

HIGH PRIORITY TRANSPORTATION CORRIDORS AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies provisions related to land use and high priority transportation corridors.

Highlighted Provisions:

This bill:

- ▶ modifies the circumstances under which a municipality or county is required to notify the Department of Transportation when the municipality or county receives a land use application that relates to land located within the boundaries of a high priority transportation corridor; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-211, as enacted by Laws of Utah 2010, Chapter 332

10-9a-509, as last amended by Laws of Utah 2014, Chapter 136

10-9a-603, as last amended by Laws of Utah 2015, Chapter 327

17-27a-211, as enacted by Laws of Utah 2010, Chapter 332

17-27a-508, as last amended by Laws of Utah 2014, Chapter 136

17-27a-603, as last amended by Laws of Utah 2015, Chapter 327

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

Section 1. Section **10-9a-211** is amended to read:

10-9a-211. Canal owner or operator -- Notice to municipality.

(1) For purposes of Subsection 10-9a-509[(1)(b)(iv)](2)(d), a canal company or a canal

33 operator shall provide on or before July 1, 2010, any municipality in which the canal company
34 or canal operator owns or operates a canal:

35 (a) a current mailing address and phone number;

36 (b) a contact name; and

37 (c) a general description of the location of each canal owned or operated by the canal
38 owner or canal operator.

39 (2) If the information described in Subsection (1) changes after a canal company or a
40 canal operator has provided the information to the municipality, the canal company or canal
41 operator shall provide the correct information within 30 days of the day on which the
42 information was changed.

43 Section 2. Section **10-9a-509** is amended to read:

44 **10-9a-509. Applicant's entitlement to land use application approval -- Exceptions**
45 **-- Application relating to land in a high priority transportation corridor -- Municipality's**
46 **requirements and limitations -- Vesting upon submission of development plan and**
47 **schedule.**

48 (1) As used in this section, "high priority transportation corridor notification area"
49 means an area that is:

50 (a) within the boundaries of a high priority transportation corridor designated in
51 accordance with Section 72-5-403; and

52 (b) identified by rule in accordance with Title 63G, Chapter 3, Utah Administrative
53 Rulemaking Act, by the Department of Transportation as an area within which development is
54 likely to impact the transportation corridor.

55 [(+) (2) (a) (i) An applicant who has filed a complete land use application, including
56 the payment of all application fees, is entitled to substantive land use review of the land use
57 application under the land use laws in effect on the date that the application is complete and as
58 further provided in this section.

59 (ii) Except as provided in [~~Subsection (1)(b)] Subsections (2)(b) and (d), an applicant
60 is entitled to approval of a land use application if the application conforms to the requirements
61 of the municipality's land use maps, zoning map, a municipal specification for public
62 improvements applicable to a subdivision or development, and an applicable land use
63 ordinance in effect when a complete application is submitted and all application fees have been~~

64 paid, unless:

65 (A) the land use authority, on the record, finds that a compelling, countervailing public
66 interest would be jeopardized by approving the application; or

67 (B) in the manner provided by local ordinance and before the application is submitted,
68 the municipality has formally initiated proceedings to amend its ordinances in a manner that
69 would prohibit approval of the application as submitted.

70 (b) (i) Except as provided in Subsection ~~[(+)]~~ (2)(c), an applicant is not entitled to
71 approval of a land use application until the requirements of this Subsection ~~[(+)]~~ (2)(b) have
72 been met if the land use application relates to land located within the boundaries of a high
73 priority transportation corridor ~~[designated in accordance with Section 72-5-403]~~ notification
74 area.

75 (ii) (A) A municipality shall notify the executive director of the Department of
76 Transportation of ~~[any] each~~ land use ~~[applications that relate]~~ application described in
77 Subsection (2)(b)(iv) that relates to land located within the boundaries of a high priority
78 transportation corridor notification area.

79 ~~[(B) The notification under Subsection (1)(b)(ii)(A) shall be in writing and mailed by~~
80 ~~certified or registered mail to the executive director of the Department of Transportation.]~~

81 (B) A municipality shall submit a notification described in Subsection (2)(b)(ii)(A) by
82 completing an online form established by the Department of Transportation and accessible via
83 the Department of Transportation's website.

