

BLUFFDALE CITY, UTAH
ORDINANCE NO. 2024 - 03

AN ORDINANCE OF THE BLUFFDALE CITY COUNCIL AMENDING SUBDIVISION PROVISIONS AND PROCEDURES

WHEREAS, Bluffdale City, pursuant to Utah State Code, may adopt an ordinance to establish land development regulations which includes the adoption or amendment of zoning text or map and other land use regulations; and

WHEREAS, revisions to the existing Land Use Regulations of Bluffdale City are required to comply with Senate Bill 174 (2023); and

WHEREAS, Bluffdale City has authority to adopt subdivision regulations and procedures pursuant to Utah Code Ann. § 10-9a-501 or identify other statute or ordinance that provides authority in accordance with the Municipal Land Use, Development, and Management Act, Title 10, Chapter 9a, Utah Code, to establish an administrative land use authority for subdivisions and other provisions as necessary and appropriate to comply with revisions to the existing Land Use Regulations of Bluffdale City are required to comply with Senate Bill 174 (2023); and

WHEREAS, during the review of the SB174 changes, Staff recommended other ministerial updates to Title 11 and 12 pertaining to the processing of subdivisions that comport with current best practices, other provisions of the Utah State Code and miscellaneous typographical corrections; and

WHEREAS, pursuant to Utah State Code, the Planning Commission shall prepare and recommend any Zoning text amendments to the City Council; and

WHEREAS, the Planning Commission voted 4-0 to recommend approval of the Land Use Regulations text amendment in a public meeting held on January 17, 2024; and

WHEREAS, pursuant to Bluffdale City Code and Utah State Code, it is the responsibility of the City Council to consider the Land Use Regulations text amendment and Planning Commission recommendation in a public meeting; and

WHEREAS, a City Council public meeting was held on January 24, 2024, at 6 p.m. to discuss the Land Use Regulations text amendment; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of Bluffdale City to adopt the Land Use Regulations text amendment, which was recommended by the Planning Commission;


NOW, THEREFORE, be it ordained by the Bluffdale City Council for the approval to amend the Bluffdale City Land Use Regulations, Title 11, and the Bluffdale City Subdivision Ordinance, Title 12, as described in Exhibit "A."

This Ordinance assigned Ordinance No. 2024-03, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH, ON THIS 24th DAY OF JANUARY 2024, BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Councilmember Aston	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Austin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Crockett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Lord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Wilding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BLUFFDALE CITY



Mayor Natalie Hall

ATTEST:



Tami Timothy, City Recorder



EXHIBIT A – PROPOSED TEXT
AMENDMENTS

12.10.010 Short Title

This title shall be known as the *BLUFFDALE CITY SUBDIVISION ORDINANCE* or *SUBDIVISION ORDINANCE*. This title shall also be known as title 12 of this code. It may be cited and pleaded under any of the above stated designations. (Ord. 2019-17, 9-25-2019)

12.10.020 Purpose

The purposes of this title, and any rules, regulations, standards and specifications hereafter adopted pursuant hereto or in conjunction herewith are:

- A. To promote and protect the public health, safety, and general welfare;
- B. To regulate future growth and development activity within the city in a manner which promotes the physical integration of diverse housing forms, the preservation of Bluffdale City community values and the social integration of residents from diverse backgrounds in accordance with the general plan; and to promote the efficient and orderly growth of the city; ~~and~~;
- C. To provide procedures and standards for the physical development of subdivisions of land and construction of buildings and improvements thereon within the city, including, but not limited to, the construction and installation of roads, streets, curbs, gutters, sidewalks, parks, trails, and open spaces, drainage systems, water and sewer systems, design standards for public facilities and utilities, access to public rights-of-way, dedication of land and streets, granting easements or rights-of-way and to establish fees and other charges for the authorizing of a subdivision and for the development of land and improvements thereon. (Ord. 2019-17, 9-25-2019)

12.10.030 Interpretation

In their interpretation and application, the provisions of this title shall be considered as minimum requirements for the purposes set forth. Where the provisions of this title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail. (Ord. 2019-17, 9-25-2019)

12.10.040 General Considerations

- A. General Plan: The general plan shall guide the use and future development of all land within the corporate boundaries of the city. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses shown

and the standards established in the general plan, the zoning ordinance, and other applicable ordinances.

B. Preservation; Design: Trees, native land cover, natural watercourses, and topography shall be preserved where possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.

C. Community Facilities: Community facilities, such as parks, recreation areas, trails, and transportation facilities shall be provided in the subdivision in accordance with general plan standards, this title, and other applicable ordinances. This title establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of this subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the applicant may be required to dedicate, grant easements over or otherwise reserve land for parks, playgrounds, public ways, utility easements, and other public purposes.

D. Vesting Of Zoning Rights:

1. An applicant is entitled to approval of a land use application if the application conforms to the requirements of this and other applicable titles of this code in effect when a complete application is submitted and all fees have been paid, unless:
 - a. The administrative land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
 - b. Before the application is submitted and deemed complete, the city has formally initiated proceedings to amend its ordinances as provided for in these ordinances that would prohibit approval of the application as submitted.
2. The city shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:
 - a. One hundred eighty (180) days have passed since the proceedings were initiated; and
 - b. The proceedings have not resulted in an enactment that prohibits the approval of the application, as submitted.
3. An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
4. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

5. The city ~~shall~~may not impose on a holder of a subdivision approval, a requirement that is not expressed:
 - a. In the land use permit or in documents on which the land use permit is based; or
 - b. In the city's ordinances.

6. The city ~~will~~may not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:
 - a. In the building permit or in documents on which the building permit is based; or
 - b. In the city's adopted standards and ordinances. (Ord. 2019-17, 9-25-2019)

12.10.050 General Responsibilities

- A. The applicant shall prepare concept plans and plats consistent with the city development standards and shall pay for the design, city review, construction, and city inspection and testing of all public improvements and private improvements. These improvements include all required infrastructure within the public rights-of-way and private storm drain, private streets, fire hydrants, and on site culinary water within city's service area. The city shall process the plans and plats in accordance with the regulations set forth herein. The applicant ~~shall~~may not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until applicant has obtained the necessary approvals as required in this code. The applicant is responsible to obtain and be familiar with all applicable subdivision ordinances, rules and standards of the city.
- B. The zoning administrator, or their designee, shall review the plans and plats for design; for conformity to the general plan and to the zoning ordinance; and shall process the subdivision plats and reports as provided for in this title.
- C. Plats and/or plans of proposed subdivisions may be referred by the zoning administrator to any city departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment.
- D. The city engineer, or their designee, shall review for compliance the engineering plans and specifications for the city required improvements for the subdivision and whether the proposed city required improvements are consistent with this title, city design and construction standards, and other applicable ordinances, and shall be responsible for inspecting the city required public improvements and private improvements within the public rights-of-way and private storm drain, private streets, fire hydrants, and on-site culinary water within the city's service area. The city engineer, or their designee, shall also manage and direct ~~Security~~security proceeds collection and administration, and the collection of certain fees. Street layout and overall circulation shall be coordinated with transportation planning by the zoning administrator and city engineer.

- E. The public works director, or their designee, shall review and make comments on the design engineering plans and specifications for the city required improvements related to long term maintenance and preservation provisions, snowplowing, snowplow storage areas, waste management collection and vehicle turnaround, city culinary water infrastructure and service lateral maintenance, streetlight service and all other related aspects pertaining to public works utility and infrastructure maintenance to the city engineer and the zoning administrator. The public works director may assist the city engineer in performing inspections.
- F. ~~The designated land use authority shall receive public comment at a public hearing, if required, regarding proposed subdivisions.~~ The administrative land use authority may approve, approve with conditions or, if the project does not meet adopted city standards and ordinances, terminate processing the application until such time that the application complies with all adopted standards and ordinances.
- G. The city engineer or their designee shall verify that the security proceeds provided by the applicant is acceptable, that the applicant dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report submitted by the applicant, and may review matters of title such as easements and plats. (Ord. 2019-17, 9-25-2019)

12.10.060 Accurate Information

- A. All documents, plans, reports, studies and information provided to the city by the applicant in accordance with the requirements of this title shall be accurate and complete. Any action taken or approval given by the city based upon incomplete or inaccurate documents, plans, reports, studies or information supplied to the city by the applicant may be voidable.
- B. All engineering drawings, plats, reports, and other similar documents shall be stamped by a registered professional engineer or others as required, licensed to practice in the state of Utah. (Ord. 2019-17, 9-25-2019)

12.10.070 Compliance Required

- A. It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the city except in compliance with this title. No plat of any subdivision shall-may be recorded until it has been submitted and approved as herein. A plat shall-may not be approved if the administrative land use authority determines such plat to be in conflict with any provision or portion of the general plan, master traffic and transportation plan, master parks and trails plan, zoning ordinance, this title, adopted building and/or fire codes, or any other state law or city ordinance or standard.
- B. Land or lots within a proposed subdivision shall-may not be transferred or sold until a final plat of a subdivision has been recorded in accordance with this title and any applicable provisions of state law. Recordation of the plat shall-may not occur until the improvements required in connection with the subdivision have been completed; however, upon the developer's request, the city may record the plat prior to the

- installation of all improvements if the developer has first guaranteed the installation of improvements as provided herein. Construction of any improvements related to the subdivision, including any land disturbance, ~~shall~~may not be commenced until a land disturbance permit has been issued for the project.
- C. All lots, plots or tracts of land located within a subdivision shall be subject to this title whether the tract is owned by the applicant or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.
- D. Restrictive Covenants: If the applicant places restrictions on any of the land contained in the subdivision greater than those required by this title or any other city regulation or requirement, such as restrictions or reference thereto may be required to be indicated on the final plat or recorded with the county recorder. The city has no role or responsibility in creating or enforcing private covenants.
- E. A building permit ~~shall~~may not be issued on a parcel or tract of land within a subdivision until:
1. All infrastructure improvements essential to meet the requirements to issue a building permit under the adopted building code and fire code and city ordinances; or
 2. The applicant has provided an improvement completion assurance for the required landscaping and/or infrastructure improvements to the city.
- F. The issuance of a building permit for one model home per twenty (20) lots within a recorded subdivision, not to exceed four (4) total model homes in any one (1) recorded subdivision plat, may be allowed prior to the completion of all required subdivision improvements, subject to the following conditions:
1. The model home is limited to non-residential occupancy. This limitation shall be formalized in an agreement acceptable to the city attorney which shall be executed prior to the issuance of any building permit for the structure. The agreement shall include the requirement that conversion to residential occupancy shall be subject to an additional final building inspection and the installation of all required subdivision ~~requirements~~improvements in the entire subdivision; and
 2. Model homes ~~shall~~may only be constructed within seven hundred fifty feet (750') of the subdivision's entrance where it meets a fully improved public street.
- G. Until the subdivision is completed and conditionally accepted by the city engineer and all appropriate agencies, the applicant shall be responsible for the following in the area where building permits have been issued:
1. Maintaining public roads in a manner that allows continuous access for emergency vehicles;
 2. Maintaining public roadways and all drainage facilities free and clear of dirt and debris which might obstruct water flow or quality of storm water flows;
 3. Maintaining continuous flow capacities to all hydrants in the subdivision; and

4. Installing and maintaining street signs.

H. All public improvements ~~must~~shall be constructed in accordance with the following:

1. The city's adopted standards and specifications;
2. The requirements of the city engineer;
3. The development agreement between the applicant and the city (if applicable);
and
4. All other applicable city ordinances and regulations.

