel boundary adjustment;
- 1635 (viii) a lot line adjustment;
- 1636 (ix) a road, street, or highway dedication plat; ~~[or]~~
- 1637 (x) a deed or easement for a road, street, or highway purpose[-]; or
- 1638 (xi) a bona fide division or partition of land by a metes and bounds description where
- 1639 the deed expressly states that:

1640 (A) the division or partition of land is in anticipation of future development; and

1641 (B) the newly created parcel must be subdivided or receive written approval from the
1642 land use authority before a structure may be built on the parcel.

1643 (d) The joining of a subdivided parcel of property to another parcel of property that has
1644 not been subdivided does not constitute a subdivision under this Subsection [~~(69)~~] (70) as to
1645 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
1646 subdivision ordinance.

1647 (71) "Subdivision amendment" means an amendment to a recorded subdivision in
1648 accordance with Section 17-27a-608 that:

1649 (a) vacates all or a portion of the subdivision;

1650 (b) alters the outside boundary of the subdivision;

1651 (c) increases the number of lots within the subdivision;

1652 (d) alters a public right-of-way, a public easement, public infrastructure, or other public
1653 dedication within the subdivision; or

1654 (e) alters a common area or other common amenity within the subdivision.

1655 [~~(70)~~] (72) "Suspect soil" means soil that has:

1656 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
1657 3% swell potential;

1658 (b) bedrock units with high shrink or swell susceptibility; or

1659 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
1660 commonly associated with dissolution and collapse features.

1661 [~~(71)~~] (73) "Therapeutic school" means a residential group living facility:

1662 (a) for four or more individuals who are not related to:

1663 (i) the owner of the facility; or

1664 (ii) the primary service provider of the facility;

1665 (b) that serves students who have a history of failing to function:

1666 (i) at home;

1667 (ii) in a public school; or

1668 (iii) in a nonresidential private school; and

1669 (c) that offers:

1670 (i) room and board; and

- 1671 (ii) an academic education integrated with:
- 1672 (A) specialized structure and supervision; or
- 1673 (B) services or treatment related to a disability, an emotional development, a
- 1674 behavioral development, a familial development, or a social development.

1675 [~~(72)~~] (74) "Transferable development right" means a right to develop and use land that
 1676 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
 1677 land use rights from a designated sending zone to a designated receiving zone.

1678 [~~(73)~~] (75) "Unincorporated" means the area outside of the incorporated area of a
 1679 municipality.

1680 [~~(74)~~] (76) "Water interest" means any right to the beneficial use of water, including:

- 1681 (a) each of the rights listed in Section 73-1-11; and
- 1682 (b) an ownership interest in the right to the beneficial use of water represented by:
 - 1683 (i) a contract; or
 - 1684 (ii) a share in a water company, as defined in Section 73-3-3.5.

1685 [~~(75)~~] (77) "Zoning map" means a map, adopted as part of a land use ordinance, that
 1686 depicts land use zones, overlays, or districts.

1687 Section 18. Section 17-27a-302 is amended to read:

1688 **17-27a-302. Planning commission powers and duties.**

1689 (1) Each countywide planning advisory area or mountainous planning district planning
 1690 commission shall, with respect to the unincorporated area of the county, the planning advisory
 1691 area, or the mountainous planning district, review and make a recommendation to the county
 1692 legislative body for:

- 1693 (a) a general plan and amendments to the general plan;
- 1694 (b) land use regulations[;], including:
 - 1695 (i) ordinances regarding the subdivision of land within the county; and
 - 1696 (ii) amendments to existing land use regulations;
- 1697 (c) an appropriate delegation of power to at least one designated land use authority to
 1698 hear and act on a land use application;
- 1699 (d) an appropriate delegation of power to at least one appeal authority to hear and act
 1700 on an appeal from a decision of the land use authority; and
- 1701 (e) application processes that:

1702 (i) may include a designation of routine land use matters that, upon application and
1703 proper notice, will receive informal streamlined review and action if the application is
1704 uncontested; and

1705 (ii) shall protect the right of each:

1706 (A) land use applicant and [third party] adversely affected party to require formal
1707 consideration of any application by a land use authority;

1708 (B) land use applicant[;] or adversely affected party[; or county officer or employee] to
1709 appeal a land use authority's decision to a separate appeal authority; and

1710 (C) participant to be heard in each public hearing on a contested application.

1711 (2) Before making a recommendation to a legislative body on an item described in
1712 Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance
1713 with Section [17-27a-404](#).

1714 (3) A legislative body may adopt, modify, or reject a planning commission's
1715 recommendation to the legislative body under this section.

1716 (4) A legislative body may consider a planning commission's failure to make a timely
1717 recommendation as a negative recommendation.

1718 ~~[(2)]~~ (5) Nothing in this section limits the right of a county to initiate or propose the
1719 actions described in this section.

1720 Section 19. Section **17-27a-404** is amended to read:

1721 **17-27a-404. Public hearing by planning commission on proposed general plan or**
1722 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
1723 **by legislative body.**

1724 (1) (a) After completing its recommendation for a proposed general plan, or proposal to
1725 amend the general plan, the planning commission shall schedule and hold a public hearing on
1726 the proposed plan or amendment.

1727 (b) The planning commission shall provide notice of the public hearing, as required by
1728 Section [17-27a-204](#).

1729 (c) After the public hearing, the planning commission may modify the proposed
1730 general plan or amendment.

1731 (2) The planning commission shall forward the proposed general plan or amendment to
1732 the legislative body.

1733 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body
1734 shall provide notice of its intent to consider the general plan proposal.

1735 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
1736 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
1737 regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection
1738 (3)(b).

1739 (ii) The hearing format shall allow adequate time for public comment at the actual
1740 public hearing, and shall also allow for public comment in writing to be submitted to the
1741 legislative body for not fewer than 90 days after the date of the public hearing.

1742 (c) (i) The legislative body shall give notice of the hearing in accordance with this
1743 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are
1744 complete.

1745 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
1746 the state Legislature, executive director of the Department of Environmental Quality, the state
1747 planning coordinator, the Resource Development Coordinating Committee, and any other
1748 citizens or entities who specifically request notice in writing.

1749 (iii) Public notice shall be given by publication:

1750 (A) in at least one major Utah newspaper having broad general circulation in the state;

1751 (B) in at least one Utah newspaper having a general circulation focused mainly on the
1752 county where the proposed high-level nuclear waste or greater than class C radioactive waste
1753 site is to be located; and

1754 (C) on the Utah Public Notice Website created in Section 63F-1-701.