84 (iii) Except as provided in Subsection ~~[(+)]~~ (2)(c), a municipality may not approve a
85 land use application described in Subsection (2)(b)(iv) that relates to land located within the
86 boundaries of a high priority transportation corridor notification area until:

87 (A) 30 days after the notification under Subsection ~~[(+)]~~ (2)(b)(ii)(A) is received by the
88 Department of Transportation if the land use application is for a building permit; or

89 (B) 45 days after the notification under Subsection ~~[(+)]~~ (2)(b)(ii)(A) is received by the
90 Department of Transportation if the land use application is for any land use other than a
91 building permit.

92 (iv) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
93 the Department of Transportation shall make rules that establish the types of land use
94 applications for which a municipality shall give notice under Subsection (2)(b)(ii).

95 (v) If available, the Department of Transportation shall make a map of each high
 96 priority transportation corridor notification area accessible upon request and on the Department
 97 of Transportation's website.

98 (c) A land use application is exempt from the requirements of Subsection (2)(b) and
 99 the municipality may approve the land use application without making the notification required
 100 under Subsection (2)(b)(ii) if:

101 (i) the land use application relates to land that was the subject of a previous land use
 102 application; and

103 (ii) the previous land use application described in Subsection (2)(c)(i) complied with
 104 the requirements of Subsection (2)(b).

105 (d) (i) If a land use application is for subdivision approval and includes any land,
 106 subject to Subsection (2)(d)(iv), that is located within 100 feet of the center line of a canal, the
 107 applicant is not entitled to approval of the land use application until the requirements of
 108 Subsection (2)(d)(ii) are met.

109 ~~[(A) If]~~ (ii) For an application [is an application for a subdivision approval, including
 110 any land, subject to Subsection (1)(b)(iv)(C), located within 100 feet of the center line of a
 111 canal] described in Subsection (2)(d)(i), the land use authority shall:

112 ~~[(H) (A)]~~ (A) within 30 days after the day on which the application is filed, notify the canal
 113 company or canal operator responsible for the canal, if the canal company or canal operator has
 114 provided information under Section 10-9a-211; and

115 ~~[(H) (B)]~~ (B) wait at least 10 days after the day on which the land use authority notifies a
 116 canal company or canal operator under Subsection ~~[(1)(b)(iv)(A)(H)]~~ (2)(d)(ii)(A) to approve or
 117 reject the subdivision application ~~[described in Subsection (1)(b)(iv)(A)].~~

118 ~~[(B) The]~~ (iii) A notification under Subsection ~~[(1)(b)(iv)(A)]~~ (2)(d)(ii)(A) shall be in
 119 writing and mailed by certified or registered mail to the canal company or canal operator
 120 contact described in Section 10-9a-211.

121 ~~[(C) (iv)]~~ (iv) The location of land described in Subsection ~~[(1)(b)(iv)(A)]~~ (2)(d)(i) shall be:

122 ~~[(H) (A)]~~ (A) provided by a canal company or canal operator to the land use authority; and

123 ~~[(H) (Aa)]~~ (B) (I) determined by use of mapping-grade global positioning satellite
 124 units; or

125 ~~[(Bb)]~~ (II) digitized from the most recent aerial photo available to the canal company or

126 canal operator.

127 ~~[(c) (i) A land use application is exempt from the requirements of Subsections (1)(b)(i)~~
128 ~~and (ii) if:]~~

129 ~~[(A) the land use application relates to land that was the subject of a previous land use~~
130 ~~application; and]~~

131 ~~[(B) the previous land use application described under Subsection (1)(c)(i)(A)~~
132 ~~complied with the requirements of Subsections (1)(b)(i) and (ii).]~~

133 ~~[(ii) A municipality may approve a land use application without making the required~~
134 ~~notifications under Subsection (1)(b)(ii)(A) if:]~~

135 ~~[(A) the land use application relates to land that was the subject of a previous land use~~
136 ~~application; and]~~

137 ~~[(B) the previous land use application described under Subsection (1)(c)(ii)(A)~~
138 ~~complied with the requirements of Subsections (1)(b)(i) and (ii).]~~

139 ~~[(d)]~~ (e) After a municipality has complied with the requirements of Subsection [(+)]
140 (2)(b) or (d) for a land use application, the municipality may not withhold approval of the land
141 use application for which the applicant is otherwise entitled under Subsection [(+)] (2)(a).

