

# DRAFT AGENDA REGULAR MEETING OF THE PLANNING AND LAND USE COMMISSION TOWN OF CASTLE VALLEY

Date: Wednesday, March 8, 2023

**Time:** 6:30 PM

Place: CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE Electronic

Meeting Due to COVID-19

## **Electronic Meeting Determination**

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 54-2-207(4), Ryan Anderson, Chair of the Town of Castle Valley Planning and Land Use Commission, issues this Determination supporting the decision to convene an electronic meeting of the Planning and Land Use Commission via Zoom conference call without a physical anchor location. Due to the COVID-19 pandemic, Meetings at the anchor site may present substantial risk to public health and safety. Taking into consideration public health orders limiting in-person gatherings, the average "at risk" age of Town residents and the limited space in the Town building, the Planning and Land Use Commission will continue to hold meetings by electronic means. This determination expires 30 days after the day on which the Chairman has made the determination. The public can join the Zoom conference call Meetings or submit comments through emails.

Meeting ID: 660 541 0108 Passcode: 84532

Option 1 Dial-in phone number (US): (253) 215-8782 follow prompts.

Option 2 Join the online meeting (must have computer speakers and microphone): https://zoom.us/j/6605410108?pwd=Q05sYm5qQ0lpNlY5TVp2bTU5VnZjQT09

### CALL TO ORDER REGULAR MEETING

Determination and Roll Call

- 1. Adoption of Agenda
- 2. Open Public Comment
- 3. Approval of Minutes Regular Meeting 2.1.2023
- 4. Reports Correspondence: TBA
  - o Town Council Meeting Duncan
  - o Building Permit Agent Report Thompson
  - o Procedural Matters: TBA

#### **NEW BUSINESS**

5. Discussion re: bills passed in state legislature session affecting the town: S.B. 174 Local Land Use and Development Revisions; S.B. 199 Local Land Use Amendments; and H.B. 406 Land Use, Development, and Management Act

#### **UNFINISHED BUSINESS**

- 6. Follow-up discussion re: FEMA flood insurance
- 7. Discussion & Possible Action re: creating town survey
- 8. Dark Sky Application Update

**CLOSED MEETING** - If Needed

#### **ADJOURNMENT**

For Meeting Packets go to: https://www.utah.gov/pmn/index.html Government: select "Cities," Entity: select "Castle Valley," Body: select "Town of Castle Valley." Select this meeting and click on Meeting Packet to download.

I	LUCAL LAND USE AND DEVELOPMENT REVISIONS
2	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:
	<ul> <li>amends the penalties for noncompliance with the requirements applicable to a</li> </ul>
	political subdivision's moderate income housing report;
	<ul> <li>defines the circumstances under which a garage may be included in the definition of</li> </ul>
	an internal accessory dwelling unit;
	<ul> <li>amends a political subdivision's authority with respect to restrictions and</li> </ul>
	requirements for internal accessory dwelling units;
	<ul> <li>enacts a new process for subdivision review and approval; and</li> </ul>
	<ul><li>makes technical changes.</li></ul>
	Money Appropriated in this Bill:
	None
	Other Special Clauses:
	None
	<b>Utah Code Sections Affected:</b>
	AMENDS:



26	10-9a-408, as last amended by Laws of Utah 2022, Chapter 406	
27	10-9a-530, as enacted by Laws of Utah 2021, Chapter 102	
28	10-9a-608, as last amended by Laws of Utah 2022, Chapter 355	
29	17-27a-408, as last amended by Laws of Utah 2022, Chapter 406	
30	17-27a-526, as enacted by Laws of Utah 2021, Chapter 102	
31	17-27a-608, as last amended by Laws of Utah 2022, Chapter 355	
32	63I-2-210, as last amended by Laws of Utah 2022, Chapter 274	
33	63I-2-217, as last amended by Laws of Utah 2022, Chapter 123	
34	ENACTS:	
35	10-9a-604.1, Utah Code Annotated 1953	
36	10-9a-604.2, Utah Code Annotated 1953	
37	10-9a-604.9, Utah Code Annotated 1953	
38	17-27a-604.1, Utah Code Annotated 1953	
39	17-27a-604.2, Utah Code Annotated 1953	
40	17-27a-604.9, Utah Code Annotated 1953	
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41 42	Be it enacted by the Legislature of the state of Utah:	
	Be it enacted by the Legislature of the state of Utah:  Section 1. Section 10-9a-408 is amended to read:	
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42 43	Section 1. Section 10-9a-408 is amended to read:	
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42 43 44 45	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.	
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42 43 44 45 46 47	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	
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42 43 44 45 46 47 48 49 50 51 52 53	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).	

relevant data; and

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

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

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

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

municipality a notice of noncompliance under Subsection (6).

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

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

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

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

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

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

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

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

owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to

an owner of a primary dwelling to create an internal accessory dwelling unit, may record a

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

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

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

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

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

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- (ii) includes a plat name distinguishing the amended plat from the original plat;
  - (iii) describes the differences between the amended plat and the original plat; and
  - (iv) includes references to the original plat.
- (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the land use authority may approve the petition for a subdivision amendment.
- (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:
- (i) any owner within the plat notifies the municipality of the owner's objection in writing within 10 days of mailed notification; or
- (ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.
- (e) A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.
- (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:
  - (a) the petition seeks to:
  - (i) join two or more of the petitioner fee owner's contiguous lots;
- (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
- (iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join in the petition, regardless of whether the properties are located in the same subdivision;
- (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
- (v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:

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

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Subsection (2)(a).

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

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

(d) "Moderate income housing strategy" means a strategy described in Subsection

(e) "Specified county" means a county of the first, second, or third class, which has a

615	population of more than 5,000 in the county's unincorporated areas.
616	(2) (a) Beginning in 2022, on or before October 1 of each calendar year, the legislative
617	body of a specified county shall annually submit a written moderate income housing report to
618	the division.
619	(b) The moderate income housing report submitted in 2022 shall include:
620	(i) a description of each moderate income housing strategy selected by the specified
621	county for implementation; and
622	(ii) an implementation plan.
623	(c) The moderate income housing report submitted in each calendar year after 2022
624	shall include:
625	(i) the information required under Subsection (2)(b);
626	(ii) a description of each action, whether one-time or ongoing, taken by the specified
627	county during the previous fiscal year to implement the moderate income housing strategies
628	selected by the specified county for implementation;
629	(iii) a description of each land use regulation or land use decision made by the
630	specified county during the previous fiscal year to implement the moderate income housing
631	strategies, including an explanation of how the land use regulation or land use decision
632	supports the specified county's efforts to implement the moderate income housing strategies;
633	(iv) a description of any barriers encountered by the specified county in the previous
634	fiscal year in implementing the moderate income housing strategies; and
635	(v) information regarding the number of internal and external or detached accessory
636	dwelling units located within the specified county for which the specified county:
637	(A) issued a building permit to construct; or
638	(B) issued a business license to rent;
639	(vi) a description of how the market has responded to the selected moderate income
640	housing strategies, including the number of entitled moderate income housing units or other
641	relevant data; and
642	(vii) any recommendations on how the state can support the specified county in
643	implementing the moderate income housing strategies.

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

(i) approved by the division; and

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646 (ii) made available by the division on or before July 1 of the year in which the report is 647 required. 648 (3) Within 90 days after the day on which the division receives a specified county's 649 moderate income housing report, the division shall: 650 (a) post the report on the division's website; 651 (b) send a copy of the report to the Department of Transportation, the Governor's 652 Office of Planning and Budget, the association of governments in which the specified county is 653 located, and, if the unincorporated area of the specified county is located within the boundaries 654 of a metropolitan planning organization, the appropriate metropolitan planning organization; 655 and 656 (c) subject to Subsection (4), review the report to determine compliance with 657 Subsection (2). 658 (4) (a) The report described in Subsection (2)(b) complies with Subsection (2) if the 659 report: 660 (i) includes the information required under Subsection (2)(b): 661 (ii) demonstrates to the division that the specified county made plans to implement 662 three or more moderate income housing strategies; and 663 (iii) is in a form approved by the division. 664 (b) The report described in Subsection (2)(c) complies with Subsection (2) if the 665 report: 666 (i) includes the information required under Subsection (2)(c); 667 (ii) demonstrates to the division that the specified county made plans to implement 668 three or more moderate income housing strategies; 669 (iii) is in a form approved by the division; and 670 (iv) provides sufficient information for the division to: 671 (A) assess the specified county's progress in implementing the moderate income 672 housing strategies; 673 (B) monitor compliance with the specified county's implementation plan; 674 (C) identify a clear correlation between the specified county's land use decisions and 675 efforts to implement the moderate income housing strategies; and 676 (D) identify how the market has responded to the specified county's selected moderate

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for priority consideration.

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

(6) (a) If the division, after reviewing a specified county's moderate income housing

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(6)[.]; and

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

the day after the day on which the report was due; or

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

the cure was required to occur as described in the notice of noncompliance under Subsection

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

//0	(1) As used in this section:
771	(a) "Internal accessory dwelling unit" means an accessory dwelling unit created:
772	(i) within a primary dwelling;
773	(ii) within the footprint of the primary dwelling described in Subsection (1)(a)(i) at the
774	time the internal accessory dwelling unit is created; and
775	(iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.
776	(b) (i) "Primary dwelling" means a single-family dwelling that:
777	[ <del>(i)</del> ] (A) is detached; and
778	[(ii)] (B) is occupied as the primary residence of the owner of record.
779	(ii) "Primary dwelling" includes a garage if the garage:
780	(A) is a habitable space; and
781	(B) is connected to the primary dwelling by a common wall.
782	(2) In any area zoned primarily for residential use:
783	(a) the use of an internal accessory dwelling unit is a permitted use; [and]
784	(b) except as provided in Subsections (3) and (4), a county may not establish any
785	restrictions or requirements for the construction or use of one internal accessory dwelling unit
786	within a primary dwelling, including a restriction or requirement governing:
787	(i) the size of the internal accessory dwelling unit in relation to the primary dwelling;
788	(ii) total lot size; [or]
789	(iii) street frontage[-]; or
790	(iv) internal connectivity; and
791	(c) a county's regulation of architectural elements for internal accessory dwelling units
792	shall be consistent with the regulation of single family units, including single family units
793	located in historic districts.
794	(3) An internal accessory dwelling unit shall comply with all applicable building,
795	health, and fire codes.
796	(4) A county may:
797	(a) prohibit the installation of a separate utility meter for an internal accessory dwelling
798	unit;
799	(b) require that an internal accessory dwelling unit be designed in a manner that does
800	not change the appearance of the primary dwelling as a single-family dwelling;

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accordance with Subsection (5); and

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

(k) hold a lien against a property that contains an internal accessory dwelling unit in

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

(A) that the owner may file a written objection to the violation within 14 days after the

day on which the written notice of violation is post-marked or posted on the property; and

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

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

for preliminary subdivision applications and final subdivision applications; and

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

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

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

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(i) Davis County;

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

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

1049	(ii) Morgan County;
1050	(iii) Salt Lake County;
1051	(iv) Tooele County; and
1052	(v) Weber County; and
1053	(c) a county that is a member of the Mountainland Association of Governments,
1054	including:
1055	(i) Summit County;
1056	(ii) Utah County; and
1057	(iii) Wasatch County.
1058	Section 12. Section 17-27a-608 is amended to read:
1059	17-27a-608. Subdivision amendments.
1060	(1) (a) A fee owner of a lot, as shown on the last county assessment roll, in a plat that
1061	has been laid out and platted as provided in this part may file a written petition with the land
1062	use authority to request a subdivision amendment.
1063	(b) Upon filing a written petition to request a subdivision amendment under Subsection
1064	(1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in
1065	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

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

1111	properties is a lot may exchange title to portions of those properties if the exchange of title is
1112	approved by the land use authority as a lot line adjustment in accordance with Subsection
1113	(5)(b).
1114	(b) The land use authority shall approve [an exchange of title] a lot line adjustment
1115	under Subsection (5)(a) if the exchange of title will not result in a violation of any land use
1116	ordinance.
1117	(c) If [an exchange of title] a lot line adjustment is approved under Subsection (5)(b):
1118	(i) a notice of <u>lot line adjustment</u> approval shall be recorded in the office of the county
1119	recorder which:
1120	(A) is [executed] approved by [each owner included in the exchange and by] the land
1121	use authority; 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	[ <del>(C)</del> ] <u>(B)</u> 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.

(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:
1150	63I-2-217. Repeal dates: Title 17.
1151	[(1) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed
1152	<del>January 1, 2022.</del> ]
1153	(1) On January 1, 2022, Title 17, Chapter 35b, Consolidation of Local Government
1154	Units, is repealed.
1155	[(2) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to
1156	initiate a change of form of government process by July 1, 2018, is repealed.]
1157	[ <del>(3)</del> ] <u>(2)</u> On June 1, 2022:
1158	(a) Section 17-52a-104 is repealed;
1159	(b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
1160	described in Subsection 17-52a-104(1)(b) or (2)(b)," is repealed; and
1161	(c) Subsection 17-52a-301(3)(a)(iv), regarding the first initiated process, is repealed.
1162	(3) On January 1, 2025, Section 17-27a-604.9 is repealed.
1163	(4) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to initiate
1164	a change of form of government process by July 1, 2018, is repealed.

♣ Approved for Filing: G.N. Gunn♣ 02-08-23 3:31 PM♣

1	LOCAL LAND USE AMENDMENTS
2	2023 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Michael K. McKell
5	House Sponsor: Mike Schultz
6 7	LONG TITLE
8	General Description:
9	This bill modifies provisions regarding referenda.
10	Highlighted Provisions:
11	This bill:
12	► disallows referral of a referendum to voters for $\hat{H}$ [a land use law] municipal land use
12a	<u>laws</u> ← $\hat{H}$ that passed by a
13	$\hat{H} \rightarrow [two-thirds]$ unanimous $\leftarrow \hat{H}$ vote of the local legislative body.
14	Money Appropriated in this Bill:
15	None
16	Other Special Clauses:
17	None
18	<b>Utah Code Sections Affected:</b>
19	AMENDS:
20	20A-7-602.8, as last amended by Laws of Utah 2022, Chapters 325, 406
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22	Be it enacted by the Legislature of the state of Utah:
23	Section 1. Section <b>20A-7-602.8</b> is amended to read:
24	20A-7-602.8. Referability to voters of local land use law.
25	(1) Within 20 days after the day on which an eligible voter files an application to
26	circulate a referendum petition under Section 20A-7-602 for a land use law, counsel for the



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county, city, town, or metro township to which the referendum pertains shall:

28 (a) review the application to determine whether the proposed referendum is legally 29 referable to voters; and 30 (b) notify the first three sponsors, in writing, whether the proposed referendum is: 31 (i) legally referable to voters; or (ii) rejected as not legally referable to voters. 32 33 (2) (a) Subject to Subsection (2)(b), for a land use law, a proposed referendum is 34 legally referable to voters unless: 35 (i) the proposed referendum challenges an action that is administrative, rather than 36 legislative, in nature; 37 (ii) the proposed referendum challenges a land use decision, rather than a land use 38 regulation, as those terms are defined in Section 10-9a-103 or 17-27a-103; 39 (iii) the proposed referendum challenges more than one law passed by the local 40 legislative body; or 41 (iv) the application for the proposed referendum was not timely filed or does not 42 comply with the requirements of this part. 43 (b) In addition to the limitations of Subsection (2)(a), a proposed referendum is not 44 legally referable to voters for a  $\hat{H}\rightarrow$ : (i) municipal  $\leftarrow \hat{H}$  land use law, as defined in Section 20A-7-101,  $\hat{H} \rightarrow$  if the land use law 44a was passed by a unanimous vote of the local legislative body;  $\leftarrow \hat{H}$  or 44b  $\hat{H} \rightarrow (ii)$  [a]  $\leftarrow \hat{H}$  transit area 44c land use law, as defined in Section 20A-7-601, if the  $\hat{H} \rightarrow [land use law or] \leftarrow \hat{H}$  transit area land use 45 45a was passed by a two-thirds vote of the local legislative body. 46 47 (3) After the end of the 20-day period described in Subsection (1), a county, city, town, 48 or metro township may not, for a land use law: 49 (a) reject a proposed referendum as not legally referable to voters; or 50 (b) except as provided in Subsection (4), challenge, in a legal action or otherwise, a 51 proposed referendum on the grounds that the proposed referendum is not legally referable to 52 voters. 53 (4) (a) If a county, city, town, or metro township rejects a proposed referendum 54 concerning a land use law, a sponsor of the proposed referendum may, within seven days after 55 the day on which a sponsor is notified under Subsection (1)(b), challenge or appeal the decision 56 to: 57 (i) the Supreme Court, by means of an extraordinary writ, if possible; or

(ii) a district court, if the sponsor is prohibited from pursuing an extraordinary writ

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59	under Subsection	(4)(a)(i).
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(b) Failure of a sponsor to timely challenge or appeal a rejection under Subsection	
(4)(a) terminates the referendum.	