1755 (iv) The notice shall be published to allow reasonable time for interested parties and
1756 the state to evaluate the information regarding the provisions of Subsection 17-27a-401(4),
1757 including:

1758 (A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days before
1759 the date of the hearing to be held under this Subsection (3); and

1760 (B) publication described in Subsection (3)(c)(iii)(B) or (C) for 180 days before the
1761 date of the hearing to be held under this Subsection (3).

1762 (4) (a) After the public hearing required under this section, the legislative body may
1763 adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

1764 (b) The legislative body shall respond in writing and in a substantive manner to all
1765 those providing comments as a result of the hearing required by Subsection (3).

1766 ~~[(5) (a) The county legislative body may adopt or reject the proposed general plan or~~
1767 ~~amendment either as proposed by the planning commission or after making any revision the~~
1768 ~~county legislative body considers appropriate.]~~

1769 ~~[(b)]~~ (c) If the county legislative body rejects the proposed general plan or amendment,
1770 it may provide suggestions to the planning commission for ~~[its consideration]~~ the planning
1771 commission's review and recommendation.

1772 ~~[(6)]~~ (5) The legislative body shall adopt:

1773 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

1774 (b) a transportation and traffic circulation element as provided in Subsection
1775 17-27a-403(2)(a)(ii);

1776 (c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to
1777 provide a realistic opportunity to meet the need for additional moderate income housing; and

1778 (d) before August 1, 2017, a resource management plan as provided by Subsection
1779 17-27a-403(2)(a)(iv).

1780 Section 20. Section 17-27a-408 is amended to read:

1781 **17-27a-408. Reporting requirements and civil action regarding moderate income**
1782 **housing element of general plan.**

1783 (1) The legislative body of each county of the first, second, or third class, which has a
1784 population in the county's unincorporated areas of more than 5,000 residents, shall annually:

1785 (a) review the moderate income housing plan element of the county's general plan and
1786 implementation of that element of the general plan;

1787 (b) prepare a report on the findings of the review described in Subsection (1)(a); and

1788 (c) post the report described in Subsection (1)(b) on the county's website.

1789 (2) The report described in Subsection (1) shall include:

1790 (a) a revised estimate of the need for moderate income housing in the unincorporated
1791 areas of the county for the next five years;

1792 (b) a description of progress made within the unincorporated areas of the county to
1793 provide moderate income housing demonstrated by analyzing and publishing data on the
1794 number of housing units in the county that are at or below:

- 1795 (i) 80% of the adjusted median family income;
- 1796 (ii) 50% of the adjusted median family income; and
- 1797 (iii) 30% of the adjusted median family income;
- 1798 (c) a description of any efforts made by the county to utilize a moderate income
- 1799 housing set-aside from a community reinvestment agency, redevelopment agency, or a
- 1800 community development and renewal agency; and

1801 (d) a description of how the county has implemented any of the recommendations
 1802 related to moderate income housing described in Subsection 17-27a-403(2)(b)(ii).

1803 (3) The legislative body of each county described in Subsection (1) shall send a copy of
 1804 the report under Subsection (1) to the Department of Workforce Services, the association of
 1805 governments in which the county is located, and, if the unincorporated area of the county is
 1806 located within the boundaries of a metropolitan planning organization, the appropriate
 1807 metropolitan planning organization.

1808 (4) In a civil action seeking enforcement or claiming a violation of this section or of
 1809 Subsection 17-27a-404~~(6)~~(5)(c), a plaintiff may not recover damages but may be awarded
 1810 only injunctive or other equitable relief.

1811 Section 21. Section 17-27a-603 is amended to read:

1812 **17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
 1813 **acknowledgment, surveyor certification, and underground utility facility owner**
 1814 **verification of plat -- Recording plat.**

1815 (1) Unless exempt under Section 17-27a-605 or excluded from the definition of
 1816 subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of
 1817 the land shall provide an accurate plat that describes or specifies:

- 1818 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
- 1819 the county recorder's office;
- 1820 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
- 1821 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
- 1822 intended to be used as a street or for any other public use, and whether any such area is
- 1823 reserved or proposed for dedication for a public purpose;

1824 (c) the lot or unit reference, block or building reference, street or site address, street
 1825 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length

1826 and width of the blocks and lots intended for sale; and

1827 (d) every existing right-of-way and easement grant of record for an underground
1828 facility, as defined in Section 54-8a-2, and for any other utility facility.

1829 (2) (a) Subject to Subsections (3), (5), and (6), if the plat conforms to the county's
1830 ordinances and this part and has been approved by the culinary water authority, the sanitary
1831 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local
1832 health department and the county consider the local health department's approval necessary, the
1833 county shall approve the plat.

1834 (b) Counties are encouraged to receive a recommendation from the fire authority and
1835 the public safety answering point before approving a plat.

1836 (c) A county may not require that a plat be approved or signed by a person or entity
1837 who:

1838 (i) is not an employee or agent of the county; or

1839 (ii) does not:

1840 (A) have a legal or equitable interest in the property within the proposed subdivision;

1841 (B) provide a utility or other service directly to a lot within the subdivision;

1842 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs
1843 for the purpose of confirming the accuracy of the location of the easement or right-of-way in
1844 relation to the plat; or

1845 (D) provide culinary public water service whose source protection zone designated as
1846 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.

1847 (d) For a subdivision application that includes land located within a notification zone,
1848 as determined under Subsection (2)(f), the land use authority shall:

1849 (i) within 20 days after the day on which a complete subdivision application is filed,
1850 provide written notice of the application to the canal owner or associated canal operator contact
1851 described in:

1852 (A) Section 17-27a-211;

1853 (B) Subsection 73-5-7(2); or

1854 (C) Subsection (5)(c); and

1855 (ii) wait to approve or reject the subdivision application for at least 20 days after the
1856 day on which the land use authority mails the notice under Subsection (2)(d)(i) in order to

