

1 AMENDMENTS TO MUNICIPAL AND COUNTY

2 LAND USE

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Dennis E. Stowell

6 House Sponsor: Christopher N. Herrod

7
8 LONG TITLE

9 General Description:

10 This bill modifies county and municipal land use development and management
11 provisions relating to plat approval.

12 Highlighted Provisions:

13 This bill:

14 ▶ defines "fire authority"; and

15 ▶ **§→ [adds] encourages counties and municipalities to receive a recommendation from**

15a **the ←§ fire authority §→ [approval to the approvals required] ←§ before §→ approving ←§ a**

15b plat **§→ [can be approved**

16 **by a county or municipality] ←§ .**

17 Monies Appropriated in this Bill:

18 None

19 Other Special Clauses:

20 None

21 Utah Code Sections Affected:

22 AMENDS:

23 **10-9a-103**, as last amended by Chapters 14, 163, 240, 257 and 289, Laws of Utah 2006

24 **10-9a-603**, as last amended by Chapters 163, 240 and 257, Laws of Utah 2006

25 **17-27a-103**, as last amended by Chapters 14, 163, 240, 257 and 289, Laws of Utah

26 2006

27 **17-27a-603**, as last amended by Chapters 163, 240 and 257, Laws of Utah 2006



28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

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

Section 1. Section **10-9a-103** is amended to read:

10-9a-103. Definitions.

As used in this chapter:

(1) "Affected entity" means a county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, a property owner, a property owners association, or the Utah Department of Transportation, if:

(a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

(b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or

(c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.

(2) "Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

(3) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

(4) "Charter school" includes:

(a) an operating charter school;

(b) a charter school applicant that has its application approved by a chartering entity in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

(c) an entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(5) "Chief executive officer" means the:

(a) mayor in municipalities operating under all forms of municipal government except

59 the council-manager form; or

60 (b) city manager in municipalities operating under the council-manager form of
61 municipal government.

62 (6) "Conditional use" means a land use that, because of its unique characteristics or
63 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be
64 compatible in some areas or may be compatible only if certain conditions are required that
65 mitigate or eliminate the detrimental impacts.

66 (7) "Constitutional taking" means a governmental action that results in a taking of
67 private property so that compensation to the owner of the property is required by the:

68 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

69 (b) Utah Constitution Article I, Section 22.

70 (8) "Culinary water authority" means the department, agency, or public entity with
71 responsibility to review and approve the feasibility of the culinary water system and sources for
72 the subject property.

73 (9) (a) "Disability" means a physical or mental impairment that substantially limits one
74 or more of a person's major life activities, including a person having a record of such an
75 impairment or being regarded as having such an impairment.

76 (b) "Disability" does not include current illegal use of, or addiction to, any federally
77 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
78 802.

79 (10) "Elderly person" means a person who is 60 years old or older, who desires or
80 needs to live with other elderly persons in a group setting, but who is capable of living
81 independently.

82 (11) "Fire authority" means the department, agency, or public entity with responsibility
83 to review and approve the feasibility of fire protection and suppression services for the subject
84 property.

85 [~~(11)~~] (12) "General plan" means a document that a municipality adopts that sets forth
86 general guidelines for proposed future development of the land within the municipality.

87 [~~(12)~~] (13) "Identical plans" means building plans submitted to a municipality that are
88 substantially identical to building plans that were previously submitted to and reviewed and
89 approved by the municipality and describe a building that is:

90 (a) located on land zoned the same as the land on which the building described in the
91 previously approved plans is located; and

92 (b) subject to the same geological and meteorological conditions and the same law as
93 the building described in the previously approved plans.

94 [~~(13)~~] (14) "Land use application" means an application required by a municipality's
95 land use ordinance.

96 [~~(14)~~] (15) "Land use authority" means a person, board, commission, agency, or other
97 body designated by the local legislative body to act upon a land use application.

98 [~~(15)~~] (16) "Land use ordinance" means a planning, zoning, development, or
99 subdivision ordinance of the municipality, but does not include the general plan.

100 [~~(16)~~] (17) "Land use permit" means a permit issued by a land use authority.

