

SUBDIVISION PLAT AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel Ferry

Senate Sponsor: Derrin R. Owens

LONG TITLE

General Description:

This bill amends provisions applicable to the recording of a subdivision plat.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires an owner of land seeking a municipality's or county's approval for the

recording of a subdivision plat to:

- describe certain water conveyance facilities in the plat; and
- notify the owners of certain water conveyance facilities about the proposed

subdivision before submitting the plat for approval;

- ▶ modifies provisions related to:

- a municipality's or county's notification to the owners of certain water conveyance facilities regarding a proposed subdivision; and

- the input provided to a municipality or county regarding a proposed subdivision;

- ▶ requires the surveyor making a subdivision plat to verify certain information

regarding water conveyance facilities located within the plat, in addition to

underground facilities and utility facilities; and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 [10-9a-603](#), as last amended by Laws of Utah 2020, Chapter 434

33 [10-9a-604](#), as last amended by Laws of Utah 2020, Chapter 434

34 [17-27a-603](#), as last amended by Laws of Utah 2020, Chapter 434

35 [17-27a-604](#), as last amended by Laws of Utah 2020, Chapter 434



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

38 Section 1. Section [10-9a-603](#) is amended to read:

39 **[10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner](#)**
40 **[acknowledgment, surveyor certification, and verification of plat -- Recording plat.](#)**

41 (1) As used in this section:

42 (a) (i) "Facility owner" means the same as that term is defined in Section [73-1-15.5](#).

43 (ii) "Facility owner" includes a canal owner or associated canal operator contact
44 described in:

45 (A) Section [10-9a-211](#);

46 (B) Subsection [73-5-7\(3\)](#); or

47 (C) Subsection (7)(c).

48 (b) "Local health department" means the same as that term is defined in Section
49 [26A-1-102](#).

50 (c) "State engineer's inventory of canals" means the state engineer's inventory of water
51 conveyance systems established in Section [72-5-7](#).

52 (d) "Underground facility" means the same as that term is defined in Section [54-8a-2](#).

53 (e) "Water conveyance facility" means the same as that term is defined in Section
54 [73-1-15.5](#).

55 [(+)] (2) Unless exempt under Section [10-9a-605](#) or excluded from the definition of
56 subdivision under Section [10-9a-103](#), whenever any land is laid out and platted, the owner of
57 the land shall provide to the municipality in which the land is located an accurate plat that
58 describes or specifies:

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

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

65 (c) the lot or unit reference, block or building reference, street or site address, street
66 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
67 and width of the blocks and lots intended for sale; ~~[and]~~

68 (d) every existing right-of-way and recorded easement ~~[grant of record for an~~
69 ~~underground facility, as defined in Section 54-8a-2, and for any other utility facility.]~~ located
70 within the plat for:

71 (i) an underground facility;

72 (ii) a water conveyance facility; or

73 (iii) any other utility facility; and

74 (e) any water conveyance facility located, entirely or partially, within 100 feet of the
75 plat that:

76 (i) is not recorded; and

77 (ii) of which the owner of the land has actual or constructive knowledge, including
78 from information made available to the owner of the land:

79 (A) in the state engineer's inventory of canals; or

80 (B) from a surveyor under Subsection (7)(c).

81 (3) Before submitting a subdivision plat to a municipality for approval under this
82 section, the owner of the land shall provide written notice of the proposed subdivision to the
83 facility owner of any water conveyance facility described in Subsection (2)(e).

84 ~~[(2)]~~ (4) (a) Subject to Subsections ~~[(3), (5), and (6)]~~ (5), (7), and (8), if the plat
85 conforms to the municipality's ordinances and this part and has been approved by the culinary
86 water authority, the sanitary sewer authority, and the local health department, ~~[as defined in~~
87 ~~Section 26A-1-102;]~~ if the local health department and the municipality consider the local
88 health department's approval necessary, the municipality shall approve the plat.

89 (b) Municipalities are encouraged to receive a recommendation from the fire authority

90 and the public safety answering point before approving a plat.

