

ORDINANCE NO. 22-09

**AN ORDINANCE AMENDING TITLE 16 OF THE WASATCH COUNTY CODE
TO CLARIFY RULES FOR RECORD OF SURVEY SUBDIVISIONS, AND
ADDRESS RELATED ISSUES**

RECITALS

WHEREAS, counties may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the unincorporated area of the county to provide for the health, safety, and welfare, promote prosperity, improve good order, comfort, convenience, and aesthetics of each county, and to protect both urban and non-urban development; and

WHEREAS, pursuant to this authority, the County Legislative Body enacted and now amends the Land Use and Development Code; and

WHEREAS, the County Legislative Body desires to better clarify how nonconforming subdivisions that were lawfully formed should be processed under the Land Use and Development Code, and how to handle subdivisions for which there is insufficient evidence they were lawfully formed, but for which lots were granted building permits; and

WHEREAS, from at least 1943 through June 30, 1992, Utah Code allowed counties to enact land use regulations, and to the extent those land use regulations were more restrictive than Utah Code, the county land use regulations applied; Utah Code 17-27-22 (1943), Exhibit B; and

WHEREAS, Wasatch County Code ("WCC") 16.04.02 currently requires a nonconforming lot of record to have been shown continuously to be an independently existing piece of property since its creation or since enactment of zoning in Wasatch County, August 11, 1965, thereby allowing lots that were formed prior to Wasatch County enacted zoning to be treated as lots developable as single family residences if the other requirements in the code for nonconforming lots are met; and

WHEREAS, WCC 16.22.09 currently allows a building on a lot that has not met the evidentiary burden to be deemed a lot of record, but which has a building which was built prior to July 28, 1972 that was not illegal, to be granted a building permit to be maintained and expanded in conformity with certain requirements; and

WHEREAS, Utah Code 17-27-21 from at least the enactment of zoning in Wasatch County on August 11, 1965, through June 30, 1992, allowed for land to be subdivided

into less than 10 lots without the necessity of recording a plat, if the layout was approved by the planning commission, no public roads or other public lands were included, and requirements of Wasatch County Code are met, including frontage, width, and area requirements; and

WHEREAS, the legislative body hereby determines that legal and nonconforming subdivisions will be required to follow the processes of Utah Code for amending or vacating a subdivision plat in order to subdivided again, but record of survey subdivisions as defined herein, and lots of record may subdivide without going through the process to vacate or amend a subdivision; and

WHEREAS, prior to July 1, 1992, Utah Code 57-5-3 (1953) allowed for surveyed maps which were approved by the planning commission to be used to partition land into less than 10 lots without the necessity of having the planning commission sign the surveyed map, or recording a plat; and

WHEREAS, prior to July 1, 1987, surveys of private land were not required to be recorded or filed with the county; and

WHEREAS, after July 1, 1992, partition of property into developable lots required a plat to be approved, and for the plat to be recorded and signed by the land use authority (UCA 17-27-805) (July 1, 1992) (Exhibit C); and

WHEREAS, Exhibit B shows Utah Code 17-27-21 from 1953-1992, Utah Code 17-27-22 from 1943-1992, and Utah Code 17-27-27 from 1953-1992, Utah Code 57-5-3 1953-1992, Utah Code 17-23-17 from 1987-1989, and Utah Code 17-23-17 from 1989-1995, but does not attempt to include the relevant portions of Wasatch County Code that required additional approvals in order to partition and sell parcels for development; and

WHEREAS, there are some parcels in the county that have been partitioned and granted building permits without clear records showing what procedures were used to allow the partition, and

WHEREAS, the legislative body hereby determines to make it so those partitions from August 11, 1965 through July 1, 1992, based on a survey for which there is inadequate proof, besides building permits, that they may have been lawfully approved, but for which more than half of the parcels received building permits, will be treated as buildable despite the lack of additional proof of approval; and

WHEREAS, the county legislative body desires to further clarify how certain properties which were partitioned pursuant to a survey or plat after August 11, 1965 and before July 1, 1992 will be treated under the land use ordinance by treating some as lawful but possibly non-conforming subdivisions for which a plat or survey filed with the county includes on the document an approval by the county, by treating some as record of survey subdivisions for which approval is evidenced by minutes, or other document, or for which the majority of the resulting parcels received building permits; and

WHEREAS, the county legislative body intends that parcels which were illegally sold or subdivided under the land use and development code, as amended by this ordinance, will be unlawful, generally cannot be developed or received building permits, and may be subject to enforcement actions accordance with Wasatch County Code and Utah Code (WCC Chapter 16.01); and

WHEREAS, Utah Code 17-27a-502 requires Wasatch County to give notice of public hearings as provided in Utah Code 17-27a-205(1)(a), and to hold a public hearing; and

WHEREAS, Wasatch County gave notice of all public meetings and public hearings related to this ordinance as required, and the planning commission held a public hearing as required; and

WHEREAS, the County Legislative Body finds that these amendments more fully promote the objectives and purposes of the general plan and the Land Use and Development Code;

NOW THEREFORE, the County Legislative Body of Wasatch County ordains as follows:

SECTION I: Enactment. The following amendments, additions, and deletions to Title 16, the Land Use and Development Code, are hereby enacted: See attached Exhibit A.

SECTION II: Repealer. If any provisions of the County Code heretofore adopted are wholly inconsistent with this ordinance, they are hereby repealed.

SECTION III: Amendment of Conflicting Ordinances. To the extent that any ordinances, resolutions, or policies of Wasatch County partially conflict with this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV: Effective Date. This Ordinance shall become effective immediately upon execution by the Chair of the County Council and the completion of public notice requirements imposed by state statute.

SECTION V: Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION VI: Public Notice. The Wasatch County Clerk, and ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;

- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

EXHIBIT A

16.04.02: DEFINITIONS OF TERMS AND WORDS

NONCONFORMING LOT OF RECORD: A lot or parcel that: a) legally existed as a lot or parcel developable as a detached single family dwelling, before its ~~developable~~ current land use or zoning designation; b) has been shown continuously to be an independently existing piece of property since its creation or since before enactment of zoning (August 11, 1965) ; c) has not decreased in size since its creation, except for lot line adjustments, as defined in Utah Code Annotated section 17-27a-103, as currently amended; and d) because of one or more subsequent land use ordinance changes does not conform with the minimum size, width, frontage, depth or other applicable dimensional requirements of the zone where the lot is located.

NONCONFORMING SUBDIVISION: A subdivision that lawfully existed prior to enactment of the existing subdivision standards, but does not comply with the current requirements of the zone.

RECORD OF SURVEY SUBDIVISION: A record of survey subdivision is a land partition which used a record of survey, which meets all of the elements in section 16.22.12(A).

SUBDIVISION: Shall have the meaning set forth in the county land use management act in Utah Code Annotated. A subdivision does not include a record of survey subdivision.