(5) If, on challenge or appeal, the court determines that the proposed referendum is
legally referable to voters, the local clerk shall comply with Subsection 20A-7-604(3), or give
the sponsors access to the website defined in Section 20A-21-101, within five days after the
day on which the determination, and any challenge or appeal of the determination, is final.

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LAND USE, DEVELOPMENT, AND MANAGEMENT ACT

**MODIFICATIONS** 

2023 GENERAL SESSION

STATE OF UTAH



None

**Other Special Clauses:** 

26	None
27	<b>Utah Code Sections Affected:</b>
28	AMENDS:
29	10-2-401, as last amended by Laws of Utah 2021, Chapter 112
30	10-2-402, as last amended by Laws of Utah 2021, Chapter 112
31	10-2-403, as last amended by Laws of Utah 2021, Chapter 112
32	10-2-405, as last amended by Laws of Utah 2021, Chapter 112
33	10-2-407, as last amended by Laws of Utah 2022, Chapter 355
34	10-2-408, as last amended by Laws of Utah 2021, Chapter 112
35	10-2-416, as last amended by Laws of Utah 2015, Chapter 352
36	10-9a-103, as last amended by Laws of Utah 2022, Chapters 355, 406
37	10-9a-504, as renumbered and amended by Laws of Utah 2005, Chapter 254
38	10-9a-508, as last amended by Laws of Utah 2016, Chapter 350
39	10-9a-509, as last amended by Laws of Utah 2022, Chapters 325, 355 and 406
40	10-9a-532, as enacted by Laws of Utah 2021, Chapter 385
41	10-9a-534, as enacted by Laws of Utah 2021, First Special Session, Chapter 3
42	10-9a-604.5, as last amended by Laws of Utah 2019, Chapter 384
43	17-27a-103, as last amended by Laws of Utah 2022, Chapter 406
44	17-27a-504, as renumbered and amended by Laws of Utah 2005, Chapter 254
45	17-27a-507, as last amended by Laws of Utah 2013, Chapter 309
46	17-27a-508, as last amended by Laws of Utah 2022, Chapters 325, 355 and 406
47	17-27a-528, as enacted by Laws of Utah 2021, Chapter 385
48	17-27a-530, as enacted by Laws of Utah 2021, First Special Session, Chapter 3
49	17-27a-604.5, as last amended by Laws of Utah 2020, Chapter 354
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51	Be it enacted by the Legislature of the state of Utah:
52	Section 1. Section 10-2-401 is amended to read:
53	10-2-401. Definitions Property owner provisions.
54	(1) As used in this part:
55	(a) "Affected entity" means:
56	(i) a county of the first or second class in whose unincorporated area the area proposed

57 for annexation is located;

- (ii) a county of the third, fourth, fifth, or sixth class in whose unincorporated area the area proposed for annexation is located, if the area includes residents or commercial or industrial development;
- (iii) a local district under Title 17B, Limited Purpose Local Government Entities -Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, whose boundary includes any part of an area proposed for annexation;
- (iv) a school district whose boundary includes any part of an area proposed for annexation, if the boundary is proposed to be adjusted as a result of the annexation; and
- (v) a municipality whose boundaries are within 1/2 mile of an area proposed for annexation.
- (b) "Annexation petition" means a petition under Section 10-2-403 proposing the annexation to a municipality of a contiguous, unincorporated area that is contiguous to the municipality.
- (c) "Commission" means a boundary commission established under Section 10-2-409 for the county in which the property that is proposed for annexation is located.
- (d) "Expansion area" means the unincorporated area that is identified in an annexation policy plan under Section 10-2-401.5 as the area that the municipality anticipates annexing in the future.
- (e) "Feasibility consultant" means a person or firm with expertise in the processes and economics of local government.
- (f) "Mining protection area" means the same as that term is defined in Section 17-41-101.
- (g) "Municipal selection committee" means a committee in each county composed of the mayor of each municipality within that county.
- (h) "Planning advisory area" means the same as that term is defined in Section 17-27a-306.
- (i) "Private," with respect to real property, means not owned by the United States or any agency of the federal government, the state, a county, a municipality, a school district, a local district under Title 17B, Limited Purpose Local Government Entities Local Districts, a special service district under Title 17D, Chapter 1, Special Service District Act, or any other

00	pointical subdivision of governmental entity of the state.
89	(j) (i) "Rural real property" means [the same as that term is defined in Section
90	17B-2a-1107:] a group of contiguous tax parcels, or a single tax parcel, that:
91	(A) are under common ownership;
92	(B) consist of no less than 1,000 total acres;
93	(C) are zoned for manufacturing or agricultural purposes; and
94	(D) do not have a residential unit density greater than one unit per acre.
95	(ii) "Rural real property" includes any portion of private real property, if the private
96	real property:
97	(A) qualifies as rural real property under Subsection (1)(j)(i); and
98	(B) consists of more than 1,500 total acres.
99	(k) "Specified county" means a county of the second, third, fourth, fifth, or sixth class.
100	(l) "Unincorporated peninsula" means an unincorporated area:
101	(i) that is part of a larger unincorporated area;
102	(ii) that extends from the rest of the unincorporated area of which it is a part;
103	(iii) that is surrounded by land that is within a municipality, except where the area
104	connects to and extends from the rest of the unincorporated area of which it is a part; and
105	(iv) whose width, at any point where a straight line may be drawn from a place where it
106	borders a municipality to another place where it borders a municipality, is no more than 25% of
107	the boundary of the area where it borders a municipality.
108	(m) "Urban development" means:
109	(i) a housing development with more than 15 residential units and an average density
110	greater than one residential unit per acre; or
111	(ii) a commercial or industrial development for which cost projections exceed
112	\$750,000 for all phases.
113	(2) For purposes of this part:
114	(a) the owner of real property shall be:
115	(i) except as provided in Subsection (2)(a)(ii), the record title owner according to the
116	records of the county recorder on the date of the filing of the petition or protest; or
117	(ii) the lessee of military land, as defined in Section 63H-1-102, if the area proposed
118	for annexation includes military land that is within a project area described in a project area

119 plan adopted by the military installation development authority under Title 63H, Chapter 1, 120 Military Installation Development Authority Act; and 121 (b) the value of private real property shall be determined according to the last 122 assessment roll for county taxes before the filing of the petition or protest. 123 (3) For purposes of each provision of this part that requires the owners of private real 124 property covering a percentage or majority of the total private land area within an area to sign a 125 petition or protest: 126 (a) a parcel of real property may not be included in the calculation of the required 127 percentage or majority unless the petition or protest is signed by: 128 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority 129 ownership interest in that parcel; or 130 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number 131 of owners of that parcel: 132 (b) the signature of a person signing a petition or protest in a representative capacity on 133 behalf of an owner is invalid unless: 134 (i) the person's representative capacity and the name of the owner the person represents 135 are indicated on the petition or protest with the person's signature; and 136 (ii) the person provides documentation accompanying the petition or protest that 137 substantiates the person's representative capacity; and 138 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a 139 petition or protest on behalf of a deceased owner. 140 Section 2. Section 10-2-402 is amended to read: 141 10-2-402. Annexation -- Limitations. 142 (1) (a) A contiguous, unincorporated area that is contiguous to a municipality may be 143 annexed to the municipality as provided in this part. 144 (b) Except as provided in Subsection (1)(c), an unincorporated area may not be 145 annexed to a municipality unless: 146 (i) the unincorporated area is a contiguous area; 147 (ii) the unincorporated area is contiguous to the municipality; 148 (iii) annexation will not leave or create an unincorporated island or unincorporated 149 peninsula:

150	(A) except as provided in Subsection 10-2-418(3);
151	(B) except where an unincorporated island or peninsula existed before the annexation,
152	if the annexation will reduce the size of the unincorporated island or peninsula; or
153	[(B)] (C) unless the county and municipality have otherwise agreed; and
154	(iv) for an area located in a specified county, the area is within the proposed annexing
155	municipality's expansion area.
156	(c) A municipality may annex an unincorporated area within a specified county that
157	does not meet the requirements of Subsection (1)(b), leaving or creating an unincorporated
158	island or unincorporated peninsula, if:
159	(i) the area is within the annexing municipality's expansion area;
160	(ii) the specified county in which the area is located and the annexing municipality
161	agree to the annexation;
162	(iii) the area is not within the area of another municipality's annexation policy plan,
163	unless the other municipality agrees to the annexation; and
164	(iv) the annexation is for the purpose of providing municipal services to the area.
165	(2) Except as provided in Section 10-2-418, a municipality may not annex an
166	unincorporated area unless a petition under Section 10-2-403 is filed requesting annexation.
167	(3) (a) An annexation under this part may not include part of a parcel of real property
168	and exclude part of that same parcel unless the owner of that parcel has signed the annexation
169	petition under Section 10-2-403.
170	(b) A piece of real property that has more than one parcel number is considered to be a
171	single parcel for purposes of Subsection (3)(a) if owned by the same owner.
172	(4) A municipality may not annex an unincorporated area in a specified county for the
173	sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to
174	annex the same or a related area unless the municipality has the ability and intent to benefit the
175	annexed area by providing municipal services to the annexed area.
176	(5) (a) As used in this subsection, "expansion area urban development" means:
177	(i) for a specified county, urban development within a city or town's expansion area; or
178	(ii) for a county of the first class, urban development within a city or town's expansion
179	area that:

(A) consists of 50 or more acres;

- (B) requires the county to change the zoning designation of the land on which the urban development is located; and
- (C) does not include commercial or industrial development that is located within a mining protection area as defined in Section 17-41-101, regardless of whether the commercial or industrial development is for a mining use as defined in Section 17-41-101.
- (b) A county legislative body may not approve expansion area urban development unless:
  - (i) the county notifies the city or town of the proposed development; and
  - (ii) (A) the city or town consents in writing to the development;
- (B) within 90 days after the county's notification of the proposed development, the city or town submits to the county a written objection to the county's approval of the proposed development and the county responds in writing to the city or town's objection; or
- (C) the city or town fails to respond to the county's notification of the proposed development within 90 days after the day on which the county provides the notice.
- (6) (a) As used in this Subsection (6), "airport" means an area that the Federal Aviation Administration has, by a record of decision, approved for the construction or operation of a Class I, II, or III commercial service airport, as designated by the Federal Aviation Administration in 14 C.F.R. Part 139.
- (b) A municipality may not annex an unincorporated area within 5,000 feet of the center line of any runway of an airport operated or to be constructed and operated by another municipality unless the legislative body of the other municipality adopts a resolution consenting to the annexation.
- (c) A municipality that operates or intends to construct and operate an airport and does not adopt a resolution consenting to the annexation of an area described in Subsection (6)(b) may not deny an annexation petition proposing the annexation of that same area to that municipality.
- (7) (a) As used in this Subsection (7), "project area" means a project area as defined in Section 63H-1-102 that is in a project area plan as defined in Section 63H-1-102 adopted by the Military Installation Development Authority under Title 63H, Chapter 1, Military Installation Development Authority Act.
  - (b) A municipality may not annex an unincorporated area located within a project area

212	without the authority's approval.
213	(c) (i) Except as provided in Subsection (7)(c)(ii), the Military Installation
214	Development Authority may petition for annexation of the following areas to a municipality as
215	if the Military Installation Development Authority was the sole private property owner within
216	the area:
217	(A) an area within a project area;
218	(B) an area that is contiguous to a project area and within the boundaries of a military
219	installation;
220	(C) an area owned by the Military Installation Development Authority; and
221	(D) an area that is contiguous to an area owned by the Military Installation
222	Development Authority that the Military Installation Development Authority plans to add to an
223	existing project area.
224	(ii) If any portion of an area annexed under a petition for annexation filed by the
225	Military Installation Development Authority is located in a specified county:
226	(A) the annexation process shall follow the requirements for a specified county; and
227	(B) the provisions of Section 10-2-402.5 do not apply.
228	(8) A municipality may not annex an unincorporated area if:
229	(a) the area is proposed for incorporation in:
230	(i) a feasibility study conducted under Section 10-2a-205; or
231	(ii) a supplemental feasibility study conducted under Section 10-2a-206;
232	(b) the lieutenant governor completes the first public hearing on the proposed
233	incorporation under Subsection 10-2a-207(4); and
234	(c) the time period for a specified landowner, as defined in Section 10-2a-203, to
235	request that the lieutenant governor exclude the specified landowner's property from the
236	proposed incorporation under Subsection 10-2a-207(5)(a) has expired.
237	Section 3. Section 10-2-403 is amended to read:
238	10-2-403. Annexation petition Requirements Notice required before filing.
239	(1) Except as provided in Section 10-2-418, the process to annex an unincorporated
240	area to a municipality is initiated by a petition as provided in this section.
241	(2) (a) (i) Before filing a petition under Subsection (1), the person or persons intending
242	to file a petition shall:

243 (A) file with the city recorder or town clerk of the proposed annexing municipality a 244 notice of intent to file a petition; and 245 (B) send a copy of the notice of intent to each affected entity. 246 (ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the 247 area that is proposed to be annexed. 248 (b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be 249 annexed is located shall: 250 (A) mail the notice described in Subsection (2)(b)(iii) to: 251 (I) each owner of real property located within the area proposed to be annexed; and 252 (II) each owner of real property located within 300 feet of the area proposed to be 253 annexed; and 254 (B) send to the proposed annexing municipality a copy of the notice and a certificate 255 indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A). (ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20 256 257 days after receiving from the person or persons who filed the notice of intent: 258 (A) a written request to mail the required notice; and 259 (B) payment of an amount equal to the county's expected actual cost of mailing the 260 notice. 261 (iii) Each notice required under Subsection (2)(b)(i)(A) shall: 262 (A) be in writing: 263 (B) state, in bold and conspicuous terms, substantially the following: 264 "Attention: Your property may be affected by a proposed annexation. 265 Records show that you own property within an area that is intended to be included in a 266 proposed annexation to (state the name of the proposed annexing municipality) or that is within 267 300 feet of that area. If your property is within the area proposed for annexation, you may be 268 asked to sign a petition supporting the annexation. You may choose whether to sign the 269 petition. By signing the petition, you indicate your support of the proposed annexation. If you 270 sign the petition but later change your mind about supporting the annexation, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk 271 272 of (state the name of the proposed annexing municipality) within 30 days after (state the name

of the proposed annexing municipality) receives notice that the petition has been certified.

There will be no public election on the proposed annexation because Utah law does not provide for an annexation to be approved by voters at a public election. Signing or not signing the annexation petition is the method under Utah law for the owners of property within the area proposed for annexation to demonstrate their support of or opposition to the proposed annexation.