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

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

94 (ii) does not:

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

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

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

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

102 [~~(d) For a subdivision application that includes land located within a notification zone,
103 as determined under Subsection (2)(f), the land use authority shall:]~~

104 [~~(i) within 20 days after the day on which a complete subdivision application is filed,
105 provide written notice of the application to the canal owner or associated canal operator contact
106 described in:]~~

107 [~~(A) Section 10-9a-211;~~]

108 [~~(B) Subsection 73-5-7(2); or~~]

109 [~~(C) Subsection (5)(c); and~~]

110 (d) A municipality shall:

111 (i) within 20 days after the day on which an owner of land submits to the municipality
112 a complete subdivision plat, mail written notice of the proposed subdivision to the facility
113 owner of any water conveyance facility located, entirely or partially, within 100 feet of the
114 subdivision plat, as determined using information made available to the municipality:

115 (A) from the facility owner under Section 10-9a-211, using mapping-grade global
116 positioning satellite units or digitized data from the most recent aerial photo available to the
117 facility owner;

118 (B) in the state engineer's inventory of canals; or

119 (C) from a surveyor under Subsection (7)(c);

120 (ii) wait to approve or reject the subdivision [~~application~~] plat for at least 20 days after

121 the day on which the ~~[land use authority]~~ municipality mails to each facility owner the notice
 122 described in Subsection ~~[(2)]~~ (4)(d)(i), in order to receive ~~[input from the canal owner or~~
 123 ~~associated canal operator, including]~~ the facility owner's input regarding:

- 124 (A) access to the ~~[canal]~~ water conveyance facility;
 125 (B) maintenance of the ~~[canal]~~ water conveyance facility;
 126 ~~[(C) canal protection; and]~~
 127 ~~[(D) canal safety;]~~
 128 (C) preservation of water conveyance facility integrity;
 129 (D) subterranean seepage; and
 130 (E) water conveyance facility safety;

131 (iii) subject to Subsection (4)(f), consider each facility owner's input described in
 132 Subsection (4)(d)(ii) in determining whether to approve or reject the subdivision plat.

133 (e) When applicable, the owner of the land seeking subdivision ~~[applicant]~~ plat
 134 approval shall comply with Section [73-1-15.5](#).

135 ~~[(f) The land use authority shall provide the notice described in Subsection (2)(d) to a~~
 136 ~~canal owner or associated canal operator if:]~~

- 137 ~~[(i) the canal's centerline is located within 100 feet of a proposed subdivision; and]~~
 138 ~~[(ii) the centerline alignment is available to the land use authority;]~~

139 ~~[(A) from information provided by the canal company under Section [10-9a-211](#), using~~
 140 ~~mapping-grade global positioning satellite units or digitized data from the most recent aerial~~
 141 ~~photo available to the canal owner or associated canal operator;]~~

142 ~~[(B) using the state engineer's inventory of canals under Section [73-5-7](#); or]~~

143 ~~[(C) from information provided by a surveyor under Subsection (5)(c).]~~

144 (f) A facility owner's failure to provide input to a municipality in accordance with
 145 Subsection (4)(d)(ii) does not affect or impair the municipality's authority to approve or reject
 146 the subdivision plat.

147 ~~[(3)]~~ (5) The municipality may withhold an otherwise valid plat approval until the
 148 owner of the land provides the legislative body with a tax clearance indicating that all taxes,
 149 interest, and penalties owing on the land have been paid.

150 ~~[(4)]~~ (6) (a) Within 30 days after approving a final plat under this section, a
 151 municipality shall submit to the Automated Geographic Reference Center, created in Section

152 63F-1-506, for inclusion in the unified statewide 911 emergency service database described in
153 Subsection 63H-7a-304(4)(b):

- 154 (i) an electronic copy of the approved final plat; or
- 155 (ii) preliminary geospatial data that depict any new streets and situs addresses proposed
156 for construction within the bounds of the approved plat.

157 (b) If requested by the Automated Geographic Reference Center, a municipality that
158 approves a final plat under this section shall:

159 (i) coordinate with the Automated Geographic Reference Center to validate the
160 information described in Subsection ~~[(4)]~~ (6)(a); and

161 (ii) assist the Automated Geographic Reference Center in creating electronic files that
162 contain the information described in Subsection ~~[(4)]~~ (6)(a) for inclusion in the unified
163 statewide 911 emergency service database.

164 ~~[(5)]~~ (7) (a) A county recorder may not record a plat unless:

- 165 (i) prior to recordation, the municipality has approved and signed the plat;
- 166 (ii) each owner of record of land described on the plat has signed the owner's
167 dedication as shown on the plat; and
- 168 (iii) the signature of each owner described in Subsection ~~[(5)]~~ (7)(a)(ii) is
169 acknowledged as provided by law.