16.22.08: NONCONFORMING LOT OF RECORD DETERMINATION

- A. Determination By County Planner Or Designee: The burden of proof for providing the information for determining a nonconforming lot of record rests upon the property owner or its representative. A nonconforming lot of record is determined by the county planner or designee by making findings that the lot or parcel meets the definition of "nonconforming lot of record" in section 16.04.02 of this title, and the requirements of this section. ~~Should such a findings~~ be made, a document shall be provided by the county planner or designee stating that the lot is a nonconforming lot of record.
- B. Documentation Required: At a minimum, the property owner must provide the planning department with the original deed and all subsequent deeds and other documentation necessary to meet the property owner's burden of proof.
- C. Decrease In Lot Size: If a lot or parcel has decreased in size due to the use or threat of eminent domain, or because of a public dedication required by a governmental agency, the lot or parcel shall remain a nonconforming lot of record if it otherwise meets the definition of section 16.04.02 of this title and the requirements of this section.

16.22.10: NONCONFORMING SUBDIVISION

~~A. Determination of Status: Lots in a nonconforming subdivision may be developed, subject to current building, fire, health and safety laws.-:~~ Plats that were recorded in

accordance with applicable law and were signed by the land use authority are presumed to be lawful. A survey which resulted in the division of a parcel into between two and ten parcels of land for the purpose, whether immediate or future, for offer, sale, lease, or development, the boundaries of which parcels were based on a lawful boundary survey completed between August 11, 1965 and July 1, 1992, which was filed in the office of the county surveyor or recorder prior to July 1, 1992, which are signed by the land use authority, the planning commission or the county commission, and which did not partition agricultural, commercial, manufacturing or industrial land for agricultural, commercial, manufacturing, or industrial purposes, are also presumed to result in a lawful subdivision. The burden of proof for providing the information for determining a nonconforming subdivision rests upon the property owner or its representative. A nonconforming subdivision is determined by the county planner or designee by making findings that the subdivision meets the definition of "nonconforming subdivision" in section 16.04.02 of this title, and the requirements of this section.

B. Documentation Required: If the subdivision does not meet the requirements to be presumed to be lawful at the time of subdivision, at a minimum, the property owner must provide the planning department with the original map or plat and all subsequent maps or plats and other documentation necessary to meet the property owner's burden of proof, showing that the subdivision was done in accordance with the code in place at the time of the recording of the plat. If documentation provided is insufficient for the planning department to make a determination, the department may request additional information from the applicant or the application may be denied.

C. Use: Lots in a nonconforming subdivision may be developed as detached single family dwellings if a residential use was allowed, and approved if required, for the lots when the subdivision was lawfully formed, or for the uses allowed and approved for the subdivision when the subdivision was lawfully formed, all, subject to current building, fire, health and safety laws. Lots in a nonconforming subdivision lose their status as nonconforming developable lots if altered without following the process for an amended plat, or a lot line adjustment, as defined in Utah Code section 17-27a-103.

16.22.12 RECORD OF SURVEY SUBDIVISION

A. Determination By County Planner Or Designee: The burden of proof for providing the information for determining a record of survey subdivision rests upon the property owner or its representative. A record of survey subdivision is determined by the county planner or designee by making finding that the land partition which used a record of survey meets all of the following elements:

1. the survey includes legal descriptions partitioning a parcel into between two and less than ten parcels of land;
2. the resulting parcels were partitioned for the purpose, whether immediate or future, for offer, sale, lease, or development;
3. the survey was completed between August 11, 1965 and July 1, 1992;
4. the survey was filed in the office of the county surveyor or recorder either i) prior to January 1, 2022 for surveys between August 11, 1965 and July 1, 1987, or ii)

within 90 days of the date of the survey for surveys between July 1, 1987 and July 1, 1992.

5. is not a bona fide division or partition of agricultural, commercial, manufacturing, or industrial land for agricultural, commercial, manufacturing, or industrial purposes;
6. the survey filed with the county must NOT indicate an approval or consent by the county commission, or the planning commission, as this will typically meet the requirements to be a subdivision; and
7. the requirements of UCA 17-27-21 for land sold by metes and bounds, without recording a plat, at the time of the survey.

As an alternative to elements 2, 4, 5, 6 or 7, the applicant may prove that more than half of the parcels which had legal descriptions resulting from the record of survey received building permits after the date of the survey. Partitioned land that meets requirements for both a nonconforming subdivision and a record of survey subdivision is a nonconforming subdivision. Should findings for a record of survey subdivision be made, a document shall be provided by the county planner or designee stating that the parcels are a record of survey subdivision.

- B. Documentation Required: The county staff will reasonably work in good faith with a property owner to resolve issues that are brought to staff's attention, but at a minimum, the property owner must provide the planning department with the original map or survey and all subsequent maps or surveys, documentation that shows that the record of survey subdivision was done in accordance with the code, and other documentation necessary to meet the property owner's burden of proof. The fee for a Record of Survey Subdivision determination shall be the same as for a lot of record determination.
- C. Use: Parcels in a record of survey subdivision may be developed as detached single family dwellings if a residential use was allowed and approved if required, for the parcels when the record of survey subdivision was lawfully formed, or for the uses allowed and approved for the record of survey subdivision when it was lawfully formed, all subject to current building, fire, health and safety laws. Parcels in a record of survey subdivision lose their status as developable parcels if they decrease the parcel size, unless the decrease in size was due to the use or threat of eminent domain.

EXHIBIT B – Parts of Pre-July 1, 1992 CLUDMA

Parts of UCA 17-27 in effect on June 30, 1991

17-27-20

COUNTIES

17-27-20. Repealed.

Repeals. -- Section 17-27-20, Utah Code plans to state planning commission, was re-
Annotated 1953, relating to submission of repealed by Laws 1983, ch. 253, § 1.

17-27-21. Land plats — Approval — Sale before approval as violation [Repealed effective July 1, 1992].

All plans of streets or highways for public use, and all plans and plats of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, located within the county limits, except those located within any city or town within the said counties, shall be submitted to the county planning commission, if one has been created, and approved by such commission before they shall be recorded. It shall not be lawful to record any such plan or plat in the office of the county recorder unless the same shall bear thereon by endorsement or otherwise the approval of such commission. The approval of such plan or plat by such commission shall not be deemed an acceptance of the proposed dedication by the public. Such acceptance, if any, shall be given by action of the board of county commissioners. The owners and purchasers of such lots shall be conclusively presumed to have notice of public plans, maps, and reports of such commission affecting such property within its jurisdiction.

From and after the time when a county planning commission has been appointed no land located within a subdivision as defined in this act shall be sold until and unless a subdivision plat shall have been approved by the planning commission and recorded in the office of the county recorder, except that in subdivisions of less than ten lots, land may be sold by metes and bounds, without necessity of recording a plat if all of the following conditions are met: (a) The subdivision layout shall have been first approved in writing by the county planning commission, (b) the subdivision is not traversed by the mapped lines of a proposed street as shown on the official map or maps of the county, and does not require the dedication of any land for street or other public purposes, and (c) if the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width and area requirements of the zoning ordinance or has been granted a variance from such requirements by the board of adjustment.

