



HB 368 Building Permit Plan Review

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(3840-4114)

- **Purpose:** To expedite the building process without sacrificing a municipality's ability to pause the process if applications are incomplete
- **Application Content:** Utah Code 10-9a-542 (was 10-6-160)
 - Cannot require SWPP permits be submitted as part of the application
 - Can require written statement indicating that before the disturbance of land and during the actual construction, the applicant will comply with all laws, including any storm water protection laws and ordinances
 - Check your ordinances to determine if they currently require compliance of federal, state, and local storm water protection laws at time of plan review
 - If so, please update your ordinances



2025
Spring Training

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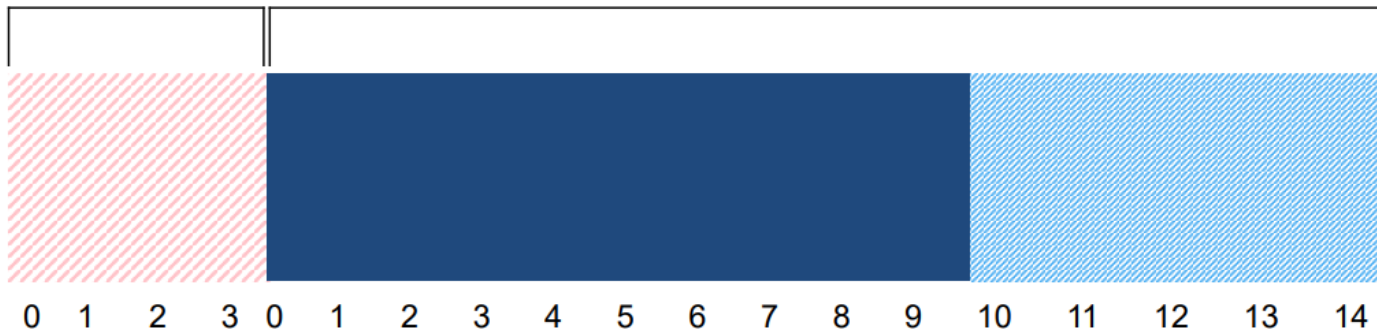
This new plan review process is intended to reduce plan review delays and decrease the number of incomplete applications.

3-Day Screening Period

Municipalities may pause the screening period anytime during these three days if they determine the application is incomplete.

14-Day Plan Review

After the 3-day screening period expires, if not otherwise paused, the municipality must proceed to perform the plan review with the documents that have been submitted. Municipalities must immediately notify the applicant of any missing documents at any time in the screening period and plan review period, but once the screening period expires, the only other time the municipality may pause the plan review period is if the municipality has notified the builder and is waiting for documents to be submitted. If the applicant submits the remaining documents between Day 10 and Day 14, the municipality must finish the plan review five days after the last document has been submitted. This ensures that municipalities are afforded the same amount of time it paused the plan review period during Days 10 through 14 to add on to the end of the plan review period.



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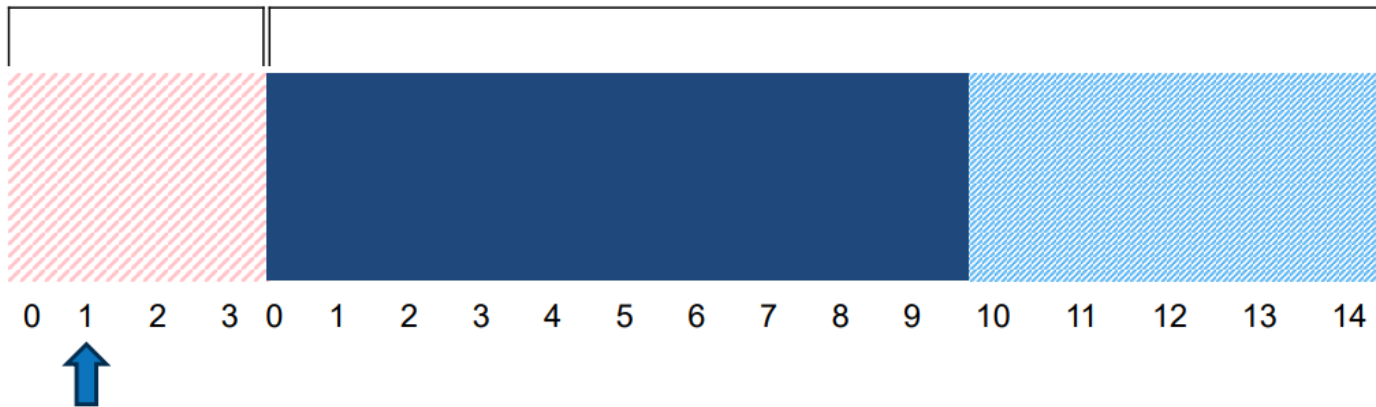
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Day 1: Determine application is incomplete

