

Representative Gage Froerer proposes the following substitute bill:

APPROVAL OF SUBDIVISIONS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: Dan R. Eastman

LONG TITLE

General Description:

This bill modifies county and municipal land use development and management provisions relating to subdivisions.

Highlighted Provisions:

This bill:

- ▶ eliminates a requirement for a planning commission recommendation before a person may record a subdivision plat; and
- ▶ requires county and municipal land use authorities to give notice and hold a public hearing before approving a subdivision plat.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-604, as last amended by Chapter 240, Laws of Utah 2006

17-27a-604, as last amended by Chapter 240, Laws of Utah 2006



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

27 Section 1. Section **10-9a-604** is amended to read:

28 **10-9a-604. Subdivision plat approval procedure -- Effect of not complying.**

29 (1) [~~(a)~~] A person may not submit a subdivision plat to the county recorder's office for
30 recording unless:

31 [~~(i)~~] ~~except as provided in Subsection (1)(b), a recommendation has been received from~~
32 ~~the planning commission;~~

33 [~~(ii)~~] (a) the plat has been approved by:

34 [~~(A)~~] (i) the land use authority of the municipality in which the land described in the
35 plat is located~~[- and], after the land use authority:~~

36 (A) provides notice of the public hearing required under Subsection (1)(a)(i)(B) as
37 provided in Section 10-9a-207 ; and

38 (B) holds a public hearing on the proposed subdivision plat; and

39 [~~(B)~~] (ii) other officers that the municipality designates in its ordinance; and

40 [~~(iii)~~] (b) all approvals are entered in writing on the plat by the designated officers.

41 [~~(b)~~] ~~Subsection (1)(a) does not apply if the planning commission is the land use~~
42 ~~authority.]~~

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

45 (3) A transfer of land pursuant to a void plat is voidable.

46 Section 2. Section **17-27a-604** is amended to read:

47 **17-27a-604. Subdivision plat approval procedure -- Effect of not complying.**

48 (1) [~~(a)~~] A person may not submit a subdivision plat to the county recorder's office for
49 recording unless:

50 [~~(i)~~] ~~except as provided in Subsection (1)(b), a recommendation has been received from~~
51 ~~the planning commission;~~

52 [~~(ii)~~] (a) the plat has been approved by:

53 [~~(A)~~] (i) the land use authority of the county in whose unincorporated area the land
54 described in the plat is located, after the land use authority:

55 (A) provides notice of the public hearing required under Subsection (1)(a)(i)(B) as
56 provided in Section 17-27a-207; and

- 57 (B) holds a public hearing on the proposed subdivision plat; and
58 ~~[(B)]~~ (ii) other officers that the county designates in its ordinance; and
59 ~~[(iii)]~~ (b) all approvals are entered in writing on the plat by designated officers.
60 ~~[(b) Subsection (1)(a) does not apply if the planning commission is the land use~~
61 ~~authority.]~~
62 (2) A plat recorded without the signatures required under this section is void.
63 (3) A transfer of land pursuant to a void plat is voidable.

H.B. 296 1st Sub. (Buff) - Approval of Subdivisions

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses. The impact to local governments can be handled by shifting some priorities within existing staff and resources.