You may obtain more information on the proposed annexation by contacting (state the name, mailing address, telephone number, and email address of the official or employee of the proposed annexing municipality designated to respond to questions about the proposed annexation), (state the name, mailing address, telephone number, and email address of the county official or employee designated to respond to questions about the proposed annexation), or (state the name, mailing address, telephone number, and email address of the person who filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the notice of intent, one of those persons). Once filed, the annexation petition will be available for inspection and copying at the office of (state the name of the proposed annexing municipality) located at (state the address of the municipal offices of the proposed annexing municipality)."; and

- (C) be accompanied by an accurate map identifying the area proposed for annexation.
- (iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any other information or materials related or unrelated to the proposed annexation.
- (c) (i) After receiving the certificate from the county as provided in Subsection (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for the annexation proposed in the notice of intent.
- (ii) An annexation petition provided by the proposed annexing municipality may be duplicated for circulation for signatures.
  - (3) Each petition under Subsection (1) shall:
- (a) be filed with the applicable city recorder or town clerk of the proposed annexing municipality;
- (b) contain the signatures of, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government, the owners of all the publicly owned real property, or the owners of private real property that:

305 (i) is located within the area proposed for annexation; 306 (ii) (A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land area 307 within the area proposed for annexation; 308 (B) covers 100% of all of the rural real property within the area proposed for 309 annexation; and 310 (C) covers 100% of all of the private land area within the area proposed for annexation[, if the area is within an agriculture protection area created under Title 17, Chapter 311 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas,] or a migratory 312 313 bird production area created under Title 23, Chapter 28, Migratory Bird Production Area; and (iii) is equal in value to at least 1/3 of the value of all private real property within the 314 315 area proposed for annexation; 316 (c) be accompanied by: 317 (i) an accurate and recordable map, prepared by a licensed surveyor in accordance with 318 Section 17-23-20, of the area proposed for annexation; and 319 (ii) a copy of the notice sent to affected entities as required under Subsection 320 (2)(a)(i)(B) and a list of the affected entities to which notice was sent; 321 (d) contain on each signature page a notice in bold and conspicuous terms that states 322 substantially the following: 323 "Notice: 324 • There will be no public election on the annexation proposed by this petition because 325 Utah law does not provide for an annexation to be approved by voters at a public election. • If you sign this petition and later decide that you do not support the petition, you may 326 327 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality). If you choose to withdraw your 328 329 signature, you shall do so no later than 30 days after (state the name of the proposed annexing 330 municipality) receives notice that the petition has been certified."; 331 (e) if the petition proposes a cross-county annexation, as defined in Section 10-2-402.5, 332 be accompanied by a copy of the resolution described in Subsection 10-2-402.5(4)(a)(iii)(A); 333 and 334 (f) designate up to five of the signers of the petition as sponsors, one of whom shall be 335 designated as the contact sponsor, and indicate the mailing address of each sponsor.

336	(4) A petition under Subsection (1) may not propose the annexation of all or part of an
337	area proposed for annexation to a municipality in a previously filed petition that has not been
338	denied, rejected, or granted.
339	(5) If practicable and feasible, the boundaries of an area proposed for annexation shall
340	be drawn:
341	(a) along the boundaries of existing local districts and special service districts for
342	sewer, water, and other services, along the boundaries of school districts whose boundaries
343	follow city boundaries or school districts adjacent to school districts whose boundaries follow
344	city boundaries, and along the boundaries of other taxing entities;
345	(b) to eliminate islands and peninsulas of territory that is not receiving municipal-type
346	services;
347	(c) to facilitate the consolidation of overlapping functions of local government;
348	(d) to promote the efficient delivery of services; and
349	(e) to encourage the equitable distribution of community resources and obligations.
350	(6) On the date of filing, the petition sponsors shall deliver or mail a copy of the
351	petition to the clerk of the county in which the area proposed for annexation is located.
352	(7) A property owner who signs an annexation petition may withdraw the owner's
353	signature by filing a written withdrawal, signed by the property owner, with the city recorder or
354	town clerk no later than 30 days after the municipal legislative body's receipt of the notice of
355	certification under Subsection 10-2-405(2)(c)(i).
356	Section 4. Section 10-2-405 is amended to read:
357	10-2-405. Acceptance or denial of an annexation petition Petition certification
358	process Modified petition.
359	(1) (a) (i) A municipal legislative body may:
360	(A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or
361	(B) accept the petition for further consideration under this part.
362	(ii) A petition shall be considered to have been accepted for further consideration under
363	this part if a municipal legislative body fails to act to deny or accept the petition under
364	Subsection (1)(a)(i):
365	(A) in the case of a city of the first or second class, within 14 days after the filing of the
366	petition; or

- (B) in the case of a city of the third, fourth, or fifth class, a town, or a metro township, at the next regularly scheduled meeting of the municipal legislative body that is at least 14 days after the date the petition was filed.
- (b) If a municipal legislative body denies a petition under Subsection (1)(a)(i), it shall, within five days after the denial, mail written notice of the denial to:
  - (i) the contact sponsor; and
  - (ii) the clerk of the county in which the area proposed for annexation is located.
- (2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i) or is considered to have accepted the petition under Subsection (1)(a)(ii), the city recorder or town clerk, as the case may be, shall, within 30 days after that acceptance:
- (a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the area proposed for annexation is located the records the city recorder or town clerk needs to determine whether the petition meets the requirements of Subsections 10-2-403(3) and (4);
- (b) with the assistance of the municipal attorney, determine whether the petition meets the requirements of Subsections 10-2-403(3) and (4); and
- (c) (i) if the city recorder or town clerk determines that the petition meets those requirements, certify the petition and mail or deliver written notification of the certification to the municipal legislative body, the contact sponsor, and the county legislative body; or
- (ii) if the city recorder or town clerk determines that the petition fails to meet any of those requirements, reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the municipal legislative body, the contact sponsor, and the county legislative body.
- (3) (a) (i) If the city recorder or town clerk rejects a petition under Subsection (2)(c)(ii), the petition may be modified to correct the deficiencies for which it was rejected and then refiled with the city recorder or town clerk, as the case may be.
- (ii) A signature on an annexation petition filed under Section 10-2-403 may be used toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as modified under Subsection (3)(a)(i).
- (b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city recorder or town clerk under Subsection (2)(c)(ii), the refiled petition shall be treated as a newly filed petition under Subsection 10-2-403(1).

398	(4) Any vote by a municipal legislative body to deny a petition under this part may be
399	recalled and set for reconsideration by a majority of the voting members of the municipal
400	legislative body.
401	[(4)] (5) Each county assessor, clerk, surveyor, and recorder shall provide copies of
402	records that a city recorder or town clerk requests under Subsection (2)(a).
403	Section 5. Section 10-2-407 is amended to read:
404	10-2-407. Protest to annexation petition Planning advisory area planning
405	commission recommendation Petition requirements Disposition of petition if no
406	protest filed.
407	(1) A protest to an annexation petition under Section 10-2-403 may only be filed by:
408	(a) the legislative body or governing board of an affected entity;
409	(b) an owner of rural real property located within the area proposed for annexation;
410	(c) for a proposed annexation of an area within a county of the first class, an owner of
411	private real property that:
412	(i) is located in the unincorporated area within 1/2 mile of the area proposed for
413	annexation;
414	(ii) covers at least 25% of the private land area located in the unincorporated area
415	within 1/2 mile of the area proposed for annexation; and
416	(iii) is equal in value to at least 15% of all real property located in the unincorporated
417	area within 1/2 mile of the area proposed for annexation; or
418	(d) an owner of private real property located in a mining protection area.
419	(2) Each protest under Subsection (1) shall:
420	(a) be filed:
421	(i) no later than 30 days after the municipal legislative body's receipt of the notice of
422	certification under Subsection 10-2-405(2)(c)(i); and
423	(ii) (A) in a county that has already created a commission under Section 10-2-409, with
424	the commission; or
425	(B) in a county that has not yet created a commission under Section 10-2-409, with the
426	clerk of the county in which the area proposed for annexation is located;
427	(b) state each reason for the protest of the annexation petition and, if the area proposed
428	to be annexed is located in a specified county, justification for the protest under the standards

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- (c) if the area proposed to be annexed is located in a specified county, contain other information that the commission by rule requires or that the party filing the protest considers pertinent; and
- (d) contain the name and address of a contact person who is to receive notices sent by the commission with respect to the protest proceedings.
- (3) The party filing a protest under this section shall on the same date deliver or mail a copy of the protest to the city recorder or town clerk of the proposed annexing municipality.
  - (4) Each clerk who receives a protest under Subsection (2)(a)(ii)(B) shall:
  - (a) immediately notify the county legislative body of the protest; and
  - (b) deliver the protest to the boundary commission within five days after:
  - (i) receipt of the protest, if the boundary commission has previously been created; or
- (ii) creation of the boundary commission under Subsection 10-2-409(1)(b), if the boundary commission has not previously been created.
  - (5) (a) If a protest is filed under this section:
- (i) the municipal legislative body may, at its next regular meeting after expiration of the deadline under Subsection (2)(a)(i), deny the annexation petition; or
- (ii) if the municipal legislative body does not deny the annexation petition under Subsection (5)(a)(i), the municipal legislative body may take no further action on the annexation petition until after receipt of the commission's notice of its decision on the protest under Section 10-2-416.
- (b) If a municipal legislative body denies an annexation petition under Subsection (5)(a)(i), the municipal legislative body shall, within five days after the denial, send notice of the denial in writing to:
  - (i) the contact sponsor of the annexation petition;
- 454 (ii) the commission; and
  - (iii) each entity that filed a protest.
- 456 (6) If no timely protest is filed under this section, the municipal legislative body may, 457 subject to Subsection (7), approve the petition.
- 458 (7) Before approving an annexation petition under Subsection (6), the municipal legislative body shall hold a public hearing and provide notice of the public hearing:

460	(a) (i) at least seven days before the day of the public hearing, by posting one notice,
461	and at least one additional notice per 2,000 population within the municipality and the area
462	proposed for annexation, in places within that combined area that are most likely to give notice
463	to the residents within, and the owners of real property located within, the combined area,
464	subject to a maximum of 10 notices; or
465	(ii) at least 10 days before the day of the public hearing, by mailing the notice to each
466	residence within, and to each owner of real property located within, the combined area
467	described in Subsection (7)(a)(i);
468	(b) by posting notice on the Utah Public Notice Website, created in Section
469	63A-16-601, for seven days before the day of the public hearing; and
470	(c) if the municipality has a website, by posting notice on the municipality's website for
471	seven days before the day of the public hearing.
472	(8) (a) Subject to Subsection (8)(b), only a person or entity that is described in
473	Subsection (1) has standing to challenge an annexation in district court.
474	(b) A person or entity described in Subsection (1) may only bring an action in district
475	court to challenge an annexation if the person or entity has timely filed a protest as described in
476	Subsection (2) and exhausted the administrative remedies described in this section.
477	Section 6. Section 10-2-408 is amended to read:
478	10-2-408. Denying or approving the annexation petition Notice of approval.
479	(1) After receipt of the commission's decision on a protest under Subsection
480	10-2-416(2), a municipal legislative body may:
481	(a) deny the annexation petition; or
482	(b) subject to Subsection (2), if the commission approves the annexation, approve the
483	annexation petition consistent with the commission's decision.
484	(2) A municipal legislative body shall exclude from the annexed area:
485	(a) rural real property, unless the owner of the rural real property <u>has signed the</u>
486	petition for annexation or gives written consent to include the rural real property; and
487	(b) private real property located in a mining protection area, unless the owner of the
488	private real property gives written consent to include the private real property.
489	Section 7. Section <b>10-2-416</b> is amended to read:
490	10-2-416. Commission decision Time limit Limitation on approval of

491	annexation.
492	(1) (a) Subject to [Subsection (3)] Subsections (1)(b) and (3), after the public hearing
493	under Subsection 10-2-415(1) the boundary commission may:
494	[(a)] (i) approve the proposed annexation, either with or without conditions;
495	[(b)] (ii) make minor modifications to the proposed annexation and approve it, either
496	with or without conditions; or
497	[ <del>(c)</del> ] <u>(iii)</u> disapprove the proposed annexation.
498	(b) If a legislative body or governing board of an affected entity files a timely protest to
499	the annexation petition in accordance with Section 10-2-407, the boundary commission, in
500	making a decision under Subsection (1)(a), shall consider and weigh the preferences, to the
501	extent made known during the boundary commission's proceedings, of:
502	(i) the person or persons who submitted the annexation petition; and
503	(ii) any property owner who has timely filed a protest in accordance with Section
504	<u>10-2-407.</u>
505	(2) The commission shall issue a written decision on the proposed annexation within
506	30 days after the conclusion of the hearing under Section 10-2-415 and shall send a copy of the
507	decision to:
508	(a) the legislative body of the county in which the area proposed for annexation is
509	located;
510	(b) the legislative body of the proposed annexing municipality;
511	(c) the contact person on the annexation petition;
512	(d) the contact person of each entity that filed a protest; and
513	(e) if a protest was filed under Subsection 10-2-407(1)(c) with respect to a proposed
514	annexation of an area located in a county of the first class, the contact person designated in the
515	protest.
516	(3) Except for an annexation for which a feasibility study may not be required under
517	Subsection 10-2-413(1)(b), the commission may not approve a proposed annexation of an area
518	located within a county of the first class unless the results of the feasibility study under Section
519	10-2-413 show that the average annual amount under Subsection 10-2-413(3)(a)(ix) does not
520	exceed the average annual amount under Subsection 10-2-413(3)(a)(viii) by more than 5%.
521	Section 8. Section 10-9a-103 is amended to read:

522	10-9a-103. Definitions.
523	As used in this chapter:
524	(1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
525	detached from a primary single-family dwelling and contained on one lot.
526	(2) "Adversely affected party" means a person other than a land use applicant who:
527	(a) owns real property adjoining the property that is the subject of a land use
528	application or land use decision; or
529	(b) will suffer a damage different in kind than, or an injury distinct from, that of the
530	general community as a result of the land use decision.
531	(3) "Affected entity" means a county, municipality, local district, special service
532	district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
533	cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
534	public utility, property owner, property owners association, or the Utah Department of
535	Transportation, if:
536	(a) the entity's services or facilities are likely to require expansion or significant
537	modification because of an intended use of land;
538	(b) the entity has filed with the municipality a copy of the entity's general or long-range
539	plan; or
540	(c) the entity has filed with the municipality a request for notice during the same
541	calendar year and before the municipality provides notice to an affected entity in compliance
542	with a requirement imposed under this chapter.
543	(4) "Affected owner" means the owner of real property that is:
544	(a) a single project;
545	(b) the subject of a land use approval that sponsors of a referendum timely challenged
546	in accordance with Subsection 20A-7-601(6); and
547	(c) determined to be legally referable under Section 20A-7-602.8.
548	(5) "Appeal authority" means the person, board, commission, agency, or other body
549	designated by ordinance to decide an appeal of a decision of a land use application or a
550	variance.
551	(6) "Billboard" means a freestanding ground sign located on industrial, commercial, or

residential property if the sign is designed or intended to direct attention to a business, product,

553 or service that is not sold, offered, or existing on the property where the sign is located. 554 (7) (a) "Charter school" means: 555 (i) an operating charter school; 556 (ii) a charter school applicant that a charter school authorizer approves in accordance 557 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or 558 (iii) an entity that is working on behalf of a charter school or approved charter 559 applicant to develop or construct a charter school building. 560 (b) "Charter school" does not include a therapeutic school. 561 (8) "Conditional use" means a land use that, because of the unique characteristics or 562 potential impact of the land use on the municipality, surrounding neighbors, or adjacent land 563 uses, may not be compatible in some areas or may be compatible only if certain conditions are 564 required that mitigate or eliminate the detrimental impacts. 565 (9) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the: 566 567 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or 568 (b) Utah Constitution Article I, Section 22. 569 (10) "Culinary water authority" means the department, agency, or public entity with 570 responsibility to review and approve the feasibility of the culinary water system and sources for 571 the subject property. 572 (11) "Development activity" means: 573 (a) any construction or expansion of a building, structure, or use that creates additional 574 demand and need for public facilities; 575 (b) any change in use of a building or structure that creates additional demand and need for public facilities; or 576 577 (c) any change in the use of land that creates additional demand and need for public 578 facilities. 579 (12) (a) "Development agreement" means a written agreement or amendment to a 580 written agreement between a municipality and one or more parties that regulates or controls the 581 use or development of a specific area of land. 582 (b) "Development agreement" does not include an improvement completion assurance.