Whoever, being the owner or agent of the owner of any land located within a subdivision in a county where a county planning commission has been created, transfers or sells any land in such subdivision before a plan or plat of such subdivision has been approved by such planning commission and, except as set forth in the preceding paragraph, recorded in the office of the county recorder, shall be guilty of a violation of this chapter for each lot or parcel so transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

History: L. 1941, ch. 23, § 21; C. 1943, 1991, ch. 235 repeals this section effective July
9-24-21; L. 1953, ch. 27, § 1; 1983, ch. 37, 1, 1992. See note under chapter heading.
3. Meaning of "this act." — See the note under the same catchline following § 17-27-2.
Repealed effective July 1, 1992. — Laws

No civil liability for violation.

The purpose of this section and § 57-5-5 is to impose a duty running to the sovereign, and a

violation thereof does not necessarily give rise to civil liability. *Ellis v. Hale*, 13 Utah 2d 279, 373 P.2d 382 (1962).

COLLATERAL REFERENCES

Utah Law Review. — The Failure of Subdivision Control in the Western United States: A

Blueprint for Local Government Action, 1988 Utah L. Rev. 569.

17-27-22. Maximum regulation to govern [Repealed effective July 1, 1992].

Wherever the regulations made under authority of this act require a greater width of size of yards, court, or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this act shall govern. Wherever the provisions of any other statute require a greater width or size of yards, courts, or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this act, the provisions of such statute shall govern.

History: L. 1941, ch. 23, § 22; C. 1943, 19-24-22.

Repealed effective July 1, 1992. — Laws 1991, ch. 235 repeals this section effective July

1, 1992. See note under chapter heading.

Meaning of "this act." — See the note under the same catchline following § 17-27-2.

COLLATERAL REFERENCES

C.J.S. — 101 C.J.S. Zoning § 10.

A.L.R. — Zoning regulation of intoxicating liquor as preempted by state law, 65 A.L.R.4th 555.

Key Numbers. — Zoning ⇐ 14.

17-27-23. Violation of chapter or ordinance as misdemeanor — Remedies of county and owners of real estate [Repealed effective July 1, 1992].

Violation of Chapter 27, Title 17, or of any adopted county zoning, subdivision, or official map ordinance is punishable as a class C misdemeanor. The board of county commissioners, the county attorney, or any owner of real estate within the county in which such a violation occurs, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

History: C. 1953, 17-27-23, enacted by L. 1983, ch. 37, § 4.

Repealed effective July 1, 1992. — Laws 1991, ch. 235 repeals this section effective July 1, 1992. See note under chapter heading.

Repeals and Reenactments. — Laws 1983,

ch. 37, § 4 repealed former § 17-27-23, as last amended by L. 1973, ch. 197, § 2, relating to violations, and enacted present § 17-27-23.

Cross-References. — Sentencing for misdemeanors, §§ 76-3-201, 76-3-204, 76-3-301.

17-27-24

COUNTIES

NOTES TO DECISIONS

Injunctions.

Under this section, injunctive relief is available as an alternative to criminal prosecution; a specific showing of irreparable injury is not

required to obtain injunctive relief against a violation of a zoning resolution. *Utah County v. Baxter*, 635 P.2d 61 (Utah 1981).

COLLATERAL REFERENCES

Utah Law Review. — The Failure of Subdivision Control in the Western United States: A Blueprint for Local Government Action, 1988 Utah L. Rev. 569.

Am. Jur. 2d. — 82 Am. Jur. 2d Zoning and Planning §§ 242 to 253.

C.J.S. — 101 C.J.S. Zoning § 390 et seq. **Key Numbers.** — Zoning ← 761 et seq.

17-27-24. Repealed.

Repeals. — Section 17-27-24 (L. 1941, ch. 23, § 24; C. 1943, 19-24-24), relating to the re-

cording of zoning regulations and maps, was repealed by Laws 1977, ch. 73, § 1.

17-27-25. Enforcement — Acceptance of grants [Repealed effective July 1, 1992].

The board of county commissioners is empowered to enforce the zoning regulations and restrictions which are adopted, and to accept grants of money and service for these purposes, and other purposes, in accordance with the act, from either private or public sources, state or federal.

History: L. 1941, ch. 23, § 25; C. 1943, 19-24-25.

Repealed effective July 1, 1992. — Laws 1991, ch. 235 repeals this section effective July

1, 1992. See note under chapter heading.

Meaning of "the act." — See the note under "Meaning of 'this act'" following § 17-27-2.

17-27-26. Conformity with plan — Exceptions [Repealed effective July 1, 1992].

None of the provisions of this act shall apply to any existing building, structure, plant or other equipment, except as provided in Section 17-27-18. After the adoption of a plan, all extensions, betterments or additions to buildings, structures, plants or other equipment of a public utility shall be made in conformity with such plan, unless, after public hearing, the public service commission of the state or its successor commission, finds that the plan in relation to the extensions, betterments or additions is arbitrary and capricious and orders that such extensions, betterments or additions be made even though they conflict with the adopted plan.

History: L. 1941, ch. 23, § 26; C. 1943, 19-24-26; L. 1953, ch. 27, § 1; 1983, ch. 244, § 1.

Repealed effective July 1, 1992. — Laws

1991, ch. 235 repeals this section effective July 1, 1992. See note under chapter heading.

Meaning of "this act." — See the note under the same catchline following § 17-27-2.

COUNTY LAND USE DEVELOPMENT AND MANAGEMENT 17-27-27

**17-27-27. "Unincorporated" and "subdivision" defined
[Repealed effective July 1, 1992].**

For the purposes of this act, "unincorporated" means situated outside of cities and towns, so that when used in connection with "territory," "areas," or the like, it covers, includes and relates to territory or areas which are not within the boundary of any city or town. "Subdivision" means the division of a tract, or lot or parcel of land into three or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future of sale or of building development; provided, that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes or of commercial, manufacturing or industrial land for commercial, manufacturing or industrial purposes. Nor shall this definition apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the county recorder.

History: L. 1941, ch. 23, § 27; C. 1943, 19-24-27; L. 1953, ch. 27, § 1.

Repealed effective July 1, 1992. — Laws 1991, ch. 235 repeals this section effective July

1, 1992. See note under chapter heading.

Meaning of "this act." — See the note under the same catchline following § 17-27-2.

COLLATERAL REFERENCES

Utah Law Review. — The Failure of Subdivision Control in the Western United States: A

Blueprint for Local Government Action, 1988 Utah L. Rev. 569.