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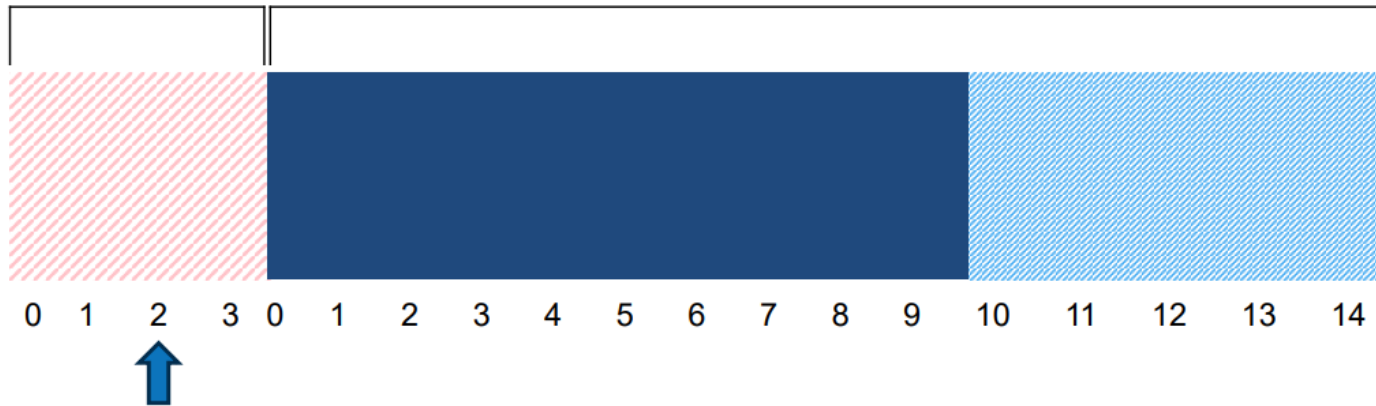
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Day 2: Determine application is complete