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

- 171 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
172 Professional Land Surveyors Licensing Act;
- 173 (ii) has completed a survey of the property described on the plat in accordance with
174 Section 17-23-17 and has verified all measurements; and
- 175 (iii) has placed monuments as represented on the plat.

176 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of
177 an existing or proposed water conveyance facility, underground facility or utility facility within
178 the proposed subdivision, or a representative designated by the owner or operator, to verify the
179 accuracy of the surveyor's depiction of the:

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

182 (B) location of ~~[an existing]~~ the water conveyance facility, underground facility ~~[and]~~,

183 or utility facility; and

184 (C) physical restrictions governing the location of the water conveyance facility,
185 underground facility [~~and~~], or utility facility within the subdivision.

186 (ii) The cooperation of an owner or operator of a water conveyance facility,
187 underground facility, or utility facility under Subsection [~~(5)~~] (7)(c)(i):

188 (A) indicates only that the plat approximates the location of the existing [~~underground~~
189 ~~and utility~~] facilities but does not warrant or verify their precise location; and

190 (B) does not affect a right that the owner or operator has under Title 54, Chapter 8a,
191 Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law
192 applicable to prescriptive rights, or any other provision of law.

193 [~~(6)~~] (8) (a) Except as provided in Subsection [~~(5)~~] (7)(c), after the plat has been
194 acknowledged, certified, and approved, the [~~individual~~] owner of the land seeking to record the
195 plat shall, within the time period and manner designated by ordinance, record the plat in the
196 county recorder's office in the county in which the lands platted and laid out are situated.

197 (b) A failure to record a plat within the time period designated by ordinance renders the
198 plat voidable by the [~~land use authority~~] municipality.

199 Section 2. Section **10-9a-604** is amended to read:

200 **10-9a-604. Subdivision plat approval procedure -- Effect of not complying.**

201 (1) A person may not submit a subdivision plat to the county recorder's office for
202 recording unless:

203 (a) the person has complied with the requirements of Subsection **10-9a-603** [~~(5)~~](7)(a);

204 (b) the plat has been approved by:

205 (i) the land use authority of the municipality in which the land described in the plat is
206 located; and

207 (ii) other officers that the municipality designates in its ordinance;

208 (c) all approvals described in Subsection (1)(b) are entered in writing on the plat by the
209 designated officers; and

210 (d) if the person submitting the plat intends the plat to be or if the plat is part of a
211 community association subject to Title 57, Chapter 8a, Community Association Act, the plat
212 includes language conveying to the association, as that term is defined in Section **57-8a-102**, all
213 common areas, as that term is defined in Section **57-8a-102**.

214 (2) A subdivision plat recorded without the signatures required under this section is
215 void.

216 (3) A transfer of land pursuant to a void plat is voidable by the land use authority.

217 Section 3. Section 17-27a-603 is amended to read:

218 **17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
219 **acknowledgment, surveyor certification, and verification of plat -- Recording plat.**

220 (1) As used in this section:

221 (a) (i) "Facility owner" means the same as that term is defined in Section 73-1-15.5.

222 (ii) "Facility owner" includes a canal owner or associated canal operator contact
223 described in:

224 (A) Section 17-27a-211;

225 (B) Subsection 73-5-7(3); or

226 (C) Subsection (7)(c).

227 (b) "Local health department" means the same as that term is defined in Section
228 26A-1-102.

229 (c) "State engineer's inventory of canals" means the state engineer's inventory of water
230 conveyance systems established in Section 72-5-7.

231 (d) "Underground facility" means the same as that term is defined in Section 54-8a-2.

232 (e) "Water conveyance facility" means the same as that term is defined in Section
233 73-1-15.5.