101 [~~(17)~~] (18) "Legislative body" means the municipal council.

102 [~~(18)~~] (19) "Lot line adjustment" means the relocation of the property boundary line in
103 a subdivision between two adjoining lots with the consent of the owners of record.

104 [~~(19)~~] (20) "Moderate income housing" means housing occupied or reserved for
105 occupancy by households with a gross household income equal to or less than 80% of the
106 median gross income for households of the same size in the county in which the city is located.

107 [~~(20)~~] (21) "Nominal fee" means a fee that reasonably reimburses a municipality only
108 for time spent and expenses incurred in:

109 (a) verifying that building plans are identical plans; and

110 (b) reviewing and approving those minor aspects of identical plans that differ from the
111 previously reviewed and approved building plans.

112 [~~(21)~~] (22) "Noncomplying structure" means a structure that:

113 (a) legally existed before its current land use designation; and

114 (b) because of one or more subsequent land use ordinance changes, does not conform
115 to the setback, height restrictions, or other regulations, excluding those regulations, which
116 govern the use of land.

117 [~~(22)~~] (23) "Nonconforming use" means a use of land that:

118 (a) legally existed before its current land use designation;

119 (b) has been maintained continuously since the time the land use ordinance governing
120 the land changed; and

121 (c) because of one or more subsequent land use ordinance changes, does not conform
122 to the regulations that now govern the use of the land.

123 [~~(23)~~] (24) "Official map" means a map drawn by municipal authorities and recorded in
124 a county recorder's office that:

125 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
126 highways and other transportation facilities;

127 (b) provides a basis for restricting development in designated rights-of-way or between
128 designated setbacks to allow the government authorities time to purchase or otherwise reserve
129 the land; and

130 (c) has been adopted as an element of the municipality's general plan.

131 [~~(24)~~] (25) "Person" means an individual, corporation, partnership, organization,
132 association, trust, governmental agency, or any other legal entity.

133 [~~(25)~~] (26) "Plan for moderate income housing" means a written document adopted by
134 a city legislative body that includes:

135 (a) an estimate of the existing supply of moderate income housing located within the
136 city;

137 (b) an estimate of the need for moderate income housing in the city for the next five
138 years as revised biennially;

139 (c) a survey of total residential land use;

140 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
141 income housing; and

142 (e) a description of the city's program to encourage an adequate supply of moderate
143 income housing.

144 [~~(26)~~] (27) "Plat" means a map or other graphical representation of lands being laid out
145 and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

146 [~~(27)~~] (28) "Public hearing" means a hearing at which members of the public are
147 provided a reasonable opportunity to comment on the subject of the hearing.

148 [~~(28)~~] (29) "Public meeting" means a meeting that is required to be open to the public
149 under Title 52, Chapter 4, Open and Public Meetings Act.

150 [~~(29)~~] (30) "Record of survey map" means a map of a survey of land prepared in
151 accordance with Section 17-23-17.

152 ~~[(30)]~~ (31) "Residential facility for elderly persons" means a single-family or
153 multiple-family dwelling unit that meets the requirements of Section 10-9a-516, but does not
154 include a health care facility as defined by Section 26-21-2.

155 ~~[(31)]~~ (32) "Residential facility for persons with a disability" means a residence:

156 (a) in which more than one person with a disability resides; and

157 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,
158 Chapter 2, Licensure of Programs and Facilities; or

159 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,
160 Health Care Facility Licensing and Inspection Act.

161 ~~[(32)]~~ (33) "Sanitary sewer authority" means the department, agency, or public entity
162 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
163 wastewater systems.

164 ~~[(33)]~~ (34) "Special district" means an entity established under the authority of Title
165 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a
166 county, municipality, school district, or unit of the state.

167 ~~[(34)]~~ (35) "Specified public utility" means an electrical corporation, gas corporation,
168 or telephone corporation, as those terms are defined in Section 54-2-1.

169 ~~[(35)]~~ (36) "Street" means a public right-of-way, including a highway, avenue,
170 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
171 or other way.