142 ~~[(e)]~~ (f) The municipality shall process an application without regard to proceedings
143 initiated to amend the municipality's ordinances as provided in Subsection [(+)] (2)(a)(ii)(B) if:

144 (i) 180 days have passed since the proceedings were initiated; and

145 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
146 application as submitted.

147 ~~[(f)]~~ (g) An application for a land use approval is considered submitted and complete
148 when the application is provided in a form that complies with the requirements of applicable
149 ordinances and all applicable fees have been paid.

150 ~~[(g)]~~ (h) The continuing validity of an approval of a land use application is conditioned
151 upon the applicant proceeding after approval to implement the approval with reasonable
152 diligence.

153 ~~[(h)]~~ (i) A municipality may not impose on an applicant who has submitted a complete
154 application for preliminary subdivision approval a requirement that is not expressed in:

155 (i) this chapter;

156 (ii) a municipal ordinance; or

157 (iii) a municipal specification for public improvements applicable to a subdivision or
158 development that is in effect on the date that the applicant submits an application.

159 ~~[(j)]~~ (j) A municipality may not impose on a holder of an issued land use permit or a
160 final, unexpired subdivision plat a requirement that is not expressed:

161 (i) in a land use permit;

162 (ii) on the subdivision plat;

163 (iii) in a document on which the land use permit or subdivision plat is based;

164 (iv) in the written record evidencing approval of the land use permit or subdivision
165 plat;

166 (v) in this chapter; or

167 (vi) in a municipal ordinance.

168 ~~[(k)]~~ (k) A municipality may not withhold issuance of a certificate of occupancy or
169 acceptance of subdivision improvements because of an applicant's failure to comply with a
170 requirement that is not expressed:

171 (i) in the building permit or subdivision plat, documents on which the building permit
172 or subdivision plat is based, or the written record evidencing approval of the land use permit or
173 subdivision plat; or

174 (ii) in this chapter or the municipality's ordinances.

175 ~~[(2)]~~ (3) A municipality is bound by the terms and standards of applicable land use
176 ordinances and shall comply with mandatory provisions of those ordinances.

177 ~~[(3)]~~ (4) A municipality may not, as a condition of land use application approval,
178 require a person filing a land use application to obtain documentation regarding a school
179 district's willingness, capacity, or ability to serve the development proposed in the land use
180 application.

181 ~~[(4)]~~ (5) Upon a specified public agency's submission of a development plan and
182 schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that
183 subsection, the specified public agency vests in the municipality's applicable land use maps,
184 zoning map, hookup fees, impact fees, other applicable development fees, and land use
185 ordinances in effect on the date of submission.

186 Section 3. Section **10-9a-603** is amended to read:

187 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner**

188 **acknowledgment, surveyor certification, and underground utility facility owner**
189 **verification of plat -- Recording plat.**

190 (1) Unless exempt under Section 10-9a-605 or excluded from the definition of
191 subdivision under Section 10-9a-103, whenever any land is laid out and platted, the owner of
192 the land shall provide an accurate plat that describes or specifies:

193 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
194 the county recorder's office;

195 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
196 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
197 intended to be used as a street or for any other public use, and whether any such area is
198 reserved or proposed for dedication for a public purpose;

199 (c) the lot or unit reference, block or building reference, street or site address, street
200 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
201 and width of the blocks and lots intended for sale; and

202 (d) every existing right-of-way and easement grant of record for an underground
203 facility, as defined in Section 54-8a-2, and for any other utility facility.

204 (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the municipality's
205 ordinances and this part and has been approved by the culinary water authority, the sanitary
206 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local
207 health department and the municipality consider the local health department's approval
208 necessary, the municipality shall approve the plat.

209 (b) Municipalities are encouraged to receive a recommendation from the fire authority
210 before approving a plat.

