



Utah Land Use Legislative Updates

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COUNTING DOWN

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TO #1

Top 10 Recent Land Use Legislative Updates

EACH UPDATE ANSWERS THREE QUESTIONS

- 01 What changed?
- 02 Why does it matter?
- 03 What should developers and cities do next?

10 Consent Agreements

Utah Code § 10-20-1110 | SB1008

- Legislative body may settle land use appeal litigation with a property owner through a consent agreement.
- The consent agreement must be approved in a public meeting.
- No planning commission input is required.

FOR DEVELOPERS

Factor in a consent agreement as a likely outcome for a land use dispute.

FOR CITIES

Consider whether the negotiated benefits obtained via a consent agreement outweigh any litigation benefits.

9

Wildlife Review for Wind and Solar

Utah Code §§ 54-17-1201, -1203 | HB412

- For solar or wind power plants with a generating capacity of 10 or more megawatts, the applicant must provide proof of consultation with the Division of Wildlife Resources regarding potential wildlife impacts. The local jurisdiction must consider the Division's recommendations, but compliance with those recommendations is not required.

FOR DEVELOPERS

Submit a complete DWR request early and carry the signed consultation letter into the local approval record.

FOR CITIES

Require proof of consultation and document consideration of the recommendations

8

Water Rights Exactions

Utah Code § 10-20-912| SB0284

- SB284 creates a new requirement that water rights can be exacted by a city only if the city has a written plan to meet future water needs, based on Utah Code section 73-1-4(2)(f).
- Exactions must be based on system-wide minimum sizing standards established by the Division of Drinking Water and the number of equivalent residential connections associated with the culinary water demand.

FOR DEVELOPERS

Before agreeing to a water-rights exaction, ask whether the city has a written water plan.

FOR CITIES

Adopt a written water plan before exacting water rights.

7

Identical Plans: Five-Business-Day Review

Utah Code § 10-20-908

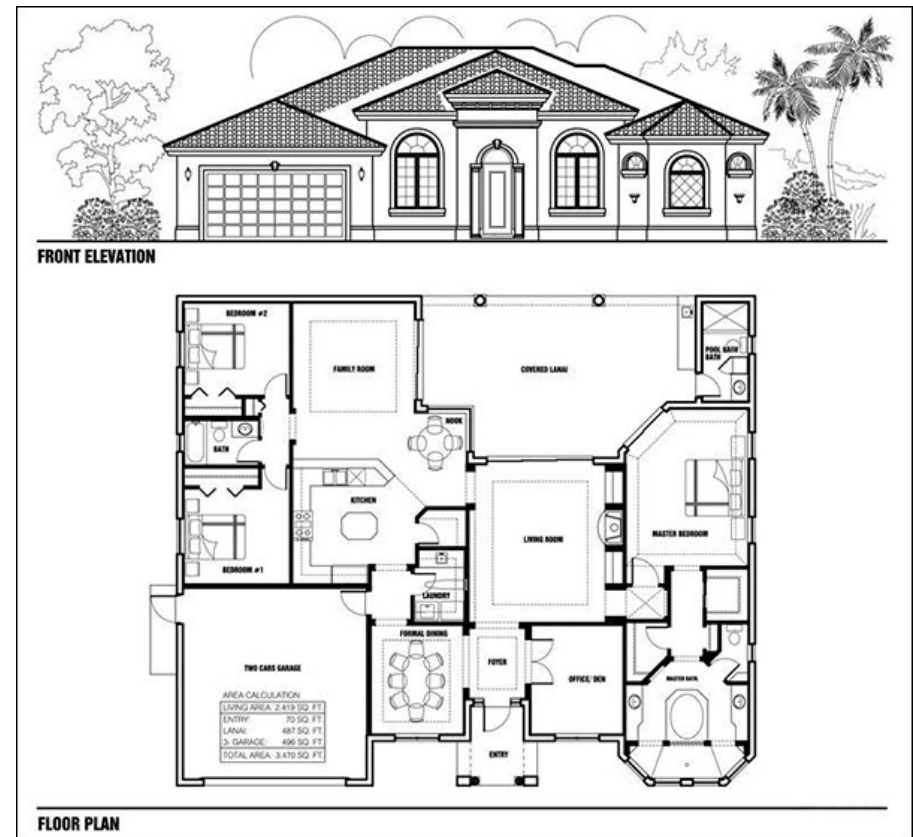
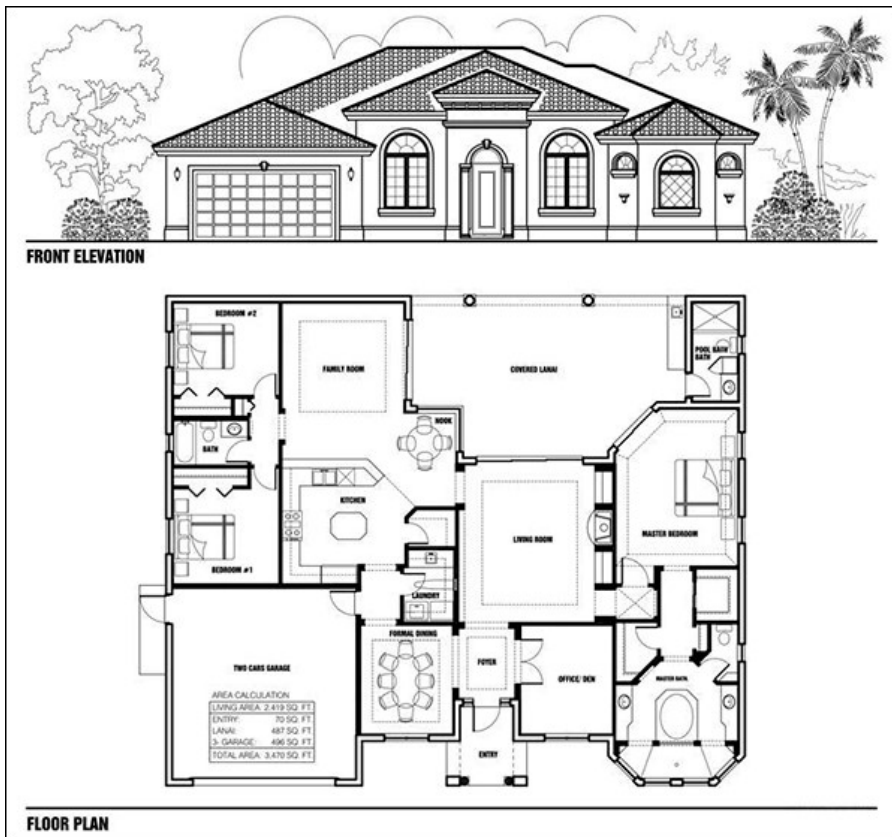
- An applicant may submit a building plan to a city, and once approved, that plan can serve as the "original plan" for future "identical plans." After the original plan is approved, future identical plans must be approved or rejected within five business days. The purpose is to expedite review for duplicated building plans in a community.
- The applicant must identify the "identical plans" as such and identify the original plan at the time of submittal.

FOR DEVELOPERS

Get an original plan approved once, then reuse it to speed up later permits.

FOR CITIES

Set up intake and tracking so identical plans meet the five-business-day deadline.



6

Limits on Withholding COOs

Utah Code § 10-20-1001

- Cities keep general authority to withhold a COO to enforce ordinances
- Exception 1: cannot withhold a building permit or COO for incomplete non-critical infrastructure improvements
- Exception 2: cannot withhold for a missing private landscaping plan or landscaping improvement

FOR DEVELOPERS

Push back if a COO is held for non-critical infrastructure or private landscaping.

FOR CITIES

Review COO-hold practices. Withholding is still available for other ordinance violations.

5

Private Upkeep of Public Amenities

Utah Code § 10-20-604

- Cities cannot require a private party or HOA to maintain public trails, recreation areas, or retail water lines
- Exception: trails between private property and a street (sidewalks and park strips)
- Exception: where the private party agreed to maintain the amenity by agreement with the city

FOR DEVELOPERS

Read maintenance clauses closely. An agreed obligation will be enforced.

FOR CITIES

Secure upkeep by agreement where needed.

4

Short-Term Rental Enforcement

Utah Code § 10-8-85.5

- Online listings may be used to prove an ordinance violation, but additional evidence is required
- Cities may require short-term rental operators to obtain a business license
- Cities may ask websites to remove listings that violate licensing or zoning requirements

FOR DEVELOPERS

A listing alone can't support a violation but keep business licenses current.

FOR CITIES

Pair listing evidence with corroboration. You may require licenses and ask sites to remove violating listings.

3

Detached ADUs Permitted on Large Lots



SB284 | DADUs

- Detached ADUs are a permitted use on residential lots larger than 11,000 sq. ft.
- Applies in most urban communities
- Local governments may still decide use classifications for DADUs on smaller lots

FOR DEVELOPERS

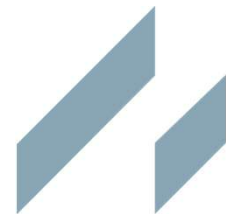
By-right DADU potential on lots over 11,000 sq. ft.
Check for smaller-lot options.

FOR CITIES

Update codes to treat DADUs as permitted. You may still allow them on smaller lots.

2

Appeals and Planning Commissions



Utah Code § 10-20-1101(5) | SB284

- No public hearing may be required for a variance or land-use appeal. Only the appellant, applicant, and city's representatives are allowed to speak at an appeal hearing.
- A governing body cannot serve as appeal authority (except in the smallest communities)
- If the appellant is a land use applicant, the appellant has the burden of proving that the decision is illegal or is not supported by substantial evidence.
- If the appellant is an adversely affected party, the appellant has the burden of proving that the decision is illegal, or that the factual findings are clearly erroneous.

FOR DEVELOPERS

Understand the procedural rules and standards of review before filing an appeal.

FOR CITIES

Train staff and elected officials on updated appeal standards.

1

Transparency and Vested Rights

Utah Code § 10-20-902(3) | SB284

- Cities must post land-use ordinances, fees, and application checklists online
- No website? Materials must be available for inspection at the office
- Why it matters: rights vest on a complete application plus payment of the fee, and the checklist defines “complete”

FOR DEVELOPERS

If the checklist isn't posted online, go in person to the city's office and request the application, checklist, and fee amounts.

FOR CITIES

Keep ordinances, fees, and checklists posted and current. Gaps can complicate vesting disputes.