I. The city ~~will~~may not withhold a certificate of occupancy unless:

1. The applicant and the city have agreed in a written document to the withholding of certificates of occupancy; or
2. The applicant has not completed the required landscaping and infrastructure improvements as adopted in city ordinances, or the applicant has not provided assurance for the incomplete landscaping and infrastructure improvements as ~~adopted~~allowed by ~~in~~ city ordinances and adopted regulations and life safety codes.
3. The city ~~shall~~may not require assurances for private infrastructure improvements that are not required by the adopted building code, fire code, flood or storm water regulations, street and access requirements, or other necessary public safety improvements as adopted in the city's ordinances, standards and specifications. Nothing in this section ~~shall~~may prevent the city from requiring assurances for private landscaping as required by city ordinances or an applicable development agreement or adopted project plan. (Ord. 2019-17, 9-25- 2019)

12.10.080 Prohibited Acts

- A. An owner of any land located in a subdivision, as defined in Utah Code § 10-9a-103, who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.
- B. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of subsection A of this section or from the penalties or remedies provided in chapter 1-4 of this code.
- C. Notwithstanding any other provision of this section, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this section:
 1. Does not affect the validity of the instrument or other document; and
 2. Does not affect whether the property that is the subject of the instrument or other

document complies with applicable municipal ordinances on land use and development.

- D. The city may bring an action against an owner to require the property to conform to the provisions of this chapter.
- E. An action under this section may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.
- F. The city need only establish the violation to obtain the injunction. (Ord. 2019-17, 9-25-2019)

12.10.090 Penalties

It shall be a class C misdemeanor for any person to fail to comply with the provisions of this title. In addition to any criminal prosecution, the city may pursue any other legal remedy to ensure compliance with this title. (Ord. 2019-17, 9-25-2019)

12.10.100 Appeals

- A. Appeals may be made in accordance with section 11.~~30.040-3-4~~ to the designated appeal authority as set forth in section 11.~~30.090-6-9~~ of this code. Such appeal shall set forth in detail the action and grounds upon which the applicant or other person deems himself or herself aggrieved.
- B. An aggrieved party may appeal the appeal authority's decision as provided in section 11.~~30.090-3-9~~ of this code. (Ord. 2019-17, 9-25-2019)

12.10.110 Staff Authority

Unless otherwise specifically provided for in this title, all officers and employees of the city act in an advisory capacity to the designated **administrative** land use authority and have no authority to make binding decisions or to make authoritative representations, approvals or determinations other than in a purely advisory and recommending capacity. (Ord. 2019-17, 9-25-2019)

12.20.010 Concept Plan

A pre-application meeting with the city's development review committee (DRC) complete with a concept plan is strongly encouraged for all subdivisions as provided in this title. This provides the applicant with an opportunity to consult with and receive assistance from the city regarding the regulations and design requirements applicable to the subdivision of property. The applicant or applicant's duly authorized and certified agent may schedule this meeting with the community development department and submit a complete concept plan for review at the meeting. (Ord. 2019-17, 9-25-2019)

12.20.020 Submission

The applicant shall submit printed and/or digital copies of the proposed subdivision concept plan to the community development department for review at the pre-application meeting. The proposed concept plan shall be professionally prepared and include the following items:

- A. The proposed name of the subdivision;
- B. A vicinity plan showing significant natural and manmade features or existing structures on the site and within two hundred feet (200') of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than two feet (2'); and north arrow;
- C. A proposed lot and street layout;
- D. Availability and location of utilities and drainage facilities within the vicinity which are adjacent to the property;
- E. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA;
- F. The total acreage of the entire tract proposed for subdivision; and
- G. County plat map with aerial photo underlay, if available. (Ord. 2019-17, 9-25-2019)

12.20.030 Review By City Staff

- A. If an applicant requests a pre-application meeting, the city shall, within fifteen (15) business days after the request, schedule the meeting to review the concept plan and give initial feedback. The city staff shall review the submitted concept plan in a pre-application meeting scheduled with the applicant and check compliance with the city's general plan, zoning ordinance, this subdivision ordinance, and other appropriate regulations. At the pre-application meeting, the city shall make available copies of all applicable land use regulations, a complete list of standards required for the project, preliminary and final application checklists. The city staff shall verbally advise the applicant regarding the submitted concept plan, specifying any inadequacy in the information submitted, noncompliance with city regulations, questionable or undesirable design and/or engineering. City staff may also request any additional information which may assist them to evaluate the proposed subdivision.
- B. The city staff may request additional information, data or studies to be provided for the overall development before comments regarding the concept plan are provided. Any recommendation given by the city staff may include requirements for the overall development as part of its findings on the concept plan. (Ord. 2019-17, 9-25-2019)

12.30.010 Purpose Of The Preliminary Plat

The purpose of the preliminary plat is to require formal preliminary approval of a subdivision to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat shall in all respects comply with the provisions of this title and all other applicable provisions of this code. (Ord. 2019-17, 9-25-2019)

12.30.020 Application And Fees

~~After receiving concept plan comments from the city's development review committee (DRC), an~~ An applicant may file an application for preliminary plat approval with the community development department on a form prescribed by the city, together with the required number of drawings sets of the preliminary plat, a PDF copy of drawing sets of the preliminary plat, ~~and~~ the application fee as set forth in the consolidated fee schedule, all information and documentation required by the city's preliminary subdivision application checklist, and an owner's affidavit. ~~Applications for preliminary and final plats may be processed concurrently.~~ Preliminary approval is required before a final plat application may be submitted. (Ord. 2019-17, 9-25-2019)

12.30.030 Preliminary Plat Submittal

The preliminary plat shall include:

- A. Vicinity Map: A vicinity map drawn at a scale of one thousand feet to the inch (1,000' = 1") showing:
 1. All existing and proposed roadways in the vicinity of the development;
 2. A north arrow;
 3. The nearest section corner tie; and
 4. The subdivision name.

- B. Preliminary Plat: A preliminary plat drawn at a scale not larger than one hundred feet to the inch (100' = 1") and prepared, stamped and signed by a licensed professional surveyor licensed by the state of Utah, showing:
 1. All facilities within one hundred feet (100') of the subdivision boundaries;
 2. A north arrow;
 3. The subdivision name;
 4. The layout and names and widths of existing, proposed, and future road rights-of-way. Transportation infrastructure as indicated on the adopted transportation plan or adopted capital facilities plan shall be included in the development plans of the proposed subdivision;
 5. A tie to a permanent survey monument at a section corner;
 6. The boundary lines of the subdivision with bearings and distances;
 7. The layout and dimensions of proposed lots with lot areas in square feet;
 8. The location, dimensions and labeling of all other spaces including open spaces, parks, trails, and public spaces;
 9. Addresses for each lot and parcel;
 10. Ownership of all adjoining tracts of land; and

11. The location of manmade features including bridges, railroad tracks, fences or walls, and buildings.

C. Grading And Drainage Plan: A grading and drainage plan drawn to a scale not larger than forty feet to the inch (40' = 1"), showing:

1. The road and lot layout;
2. Topography at two foot (2') contour intervals;
3. A north arrow;
4. The subdivision name;
5. Areas of substantial earthmoving and including in such cases an erosion control plan;
6. The location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains;
7. The location of any five hundred (500) year floodplain, one hundred (100) year floodplain, and floodway as designated by the federal emergency management agency (FEMA);
8. Any existing wetland;
9. All drainage facilities, including water flow directions, ditches, swales, gutter flow capacities, inlets, outlets, catch basins, pipes, culverts, outlets to off-site facilities, storm water control facilities, control structures, and orifice plates planned to accommodate, convey, and control the project's storm drainage and detention storage for the storm events defined in city of Bluffdale storm water design standards manual, and which also comply with the adopted standards and specifications; and
10. The location and dimensions of all existing and proposed easements and entities to which they are granted.

D. Utility Plan: A utility plan drawn to a scale not larger than forty feet to the inch (40' = 1"), showing:

1. The road and lot layout;
2. A north arrow;
3. The subdivision name; and
4. All existing and proposed utilities, including sewer, culinary water, secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, and streetlights.

E. Phasing Plan: When a subdivision is proposed to be developed in phases, the applicant shall identify the location of all proposed phases along with a proposed time line for the construction of proposed public improvements.