(13) (a) "Disability" means a physical or mental impairment that substantially limits

584	one or more of a person's major life activities, including a person having a record of such an
585	impairment or being regarded as having such an impairment.
586	(b) "Disability" does not include current illegal use of, or addiction to, any federally
587	controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
588	802.
589	(14) "Educational facility":
590	(a) means:
591	(i) a school district's building at which pupils assemble to receive instruction in a
592	program for any combination of grades from preschool through grade 12, including
593	kindergarten and a program for children with disabilities;
594	(ii) a structure or facility:
595	(A) located on the same property as a building described in Subsection (14)(a)(i); and
596	(B) used in support of the use of that building; and
597	(iii) a building to provide office and related space to a school district's administrative
598	personnel; and
599	(b) does not include:
600	(i) land or a structure, including land or a structure for inventory storage, equipment
601	storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
602	(A) not located on the same property as a building described in Subsection (14)(a)(i);
603	and
604	(B) used in support of the purposes of a building described in Subsection (14)(a)(i); or
605	(ii) a therapeutic school.
606	(15) "Fire authority" means the department, agency, or public entity with responsibility
607	to review and approve the feasibility of fire protection and suppression services for the subject
608	property.
609	(16) "Flood plain" means land that:
610	(a) is within the 100-year flood plain designated by the Federal Emergency
611	Management Agency; or
612	(b) has not been studied or designated by the Federal Emergency Management Agency
613	but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

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

615	Federal Emergency Management Agency.
616	(17) "General plan" means a document that a municipality adopts that sets forth general
617	guidelines for proposed future development of the land within the municipality.
618	(18) "Geologic hazard" means:
619	(a) a surface fault rupture;
620	(b) shallow groundwater;
621	(c) liquefaction;
622	(d) a landslide;
623	(e) a debris flow;
624	(f) unstable soil;
625	(g) a rock fall; or
626	(h) any other geologic condition that presents a risk:
627	(i) to life;
628	(ii) of substantial loss of real property; or
629	(iii) of substantial damage to real property.
630	(19) "Historic preservation authority" means a person, board, commission, or other
631	body designated by a legislative body to:
632	(a) recommend land use regulations to preserve local historic districts or areas; and
633	(b) administer local historic preservation land use regulations within a local historic
634	district or area.
635	(20) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
636	meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
637	utility system.
638	(21) "Identical plans" means building plans submitted to a municipality that:
639	(a) are clearly marked as "identical plans";
640	(b) are substantially identical to building plans that were previously submitted to and
641	reviewed and approved by the municipality; and
642	(c) describe a building that:
643	(i) is located on land zoned the same as the land on which the building described in the
644	previously approved plans is located;
645	(ii) is subject to the same geological and meteorological conditions and the same law

646	as the building described in the previously approved plans;
647	(iii) has a floor plan identical to the building plan previously submitted to and reviewed
648	and approved by the municipality; and
649	(iv) does not require any additional engineering or analysis.
650	(22) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
651	Impact Fees Act.
652	(23) "Improvement completion assurance" means a surety bond, letter of credit,
653	financial institution bond, cash, assignment of rights, lien, or other equivalent security required
654	by a municipality to guaranty the proper completion of landscaping or an infrastructure
655	improvement required as a condition precedent to:
656	(a) recording a subdivision plat; or
657	(b) development of a commercial, industrial, mixed use, or multifamily project.
658	(24) "Improvement warranty" means an applicant's unconditional warranty that the
659	applicant's installed and accepted landscaping or infrastructure improvement:
660	(a) complies with the municipality's written standards for design, materials, and
661	workmanship; and
662	(b) will not fail in any material respect, as a result of poor workmanship or materials,
663	within the improvement warranty period.
664	(25) "Improvement warranty period" means a period:
665	(a) no later than one year after a municipality's acceptance of required landscaping; or
666	(b) no later than one year after a municipality's acceptance of required infrastructure,
667	unless the municipality:
668	(i) determines for good cause that a one-year period would be inadequate to protect the
669	public health, safety, and welfare; and
670	(ii) has substantial evidence, on record:
671	(A) of prior poor performance by the applicant; or
672	(B) that the area upon which the infrastructure will be constructed contains suspect soil
673	and the municipality has not otherwise required the applicant to mitigate the suspect soil.
674	(26) "Infrastructure improvement" means permanent infrastructure that is essential for
675	the public health and safety or that:

(a) is required for human occupation; and

6//	(b) an applicant must install:
678	(i) in accordance with published installation and inspection specifications for public
679	improvements; and
680	(ii) whether the improvement is public or private, as a condition of:
681	(A) recording a subdivision plat;
682	(B) obtaining a building permit; or
683	(C) development of a commercial, industrial, mixed use, condominium, or multifamily
684	project.
685	(27) "Internal lot restriction" means a platted note, platted demarcation, or platted
686	designation that:
687	(a) runs with the land; and
688	(b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
689	the plat; or
690	(ii) designates a development condition that is enclosed within the perimeter of a lot
691	described on the plat.
692	(28) "Land use applicant" means a property owner, or the property owner's designee,
693	who submits a land use application regarding the property owner's land.
694	(29) "Land use application":
695	(a) means an application that is:
696	(i) required by a municipality; and
697	(ii) submitted by a land use applicant to obtain a land use decision; and
698	(b) does not mean an application to enact, amend, or repeal a land use regulation.
699	(30) "Land use authority" means:
700	(a) a person, board, commission, agency, or body, including the local legislative body,
701	designated by the local legislative body to act upon a land use application; or
702	(b) if the local legislative body has not designated a person, board, commission,
703	agency, or body, the local legislative body.
704	(31) "Land use decision" means an administrative decision of a land use authority or
705	appeal authority regarding:
706	(a) a land use permit; or
707	(b) a land use application.

708	(32) "Land use permit" means a permit issued by a land use authority.
709	(33) "Land use regulation":
710	(a) means a legislative decision enacted by ordinance, law, code, map, resolution,
711	specification, fee, or rule that governs the use or development of land;
712	(b) includes the adoption or amendment of a zoning map or the text of the zoning code;
713	and
714	(c) does not include:
715	(i) a land use decision of the legislative body acting as the land use authority, even if
716	the decision is expressed in a resolution or ordinance; or
717	(ii) a temporary revision to an engineering specification that does not materially:
718	(A) increase a land use applicant's cost of development compared to the existing
719	specification; or
720	(B) impact a land use applicant's use of land.
721	(34) "Legislative body" means the municipal council.
722	(35) "Local district" means an entity under Title 17B, Limited Purpose Local
723	Government Entities - Local Districts, and any other governmental or quasi-governmental
724	entity that is not a county, municipality, school district, or the state.
725	(36) "Local historic district or area" means a geographically definable area that:
726	(a) contains any combination of buildings, structures, sites, objects, landscape features,
727	archeological sites, or works of art that contribute to the historic preservation goals of a
728	legislative body; and
729	(b) is subject to land use regulations to preserve the historic significance of the local
730	historic district or area.
731	(37) "Lot" means a tract of land, regardless of any label, that is created by and shown
732	on a subdivision plat that has been recorded in the office of the county recorder.
733	(38) (a) "Lot line adjustment" means a relocation of a lot line boundary between
734	adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:
735	(i) whether or not the lots are located in the same subdivision; and
736	(ii) with the consent of the owners of record.
737	(b) "Lot line adjustment" does not mean a new boundary line that:
738	(i) creates an additional lot; or

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spent and expenses incurred in:

739 (ii) constitutes a subdivision or a subdivision amendment. 740 (c) "Lot line adjustment" does not include a boundary line adjustment made by the 741 Department of Transportation. 742 (39) "Major transit investment corridor" means public transit service that uses or 743 occupies: 744 (a) public transit rail right-of-way; 745 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; 746 or 747 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a 748 municipality or county and: 749 (i) a public transit district as defined in Section 17B-2a-802; or 750 (ii) an eligible political subdivision as defined in Section 59-12-2219. 751 (40) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross 752 753 income for households of the same size in the county in which the city is located. 754 (41) "Municipal utility easement" means an easement that: 755 (a) is created or depicted on a plat recorded in a county recorder's office and is 756 described as a municipal utility easement granted for public use; 757 (b) is not a protected utility easement or a public utility easement as defined in Section 758 54-3-27; 759 (c) the municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm 760 761 water, or communications or data lines; 762 (d) is used or occupied with the consent of the municipality in accordance with an 763 authorized franchise or other agreement; 764 (e) (i) is used or occupied by a specified public utility in accordance with an authorized 765 franchise or other agreement; and 766 (ii) is located in a utility easement granted for public use; or 767 (f) is described in Section 10-9a-529 and is used by a specified public utility.

(42) "Nominal fee" means a fee that reasonably reimburses a municipality only for time

- 770 (a) verifying that building plans are identical plans; and 771 (b) reviewing and approving those minor aspects of identical plans that differ from the 772 previously reviewed and approved building plans. 773 (43) "Noncomplying structure" means a structure that: 774 (a) legally existed before the structure's current land use designation; and 775 (b) because of one or more subsequent land use ordinance changes, does not conform 776 to the setback, height restrictions, or other regulations, excluding those regulations, which 777 govern the use of land. 778 (44) "Nonconforming use" means a use of land that: 779 (a) legally existed before its current land use designation; 780 (b) has been maintained continuously since the time the land use ordinance governing 781 the land changed; and 782 (c) because of one or more subsequent land use ordinance changes, does not conform 783 to the regulations that now govern the use of the land. 784 (45) "Official map" means a map drawn by municipal authorities and recorded in a 785 county recorder's office that: 786 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for 787 highways and other transportation facilities; 788 (b) provides a basis for restricting development in designated rights-of-way or between 789 designated setbacks to allow the government authorities time to purchase or otherwise reserve 790 the land; and 791 (c) has been adopted as an element of the municipality's general plan. 792 (46) "Parcel" means any real property that is not a lot. 793 (47) (a) "Parcel boundary adjustment" means a recorded agreement between owners of 794 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line 795 agreement in accordance with Section 10-9a-524, if no additional parcel is created and: 796 (i) none of the property identified in the agreement is a lot; or
  - (i) creates an additional parcel; or

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line that:

(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary

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

political subdivision of the state; or

801 (ii) constitutes a subdivision. 802 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by 803 the Department of Transportation. 804 (48) "Person" means an individual, corporation, partnership, organization, association, 805 trust, governmental agency, or any other legal entity. 806 (49) "Plan for moderate income housing" means a written document adopted by a 807 municipality's legislative body that includes: 808 (a) an estimate of the existing supply of moderate income housing located within the 809 municipality; 810 (b) an estimate of the need for moderate income housing in the municipality for the 811 next five years; 812 (c) a survey of total residential land use; 813 (d) an evaluation of how existing land uses and zones affect opportunities for moderate 814 income housing; and 815 (e) a description of the municipality's program to encourage an adequate supply of 816 moderate income housing. 817 (50) "Plat" means an instrument subdividing property into lots as depicted on a map or 818 other graphical representation of lands that a licensed professional land surveyor makes and 819 prepares in accordance with Section 10-9a-603 or 57-8-13. 820 (51) "Potential geologic hazard area" means an area that: 821 (a) is designated by a Utah Geological Survey map, county geologist map, or other 822 relevant map or report as needing further study to determine the area's potential for geologic 823 hazard; or 824 (b) has not been studied by the Utah Geological Survey or a county geologist but 825 presents the potential of geologic hazard because the area has characteristics similar to those of 826 a designated geologic hazard area. 827 (52) "Public agency" means: 828 (a) the federal government; 829 (b) the state; 830 (c) a county, municipality, school district, local district, special service district, or other

832	(d) a charter school.
833	(53) "Public hearing" means a hearing at which members of the public are provided a
834	reasonable opportunity to comment on the subject of the hearing.
835	(54) "Public meeting" means a meeting that is required to be open to the public under
836	Title 52, Chapter 4, Open and Public Meetings Act.
837	(55) "Public street" means a public right-of-way, including a public highway, public
838	avenue, public boulevard, public parkway, public road, public lane, public alley, public
839	viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
840	easement, or other public way.
841	(56) "Receiving zone" means an area of a municipality that the municipality
842	designates, by ordinance, as an area in which an owner of land may receive a transferable
843	development right.
844	(57) "Record of survey map" means a map of a survey of land prepared in accordance
845	with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.
846	(58) "Residential facility for persons with a disability" means a residence:
847	(a) in which more than one person with a disability resides; and
848	(b) (i) which is licensed or certified by the Department of Human Services under Title
849	62A, Chapter 2, Licensure of Programs and Facilities; or
850	(ii) which is licensed or certified by the Department of Health under Title 26, Chapter
851	21, Health Care Facility Licensing and Inspection Act.
852	(59) "Residential roadway" means a public local residential road that:
853	(a) will serve primarily to provide access to adjacent primarily residential areas and
854	property;
855	(b) is designed to accommodate minimal traffic volumes or vehicular traffic;
856	(c) is not identified as a supplementary to a collector or other higher system classified
857	street in an approved municipal street or transportation master plan;
858	(d) has a posted speed limit of 25 miles per hour or less;
859	(e) does not have higher traffic volumes resulting from connecting previously separated
860	areas of the municipal road network;
861	(f) cannot have a primary access, but can have a secondary access, and does not abut
862	lots intended for high volume traffic or community centers, including schools, recreation

863	centers, sports complexes, or libraries; and
864	(g) is primarily serves traffic within a neighborhood or limited residential area and
864a	$\hat{\mathbf{z}} \rightarrow [\underline{\mathbf{z}}] \leftarrow \hat{\mathbf{z}}$
865	not necessarily continuous through several residential areas.
866	[(59)] (60) "Rules of order and procedure" means a set of rules that govern and
867	prescribe in a public meeting:
868	(a) parliamentary order and procedure;
869	(b) ethical behavior; and
870	(c) civil discourse.
871	[(60)] (61) "Sanitary sewer authority" means the department, agency, or public entity
872	with responsibility to review and approve the feasibility of sanitary sewer services or onsite
873	wastewater systems.
874	[(61)] (62) "Sending zone" means an area of a municipality that the municipality
875	designates, by ordinance, as an area from which an owner of land may transfer a transferable
876	development right.
877	[ <del>(62)</del> ] (63) "Specified public agency" means:
878	(a) the state;
879	(b) a school district; or
880	(c) a charter school.
881	[ <del>(63)</del> ] (64) "Specified public utility" means an electrical corporation, gas corporation,
882	or telephone corporation, as those terms are defined in Section 54-2-1.
883	[ <del>(64)</del> ] (65) "State" includes any department, division, or agency of the state.
884	[(65)] (66) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
885	to be divided into two or more lots or other division of land for the purpose, whether
886	immediate or future, for offer, sale, lease, or development either on the installment plan or
887	upon any and all other plans, terms, and conditions.
888	(b) "Subdivision" includes:
889	(i) the division or development of land, whether by deed, metes and bounds
890	description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
891	the division includes all or a portion of a parcel or lot; and
892	(ii) except as provided in Subsection (65)(c), divisions of land for residential and
893	nonresidential uses including land used or to be used for commercial agricultural and

894	industrial purposes.
895	(c) "Subdivision" does not include:
896	(i) a bona fide division or partition of agricultural land for the purpose of joining one of
897	the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
898	neither the resulting combined parcel nor the parcel remaining from the division or partition
899	violates an applicable land use ordinance;
900	(ii) a boundary line agreement recorded with the county recorder's office between
901	owners of adjoining parcels adjusting the mutual boundary in accordance with Section
902	10-9a-524 if no new parcel is created;
903	(iii) a recorded document, executed by the owner of record:
904	(A) revising the legal descriptions of multiple parcels into one legal description
905	encompassing all such parcels; or
906	(B) joining a lot to a parcel;
907	(iv) a boundary line agreement between owners of adjoining subdivided properties
908	adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:
909	(A) no new dwelling lot or housing unit will result from the adjustment; and
910	(B) the adjustment will not violate any applicable land use ordinance;
911	(v) a bona fide division of land by deed or other instrument if the deed or other
912	instrument states in writing that the division:
913	(A) is in anticipation of future land use approvals on the parcel or parcels;
914	(B) does not confer any land use approvals; and
915	(C) has not been approved by the land use authority;
916	(vi) a parcel boundary adjustment;
917	(vii) a lot line adjustment;
918	(viii) a road, street, or highway dedication plat;
919	(ix) a deed or easement for a road, street, or highway purpose; or
920	(x) any other division of land authorized by law.
921	[(66)] (67) (a) "Subdivision amendment" means an amendment to a recorded
922	subdivision in accordance with Section 10-9a-608 that:
923	[(a)] (i) vacates all or a portion of the subdivision;
924	[(b)] (ii) alters the outside boundary of the subdivision;

925	$\left[\frac{(c)}{(iii)}\right]$ changes the number of lots within the subdivision;
926	[(d)] (iv) alters a public right-of-way, a public easement, or public infrastructure within
927	the subdivision; or
928	$[\underline{(e)}]$ $\underline{(v)}$ alters a common area or other common amenity within the subdivision.
929	(b) "Subdivision amendment" does not include a lot line adjustment, between a single
930	lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.
931	[ <del>(67)</del> ] <u>(68)</u> "Substantial evidence" means evidence that:
932	(a) is beyond a scintilla; and
933	(b) a reasonable mind would accept as adequate to support a conclusion.
934	[ <del>(68)</del> ] <u>(69)</u> "Suspect soil" means soil that has:
935	(a) a high susceptibility for volumetric change, typically clay rich, having more than a
936	3% swell potential;
937	(b) bedrock units with high shrink or swell susceptibility; or
938	(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
939	commonly associated with dissolution and collapse features.
940	[(69)] (70) "Therapeutic school" means a residential group living facility:
941	(a) for four or more individuals who are not related to:
942	(i) the owner of the facility; or
943	(ii) the primary service provider of the facility;
944	(b) that serves students who have a history of failing to function:
945	(i) at home;
946	(ii) in a public school; or
947	(iii) in a nonresidential private school; and
948	(c) that offers:
949	(i) room and board; and
950	(ii) an academic education integrated with:
951	(A) specialized structure and supervision; or
952	(B) services or treatment related to a disability, an emotional development, a
953	behavioral development, a familial development, or a social development.
954	[(70)] (71) "Transferable development right" means a right to develop and use land that
955	originates by an ordinance that authorizes a land owner in a designated sending zone to transfer