- 1857 receive input from the canal owner or associated canal operator, including input regarding:
- 1858 (A) access to the canal;
- 1859 (B) maintenance of the canal;
- 1860 (C) canal protection; and
- 1861 (D) canal safety.
- 1862 (e) When applicable, the subdivision applicant shall comply with Section 73-1-15.5.
- 1863 (f) The land use authority shall provide the notice described in Subsection (2)(d) to a
- 1864 canal owner or associated canal operator if:
- 1865 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and
- 1866 (ii) the centerline alignment is available to the land use authority:
- 1867 (A) from information provided by the canal company under Section 17-27a-211 using
- 1868 mapping-grade global positioning satellite units or digitized data from the most recent aerial
- 1869 photo available to the canal owner or canal operator;
- 1870 (B) using the state engineer's inventory of canals under Section 73-5-7; or
- 1871 (C) from information provided by a surveyor under Subsection (5)(c).
- 1872 (3) The county may withhold an otherwise valid plat approval until the owner of the
- 1873 land provides the legislative body with a tax clearance indicating that all taxes, interest, and
- 1874 penalties owing on the land have been paid.
- 1875 (4) (a) Within 30 days after approving a final plat under this section, a county shall
- 1876 submit to the Automated Geographic Reference Center, created in Section 63F-1-506, for
- 1877 inclusion in the unified statewide 911 emergency service database described in Subsection
- 1878 63H-7a-304(4)(b):
- 1879 (i) an electronic copy of the approved final plat; or
- 1880 (ii) preliminary geospatial data that depict any new streets and situs addresses proposed
- 1881 for construction within the bounds of the approved plat.
- 1882 (b) If requested by the Automated Geographic Reference Center, a county that
- 1883 approves a final plat under this section shall:
- 1884 (i) coordinate with the Automated Geographic Reference Center to validate the
- 1885 information described in Subsection (4)(a); and
- 1886 (ii) assist the Automated Geographic Reference Center in creating electronic files that
- 1887 contain the information described in Subsection (4)(a) for inclusion in the unified statewide

1888 911 emergency service database.

1889 (5) (a) A county recorder may not record a plat unless, subject to Subsection

1890 [17-27a-604\(1\)](#):

1891 (i) prior to recordation, the county has approved and signed the plat;

1892 (ii) each owner of record of land described on the plat has signed the owner's

1893 dedication as shown on the plat; and

1894 (iii) the signature of each owner described in Subsection (5)(a)(ii) is acknowledged as
1895 provided by law.

1896 (b) The surveyor making the plat shall certify that the surveyor:

1897 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
1898 Professional Land Surveyors Licensing Act;

1899 (ii) has completed a survey of the property described on the plat in accordance with
1900 Section [17-23-17](#) and has verified all measurements; and

1901 (iii) has placed monuments as represented on the plat.

1902 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of
1903 an existing or proposed underground facility or utility facility within the proposed subdivision,
1904 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's
1905 depiction of the:

1906 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a
1907 public or private easement, or grants of record;

1908 (B) location of an existing underground facility and utility facility; and

1909 (C) physical restrictions governing the location of the underground facility and utility
1910 facility within the subdivision.

1911 (ii) The cooperation of an owner or operator under Subsection (5)(c)(i):

1912 (A) indicates only that the plat approximates the location of the existing underground
1913 and utility facilities but does not warrant or verify their precise location; and

1914 (B) does not affect a right that the owner or operator has under Title 54, Chapter 8a,
1915 Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law
1916 applicable to prescriptive rights, or any other provision of law.

1917 (6) (a) Except as provided in Subsection (5)(c), after the plat has been acknowledged,
1918 certified, and approved, the individual seeking to record the plat shall, within the time period

1919 and manner designated by ordinance, record the plat in the county recorder's office in the
 1920 county in which the lands platted and laid out are situated.

1921 (b) A failure to record a plat within the time period designated by ordinance renders the
 1922 plat voidable by the land use authority.

1923 Section 22. Section **17-27a-604** is amended to read:

1924 **17-27a-604. Subdivision plat approval procedure -- Effect of not complying.**

1925 (1) A person may not submit a subdivision plat to the county recorder's office for
 1926 recording unless:

1927 (a) the person has complied with the requirements of Subsection **17-27a-603(5)(a)**;

1928 (b) the plat has been approved by:

1929 (i) the land use authority of the:

1930 (A) county in whose unincorporated area the land described in the plat is located; or

1931 (B) mountainous planning district in whose area the land described in the plat is
 1932 located; and

1933 (ii) other officers that the county designates in its ordinance;

1934 (c) all approvals described in Subsection (1)(b) are entered in writing on the plat by
 1935 designated officers; and

1936 (d) if the person submitting the plat intends the plat to be or if the plat is part of a
 1937 community association subject to Title 57, Chapter 8a, Community Association Act, the plat
 1938 includes language conveying to the association, as that term is defined in Section **57-8a-102**, all
 1939 common areas, as that term is defined in Section **57-8a-102**.

1940 (2) An owner of a platted lot is the owner of record sufficient to re-subdivide the lot if
 1941 the owner's platted lot is not part of a community association subject to Title 57, Chapter 8a,
 1942 Community Association Act.

1943 (3) A plat recorded without the signatures required under this section is void.

1944 (4) A transfer of land pursuant to a void plat is voidable by the land use authority.

1945 Section 23. Section **17-27a-605** is amended to read:

1946 **17-27a-605. Exemptions from plat requirement.**

1947 ~~[(1) Notwithstanding Sections **17-27a-603** and **17-27a-604**, a county may establish a~~
 1948 ~~process to approve an administrative land use decision for the subdivision of unincorporated~~
 1949 ~~land or mountainous planning district land into 10 lots or less without a plat, by certifying in~~

1950 ~~writing that:]~~

1951 (1) Notwithstanding any other provision of law, a plat is not required if:

1952 (a) a county establishes a process to approve an administrative land use decision for the
1953 subdivision of unincorporated land or mountainous planning district land into 10 or fewer lots

1954 without a plat; and

1955 (b) the county provides in writing that:

1956 [~~(a)~~] (i) the county has provided notice as required by ordinance; and

1957 [~~(b)~~] (ii) the proposed subdivision:

1958 [~~(i)~~] (A) is not traversed by the mapped lines of a proposed street as shown in the
1959 general plan unless the county has approved the location and dedication of any public street,
1960 county utility easement, any other easement, or any other land for public purposes as the
1961 county's ordinance requires;

1962 [~~(ii)~~] (B) has been approved by the culinary water authority and the sanitary sewer
1963 authority;

1964 [~~(iii)~~] (C) is located in a zoned area; and

1965 [~~(iv)~~] (D) conforms to all applicable land use ordinances or has properly received a
1966 variance from the requirements of an otherwise conflicting and applicable land use ordinance.

1967 (2) (a) Subject to Subsection (1), a lot or parcel resulting from a division of agricultural
1968 land is exempt from the plat requirements of Section 17-27a-603 if:

1969 (i) the lot or parcel:

1970 (A) qualifies as land in agricultural use under Section 59-2-502; and

1971 (B) is not used and will not be used for any nonagricultural purpose; and

1972 (ii) the new owner of record completes, signs, and records with the county recorder a
1973 notice:

1974 (A) describing the parcel by legal description; and

1975 (B) stating that the lot or parcel is created for agricultural purposes as defined in
1976 Section 59-2-502 and will remain so until a future zoning change permits other uses.

1977 (b) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural
1978 purpose, the county shall require the lot or parcel to comply with the requirements of Section
1979 17-27a-603 and all applicable land use ordinance requirements.

