

1 **County Land Use Authority Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kristen Chevrier**

Senate Sponsor: Keith Grover

2  
3 **LONG TITLE**

4 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

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

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **17-79-101**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
22 Chapter 14

23 ENACTS:

24 **17-79-621**, Utah Code Annotated 1953

25  
26 *Be it enacted by the Legislature of the state of Utah:*

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

28 **17-79-101 . Purposes -- General land use authority -- Limitations.**

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

- 30 (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 ~~it~~ **[regulating the parcel] that requires**

- 98a county subdivision approval to create a lot for a single-family dwelling in the zone  
 98b where the parcel is located ←Ĥ ; Ĥ→ [or] and  
 98c (ii) is located in a zone where a single-family dwelling is a permitted use.  
 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] ←Ĥ  
 102 Ĥ→ [residential lot;]  
 103 [(H) at some point in the past was approved, recognized, or treated as a lot or  
 104 ] ←Ĥ  
 105 Ĥ→ [parcel for which a single-family dwelling was a conforming use; or]  
 106 [(H) contains a single-family dwelling that the county recognizes as a] ←Ĥ  
 107 Ĥ→ [conforming use.] ←Ĥ  
 108 (2) Subject to Subsection (3) and Section 17-79-810, a county shall accept and process a  
 109 plan review application for a single-family dwelling on a qualifying parcel that is made  
 110 by the qualifying parcel's owner of record, if:  
 111 (a) the proposed building meets the minimum setback requirements of the zoning  
 112 designation where the qualifying parcel is located;  
 113 (b) applicable utility providers review and approve the plan review application;  
 114 (c) to the extent required by county ordinance, the local health department reviews and  
 115 approves the plan review application; and  
 116 (d) to the extent required by county ordinance, the owner of the qualifying parcel  
 117 dedicates a portion of the qualifying parcel for street frontage.  
 118 (3) The owner of a parcel has the burden, under Subsection (2), of establishing by  
 119 substantial evidence that the parcel is a qualifying parcel.  
 120 (4) A county accepting and processing a plan review or approval of a building permit under  
 121 Subsection (2) does not:  
 122 (a) require the county to accept or maintain a street or other right-of-way;  
 123 (b) require the county, a special district, or a utility provider to extend or provide a  
 124 utility to a qualifying parcel; or  
 125 (c) limit the county's authority to enforce the provisions of this chapter or other law  
 126 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.