- F. Geotechnical Investigation: The required number of printed and/or digital copies of a soils report.
- G. Storm Drainage Report: The required number of printed and/or digital copies of report that complies with the city of Bluffdale storm water design standards manual.
- H. Traffic Study: A traffic impact analysis as required by the city engineer.
- I. Title Report: A preliminary title report dated within thirty (30) calendar days of application submittal.
- J. Storm Drainage Agreements: Any agreements required for the legal discharge and conveyance of storm water drainage.
- K. Evidence Of Compliance: Evidence of compliance with all applicable federal, state, and local laws and regulations if requested by the development review committee.
- L. Digital Drawing Copies: Electronic copies of preliminary plat drawings in AutoCAD (DWG), Shapefile (SHP) format, and pdf format. (Ord. 2019-17, 9-25-2019)

12.30.040 Review And Approval

- A. Completeness Determination: Upon receipt of a preliminary subdivision application, the planning department and engineering department shall each designate one individual to determine whether the application is complete. The city shall notify the applicant of the determination in writing.
- A.B. Review: ~~Upon~~ No later than fifteen (15) business days after receipt of a complete application for preliminary plat approval, city staff shall review the application for compliance with adopted standards and ordinances.
- B.C. Recommendation And Approval: The administrative land use authority as set forth in section ~~11-3-911.30.090~~ of the land use ordinance shall review the preliminary plat submittal and determine compliance with the standards and criteria set forth in this chapter and all other ordinances this code, including the land use ordinances, general plan, transportation plan, and city standard specifications and design criteria. Notice of ~~the any~~ public meeting(s) ~~and/or hearing(s)~~ shall be given in accordance with section ~~117.30.06011-3-6~~ of this code. Upon receiving a recommendation, the administrative land use authority may approve, approve with conditions or, if the application does not comply with regulations, terminate processing the application until it complies with adopted standards and ordinances. The administrative land use authority shall make findings on the record specifying any inadequacy in the application and noncompliance with city regulations in the event of termination.
- C.D. Limitation Of Approval: Granting of preliminary plat approval ~~shall~~ may not constitute a final acceptance of the subdivision by the city. Approval of the preliminary plat ~~shall~~ may not relieve the applicant of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all city standards and requirements. (Ord. 2019-17, 9-25-2019)

12.40.010 Final Plat; Purpose

The purpose of the final plat is to require formal approval by the city before a subdivision plat is recorded in the office of the county recorder. (Ord. 2019-17, 9-25-2019)

12.40.020 Application And Fees

Following approval of the preliminary plat (~~if not submitted concurrently~~) the final plat, along with the required number of sets of required information shall be submitted at the time of final plat application and shall conform in all respects to those requirements specified in this title. The applicant shall file an application for final plat approval with the community development department on a form prescribed by the city, together with the required number of copies of the proposed final plat drawings, and all information and documentation required by the city's final subdivision application checklist. (Ord. 2019-17, 9-25-2019)

12.40.030 Final Plat; Preparation And Required Information

All required materials, including applicable fees paid pursuant to the adopted consolidated fee schedule, must shall be submitted before review of a final plat may commence.

- A. The final plat shall show the subdivision name in a title heading and the general location of the subdivision in bold letters at the top of the sheet.
- B. The plat shall contain a north arrow and scale no larger than one hundred feet to the inch (100' = 1") of the drawing. The month and year shall be indicated under the title heading and location designation at the top of the plat.
- C. An accurate and complete survey to second order accuracy shall be made of the land being subdivided. A traverse of the exterior boundaries of the tract and of each block when computed from field measurements on the ground shall close within a tolerance of one foot (1') to twenty thousand feet (20,000').
- D. Plats shall include accurately drawn boundaries showing the bearings and dimensions of all boundary lines of the subdivision tied to public survey monuments.
- E. The final plat shall show all survey and mathematical information necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, central angle, radius and arc length of curves with associated chord bearing and distance, and such information as may be necessary to determine the location of beginning and ending points of curves. All property corners and monuments shall show the calculated county coordinates.
- F. All lots, blocks, and parcels offered for dedication for any purpose shall be designated with dimensions, boundaries and courses clearly shown. The square footage of each lot shall be shown. Parcels being dedicated, including streets and easements, shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof.

- G. The plat shall show the right-of-way lines of each street, the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown. Proposed street names shall be provided on the plat for review. Names cannot be duplicated within the county and must be approved by Salt Lake county and the city of Bluffdale. Streets which are a continuation of existing streets shall carry the same name.**
- H. The plat shall show the location and dimension of any existing or proposed easements, rights of way, or other encumbrances.**
- I. The plat shall specify the owner and entity in charge of maintaining all public and private infrastructure.**
- J. Construction Plans: All plan shall adhere to city standards, specification, and manuals. Plans shall include, but are not limited to, the following sheets: plat, demolition, site plan, grading and drainage, utility, signage and striping, and details. The following features, at a minimum, shall be shown on the construction plans:**
- 1. Profiles showing existing and proposed elevations along centerlines of all roads, along with typical cross sections. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred feet (100') of the intersection shall be shown. Approximate radii of all curves, lengths of tangents and central angles on all streets.**
 - a. Plans and profiles showing the locations of curb and gutter, sidewalks, drainage easements, irrigation ditches, rights-of-way, manholes and catch basins, street trees, streetlights and signs, the location, size and invert elevations of existing and proposed sanitary sewers and stormwater drains, fire hydrants, connections to any existing or proposed utility systems, and exact location and size of all water, gas or other underground utilities or structures. All street monuments shall be indicated on the construction plans.**
 - b. Underground Location: Utility facilities including power, gas, telephone and cable, shall be located underground in new subdivisions when underground location does not violate safety standards of the particular utility, and underground location does not impose additional maintenance burden on city streets and water/sewer personnel. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the applicant and shall be marked on the surface, as shall casings or conduits for all other underground utilities in accordance with adopted standards.**
 - 2. Location, size, elevation and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, swamps, wetlands,**

buildings, features noted on the official zone map, point of connection to proposed facilities and utilities within the subdivision, and each tree or group of trees to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall refer to the NAVD 88. The horizontal datum shall be to the state plane Utah central zone, NAD 83, in U.S. feet, and tied to a county section corner used as a basis of bearing. If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than twenty feet (20') back from the ordinary high water mark of such waterways.

3. Topography at the same scale as the preliminary plat with contour intervals at two feet (2'), referred to sea level datum. All datum provided shall be the latest applicable U.S. geodetic survey datum and should be so noted on the plat.
4. All other specifications, details and references required by adopted design guidelines and standard specifications, construction specifications and standard drawings, including a site grading plan for the entire subdivision.
5. Title, name, contact information, signature and seal of the professional engineer preparing the plans, and date, including revision dates.
6. A limits of disturbance, revegetation, and erosion control plan.
7. Signing and striping plan.

K. Lots shall be numbered consecutively under a definite system. Numbering shall continue throughout the subdivision with no omissions or duplications. Each lot shall show the street addresses assigned thereto according to the standard addressing methods approved by the city. In the case of corner lots, an address will be assigned for each street frontage.

L. Streets shall be numbered in accordance with and in conformity with the street numbering system adopted by the city. Named streets shall also be numbered.

M. The side lines of all easements shall be shown by fine dashed lines. The width of all easements and bearing, distances, dimension, ties or other depictions to definitely locate the same on the ground shall be shown. All easements shall be clearly labeled and identified.

N. The plat shall show all stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the applicant under the direction of the city engineer. The following monuments shall be shown on the final plat:

1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; and
2. All right-of-way monuments to be set or otherwise installed at angle points and intersections as approved by the city engineer.

- O. The final plat shall contain the name, stamp and signature of the licensed professional surveyor who prepared the plat, together with the date of the survey, the scale of the map and number of sheets. The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:
1. A registered land surveyor's "certificate of survey;"
 2. An owner's dedication certificate with appropriate notary public acknowledgments;
 3. A correct metes and bounds description of all property included within the subdivision;
 4. The signatures of the water provider, sewer provider, natural gas provider, electric power provider, local telephone service provider, Utah county and/or Salt Lake county health department, and blocks for signatures of the city engineer, city attorney, the designated administrative land use authority and an attestation by the city recorder, and a signature block for the county recorder in the lower right corner of the final plat; and
 5. Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, this title, or by the city attorney.
- P. Prior to recordation of the plat, the applicant shall submit a title report prepared and dated not more than thirty (30) calendar days before the proposed recordation of the final plat, to be reviewed by the city attorney.
- Q. When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the applicant shall submit with the final plat the name, proposed articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas and any access easements.
- R. The applicant shall submit a street tree plan in accordance with chapter 7.40-4.
- S. If the proposed subdivision is located within one thousand feet (1,000') of a vested critical infrastructure materials operation as set forth in Utah Code § 10-9a-9 the following note shall be included on the final plat:
Vested Critical Infrastructure Materials Operations - This property is located in the vicinity of an established vested critical infrastructure materials operations in which critical infrastructure materials operations have been afforded the highest priority use status. It can be anticipated that such operations may now or in the future be conducted on property included in the critical infrastructure materials protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from such normal critical infrastructure materials operations. (Ord. 2019-17, 9-25-2019)

12.40.040 Review By City Staff

[A. No later than twenty \(20\) business days of receipt of a complete final subdivision plat](#)

application. ~~The~~ the city staff shall review the final plat and construction drawings conformance to adopted standards and ordinances and provide a written response to the applicant. If the final plat complies, the staff shall forward the plat to the administrative land use authority as designated in section 11.30.090-3-9 of this code. If the plat does not comply, the city staff shall return the plat to the applicant with comments for the applicant's revision with an index of requested modifications or additions including citations to the ordinances, standards, and specifications on which the requested modifications or additions are based. (Ord. 2019-17, 9-25-2019)

B. The city may not require more than four (4) review cycles on a complete final subdivision plat application. A review cycle means the occurrence of:

1. The applicant's submittal of a complete subdivision land use application;
2. The city's review of that application;
3. The city's ~~formal~~ written response from the ~~Director~~ designated reviewers after review by the city staff and all required entities; and
4. The applicant's reply to the city's response that addresses each of the city's required modifications or requests for additional information.

C. ~~Any~~ ~~e~~Communication between the applicant and the city staff other than the ~~Director~~ formal and complete review responses from the designated reviewers may not be deemed a response or reply for purposes of review cycles. Any response from an applicant that does not address each of the city's required modifications or requests for additional information in a comprehensive and specific manner, including citations to applicable standards and ordinances and including an index of responses, or does not bring the application into compliance with city ordinances may not be deemed a response for purposes of review cycles.

D. The city shall respond to an applicant's revised plan within twenty (20) business days unless the applicant's revised plan was submitted more than twenty (20) business days after the city's written response.

A-E. The timeframes identified in subsection A and D above, and the limit identified in subsection B above, do not apply to subdivision applications for multifamily, commercial, or industrial uses, or any subdivision affecting property within identified geological hazard areas.