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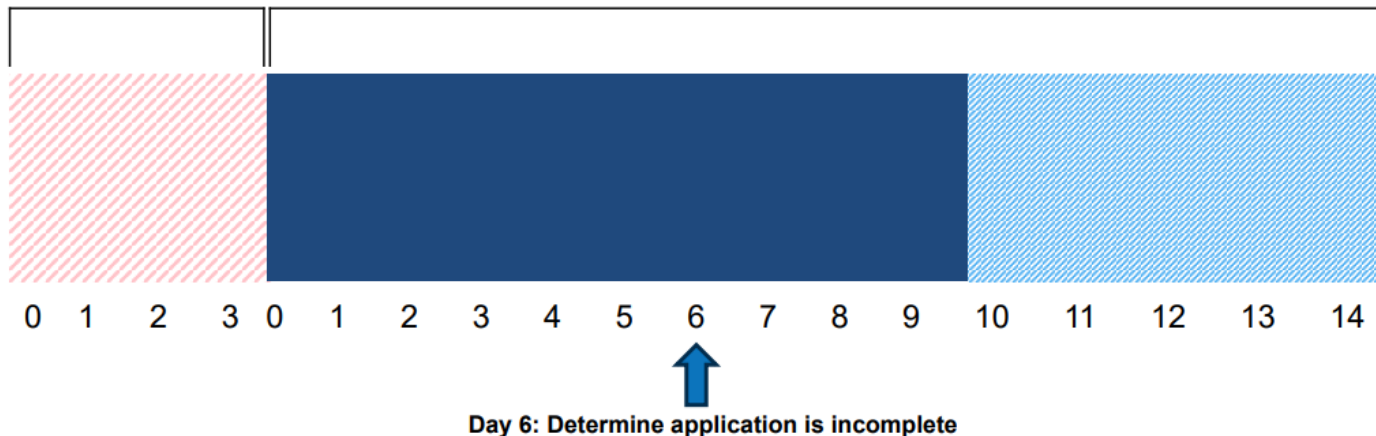
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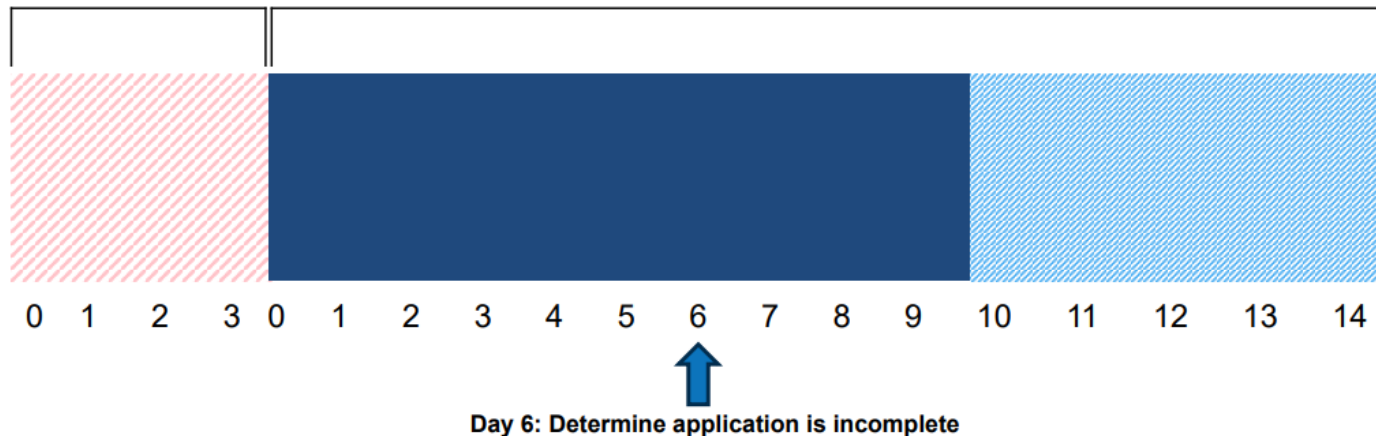
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