1980 (3) (a) Except as provided in Subsection (4), a document recorded in the county

1981 recorder's office that divides property by a metes and bounds description does not create an
1982 approved subdivision allowed by this part unless the land use authority's certificate of written
1983 approval required by Subsection (1) is attached to the document.

1984 (b) The absence of the certificate or written approval required by Subsection (1) does
1985 not:

1986 (i) prohibit the county recorder from recording a document; or

1987 (ii) affect the validity of a recorded document.

1988 (c) A document which does not meet the requirements of Subsection (1) may be
1989 corrected by the recording of an affidavit to which the required certificate or written approval is
1990 attached and that complies with Section [57-3-106](#).

1991 (4) (a) As used in this Subsection (4):

1992 (i) "Divided land" means land that:

1993 (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and

1994 (B) has been divided by a minor subdivision.

1995 (ii) "Land to be divided" means land that is proposed to be divided by a minor
1996 subdivision.

1997 (iii) "Minor subdivision" means a division of at least 100 contiguous acres of
1998 agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that,
1999 after the division, is separate from the remainder of the original 100 or more contiguous acres
2000 of agricultural land.

2001 (iv) "Minor subdivision lot" means a lot created by a minor subdivision.

2002 (b) Notwithstanding Sections [17-27a-603](#) and [17-27a-604](#), an owner of at least 100
2003 contiguous acres of agricultural land may make a minor subdivision by submitting for
2004 recording in the office of the recorder of the county in which the land to be divided is located:

2005 (i) a recordable deed containing the legal description of the minor subdivision lot; and

2006 (ii) a notice:

2007 (A) indicating that the owner of the land to be divided is making a minor subdivision;

2008 (B) referring specifically to this section as the authority for making the minor
2009 subdivision; and

2010 (C) containing the legal description of:

2011 (I) the land to be divided; and

2012 (II) the minor subdivision lot.

2013 (c) A minor subdivision lot:

2014 (i) may not be less than one acre in size;

2015 (ii) may not be within 1,000 feet of another minor subdivision lot; and

2016 (iii) is not subject to the subdivision ordinance of the county in which the minor

2017 subdivision lot is located.

2018 (d) Land to be divided by a minor subdivision may not include divided land.

2019 (e) A county:

2020 (i) may not deny a building permit to an owner of a minor subdivision lot based on:

2021 (A) the lot's status as a minor subdivision lot; or

2022 (B) the absence of standards described in Subsection (4)(e)(ii); and

2023 (ii) may, in connection with the issuance of a building permit, subject a minor

2024 subdivision lot to reasonable health, safety, and access standards that the county has established

2025 and made public.

2026 (5) (a) Notwithstanding Sections [17-27a-603](#) and [17-27a-604](#), and subject to

2027 Subsection (1), the legislative body of a county may enact an ordinance allowing the

2028 subdivision of a parcel, without complying with the plat requirements of Section [17-27a-603](#),

2029 if:

2030 (i) the parcel contains an existing legal single family dwelling unit;

2031 (ii) the subdivision results in two parcels, one of which is agricultural land;

2032 (iii) the parcel of agricultural land:

2033 (A) qualifies as land in agricultural use under Section [59-2-502](#); and

2034 (B) is not used, and will not be used, for a nonagricultural purpose;

2035 (iv) both the parcel with an existing legal single family dwelling unit and the parcel of

2036 agricultural land meet the minimum area, width, frontage, and setback requirements of the

2037 applicable zoning designation in the applicable land use ordinance; and

2038 (v) the owner of record completes, signs, and records with the county recorder a notice:

2039 (A) describing the parcel of agricultural land by legal description; and

2040 (B) stating that the parcel of agricultural land is created as land in agricultural use, as

2041 defined in Section [59-2-502](#), and will remain as land in agricultural use until a future zoning

2042 change permits another use.

2043 (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a)
 2044 is later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a) no
 2045 longer applies, and the county shall require the owner of the parcel to:

2046 (i) retroactively comply with the subdivision plat requirements of Section [17-27a-603](#);

2047 and

2048 (ii) comply with all applicable land use ordinance requirements.

2049 Section 24. Section **17-27a-608** is amended to read:

2050 **17-27a-608. Subdivision amendments.**

2051 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a
 2052 subdivision that has been laid out and platted as provided in this part may file a written petition
 2053 with the land use authority [~~to have some or all of the plat vacated or amended~~] to request a
 2054 subdivision amendment.

2055 (b) Upon filing a written petition to request a subdivision amendment under Subsection
 2056 (1)(a), the owner shall prepare and record a plat in accordance with Section [17-27a-603](#) that:

2057 (i) depicts only the portion of the subdivision that has been amended;

2058 (ii) includes a plat name distinguishing the amended plat from the original plat;

2059 (iii) describes the differences between the amended plat and the original plat; and

2060 (iv) includes references to the original plat.

2061 [~~(b)~~] (c) If a petition is filed under Subsection (1)(a), the land use authority shall
 2062 provide notice of the petition by mail, email, or other effective means to each affected entity
 2063 that provides a service to an owner of record of the portion of the plat that is being [~~vacated or~~]
 2064 amended at least 10 calendar days before the land use authority may approve the [~~vacation or~~
 2065 ~~amendment of the plat~~] petition for a subdivision amendment.

2066 [~~(c)~~] (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
 2067 public hearing within 45 days after the day on which the petition is filed if:

2068 (i) any owner within the plat notifies the county of the owner's objection in writing
 2069 within 10 days of mailed notification; or

2070 (ii) a public hearing is required because all of the owners in the subdivision have not
 2071 signed the revised plat.

2072 (2) Unless a local ordinance provides otherwise, the public hearing requirement of
 2073 Subsection (1)[~~(c)~~](d) does not apply and a land use authority may consider at a public meeting

2074 an owner's petition [~~to vacate or amend a subdivision plat if~~] for a subdivision amendment if:

2075 (a) the petition seeks to:

2076 (i) join two or more of the petitioning fee owner's contiguous lots;

2077 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
2078 result in a violation of a land use ordinance or a development condition;

2079 (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the
2080 adjoining lots or parcels join the petition, regardless of whether the lots or parcels are located in
2081 the same subdivision;

2082 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
2083 imposed by the local political subdivision; or

2084 (v) alter the plat in a manner that does not change existing boundaries or other
2085 attributes of lots within the subdivision that are not:

2086 (A) owned by the petitioner; or

2087 (B) designated as a common area; and

2088 (b) notice has been given to adjacent property owners in accordance with any
2089 applicable local ordinance.