120.40.050 Approval By Administrative Land Use Authority

A. The administrative land use authority shall ~~may~~ not be bound by the recommendations of the city staff and may set its own conditions and requirements consistent with this title. If the administrative land use authority determines that the final plat is in conformity with the requirements of this title, adopted standards, other applicable ordinances, and any reasonable conditions as recommended by the city staff, it may approve the final plat. If the administrative land use authority determines that the final plat is not in conformity with this title, adopted standards, other applicable ordinances or any reasonable conditions imposed, the administrative land use authority may terminate processing the application until it complies with adopted standards and

- ordinances. The administrative land use authority shall make findings on the record specifying any inadequacy in the application and noncompliance with city regulations in the event of termination.
- B. Minor Subdivisions: A "minor" subdivision shall be defined as a subdivision of ten (10) or fewer lots from a parcel or a phase of lots which have received prior approval in the form of an approved site plan, project plan, development agreement or similar instrument.
1. Applications for a minor subdivision shall include the materials set forth in this chapter and shall be reviewed for compliance with adopted standards and ordinances by the city's development review committee (DRC).
 2. Following the review and recommendation of the DRC the application shall be forwarded to the administrative land use authority as set forth in section 11.30.090+1-3-9 of this code for their decision. The administrative land use authority may, after review of the plan and comment from other departments and agencies, direct the applicant to follow the standard approval process required for subdivisions, as described in this title. The administrative land use authority may take the following into account when determining whether the application will be required to follow the standard approval process:
 - a. The size and phasing of the proposed development; and
 - b. Compliance with adopted city ordinances, standards and master plans, and development agreements (if applicable); and
~~The controversial nature of the proposal.~~
- C. Appeal: The applicant may appeal the decision of the administrative land use authority in accordance with section 11.30.040-3-4 of this code to the designated appeal authority as set forth in section 11-3-9.30.090 of this code. (Ord. 2019-17, 9-25-2019)

12.40.060 Recording Of Final Plat

- A. After receiving approval from the designated administrative land use authority and all required signatures on the mylar have been completed, the final plat shall be presented by the city recorder to the county recorder for recordation, provided improvements have been completed and accepted or an improvement guarantee agreement has been executed.
- B. Acceptance Of Dedication Offers: Acceptance of formal offers of dedications of streets, public areas, easements and parks shall be by ordinance of the city council when a final plat is not prepared. (Ord. 2019-17, 9-25-2019)

12.50.010 General Provisions

- A. Minor Subdivisions: A "minor" subdivision shall be defined as a subdivision of ten (10) or fewer lots from a parcel or a subdivision of any number of lots from a parcel within

a phase of an approved project plan.

1. Commercial, industrial, and multifamily subdivisions and condominium plats are considered additional types of minor subdivisions for review and approval purposes.
- B. Applications for a minor subdivision shall include the materials set forth in this chapter for both preliminary and final plat processes and shall be reviewed for compliance with adopted standards and ordinances by the city's development review committee (DRC).
- C. Following the review and recommendation of the DRC the application shall be forwarded to the administrative land use authority as set forth in section ~~11-3-911.30.090~~ of this code for a final decision. ~~The land use authority shall consider the application in a public hearing and give notice of the meeting time, date, and location in accordance with section 11-3-6 of this code.~~ The administrative land use authority may, after review of the plan and comment from other departments and agencies, direct the applicant to follow the standard approval process required for subdivisions, as described in this title. The administrative land use authority may take the following into account when determining whether the application will be required to follow the standard approval process:
1. The size and phasing of the proposed development;
 2. Compliance with adopted city ordinances, standards and master plans; ~~and~~
 - ~~3. The controversial nature of the proposal.~~
- D. Appeal: The applicant may appeal the decision of the administrative land use authority in accordance with section ~~11.30.040-3-4~~ of this code to the designated appeal authority as set forth in section ~~11.30.090-3-9~~ of this code. (Ord. 2019-17, 9-25-2019)

12.60.010 Petition For Amendment

- A. Property Owner: Any fee owner of property lying within a recorded subdivision plat may petition the city requesting to vacate, alter or amend the subdivision plat. The petition shall include:
1. The name and address of all owners of record of the land contained in the entire plat;
 2. The name and address of all affected entities;
 3. The signature of each of the owners identified in subsections A1 and A2 of this section who consent to the petition; and
 4. The fee as set forth in the city consolidated fee schedule.
- B. City: The city on its own initiative may consider the vacation, alteration or amendment of a subdivision plat. The procedure for such consideration shall be as set out in this chapter. (Ord. 2019-17, 9-25-2019)

12.60.020 Plat Amendment Procedure

- A. Recommendation: Upon receipt of a petition to vacate, alter, or amend a subdivision plat, the matter shall be referred to the administrative land use authority as designated in section 11.30.090-3-9 of this code for consideration.
- B. Public Meeting: The administrative land use authority shall hold a public meeting wherein the application is reviewed and a decision is issued. Notice of the public meeting shall be given as provided in section 11.30.060-3-6 of this code.
- C. Vacating A Public Street, Right-Of-Way Or Easement: A petition under this section that proposes to vacate some or all of a public street, right-of-way or easement shall comply with state code.
- D. Notice: Notice shall be given in accordance with section 11.30.060-3-6 of this code. (Ord. 2019-17, 9- 25-2019)

12.60.030 Amended Plat Requirements

Prior to the administrative land use authority's approval of a petition or proposal to amend a subdivision plat, the petitioner or sponsor shall deliver to the city an amended plat map and supporting information in compliance with the requirements of section ~~12-4-3~~12.40.030 of this title. The amended plat map shall be accompanied by the appropriate recording fee to provide for recordation of the map with the county recorder. (Ord. 2019-17, 9-25-2019)

12.60.040 Lot Line Adjustments; Joining -Lots; -Parcel -Boundary -Adjustments; -Boundary Line Agreements

- A. Lot Line Adjustments: Consenting owners of adjoining properties ~~in a subdivision~~ may relocate the mutual property boundary line between their adjoining lots pursuant to this section. -Lot line adjustments within recorded subdivisions may be required to be processed as a plat amendment.
 - 1. The designated administrative land use authority for lot line adjustments is set forth in section ~~11-3-9~~11.30.090 of this code.
 - 2. Applications shall:
 - a. Be filed jointly by the owners of both subject properties.
 - b. Include the legal description of each original property.
 - c. Include the proposed adjusted legal description of each property as proposed. Legal descriptions shall be prepared by a certified surveyor or engineer licensed in the state of Utah.
 - 3. The administrative land use authority shall approve and provide a notice of approval to the applicants for applications that comply with the following requirements:
 - a. No new dwelling or lot or housing unit will result from the adjustment.

- b. The properties as proposed comply with all adopted standards and ordinances.
4. The property owners that are a party to the application shall record with the Salt Lake county recorder's office the notice of approval and a valid document of conveyance that results in the property boundaries described by the legal descriptions submitted with the lot line adjustment application.
 - B. Joining Lots: A fee owner may join two (2) or more of the petitioner fee owner's contiguous lots as long as the joined lots comply with this code. The administrative land use authority for joining lots shall be set forth in section ~~11-3-911.30.090~~ of this code.
 - C. Parcel Boundary Adjustments And Boundary Line Agreements: A parcel boundary adjustment or boundary line agreement subject to Utah Code §§ 10-9a-523 and 10-9a-524, as amended, shall-may not require review by the city. (Ord. 2019-17, 9-25-2019)

12.70.010 Approval Process

Applications to create a condominium plat shall follow the application and approval process as set forth in chapter 12.60-6: Plat Amendments, in accordance with the standards and regulations herein and as prescribed in state law. (Ord. 2019-17, 9-25-2019)

12.80.010 Subdivision Layout

The subdivision layout shall conform to the city's standards and ordinances. (Ord. 2019-17, 9-25-2019)

12.80.020 Lots

- A. Developable Lots: All subdivisions should result in the creation of lots which are developable and capable of being built upon. A subdivision shall-may not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, driveway grades, or other physical conditions.
- B. Frontage: All lots or parcels created by the subdivision shall have frontage on a street, improved to standards hereinafter required. This standard shall-may not apply to commercial development given adequate cross access is provided between any and all affected developments and/or properties. Land designated as right-of-way shall be separate and distinct from lots adjoining such right-of-way and not be included in the area of such lots.
- C. Double Frontage Lots: Double frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. The street frontage adjacent to the rear of any approved double frontage lots shall be improved by the applicant in accordance with the standards set forth in the city's subdivision standards. Unless specifically approved by the city engineer, no double frontage lot shall-may have

- vehicular access from the street frontage adjacent to the rear of the lot.
- D. Minimum Area, Dimensions: The minimum area and dimensions of all lots shall conform to the requirements of the zoning ordinance for the district in which the subdivision is located.
 - E. Side Lines: The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a cul-de-sac on which the lots face.
 - F. Lot Divisions: A lot ~~shall~~may not be divided by a city limit line or county boundary line.
 - G. Remnants: Remnants of property ~~shall~~may not be left in the subdivision which do not conform to lot requirements or are not required or suitable for common open space, private utility or public purpose.
 - H. Parcels Included In Plat: All portions of all parcels from which a subdivision is created shall be included within the subdivision plat.
 - I. Building Envelopes: Building envelopes shall be required to be shown on all final plats designating the buildable area on each lot. Building envelopes shall take into account minimum setback requirements, utility and access easements, physical constraints, such as steep slopes, waterways, wetlands, faults, and any other features deemed significant by the designated administrative land use authority. The accurate identification of the building envelope in the field is the responsibility of the developer. A certificate of survey, prepared by a registered land surveyor, licensed in the state of Utah, may be required. All existing and new structures in a subdivision are required to satisfy the lot area, setback and frontage requirements of the zone in which they are located.
 - J. Access: Lots ~~shall~~may not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the city may require that such lots be served by a combined access drive in order to limit possible traffic hazard on the arterial or collector streets. Where possible, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on arterial or collector streets. (Ord. 2019-17, 9-25-2019)

12.80.030 Streets

- A. Location: Streets shall be located within a subdivision so they connect with existing streets. If the adjoining land is zoned for residential use, streets shall be located so that the adjacent land may be most efficiently subdivided. Development on pre-existing private rights-of-way is permitted in accordance with BCC 11.160.250. Prior to final plat approval, the city shall make the determination as to whether each street is to be public or private. Such status shall be shown on the plat.
 - 1. Street systems in new subdivisions shall be laid out to eliminate or avoid new perimeter half streets. The city engineer may authorize a new perimeter street, however, the applicant shall be required to improve half the width of the right of way plus ten feet (10'), and dedicate the entire required street right of way

width, if it is in the applicant's control to do so.