956	land use rights from a designated sending zone to a designated receiving zone.
957	[ <del>(71)</del> ] <u>(72)</u> "Unincorporated" means the area outside of the incorporated area of a city
958	or town.
959	$[\frac{(72)}{(73)}]$ "Water interest" means any right to the beneficial use of water, including:
960	(a) each of the rights listed in Section 73-1-11; and
961	(b) an ownership interest in the right to the beneficial use of water represented by:
962	(i) a contract; or
963	(ii) a share in a water company, as defined in Section 73-3-3.5.
964	[ <del>(73)</del> ] <u>(74)</u> "Zoning map" means a map, adopted as part of a land use ordinance, that
965	depicts land use zones, overlays, or districts.
966	Section 9. Section 10-9a-504 is amended to read:
967	10-9a-504. Temporary land use regulations.
968	(1) (a) [A] Except as provided in Subsection (2)(b), a municipal legislative body may,
969	without prior consideration of or recommendation from the planning commission, enact an
970	ordinance establishing a temporary land use regulation for any part or all of the area within the
971	municipality if:
972	(i) the legislative body makes a finding of compelling, countervailing public interest;
973	or
974	(ii) the area is unregulated.
975	(b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate
976	the erection, construction, reconstruction, or alteration of any building or structure or any
977	subdivision approval.
978	(c) A temporary land use regulation under Subsection (1)(a) may not impose an impact
979	fee or other financial requirement on building or development.
980	(2) (a) The municipal legislative body shall establish a period of limited effect for the
981	ordinance not to exceed [six months] 180 days.
982	(b) A municipal legislative body may not apply the provisions of a temporary land use
983	regulation to the review of a specific land use application if the land use application is impaired
984	or prohibited by proceedings initiated under Subsection 10-9a-509(1)(a)(ii)(B).
985	(3) (a) A municipal legislative body may, without prior planning commission
986	consideration or recommendation, enact an ordinance establishing a temporary land use

987	regulation prohibiting construction, subdivision approval, and other development activities
988	within an area that is the subject of an Environmental Impact Statement or a Major Investment
989	Study examining the area as a proposed highway or transportation corridor.
990	(b) A regulation under Subsection (3)(a):
991	(i) may not exceed [six months] 180 days in duration;
992	(ii) may be renewed, if requested by the Transportation Commission created under
993	Section 72-1-301, for up to two additional [six-month] 180-day periods by ordinance enacted
994	before the expiration of the previous regulation; and
995	(iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the
996	Environmental Impact Statement or Major Investment Study is in progress.
997	Section 10. Section 10-9a-508 is amended to read:
998	10-9a-508. Exactions Exaction for water interest Requirement to offer to
999	original owner property acquired by exaction.
1000	(1) A municipality may impose an exaction or exactions on development proposed in a
1001	land use application, including, subject to Subsection (3), an exaction for a water interest, if:
1002	(a) an essential link exists between a legitimate governmental interest and each
1003	exaction; and
1004	(b) each exaction is roughly proportionate, both in nature and extent, to the impact of
1005	the proposed development.
1006	(2) If a land use authority imposes an exaction for another governmental entity:
1007	(a) the governmental entity shall request the exaction; and
1008	(b) the land use authority shall transfer the exaction to the governmental entity for
1009	which it was exacted.
1010	(3) (a) (i) A municipality shall base any exaction for a water interest on the culinary
1011	water authority's established calculations of projected water interest requirements.
1012	(ii) Upon an applicant's request, the culinary water authority shall provide the applicant
1013	with the basis for the culinary water authority's calculations under Subsection (3)(a)(i) on
1014	which an exaction for a water interest is based.
1015	(b) A municipality may not impose an exaction for a water interest if the culinary water
1016	authority's existing available water interests exceed the water interests needed to meet the
1017	reasonable future water requirement of the public, as determined under Subsection

1018	73-1-4(2)(f).
1019	(4) (a) If a municipality plans to dispose of surplus real property that was acquired
1020	under this section and has been owned by the municipality for less than 15 years, the
1021	municipality shall first offer to reconvey the property, without receiving additional
1022	consideration, to the person who granted the property to the municipality.
1023	(b) A person to whom a municipality offers to reconvey property under Subsection
1024	(4)(a) has 90 days to accept or reject the municipality's offer.
1025	(c) If a person to whom a municipality offers to reconvey property declines the offer,
1026	the municipality may offer the property for sale.
1027	(d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by
1028	a community reinvestment agency.
1029	(5) (a) A municipality may not, as part of an infrastructure improvement, require the
1030	installation of pavement on a residential roadway at a width in excess of 32 feet.
1031	(b) Subsection (5)(a) does not apply if a municipality requires the installation of
1032	pavement in excess of 32 feet:
1033	(i) in a vehicle turnaround area;
1034	(ii) in a cul-de-sac;
1035	(iii) to address specific traffic flow constraints at an intersection, mid-block crossings,
1036	or other areas;
1037	(iv) to address an applicable general or master plan improvement, including
1038	transportation, bicycle lanes, trails or other similar improvements that are not included within
1039	an impact fee area;
1040	(v) to address traffic flow constraints for service to or abutting higher density
1041	developments or uses that generate higher traffic volumes, including community centers,
1042	schools and other similar uses;
1043	(vi) as needed for the installation or location of a utility which is maintained by the
1044	municipality and is considered a transmission line or requires additional roadway width;
1045	(vii) for third-party utility lines that have an easement preventing the installation of
1046	utilities maintained by the municipality within the roadway;
1047	(viii) for utilities over 12 feet in depth;
1048	(ix) for roadways with a design speed that exceeds 25 miles per hour;

1079	plan and schedule.
1078	Municipality's requirements and limitations Vesting upon submission of development
1077	10-9a-509. Applicant's entitlement to land use application approval
1076	Section 11. Section <b>10-9a-509</b> is amended to read:
1075	decision is final.
1074	petition for review of the decision with the district court within 30 days after the date that the
1073	(vii) Pursuant to Section 10-9a-801, a land use applicant or the municipality may file a
1072	Subsection (5)(d)(vii).
1071	(vi) The decision of the panel is a final decision, subject to a petition for review under
1070	(B) the municipality's published appeal fee.
1069	(A) 50% of the cost of the panel; and
1068	(v) The land use applicant shall pay:
1067	may not have an interest in the application that is the subject of the appeal.
1066	(iv) A member of the panel assembled by the municipality under Subsection (5)(d)(ii)
1065	under Subsections (5)(a)(d)(iii)(A) and (B).
1064	(C) one licensed engineer, agreed upon and designated by the two designated engineers
1063	(B) one licensed engineer, designated by the land use applicant; and
1062	(A) one licensed engineer, designated by the municipality;
1061	in Subsection (5)(d)(ii) shall consist of the following three experts:
1060	(iii) Unless otherwise agreed by the applicant and the municipality, the panel described
1059	technical aspects of the appeal.
1058	panel of qualified experts to serve as the appeal authority for purposes of determining the
1057	roadway pavement width in excess of 32 feet may request that the municipality assemble a
1056	(ii) A land use applicant that has appealed a municipal specification for a residential
1055	excess of 32 feet on a residential roadway.
1054	(d) (i) A land use applicant may appeal a municipal requirement for pavement in
1052	a road cross section with a pavement width less than 32 feet.
1052	(c) Nothing in this section shall be construed to prevent a municipality from approving
1051	(xii) as needed to accommodate street parking.
1050	(xi) as needed to meet fire code requirements for parking and hydrants; or
1049	(x) as needed for flood and stormwater routing;

- 1080 (1) (a) (i) An applicant who has submitted a complete land use application as described 1081 in Subsection (1)(c), including the payment of all application fees, is entitled to substantive 1082 review of the application under the land use regulations:
  - (A) in effect on the date that the application is complete; and
  - (B) applicable to the application or to the information shown on the application.
  - (ii) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable land use regulations, land use decisions, and development standards in effect when the applicant submits a complete application and pays application fees, unless:
  - (A) the land use authority, on the record, formally finds that a compelling, countervailing public interest would be jeopardized by approving the application and specifies the compelling, countervailing public interest in writing; or
  - (B) in the manner provided by local ordinance and before the applicant submits the application, the municipality formally initiates proceedings to amend the municipality's land use regulations in a manner that would prohibit approval of the application as submitted.
  - (b) The municipality shall process an application without regard to proceedings the municipality initiated to amend the municipality's ordinances as described in Subsection (1)(a)(ii)(B) if:
    - (i) 180 days have passed since the municipality initiated the proceedings; and
  - (ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the application as submitted[-]; or
  - (B) during the 12 months prior to the municipality processing the application, or multiple applications of the same type, are impaired or prohibited under the terms of a temporary land use regulation adopted under Section 10-9a-504.
  - (c) A land use application is considered submitted and complete when the applicant provides the application in a form that complies with the requirements of applicable ordinances and pays all applicable fees.
  - (d) A subsequent incorporation of a municipality or a petition that proposes the incorporation of a municipality does not affect a land use application approved by a county in accordance with Section 17-27a-508.
    - (e) The continuing validity of an approval of a land use application is conditioned upon

1111	the approval proceeding after approval to implement the approval with reasonable diffgence.
1112	(f) A municipality may not impose on an applicant who has submitted a complete
1113	application a requirement that is not expressed in:
1114	(i) this chapter;
1115	(ii) a municipal ordinance in effect on the date that the applicant submits a complete
1116	application, subject to Subsection 10-9a-509(1)(a)(ii); or
1117	(iii) a municipal specification for public improvements applicable to a subdivision or
1118	development that is in effect on the date that the applicant submits an application.
1119	(g) A municipality may not impose on a holder of an issued land use permit or a final,
1120	unexpired subdivision plat a requirement that is not expressed:
1121	(i) in a land use permit;
1122	(ii) on the subdivision plat;
1123	(iii) in a document on which the land use permit or subdivision plat is based;
1124	(iv) in the written record evidencing approval of the land use permit or subdivision
1125	plat;
1126	(v) in this chapter; [or]
1127	(vi) in a municipal ordinance; or
1128	(vii) in a municipal specification for residential roadways in effect at the time a
1129	residential subdivision was approved.
1130	(h) Except as provided in Subsection (1)(i), a municipality may not withhold issuance
1131	of a certificate of occupancy or acceptance of subdivision improvements because of an
1132	applicant's failure to comply with a requirement that is not expressed:
1133	(i) in the building permit or subdivision plat, documents on which the building permit
1134	or subdivision plat is based, or the written record evidencing approval of the land use permit or
1135	subdivision plat; or
1136	(ii) in this chapter or the municipality's ordinances.
1137	(i) A municipality may not unreasonably withhold issuance of a certificate of
1138	occupancy where an applicant has met all requirements essential for the public health, public
1139	safety, and general welfare of the occupants, in accordance with this chapter, unless:
1140	(i) the applicant and the municipality have agreed in a written document to the
1141	withholding of a certificate of occupancy; or

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

  (2) A municipality is bound by the terms and standards of applicable land use
  - (2) A municipality is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.
  - (3) A municipality may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.
  - (4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the municipality's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.
  - (5) (a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:
    - (i) to the local clerk as defined in Section 20A-7-101; and
  - (ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(5).
  - (b) Upon delivery of a written notice described in Subsection (5)(a) the following are rescinded and are of no further force or effect:
    - (i) the relevant land use approval; and
- (ii) any land use regulation enacted specifically in relation to the land use approval.
- Section 12. Section **10-9a-532** is amended to read:

## 10-9a-532. Development agreements.

- (1) Subject to Subsection (2), a municipality may enter into a development agreement containing any term that the municipality considers necessary or appropriate to accomplish the purposes of this chapter.
  - (2) (a) A development agreement may not:
- (i) limit a municipality's authority in the future to:
- (A) enact a land use regulation; or

1173	(B) take any action allowed under Section 10-8-84;
1174	(ii) require a municipality to change the zoning designation of an area of land within
1175	the municipality in the future; or
1176	[(iii) contain a term that conflicts with, or is different from, a standard set forth in an
1177	existing land use regulation that governs the area subject to the development agreement]
1178	(iii) allow a use or development of land that applicable land use regulations governing
1179	the area subject to the development agreement would otherwise prohibit, unless the legislative
1180	body approves the development agreement in accordance with the same procedures for
1181	enacting a land use regulation under Section 10-9a-502, including a review and
1182	recommendation from the planning commission and a public hearing.
1183	(b) A development agreement that requires the implementation of an existing land use
1184	regulation as an administrative act does not require a legislative body's approval under Section
1185	10-9a-502.
1186	[(c) A municipality may not require a development agreement as the only option for
1187	developing land within the municipality.]
1188	(c) (i) If a development agreement restricts an applicant's rights under clearly
1189	established state law, the municipality shall disclose in writing to the applicant the rights of the
1190	applicant the development agreement restricts.
1191	(ii) A municipality's failure to disclose in accordance with Subsection (2)(c)(i) voids
1192	any provision in the development agreement pertaining to the undisclosed rights.
1193	(d) A municipality may not require a development agreement as a condition for
1194	developing land if the municipality's land use regulations establish all applicable standards for
1195	development on the land.
1196	[(d)] (e) To the extent that a development agreement does not specifically address a
1197	matter or concern related to land use or development, the matter or concern is governed by:
1198	(i) this chapter; and
1199	(ii) any applicable land use regulations.
1200	Section 13. Section 10-9a-534 is amended to read:
1201	10-9a-534. Regulation of building design elements prohibited Exceptions.
1202	(1) As used in this section, "building design element" means:
1203	(a) exterior color;

1204	(b) type or style of exterior cladding material;
1205	(c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
1206	(d) exterior nonstructural architectural ornamentation;
1207	(e) location, design, placement, or architectural styling of a window or door;
1208	(f) location, design, placement, or architectural styling of a garage door, not including a
1209	rear-loading garage door;
1210	(g) number or type of rooms;
1211	(h) interior layout of a room;
1212	(i) minimum square footage over 1,000 square feet, not including a garage;
1213	(j) rear yard landscaping requirements;
1214	(k) minimum building dimensions; or
1215	(l) a requirement to install front yard fencing.
1216	(2) Except as provided in Subsection (3), a municipality may not impose a requirement
1217	for a building design element on a [one to two family dwelling] one- or two-family dwelling.
1218	(3) Subsection (2) does not apply to:
1219	(a) a dwelling located within an area designated as a historic district in:
1220	(i) the National Register of Historic Places;
1221	(ii) the state register as defined in Section 9-8-402; or
1222	(iii) a local historic district or area, or a site designated as a local landmark, created by
1223	ordinance before January 1, 2021, except as provided under Subsection (4)(b);
1224	(b) an ordinance enacted as a condition for participation in the National Flood
1225	Insurance Program administered by the Federal Emergency Management Agency;
1226	(c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
1227	Interface Code adopted under Section 15A-2-103;
1228	(d) building design elements agreed to under a development agreement;
1229	(e) a dwelling located within an area that:
1230	(i) is zoned primarily for residential use; and
1231	(ii) was substantially developed before calendar year 1950;
1232	(f) an ordinance enacted to implement water efficient landscaping in a rear yard;
1233	(g) an ordinance enacted to regulate type of cladding, in response to findings or
1234	evidence from the construction industry of:

1235	(1) defects in the material of existing cladding; or
1236	(ii) consistent defects in the installation of existing cladding; or
1237	(h) a land use regulation, including a planned unit development or overlay zone, that a
1238	property owner requests:
1239	(i) the municipality to apply to the owner's property; and
1240	(ii) in exchange for an increase in density or other benefit not otherwise available as a
1241	permitted use in the zoning area or district.
1242	Section 14. Section 10-9a-604.5 is amended to read:
1243	10-9a-604.5. Subdivision plat recording or development activity before required
1244	landscaping or infrastructure is completed Improvement completion assurance
1245	Improvement warranty.
1246	(1) As used in this section, "public landscaping improvement" means landscaping that
1247	an applicant is required to install to comply with published installation and inspection
1248	specifications for public improvements that:
1249	(a) will be dedicated to and maintained by the municipality; or
1250	(b) are associated with and proximate to trail improvements that connect to planned or
1251	existing public infrastructure.
1252	[(1)] (2) A land use authority shall establish objective inspection standards for
1253	acceptance of a [landscaping] public landscaping improvement or infrastructure improvement
1254	that the land use authority requires.
1255	[(2)] (a) Before an applicant conducts any development activity or records a plat,
1256	the applicant shall:
1257	(i) complete any required [landscaping] public landscaping improvements or
1258	infrastructure improvements; or
1259	(ii) post an improvement completion assurance for any required [landscaping] public
1260	<u>landscaping improvements</u> or infrastructure improvements.
1261	(b) If an applicant elects to post an improvement completion assurance, the applicant
1262	shall provide completion assurance for:
1263	(i) completion of 100% of the required [landscaping] public landscaping improvements
1264	or infrastructure improvements; or
1265	(ii) if the municipality has inspected and accepted a portion of the [landscaping] public

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1266	landscaping improvements or infrastructure improvements, 100% of the incomplete or
1267	unaccepted [landscaping] public landscaping improvements or infrastructure improvements.
1268	(c) A municipality shall:
1269	(i) establish a minimum of two acceptable forms of completion assurance;
1270	(ii) if an applicant elects to post an improvement completion assurance, allow the
1271	applicant to post an assurance that meets the conditions of this title, and any local ordinances;
1272	(iii) establish a system for the partial release of an improvement completion assurance
1273	as portions of required [landscaping] public landscaping improvements or infrastructure
1274	improvements are completed and accepted in accordance with local ordinance; and
1275	(iv) issue or deny a building permit in accordance with Section 10-9a-802 based on the
1276	installation of [landscaping] public landscaping improvements or infrastructure improvements.
1277	(d) A municipality may not require an applicant to post an improvement completion
1278	assurance for:
1279	(i) [landscaping] public landscaping improvements or an infrastructure improvement
1280	that the municipality has previously inspected and accepted;
1281	(ii) infrastructure improvements that are private and not essential or required to meet
1282	the building code, fire code, flood or storm water management provisions, street and access
1283	requirements, or other essential necessary public safety improvements adopted in a land use
1284	regulation; [ <del>or</del> ]
1285	(iii) in a municipality where ordinances require all infrastructure improvements within
1286	the area to be private, infrastructure improvements within a development that the municipality
1287	requires to be private[-]; or
1288	(iv) landscaping improvements that are not public landscaping improvements, as
1289	defined in Section 10-9a-103, unless the landscaping improvements and completion assurance
1290	are required under the terms of a development agreement.
1291	(4) (a) Except as provided in Subsection (4)(c), as a condition for increased density or
1292	other entitlement benefit not currently available under the existing zone, a municipality may

(b) Any agreement regarding a completion assurance bond under Subsection (4)(a)

between the applicant and the municipality shall be memorialized in a development agreement.

require a completion assurance bond for landscaped amenities and common area that are

dedicated to and maintained by a homeowners association.

1297	(c) A municipality may not require a completion assurance bond for the landscaping of
1298	residential lots or the equivalent open space surrounding single family attached homes, whether
1299	platted as lots or common area.
1300	(5) The sum of the improvement completion assurance required under Subsections (3)
1301	and (4) may not exceed the sum of:
1302	(a) 100% of the estimated cost of the public landscaping improvements or
1303	infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's
1304	bid; and
1305	(b) 10% of the amount of the bond to cover administrative costs incurred by the
1306	municipality to complete the improvements, if necessary.
1307	[(3)] (6) At any time before a municipality accepts a [landscaping] public landscaping
1308	improvement or infrastructure improvement, and for the duration of each improvement
1309	warranty period, the municipality may require the applicant to:
1310	(a) execute an improvement warranty for the improvement warranty period; and
1311	(b) post a cash deposit, surety bond, letter of credit, or other similar security, as
1312	required by the municipality, in the amount of up to 10% of the lesser of the:
1313	(i) municipal engineer's original estimated cost of completion; or
1314	(ii) applicant's reasonable proven cost of completion.
1315	[(4)] (7) When a municipality accepts an improvement completion assurance for
1316	[landscaping] public landscaping improvements or infrastructure improvements for a
1317	development in accordance with [Subsection (2)(c)(ii)] Subsection (3)(c)(ii), the municipality
1318	may not deny an applicant a building permit if the development meets the requirements for the
1319	issuance of a building permit under the building code and fire code.
1320	[(5)] (8) The provisions of this section do not supersede the terms of a valid
1321	development agreement, an adopted phasing plan, or the state construction code.
1322	Section 15. Section 17-27a-103 is amended to read:
1323	17-27a-103. Definitions.
1324	As used in this chapter:
1325	(1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
1326	detached from a primary single-family dwelling and contained on one lot.
1327	(2) "Adversely affected party" means a person other than a land use applicant who:

(i) an operating charter school;

with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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1328 (a) owns real property adjoining the property that is the subject of a land use 1329 application or land use decision; or 1330 (b) will suffer a damage different in kind than, or an injury distinct from, that of the 1331 general community as a result of the land use decision. 1332 (3) "Affected entity" means a county, municipality, local district, special service 1333 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal 1334 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified 1335 property owner, property owner's association, public utility, or the Utah Department of 1336 Transportation, if: (a) the entity's services or facilities are likely to require expansion or significant 1337 1338 modification because of an intended use of land; 1339 (b) the entity has filed with the county a copy of the entity's general or long-range plan; 1340 or 1341 (c) the entity has filed with the county a request for notice during the same calendar 1342 year and before the county provides notice to an affected entity in compliance with a 1343 requirement imposed under this chapter. 1344 (4) "Affected owner" means the owner of real property that is: 1345 (a) a single project; 1346 (b) the subject of a land use approval that sponsors of a referendum timely challenged 1347 in accordance with Subsection 20A-7-601(6); and 1348 (c) determined to be legally referable under Section 20A-7-602.8. 1349 (5) "Appeal authority" means the person, board, commission, agency, or other body 1350 designated by ordinance to decide an appeal of a decision of a land use application or a 1351 variance. 1352 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or 1353 residential property if the sign is designed or intended to direct attention to a business, product, 1354 or service that is not sold, offered, or existing on the property where the sign is located. 1355 (7) (a) "Charter school" means:

(ii) a charter school applicant that a charter school authorizer approves in accordance

1359 (iii) an entity that is working on behalf of a charter school or approved charter 1360 applicant to develop or construct a charter school building. 1361 (b) "Charter school" does not include a therapeutic school. 1362 (8) "Chief executive officer" means the person or body that exercises the executive 1363 powers of the county. 1364 (9) "Conditional use" means a land use that, because of the unique characteristics or potential impact of the land use on the county, surrounding neighbors, or adjacent land uses, 1365 1366 may not be compatible in some areas or may be compatible only if certain conditions are 1367 required that mitigate or eliminate the detrimental impacts. 1368 (10) "Constitutional taking" means a governmental action that results in a taking of 1369 private property so that compensation to the owner of the property is required by the: 1370 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or 1371 (b) Utah Constitution, Article I, Section 22. (11) "County utility easement" means an easement that: 1372 1373 (a) a plat recorded in a county recorder's office described as a county utility easement 1374 or otherwise as a utility easement; (b) is not a protected utility easement or a public utility easement as defined in Section 1375 1376 54-3-27; 1377 (c) the county or the county's affiliated governmental entity owns or creates; and 1378 (d) (i) either: 1379 (A) no person uses or occupies; or 1380 (B) the county or the county's affiliated governmental entity uses and occupies to 1381 provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or 1382 communications or data lines; or 1383 (ii) a person uses or occupies with or without an authorized franchise or other 1384 agreement with the county. 1385 (12) "Culinary water authority" means the department, agency, or public entity with 1386 responsibility to review and approve the feasibility of the culinary water system and sources for 1387 the subject property. 1388 (13) "Development activity" means: 1389 (a) any construction or expansion of a building, structure, or use that creates additional

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and

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1390	demand and need for public facilities;
1391	(b) any change in use of a building or structure that creates additional demand and need
1392	for public facilities; or
1393	(c) any change in the use of land that creates additional demand and need for public
1394	facilities.
1395	(14) (a) "Development agreement" means a written agreement or amendment to a
1396	written agreement between a county and one or more parties that regulates or controls the use
1397	or development of a specific area of land.
1398	(b) "Development agreement" does not include an improvement completion assurance.
1399	(15) (a) "Disability" means a physical or mental impairment that substantially limits
1400	one or more of a person's major life activities, including a person having a record of such an
1401	impairment or being regarded as having such an impairment.
1402	(b) "Disability" does not include current illegal use of, or addiction to, any federally
1403	controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
1404	Sec. 802.
1405	(16) "Educational facility":
1406	(a) means:
1407	(i) a school district's building at which pupils assemble to receive instruction in a
1408	program for any combination of grades from preschool through grade 12, including
1409	kindergarten and a program for children with disabilities;
1410	(ii) a structure or facility:
1411	(A) located on the same property as a building described in Subsection (16)(a)(i); and
1412	(B) used in support of the use of that building; and
1413	(iii) a building to provide office and related space to a school district's administrative
1414	personnel; and
1415	(b) does not include:
1416	(i) land or a structure, including land or a structure for inventory storage, equipment

(B) used in support of the purposes of a building described in Subsection (16)(a)(i); or

(A) not located on the same property as a building described in Subsection (16)(a)(i);

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

1421	(ii) a therapeutic school.
1422	(17) "Fire authority" means the department, agency, or public entity with responsibility
1423	to review and approve the feasibility of fire protection and suppression services for the subject
1424	property.
1425	(18) "Flood plain" means land that:
1426	(a) is within the 100-year flood plain designated by the Federal Emergency
1427	Management Agency; or
1428	(b) has not been studied or designated by the Federal Emergency Management Agency
1429	but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
1430	the land has characteristics that are similar to those of a 100-year flood plain designated by the
1431	Federal Emergency Management Agency.
1432	(19) "Gas corporation" has the same meaning as defined in Section 54-2-1.
1433	(20) "General plan" means a document that a county adopts that sets forth general
1434	guidelines for proposed future development of:
1435	(a) the unincorporated land within the county; or
1436	(b) for a mountainous planning district, the land within the mountainous planning
1437	district.
1438	(21) "Geologic hazard" means:
1439	(a) a surface fault rupture;
1440	(b) shallow groundwater;
1441	(c) liquefaction;
1442	(d) a landslide;
1443	(e) a debris flow;
1444	(f) unstable soil;
1445	(g) a rock fall; or
1446	(h) any other geologic condition that presents a risk:
1447	(i) to life;
1448	(ii) of substantial loss of real property; or
1449	(iii) of substantial damage to real property.
1450	(22) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
1451	meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility

1452	system.
1453	(23) "Identical plans" means building plans submitted to a county that:
1454	(a) are clearly marked as "identical plans";
1455	(b) are substantially identical building plans that were previously submitted to and
1456	reviewed and approved by the county; and
1457	(c) describe a building that:
1458	(i) is located on land zoned the same as the land on which the building described in the
1459	previously approved plans is located;
1460	(ii) is subject to the same geological and meteorological conditions and the same law
1461	as the building described in the previously approved plans;
1462	(iii) has a floor plan identical to the building plan previously submitted to and reviewed
1463	and approved by the county; and
1464	(iv) does not require any additional engineering or analysis.
1465	(24) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
1466	Impact Fees Act.
1467	(25) "Improvement completion assurance" means a surety bond, letter of credit,
1468	financial institution bond, cash, assignment of rights, lien, or other equivalent security required
1469	by a county to guaranty the proper completion of landscaping or an infrastructure improvement
1470	required as a condition precedent to:
1471	(a) recording a subdivision plat; or
1472	(b) development of a commercial, industrial, mixed use, or multifamily project.
1473	(26) "Improvement warranty" means an applicant's unconditional warranty that the
1474	applicant's installed and accepted landscaping or infrastructure improvement:
1475	(a) complies with the county's written standards for design, materials, and
1476	workmanship; and
1477	(b) will not fail in any material respect, as a result of poor workmanship or materials,
1478	within the improvement warranty period.
1479	(27) "Improvement warranty period" means a period:
1480	(a) no later than one year after a county's acceptance of required landscaping; or
1481	(b) no later than one year after a county's acceptance of required infrastructure, unless
1482	the county:

1483	(i) determines for good cause that a one-year period would be inadequate to protect the
1484	public health, safety, and welfare; and
1485	(ii) has substantial evidence, on record:
1486	(A) of prior poor performance by the applicant; or
1487	(B) that the area upon which the infrastructure will be constructed contains suspect soil
1488	and the county has not otherwise required the applicant to mitigate the suspect soil.
1489	(28) "Infrastructure improvement" means permanent infrastructure that is essential for
1490	the public health and safety or that:
1491	(a) is required for human consumption; and
1492	(b) an applicant must install:
1493	(i) in accordance with published installation and inspection specifications for public
1494	improvements; and
1495	(ii) as a condition of:
1496	(A) recording a subdivision plat;
1497	(B) obtaining a building permit; or
1498	(C) developing a commercial, industrial, mixed use, condominium, or multifamily
1499	project.
1500	(29) "Internal lot restriction" means a platted note, platted demarcation, or platted
1501	designation that:
1502	(a) runs with the land; and
1503	(b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
1504	the plat; or
1505	(ii) designates a development condition that is enclosed within the perimeter of a lot
1506	described on the plat.
1507	(30) "Interstate pipeline company" means a person or entity engaged in natural gas
1508	transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
1509	the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
1510	(31) "Intrastate pipeline company" means a person or entity engaged in natural gas
1511	transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1512	Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
1513	(32) "Land use applicant" means a property owner, or the property owner's designee,

1514	who submits a land use application regarding the property owner's land.
1515	(33) "Land use application":
1516	(a) means an application that is:
1517	(i) required by a county; and
1518	(ii) submitted by a land use applicant to obtain a land use decision; and
1519	(b) does not mean an application to enact, amend, or repeal a land use regulation.
1520	(34) "Land use authority" means:
1521	(a) a person, board, commission, agency, or body, including the local legislative body,
1522	designated by the local legislative body to act upon a land use application; or
1523	(b) if the local legislative body has not designated a person, board, commission,
1524	agency, or body, the local legislative body.
1525	(35) "Land use decision" means an administrative decision of a land use authority or
1526	appeal authority regarding:
1527	(a) a land use permit;
1528	(b) a land use application; or
1529	(c) the enforcement of a land use regulation, land use permit, or development
1530	agreement.
1531	(36) "Land use permit" means a permit issued by a land use authority.
1532	(37) "Land use regulation":
1533	(a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1534	specification, fee, or rule that governs the use or development of land;
1535	(b) includes the adoption or amendment of a zoning map or the text of the zoning code
1536	and
1537	(c) does not include:
1538	(i) a land use decision of the legislative body acting as the land use authority, even if
1539	the decision is expressed in a resolution or ordinance; or
1540	(ii) a temporary revision to an engineering specification that does not materially:
1541	(A) increase a land use applicant's cost of development compared to the existing
1542	specification; or
1543	(B) impact a land use applicant's use of land.
1544	(38) "Legislative body" means the county legislative body, or for a county that has

and expenses incurred in:

1545	adopted an alternative form of government, the body exercising legislative powers.
1546	(39) "Local district" means any entity under Title 17B, Limited Purpose Local
1547	Government Entities - Local Districts, and any other governmental or quasi-governmental
1548	entity that is not a county, municipality, school district, or the state.
1549	(40) "Lot" means a tract of land, regardless of any label, that is created by and shown
1550	on a subdivision plat that has been recorded in the office of the county recorder.
1551	(41) (a) "Lot line adjustment" means a relocation of a lot line boundary between
1552	adjoining lots or between a lot and adjoining parcels in accordance with Section 17-27a-608:
1553	(i) whether or not the lots are located in the same subdivision; and
1554	(ii) with the consent of the owners of record.
1555	(b) "Lot line adjustment" does not mean a new boundary line that:
1556	(i) creates an additional lot; or
1557	(ii) constitutes a subdivision or a subdivision amendment.
1558	(c) "Lot line adjustment" does not include a boundary line adjustment made by the
1559	Department of Transportation.
1560	(42) "Major transit investment corridor" means public transit service that uses or
1561	occupies:
1562	(a) public transit rail right-of-way;
1563	(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit;
1564	or
1565	(c) fixed-route bus corridors subject to an interlocal agreement or contract between a
1566	municipality or county and:
1567	(i) a public transit district as defined in Section 17B-2a-802; or
1568	(ii) an eligible political subdivision as defined in Section 59-12-2219.
1569	(43) "Moderate income housing" means housing occupied or reserved for occupancy
1570	by households with a gross household income equal to or less than 80% of the median gross
1571	income for households of the same size in the county in which the housing is located.
1572	(44) "Mountainous planning district" means an area designated by a county legislative
1573	body in accordance with Section 17-27a-901.
1574	(45) "Nominal fee" means a fee that reasonably reimburses a county only for time spen