2090 (3) [~~Each request to vacate or amend a plat~~] A petition under Subsection (1)(a) that
2091 contains a request to [~~vacate or~~] amend a public street or county utility easement is also subject
2092 to Section 17-27a-609.5.

2093 (4) [~~Each~~] A petition [~~to vacate or~~] under Subsection (1)(a) that contains a request to
2094 amend an entire plat or a portion of a plat shall include:

2095 (a) the name and address of each owner of record of the land contained in:

2096 (i) the entire plat; or

2097 (ii) that portion of the plan described in the petition; and

2098 (b) the signature of each owner who consents to the petition.

2099 (5) (a) The owners of record of adjacent parcels that are described by either a metes
2100 and bounds description or by a recorded plat may exchange title to portions of those parcels if
2101 the exchange of title is approved by the land use authority in accordance with Subsection
2102 (5)(b).

2103 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
2104 the exchange of title will not result in a violation of any land use ordinance.

- 2105 (c) If an exchange of title is approved under Subsection (5)(b):
- 2106 (i) a notice of approval shall be recorded in the office of the county recorder which:
- 2107 (A) is executed by each owner included in the exchange and by the land use authority;
- 2108 (B) contains an acknowledgment for each party executing the notice in accordance with
- 2109 the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
- 2110 (C) recites the descriptions of both the original parcels and the parcels created by the
- 2111 exchange of title; and
- 2112 (ii) a document of conveyance of title reflecting the approved change shall be recorded
- 2113 in the office of the county recorder.
- 2114 (d) A notice of approval recorded under this Subsection (5) does not act as a
- 2115 conveyance of title to real property and is not required to record a document conveying title to
- 2116 real property.
- 2117 (6) (a) The name of a recorded subdivision may be changed by recording an amended
- 2118 plat making that change, as provided in this section and subject to Subsection (6)(c).
- 2119 (b) The surveyor preparing the amended plat shall certify that the surveyor:
- 2120 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
- 2121 Professional Land Surveyors Licensing Act;
- 2122 (ii) has completed a survey of the property described on the plat in accordance with
- 2123 Section 17-23-17 and has verified all measurements; and
- 2124 (iii) has placed monuments as represented on the plat.
- 2125 (c) An owner of land may not submit for recording an amended plat that gives the
- 2126 subdivision described in the amended plat the same name as a subdivision recorded in the
- 2127 county recorder's office.
- 2128 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
- 2129 document that purports to change the name of a recorded plat is void.
- 2130 Section 25. Section 17-27a-609.5 is amended to read:
- 2131 **17-27a-609.5. Petition to vacate a public street.**
- 2132 (1) In lieu of vacating some or all of a public street through a plat or amended plat in
- 2133 accordance with Sections 17-27a-603 through 17-27a-609, a legislative body may approve a
- 2134 petition to vacate a public street in accordance with this section.
- 2135 (2) A petition to vacate some or all of a public street or county utility easement shall

2136 include:

2137 (a) the name and address of each owner of record of land that is:

2138 (i) adjacent to the public street or county utility easement between the two nearest
2139 public street intersections; or

2140 (ii) accessed exclusively by or within 300 feet of the public street or county utility
2141 easement;

2142 (b) proof of written notice to operators of utilities located within the bounds of the
2143 public street or county utility easement sought to be vacated; and

2144 (c) the signature of each owner under Subsection (2)(a) who consents to the vacation.

2145 (3) If a petition is submitted containing a request to vacate some or all of a public street
2146 or county utility easement, the legislative body shall hold a public hearing in accordance with
2147 Section 17-27a-208 and determine whether:

2148 (a) good cause exists for the vacation; and

2149 (b) the public interest or any person will be materially injured by the proposed
2150 vacation.

2151 (4) The legislative body may adopt an ordinance granting a petition to vacate some or
2152 all of a public street or county utility easement if the legislative body finds that:

2153 (a) good cause exists for the vacation; and

2154 (b) neither the public interest nor any person will be materially injured by the vacation.

2155 (5) If the legislative body adopts an ordinance vacating some or all of a public street or
2156 county utility easement, the legislative body shall ensure that one or both of the following is
2157 recorded in the office of the recorder of the county in which the land is located:

2158 (a) a plat reflecting the vacation; or

2159 (b) (i) an ordinance described in Subsection (4); and

2160 (ii) a legal description of the public street to be vacated.

2161 (6) The action of the legislative body vacating some or all of a public street or county
2162 utility easement that has been dedicated to public use:

2163 (a) operates to the extent to which it is vacated, upon the effective date of the recorded
2164 plat or ordinance, as a revocation of the acceptance of and the relinquishment of the county's
2165 fee in the vacated street, right-of-way, or easement; and

2166 (b) may not be construed to impair:

2167 (i) any right-of-way or easement of any parcel or lot owner; or

2168 (ii) the rights of any public utility.

2169 (7) (a) A county may submit a petition, in accordance with Subsection (2), and initiate
2170 and complete a process to vacate some or all of a public street.

2171 (b) If a county submits a petition and initiates a process under Subsection (7)(a):

2172 (i) the legislative body shall hold a public hearing;

2173 (ii) the petition and process may not apply to or affect a public utility easement, except
2174 to the extent:

2175 (A) the easement is not a protected utility easement as defined in Section 54-3-27;

2176 (B) the easement is included within the public street; and

2177 (C) the notice to vacate the public street also contains a notice to vacate the easement;

2178 and

2179 (iii) a recorded ordinance to vacate a public street has the same legal effect as vacating
2180 a public street through a recorded plat or amended plat.

2181 Section 26. Section 17-27a-611 is amended to read:

2182 **17-27a-611. Prohibited acts.**

2183 (1) (a) ~~Am~~ If a subdivision requires a plat, an owner of any land located in a
2184 subdivision who transfers or sells any land in that subdivision before a plat of the subdivision
2185 has been approved and recorded violates this part for each lot or parcel transferred or sold.

2186 (b) The description by metes and bounds in an instrument of transfer or other
2187 documents used in the process of selling or transferring does not exempt the transaction from
2188 being a violation of Subsection (1)(a) or from the penalties or remedies provided in this
2189 chapter.

2190 (c) Notwithstanding any other provision of this Subsection (1), the recording of an
2191 instrument of transfer or other document used in the process of selling or transferring real
2192 property that violates this part:

2193 (i) does not affect the validity of the instrument or other document; and

2194 (ii) does not affect whether the property that is the subject of the instrument or other
2195 document complies with applicable county ordinances on land use and development.

2196 (2) (a) A county may bring an action against an owner to require the property to
2197 conform to the provisions of this part or an ordinance enacted under the authority of this part.