2. Where a subdivision borders an existing narrow road or where the general plan, transportation plan, or capital facilities plan indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant may be required to improve and dedicate such areas for widening or realignment of such roads that are necessary and for the benefit of the subdivision. Frontage roads and streets shall be improved and dedicated at the applicant's expense to the full width as required by this title.
- B. Cross Section: All streets, whether public or private, shall conform to the cross section designated by the city's adopted transportation plan and adopted standards and specifications. At present it is the preference of the city for all subdivision streets to be dedicated public streets. However, if private streets are approved, they must be constructed to meet all requirements of public streets in case the city is required to maintain the streets in the future. The land area for streets or right-of-way ~~shall~~may not be included in or counted toward the minimum area required for a lot.
- C. Curbs, Gutters, Sidewalks: Curbs, gutters, and sidewalks shall be installed on existing and proposed streets by the applicant in all subdivisions in accordance with adopted standards and specifications.
- D. Cul-De-Sacs And Dead End Streets: In order to provide adequate emergency access to and from the development and proper circulation, two (2) points of ingress and egress shall be required in all subdivisions with the following exceptions:
1. Any subdivision, or portion of a subdivision, which cannot provide two (2) points of ingress and egress in a practical manner shall be limited to no more than thirty (30) single family residential lots or units or one hundred (100) multi-family units; provided, that in no case ~~shall~~may the single ingress/egress exceed a maximum of one thousand feet (1,000') in length, regardless of the number of dwelling units accessing from it, unless specifically allowed by other applicable provisions of the city land use ordinances or the adopted building or fire codes. This measurement shall begin at the point at which a person last has a choice between at least two (2) public streets or rights-of-way for travel.
 2. A subdivision, or portion of a subdivision, which will be served by more than one (1) point of ingress and egress in the future may receive approval for no more than thirty (30) single family residential lots or units or one hundred (100) multi-family units until a second point of ingress and egress is provided and so indicated on the final plat; provided, that in no case ~~shall~~may the single ingress/egress exceed a maximum of three thousand feet (3,000') in length, regardless of the number of dwelling units accessing from it, unless specifically allowed by other applicable provisions of the city land use ordinances. This measurement shall begin at the point at which a person last has a choice between at least two (2) public streets or rights of way for travel. The second access, when built, shall be constructed in accordance with adopted standards and specifications.
- E. Bridges: Bridges of primary benefit to the applicant shall be constructed at the full

expense of the applicant without reimbursement from the city. The sharing of expense for the construction of bridges not of primary benefit to the applicant shall be in accordance with adopted state law provisions. (Ord. 2019-17, 9-25-2019)

12.80.040 Drainage

The applicant shall construct and install drainage systems conforming to the city's adopted standards, specifications, and manuals. (Ord. 2019-17, 9-25-2019)

12.80.050 Utilities

- A. Underground: All required utilities shall be provided in accordance with adopted standards. All underground utilities specified in this section shall be installed prior to the installation of road base, surfacing, curbs, gutters and sidewalks. The applicant shall stub all utility services to outside the city right-of-way unless specified differently by adopted standards and specifications. Underground utilities shall may be installed only after streets have been rough graded to a line and grade approved by the city engineer.
- B. Culinary Water: A culinary water supply, which must be approved by the city engineer, shall be available to each lot in the subdivision and shall be provided in conformance with the standards and rules and regulations of the city. Where an approved culinary water supply is available, the city will require to be installed, at the applicant's expense, water mains, valves, and service laterals to each lot within the subdivision. Private water system shall meet rules and requirements set by state division of drinking water (DDW) and provide documentation of approval by DDW to the city.
- C. Fire Hydrants: Fire hydrants shall be installed at locations determined by the city engineer and the fire chief in accordance with adopted standards and specifications. Fire hydrants shall be governed by the requirements of the fire code adopted by the city.
- D. Sanitary Sewer: The applicant shall install sanitary sewer facilities under the direction of and in accordance with the specifications, review and approval of the Ssouth Valley Ssewer Deistrict.
- E. Electric Facilities: The applicant shall install electrical facilities under the direction of and in accordance with the specifications, review, and approval of the local electrical power provider.
- F. Supplementary Utility Facilities (Natural Gas, Telecom, Communications): The applicant shall install natural gas facilities, telecommunications, and communications facilities under the direction of and in accordance with the specifications, review, and approval of local utility providers.
- G. Subsurface Water Drains: Subsurface water drains may be installed at the option of the applicant. All plans for such subsurface drains proposed by the applicant shall be reviewed and approved by the city engineer, or their designee. All such subsurface drains shall meet the minimum requirements for design and construction of such drains, as specified by the city. The city may, based on the findings and recommendations of a soils report and other relevant analysis, require that no basements are constructed in certain areas with identified high water tables. If no basements are allowed, a note shall be placed on the plat reflecting this requirement.

H. Streetlights: Streetlights shall be provided in all subdivisions in accordance with adopted standards and ordinances.

I. Utility Easements: Utility easements shall be provided within the subdivision as required for public utility purposes. All lots shall include at a minimum a ten foot (10') easement along the front lot line and may be required around the entire perimeter, if required by the City Engineer. Additional easements, or increased width of easements, may be required as necessary to provide for adequate utility service and/or drainage within the subdivision and adjoining parcels. Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least ten feet (10') in width shall be provided with satisfactory access to the nearest public right-of-way. Whenever possible, City utilities shall be installed within dedicated public rights-of-way or other streets. Dry utilities are preferred to be installed in public utility easements where possible. Where city utilities are located outside of the public right-of-way a perpetual unobstructed easement at least ten feet (10') in width shall be provided with satisfactory access to the nearest public right-of-way in the name of the city. All utilities easements shall be indicated on the plat.

J. Irrigation And Secondary Water: The applicant shall be responsible for dedicating adequate secondary water in accordance with section 8.50.030-5-3 of this code. Unless otherwise provided in this code, adequate facilities shall be provided within the subdivision for the utilization of secondary water as irrigation. (Ord. 2019-17, 9-25-2019)

12.80.060 Landscaping And Trees

A. Landscaping: A landscaping plan shall be required for all subdivisions within the city detailing the landscaping in all public and common areas of the development and any other area required to be landscaped as a condition of development approval. All landscaping plans shall indicate who will be responsible for landscaping installation and how maintenance of the landscaped areas will be performed and by whom. All landscape plans and irrigation systems will conform to the city's adopted standards and specifications. A landscaping plan for all park strips is required to be submitted with the final plat application for all subdivisions. This plan shall indicate the plan for ground cover within park strips, and shall also include details on the irrigation system required to support the designated ground cover and required street trees. Drip or similar deep watering systems shall be indicated where street trees are present within the landscaping plan.

B. Street Trees:

1. Street Trees Required: All developers of residential subdivisions in the city shall provide street trees as part of the landscaping plan in order to reduce heat, dust, glare and the need for cooling and heating; to help clean and oxygenate the air; to reduce road noise; to prevent erosion and promote soil health; to mask undesirable views and enhance pleasing views; to develop continuity among developments; and to generally enhance the appearance of the city streets and promote a sense of civic pride and vitality. A street tree plan, which is in accordance with city standards and chapter 7.40-4 of this code, shall be

submitted with the final plat application for all subdivisions. The applicant and homeowner is/are responsible for ensuring the installation of the required number, species, and caliper of street trees, per the approved street tree plan, prior to the issuance of a certificate of occupancy for any dwelling.

2. Tree Bond Guarantee:

a. ~~Security—An agreement for guaranteeing~~ street tree installation is required to be provided with all subdivision building permit issuance in subdivisions where street trees are required. ~~The applicant shall post an escrow bond with the city prior to recording any subdivision or phase of each subdivision. The bond amount shall be set by the city and shall be set in an amount sufficient to cover the cost of providing trees for the individual lot, but shall may not be less than three hundred dollars (\$300.00) per required tree. Bonds will be held by the community development department, and shall may not be released until a site inspection has verified the proper tree installation has occurred, in accordance with the procedure outlined below:~~

b. ~~Total street tree and park strip landscaping bond amounts shall be calculated by multiplying the number of trees shown on the approved street tree and landscaping plan by three hundred dollars (\$300.00), and additionally adding in an estimated landscaping and irrigation systems cost. This bond would be posted with each subdivision or phase of a subdivision prior to the recording of any final plat. During the construction and occupancy of homes within a subdivision, applicant would have two (2) annual opportunities to reduce or refund a portion of the bond amount. These reductions of the street tree bond amount would be linked to the installation of the street trees as described on the street tree planting plan.~~

3. Street Tree Installation: All residential subdivisions shall have street trees and irrigation systems installed within the park strip between the sidewalk and curb. In areas where there is no sidewalk or no park strip between the sidewalk and curb, street trees shall be installed at adjacent to the right-of-way. Street trees shall be installed in accordance with the adopted standards and specifications ~~developed by the city tree commission and adopted by the city council~~. Irrigation systems shall be professionally installed by a licensed contractor, and shall include an automatic watering system appropriate to the approved tree and park strip planting plan. The developer shall prepare a street tree plan for each residential subdivision which shall be reviewed by the community development department DRC. Tree species selection shall vary by street to add variation in form, texture, color and general visual effect to the subdivision. A diversity of species shall also be provided to minimize the danger of losing an entire monospecific planting to blight, insects or some other species-species-specific condition. After installation by the applicant, individual homeowners are responsible for the irrigation and maintenance of required park strip street trees.

- C. Open Space Requirements: Units may be clustered in the most suitable and least sensitive portions of the site with common open space corridors separating clusters, in accordance with adopted ordinances. Any open space corridors should be designed to coincide with significant vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowners' association, unless dedicated and accepted by the city. Open space conservation easements dedicated in perpetuity to a qualified land trust are encouraged to prevent future development.
- D. Fencing: Each applicant shall be required to furnish and install fences when the city determines that a hazardous condition exists. The fences shall be constructed in accordance with section ~~11-16-1411.160.040~~ of the city's land use ordinances and shall be noted as to height and material on the final plat. Fences located within five feet (5') of a fire hydrant must be approved by the fire chief. (Ord. 2019-17, 9-25-2019)

12.80.070 Improvements Required

All improvements shall be installed in accordance with the city's subdivision standards and specifications, the adopted capital facilities plan, the adopted transportation plan, the adopted parks and trails plan, the development agreement between the applicant and the city (if applicable) and all other applicable city ordinances and regulations.