172 ~~[(36)]~~ (37) (a) "Subdivision" means any land that is divided, resubdivided or proposed
173 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
174 purpose, whether immediate or future, for offer, sale, lease, or development either on the
175 installment plan or upon any and all other plans, terms, and conditions.

176 (b) "Subdivision" includes:

177 (i) the division or development of land whether by deed, metes and bounds description,
178 devise and testacy, map, plat, or other recorded instrument; and

179 (ii) except as provided in Subsection ~~[(36)]~~ (37)(c), divisions of land for residential and
180 nonresidential uses, including land used or to be used for commercial, agricultural, and
181 industrial purposes.

182 (c) "Subdivision" does not include:

183 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
184 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
185 neither the resulting combined parcel nor the parcel remaining from the division or partition
186 violates an applicable land use ordinance;

187 (ii) a recorded agreement between owners of adjoining unsubdivided properties
188 adjusting their mutual boundary if:

189 (A) no new lot is created; and

190 (B) the adjustment does not violate applicable land use ordinances;

191 (iii) a recorded document, executed by the owner of record:

192 (A) revising the legal description of more than one contiguous unsubdivided parcel of
193 property into one legal description encompassing all such parcels of property; or

194 (B) joining a subdivided parcel of property to another parcel of property that has not
195 been subdivided, if the joinder does not violate applicable land use ordinances; or

196 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting
197 their mutual boundary if:

198 (A) no new dwelling lot or housing unit will result from the adjustment; and

199 (B) the adjustment will not violate any applicable land use ordinance.

200 (d) The joining of a subdivided parcel of property to another parcel of property that has
201 not been subdivided does not constitute a subdivision under this Subsection [~~36~~] (37) as to
202 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
203 subdivision ordinance.

204 [~~37~~] (38) "Unincorporated" means the area outside of the incorporated area of a city
205 or town.

206 [~~38~~] (39) "Zoning map" means a map, adopted as part of a land use ordinance, that
207 depicts land use zones, overlays, or districts.

208 Section 2. Section **10-9a-603** is amended to read:

209 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Recording**
210 **plat.**

211 (1) Unless exempt under Section 10-9a-605 or excluded from the definition of
212 subdivision under Subsection 10-9a-103(36), whenever any land is laid out and platted, the
213 owner of the land shall provide an accurate plat that describes or specifies:

214 (a) a name or designation of the subdivision that is distinct from any plat already
215 recorded in the county recorder's office;

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

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

223 (d) every existing right-of-way and easement grant of record for underground facilities,
224 as defined in Section 54-8a-2, and for other utility facilities.

225 (2) ~~§~~ **(a)** ~~§~~ Subject to Subsections (3), (4), and (5), if the plat conforms to the municipality's
226 ordinances and this part and has been approved by the culinary water authority ~~§~~ [f] and [t]; ~~§~~ the
227 sanitary sewer authority, ~~§~~ [and the fire authority,] ~~§~~ the municipality shall approve the plat.
227a **§** **(b) Municipalities are encouraged to receive a recommendation from the fire authority**
227b **before approving a plat.** ~~§~~

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

231 (4) (a) The owner of the land shall acknowledge the plat before an officer authorized
232 by law to take the acknowledgment of conveyances of real estate and shall obtain the
233 signature of each individual designated by the municipality.

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) As applicable, the owner or operator of the underground and utility facilities shall
241 approve the:

242 (i) boundary, course, dimensions, and intended use of the right-of-way and easement
243 grants of record;

244 (ii) location of existing underground and utility facilities; and

245 (iii) conditions or restrictions governing the location of the facilities within the
246 right-of-way, and easement grants of records, and utility facilities within the subdivision.

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

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

252 Section 3. Section 17-27a-103 is amended to read:

253 **17-27a-103. Definitions.**

254 As used in this chapter:

255 (1) "Affected entity" means a county, municipality, independent special district under
256 Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2,
257 Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter
258 13, Interlocal Cooperation Act, specified property owner, property owners association, public
259 utility, or the Utah Department of Transportation, if:

260 (a) the entity's services or facilities are likely to require expansion or significant
261 modification because of an intended use of land;

262 (b) the entity has filed with the county a copy of the entity's general or long-range plan;
263 or

264 (c) the entity has filed with the county a request for notice during the same calendar
265 year and before the county provides notice to an affected entity in compliance with a
266 requirement imposed under this chapter.