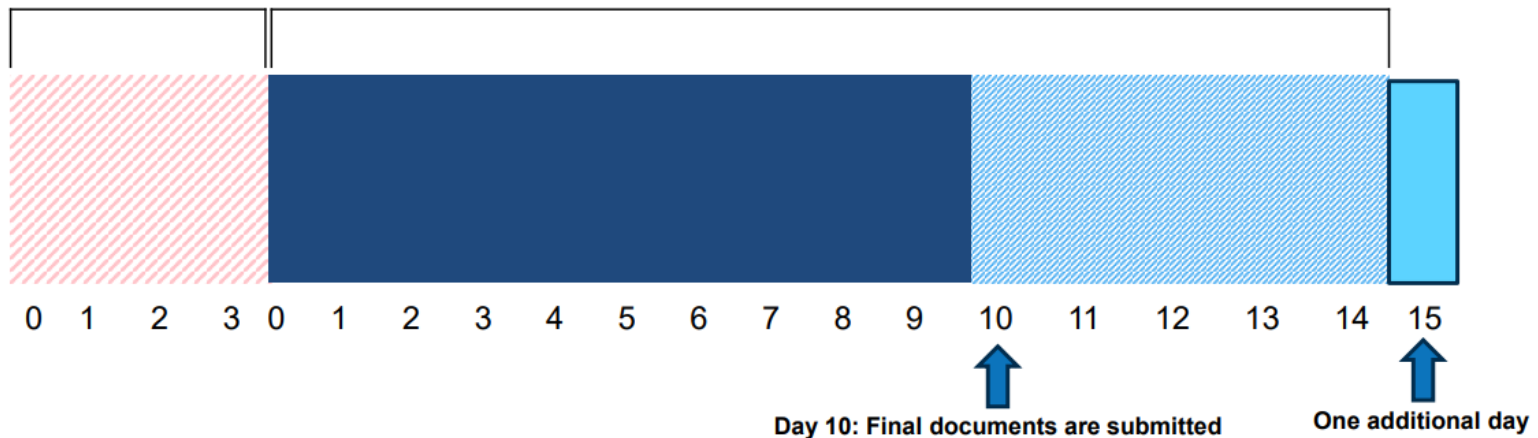
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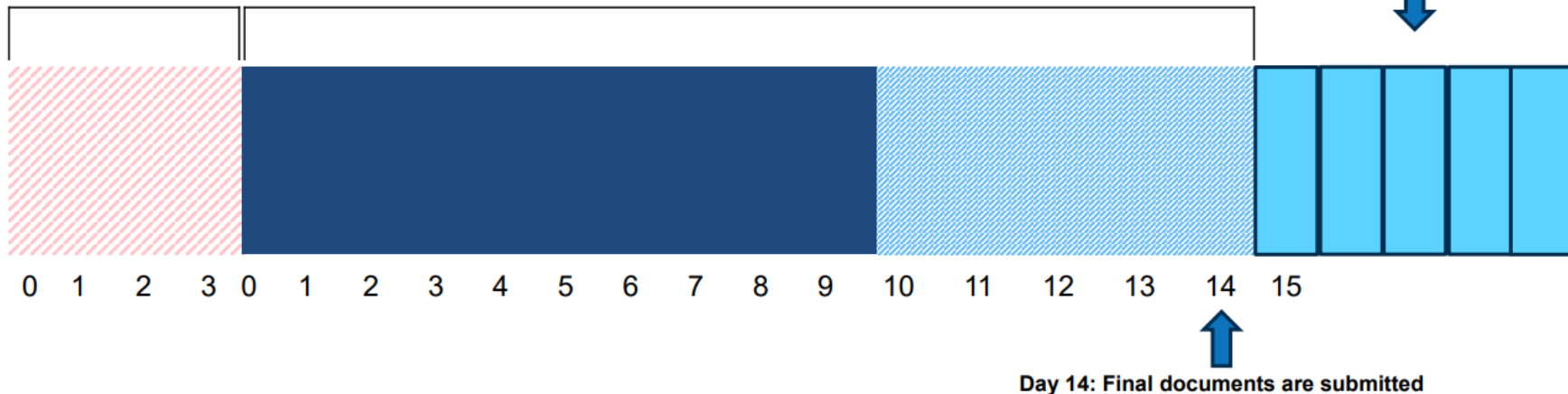
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Day 14: Final documents are submitted