- A. Costs Of Improvements: All required improvements shall be completed by the applicant, at their expense, without reimbursements by the city, and in accordance with adopted standards, fee schedules, and ordinances.
- B. Temporary Improvements: The applicant shall build and pay for all costs of temporary improvements required by the city, and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the applicant shall file with the city engineer a separate suitable guarantee, in accordance with this title for temporary facilities which ensures that the temporary facilities will be properly constructed maintained and removed.
- C. Maintenance Of Improvements: The maintenance of all required improvements in the subdivision is the applicant's responsibility until accepted by the city.
- D. Fees Paid Prior To Acceptance: All applicable application, field engineering, inspections, and inspection administration fees shall be paid prior to acceptance of the subdivision. (Ord. 2019- 17, 9-25-2019)

12.90.010 Assurance For Completion And Maintenance Of Improvements

- A. Completion Of Improvements: Before the final plat is signed by the city engineer, all applicants shall be required to complete any and all improvements required for development or provide an improvement completion assurance according to subsection B of this section. The applicant shall dedicate all applicable land and public improvements to the city, including any water right transfers, conservation easements or dedications of public lands to land trusts, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

B. Improvement Completion Assurance:

1. The applicant shall post an acceptable improvement completion assurance ("completion assurance") prior to the recording of the final plat, in an amount estimated by the city engineer sufficient to secure to the city the satisfactory construction, installation, dedication of all required landscaping and infrastructure improvements. The amount of the completion assurance shall be in an amount or value equal to one hundred percent (100%) of the estimated cost of the required improvements and amenities as determined by the city engineer.
2. The completion assurance shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency and manner of execution as set forth by the city attorney. The completion assurance ~~shall~~ may not be used to pay any contractual obligations of the applicant.
3.
 - a. The completion assurance agreement shall be completed on the city supplied bond agreement form for the full subdivision improvements cost and be in one of the following forms:
 1. An escrow agreement and deposit account with a federally insured bank or credit union making proceeds available to the city in the case of the developer's default upon the city presenting a sight draft at an office located within fifty (50) miles of the city. (Three party bond agreement.)
 2. Cash or a cashier's check, for deposit with the city in its bank accounts. (Two party bond agreement.)
 - b. The completion assurance shall be approved by the city engineer with surety and conditions satisfactory to protect the public's interest and ensure construction of required improvements.
 - c. Interest, if any, earned by the city on the deposited sum shall be retained by the city as reimbursement and an offset for the cost of administering the completion assurance.
4. All required subdivision improvements shall be completed within two (2) years of final plat approval. At such time, if the improvements have not been completed, the city council may direct the city engineer to complete the remaining improvements using the completion assurance.

C. Temporary Improvements: The applicant shall build and pay for all costs of temporary improvements required by the city, and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the city engineer a separate suitable completion assurance, in accordance with this title, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained and removed.

D. Costs Of Improvements: All required improvements shall be completed by the applicant, at their expense, without reimbursement by the city or any improvement

district therein, and in accordance with adopted codes, standards, fee schedules and ordinances.

- E. Acceptance Of Dedication Offers: Acceptance of formal offers of dedications of streets, public areas, easements and parks shall be by ordinance of the city council when a final plat is not prepared. (Ord. 2019-17, 9-25-2019)

12.90.020 Commencement Of Excavation And Installation Of Improvements

- A. Final Plat Approved And Recorded: Prior to commencement of the construction of any subdivision improvements, the final plat of the subdivision shall have received approval from the city council, and the applicant shall have provided assurance for completion and maintenance of improvements, in accordance with section 12.90.010-94 of this chapter. The final plat shall be recorded in the office of the county recorder.
- B. Commencement Of Construction: Once the requirements listed above have been satisfied, ~~The applicant shall request in writing and have attended a preconstruction meeting with the city engineer.~~ After the required preconstruction meeting, the city engineer shall authorize construction to commence with a written notice to proceed. ~~The applicant shall request in writing and have attended a preconstruction meeting with the city engineer.~~ The applicant ~~shall~~ may be allowed only to clear and grub and perform preliminary grading with a valid land disturbance permit issued by the city engineer prior to plat approval, in accordance with city ordinances, prior to getting all required permits and pre-construction conference. Commencement of excavation and installation of subdivision improvements prior to completing the requirements of this section before authorized to do so may cause appropriate legal action and enforcement remedies by the city.
- C. Weather Passable Access; Fire Protection: No construction ~~shall~~ may be allowed to begin until an all weather passable access in accordance with city standards and as approved by the fire chief and city engineer has been completed. No combustible construction ~~shall~~ may be allowed to begin until fire protection in the form of water lines and fire hydrants is complete and accepted by the city.
- D. Infrastructure Placed Prior To Occupancy Certificate: No certificate of occupancy, either temporary or final, ~~shall~~ may be granted until the required safety infrastructure has been placed in a subdivision and approved by the appropriate service providers, and the access to the structure has been completed, inspected and approved. (Ord. 2019-17, 9-25-2019)

12.90.030 Inspection Of Improvements And Release Of Improvement Completion Assurance

- A. General Procedure And Fees: The city engineer or designee shall inspect the required improvements and amenities during construction and ensure their satisfactory completion. The applicant shall, in accordance with the city fee schedule, pay to the city inspection fees. These fees shall be due and payable upon demand of the city. Completion assurance and/or improvement warranty monies may not be released until

all outstanding inspection fees are paid. If the city engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the adopted design guidelines and standard specifications and plans, the applicant shall be responsible for completing the improvements. The city shall use any and/or all completion assurance monies to complete any improvements that are not according to design guidelines and standard specifications and have not been rectified by the applicant.

B. Reduction Of Improvement Completion Assurance: At the written request of the applicant, the city engineer shall reduce the completion assurance after the city has inspected and accepted any portion of the landscaping or infrastructure improvements that have been built by the amount relative to the completed work up to seventy five percent (75%) of the total cost of all improvements.

C. Acceptance Of Public Improvements: The applicant, upon completion of a portion or all of the improvements shall request in writing that the city perform a final inspection to verify that the construction of the improvements meets all city requirements. The city engineer shall inform the city council of the acceptance of the improvements when all items, and punch list items, if any, are completed.

D. Release Of Improvement Completion Assurance: Subject to the maintenance provisions contained in this title, the city ~~will~~may not accept dedication of required improvements or amenities, or release a completion assurance, until the city engineer has verified that all required improvements and amenities have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the city engineer, through submission of detailed "as-built" drawings of the subdivision indicating location, dimensions, materials, improvements and other information required by the city engineer, that the layout of the line and grade of all public improvements is in accordance with the approved construction plans for the subdivision. The "as-built" plans must comply with subsection D, "As-Built Drawings", of this section. Any or all remaining portion of the completion assurance will be released after the city has ascertained that "as-built" plans have been submitted in accordance with section D. Further, a title insurance policy shall be furnished to the city attorney and city engineer indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the city manager shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

E. As-Built Drawings:

1. "As-builts" shall be submitted electronically. Electronic files shall include one (1) AutoCAD drawing compatible with AutoCAD version 2004 or newer. SHAPE files shall include separate SHAPE files for each utility, including drinking water, secondary water, storm drain, sewer, roads and parks that are compatible with the latest version of ArcView. AutoCAD drawings and SHAPE files shall be in State Plane Coordinates (Utah Central Zone - NAD 1983). Survey points of as-builts need to also be included in the AutoCAD drawing. A PDF of the final "Record Drawing" also needs to be included. All rim and invert elevations need to be shown on this drawing, as well as all pipe types and sizes.

2. "As-built" drawings shall be based on survey information provided by the developer's engineer or surveyor. The SHAPE files shall include detailed information based upon survey points for:
 - a. Fire hydrants;
 - b. Water lines (size and type);
 - c. Water valves;
 - d. Water meter boxes;
 - e. Pressurized irrigation lines (size and type);
 - f. PI valves;
 - g. Pump house corners;
 - h. Water blowoffs/drain structures;
 - i. Air release structures;
 - j. Pipe corners;
 - k. Roadway centerline;
 - l. Structure centerline;
 - m. Storm drain lines (size and type);
 - n. Storm drain manholes (rim and fl elevations);
 - o. Storm drain inlets (rim and fl elevations) with any permanent BMPs (flex-storm, dandi bags, and the like) identified;
 - p. Storm drain detention/retention structures;
 - q. Sewer lines (size and type);
 - r. Sewer manholes (rim and fl elevations);
 - s. Sewer structures;
 - t. Park boundaries; and
 - u. Recreational facilities general locations. (Ord. 2019-17, 9-25-2019)

12.90.040 Escrow Deposits For Lot Improvements

Temporary Certificate Of Occupancy Limited: When, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed due to valid weather related delays, the city council may, nevertheless, approve the issuance of temporary certificates of occupancy, provided there is no danger to health, safety or general welfare, all streets have been paved, and all fire safety provisions are in place. Any deferred improvements shall post a cash escrow deposit in an amount determined by the city engineer for the cost of improvements, and shall be installed within six (6) months from the date of city council

approval. The completion assurance covering such lot improvements shall remain in full force and effect. (Ord. 2019-17, 9-25-2019)

12.90.050 Maintenance Of Improvements

- A. Prior To Completion: The applicant shall be required to maintain all improvements and amenities on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of the improvements and amenities by the city.
- B. Warranty After Acceptance And Dedication: The applicant shall be required to file an improvement warranty with the city with the original completion assurance, in an amount equal to ten percent (10%) of the estimated construction cost and in a form satisfactory to the city attorney, in order to assure the satisfactory condition of the required improvements and amenities, including all lot improvements on the individual subdivided lots for a period of one (1) year after the date of their acceptance by the city manager and city engineer and dedication to the city. (Ord. 2019-17, 9-25-2019)

...

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11.30.060 Notice Requirements And Public Hearings

1. Procedure: All notice requirements and public hearing notice requirements shall satisfy State law and City ordinances ~~or resolutions~~. The public notice shall contain ample information to allow the general public to determine what action is being proposed, a short description of the proposal, the time, date and location of the public hearing, the type of input being requested by the City, and where additional information, if any, may be obtained. Applications are and shall be noticed in the following manner:

Land Use Decision	Time	Notice Type
Preparation, adoption or amendments of the General Plan or General Plan Map	A. Upon inception of the initial process to generally plan or the process for any General Plan amendment	(1) Notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a General Plan; and notice of each public meeting on the subject.
	B. 10 calendar days prior to first public hearing	(2) Notice of a public hearing must be published in a newspaper of general circulation in the area; and published on the Utah public notice website; mailed to each affected entity; and posted in at least 3 public locations within the Municipality; or on the Municipality's official website.
	C. 24-hour notice of each public meeting	(3) Notice of a public meeting must be published in a newspaper of general circulation in the area; and published on the Utah public notice website; mailed to each affected entity; and posted in at least 3 public locations within the Municipality; or on

		<p>the Municipality's official website.</p> <p>(4) In the case of an amendment to the General Plan map, an additional notice shall be mailed to all record owners of property within 1,000 feet of the parcel(s) or property(ies) being considered for amendment.</p>
<p>Adoption or amendments of the land use ordinances or Zoning Map (rezone)</p>	<p>A. 10 calendar days prior to first public hearing</p> <p>B. Additional notice</p> <p>C. Public meeting</p>	<p>(1) Mailed to each affected entity at least 10 calendar days before the public hearing; posted in at least 3 public locations within the Municipality; or on the Municipality's official website; and published in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and published on the Utah public notice website, at least 10 calendar days before the public hearing; or mailed at least 10 calendar days before the public hearing to each property owner whose land is directly affected by the land use ordinance change; and each adjacent and nearby property owner within 1,000 feet.</p> <p>(2) For zoning map or map amendment: additional notice to each owner of private real property whose property is located entirely or partially within the proposed map. Must state that owner has 10 calendar days after 1st public hearing to file a written objection to the legislative body.</p>