211 (c) A municipality may not require that a plat be approved or signed by a person or
212 entity who:

213 (i) is not an employee or agent of the municipality;

214 (ii) does not:

215 (A) have a legal or equitable interest in the property within the proposed subdivision;

216 (B) provide a utility or other service directly to a lot within the subdivision;

217 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs
218 for the purpose of confirming the accuracy of the location of the easement or right-of-way in

219 relation to the plat; or

220 (D) provide culinary public water service whose source protection zone designated as
221 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision;
222 or

223 (iii) is not entitled to notice of the subdivision pursuant to Subsection
224 10-9a-509~~(1)(b)(iv)](2)(d)~~ for the purpose of determining the accuracy of the information
225 depicted on the plat.

226 (3) The municipality may withhold an otherwise valid plat approval until the owner of
227 the land provides the legislative body with a tax clearance indicating that all taxes, interest, and
228 penalties owing on the land have been paid.

229 (4) (a) A plat may not be submitted to a county recorder for recording unless:

230 (i) prior to recordation, each owner of record of land described on the plat has signed
231 the owner's dedication as shown on the plat; and

232 (ii) the signature of each owner described in Subsection (4)(a)(i) is acknowledged as
233 provided by law.

234 (b) The surveyor making the plat shall certify that the surveyor:

235 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
236 Professional Land Surveyors Licensing Act;

237 (ii) has completed a survey of the property described on the plat in accordance with
238 Section 17-23-17 and has verified all measurements; and

239 (iii) has placed monuments as represented on the plat.

240 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of
241 an existing or proposed underground facility or utility facility within the proposed subdivision,
242 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's
243 depiction of the:

244 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a
245 public or private easement, or grants of record;

246 (B) location of an existing underground facility and utility facility; and

247 (C) physical restrictions governing the location of the underground facility and utility
248 facility within the subdivision.

249 (ii) The cooperation of an owner or operator under Subsection (4)(c)(i):

250 (A) indicates only that the plat approximates the location of the existing underground
251 and utility facilities but does not warrant or verify their precise location; and

252 (B) does not affect a right that the owner or operator has under:

253 (I) Title 54, Chapter 8a, Damage to Underground Utility Facilities;

254 (II) a recorded easement or right-of-way;

255 (III) the law applicable to prescriptive rights; or

256 (IV) any other provision of law.

257 (5) (a) After the plat has been acknowledged, certified, and approved, the owner of the
258 land shall, within the time period designated by ordinance, record the plat in the county
259 recorder's office in the county in which the lands platted and laid out are situated.

260 (b) An owner's failure to record a plat within the time period designated by ordinance
261 renders the plat voidable.

262 Section 4. Section **17-27a-211** is amended to read:

263 **17-27a-211. Canal owner or operator -- Notice to county.**

264 (1) For purposes of Subsection 17-27a-508~~[(1)(b)(iv)]~~(2)(d), a canal company or a
265 canal operator shall provide on or before July 1, 2010, any county in which the canal company
266 or canal operator owns or operates a canal:

267 (a) a current mailing address and phone number;

268 (b) a contact name; and

269 (c) a general description of the location of each canal owned or operated by the canal
270 owner or canal operator.

271 (2) If the information described in Subsection (1) changes after a canal company or a
272 canal operator has provided the information to the county, the canal company or canal operator
273 shall provide the correct information within 30 days of the day on which the information was
274 changed.

275 Section 5. Section **17-27a-508** is amended to read:

276 **17-27a-508. Applicant's entitlement to land use application approval --**

277 **Exceptions -- Application relating to land in a high priority transportation corridor --**

278 **County's requirements and limitations -- Vesting upon submission of development plan**
279 **and schedule.**

280 (1) As used in this section, "high priority transportation corridor notification area"

281 means an area that is:

282 (a) within the boundaries of a high priority transportation corridor designated in

283 accordance with Section 72-5-403; and

284 (b) identified by rule in accordance with Title 63G, Chapter 3, Utah Administrative

285 Rulemaking Act, by the Department of Transportation as an area within which development is

286 likely to impact the transportation corridor.

287 ~~[(1)]~~ (2) (a) (i) An applicant who has filed a complete land use application, including

288 the payment of all application fees, is entitled to substantive land use review of the land use

289 application under the land use laws in effect on the date that the application is complete and as

290 further provided in this section.