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(3840-4114)

- Key Points:
 - The 3-day screening period and 14-day plan review apply to all departments collectively. Individual departments do not have separate 3- and 14-day plan review periods.
 - Business day includes Fridays even if 4/10s
 - If do not meet plan review timelines, then the municipality is required to return plan review fee
 - Only require one resubmittal if deficiencies of the plan would affect the "site plan interaction or footprint of the design."
 - Municipality that doesn't require fees be paid up front, the municipality may require it to be paid before building permit is issued



HB 368

Bonding for Public Improvements

HB 368 Bonding for Public Improvements

(3528-3631; 4150-4155; 4177-4212)

Purpose: To provide an organized, systematic release of public improvement infrastructure bonding

Public Improvement Categories:

- Culinary water system
- Sanitary sewer system
- Storm water system
- Transportation system
- Secondary and irrigation water system
- Public landscaping
- Public parks, trails, or open space

HB 368 Bonding for Public Improvements

(3528-3631; 4150-4155; 4177-4212)

Timing of Acceptance/Rejection of Warranty Work

- 15 Days*: 1st-4th class cities
- 30 Days*: 5th class and town

Exceptions for Acceptance/Rejection of Warranty Work:

- Winter weather conditions (requires written notification); Then ASAP
 - No reliance on whether concrete producers are producing concrete
- "Extraordinary circumstances" exist:
 - Current request that substantially exceeds the normal scope of inspection the municipality is customarily required to perform;
 - Applicant provided two or more written requests within the same 30-days
 - Processing an unusually large number of written requests to accept or reject improvements or warranty work
- Rejection of warranty work three times (after 2nd reinspection), then 15 days for each subsequent inspection of warranty work (penalty for wasting inspectors time)

HB 368 Bonding for Public Improvements

(3528-3631; 4150-4155; 4177-4212)

- Within 15 days of rejection of warranty work:
 - Give builder a "comprehensive and specific" list of reasons the municipality rejected public improvements or warranty work
- Penalty for Failing to Comply:
 - Applicant can send written notice demanding that a list be given within five days
 - If municipality fails again, the applicant may demand and the municipality **shall give a reimbursement equal to 20% of the applicant's improvement completion assurance for the warranty work within each infrastructure improvement category**

HB 368 Bonding for Public Improvements

(3528-3631; 4150-4155; 4177-4212)

Timing of Release of Assurance:

- For complete infrastructure category:
 - Within 15 days:
 - 90% for that infrastructure improvement category after determining it is complete
- For expiration of warranty period for infrastructure category:
 - Within 15 days:
 - 10% for the infrastructure improvement category after the warranty period expires AND
 - Any remaining portion of the 10% of remaining amount of bond to cover administrative costs; AND
- Interest Bearing Account: If cash bond used, interest accumulated on the amount of cash bond

HB 368 Local Land Use Amendments

Rep. S. Whyte

Bonding (3528-3631; 4150-4155; 4177-4212)

- Cannot withhold bond on one project because of poor performance on another project
- No bonds may be required before submission of and for the purpose of being a security for:
 - A private landscaping plan;
 - Construct first, record later projects
 - Can require municipal inspections
 - Can require approval of final engineering plans
- Must provide two forms of security at all times



UTAH LEAGUE OF
CITIES AND TOWNS

2025

Spring Training

HB 368

Land Use Appeals

HB 368 Land Use Appeals

(4289-4290)

- "A municipality may **not** require a public hearing for a request for a variance or land use appeal."
- Public hearing does **not** mean a public meeting
- Please change your code if you currently require a public hearing



HB 368

Private Maintenance of Public Improvements

HB 368 Private Maint. Of Pub. Improvement

(4289-4290)

Prohibits a municipality from requiring a private individual or entity including a community association or HOA for being required to maintain or be responsible for a public access amenity or water utility in perpetuity unless:

- Public access amenity is located adjacent to the private property and extends to the curb line of the street, park strips, sidewalks (already in code for maintaining weeds, snow, etc. to the curb);
- Water and sewer laterals and main water lines owned by a private property owner;
- Through development agreement