		<p>(3) Notice of a public meeting must be published in a newspaper of general circulation in the area; and published on the Utah public notice website; mailed to each affected entity; and posted in at least 3 public locations within the Municipality; or on the Municipality's official website</p>
Annexation policy plan	<p>A. 14 calendar days prior to first public meeting</p> <p>B. 14 calendar days prior to first public hearing</p> <p>C. Within 30 calendar days after adopting plan</p>	<p>(1) Provide notice of the public meeting to each affected entity at least 14 calendar days before the meeting; accept and consider any additional written comments from affected entities until 10 calendar days after the public meeting.</p> <p>(2) Provide reasonable public notice, including notice to each affected entity and submit its recommended annexation policy plan to the Municipal legislative body.</p> <p>(3) The legislative body shall submit a copy of the plan to the legislative body of each county in which any of the Municipality's expansion area is located.</p> <p>(4) Provide a copy of adopted plan to the County.</p>
Appeal of a permit decision		<p>Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application; provide to each applicant a copy of each staff report regarding the applicant or the pending application at least 3 business calendar days before the public hearing or public meeting; and notify the</p>

		applicant of any final action on a pending application
Amendment to public improvement standard in subdivision or development requirement ordinance	30 calendar day notice prior to implementing an amendment to adopted specifications for public improvements that apply to subdivision or development	Mailed notice and an opportunity to comment to anyone who has requested the notice in writing.
Conditional use permit	See Land Use Application Additional Notice:	City will mail out notice to adjacent and nearby property owners within 1,000 feet.
Land use application	3 calendar days before meeting or hearing and final action on application	Notify the applicant of the date, time, and place of each public hearing and public meeting and application; provide to each applicant a copy of each staff report or documentation regarding the applicant or the pending application at least 3 business calendar days before the public hearing or public meeting and notify them of any final action on a pending application.
Nonconforming uses/non-complying structures	See Land Use Application	
Preliminary subdivision plat approval	A. 10 calendar days prior to public meeting B. Additional notice See Land Use Application	(1) The staff shall post notice of subdivision approvals in accordance with State law on the City's website. (2) As a courtesy to property owners, the applicant shall provide the City with stamped and preaddressed envelopes for each owner of record of each parcel located entirely or partly within 500 feet from any boundary of the property subject to the application, together with a mailing list for those owners. The addresses shall be as shown on the most recently available Salt Lake County tax assessment rolls. The courtesy notice shall state

		that an application has been filed, the nature of the application or action, and the time, place and date set for a public hearing on the matter
Subdivision plat approval or amendment within 100 feet of a canal	Within 20 calendar days after application is filed	Certified or registered letter to canal operator. Must wait 20 calendar days after notice to take final action on item.
Vacating or amending a subdivision plat	10 calendar days prior to public meeting. If public hearing is required due to exceptions, then 10 calendar day notice is required.	Notice mailed to each affected entity that provides a service on a portion of the plat being vacated or amended pursuant to Utah Code § 10-9a-608.
Vacating some or all of a public street, right-of-way or easement	10 calendar days prior to public hearing	Mailed to the record owner of each parcel that is accessed by the public street, right-of-way, or easement; mailed to each affected entity; posted on or near the street, right-of-way, or easement in a manner that is calculated to alert the public; and published in a newspaper of general circulation in the municipality in which the land subject to the petition is located and published on the Utah public notice website pursuant to Utah Code § 10-9a-208.
Variances	See Land Use Application	

1. Costs: Any costs associated with the provisions of the notice requirements herein shall be the responsibility of the proponent of the action. If notice given under authority of this section is not challenged as provided by State law within thirty (30) calendar days from the date of the meeting for which notice was given, the notice is considered adequate and proper.
2. Applicant Notice; Waiver Of Requirements: For each land use application, the City shall:
 1. Notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application;
 2. Provide to each applicant a copy of each staff report regarding the applicant or the pending application at least three (3) business calendar days before the public hearing or public meeting; and

3. Notify the applicant of any final action on a pending application.
4. If a municipality fails to comply with the requirements of subsection C1 or C2 of this section, or both, an applicant may waive the failure, verbally or in writing at the meeting, so that the application may stay on the public hearing or public meeting agenda and be considered as if the requirements had been met. (Ord. 2018-02, 1-10-2018)

11.30.090 Land Use Applications

- A. Required: A land use application shall be required for approval of all proposed development reviewed under this title, including additions to existing buildings and temporary uses. All land use applications are available from the Zoning Administrator. The City is not obligated to act on any application that is not complete or does not contain all of the information required.
- B. Applications: The Zoning Administrator, or designee, initially reviews all complete applications requiring action by the Planning Commission and makes recommendations to the Planning Commission and/or City Council, according to the type of application filed. The Zoning Administrator may process one application at a time, per property or may process coordinated applications simultaneously, except that a final plat application may not be submitted or considered until a preliminary plat application has been approved. The Zoning Administrator, or designee, may recommend to the Planning Commission certain conditions of approval to applications for conditional use permits. The Zoning Administrator, or designee, issues permits for administrative uses and administrative lot line adjustments.
- C. Issuer: The Planning Commission issues land use permits for conditional uses and site plans as listed in the table of reviewing bodies in section (I) below. The building official issues building permits. The business license official issues business licenses. ~~The City Council issues permits for subdivisions and site plans including a building footprint of fifteen thousand (15,000) square feet or more or requiring fifty (50) or more parking stalls.~~
- D. Process: The Planning Commission reviews, holds a public meeting or hearing and forwards a recommendation to the City Council regarding each application for land use regulations including, but not limited to, subdivision approval, subdivision plat amendment, initial zoning, rezoning, and adoption of condominium record of survey, and amendments to this chapter and to the General Plan.
- E. Appeals: The Appeals and Variance Hearing Officer, acting as the Land Use Authority, hears all requests for variances, and, acting as the Appeal Authority, hears appeals of conditional uses and administrative zoning determinations.
- F. Fees: No review shall occur until all applicable fees are paid.
- G. Applicability Of Subdivision Ordinance: Any application for a subdivision shall also satisfy the applicable requirements of the subdivision ordinance. Review of land use requirements and subdivision approval may be completed concurrently but are separate and distinct applications and reviews. Review of subdivisions for single-family dwellings, two-family dwellings, or townhomes are administrative in nature. Review of a development agreement related to a subdivision application is legislative in nature, and shall be considered by the City Council under a separate application.
- H. Requirements Fulfilled Prior To Activity: No use, development or development activity may be commenced until all necessary approvals, permits and licenses have

been issued in accordance with the provisions of this title, and all required fees have been paid by the applicant.

I. Reviewing Bodies: The Zoning Administrator (ZA) or designee, the Appeals and Variance Hearing Officer (AVHO), the Planning Commission (PC), and the City Council (CC) each have the following primary authority to review applications for compliance with this title, unless specified differently by ordinance or development agreement:

Type Of Review	Zoning Administrator Or Designee	PC	CC	AVHO	Appeal Authority
Accessory dwelling unit	X				AVHO
Concept plan	X				
Lot line adjustment	X				

Lot line adjustment appeal					AVHO
Preliminary subdivision plat	X	X			
Preliminary subdivision plat, minor	X				
Final subdivision plat	X				
Final subdivision plat, minor	X				AVHO
Final subdivision plat appeal					AVHO
Plat amendment	X	X			AVHO
Site plan (minor)	X	X			
Site plan (major)	X	X			
Site plan appeal	X				AVHO
Business license use review	X				AVHO
Conditional use	X	X			
Conditional use appeal	X				AVHO
Street dedication plat	X	X	X		
Street dedication plat appeal	X				AVHO
Variance				X	District Court
Land use ordinance text amendment	X	X	X		District Court
Land use ordinance text amendment appeal					District Court
Zoning Map change (rezone)	X	X	X		
Zoning Map change (rezone) appeal	X				District Court
General Plan amendment	X	X	X		
General Plan amendment appeal	X				AVHO
Home occupation	X				
Home occupation appeal					AVHO
Home occupation extra employees (CUP)		X			AVHO
Sign permit	X				
Sign permit appeal	X				AVHO

(Ord. 2018-02, 1-10-2018; amd. Ord. 2018-05, 3-14-2018; Ord. 2018-24, 9-26-2018; Ord. 2019-17, 9-25-2019)

...



2222 West 14400 South • Bluffdale, Utah 84065 • (801) 254-2200
Community and Economic Development Department

STAFF REPORT
13 January 2024

To: City of Bluffdale Planning Commission
Prepared By: Grant Crowell; Jay Springer, Smith Hartvigsen PLLC

Re: City Initiated Text Amendment Modifying Various Subdivision Provisions Pursuant to SB 174
Application No: 2024-02
Applicant(s): City of Bluffdale
Request: To approve proposed text amendments to the Bluffdale City Code Land Use Ordinance Sections 11.30, and Title 12, Subdivisions

SUMMARY

The 2023 Utah State Legislature adopted Senate Bill 174 (SB 174), which amended various land use and development requirements for municipalities and counties, including subdivision review procedures. The “effective date” of the amended subdivision review procedures is February 1, 2024 (see Attachment B – Utah Code Subdivision Review Requirements).

The primary effects of Senate Bill 174 are:

- Requires cities and counties to identify an administrative land use authority for subdivision review and preliminary subdivision application approval for single-family dwellings, two-family dwellings, and townhomes;
- Prohibits city and county councils from acting as an administrative land use authority for subdivision plats or plat amendments—except for plat amendments or vacations that seek to reduce or remove dedicated public rights-of-way;
- Establishes subdivision review procedures for cities and counties, including defining review cycles and permitted requests, and establishes timelines and noticing requirements;
- Requires that a pre-application meeting be available to any interested applicant; and
- Requires certain administrative and processing standards be made publicly available.

Although the current Bluffdale City Code and adopted engineering standards are generally—and operationally—compliant with SB 174, the City has been advised that to ensure clarity, consistency, and compliance with State Code, several text amendments to Titles 11 and 12 may be warranted. Additionally, City Staff identified some other ministerial provisions that either needed to be updated

due to review and administration practices, best practices, or other provisions of State Code. The last comprehensive update of the City's subdivision ordinance was in 2019.

Proposed text amendments to Section 11.30 and Title 12 are shown on the attached **Exhibit A**.