CHAPTER 27

COUNTY LAND USE DEVELOPMENT AND MANAGEMENT ACT

[Effective July 1, 1992]

Revision of Chapter. — Laws 1991, ch. 235 revised this chapter by repealing §§ 17-27-1 through 17-27-27 and enacting §§ 17-27-101 through 17-27-1003, effective July 1, 1992.

| Part 1 | | Part 2 | |
|--------------------|---|---------------------|--|
| General Provisions | | Planning Commission | |
| Section | | Section | |
| 17-27-101. | Short title [Effective July 1, 1992]. | 17-27-201. | Appointment, term, vacancy, and compensation [Effective July 1, 1992]. |
| 17-27-102. | Purpose [Effective July 1, 1992]. | 17-27-202. | Organization and procedures [Effective July 1, 1992]. |
| 17-27-103. | Definitions [Effective July 1, 1992]. | 17-27-203. | Use of state data [Effective July 1, 1992]. |
| 17-27-104. | Most restrictive regulation prevails [Effective July 1, 1992]. | 17-27-204. | Powers and duties [Effective July 1, 1992]. |
| 17-27-105. | Property owned by other government units — Effect of land use [Effective July 1, 1992]. | 17-27-205. | Entrance upon land [Effective July 1, 1992]. |

UCA 17-27-21 (1953)

Ch. 27

Counties

[46]

board of county commissioners shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the county and by posting in three public places designed to give notice thereof to the persons affected. Unless or until a board of adjustment has been appointed for the county as a whole pursuant to a county zoning plan submitted by the county planning commission such resolutions shall provide that the district planning commission shall perform the functions of the board of adjustment as specified in Sections 17-27-15, and 17-27-6 with respect to the zoning regulations for such district. When a county board of adjustment has been appointed it shall function with respect to the zoning regulations for such district. Wherever the regulations for a district made pursuant to this section require a greater width or size of yards, court or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other regulations made under the authority of this act and effective within the same territory, the provisions of the regulations for such district made pursuant to this section shall govern.

The boundaries of a planning district may be enlarged from time to time through the addition of contiguous territory, or may be reduced, by order of the board of county commissioners pursuant to the petition signed by the owners of at least fifty-one per cent of the area of the real property to be added to or taken from the district after published notice, opportunity for protest and hearing as provided above in the case of original establishment of a district.

17-27-19. Promulgation of Temporary Regulations.

The board of county commissioners of any county after appointment of a county or district planning commission and pending the completion by such commission of a zoning plan, may, where in the opinion of the board conditions require such action, promulgate by resolution without a public hearing regulations of a temporary nature, to be effective for a limited period only and in any event not to exceed six months, prohibiting or regulating in any part or all of the unincorporated territory of the county or district the erection, construction, reconstruction or alteration of any building or structure used or to be used for any business, industrial or commercial purpose.

17-27-21. Land Plats—Approval—Sale Before Approval—Misdemeanor—Injunction.

All plans of streets or highways for public use, and all plans and plats of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, located within the county limits, except those located within any city or town within the said counties, shall be submitted to the county planning commission, if one has been created, and approved by such commission before they shall be recorded. It shall not be lawful

to record any such plan or plat in the office of the county recorder unless the same shall bear thereon by endorsement or otherwise the approval of such commission. The approval of such plan or plat by such commission shall not be deemed an acceptance of the proposed dedication by the public. Such acceptance, if any, shall be given by action of the board of county commissioners. The owners and purchasers of such lots shall be conclusively presumed to have notice of public plans, maps, and reports of such commission affecting such property within its jurisdiction.

From and after the time when a county planning commission has been appointed no land located within a subdivision as defined in this act shall be sold until and unless a subdivision plat shall have been approved by the planning commission and recorded in the office of the county recorder, except that in subdivisions of less than ten lots, land may be sold by metes and bounds, without necessity of recording a plat if all of the following conditions are met: (a) the subdivision layout shall have been first approved in writing by the county planning commission, (b) the subdivision is not traversed by the mapped lines of a proposed street as shown on the official map or maps of the county, and does not require the dedication of any land for street or other public purposes, and (c) if the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width and area requirements of the zoning ordinance or has been granted a variance from such requirements by the board of adjustment.

Whoever, being the owner or agent of the owner of any land located within a subdivision in a county where a county planning commission has been created, transfers or sells any land in such subdivision before a plan or plat of such subdivision has been approved by such planning commission and, except as set forth in the preceding paragraph, recorded in the office of the county recorder, shall be guilty of a misdemeanor for each lot or parcel so transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The county may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by civil action in any court of competent jurisdiction.

17-27-26. Conformity With Plan—Exceptions.

None of the provisions of this act shall apply to any existing building, structure, plant or other equipment, except as provided in section 17-27-18. After the adoption of a plan as hereinbefore provided, all extensions, betterments or additions to buildings, structures, plant or other equipment of any public utility shall only be made in conformity with such plan, unless, after public hearing first had, the public service commission of the state of Utah or its successor commission, if any, orders that such extensions, betterments or additions to buildings, structures, plant or other equipment are reasonable and

that such extensions, betterments or additions be made even though they conflict with the adopted plan.

17-27-27. Definition of "Unincorporated"

For the purposes of this act, "unincorporated" means situated outside of cities and towns, so that when used in connection with "territory," "areas," or the like, it covers, includes and relates to territory or areas which are not within the boundary of any city or town. "Subdivisions" means the division of a tract, or lot or parcel of land into three or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future of sale or of building development; *provided*, that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes or of commercial, manufacturing or industrial land for commercial, manufacturing or industrial purposes. Nor shall this definition apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the county recorder.

Section 2. Section Enacted.

Sec. 17-27-7.10, Utah Code Annotated, 1953 is enacted to read:

**17-27-7.10. County May by Ordinance Restrict Building Permits,
—When—Review—Procedure.**

For the purpose of preserving the integrity of the official map of the county, the board of county commissioners may provide by general ordinance that no permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on the official map. Any such ordinance shall provide that the board of adjustment, if the county has such a board, or if not, that the board of adjustment created for the purpose in such ordinance, shall, upon an appeal filed with it by the owner of any such land, authorize the grant of a permit for a building or structure or part thereof within any mapped-street location, if, after a hearing, it finds that the official map has been recorded for more than one year and a demand has been made upon the board of county commissioners to buy, or if the offering price is felt by the board of county commissioners to be unreasonable, they have failed to commence an action to condemn such land, or if a judgment of condemnation has been entered and the county commissioners have failed to pay the price therein provided. If an appeal is filed before one year shall have elapsed from the date of the filing of the official map, the board of adjustment may, if it finds upon the evidence submitted at a hearing held upon the appeal that, balancing of interest of the county in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the granting of a building permit is required by consideration of justice and equity, then such a building permit may be issued, but

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CITIES, TOWNS, AND SUBDIVISIONS

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17-27-21. Land plats—Approval—Sale before approval as violation.

All plans of streets or highways for public use, and all plans and plats of land laid out in subdivision or building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, located within the county limits, except those located within any city or town within the said counties, shall be submitted to the county planning commission, if one has been created, and approved by such commission before they shall be recorded. It shall not be lawful to record any such plan or plat in the office of the county recorder unless the same shall bear thereon by endorsement or otherwise the approval of such commission. The approval of such plan or plat by such commission shall not be deemed an acceptance of the proposed dedication by the public. Such acceptance, if any, shall be given by action of the board of county commissioners. The owners and purchasers of such lots shall be conclusively presumed to have notice of public plans, maps, and reports of such commission affecting such property within its jurisdiction.