2198 (b) An action under this Subsection (2) may include an injunction[~~;~~ ~~abatement, merger~~
2199 ~~of title;~~] or any other appropriate action or proceeding to prevent[~~;~~ or enjoin[~~;~~ ~~or abate~~] the
2200 violation.

2201 (c) A county need only establish the violation to obtain the injunction.

2202 Section 27. Section **17-27a-701** is amended to read:

2203 **17-27a-701. Appeal authority required -- Condition precedent to judicial review**
2204 **-- Appeal authority duties.**

2205 (1) Each county adopting a land use ordinance shall, by ordinance, establish one or
2206 more appeal authorities to hear and decide:

2207 (a) requests for variances from the terms of the land use ordinances;

2208 (b) appeals from decisions applying the land use ordinances; and

2209 (c) appeals from a fee charged in accordance with Section [17-27a-509](#).

2210 (2) As a condition precedent to judicial review, each adversely affected person shall
2211 timely and specifically challenge a land use authority's decision, in accordance with local
2212 ordinance.

2213 (3) An appeal authority:

2214 (a) shall:

2215 (i) act in a quasi-judicial manner; and

2216 (ii) serve as the final arbiter of issues involving the interpretation or application of land
2217 use ordinances; and

2218 (b) may not entertain an appeal of a matter in which the appeal authority, or any
2219 participating member, had first acted as the land use authority.

2220 (4) By ordinance, a county may:

2221 (a) designate a separate appeal authority to hear requests for variances than the appeal
2222 authority it designates to hear appeals;

2223 (b) designate one or more separate appeal authorities to hear distinct types of appeals
2224 of land use authority decisions;

2225 (c) require an adversely affected party to present to an appeal authority every theory of
2226 relief that it can raise in district court;

2227 (d) not require ~~[an]~~ a land use applicant or adversely affected party to pursue duplicate
2228 or successive appeals before the same or separate appeal authorities as a condition of ~~the~~

2229 ~~adversely affected]~~ an appealing party's duty to exhaust administrative remedies; and

2230 (e) provide that specified types of land use decisions may be appealed directly to the
2231 district court.

2232 (5) If the county establishes or, prior to the effective date of this chapter, has
2233 established a multiperson board, body, or panel to act as an appeal authority, at a minimum the
2234 board, body, or panel shall:

2235 (a) notify each of its members of any meeting or hearing of the board, body, or panel;

2236 (b) provide each of its members with the same information and access to municipal
2237 resources as any other member;

2238 (c) convene only if a quorum of its members is present; and

2239 (d) act only upon the vote of a majority of its convened members.

2240 Section 28. Section **17-27a-703** is amended to read:

2241 **17-27a-703. Appealing a land use authority's decision -- Panel of experts for**
2242 **appeals of geologic hazard decisions.**

2243 (1) The land use applicant, a board or officer of the county, or [~~any person adversely~~
2244 ~~affected by the land use authority's decision administering or interpreting a land use ordinance]~~
2245 an adversely affected party may, within the time period provided by ordinance, appeal that
2246 decision to the appeal authority by alleging that there is error in any order, requirement,
2247 decision, or determination made by the land use authority in the administration or interpretation
2248 of the land use ordinance.

2249 (2) (a) [~~Am~~] A land use applicant who has appealed a decision of the land use authority
2250 administering or interpreting the county's geologic hazard ordinance may request the county to
2251 assemble a panel of qualified experts to serve as the appeal authority for purposes of
2252 determining the technical aspects of the appeal.

2253 (b) If [~~an~~] a land use applicant makes a request under Subsection (2)(a), the county
2254 shall assemble the panel described in Subsection (2)(a) consisting of, unless otherwise agreed
2255 by the land use applicant and county:

2256 (i) one expert designated by the county;

2257 (ii) one expert designated by the land use applicant; and

2258 (iii) one expert chosen jointly by the county's designated expert and the applicant's land
2259 use designated expert.

2260 (c) A member of the panel assembled by the county under Subsection (2)(b) may not
2261 be associated with the application that is the subject of the appeal.

2262 (d) The land use applicant shall pay:

2263 (i) 1/2 of the cost of the panel; and

2264 (ii) the county's published appeal fee.

2265 Section 29. Section **17-27a-704** is amended to read:

2266 **17-27a-704. Time to appeal.**

2267 (1) The county shall enact an ordinance establishing a reasonable time of not less than
2268 10 days to appeal to an appeal authority a written decision issued by a land use authority.

2269 (2) In the absence of an ordinance establishing a reasonable time to appeal, ~~an~~ a land
2270 use applicant or adversely affected party shall have 10 calendar days to appeal to an appeal
2271 authority a written decision issued by a land use authority.

2272 Section 30. Section **17-27a-801** is amended to read:

2273 **17-27a-801. No district court review until administrative remedies exhausted --**
2274 **Time for filing -- Tolling of time -- Standards governing court review -- Record on review**
2275 **-- Staying of decision.**

2276 (1) No person may challenge in district court a land use decision until that person has
2277 exhausted the person's administrative remedies as provided in Part 7, Appeal Authority and
2278 Variances, if applicable.

2279 (2) (a) ~~[Any person adversely affected by a final decision made in the exercise of or in~~
2280 ~~violation of the provisions of this chapter]~~ A land use applicant or adversely affected party may
2281 file a petition for review of the decision with the district court within 30 days after the decision
2282 is final.

2283 (b) (i) The time under Subsection (2)(a) to file a petition is tolled from the date a
2284 property owner files a request for arbitration of a constitutional taking issue with the property
2285 rights ombudsman under Section **13-43-204** until 30 days after:

2286 (A) the arbitrator issues a final award; or

2287 (B) the property rights ombudsman issues a written statement under Subsection
2288 **13-43-204(3)(b)** declining to arbitrate or to appoint an arbitrator.

2289 (ii) A tolling under Subsection (2)(b)(i) operates only as to the specific constitutional
2290 taking issue that is the subject of the request for arbitration filed with the property rights

2291 ombudsman by a property owner.

2292 (iii) A request for arbitration filed with the property rights ombudsman after the time
2293 under Subsection (2)(a) to file a petition has expired does not affect the time to file a petition.

2294 (3) (a) A court shall:

2295 (i) presume that a land use regulation properly enacted under the authority of this
2296 chapter is valid; and

2297 (ii) determine only whether:

2298 (A) the land use regulation is expressly preempted by, or was enacted contrary to, state
2299 or federal law; and

2300 (B) it is reasonably debatable that the land use regulation is consistent with this
2301 chapter.

2302 (b) A court shall:

2303 (i) presume that a final decision of a land use authority or an appeal authority is valid;
2304 and

2305 (ii) uphold the decision unless the decision is:

2306 (A) arbitrary and capricious; or

2307 (B) illegal.