POSSIBLE FINDINGS FOR TEXT AMENDMENT APPLICATION:

The Planning Commission is encouraged to provide findings for a decision to recommend approval or deny the text amendment application. Text amendments are discretionary legislative actions by the City Council following a recommendation from the Planning Commission.

If the Planning Commission determines to recommend approval of the text amendment application, the following may be possible findings:

1. That the proposed amendments are necessary to address consistency with Utah State Code.
2. That the proposed amendments will work to further streamline development review.

MODEL MOTIONS – FOR TEXT AMENDMENT APPLICATION:

Motion for Recommendation – “I move we recommend approval to the City Council for the text amendment application as proposed, Application 2024-02, subject to the conditions and based on the findings presented in the staff report dated January 13, 2024, (or as modified by the conditions below):”

1. List any additional findings and/or conditions...

LOCAL LAND USE AND DEVELOPMENT REVISIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Stephen L. Whyte

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

[10-9a-408](#), as last amended by Laws of Utah 2022, Chapter 406

[10-9a-530](#), as enacted by Laws of Utah 2021, Chapter 102

[10-9a-608](#), as last amended by Laws of Utah 2022, Chapter 355

[17-27a-408](#), as last amended by Laws of Utah 2022, Chapter 406

- 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

41

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

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

44 **10-9a-408. Moderate income housing report -- Contents -- Prioritization for**
45 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

46 (1) As used in this section:

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

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

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

54 (d) "Moderate income housing strategy" means a strategy described in Subsection
55 10-9a-403(2)(b)(iii).

56 (e) "Specified municipality" means:

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

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

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

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

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

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

67 (ii) an implementation plan.

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

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

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

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

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

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

83 (A) issued a building permit to construct; or

84 (B) issued a business license to rent;

85 (vi) a description of how the market has responded to the selected moderate income

86 housing strategies, including the number of entitled moderate income housing units or other
87 relevant data; and

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

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

91 (i) approved by the division; and

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

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

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

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

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

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

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

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

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

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

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

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

114 report:

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

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

117 implement:

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

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

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

123 (iv) provides sufficient information for the division to:

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

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

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

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

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

134 (i) complies with Subsection (2); and

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

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

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

141 ~~[(b) The following apply to a specified municipality described in Subsection (5)(a)~~

142 during the fiscal year immediately following the fiscal year in which the report is required:]

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

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

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

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

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

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

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

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

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

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

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

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

170 deficiency;

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

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

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

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

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

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

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

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

190 (ii) beginning with a report submitted in 2024, the specified municipality shall pay a
191 fee to the Olene Walker Housing Loan Fund in the amount of \$250 per day that the specified
192 municipality:

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

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

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

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

203 (B) fails to cure the deficiencies in the report, beginning the day after the day by which
204 the cure was required to occur as described in the notice of noncompliance under Subsection
205 (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.

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

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

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

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

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

217 ~~[(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
266 additional space contemplated under this Subsection (4)(c)(i); and

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

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

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

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

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

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

279 (B) comply with applicable land use regulations; or

280 (ii) 67% or less of the total area in the municipality that is zoned primarily for
281 residential use, if the main campus of a state or private university with a student population of

282 10,000 or more is located within the municipality;

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

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

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

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

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

293 (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, a
296 municipality may hold a lien against a property that contains an internal accessory dwelling
297 unit if:

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

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

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

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

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

309 (vi) the municipality records a copy of the written notice of lien described in

310 Subsection [~~(5)(a)(iv)~~] (5)(a)(v) with the county recorder of the county in which the property is
311 located.

312 (b) The written notice of violation shall:

313 (i) describe the specific violation;

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

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

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

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

325 (iv) notify the owner of the property:

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

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

330 (v) be mailed to:

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

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

334 (vi) be posted on the property.

335 (c) The written notice of lien shall:

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

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

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

340 (iv) be mailed to:

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

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

344 (v) be posted on the property.

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

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

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

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

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

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

364 (6) (a) A municipality that issues, on or after October 1, 2021, a permit or license to an
365 owner of a primary dwelling to rent an internal accessory dwelling unit, or a building permit to

366 an owner of a primary dwelling to create an internal accessory dwelling unit, may record a
367 notice in the office of the recorder of the county in which the primary dwelling is located.

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

369 (i) a description of the primary dwelling;

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

371 and

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

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

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

377 **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.

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

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

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

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

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

506 designated appeal authority.

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

508 **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;
- 522 (ii) includes a plat name distinguishing the amended plat from the original plat;
- 523 (iii) describes the differences between the amended plat and the original plat; and
- 524 (iv) includes references to the original plat.

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

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

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

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

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

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

542 (a) the petition seeks to:

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

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

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

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

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

553 (A) owned by the petitioner; or

554 (B) designated as a common area; and

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

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

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

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

562 plat or on that portion of the plat described in the petition; and

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

565 (5) (a) The owners of record of adjoining properties where one or more of the
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 lot line adjustment approval shall be recorded in the office of the county
574 recorder which:

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

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

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

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

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

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

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

589 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and

590 Professional Land Surveyors Licensing Act;

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

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

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

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

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

601 Section 7. Section 17-27a-408 is amended to read:

602 **17-27a-408. Moderate income housing report -- Contents -- Prioritization for**
603 **funds or projects -- Ineligibility for funds after noncompliance -- Civil actions.**

604 (1) As used in this section:

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

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

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

612 (d) "Moderate income housing strategy" means a strategy described in Subsection
613 17-27a-403(2)(b)(ii).

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

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

618 the division.

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

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

622 (ii) an implementation plan.

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

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

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

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

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

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

637 (A) issued a building permit to construct; or

638 (B) issued a business license to rent;

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

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

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

645 (i) approved by the division; and

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

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

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

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

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

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

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

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

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

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

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

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

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

670 (iv) provides sufficient information for the division to:

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

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

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

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

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

680 (i) complies with Subsection (2); and

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

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

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

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

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

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

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

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

701 (ii) describe the funds or projects for which the specified county qualifies to receive

702 priority consideration;

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

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

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

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

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

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

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

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

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

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

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

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

729 ~~(ii) the Governor's Office of Planning and Budget may not award financial grants to~~

730 the specified county under the COVID-19 Local Assistance Matching Grant Program in
731 accordance with Subsection ~~63J-4-802(7)~~]

732 (ii) beginning with the report submitted in 2024, the specified county shall pay a fee to
733 the Olene Walker Housing Loan Fund in the amount of \$250 per day that the specified county:

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

736 (B) fails to cure the deficiencies in the report, beginning the day after the day by which
737 the cure was required to occur as described in the notice of noncompliance under Subsection
738 (6)[-]; and

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 (6).

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.**

770 (1) As used in this section:

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

772 (i) within a primary dwelling;

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

775 (iii) for the purpose of offering a long-term rental of 30 consecutive days or longer.

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

777 ~~[(i)]~~ (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;

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

804 of whether the primary dwelling is existing or new construction] in addition to the parking

805 spaces required under the county's land use ordinance, except that if the county's land use

806 ordinance requires four off-street parking spaces, the county may not require the additional

807 space contemplated under this Subsection (4)(c)(i); and

808 (ii) to replace any parking spaces contained within a garage or carport if an internal

809 accessory dwelling unit is created within the garage or carport and is habitable space;

810 (d) prohibit the creation of an internal accessory dwelling unit within a mobile home as

811 defined in Section 57-16-3;

812 (e) require the owner of a primary dwelling to obtain a permit or license for renting an

813 internal accessory dwelling unit;

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

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

819 (ii) comply with applicable land use regulations;

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

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

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

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

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

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

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

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

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

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

841 (iv) the owner fails to cure the violation within the time period prescribed in the

842 written notice of violation under Subsection (5)(b);

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

844 and

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

847 (b) The written notice of violation shall:

848 (i) describe the specific violation;

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

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

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

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

860 (iv) notify the owner of the property:

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

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

865 (v) be mailed to:

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

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

869 (vi) be posted on the property.

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

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

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

903 (i) a description of the primary dwelling;

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

905 and

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

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

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

911 **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
924 for preliminary subdivision applications and final subdivision applications; and

925 (b) (i) designate a single administrative land use authority for the review of preliminary

926 applications to subdivide land; or
927 (ii) if the county has adopted an ordinance that establishes a separate procedure for the
928 review and approval of subdivisions under Section 17-27a-605, the county may designate a
929 different and separate administrative land use authority for the approval of subdivisions under
930 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
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 17-27a-507(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;

1047 (b) a county that is a voting member of the Wasatch Front Regional Council, including:

1048 (i) Davis County;

1049 (ii) Morgan County;

1050 (iii) Salt Lake County;

1051 (iv) Tooele County; and

1052 (v) Weber County; and

1053 (c) a county that is a member of the Mountainland Association of Governments,
1054 including:

1055 (i) Summit County;

1056 (ii) Utah County; and

1057 (iii) Wasatch County.

1058 Section 12. Section **17-27a-608** is amended to read:

1059 **17-27a-608. Subdivision amendments.**

1060 (1) (a) A fee owner of a lot, as shown on the last county assessment roll, in a plat that
1061 has been laid out and platted as provided in this part may file a written petition with the land
1062 use authority to request a subdivision amendment.

1063 (b) Upon filing a written petition to request a subdivision amendment under Subsection

1064 (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in

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.
- 1081 (e) A land use authority may not approve a petition for a subdivision amendment under
- 1082 this section unless the amendment identifies and preserves any easements owned by a culinary
- 1083 water authority and sanitary sewer authority for existing facilities located within the
- 1084 subdivision.
- 1085 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use
- 1086 authority may consider at a public meeting an owner's petition for a subdivision amendment if:
- 1087 (a) the petition seeks to:
- 1088 (i) join two or more of the petitioning fee owner's contiguous lots;
- 1089 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
- 1090 result in a violation of a land use ordinance or a development condition;
- 1091 (iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the
- 1092 fee owners of each of the adjoining properties join the petition, regardless of whether the
- 1093 properties are located in the same subdivision;

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

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

1098 (A) owned by the petitioner; or

1099 (B) designated as a common area; and

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

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

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

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

1107 (i) the entire plat; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1150 ~~63I-2-217. Repeal dates: Title 17.~~
1151 ~~[(1) Title 17, Chapter 35b, Consolidation of Local Government Units, is repealed~~
1152 ~~January 1, 2022.]~~
1153 (1) On January 1, 2022, Title 17, Chapter 35b, Consolidation of Local Government
1154 Units, is repealed.
1155 ~~[(2) On January 1, 2028, Subsection 17-52a-103(3), requiring certain counties to~~
1156 ~~initiate a change of form of government process by July 1, 2018, is repealed.]~~
1157 ~~[(3)] (2) 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.