267 (2) "Appeal authority" means the person, board, commission, agency, or other body
268 designated by ordinance to decide an appeal of a decision of a land use application or a
269 variance.

270 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
271 residential property if the sign is designed or intended to direct attention to a business, product,
272 or service that is not sold, offered, or existing on the property where the sign is located.

273 (4) "Charter school" includes:

274 (a) an operating charter school;

275 (b) a charter school applicant that has its application approved by a chartering entity in

276 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

277 (c) an entity who is working on behalf of a charter school or approved charter applicant
278 to develop or construct a charter school building.

279 (5) "Chief executive officer" means the person or body that exercises the executive
280 powers of the county.

281 (6) "Conditional use" means a land use that, because of its unique characteristics or
282 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
283 compatible in some areas or may be compatible only if certain conditions are required that
284 mitigate or eliminate the detrimental impacts.

285 (7) "Constitutional taking" means a governmental action that results in a taking of
286 private property so that compensation to the owner of the property is required by the:

287 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

288 (b) Utah Constitution Article I, Section 22.

289 (8) "Culinary water authority" means the department, agency, or public entity with
290 responsibility to review and approve the feasibility of the culinary water system and sources for
291 the subject property.

292 (9) (a) "Disability" means a physical or mental impairment that substantially limits one
293 or more of a person's major life activities, including a person having a record of such an
294 impairment or being regarded as having such an impairment.

295 (b) "Disability" does not include current illegal use of, or addiction to, any federally
296 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
297 802.

298 (10) "Elderly person" means a person who is 60 years old or older, who desires or
299 needs to live with other elderly persons in a group setting, but who is capable of living
300 independently.

301 (11) "Fire authority" means the department, agency, or public entity with responsibility
302 to review and approve the feasibility of fire protection and suppression services for the subject
303 property.

304 [~~(11)~~] (12) "Gas corporation" has the same meaning as defined in Section 54-2-1.

305 [~~(12)~~] (13) "General plan" means a document that a county adopts that sets forth
306 general guidelines for proposed future development of the unincorporated land within the

307 county.

308 ~~[(13)]~~ (14) "Identical plans" means building plans submitted to a county that are
309 substantially identical building plans that were previously submitted to and reviewed and
310 approved by the county and describe a building that is:

311 (a) located on land zoned the same as the land on which the building described in the
312 previously approved plans is located; and

313 (b) subject to the same geological and meteorological conditions and the same law as
314 the building described in the previously approved plans.

315 ~~[(14)]~~ (15) "Interstate pipeline company" means a person or entity engaged in natural
316 gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
317 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

318 ~~[(15)]~~ (16) "Intrastate pipeline company" means a person or entity engaged in natural
319 gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
320 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

321 ~~[(16)]~~ (17) "Land use application" means an application required by a county's land use
322 ordinance.

323 ~~[(17)]~~ (18) "Land use authority" means a person, board, commission, agency, or other
324 body designated by the local legislative body to act upon a land use application.

325 ~~[(18)]~~ (19) "Land use ordinance" means a planning, zoning, development, or
326 subdivision ordinance of the county, but does not include the general plan.

327 ~~[(19)]~~ (20) "Land use permit" means a permit issued by a land use authority.

328 ~~[(20)]~~ (21) "Legislative body" means the county legislative body, or for a county that
329 has adopted an alternative form of government, the body exercising legislative powers.

330 ~~[(21)]~~ (22) "Lot line adjustment" means the relocation of the property boundary line in
331 a subdivision between two adjoining lots with the consent of the owners of record.

332 ~~[(22)]~~ (23) "Moderate income housing" means housing occupied or reserved for
333 occupancy by households with a gross household income equal to or less than 80% of the
334 median gross income for households of the same size in the county in which the housing is
335 located.