From and after the time when a county planning commission has been appointed no land located within a subdivision as defined in this act shall be sold until and unless a subdivision plat shall have been approved by the planning commission and recorded in the office of the county recorder, except that in subdivisions of less than ten lots, land may be sold by metes and bounds, without necessity of recording a plat if all of the following conditions are met: (a) The subdivision layout shall have been first approved in writing by the county planning commission, (b) the subdivision is not traversed by the mapped lines of a proposed street as shown on the official map or maps of the county, and does not require the dedication of any land for street or other public purposes, and (c) if the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width and area requirements of the zoning ordinance or has been granted a variance from such requirements by the board of adjustment.

Whoever, being the owner or agent of the owner of any land located within a subdivision in a county where a county planning commission has been created, transfers or sells any land in such subdivision before a plan or plat of such subdivision has been approved by such planning commission and, except as set forth in the preceding paragraph, recorded in the office of the county recorder, shall be guilty of a ~~[misdemeanor]~~ violation of this chapter for each lot or parcel so transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. ~~[The county may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by civil action in any court of competent jurisdiction.]~~

Section 4. Section repealed and reenacted.

Section 17-27-23, Utah Code Annotated 1953, as last amended by Chapter 197, Laws of Utah 1973, is repealed and reenacted to read:

17-27-23. Violation of chapter or ordinance as misdemeanor—Remedies of

UCA 57-5-3 in effect on June 30, 1992
1991 Utah Code Ann. § 57-5-3

Copy Citation

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UTAH CODE ANNOTATED > TITLE 57. REAL ESTATE > CHAPTER 5. PLATS AND SUBDIVISIONS

§ 57-5-3. Maps and plats to be acknowledged, certified, approved, and recorded [Repealed effective July 1, 1992]

Such map or plat shall be acknowledged by such owner before some officer authorized by law to take the acknowledgment of conveyances of real estate, and certified by the surveyor making such plat; if the land is situated in any city or incorporated town such plat or map shall be approved by its governing body, or by some city or town officer for that purpose designated by resolution or ordinance of such governing body; and, if the land is situated outside of any city or incorporated town, shall be approved by the board of county commissioners of the county, or by some county officer for that purpose designated by resolution or ordinance of such board. When so acknowledged, certified and approved, it shall be filed and recorded in the office of the county recorder of the county in which the lands so platted and laid out are situated, except that in subdivisions of less than ten lots, which lots lie entirely within a city or incorporated town having a planning commission, or outside a city or incorporated town in a county having a county planning commission, land may be sold by metes and bounds, without necessity of recording a plat if all of the following conditions are met: (a) The subdivision layout shall have been first approved in writing by the planning commission, (b) the subdivision is not traversed by the mapped lines of a proposed street as shown on any official map or maps, and does not require the dedication of any land for street or other public purposes, and (c) if a subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width and area requirements of the zoning ordinance or has been granted a variance from such requirements by the board of adjustment.

History

R.S. 1898 & C.L. 1907, § 2013; C.L. 1917, § 5023; R.S. 1933 & C. 1943, 78-5-3; L. 1953, ch. 27, § 3.

UCA 17-23-1 through 18, 1987-1989

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63, LAWS OF UTAH 1979
17-23-11, UTAH CODE ANNOTATED 1953

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

Section 1. Section Repealed and Reenacted.

Section 17-23-1, Utah Code Annotated 1953, as last amended by Chapter 33, Laws of Utah 1961, is repealed and reenacted to read:

17-23-1. Duties of county surveyor.

(1) Any person elected exclusively as the county surveyor shall be a registered professional land surveyor in the state of Utah.

(2) The county surveyor shall execute:

(a) all orders directed to the surveyor by any court; and

(b) all orders of survey required by the county governing body.

(3) The surveyor of each county shall:

(a) advise the county governing body regarding all surveying work;

(b) perform or arrange for the performance of all surveying work for the county;

(c) keep a fair and accurate record of all surveys made and all surveys received pursuant to Section 17-23-17;

(d) number progressively all surveys received and state by whom and for whom the surveys were made;

(e) deliver a copy of any survey to any person or court requiring the survey after the payment of the fee established by the county governing body;

(f) ensure that all surveys of legal subdivisions of sections are made according to the current United States Manual of Surveying Instructions; and

(g) perform other duties required by law.

(4) (a) The county surveyor or his designee shall establish all corners of government surveys and reestablish all corners of government surveys where corners have been destroyed and where witness markers or other evidences of the government corners remain so that the corners established by government survey can be positively located.

(b) The corners shall be reestablished in the manner provided in Subsection 17-23-13 (1) for establishing corners.

(c) The county surveyor shall keep a separate record of the established and reestablished corners of government surveys, giving the date and names of persons present and shall provide those records to his successor when he vacates his office.

(d) Established or reestablished corners shall be recognized as the legal and permanent corners.

(5) The county governing body may direct the county surveyor or his staff to perform engineering and architectural work if the county surveyor or his staff is qualified and licensed to perform that work.

Section 2. Section Amended.

Section 17-23-2, Utah Code Annotated 1953, is amended to read:

17-23-2. Office supplies - Records remain public property.

(1) The [board-of-county-commissioners] county governing body shall furnish an office, furniture, and all stationery and record books necessary for the surveyor's office.

(2) The county governing body, by ordinance or resolution, may establish the fee to be collected by the county surveyor for filing and indexing a map of a survey.

(3) All records, maps, plats, profiles, calculations, and field notes of all surveys made by [him] the county surveyor in his official capacity during his term of office, or by persons designated by him to do survey work on behalf of the county, or maps of a survey filed under Section 17-23-17, shall be the property of the county, open to the inspection of any person free of charge, and shall be delivered by the surveyor to his successor in office.

Section 3. Section Enacted.

Section 17-23-12, Utah Code Annotated 1953, is enacted to read:

17-23-12. Powers of county surveyor.

The county surveyor may:

(1) administer oaths or affirmations necessary to legally establish roads and other surveys; and

(2) take evidence from any person who may have information to prove any point material to a survey or whenever necessary in the discharge of his official duties.

Section 4. Section Enacted.

Section 17-23-13, Utah Code Annotated 1953, is enacted to read:

17-23-13. County surveyors - Setting monuments.

(1) (a) When establishing a section, quarter-section, or center corners, the county surveyor or his designee shall set a monument of durable quality.

(b) Wherever the nature of the ground will not allow the setting of a monument at the exact corner as described, then a witness monument shall be set.

(2) (a) Whenever possible, section corners and quarter-section corners shall be witnessed by at least four references of durable quality.

(b) All references shall be carefully described, and their bearings and distances noted in the report.

Section 5. Section Enacted.

Section 17-23-14, Utah Code Annotated 1953, is enacted to read:

17-23-14. County surveyors - Disturbed corners.

(1) Any person who finds it necessary to disturb any established corner in the improvement of a road, or for any other cause, shall notify the county surveyor.

(2) The county surveyor or his designee shall:

(a) lower and witness the corner or place another monument and witness over the existing monument;

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and

(b) record the proceedings in the record of permanent surveys.

Section 6. Section Enacted.

Section 17-23-15, Utah Code Annotated 1953, is enacted to read:

17-23-15. Removing, destroying, or defacing monuments and corners prohibited - Penalty.

(1) No person shall willfully or negligently remove, destroy, or deface any government survey monument, corner, or witness corner that is recorded in the office of the county surveyor.

(2) Any person who violates this section is guilty of a class C misdemeanor and is additionally responsible for:

(a) the costs of any necessary legal action; and

(b) the costs of reestablishing the survey monument, corner, or witness corner.

Section 7. Section Enacted.

Section 17-23-16, Utah Code Annotated 1953, is enacted to read:

17-23-16. County surveyor - Rules for resurveys.

In the resurvey of lands surveyed under the authority of the United States, the county surveyor or his designee shall observe the following rules:

(1) Section and quarter-section corners, and all other corners established by the government survey, shall stand as the true corner.

(2) Missing corners shall be reestablished at the point where existing evidence would indicate the original corner was located by the government survey.

(3) In all cases, missing corners must be reestablished with reference to the current United States Manual of Surveying Instructions.

Section 8. Section Enacted.

Section 17-23-17, Utah Code Annotated 1953, is enacted to read:

17-23-17. Map of private property boundary monuments - Procedure for filing - Contents.

(1) (a) Any registered professional land surveyor making a survey of private lands within this state who establishes or reestablishes any private property boundary monument shall file a map of the survey that meets the requirements of this section with the county surveyor within 90 days of the establishment or reestablishment of the boundary monument.

(b) The county surveyor shall file and index the map of the survey.

(c) The map shall be a public record in the office of the county surveyor.

(2) This type of map shall show:

(a) the location of survey by quarter section and township and range;

(b) the date of survey;

(c) the scale of drawing and north point;

(d) the distance and course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner or quarter corner, including township and range, or an identified monument within a recorded subdivision;

(e) all measured bearings, angles, and distances separately indicated from those of record;

(f) a written boundary description of property surveyed;

(g) all monuments set and their relation to older monuments found;

(h) a detailed description of monuments found and monuments set, indicated separately;

(i) the surveyor's seal or stamp; and

(j) the surveyor's business name and address.

(3) (a) The map shall contain a written narrative that explains and identifies:

(i) the purpose of the survey;

(ii) the basis on which the lines were established; and

(iii) the found monuments and deed elements that controlled the established or reestablished lines.

(b) If the narrative is a separate document, it shall contain:

(i) the location of the survey by quarter section and by township and range;

(ii) the date of the survey;

(iii) the surveyor's stamp or seal; and

(iv) the surveyor's business name and address.

(c) The map and narrative shall be referenced to each other if they are separate documents.

(4) The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.

(5) (a) Any monument set by a registered professional land surveyor to mark or reference a point on a property or land line shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the registration number of the surveyor in charge.

(b) If the monument is set by a public officer, it shall be marked with the official title of the office.

(6) (a) If, in the performance of a survey, the surveyor finds or makes any changes in the section corner or quarter-section corner, or their accessories as they are described in an existing corner record or survey map in the office of the county surveyor, the surveyor shall complete and submit to the county surveyor a record of the changes needed to be made to any corner or accessories to the corner.

(b) The record shall be submitted within 45 days of the corner visits and shall include the surveyor's seal, business name, and address.

(c) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the license of any registered professional land surveyor who fails to comply with the requirements of this section, according to the procedures set forth in Chapter 1, Title

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(7) Any federal or state agency, board, or commission, special district, or municipal corporation that makes a survey of lands within this state shall comply with this section.

Section 9. Section Enacted.

Section 17-23-18, Utah Code Annotated 1953, is enacted to read:

17-23-18. Survey maps and narratives - Amendments.

(1) Any survey map or narrative filed and recorded under the provisions of this chapter may be amended by an affidavit of corrections:

(a) to show any courses or distances omitted from the map or narrative;

(b) to correct an error in the description of the real property shown on the map or narrative; or

(c) to correct any other errors or omissions where the error or omission is ascertainable from the data shown on the map or narrative as recorded.

(2) (a) The affidavit of correction shall be prepared by the registered professional land surveyor who filed the map or narrative.

(b) In the event of the death, disability, or retirement from practice of the surveyor who filed the map or narrative, the county surveyor may prepare the affidavit of correction.

(c) The affidavit shall set forth in detail the corrections made.

(d) The seal and signature of the registered professional land surveyor filing the affidavit of correction shall be affixed to the affidavit.

(3) The county surveyor having jurisdiction of the map or narrative shall certify that the affidavit of correction has been examined and that the changes shown on the map or narrative are changes permitted under this section.

(4) Nothing in this section permits changes in courses or distances for the purpose of redesigning parcel configurations.

Section 10. Sections Repealed.

Section 17-23-8, Utah Code Annotated 1953, as last amended by Chapter 33, Laws of Utah 1961, Section 17-23-9, Utah Code Annotated 1953, as last amended by Chapter 33, Laws of Utah 1961, Section 17-23-10, Utah Code Annotated 1953, as last amended by Chapter 63, Laws of Utah 1979, and Section 17-23-11, Utah Code Annotated 1953, are repealed.

CHAPTER 30

H. B. No. 15

Passed January 30, 1987

Approved March 10, 1987

Effective July 1, 1987

CLARIFICATION OF PUBLIC EMPLOYEES INDEMNIFICATION

By Jeril B. Wilson

AN ACT RELATING TO STATE AFFAIRS IN GENERAL; CLARIFYING CIRCUMSTANCES IN WHICH A GOVERNMENTAL ENTITY MUST REPRESENT, OR MAY REFUSE TO REPRESENT, A PUBLIC EMPLOYEE AGAINST A CIVIL CLAIM; CLARIFYING PAYMENT OF FEES AND COSTS INCURRED BY EMPLOYEE IN DEFENSE OF CRIMINAL CHARGE; AND PROVIDING AN EFFECTIVE DATE.

THIS ACT AFFECTS SECTIONS OF UTAH CODE ANNOTATED 1953 AS FOLLOWS:

AMENDS:

63-30-36, AS ENACTED BY CHAPTER 131, LAWS OF UTAH 1983

63-30-37, AS ENACTED BY CHAPTER 131, LAWS OF UTAH 1983

63-30A-3, AS LAST AMENDED BY CHAPTER 194, LAWS OF UTAH 1986

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

Section 1. Section Amended.

Section 63-30-36, Utah Code Annotated 1953, as enacted by Chapter 131, Laws of Utah 1983, is amended to read:

63-30-36. Defending government employee - Request - Cooperation - Payment of judgment.

(1) Except as provided in Subsections (2) and (3), a governmental entity shall defend any action brought against its employee arising from an act or omission occurring:

(a) during the performance of the employee's duties;

(b) within the scope of the employee's employment; or

(c) under color of authority.

~~[(+)]~~ (2) (a) Before a governmental entity may defend its employee against a claim, the employee [must] shall make a written request to the governmental entity to defend him [and-must-make-it];

(i) within ten days after service of process upon him; or

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17-23-17. (1) (a) Any registered professional land surveyor making a [A> BOUNDARY <A] survey of [D> private <D] lands within this state [D> who establishes or reestablishes any private property boundary monument <D] [A> TO ESTABLISH OR REESTABLISH A BOUNDARY LINE ON THE GROUND OR TO OBTAIN DATA FOR CONSTRUCTING A MAP OR PLAT SHOWING A BOUNDARY LINE <A] shall file a map of the survey that meets the requirements of this section with the county surveyor [A> OR DESIGNATED OFFICE <A] within 90 days of the establishment or reestablishment of [D> the <D] [A> A <A] boundary monument [A> OR BOUNDARY LINE <A].

(b) The county surveyor [A> OR DESIGNATED OFFICE <A] shall file and index the map of the survey.

(c) The map shall be a public record in the office of the county surveyor [A> OR DESIGNATED OFFICE <A].

(2) This type of map shall show:

(a) the location of survey by quarter section and township and range;

(b) the date of survey;

(c) the scale of drawing and north point;

(d) the distance and course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner or quarter corner, including township and range, or an identified monument within a recorded subdivision;

(e) all measured bearings, angles, and distances separately indicated from those of record;

(f) a written boundary description of property surveyed;

(g) all monuments set and their relation to older monuments found;

(h) a detailed description of monuments found and monuments set, indicated separately;

(i) the surveyor's seal or stamp; and

(j) the surveyor's business name and address.

(3) (a) The map shall contain a written narrative that explains and identifies:

(i) the purpose of the survey;

- (ii) the basis on which the lines were established; and
 - (iii) the found monuments and deed elements that controlled the established or reestablished lines.
- (b) If the narrative is a separate document, it shall contain:
- (i) the location of the survey by quarter section and by township and range;
 - (ii) the date of the survey;
 - (iii) the surveyor's stamp or seal; and
 - (iv) the surveyor's business name and address.
- (c) The map and narrative shall be referenced to each other if they are separate documents.
- (4) The map and narrative shall be created on material of a permanent nature on stable base reproducible material in the sizes required by the county surveyor.
- (5) (a) Any monument set by a registered professional land surveyor to mark or reference a point on a property or land line shall be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the registration number of the surveyor in charge.
- (b) If the monument is set by a [A> REGISTERED LAND SURVEYOR WHO IS A <A] public officer, it shall be marked with the official title of the office.
- (6) (a) If, in the performance of a survey, the surveyor finds or makes any changes in the section corner or quarter-section corner, or their accessories as they are described in an existing corner record or survey map in the office of the county surveyor [A> OR DESIGNATED OFFICE <A], the surveyor shall complete and submit to the county surveyor [A> OR DESIGNATED OFFICE <A] a record of the changes needed to be made to any corner or accessories to the corner.
- (b) The record shall be submitted within 45 days of the corner visits and shall include the surveyor's seal, business name, and address.
- (c) The Utah State Board of Engineers and Land Surveyors Examiners may revoke the license of any registered professional land surveyor who fails to comply with the requirements of this section, according to the procedures set forth in Chapter 1, Title 58.
- (7) Any federal or state agency, board, or commission, special district, or municipal corporation that makes a survey of lands within this state shall comply with this section.

EXHIBIT C – Parts of July 1, 1992 CLUDMA

chapter or under the regulation made under authority of this chapter until they have exhausted their administrative remedies.

(2) Any person adversely affected by any decision made in the exercise of the provisions of this chapter may file a petition for review of the decision with the district court within 30 days after the local decision is rendered.

(3) The courts shall:

(a) presume that land use decisions and regulations are valid; and

(b) determine only whether or not the decision is arbitrary, capricious, or illegal.

Section 54. Section Enacted.

Section 10-9-1002, Utah Code Annotated 1953, is enacted to read:

10-9-1002. Enforcement.

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

(i) injunctions, mandamus, abatement, or any other appropriate actions; or

(ii) proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.

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

(2) (a) The municipality may enforce the ordinance by withholding building permits.

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

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

Section 55. Section Enacted.

Section 10-9-1003, Utah Code Annotated 1953, is enacted to read:

10-9-1003. Penalties.

Violation of any of the provisions of this chapter or of any ordinances adopted under the authority of this chapter are punishable as a class C misdemeanor or upon conviction.

Section 56. Section Enacted.

Section 17-27-101, Utah Code Annotated 1953, is enacted to read:

17-27-101. Short title.

This chapter shall be known as the "County Land Use Development and Management Act."

Section 57. Section Enacted.

Section 17-27-102, Utah Code Annotated 1953, is enacted to read:

17-27-102. Purpose.

To accomplish the purpose of this act, and in order to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the county and its present and future inhabitants and businesses, to protect the tax base, secure economy in governmental expenditures, foster the state's agricultural and other industries, protect both urban and nonurban development, and to protect property values, counties may enact all ordinances, resolutions, and rules that they consider necessary for the use and development of land within the county, including ordinances, resolutions, and rules governing uses, density, open spaces, structures, buildings, energy-efficiency, light and air, transportation, infrastructure, public facilities, vegetation, and trees and landscaping, unless those ordinances, resolutions, or rules are expressly prohibited by law.

Section 58. Section Enacted.

Section 17-27-103, Utah Code Annotated 1953, is enacted to read:

17-27-103. Definitions.

As used in this chapter:

(1) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

(2) "Chief executive officer" means the county commission, or if the county has adopted an alternative form of government, the official who exercises the executive powers.

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

(4) "County" means the unincorporated area of the county.

(5) "Elderly person" means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

(6) (a) "General plan" means a document that a county adopts that sets forth general guidelines for proposed future development of the land within the county, as set forth in Sections 17-27-301 and 17-27-302.

(b) "General plan" includes what is also commonly referred to as a "master plan."

(7) "Handicapped person" means a person who:

(a) has a severe, chronic disability attributable to a mental or physical impairment, or to a combination of mental and physical impairments, that is likely to continue indefinitely and that results in a substantial functional limitation in three or more of the following areas of major life activity:

- (i) self-care;
- (ii) receptive and expressive language;
- (iii) learning;
- (iv) mobility;
- (v) self-direction;
- (vi) capacity for independent living; and
- (vii) economic self-sufficiency; and

(b) requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

(8) "Legislative body" means the county commission, or for a county that has adopted an alternative form of government, the body exercising legislative powers.

(9) "Municipality" means a city or town.

(10) "Nonconforming use" means a use of land that:

(a) legally existed before its current zoning designation;

(b) has been maintained continuously since the time the zoning regulation governing the land changed; and

(c) because of subsequent zoning changes, does not conform with the zoning regulations that now govern the land.

(11) "Nonconforming structure" means a structure that:

(a) legally existed before its current zoning designation; and

(b) because of subsequent zoning changes, does not conform with the zoning regulation's setback, height restrictions, or other regulations that govern the structure.

(12) (a) "Residential facility for elderly persons" means a single-family or multiple-family dwelling unit that meets the requirements of Part 5 and any ordinance adopted under authority of that part.

(b) "Residential facility for elderly persons" does not include a health care facility as defined by Section 28-21-2.

(13) "Residential facility for handicapped persons" means a single-family or multiple-family dwelling unit that meets the requirements of Part 6 and any ordinance adopted under authority of that part.

(14) "Special district" means all entities established under the authority of Title 17A and any oth-

er governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

(15) "Street" means public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways.

(16) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

(c) "Subdivision" does not include a bona fide division or partition of agricultural land for agricultural purposes or of commercial, manufacturing, or industrial land for commercial, manufacturing, or industrial purposes.

(17) "Unincorporated" means the area outside of the incorporated boundaries of cities and towns.

Section 59. Section Enacted.

Section 17-27-104, Utah Code Annotated 1953, is enacted to read:

17-27-104. Most restrictive regulation prevails.

(1) Whenever the regulations made under authority of this chapter impose more strict or higher standards than are required in any other statute, ordinance, or regulation, the provisions of the regulations made under authority of this chapter shall govern.

(2) Wherever the provisions of any other statute, ordinance, or regulation require or impose more strict or higher standards than are required by the regulations made under authority of this chapter, the provisions of that statute, ordinance, or regulation shall govern.

Section 60. Section Enacted.

Section 17-27-105, Utah Code Annotated 1953, is enacted to read:

17-27-105. Property owned by other government units — Effect of land use and development ordinances.

(1) (a) Each county, municipality, school district, special district, and political subdivision of Utah shall conform to the land use and development ordinances of any county when installing, constructing, operating, or otherwise using any area, land, or building situated within that county only in a manner or for a purpose that conforms to that county's ordinances.

(b) In addition to any other remedies provided by law, when a county's land use and development ordinances are being violated or about to be violated by another political subdivision, that county may insti-

(7)(a) The filing of a petition does not stay the decision of the board of adjustment.

(b) (i) Before filing the petition, the aggrieved party may petition the board of adjustment to stay its decision.

(ii) Upon receipt of a petition to stay, the board of adjustment may order its decision stayed pending district court review if the board of adjustment finds it to be in the best interest of the county.

(iii) After the petition is filed the petitioner may seek an injunction staying the board of adjustment's decision.

Section 94. Section Enacted.

Section 17-27-801, Utah Code Annotated 1953, is enacted to read:

17-27-801. General powers.

The legislative body of any county may enact a subdivision ordinance requiring that a subdivision plat comply with the provisions of the subdivision ordinance and be approved as required by this part before:

(1) it may be filed or recorded in the county recorder's office; and

(2) lots may be sold.

Section 95. Section Enacted.

Section 17-27-802, Utah Code Annotated 1953, is enacted to read:

17-27-802. Preparation — Adoption.

(1) The planning commission shall:

(a) prepare and recommend a proposed subdivision ordinance to the legislative body that regulates the subdivision of land in the county; and

(b) hold a public hearing on the proposed subdivision ordinance before making its final recommendation to the legislative body.

(2) (a) The legislative body shall hold a public hearing on the proposed subdivision ordinance recommended to it by the planning commission.

(b) The legislative body shall publish notice of the time, place, and purpose of the public hearing in a newspaper of general circulation in the county at least 14 days before the hearing at which the proposed subdivision ordinance is to be considered and public comment heard.

(3) After the public hearing, the legislative body may:

(a) adopt the subdivision ordinance as proposed;

(b) amend the subdivision ordinance and adopt or reject it as amended; or

(c) reject the ordinance.

Section 96. Section Enacted.

Section 17-27-803, Utah Code Annotated 1953, is enacted to read:

17-27-803. Amendments to subdivision ordinance.

(1) The legislative body may amend the provisions of the subdivision ordinance if the proposed amendment was proposed by or submitted to the planning commission for its approval, disapproval, or suggestions.

(2) The legislative body and the planning commission shall comply with the procedures contained in Section 17-27-802 in adopting an amendment to the subdivision ordinance.

Section 97. Section Enacted.

Section 17-27-804, Utah Code Annotated 1953, is enacted to read:

17-27-804. Maps and plats required.

(1) Whenever any lands are laid out and platted, the owner of those lands shall cause an accurate map or plat to be made of them that sets forth and describes:

(a) all the parcels of ground laid out and platted, by their boundaries, course, and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes; and

(b) all blocks and lots intended for sale, by numbers, and their precise length and width.

(2) (a) The owner of the land shall acknowledge the map or plat before an officer authorized by law to take the acknowledgement of conveyances of real estate.

(b) The surveyor making the map or plat shall certify it.

(c) The legislative body shall approve the map or plat as provided in this part.

(3) After the map or plat has been acknowledged, certified, and approved, the owner of the land shall file and record it in the county recorder's office in the county in which the lands platted and laid out are situated.

Section 98. Section Enacted.

Section 17-27-805, Utah Code Annotated 1953, is enacted to read:

17-27-805. Subdivision approval procedure.

No one may file or record a plat of a subdivision of land in the county recorder's office unless:

(1) it has been approved by:

(a) the legislative body; or

(b) other officers that the legislative body designates in an ordinance; and

(2) the approvals are entered in writing on the plat by the chief executive officer or chairperson of the legislative body or by the other officers designated in the ordinance.

Section 99. Section Enacted.

Section 17-27-806, Utah Code Annotated 1953, is enacted to read:

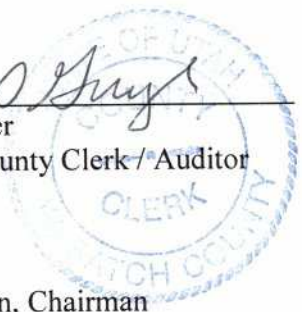
APPROVED and PASSED this 4 day of May, 2022.

Attest:

WASATCH COUNTY

COUNCIL:

Joey D. Granger
Joey Granger
Wasatch County Clerk / Auditor



Mark Nelson
Mark Nelson, Chair
Wasatch County Council

Mark Nelson, Chairman
Danny Goode
Marilyn Crittenden
Jeff Wade
Kendall Crittenden
Steve Farrell
Spencer Park

VOTE

Y
Y
Y
Y
Y
Y
Y

ADOPTION OF ORDINANCE AFFIDAVIT

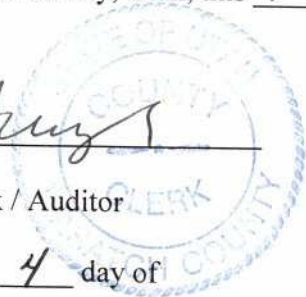
STATE OF UTAH)
): ss.
COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- (a) Causing this ordinance to be entered at length in the ordinance book;
(b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
(c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in The Wasatch Wave, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this 4 day of May, 2022.

Signature of Joey Granger
Joey Granger
Wasatch County Clerk / Auditor



SUBSCRIBED AND SWORN to me, a Notary Public, this 4 day of May, 2022.

Signature of Wendy McKnight
Notary Public

Residing in: Wasatch
My commission expires: 09/10/2022