2308 (c) (i) A decision is arbitrary and capricious if the decision is not supported by
2309 substantial evidence in the record.

2310 (ii) A decision is illegal if the decision is:

2311 (A) based on an incorrect interpretation of a land use regulation; or

2312 (B) contrary to law.

2313 (d) (i) A court may affirm or reverse the decision of a land use authority.

2314 (ii) If the court reverses a denial of a land use application, the court shall remand the
2315 matter to the land use authority with instructions to issue an approval consistent with the court's
2316 decision.

2317 (4) The provisions of Subsection (2)(a) apply from the date on which the county takes
2318 final action on a land use application [~~for any adversely affected third party~~], if the county
2319 conformed with the notice provisions of Part 2, Notice, or for any person who had actual notice
2320 of the pending decision.

2321 (5) If the county has complied with Section [17-27a-205](#), a challenge to the enactment

2322 of a land use regulation or general plan may not be filed with the district court more than 30
2323 days after the enactment.

2324 (6) A challenge to a land use decision is barred unless the challenge is filed within 30
2325 days after the land use decision is final.

2326 (7) (a) The land use authority or appeal authority, as the case may be, shall transmit to
2327 the reviewing court the record of its proceedings, including its minutes, findings, orders and, if
2328 available, a true and correct transcript of its proceedings.

2329 (b) If the proceeding was recorded, a transcript of that recording is a true and correct
2330 transcript for purposes of this Subsection (7).

2331 (8) (a) (i) If there is a record, the district court's review is limited to the record provided
2332 by the land use authority or appeal authority, as the case may be.

2333 (ii) The court may not accept or consider any evidence outside the record of the land
2334 use authority or appeal authority, as the case may be, unless that evidence was offered to the
2335 land use authority or appeal authority, respectively, and the court determines that it was
2336 improperly excluded.

2337 (b) If there is no record, the court may call witnesses and take evidence.

2338 (9) (a) The filing of a petition does not stay the decision of the land use authority or
2339 appeal authority, as the case may be.

2340 (b) (i) Before filing a petition under this section or a request for mediation or
2341 arbitration of a constitutional taking issue under Section 13-43-204, [~~the aggrieved party~~] a
2342 land use applicant may petition the appeal authority to stay its decision.

2343 (ii) Upon receipt of a petition to stay, the appeal authority may order its decision stayed
2344 pending district court review if the appeal authority finds it to be in the best interest of the
2345 county.

2346 (iii) After a petition is filed under this section or a request for mediation or arbitration
2347 of a constitutional taking issue is filed under Section 13-43-204, the petitioner may seek an
2348 injunction staying the appeal authority's decision.

2349 (10) If the court determines that a party initiated or pursued a challenge to the decision
2350 on a land use application in bad faith, the court may award attorney fees.

2351 Section 31. Section 17-27a-802 is amended to read:

2352 **17-27a-802. Enforcement.**

2353 (1) (a) A county [~~or any adversely affected owner of real estate within the county in~~
 2354 ~~which violations of this chapter or ordinances enacted under the authority of this chapter occur~~
 2355 ~~or are about to occur~~] may, in addition to other remedies provided by law, institute:

- 2356 (i) injunctions, mandamus, abatement, or any other appropriate actions; or
 2357 (ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
 2358 (b) A county need only establish the violation to obtain the injunction.

2359 (2) (a) A county may enforce the county's ordinance by withholding a building permit.

2360 (b) It is unlawful to erect, construct, reconstruct, alter, or change the use of any
 2361 building or other structure within a county without approval of a building permit.

2362 (c) The county may not issue a building permit unless the plans of and for the proposed
 2363 erection, construction, reconstruction, alteration, or use fully conform to all regulations then in
 2364 effect.

2365 (d) A county may not deny an applicant a building permit or certificate of occupancy
 2366 because the applicant has not completed an infrastructure improvement:

- 2367 (i) that is not essential to meet the requirements for the issuance of a building permit or
 2368 certificate of occupancy under the building code and fire code; and
 2369 (ii) for which the county has accepted an improvement completion assurance for
 2370 landscaping or infrastructure improvements for the development.

2371 Section 32. Section **63I-2-217** is amended to read:

2372 **63I-2-217. Repeal dates -- Title 17.**

2373 (1) Section [17-22-32.2](#), regarding restitution reporting, is repealed January 1, 2021.

2374 (2) Section [17-22-32.3](#), regarding the Jail Incarceration and Transportation Costs Study
 2375 Council, is repealed January 1, 2021.

2376 (3) Subsection [17-27a-102\(1\)\(b\)](#), the language that states "or a designated mountainous
 2377 planning district" is repealed June 1, 2021.

2378 (4) (a) Subsection [17-27a-103\(18\)\(b\)](#), regarding a mountainous planning district, is
 2379 repealed June 1, 2021.

2380 (b) Subsection [17-27a-103\(42\)](#), regarding a mountainous planning district, is repealed
 2381 June 1, 2021.

2382 (5) Subsection [17-27a-210\(2\)\(a\)](#), the language that states "or the mountainous planning
 2383 district area" is repealed June 1, 2021.

2384 (6) (a) Subsection 17-27a-301(1)(b)(iii), regarding a mountainous planning district, is
2385 repealed June 1, 2021.

2386 (b) Subsection 17-27a-301(1)(c), regarding a mountainous planning district, is repealed
2387 June 1, 2021.

2388 (c) Subsection 17-27a-301(2)(a), the language that states "described in Subsection
2389 (1)(a) or (c)" is repealed June 1, 2021.

2390 (7) Section 17-27a-302, the language that states ", or mountainous planning district"
2391 and "or the mountainous planning district," is repealed June 1, 2021.

2392 (8) Subsection 17-27a-305(1)(a), the language that states "a mountainous planning
2393 district or" and ", as applicable" is repealed June 1, 2021.

2394 (9) (a) Subsection 17-27a-401(1)(b)(ii), regarding a mountainous planning district, is
2395 repealed June 1, 2021.

2396 (b) Subsection 17-27a-401(7), regarding a mountainous planning district, is repealed
2397 June 1, 2021.

2398 (10) (a) Subsection 17-27a-403(1)(b)(ii), regarding a mountainous planning district, is
2399 repealed June 1, 2021.

2400 (b) Subsection 17-27a-403(1)(c)(iii), regarding a mountainous planning district, is
2401 repealed June 1, 2021.

2402 (c) Subsection 17-27a-403(2)(a)(iii), the language that states "or the mountainous
2403 planning district" is repealed June 1, 2021.

2404 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
2405 district" is repealed June 1, 2021.