234 [(+)] (2) Unless exempt under Section 17-27a-605 or excluded from the definition of
235 subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of
236 the land shall provide to the county in which the land is located an accurate plat that describes
237 or specifies:

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

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

244 (c) the lot or unit reference, block or building reference, street or site address, street

245 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
 246 and width of the blocks and lots intended for sale; ~~[and]~~

247 (d) every existing right-of-way and recorded easement ~~[grant of record for an~~
 248 ~~underground facility, as defined in Section 54-8a-2, and for any other utility facility.]~~ located
 249 within the plat for:

250 (i) an underground facility;

251 (ii) a water conveyance facility; or

252 (iii) any other utility facility; and

253 (e) any water conveyance facility located, entirely or partially, within 100 feet of the
 254 plat that:

255 (i) is not recorded; and

256 (ii) of which the owner of the land has actual or constructive knowledge, including
 257 from information made available to the owner of the land:

258 (A) in the state engineer's inventory of canals; or

259 (B) from a surveyor under Subsection (7)(c).

260 (3) Before submitting a subdivision plat to a county for approval under this section, the
 261 owner of the land shall provide written notice of the proposed subdivision to the facility owner
 262 of any water conveyance facility described in Subsection (2)(e).

263 ~~[(2)]~~ (4) (a) Subject to Subsections ~~[(3), (5), and (6)]~~ (5), (7), and (8), if the plat
 264 conforms to the county's ordinances and this part and has been approved by the culinary water
 265 authority, the sanitary sewer authority, and the local health department, ~~[as defined in Section~~
 266 ~~26A-1-102;]~~ if the local health department and the county consider the local health
 267 department's approval necessary, the county shall approve the plat.

268 (b) Counties are encouraged to receive a recommendation from the fire authority and
 269 the public safety answering point before approving a plat.

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

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

273 (ii) does not:

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

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

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

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

281 ~~[(d) For a subdivision application that includes land located within a notification zone,
 282 as determined under Subsection (2)(f), the land use authority shall:]~~

283 ~~[(i) within 20 days after the day on which a complete subdivision application is filed,
 284 provide written notice of the application to the canal owner or associated canal operator contact
 285 described in:]~~

286 ~~[(A) Section 17-27a-211;]~~

287 ~~[(B) Subsection 73-5-7(2); or]~~

288 ~~[(C) Subsection (5)(c); and]~~

289 (d) A county shall:

290 (i) within 20 days after the day on which an owner of land submits to the county a
 291 complete subdivision plat, mail written notice of the proposed subdivision to the facility owner
 292 of any water conveyance facility located, entirely or partially, within 100 feet of the subdivision
 293 plat, as determined using information made available to the county:

294 (A) from the facility owner under Section 10-9a-211, using mapping-grade global
 295 positioning satellite units or digitized data from the most recent aerial photo available to the
 296 facility owner;

297 (B) in the state engineer's inventory of canals; or

298 (C) from a surveyor under Subsection (7)(c);

299 (ii) wait to approve or reject the subdivision [application] plat for at least 20 days after
 300 the day on which the [land use authority] county mails to each facility owner the notice under
 301 Subsection [(2)] (4)(d)(i) in order to receive [input from the canal owner or associated canal
 302 operator, including] the facility owner's input regarding:

303 (A) access to the [canal] water conveyance facility;

304 (B) maintenance of the [canal] water conveyance facility;

305 ~~[(C) canal protection; and]~~

306 ~~[(D) canal safety.]~~

307 (C) preservation of water conveyance facility integrity;

308 (D) subterranean seepage; and

309 (E) water conveyance facility safety; and

310 (iii) subject to Subsection (4)(f), consider each facility owner's input described in

311 Subsection (4)(d)(ii) in determining whether to approve or reject the subdivision plat.

312 (e) When applicable, the owner of the land seeking subdivision [applicant] plat
313 approval shall comply with Section 73-1-15.5.

314 [~~(f) The land use authority shall provide the notice described in Subsection (2)(d) to a~~
315 ~~canal owner or associated canal operator if:]~~

316 [~~(i) the canal's centerline is located within 100 feet of a proposed subdivision; and]~~

317 [~~(ii) the centerline alignment is available to the land use authority:]~~

318 [~~(A) from information provided by the canal company under Section 17-27a-211 using~~
319 ~~mapping-grade global positioning satellite units or digitized data from the most recent aerial~~
320 ~~photo available to the canal owner or canal operator;]~~

321 [~~(B) using the state engineer's inventory of canals under Section 73-5-7; or]~~

322 [~~(C) from information provided by a surveyor under Subsection (5)(c).]~~

323 (f) A facility owner's failure to provide input to a county in accordance with Subsection
324 (4)(d)(ii) does not affect or impair the county's authority to approve or reject the subdivision
325 plat.