291 (ii) Except as provided in ~~Subsection (1)(b)]~~ Subsections (2)(b) and (d), an applicant

292 is entitled to approval of a land use application if the application conforms to the requirements

293 of the county's land use maps, zoning map, and applicable land use ordinance in effect when a

294 complete application is submitted and all application fees have been paid, unless:

295 (A) the land use authority, on the record, finds that a compelling, countervailing public

296 interest would be jeopardized by approving the application; or

297 (B) in the manner provided by local ordinance and before the application is submitted,

298 the county has formally initiated proceedings to amend its ordinances in a manner that would

299 prohibit approval of the application as submitted.

300 (b) (i) Except as provided in Subsection ~~[(1)]~~ (2)(c), an applicant is not entitled to

301 approval of a land use application until the requirements of this Subsection ~~[(1)(b)(i) and~~

302 ~~Subsection (1)(b)(ii)]~~ (2)(b) have been met if the land use application relates to land located

303 within the boundaries of a high priority transportation corridor ~~[designated in accordance with~~

304 ~~Section 72-5-403]~~ notification area.

305 (ii) (A) A county shall notify the executive director of the Department of

306 Transportation of ~~[any]~~ each land use ~~[applications that relate]~~ application described in

307 Subsection (2)(b)(iv) that relates to land located within the boundaries of a high priority

308 transportation corridor notification area.

309 ~~[(B) The notification under Subsection (1)(b)(ii)(A) shall be in writing and mailed by~~

310 ~~certified or registered mail to the executive director of the Department of Transportation.]~~

311 (B) A county shall submit a notification described in Subsection (2)(b)(ii)(A) by

312 completing an online form established by the Department of Transportation and accessible via
313 the Department of Transportation's website.

314 (iii) Except as provided in Subsection ~~[(1)]~~ (2)(c), a county may not approve a land use
315 application described in Subsection (2)(b)(iv) that relates to land located within the boundaries
316 of a high priority transportation corridor notification area until:

317 (A) 30 days after the notification under Subsection ~~[(1)]~~ (2)(b)(ii)(A) is received by the
318 Department of Transportation if the land use application is for a building permit; or

319 (B) 45 days after the notification under Subsection ~~[(1)]~~ (2)(b)(ii)(A) is received by the
320 Department of Transportation if the land use application is for any land use other than a
321 building permit.

322 (iv) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
323 the Department of Transportation shall make rules that establish the types of land use
324 applications for which a county shall give notice under Subsection (2)(b)(ii).

325 (v) If available, the Department of Transportation shall make a map of each high
326 priority transportation corridor notification area accessible upon request and on the Department
327 of Transportation's website.

328 (c) A land use application is exempt from the requirements of Subsection (2)(b) and
329 the county may approve the land use application without making the notification required
330 under Subsection (2)(b)(ii) if:

331 (i) the land use application relates to land that was the subject of a previous land use
332 application; and

333 (ii) the previous land use application described under Subsection (2)(c)(i) complied
334 with the requirements of Subsection (2)(b).

335 (d) (i) If a land use application is for subdivision approval and includes any land,
336 subject to Subsection (2)(d)(iv), that is located within 100 feet of the center line of a canal, the
337 applicant is not entitled to approval of the land use application until the requirements of
338 Subsection (2)(d)(ii) are met.

339 ~~[(iv) (A) If]~~ (ii) For an application [is an application for a subdivision approval,
340 including any land, subject to Subsection (1)(b)(iv)(C), located within 100 feet of the center
341 line of a canal] described in Subsection (2)(d)(i), the land use authority shall:

342 ~~[(1)]~~ (A) within 30 days after the day on which the application is filed, notify the canal

343 company or canal operator responsible for the canal, if the canal company or canal owner has
344 provided information under Section 17-27a-211; and

345 ~~[(H)]~~ (B) wait at least 10 days after the day on which the land use authority notifies a
346 canal company or canal operator under Subsection ~~[(1)(b)(iv)(A)]~~ (2)(d)(ii)(A) to approve or
347 reject the subdivision application ~~[described in Subsection (1)(b)(iv)(A)].~~

348 ~~[(B) The]~~ (iii) A notification under Subsection ~~[(1)(b)(iv)(A)]~~ (2)(d)(ii)(A) shall be in
349 writing and mailed by certified or registered mail to the canal company or canal operator
350 contact described in Section 17-27a-211.