2406 (11) Subsection 17-27a-502(1)(d)(i)(B), regarding a mountainous planning district, is
2407 repealed June 1, 2021.

2408 (12) Subsection 17-27a-505.5(2)(a)(iii), regarding a mountainous planning district, is
2409 repealed June 1, 2021.

2410 (13) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
2411 mountainous planning district, the mountainous planning district" is repealed June 1, 2021.

2412 (14) Subsection 17-27a-604(1)(b)(i)(B), regarding a mountainous planning district, is
2413 repealed June 1, 2021.

2414 (15) Subsection 17-27a-605(1)(a), the language that states "or mountainous planning

2415 district land" is repealed June 1, 2021.

2416 (16) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
2417 2021.

2418 (17) On June 1, 2021, when making the changes in this section, the Office of
2419 Legislative Research and General Counsel shall:

2420 (a) in addition to its authority under Subsection 36-12-12(3):

2421 (i) make corrections necessary to ensure that sections and subsections identified in this
2422 section are complete sentences and accurately reflect the office's understanding of the

2423 Legislature's intent; and

2424 (ii) make necessary changes to subsection numbering and cross references; and

2425 (b) identify the text of the affected sections and subsections based upon the section and
2426 subsection numbers used in Laws of Utah 2017, Chapter 448.

2427 (18) Subsection 17-34-1(5)(d), regarding county funding of certain municipal services
2428 in a designated recreation area, is repealed June 1, 2021.

2429 (19) On June 1, 2020:

2430 (a) Section 17-52a-104 is repealed;

2431 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
2432 described in Subsection 17-52a-104(2)," is repealed;

2433 (c) Subsection 17-52a-301(3)(a)(vi) is repealed;

2434 (d) in Subsection 17-52a-501(1), the language that states "or, for a county under a
2435 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was
2436 in effect on March 14, 2018," is repealed; and

2437 (e) in Subsection 17-52a-501(3)(a), the language that states "or, for a county under a
2438 pending process described in Section 17-52a-104, the attorney's report that is described in
2439 Section 17-52-204 as that section was in effect on March 14, 2018 and that contains a
2440 statement described in Subsection 17-52-204(5) as that subsection was in effect on March 14,
2441 2018," is repealed.

2442 (20) On January 1, 2028, Subsection 17-52a-102(3) is repealed.

2443 Section 33. Section 63J-4-607 is amended to read:

2444 **63J-4-607. Resource management plan administration.**

2445 (1) The office shall consult with the Federalism Commission before expending funds

2446 appropriated by the Legislature for the implementation of this section.

2447 (2) To the extent that the Legislature appropriates sufficient funding, the office may
2448 procure the services of a non-public entity in accordance with Title 63G, Chapter 6a, Utah
2449 Procurement Code, to assist the office with the office's responsibilities described in Subsection
2450 (3).

2451 (3) The office shall:

2452 (a) assist each county with the creation of the county's resource management plan by:

2453 (i) consulting with the county on policy and legal issues related to the county's resource
2454 management plan; and

2455 (ii) helping the county ensure that the county's resource management plan meets the
2456 requirements of Subsection 17-27a-401(3);

2457 (b) promote quality standards among all counties' resource management plans; and

2458 (c) upon submission by a county, review and verify the county's:

2459 (i) estimated cost for creating a resource management plan; and

2460 (ii) actual cost for creating a resource management plan.

2461 (4) (a) A county shall cooperate with the office, or an entity procured by the office
2462 under Subsection (2), with regards to the office's responsibilities under Subsection (3).

2463 (b) To the extent that the Legislature appropriates sufficient funding, the office may, in
2464 accordance with Subsection (4)(c), provide funding to a county before the county completes a
2465 resource management plan.

2466 (c) The office may provide pre-completion funding described in Subsection (4)(b):

2467 (i) after:

2468 (A) the county submits an estimated cost for completing the resource management plan
2469 to the office; and

2470 (B) the office reviews and verifies the estimated cost in accordance with Subsection
2471 (3)(c)(i); and

2472 (ii) in an amount up to:

2473 (A) 50% of the estimated cost of completing the resource management plan, verified
2474 by the office; or

2475 (B) \$25,000, if the amount described in Subsection (4)(c)(i)(A) is greater than \$25,000.

2476 (d) To the extent that the Legislature appropriates sufficient funding, the office shall

- 2477 provide funding to a county in the amount described in Subsection (4)(e) after:
- 2478 (i) a county's resource management plan:
- 2479 (A) meets the requirements described in Subsection 17-27a-401(3); and
- 2480 (B) is adopted under Subsection 17-27a-404~~(6)~~(5)(d);
- 2481 (ii) the county submits the actual cost of completing the resource management plan to
- 2482 the office; and
- 2483 (iii) the office reviews and verifies the actual cost in accordance with Subsection
- 2484 (3)(c)(ii).
- 2485 (e) The office shall provide funding to a county under Subsection (4)(d) in an amount
- 2486 equal to the difference between:
- 2487 (i) the lesser of:
- 2488 (A) the actual cost of completing the resource management plan, verified by the office;
- 2489 or
- 2490 (B) \$50,000; and
- 2491 (ii) the amount of any pre-completion funding that the county received under
- 2492 Subsections (4)(b) and (c).
- 2493 (5) To the extent that the Legislature appropriates sufficient funding, after the deadline
- 2494 established in Subsection 17-27a-404~~(6)~~(5)(d) for a county to adopt a resource management
- 2495 plan, the office shall:
- 2496 (a) obtain a copy of each county's resource management plan;
- 2497 (b) create a statewide resource management plan that:
- 2498 (i) meets the same requirements described in Subsection 17-27a-401(3); and
- 2499 (ii) to the extent reasonably possible, coordinates and is consistent with any resource
- 2500 management plan or land use plan established under Chapter 8, State of Utah Resource
- 2501 Management Plan for Federal Lands; and
- 2502 (c) submit a copy of the statewide resource management plan to the Federalism
- 2503 Commission for review.
- 2504 (6) Following review of the statewide resource management plan, the Federalism
- 2505 Commission shall prepare a concurrent resolution approving the statewide resource
- 2506 management plan for consideration during the 2018 General Session.
- 2507 (7) To the extent that the Legislature appropriates sufficient funding, the office shall

2508 provide legal support to a county that becomes involved in litigation with the federal
2509 government over the requirements of Subsection 17-27a-405(3).

2510 (8) After the statewide resource management plan is approved, as described in
2511 Subsection (6), and to the extent that the Legislature appropriates sufficient funding, the office
2512 shall monitor the implementation of the statewide resource management plan at the federal,
2513 state, and local levels.