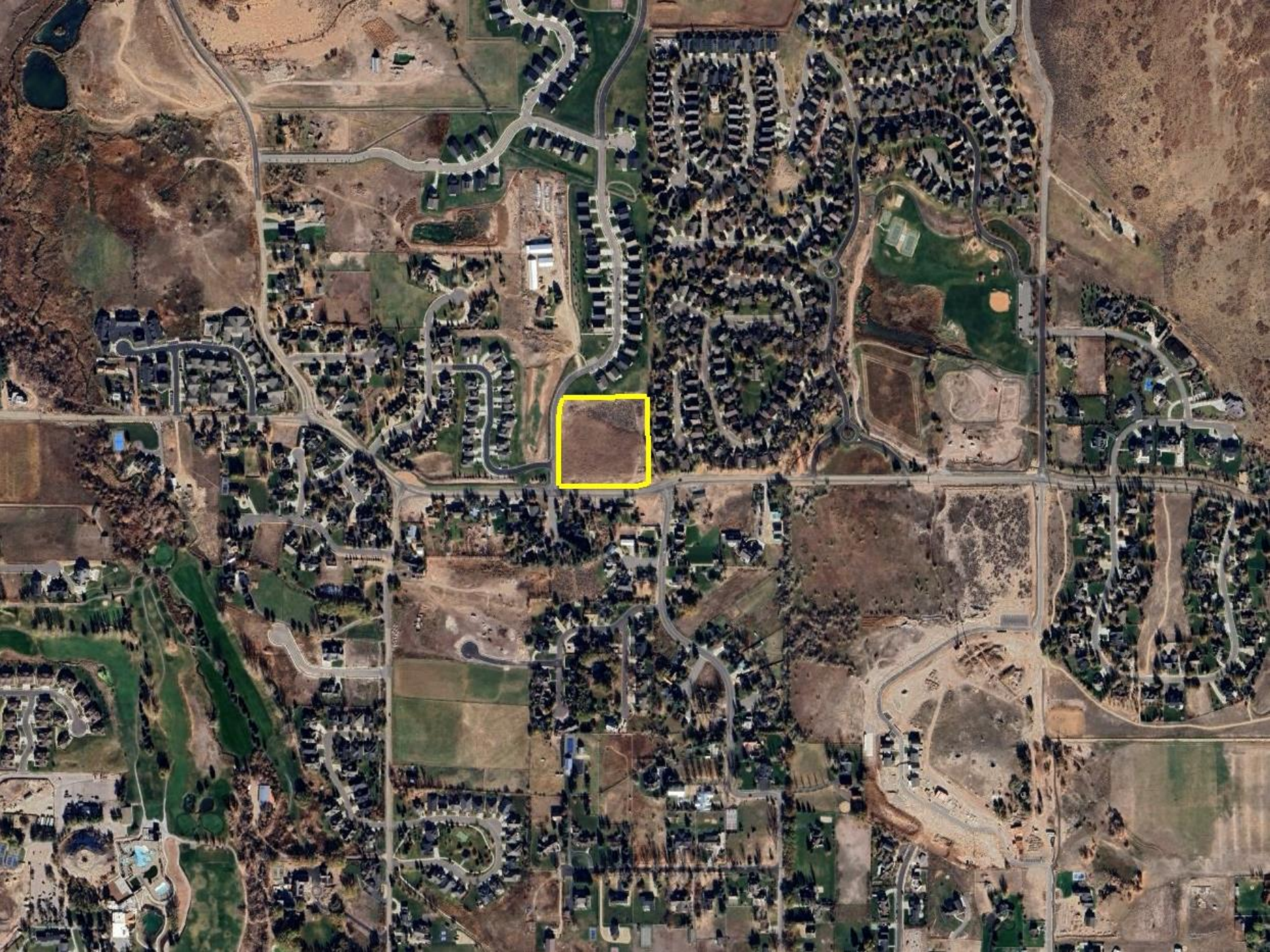
BURGI LANE CHURCH SUBDIVISION

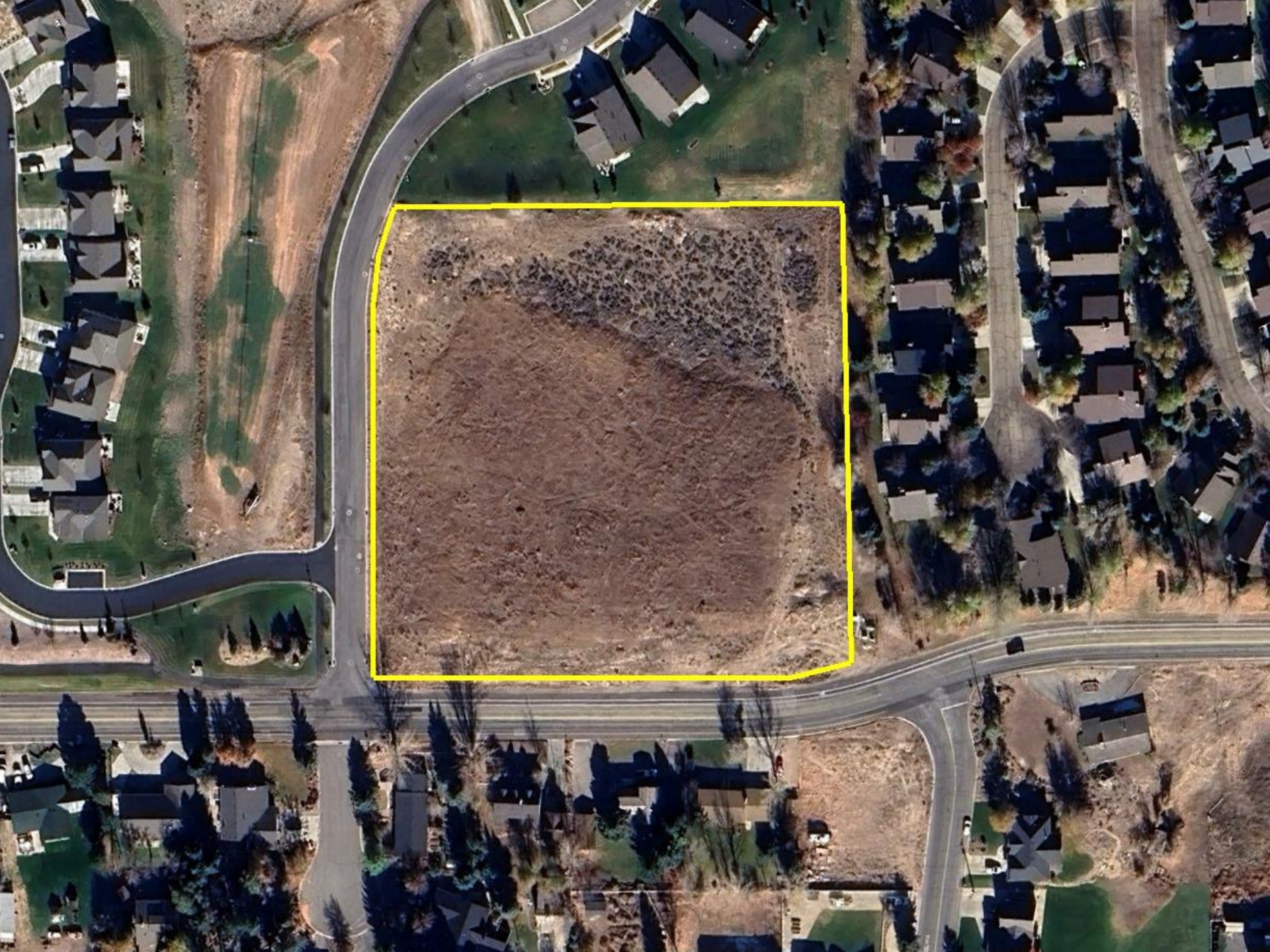
PRELIMINARY/FINAL

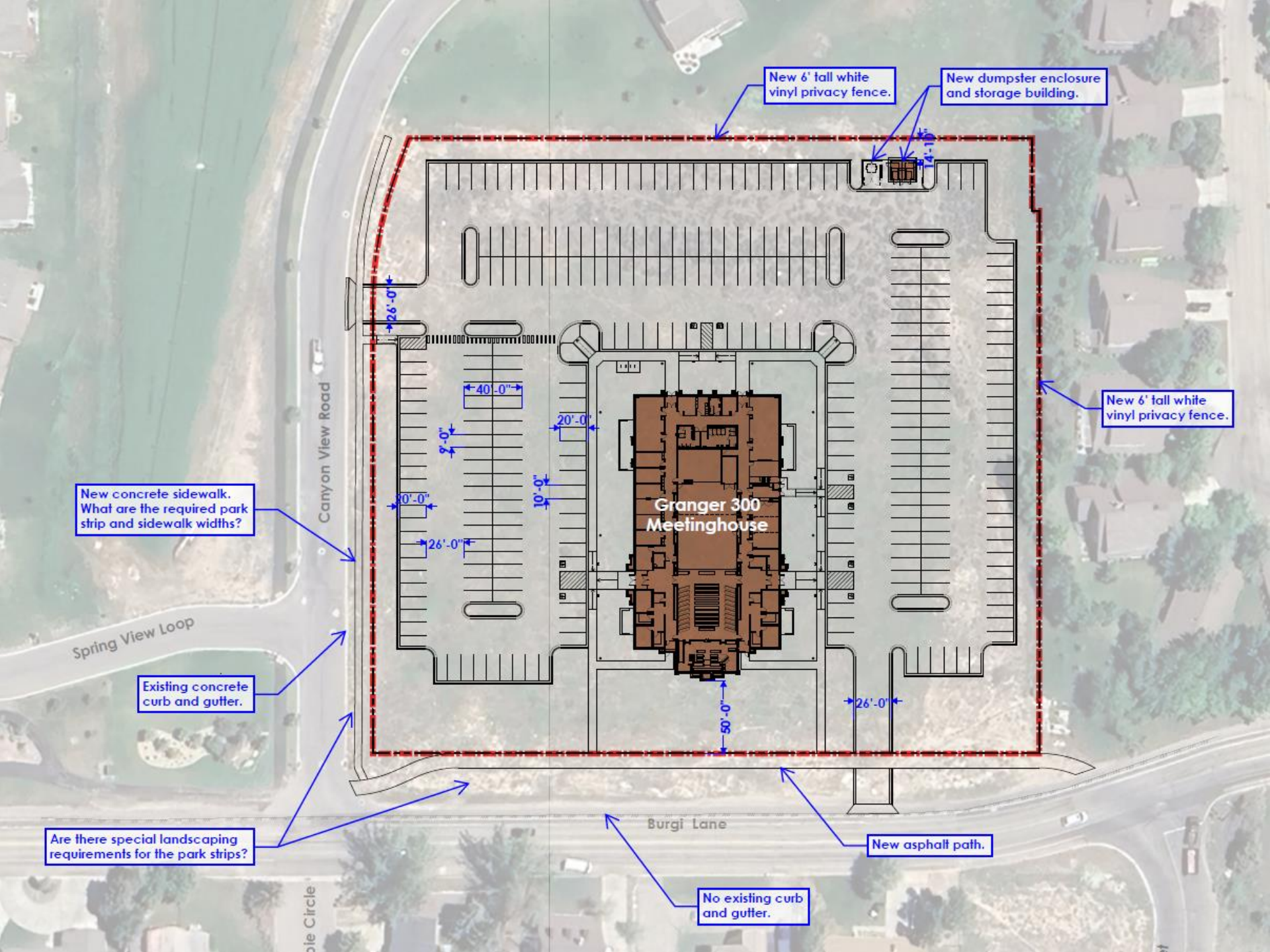


LAND USE SUMMARY

- 4.46-acre parcel
- RA-1-43 zoning
- Proposal contains one lot
- Site of a future LDS church, which is a permitted use in this zone
- Frontage on Burgi Lane and Canyon View Road
- The lot will connect to the Midway Sanitation District's sewer line, Midway City's culinary water line, and Midway Irrigation Company's secondary water line







New concrete sidewalk.
What are the required park
strip and sidewalk widths?

Existing concrete
curb and gutter.

Are there special landscaping
requirements for the park strips?

ble Circle