351 ~~[(C)]~~ (iv) The location of land described in Subsection ~~[(1)(b)(iv)(A)]~~ (2)(d)(i) shall be:
352 ~~[(F)]~~ (A) provided by a canal company or canal operator to the land use authority; and
353 ~~[(H)-(Aa)]~~ (B) (I) determined by use of mapping-grade global positioning satellite
354 units; or

355 ~~[(Bb)]~~ (II) digitized from the most recent aerial photo available to the canal company or
356 canal operator.

357 ~~[(c) (i) A land use application is exempt from the requirements of Subsection (1)(b)(i)~~
358 ~~if:]~~

359 ~~[(A) the land use application relates to land that was the subject of a previous land use~~
360 ~~application; and]~~

361 ~~[(B) the previous land use application described under Subsection (1)(c)(i)(A)~~
362 ~~complied with the requirements of Subsections (1)(b)(i) and (ii).]~~

363 ~~[(ii) A county may approve a land use application without making the required~~
364 ~~notifications under Subsections (1)(b)(i) and (ii) if:]~~

365 ~~[(A) the land use application relates to land that was the subject of a previous land use~~
366 ~~application; and]~~

367 ~~[(B) the previous land use application described under Subsection (1)(c)(ii)(A)~~
368 ~~complied with the requirements of Subsections (1)(b)(i) and (ii).]~~

369 ~~[(d)]~~ (e) After a county has complied with the requirements of Subsection ~~[(1)]~~ (2)(b)
370 or (d) for a land use application, the county may not withhold approval of the land use
371 application for which the applicant is otherwise entitled under Subsection ~~[(1)]~~ (2)(a).

372 ~~[(e)]~~ (f) The county shall process an application without regard to proceedings initiated
373 to amend the county's ordinances as provided in Subsection ~~[(1)]~~ (2)(a)(ii)(B) if:

374 (i) 180 days have passed since the proceedings were initiated; and

375 (ii) the proceedings have not resulted in an enactment that prohibits approval of the
376 application as submitted.

377 ~~[(f)]~~ (g) An application for a land use approval is considered submitted and complete
378 when the application is provided in a form that complies with the requirements of applicable
379 ordinances and all applicable fees have been paid.

380 ~~[(g)]~~ (h) The continuing validity of an approval of a land use application is conditioned
381 upon the applicant proceeding after approval to implement the approval with reasonable
382 diligence.

383 ~~[(h)]~~ (i) A county may not impose on an applicant who has submitted a complete
384 application for preliminary subdivision approval a requirement that is not expressed:

385 (i) in this chapter;

386 (ii) in a county ordinance; or

387 (iii) in a county specification for public improvements applicable to a subdivision or
388 development that is in effect on the date that the applicant submits an application.

389 ~~[(i)]~~ (j) A county may not impose on a holder of an issued land use permit or a final,
390 unexpired subdivision plat a requirement that is not expressed:

391 (i) in a land use permit;

392 (ii) on the subdivision plat;

393 (iii) in a document on which the land use permit or subdivision plat is based;

394 (iv) in the written record evidencing approval of the land use permit or subdivision
395 plat;

396 (v) in this chapter; or

397 (vi) in a county ordinance.

398 ~~[(j)]~~ (k) A county may not withhold issuance of a certificate of occupancy or
399 acceptance of subdivision improvements because of an applicant's failure to comply with a
400 requirement that is not expressed:

401 (i) in the building permit or subdivision plat, documents on which the building permit
402 or subdivision plat is based, or the written record evidencing approval of the building permit or
403 subdivision plat; or

404 (ii) in this chapter or the county's ordinances.

405 ~~[(2)]~~ (3) A county is bound by the terms and standards of applicable land use
406 ordinances and shall comply with mandatory provisions of those ordinances.

407 ~~[(3)]~~ (4) A county may not, as a condition of land use application approval, require a
408 person filing a land use application to obtain documentation regarding a school district's
409 willingness, capacity, or ability to serve the development proposed in the land use application.