336 ~~[(23)]~~ (24) "Nominal fee" means a fee that reasonably reimburses a county only for
337 time spent and expenses incurred in:

338 (a) verifying that building plans are identical plans; and
339 (b) reviewing and approving those minor aspects of identical plans that differ from the
340 previously reviewed and approved building plans.

341 [~~24~~] (25) "Noncomplying structure" means a structure that:

342 (a) legally existed before its current land use designation; and
343 (b) because of one or more subsequent land use ordinance changes, does not conform
344 to the setback, height restrictions, or other regulations, excluding those regulations that govern
345 the use of land.

346 [~~25~~] (26) "Nonconforming use" means a use of land that:

347 (a) legally existed before its current land use designation;
348 (b) has been maintained continuously since the time the land use ordinance regulation
349 governing the land changed; and

350 (c) because of one or more subsequent land use ordinance changes, does not conform
351 to the regulations that now govern the use of the land.

352 [~~26~~] (27) "Official map" means a map drawn by county authorities and recorded in
353 the county recorder's office that:

354 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
355 highways and other transportation facilities;
356 (b) provides a basis for restricting development in designated rights-of-way or between
357 designated setbacks to allow the government authorities time to purchase or otherwise reserve
358 the land; and
359 (c) has been adopted as an element of the county's general plan.

360 [~~27~~] (28) "Person" means an individual, corporation, partnership, organization,
361 association, trust, governmental agency, or any other legal entity.

362 [~~28~~] (29) "Plan for moderate income housing" means a written document adopted by
363 a county legislative body that includes:

364 (a) an estimate of the existing supply of moderate income housing located within the
365 county;
366 (b) an estimate of the need for moderate income housing in the county for the next five
367 years as revised biennially;
368 (c) a survey of total residential land use;

369 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
370 income housing; and

371 (e) a description of the county's program to encourage an adequate supply of moderate
372 income housing.

373 [~~29~~] (30) "Plat" means a map or other graphical representation of lands being laid out
374 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

375 [~~30~~] (31) "Public hearing" means a hearing at which members of the public are
376 provided a reasonable opportunity to comment on the subject of the hearing.

377 [~~31~~] (32) "Public meeting" means a meeting that is required to be open to the public
378 under Title 52, Chapter 4, Open and Public Meetings Act.

379 [~~32~~] (33) "Record of survey map" means a map of a survey of land prepared in
380 accordance with Section 17-23-17.

381 [~~33~~] (34) "Residential facility for elderly persons" means a single-family or
382 multiple-family dwelling unit that meets the requirements of Section 17-27a-515, but does not
383 include a health care facility as defined by Section 26-21-2.

384 [~~34~~] (35) "Residential facility for persons with a disability" means a residence:

385 (a) in which more than one person with a disability resides; and

386 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,
387 Chapter 2, Licensure of Programs and Facilities; or

388 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,
389 Health Care Facility Licensing and Inspection Act.

390 [~~35~~] (36) "Sanitary sewer authority" means the department, agency, or public entity
391 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
392 wastewater systems.

393 [~~36~~] (37) "Special district" means any entity established under the authority of Title
394 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a
395 county, municipality, school district, or unit of the state.

396 [~~37~~] (38) "Specified public utility" means an electrical corporation, gas corporation,
397 or telephone corporation, as those terms are defined in Section 54-2-1.

398 [~~38~~] (39) "Street" means a public right-of-way, including a highway, avenue,
399 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,

400 or other way.

401 ~~[(39)]~~ (40) (a) "Subdivision" means any land that is divided, resubdivided or proposed
402 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
403 purpose, whether immediate or future, for offer, sale, lease, or development either on the
404 installment plan or upon any and all other plans, terms, and conditions.

405 (b) "Subdivision" includes:

406 (i) the division or development of land whether by deed, metes and bounds description,
407 devise and testacy, map, plat, or other recorded instrument; and

408 (ii) except as provided in Subsection ~~[(39)]~~ (40)(c), divisions of land for residential and
409 nonresidential uses, including land used or to be used for commercial, agricultural, and
410 industrial purposes.

411 (c) "Subdivision" does not include:

412 (i) a bona fide division or partition of agricultural land for agricultural purposes;

413 (ii) a recorded agreement between owners of adjoining properties adjusting their
414 mutual boundary if:

415 (A) no new lot is created; and

416 (B) the adjustment does not violate applicable land use ordinances;

417 (iii) a recorded document, executed by the owner of record:

418 (A) revising the legal description of more than one contiguous unsubdivided parcel of
419 property into one legal description encompassing all such parcels of property; or

420 (B) joining a subdivided parcel of property to another parcel of property that has not
421 been subdivided, if the joinder does not violate applicable land use ordinances;

422 (iv) a bona fide division or partition of land in a county other than a first class county
423 for the purpose of siting, on one or more of the resulting separate parcels:

424 (A) an unmanned facility appurtenant to a pipeline owned or operated by a gas
425 corporation, interstate pipeline company, or intrastate pipeline company; or

426 (B) an unmanned telecommunications, microwave, fiber optic, electrical, or other
427 utility service regeneration, transformation, retransmission, or amplification facility; or

428 (v) a recorded agreement between owners of adjoining subdivided properties adjusting
429 their mutual boundary if:

430 (A) no new dwelling lot or housing unit will result from the adjustment; and

431 (B) the adjustment will not violate any applicable land use ordinance.

432 (d) The joining of a subdivided parcel of property to another parcel of property that has
433 not been subdivided does not constitute a subdivision under this Subsection [~~(39)~~ (40) as to
434 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
435 subdivision ordinance.

436 [~~(40)~~ (41) "Township" means a contiguous, geographically defined portion of the
437 unincorporated area of a county, established under this part or reconstituted or reinstated under
438 Section 17-27a-306, with planning and zoning functions as exercised through the township
439 planning commission, as provided in this chapter, but with no legal or political identity
440 separate from the county and no taxing authority, except that "township" means a former
441 township under Chapter 308, Laws of Utah 1996 where the context so indicates.

442 [~~(41)~~ (42) "Unincorporated" means the area outside of the incorporated area of a
443 municipality.

444 [~~(42)~~ (43) "Zoning map" means a map, adopted as part of a land use ordinance, that
445 depicts land use zones, overlays, or districts.

446 Section 4. Section **17-27a-603** is amended to read:

447 **17-27a-603. Plat required when land is subdivided -- Approval of plat --**
448 **Recording plat.**

449 (1) Unless exempt under Section 17-27a-605 or excluded from the definition of
450 subdivision under Subsection 17-27a-103(~~39~~), whenever any land is laid out and platted, the
451 owner of the land shall provide an accurate plat that describes or specifies:

452 (a) a name or designation of the subdivision that is distinct from any plat already
453 recorded in the county recorder's office;

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

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

461 (d) every existing right-of-way and easement grant of record for underground facilities,

462 as defined in Section 54-8a-2, and for other utility facilities.

463 (2) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's
464 ordinances and this part and has been approved by the culinary water authority ~~§~~ [f] and [t] ~~§~~ the
465 sanitary sewer authority, ~~§~~ ~~[and the fire authority.]~~ ~~§~~ the county shall approve the plat.

465a ~~§~~ **(b) Counties are encouraged to receive a recommendation from the fire authority before**
465b **approving a plat.** ~~§~~

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

469 (4) (a) The owner of the land shall acknowledge the plat before an officer authorized
470 by law to take the acknowledgment of conveyances of real estate and shall obtain the signature
471 of each individual designated by the county.

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

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

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

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

478 (c) As applicable, the owner or operator of the underground and utility facilities shall
479 approve the:

480 (i) boundary, course, dimensions, and intended use of the right-of-way and easement
481 grants of record;

482 (ii) location of existing underground and utility facilities; and

483 (iii) conditions or restrictions governing the location of the facilities within the
484 right-of-way, and easement grants of records, and utility facilities within the subdivision.

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

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

Legislative Review Note
as of 1-18-07 1:22 PM

Office of Legislative Research and General Counsel

S.B. 163 - Amendments to Municipal and County Land Use

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, or local governments.

1/29/2007, 6:09:02 PM, Lead Analyst: Wardrop, T.

Office of the Legislative Fiscal Analyst