1576	(a) verifying that building plans are identical plans; and
1577	(b) reviewing and approving those minor aspects of identical plans that differ from the
1578	previously reviewed and approved building plans.
1579	(46) "Noncomplying structure" means a structure that:
1580	(a) legally existed before the structure's current land use designation; and
1581	(b) because of one or more subsequent land use ordinance changes, does not conform
1582	to the setback, height restrictions, or other regulations, excluding those regulations that govern
1583	the use of land.
1584	(47) "Nonconforming use" means a use of land that:
1585	(a) legally existed before the current land use designation;
1586	(b) has been maintained continuously since the time the land use ordinance regulation
1587	governing the land changed; and
1588	(c) because of one or more subsequent land use ordinance changes, does not conform
1589	to the regulations that now govern the use of the land.
1590	(48) "Official map" means a map drawn by county authorities and recorded in the
1591	county recorder's office that:
1592	(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1593	highways and other transportation facilities;
1594	(b) provides a basis for restricting development in designated rights-of-way or between
1595	designated setbacks to allow the government authorities time to purchase or otherwise reserve
1596	the land; and
1597	(c) has been adopted as an element of the county's general plan.
1598	(49) "Parcel" means any real property that is not a lot.
1599	(50) (a) "Parcel boundary adjustment" means a recorded agreement between owners of
1600	adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
1601	agreement in accordance with Section 17-27a-523, if no additional parcel is created and:
1602	(i) none of the property identified in the agreement is a lot; or
1603	(ii) the adjustment is to the boundaries of a single person's parcels.
1604	(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
1605	line that:

(i) creates an additional parcel; or

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- 1607 (ii) constitutes a subdivision. 1608 (c) "Parcel boundary adjustment" does not include a boundary line adjustment made by 1609 the Department of Transportation. 1610 (51) "Person" means an individual, corporation, partnership, organization, association, 1611 trust, governmental agency, or any other legal entity. 1612 (52) "Plan for moderate income housing" means a written document adopted by a 1613 county legislative body that includes: 1614 (a) an estimate of the existing supply of moderate income housing located within the 1615 county; 1616 (b) an estimate of the need for moderate income housing in the county for the next five 1617 years; 1618 (c) a survey of total residential land use; 1619 (d) an evaluation of how existing land uses and zones affect opportunities for moderate 1620 income housing; and 1621 (e) a description of the county's program to encourage an adequate supply of moderate 1622 income housing. 1623 (53) "Planning advisory area" means a contiguous, geographically defined portion of 1624 the unincorporated area of a county established under this part with planning and zoning 1625 functions as exercised through the planning advisory area planning commission, as provided in 1626 this chapter, but with no legal or political identity separate from the county and no taxing 1627 authority. 1628 (54) "Plat" means an instrument subdividing property into lots as depicted on a map or 1629 other graphical representation of lands that a licensed professional land surveyor makes and 1630 prepares in accordance with Section 17-27a-603 or 57-8-13. 1631 (55) "Potential geologic hazard area" means an area that: 1632 (a) is designated by a Utah Geological Survey map, county geologist map, or other 1633 relevant map or report as needing further study to determine the area's potential for geologic 1634 hazard; or 1635 (b) has not been studied by the Utah Geological Survey or a county geologist but

a designated geologic hazard area.

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presents the potential of geologic hazard because the area has characteristics similar to those of

1638	(56) "Public agency" means:
1639	(a) the federal government;
1640	(b) the state;
1641	(c) a county, municipality, school district, local district, special service district, or other
1642	political subdivision of the state; or
1643	(d) a charter school.
1644	(57) "Public hearing" means a hearing at which members of the public are provided a
1645	reasonable opportunity to comment on the subject of the hearing.
1646	(58) "Public meeting" means a meeting that is required to be open to the public under
1647	Title 52, Chapter 4, Open and Public Meetings Act.
1648	(59) "Public street" means a public right-of-way, including a public highway, public
1649	avenue, public boulevard, public parkway, public road, public lane, public alley, public
1650	viaduct, public subway, public tunnel, public bridge, public byway, other public transportation
1651	easement, or other public way.
1652	(60) "Receiving zone" means an unincorporated area of a county that the county
1653	designates, by ordinance, as an area in which an owner of land may receive a transferable
1654	development right.
1655	(61) "Record of survey map" means a map of a survey of land prepared in accordance
1656	with Section 10-9a-603, 17-23-17, 17-27a-603, or 57-8-13.
1657	(62) "Residential facility for persons with a disability" means a residence:
1658	(a) in which more than one person with a disability resides; and
1659	(b) (i) which is licensed or certified by the Department of Human Services under Title
1660	62A, Chapter 2, Licensure of Programs and Facilities; or
1661	(ii) which is licensed or certified by the Department of Health under Title 26, Chapter
1662	21, Health Care Facility Licensing and Inspection Act.
1663	(63) "Residential roadway" means a public local residential road that:
1664	(a) will serve primarily to provide access to adjacent primarily residential areas and
1665	property;
1666	(b) is designed to accommodate minimal traffic volumes or vehicular traffic;
1667	(c) is not identified as a supplementary to a collector or other higher system classified
1668	street in an approved municipal street or transportation master plan:

1669	(d) has a posted speed limit of 25 miles per hour or less;
1670	(e) does not have higher traffic volumes resulting from connecting previously separated
1671	areas of the municipal road network;
1672	(f) cannot have a primary access, but can have a secondary access, and does not abut
1673	lots intended for high volume traffic or community centers, including schools, recreation
1674	centers, sports complexes, or libraries; and
1675	(g) is primarily serves traffic within a neighborhood or limited residential area and
1675a	$\hat{S} \rightarrow [\underline{is}] \leftarrow \hat{S}$
1676	not necessarily continuous through several residential areas.
1677	[(63)] (64) "Rules of order and procedure" means a set of rules that govern and
1678	prescribe in a public meeting:
1679	(a) parliamentary order and procedure;
1680	(b) ethical behavior; and
1681	(c) civil discourse.
1682	[(64)] (65) "Sanitary sewer authority" means the department, agency, or public entity
1683	with responsibility to review and approve the feasibility of sanitary sewer services or onsite
1684	wastewater systems.
1685	[(65)] (66) "Sending zone" means an unincorporated area of a county that the county
1686	designates, by ordinance, as an area from which an owner of land may transfer a transferable
1687	development right.
1688	[(66)] (67) "Site plan" means a document or map that may be required by a county
1689	during a preliminary review preceding the issuance of a building permit to demonstrate that an
1690	owner's or developer's proposed development activity meets a land use requirement.
1691	[ <del>(67)</del> ] <u>(68)</u> "Specified public agency" means:
1692	(a) the state;
1693	(b) a school district; or
1694	(c) a charter school.
1695	[(68)] (69) "Specified public utility" means an electrical corporation, gas corporation,
1696	or telephone corporation, as those terms are defined in Section 54-2-1.
1697	[(69)] (70) "State" includes any department, division, or agency of the state.
1698	[(70)] (71) (a) "Subdivision" means any land that is divided, resubdivided, or proposed
1699	to be divided into two or more lots or other division of land for the purpose, whether

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1700	immediate or future, for offer, sale, lease, or development either on the installment plan or
1701	upon any and all other plans, terms, and conditions.
1702	(b) "Subdivision" includes:
1703	(i) the division or development of land, whether by deed, metes and bounds
1704	description, devise and testacy, map, plat, or other recorded instrument, regardless of whether
1705	the division includes all or a portion of a parcel or lot; and
1706	(ii) except as provided in Subsection (70)(c), divisions of land for residential and
1707	nonresidential uses, including land used or to be used for commercial, agricultural, and
1708	industrial purposes.
1709	(c) "Subdivision" does not include:
1710	(i) a bona fide division or partition of agricultural land for agricultural purposes;
1711	(ii) a boundary line agreement recorded with the county recorder's office between
1712	owners of adjoining parcels adjusting the mutual boundary in accordance with Section
1713	17-27a-523 if no new lot is created;
1714	(iii) a recorded document, executed by the owner of record:
1715	(A) revising the legal descriptions of multiple parcels into one legal description
1716	encompassing all such parcels; or
1717	(B) joining a lot to a parcel;
1718	(iv) a bona fide division or partition of land in a county other than a first class county
1719	for the purpose of siting, on one or more of the resulting separate parcels:
1720	(A) an electrical transmission line or a substation;
1721	(B) a natural gas pipeline or a regulation station; or
1722	(C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
1723	utility service regeneration, transformation, retransmission, or amplification facility;
1724	(v) a boundary line agreement between owners of adjoining subdivided properties
1725	adjusting the mutual lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608
1726	if:
1727	(A) no new dwelling lot or housing unit will result from the adjustment; and
1728	(B) the adjustment will not violate any applicable land use ordinance;

(vi) a bona fide division of land by deed or other instrument if the deed or other

instrument states in writing that the division:

1731	(A) is in anticipation of future land use approvals on the parcel or parcels;
1732	(B) does not confer any land use approvals; and
1733	(C) has not been approved by the land use authority;
1734	(vii) a parcel boundary adjustment;
1735	(viii) a lot line adjustment;
1736	(ix) a road, street, or highway dedication plat;
1737	(x) a deed or easement for a road, street, or highway purpose; or
1738	(xi) any other division of land authorized by law.
1739	[(71)] (72) (a) "Subdivision amendment" means an amendment to a recorded
1740	subdivision in accordance with Section 17-27a-608 that:
1741	[(a)] (i) vacates all or a portion of the subdivision;
1742	[(b)] (ii) alters the outside boundary of the subdivision;
1743	[(c)] (iii) changes the number of lots within the subdivision;
1744	[(d)] (iv) alters a public right-of-way, a public easement, or public infrastructure within
1745	the subdivision; or
1746	$[\underline{(e)}]$ $\underline{(v)}$ alters a common area or other common amenity within the subdivision.
1747	(b) "Subdivision amendment" does not include a lot line adjustment, between a single
1748	lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.
1749	$\left[\frac{(72)}{(73)}\right]$ "Substantial evidence" means evidence that:
1750	(a) is beyond a scintilla; and
1751	(b) a reasonable mind would accept as adequate to support a conclusion.
1752	[ <del>(73)</del> ] <u>(74)</u> "Suspect soil" means soil that has:
1753	(a) a high susceptibility for volumetric change, typically clay rich, having more than a
1754	3% swell potential;
1755	(b) bedrock units with high shrink or swell susceptibility; or
1756	(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
1757	commonly associated with dissolution and collapse features.
1758	$\left[\frac{(74)}{(75)}\right]$ "Therapeutic school" means a residential group living facility:
1759	(a) for four or more individuals who are not related to:
1760	(i) the owner of the facility; or
1761	(ii) the primary service provider of the facility;

1/62	(b) that serves students who have a history of failing to function:
1763	(i) at home;
1764	(ii) in a public school; or
1765	(iii) in a nonresidential private school; and
1766	(c) that offers:
1767	(i) room and board; and
1768	(ii) an academic education integrated with:
1769	(A) specialized structure and supervision; or
1770	(B) services or treatment related to a disability, an emotional development, a
1771	behavioral development, a familial development, or a social development.
1772	[(75)] (76) "Transferable development right" means a right to develop and use land that
1773	originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
1774	land use rights from a designated sending zone to a designated receiving zone.
1775	[ <del>(76)</del> ] (77) "Unincorporated" means the area outside of the incorporated area of a
1776	municipality.
1777	$\left[\frac{(77)}{(78)}\right]$ "Water interest" means any right to the beneficial use of water, including:
1778	(a) each of the rights listed in Section 73-1-11; and
1779	(b) an ownership interest in the right to the beneficial use of water represented by:
1780	(i) a contract; or
1781	(ii) a share in a water company, as defined in Section 73-3-3.5.
1782	[(78)] (79) "Zoning map" means a map, adopted as part of a land use ordinance, that
1783	depicts land use zones, overlays, or districts.
1784	Section 16. Section 17-27a-504 is amended to read:
1785	17-27a-504. Temporary land use regulations.
1786	(1) (a) [A] Except as provided in Subsection 2(b), a county legislative body may,
1787	without prior consideration of or recommendation from the planning commission, enact an
1788	ordinance establishing a temporary land use regulation for any part or all of the area within the
1789	county if:
1790	(i) the legislative body makes a finding of compelling, countervailing public interest;
1791	or
1792	(ii) the area is unregulated.

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the proposed development.

1793 (b) A temporary land use regulation under Subsection (1)(a) may prohibit or regulate 1794 the erection, construction, reconstruction, or alteration of any building or structure or any 1795 subdivision approval. 1796 (c) A temporary land use regulation under Subsection (1)(a) may not impose an impact 1797 fee or other financial requirement on building or development. 1798 (2) (a) The legislative body shall establish a period of limited effect for the ordinance 1799 not to exceed [six months] 180 days. (b) A county legislative body may not apply the provisions of a temporary land use 1800 1801 regulation to the review of a specific land use application if the land use application is impaired 1802 or prohibited by proceedings initiated under Subsection 17-27a-508(1)(a)(ii)(B). 1803 (3) (a) A legislative body may, without prior planning commission consideration or 1804 recommendation, enact an ordinance establishing a temporary land use regulation prohibiting 1805 construction, subdivision approval, and other development activities within an area that is the 1806 subject of an Environmental Impact Statement or a Major Investment Study examining the area 1807 as a proposed highway or transportation corridor. 1808 (b) A regulation under Subsection (3)(a): 1809 (i) may not exceed [six months] 180 days in duration; 1810 (ii) may be renewed, if requested by the Transportation Commission created under 1811 Section 72-1-301, for up to two additional [six-month] 180-day periods by ordinance enacted 1812 before the expiration of the previous regulation; and 1813 (iii) notwithstanding Subsections (3)(b)(i) and (ii), is effective only as long as the 1814 Environmental Impact Statement or Major Investment Study is in progress. 1815 Section 17. Section 17-27a-507 is amended to read: 1816 17-27a-507. Exactions -- Exaction for water interest -- Requirement to offer to 1817 original owner property acquired by exaction. 1818 (1) A county may impose an exaction or exactions on development proposed in a land 1819 use application, including, subject to Subsection (3), an exaction for a water interest, if: 1820 (a) an essential link exists between a legitimate governmental interest and each 1821 exaction; and

(b) each exaction is roughly proportionate, both in nature and extent, to the impact of

1824 (2) If a land use authority imposes an exaction for another governmental entity: 1825 (a) the governmental entity shall request the exaction; and 1826 (b) the land use authority shall transfer the exaction to the governmental entity for 1827 which it was exacted. 1828 (3) (a) (i) A county or, if applicable, the county's culinary water authority shall base any 1829 exaction for a water interest on the culinary water authority's established calculations of 1830 projected water interest requirements. 1831 (ii) Upon an applicant's request, the culinary water authority shall provide the applicant 1832 with the basis for the culinary water authority's calculations under Subsection (3)(a)(i) on 1833 which an exaction for a water interest is based. 1834 (b) A county or its culinary water authority may not impose an exaction for a water 1835 interest if the culinary water authority's existing available water interests exceed the water 1836 interests needed to meet the reasonable future water requirement of the public, as determined 1837 under Subsection 73-1-4(2)(f). 1838 (4) (a) If a county plans to dispose of surplus real property under Section 17-50-312 1839 that was acquired under this section and has been owned by the county for less than 15 years, 1840 the county shall first offer to reconvey the property, without receiving additional consideration, 1841 to the person who granted the property to the county. 1842 (b) A person to whom a county offers to reconvey property under Subsection (4)(a) has 1843 90 days to accept or reject the county's offer. 1844 (c) If a person to whom a county offers to reconvey property declines the offer, the 1845 county may offer the property for sale. 1846 (d) Subsection (4)(a) does not apply to the disposal of property acquired by exaction by 1847 a community development or urban renewal agency. 1848 (5) (a) A county may not, as part of an infrastructure improvement, require the 1849 installation of pavement on a residential roadway at a width in excess of 32 feet. 1850 (b) Subsection (5)(a) does not apply if a county requires the installation of pavement in 1851 excess of 32 feet: 1852 (i) in a vehicle turnaround area; 1853 (ii) in a cul-de-sac;