410 ~~[(4)]~~ (5) Upon a specified public agency's submission of a development plan and
411 schedule as required in Subsection 17-27a-305(8) that complies with the requirements of that
412 subsection, the specified public agency vests in the county's applicable land use maps, zoning
413 map, hookup fees, impact fees, other applicable development fees, and land use ordinances in
414 effect on the date of submission.

415 Section 6. Section **17-27a-603** is amended to read:

416 **17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
417 **acknowledgment, surveyor certification, and underground utility facility owner**
418 **verification of plat -- Recording plat.**

419 (1) Unless exempt under Section 17-27a-605 or excluded from the definition of
420 subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of
421 the land shall provide an accurate plat that describes or specifies:

422 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
423 the county recorder's office;

424 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
425 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
426 intended to be used as a street or for any other public use, and whether any such area is
427 reserved or proposed for dedication for a public purpose;

428 (c) the lot or unit reference, block or building reference, street or site address, street
429 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
430 and width of the blocks and lots intended for sale; and

431 (d) every existing right-of-way and easement grant of record for an underground
432 facility, as defined in Section 54-8a-2, and for any other utility facility.

433 (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's
434 ordinances and this part and has been approved by the culinary water authority, the sanitary
435 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local

436 health department and the county consider the local health department's approval necessary, the
437 county shall approve the plat.

438 (b) Counties are encouraged to receive a recommendation from the fire authority before
439 approving a plat.

440 (c) A county may not require that a plat be approved or signed by a person or entity
441 who:

442 (i) is not an employee or agent of the county;

443 (ii) does not:

444 (A) have a legal or equitable interest in the property within the proposed subdivision;

445 (B) provide a utility or other service directly to a lot within the subdivision;

446 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs
447 for the purpose of confirming the accuracy of the location of the easement or right-of-way in
448 relation to the plat; or

449 (D) provide culinary public water service whose source protection zone designated as
450 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision;
451 or

452 (iii) is not entitled to notice of the subdivision pursuant to Subsection
453 17-27a-508~~[(1)(b)(iv)]~~(2)(d) for the purpose of determining the accuracy of the information
454 depicted on the plat.

455 (3) The county may withhold an otherwise valid plat approval until the owner of the
456 land provides the legislative body with a tax clearance indicating that all taxes, interest, and
457 penalties owing on the land have been paid.

458 (4) (a) A plat may not be submitted to a county recorder for recording unless, subject to
459 Subsection 17-27a-604(2):

460 (i) prior to recordation, each owner of record of land described on the plat has signed
461 the owner's dedication as shown on the plat; and

462 (ii) the signature of each owner described in Subsection (4)(a)(i) is acknowledged as
463 provided by law.

464 (b) The surveyor making the plat shall certify that the surveyor:

465 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
466 Professional Land Surveyors Licensing Act;

467 (ii) has completed a survey of the property described on the plat in accordance with
468 Section 17-23-17 and has verified all measurements; and

469 (iii) has placed monuments as represented on the plat.

470 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of
471 an existing or proposed underground facility or utility facility within the proposed subdivision,
472 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's
473 depiction of the:

474 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a
475 public or private easement, or grants of record;

476 (B) location of an existing underground facility and utility facility; and

477 (C) physical restrictions governing the location of the underground facility and utility
478 facility within the subdivision.

479 (ii) The cooperation of an owner or operator under Subsection (4)(c)(i):

480 (A) indicates only that the plat approximates the location of the existing underground
481 and utility facilities but does not warrant or verify their precise location; and

482 (B) does not affect a right that the owner or operator has under:

483 (I) Title 54, Chapter 8a, Damage to Underground Utility Facilities;

484 (II) a recorded easement or right-of-way;

485 (III) the law applicable to prescriptive rights; or

486 (IV) any other provision of law.

487 (5) (a) After the plat has been acknowledged, certified, and approved, the owner of the
488 land shall, within the time period designated by ordinance, record the plat in the county
489 recorder's office in the county in which the lands platted and laid out are situated.

490 (b) An owner's failure to record a plat within the time period designated by ordinance
491 renders the plat voidable.