Canyon View Road

Spring View Loop

Burgi Lane

No existing curb
and gutter.

New asphalt path.

New 6' tall white
vinyl privacy fence.

New dumpster enclosure
and storage building.

New 6' tall white
vinyl privacy fence.

Granger 300
Meetinghouse

26'-0"

40'-0"

8'-0"

10'-0"

26'-0"

20'-0"

10'-0"

50'-0"

26'-0"

12'-10"

OPEN SPACE BOND REQUIREMENTS

DEPARTMENT REPORTS

SUMMARY

- Sale of bonds closed on 14 May 2020.
- Yield Restrictions
 - Begins 3 years after sale closing.
 - Interest earnings in excess of the bond yield paid to the federal government.
 - Bond yield: 2.28%
 - Current interest earnings: 4.48%
- Excess earnings need to be paid by 5-year anniversary of sale (14 May 2025) and then every 5 years thereafter until maturity.

NEXT STEPS

- Contract with a consultant to determine the amount of the excess earnings.
- Options
 - Retain the bond proceeds in the Public Treasurers Investment Fund (PTIF) and periodically pay the excess earnings.
 - Move proceeds to a State and Local Government Series (SLGS) security.

STATE AND LOCAL GOVERNMENT SERIES (SLGS) SECURITY

- Special purpose securities issued by the United States Treasury.
- Issued to state and local governments.
- Assists with compliance of federal tax laws and IRS regulations governing the investment of cash proceeds generated from tax-exempt bond issuances.
- Time Deposit and Demand Deposit
- Choose a rate from 0% to maximum daily rate.

QUESTIONS?