326 [~~(3)~~] (5) The county may withhold an otherwise valid plat approval until the owner of
327 the land provides the legislative body with a tax clearance indicating that all taxes, interest, and
328 penalties owing on the land have been paid.

329 [~~(4)~~] (6) (a) Within 30 days after approving a final plat under this section, a county
330 shall submit to the Automated Geographic Reference Center, created in Section 63F-1-506, for
331 inclusion in the unified statewide 911 emergency service database described in Subsection
332 63H-7a-304(4)(b):

333 (i) an electronic copy of the approved final plat; or

334 (ii) preliminary geospatial data that depict any new streets and situs addresses proposed
335 for construction within the bounds of the approved plat.

336 (b) If requested by the Automated Geographic Reference Center, a county that
337 approves a final plat under this section shall:

338 (i) coordinate with the Automated Geographic Reference Center to validate the
339 information described in Subsection [~~(4)~~] (6)(a); and

340 (ii) assist the Automated Geographic Reference Center in creating electronic files that
341 contain the information described in Subsection [~~(4)~~] (6)(a) for inclusion in the unified
342 statewide 911 emergency service database.

343 [~~(5)~~] (7) (a) A county recorder may not record a plat unless, subject to Subsection
344 17-27a-604(1):

345 (i) prior to recordation, the county has approved and signed the plat;

346 (ii) each owner of record of land described on the plat has signed the owner's
347 dedication as shown on the plat; and

348 (iii) the signature of each owner described in Subsection [~~(5)~~] (7)(a)(ii) is
349 acknowledged as provided by law.

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

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

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

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

356 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of
357 an existing or proposed water conveyance facility, underground facility or utility facility within
358 the proposed subdivision, or a representative designated by the owner or operator, to verify the
359 accuracy of the surveyor's depiction of the:

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

362 (B) location of an existing water conveyance facility, underground facility [~~and~~], or
363 utility facility; and

364 (C) physical restrictions governing the location of the water conveyance facility,
365 underground facility [~~and~~], or utility facility within the subdivision.

366 (ii) The cooperation of an owner or operator of a water conveyance facility,
367 underground facility, or utility facility under Subsection [~~(5)~~] (7)(c)(i):

368 (A) indicates only that the plat approximates the location of the existing [~~underground~~

369 ~~and utility~~] facilities but does not warrant or verify their precise location; and

370 (B) does not affect a right that the owner or operator has under Title 54, Chapter 8a,
371 Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law
372 applicable to prescriptive rights, or any other provision of law.

373 ~~[(6)]~~ (8) (a) Except as provided in Subsection ~~[(5)]~~ (7)(c), after the plat has been
374 acknowledged, certified, and approved, the ~~[individual]~~ owner of the land seeking to record the
375 plat shall, within the time period and manner designated by ordinance, record the plat in the
376 county recorder's office in the county in which the lands platted and laid out are situated.

377 (b) A failure to record a plat within the time period designated by ordinance renders the
378 plat voidable by the ~~[land use authority]~~ county.

379 Section 4. Section **17-27a-604** is amended to read:

380 **17-27a-604. Subdivision plat approval procedure -- Effect of not complying.**

381 (1) A person may not submit a subdivision plat to the county recorder's office for
382 recording unless:

383 (a) the person has complied with the requirements of Subsection **17-27a-603**~~[(5)]~~(7)(a);

384 (b) the plat has been approved by:

385 (i) the land use authority of the:

386 (A) county in whose unincorporated area the land described in the plat is located; or

387 (B) mountainous planning district in whose area the land described in the plat is
388 located; and

389 (ii) other officers that the county designates in its ordinance;

390 (c) all approvals described in Subsection (1)(b) are entered in writing on the plat by
391 designated officers; and

392 (d) if the person submitting the plat intends the plat to be or if the plat is part of a
393 community association subject to Title 57, Chapter 8a, Community Association Act, the plat
394 includes language conveying to the association, as that term is defined in Section **57-8a-102**, all
395 common areas, as that term is defined in Section **57-8a-102**.

396 (2) An owner of a platted lot is the owner of record sufficient to re-subdivide the lot if
397 the owner's platted lot is not part of a community association subject to Title 57, Chapter 8a,
398 Community Association Act.

399 (3) A plat recorded without the signatures required under this section is void.

400

(4) A transfer of land pursuant to a void plat is voidable by the land use authority.