(iii) to address specific traffic flow constraints at an intersection, mid-block crossings,

1855	or other areas;
1856	(iv) to address an applicable general or master plan improvement, including
1857	transportation, bicycle lanes, trails or other similar improvements that are not included within
1858	an impact fee area;
1859	(v) to address traffic flow constraints for service to or abutting higher density
1860	developments or uses that generate higher traffic volumes, including community centers,
1861	schools and other similar uses;
1862	(vi) as needed for the installation or location of a utility which is maintained by the
1863	county and is considered a transmission line or requires additional roadway width;
1864	(vii) for third-party utility lines that have an easement preventing the installation of
1865	utilities maintained by the county within the roadway;
1866	(viii) for utilities over 12 feet in depth;
1867	(ix) for roadways with a design speed that exceeds 25 miles per hour;
1868	(x) as needed for flood and stormwater routing;
1869	(xi) as needed to meet fire code requirements for parking and hydrants; or
1870	(xii) as needed to accommodate street parking.
1871	(c) Nothing in this section shall be construed to prevent a county from approving a
1872	road cross section with a pavement width less than 32 feet.
1873	(d) (i) A land use applicant may appeal a municipal requirement for pavement in
1874	excess of 32 feet on a residential roadway.
1875	(ii) A land use applicant that has appealed a municipal specification for a residential
1876	roadway pavement width in excess of 32 feet may request that the county assemble a panel of
1877	qualified experts to serve as the appeal authority for purposes of determining the technical
1878	aspects of the appeal.
1879	(iii) Unless otherwise agreed by the applicant and the county, the panel described in
1880	Subsection (5)(d)(ii) shall consist of the following three experts:
1881	(A) one licensed engineer, designated by the county;
1882	(B) one licensed engineer, designated by the land use applicant; and
1883	(C) one licensed engineer, agreed upon and designated by the two designated engineers
1884	under Subsections (5)(a)(d)(iii)(A) and (B).
1885	(iv) A member of the panel assembled by the county under Subsection (5)(d)(ii) may

1886	not have an interest in the application that is the subject of the appeal.
1887	(v) The land use applicant shall pay:
1888	(A) 50% of the cost of the panel; and
1889	(B) the county's published appeal fee.
1890	(vi) The decision of the panel is a final decision, subject to a petition for review under
1891	Subsection (5)(d)(vii).
1892	(vii) Pursuant to Section 17-27a-801, a land use applicant or the county may file a
1893	petition for review of the decision with the district court within 30 days after the date that the
1894	decision is final.
1895	Section 18. Section 17-27a-508 is amended to read:
1896	17-27a-508. Applicant's entitlement to land use application approval
1897	Application relating to land in a high priority transportation corridor County's
1898	requirements and limitations Vesting upon submission of development plan and
1899	schedule.
1900	(1) (a) (i) An applicant who has submitted a complete land use application, including
1901	the payment of all application fees, is entitled to substantive review of the application under the
1902	land use regulations:
1903	(A) in effect on the date that the application is complete; and
1904	(B) applicable to the application or to the information shown on the submitted
1905	application.
1906	(ii) An applicant is entitled to approval of a land use application if the application
1907	conforms to the requirements of the applicable land use regulations, land use decisions, and
1908	development standards in effect when the applicant submits a complete application and pays all
1909	application fees, unless:
1910	(A) the land use authority, on the record, formally finds that a compelling,
1911	countervailing public interest would be jeopardized by approving the application and specifies
1912	the compelling, countervailing public interest in writing; or
1913	(B) in the manner provided by local ordinance and before the applicant submits the
1914	application, the county formally initiates proceedings to amend the county's land use
1915	regulations in a manner that would prohibit approval of the application as submitted.
1916	(b) The county shall process an application without regard to proceedings the county

1917	initiated to amend the county's ordinances as described in Subsection (1)(a)(ii)(B) if:
1918	(i) 180 days have passed since the county initiated the proceedings; and
1919	(ii) (A) the proceedings have not resulted in an enactment that prohibits approval of the
1920	application as submitted[-]; or
1921	(B) during the 12 months prior to the county processing the application or multiple
1922	applications of the same type, the application is impaired or prohibited under the terms of a
1923	temporary land use regulation adopted under Section 17-27a-504.
1924	(c) A land use application is considered submitted and complete when the applicant
1925	provides the application in a form that complies with the requirements of applicable ordinances
1926	and pays all applicable fees.
1927	(d) The continuing validity of an approval of a land use application is conditioned upon
1928	the applicant proceeding after approval to implement the approval with reasonable diligence.
1929	(e) A county may not impose on an applicant who has submitted a complete
1930	application a requirement that is not expressed <u>in</u> :
1931	(i) [in] this chapter;
1932	(ii) [in] a county ordinance in effect on the date that the applicant submits a complete
1933	application, subject to Subsection 17-27a-508(1)(a)(ii); or
1934	(iii) [in] a county specification for public improvements applicable to a subdivision or
1935	development that is in effect on the date that the applicant submits an application.
1936	(f) A county may not impose on a holder of an issued land use permit or a final,
1937	unexpired subdivision plat a requirement that is not expressed:
1938	(i) in a land use permit;
1939	(ii) on the subdivision plat;
1940	(iii) in a document on which the land use permit or subdivision plat is based;
1941	(iv) in the written record evidencing approval of the land use permit or subdivision
1942	plat;
1943	(v) in this chapter; [or]
1944	(vi) in a county ordinance; or
1945	(vii) in a county specification for residential roadways in effect at the time a residential
1946	subdivision was approved.

(g) Except as provided in Subsection (1)(h), a county may not withhold issuance of a

certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:

- (i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the building permit or subdivision plat; or
  - (ii) in this chapter or the county's ordinances.
- (h) A county may not unreasonably withhold issuance of a certificate of occupancy where an applicant has met all requirements essential for the public health, public safety, and general welfare of the occupants, in accordance with this chapter, unless:
- (i) the applicant and the county have agreed in a written document to the withholding of a certificate of occupancy; or
- (ii) the applicant has not provided a financial assurance for required and uncompleted [landscaping] public landscaping improvements or infrastructure improvements in accordance with an applicable ordinance that the legislative body adopts under this chapter.
- (2) A county is bound by the terms and standards of applicable land use regulations and shall comply with mandatory provisions of those regulations.
- (3) A county may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.
- (4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the county's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use regulations in effect on the date of submission.
- (5) (a) If sponsors of a referendum timely challenge a project in accordance with Subsection 20A-7-601(6), the project's affected owner may rescind the project's land use approval by delivering a written notice:
  - (i) to the local clerk as defined in Section 20A-7-101; and
- (ii) no later than seven days after the day on which a petition for a referendum is determined sufficient under Subsection 20A-7-607(5).
  - (b) Upon delivery of a written notice described in Subsection(5)(a) the following are

1979	rescinded and are of no further force or effect:
1980	(i) the relevant land use approval; and
1981	(ii) any land use regulation enacted specifically in relation to the land use approval.
1982	Section 19. Section 17-27a-528 is amended to read:
1983	17-27a-528. Development agreements.
1984	(1) Subject to Subsection (2), a county may enter into a development agreement
1985	containing any term that the county considers necessary or appropriate to accomplish the
1986	purposes of this chapter.
1987	(2) (a) A development agreement may not:
1988	(i) limit a county's authority in the future to:
1989	(A) enact a land use regulation; or
1990	(B) take any action allowed under Section 17-53-223;
1991	(ii) require a county to change the zoning designation of an area of land within the
1992	county in the future; or
1993	(iii) [contain a term that conflicts with, or is different from, a standard set forth in an
1994	existing land use regulation that governs the area subject to the development agreement] allow
1995	a use or development of land that applicable land use regulations governing the area subject to
1996	the development agreement would otherwise prohibit, unless the legislative body approves the
1997	development agreement in accordance with the same procedures for enacting a land use
1998	regulation under Section 17-27a-502, including a review and recommendation from the
1999	planning commission and a public hearing.
2000	(b) A development agreement that requires the implementation of an existing land use
2001	regulation as an administrative act does not require a legislative body's approval under Section
2002	17-27a-502.
2003	[(c) A county may not require a development agreement as the only option for
2004	developing land within the county. (d)]
2005	(c) (i) If a development agreement restricts an applicant's rights under clearly
2006	established state law, the county shall disclose in writing to the applicant the rights of the
2007	applicant the development agreement restricts.
2008	(ii) A county's failure to disclose in accordance with Subsection (2)(c)(i) voids any
2009	provision in the development agreement pertaining to the undisclosed rights.

2010	(d) A county may not require a development agreement as a condition for developing
2011	land if the county's land use regulations establish all applicable standards for development on
2012	the land.
2013	(e) To the extent that a development agreement does not specifically address a matter
2014	or concern related to land use or development, the matter or concern is governed by:
2015	(i) this chapter; and
2016	(ii) any applicable land use regulations.
2017	Section 20. Section 17-27a-530 is amended to read:
2018	17-27a-530. Regulation of building design elements prohibited Exceptions.
2019	(1) As used in this section, "building design element" means:
2020	(a) exterior color;
2021	(b) type or style of exterior cladding material;
2022	(c) style, dimensions, or materials of a roof structure, roof pitch, or porch;
2023	(d) exterior nonstructural architectural ornamentation;
2024	(e) location, design, placement, or architectural styling of a window or door;
2025	(f) location, design, placement, or architectural styling of a garage door, not including a
2026	rear-loading garage door;
2027	(g) number or type of rooms;
2028	(h) interior layout of a room;
2029	(i) minimum square footage over 1,000 square feet, not including a garage;
2030	(j) rear yard landscaping requirements;
2031	(k) minimum building dimensions; or
2032	(l) a requirement to install front yard fencing.
2033	(2) Except as provided in Subsection (3), a county may not impose a requirement for a
2034	building design element on a [one to two family dwelling] one- or two-family dwelling.
2035	(3) Subsection (2) does not apply to:
2036	(a) a dwelling located within an area designated as a historic district in:
2037	(i) the National Register of Historic Places;
2038	(ii) the state register as defined in Section 9-8-402; or
2039	(iii) a local historic district or area, or a site designated as a local landmark, created by
2040	ordinance before January 1, 2021, except as provided under Subsection (4)(b):

2041	(b) an ordinance enacted as a condition for participation in the National Flood
2042	Insurance Program administered by the Federal Emergency Management Agency;
2043	(c) an ordinance enacted to implement the requirements of the Utah Wildland Urban
2044	Interface Code adopted under Section 15A-2-103;
2045	(d) building design elements agreed to under a development agreement;
2046	(e) a dwelling located within an area that:
2047	(i) is zoned primarily for residential use; and
2048	(ii) was substantially developed before calendar year 1950;
2049	(f) an ordinance enacted to implement water efficient landscaping in a rear yard;
2050	(g) an ordinance enacted to regulate type of cladding, in response to findings or
2051	evidence from the construction industry of:
2052	(i) defects in the material of existing cladding; or
2053	(ii) consistent defects in the installation of existing cladding; or
2054	(h) a land use regulation, including a planned unit development or overlay zone, that a
2055	property owner requests:
2056	(i) the county to apply to the owner's property; and
2057	(ii) in exchange for an increase in density or other benefit not otherwise available as a
2058	permitted use in the zoning area or district.
2059	Section 21. Section 17-27a-604.5 is amended to read:
2060	17-27a-604.5. Subdivision plat recording or development activity before required
2061	infrastructure is completed Improvement completion assurance Improvement
2062	warranty.
2063	(1) As used in this section, "public landscaping improvement" means landscaping that
2064	an applicant is required to install to comply with published installation and inspection
2065	specifications for public improvements that:
2066	(a) will be dedicated to and maintained by the county; or
2067	(b) are associated with and proximate to trail improvements that connect to planned or
2068	existing public infrastructure
2069	(2) A land use authority shall establish objective inspection standards for acceptance of
2070	a required [landscaping] public landscaping improvement or infrastructure improvement.
2071	$\left[\frac{(2)}{(2)}\right]$ (3) (a) Before an applicant conducts any development activity or records a plat,

the applicant shall:

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- (i) complete any required [landscaping] public landscaping improvements or infrastructure improvements; or
- (ii) post an improvement completion assurance for any required [landscaping] <u>public</u> landscaping improvements or infrastructure improvements.
- (b) If an applicant elects to post an improvement completion assurance, the applicant shall provide completion assurance for:
- (i) completion of 100% of the required [landscaping] public landscaping improvements or infrastructure improvements; or
- (ii) if the county has inspected and accepted a portion of the [landscaping] <u>public</u> <u>landscaping improvements</u> or infrastructure improvements, 100% of the incomplete or unaccepted [landscaping] <u>public landscaping improvements</u> or infrastructure improvements.
  - (c) A county shall:
  - (i) establish a minimum of two acceptable forms of completion assurance;
- (ii) if an applicant elects to post an improvement completion assurance, allow the applicant to post an assurance that meets the conditions of this title, and any local ordinances;
- (iii) establish a system for the partial release of an improvement completion assurance as portions of required [landscaping] public landscaping improvements or infrastructure improvements are completed and accepted in accordance with local ordinance; and
- (iv) issue or deny a building permit in accordance with Section 17-27a-802 based on the installation of [landscaping] public landscaping improvements or infrastructure improvements.
- (d) A county may not require an applicant to post an improvement completion assurance for:
- (i) [landscaping or an infrastructure improvement] public landscaping improvements or infrastructure improvements that the county has previously inspected and accepted;
- (ii) infrastructure improvements that are private and not essential or required to meet the building code, fire code, flood or storm water management provisions, street and access requirements, or other essential necessary public safety improvements adopted in a land use regulation; or
  - (iii) in a county where ordinances require all infrastructure improvements within the

2103	area to be private, infrastructure improvements within a development that the county requires
2104	to be private[-];
2105	(iv) landscaping improvements that are not public landscaping improvements, as
2106	defined in Section 17-27a-103, unless the landscaping improvements and completion assurance
2107	are required under the terms of a development agreement.
2108	(4) (a) Except as provided in Subsection (4)(c), as a condition for increased density or
2109	other entitlement benefit not currently available under the existing zone, a county may require a
2110	completion assurance bond for landscaped amenities and common area that are dedicated to
2111	and maintained by a homeowners association.
2112	(b) Any agreement regarding a completion assurance bond under Subsection (4)(a)
2113	between the applicant and the county shall be memorialized in a development agreement.
2114	(c) A county may not require a completion assurance bond for the landscaping of
2115	residential lots or the equivalent open space surrounding single family attached homes, whether
2116	platted as lots or common area.
2117	(5) The sum of the improvement completion assurance required under Subsections (3)
2118	and (4) may not exceed the sum of:
2119	(a) 100% of the estimated cost of the public landscaping improvements or
2120	infrastructure improvements, as evidenced by an engineer's estimate or licensed contractor's
2121	bid; and
2122	(b) 10% of the amount of the bond to cover administrative costs incurred by the county
2123	to complete the improvements, if necessary.
2124	[(3)] (6) At any time before a county accepts a [landscaping] public landscaping
2125	improvement or infrastructure improvement, and for the duration of each improvement
2126	warranty period, the land use authority may require the applicant to:
2127	(a) execute an improvement warranty for the improvement warranty period; and
2128	(b) post a cash deposit, surety bond, letter of credit, or other similar security, as
2129	required by the county, in the amount of up to 10% of the lesser of the:
2130	(i) county engineer's original estimated cost of completion; or
2131	(ii) applicant's reasonable proven cost of completion.
2132	$\left[\frac{(4)}{(7)}\right]$ When a county accepts an improvement completion assurance for
2133	[landscaping] public landscaping improvements or infrastructure improvements for a

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2134	development in accordance with [Subsection (2)(c)(ii)] Subsection (3)(c)(ii), the county may
2135	not deny an applicant a building permit if the development meets the requirements for the
2136	issuance of a building permit under the building code and fire code.
2137	[(5)] (8) The provisions of this section do not supersede the terms of a valid
2138	development agreement, an adopted phasing plan, or the state construction code.