

LOCAL LAND USE AND DEVELOPMENT REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Stephen L. Whyte

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-408, as last amended by Laws of Utah 2022, Chapter 406

10-9a-530, as enacted by Laws of Utah 2021, Chapter 102

10-9a-608, as last amended by Laws of Utah 2022, Chapter 355

17-27a-408, as last amended by Laws of Utah 2022, Chapter 406

17-27a-526, as enacted by Laws of Utah 2021, Chapter 102

17-27a-608, as last amended by Laws of Utah 2022, Chapter 355

63I-2-210, as last amended by Laws of Utah 2022, Chapter 274

63I-2-217, as last amended by Laws of Utah 2022, Chapter 123

ENACTS:

10-9a-604.1, Utah Code Annotated 1953

10-9a-604.2, Utah Code Annotated 1953

10-9a-604.9, Utah Code Annotated 1953

17-27a-604.1, Utah Code Annotated 1953

17-27a-604.2, Utah Code Annotated 1953

17-27a-604.9, Utah Code Annotated 1953

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

Section 1. Section 10-9a-408 is amended to read:

10-9a-408. Moderate income housing report -- Contents -- Prioritization for funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.

(1) As used in this section:

(a) "Division" means the Housing and Community Development Division within the Department of Workforce Services.

(b) "Implementation plan" means the implementation plan adopted as part of the moderate income housing element of a specified municipality's general plan as provided in Subsection 10-9a-403(2)(c).

(c) "Moderate income housing report" or "report" means the report described in Subsection (2)(a).

(d) "Moderate income housing strategy" means a strategy described in Subsection 10-9a-403(2)(b)(iii).

(e) "Specified municipality" means:

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

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

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

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

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

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

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

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

(i) Davis County;

(ii) Morgan County;

(iii) Salt Lake County;

(iv) Tooele County; and

(v) Weber County; and

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

(i) Summit County;

(ii) Utah County; and

(iii) Wasatch County.

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

17-27a-608. Subdivision amendments.

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

(b) Upon filing a written petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section **17-27a-603** that:

- 1066 (i) depicts only the portion of the subdivision that is proposed to be amended;
1067 (ii) includes a plat name distinguishing the amended plat from the original plat;
1068 (iii) describes the differences between the amended plat and the original plat; and
1069 (iv) includes references to the original plat.
- 1070 (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide
1071 notice of the petition by mail, email, or other effective means to each affected entity that
1072 provides a service to an owner of record of the portion of the plat that is being amended at least
1073 10 calendar days before the land use authority may approve the petition for a subdivision
1074 amendment.
- 1075 (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
1076 public hearing within 45 days after the day on which the petition is filed if:
- 1077 (i) any owner within the plat notifies the county of the owner's objection in writing
1078 within 10 days of mailed notification; or
- 1079 (ii) a public hearing is required because all of the owners in the subdivision have not
1080 signed the revised plat.
- 1081 (e) A land use authority may not approve a petition for a subdivision amendment under
1082 this section unless the amendment identifies and preserves any easements owned by a culinary
1083 water authority and sanitary sewer authority for existing facilities located within the
1084 subdivision.
- 1085 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use
1086 authority may consider at a public meeting an owner's petition for a subdivision amendment if:
- 1087 (a) the petition seeks to:
- 1088 (i) join two or more of the petitioning fee owner's contiguous lots;
1089 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
1090 result in a violation of a land use ordinance or a development condition;
- 1091 (iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the
1092 fee owners of each of the adjoining properties join the petition, regardless of whether the
1093 properties are located in the same subdivision;

1094 (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
1095 imposed by the local political subdivision; or

1096 (v) alter the plat in a manner that does not change existing boundaries or other
1097 attributes of lots within the subdivision that are not:

1098 (A) owned by the petitioner; or

1099 (B) designated as a common area; and

1100 (b) notice has been given to adjoining property owners in accordance with any
1101 applicable local ordinance.

1102 (3) A petition under Subsection (1)(a) that contains a request to amend a public street
1103 or county utility easement is also subject to Section 17-27a-609.5.

1104 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or
1105 a portion of a plat shall include:

1106 (a) the name and address of each owner of record of the land contained in:

1107 (i) the entire plat; or

1108 (ii) that portion of the plan described in the petition; and

1109 (b) the signature of each owner who consents to the petition.

1110 (5) (a) The owners of record of adjoining properties where one or more of the
1111 properties is a lot may exchange title to portions of those properties if the exchange of title is
1112 approved by the land use authority as a lot line adjustment in accordance with Subsection
1113 (5)(b).

1114 (b) The land use authority shall approve ~~[an exchange of title]~~ a lot line adjustment
1115 under Subsection (5)(a) if the exchange of title will not result in a violation of any land use
1116 ordinance.

1117 (c) If ~~[an exchange of title]~~ a lot line adjustment is approved under Subsection (5)(b):

1118 (i) a notice of lot line adjustment approval shall be recorded in the office of the county
1119 recorder which:

1120 (A) is ~~[executed]~~ approved by ~~[each owner included in the exchange and by]~~ the land
1121 use authority; and

1122 ~~[(B) contains an acknowledgment for each party executing the notice in accordance~~
1123 ~~with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act, and]~~

1124 ~~[(C)]~~ (B) recites the legal descriptions of both the properties and the properties
1125 resulting from the exchange of title; and

1126 (ii) a document of conveyance of title reflecting the approved change shall be recorded
1127 in the office of the county recorder ~~[with an amended plat].~~

1128 (d) A notice of approval recorded under this Subsection (5) does not act as a
1129 conveyance of title to real property and is not required to record a document conveying title to
1130 real property.

1131 (6) (a) The name of a recorded subdivision may be changed by recording an amended
1132 plat making that change, as provided in this section and subject to Subsection (6)(c).

1133 (b) The surveyor preparing the amended plat shall certify that the surveyor:

1134 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
1135 Professional Land Surveyors Licensing Act;

1136 (ii) (A) has completed a survey of the property described on the plat in accordance with
1137 Section 17-23-17 and has verified all measurements; or

1138 (B) has referenced a record of survey map of the existing property boundaries shown
1139 on the plat and verified the locations of the boundaries; and

1140 (iii) has placed monuments as represented on the plat.

1141 (c) An owner of land may not submit for recording an amended plat that gives the
1142 subdivision described in the amended plat the same name as a subdivision recorded in the
1143 county recorder's office.

1144 (d) Except as provided in Subsection (6)(a), the recording of a declaration or other
1145 document that purports to change the name of a recorded plat is void.

1146 Section 13. Section **63I-2-210** is amended to read:

1147 **63I-2-210. Repeal dates: Title 10.**

1148 On January 1, 2025, Section 10-9a-604.9 is repealed.

1149 Section 14. Section **63I-2-217** is amended to read: