

1 **County Land Use Authority Amendments**
 2 2026 GENERAL SESSION
 3 STATE OF UTAH
 4 **Chief Sponsor: Kristen Chevrier**
 5 Senate Sponsor:

6 **LONG TITLE**

7 **General Description:**

8 This bill requires a county to accept and process a plan review application for a
 9 single-family dwelling on a qualifying parcel that is not part of a subdivision.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ amends the purpose of a county's general land use authority to include protecting property
 14 rights;
- 15 ▶ describes the circumstances under which a county is required to accept and process a plan
 16 review application for a single-family dwelling on a qualifying parcel; and
- 17 ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **17-79-101**, as renumbered and amended by Laws of Utah 2025, First Special Session,
 25 Chapter 14

26 ENACTS:

27 **17-79-621**, Utah Code Annotated 1953

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

29 Section 1. Section **17-79-101** is amended to read:

30 **17-79-101 . Purposes -- General land use authority -- Limitations.**

(1)(a) The purposes of this chapter are to:

- (i) provide for the health, safety, and welfare;

- 31 (ii) promote the prosperity;
- 32 (iii) improve the morals, peace, good order, comfort, convenience, and aesthetics of
- 33 each county and each county's present and future inhabitants and businesses;
- 34 (iv) protect the tax base;
- 35 (v) secure economy in governmental expenditures;
- 36 (vi) foster the state's agricultural and other industries;
- 37 (vii) protect both urban and nonurban development;
- 38 (viii) protect and ensure access to sunlight for solar energy devices;
- 39 (ix) provide fundamental fairness in land use regulation;
- 40 (x) facilitate orderly growth, allow growth in a variety of housing types, and
- 41 contribute toward housing affordability;[-and]
- 42 (xi) protect property rights; and
- 43 (xii) protect property values.
- 44 (b) Subject to Subsection (4) and Section 11-41-103, to accomplish the purposes of this
- 45 chapter, a county may enact all ordinances[;] and resolutions, [~~and rules~~] adopt all
- 46 policies, and may enter into other forms of land use controls and development
- 47 agreements that the county considers necessary or appropriate for the use and
- 48 development of land within the unincorporated area of the county or a designated
- 49 mountainous planning district, including ordinances, resolutions, [~~rules~~] policies,
- 50 restrictive covenants, easements, and development agreements governing:
- 51 (i) uses;
- 52 (ii) density;
- 53 (iii) open spaces;
- 54 (iv) structures;
- 55 (v) buildings;
- 56 (vi) energy-efficiency;
- 57 (vii) light and air;
- 58 (viii) air quality;
- 59 (ix) transportation and public or alternative transportation;
- 60 (x) infrastructure;
- 61 (xi) street and building orientation and width requirements;
- 62 (xii) public facilities;
- 63 (xiii) fundamental fairness in land use regulation; and
- 64 (xiv) considerations of surrounding land uses to balance the foregoing purposes with

65 a landowner's private property interests and associated statutory and constitutional
66 protections.

67 (2) Each county shall comply with the mandatory provisions of this part before any
68 agreement or contract to provide goods, services, or municipal-type services to any
69 storage facility or transfer facility for high-level nuclear waste, or greater than class C
70 radioactive waste, may be executed or implemented.

71 (3)(a) Any ordinance~~[,]~~ or resolution a county enacts, or ~~[rule enacted by a county]~~ a
72 policy that a county adopts in accordance with the county's authority under this
73 chapter shall comply with the state's exclusive jurisdiction to regulate oil and gas
74 activity, as described in Section 40-6-2.5.

75 (b) A county may enact an ordinance~~[,]~~ or resolution, or ~~[rule]~~ adopt a policy that
76 regulates surface activity incident to an oil and gas activity if the county demonstrates
77 that the regulation:

78 (i) is necessary for the purposes of this chapter;

79 (ii) does not effectively or unduly limit, ban, or prohibit an oil and gas activity; and

80 (iii) does not interfere with the state's exclusive jurisdiction to regulate oil and gas
81 activity, as described in Section 40-6-2.5.

82 (4)(a) This Subsection (4) applies to development agreements entered into on or after
83 May 5, 2021.

84 (b) A provision in a county development agreement is unenforceable if the provision
85 requires an individual or an entity, as a condition for issuing building permits or
86 otherwise regulating development activities within an unincorporated area of the
87 county, to initiate a process for a municipality to annex the unincorporated area in
88 accordance with Title 10, Chapter 2, Part 8, Annexation.

89 (c) Subsection (4)(b) does not affect or impair the enforceability of any other provision
90 in the development agreement.

91 Section 2. Section **17-79-621** is enacted to read:

92 **17-79-621 . Qualifying parcel application and approval for single-family dwelling**
93 **building permit.**

94 (1) As used in this section:

95 (a) "Plan review" means the same as that term is defined in Section 17-79-810.

96 (b) "Qualifying parcel" means a parcel of land in a county that:

97 (i) was created by a written instrument, other than a subdivision plat, before the
98 county adopted a land use ordinance regulating the parcel; or

- 99 (ii) is similar to a lot or parcel that:
- 100 (A) has the same zoning designation; and
- 101 (B)(I) conforms to applicable development standards for a single-family
- 102 residential lot;
- 103 (II) at some point in the past was approved, recognized, or treated as a lot or
- 104 parcel for which a single-family dwelling was a conforming use; or
- 105 (III) contains a single-family dwelling that the county recognizes as a
- 106 conforming use.
- 107 (2) Subject to Subsection (3) and Section 17-79-810, a county shall accept and process a
- 108 plan review application for a single-family dwelling on a qualifying parcel that is made
- 109 by the qualifying parcel's owner of record, if:
- 110 (a) the proposed building meets the minimum setback requirements of the zoning
- 111 designation where the qualifying parcel is located;
- 112 (b) applicable utility providers review and approve the plan review application;
- 113 (c) to the extent required by county ordinance, the local health department reviews and
- 114 approves the plan review application; and
- 115 (d) to the extent required by county ordinance, the owner of the qualifying parcel
- 116 dedicates a portion of the qualifying parcel for street frontage.
- 117 (3) The owner of a parcel has the burden, under Subsection (2), of establishing by
- 118 substantial evidence that the parcel is a qualifying parcel.
- 119 (4) A county accepting and processing a plan review or approval of a building permit under
- 120 Subsection (2) does not:
- 121 (a) require the county to accept or maintain a street or other right-of-way;
- 122 (b) require the county, a special district, or a utility provider to extend or provide a
- 123 utility to a qualifying parcel; or
- 124 (c) limit the county's authority to enforce the provisions of this chapter or other law
- 125 against a person who divides a parcel without required county approval.

126 Section 3. **Effective Date.**

127 This bill takes effect on May 6, 2026.