

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

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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                                   ▶ encourages counties and municipalities to receive a recommendation from the fire  
16 authority before approving a plat.

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

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28  
29                                   *Be it enacted by the Legislature of the state of Utah:*

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

31 **10-9a-103. Definitions.**

32 As used in this chapter:

33 (1) "Affected entity" means a county, municipality, independent special district under  
34 Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2,  
35 Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter  
36 13, Interlocal Cooperation Act, specified public utility, a property owner, a property owners  
37 association, or the Utah Department of Transportation, if:

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

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

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

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

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

51 (4) "Charter school" includes:

52 (a) an operating charter school;

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

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

57 (5) "Chief executive officer" means the:

58 (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 [~~(H)~~] (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 and the sanitary  
227 sewer authority, the municipality shall approve the plat.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

255 **17-27a-103. Definitions.**

256 As used in this chapter:

257 (1) "Affected entity" means a county, municipality, independent special district under  
258 Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2,  
259 Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter  
260 13, Interlocal Cooperation Act, specified property owner, property owners association, public  
261 utility, or the Utah Department of Transportation, if:

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

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

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

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

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

275 (4) "Charter school" includes:

276 (a) an operating charter school;

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

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

281 (5) "Chief executive officer" means the person or body that exercises the executive

282 powers of the county.

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

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

- 289 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 290 (b) Utah Constitution Article I, Section 22.

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

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

297 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
298 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
299 802.

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

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

306 [~~(11)~~] (12) "Gas corporation" has the same meaning as defined in Section 54-2-1.

307 [~~(12)~~] (13) "General plan" means a document that a county adopts that sets forth  
308 general guidelines for proposed future development of the unincorporated land within the  
309 county.

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

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

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

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

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

323            [~~(16)~~] (17) "Land use application" means an application required by a county's land use  
324 ordinance.

325            [~~(17)~~] (18) "Land use authority" means a person, board, commission, agency, or other  
326 body designated by the local legislative body to act upon a land use application.

327            [~~(18)~~] (19) "Land use ordinance" means a planning, zoning, development, or  
328 subdivision ordinance of the county, but does not include the general plan.

329            [~~(19)~~] (20) "Land use permit" means a permit issued by a land use authority.

330            [~~(20)~~] (21) "Legislative body" means the county legislative body, or for a county that  
331 has adopted an alternative form of government, the body exercising legislative powers.

332            [~~(21)~~] (22) "Lot line adjustment" means the relocation of the property boundary line in  
333 a subdivision between two adjoining lots with the consent of the owners of record.

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

338            [~~(23)~~] (24) "Nominal fee" means a fee that reasonably reimburses a county only for  
339 time spent and expenses incurred in:

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

343            [~~(24)~~] (25) "Noncomplying structure" means a structure that:

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

348            [~~(25)~~] (26) "Nonconforming use" means a use of land that:

- 349            (a) legally existed before its current land use designation;
- 350            (b) has been maintained continuously since the time the land use ordinance regulation  
351 governing the land changed; and
- 352            (c) because of one or more subsequent land use ordinance changes, does not conform  
353 to the regulations that now govern the use of the land.

354            [~~(26)~~] (27) "Official map" means a map drawn by county authorities and recorded in  
355 the county recorder's office that:

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

362            [~~(27)~~] (28) "Person" means an individual, corporation, partnership, organization,  
363 association, trust, governmental agency, or any other legal entity.

364            [~~(28)~~] (29) "Plan for moderate income housing" means a written document adopted by  
365 a county legislative body that includes:

366 (a) an estimate of the existing supply of moderate income housing located within the  
367 county;

368 (b) an estimate of the need for moderate income housing in the county for the next five  
369 years as revised biennially;

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

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

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

375 [~~29~~] (30) "Plat" means a map or other graphical representation of lands being laid out  
376 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

377 [~~30~~] (31) "Public hearing" means a hearing at which members of the public are  
378 provided a reasonable opportunity to comment on the subject of the hearing.

379 [~~31~~] (32) "Public meeting" means a meeting that is required to be open to the public  
380 under Title 52, Chapter 4, Open and Public Meetings Act.

381 [~~32~~] (33) "Record of survey map" means a map of a survey of land prepared in  
382 accordance with Section 17-23-17.

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

386 [~~34~~] (35) "Residential facility for persons with a disability" means a residence:

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

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

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

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

394 wastewater systems.

395           ~~[(36)]~~ (37) "Special district" means any entity established under the authority of Title  
396 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a  
397 county, municipality, school district, or unit of the state.

398           ~~[(37)]~~ (38) "Specified public utility" means an electrical corporation, gas corporation,  
399 or telephone corporation, as those terms are defined in Section 54-2-1.

400           ~~[(38)]~~ (39) "Street" means a public right-of-way, including a highway, avenue,  
401 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
402 or other way.

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

407           (b) "Subdivision" includes:

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

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

413           (c) "Subdivision" does not include:

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

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

417           (A) no new lot is created; and

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

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

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

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

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

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

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

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

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

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

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

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

444 [~~(41)~~] (42) "Unincorporated" means the area outside of the incorporated area of a  
445 municipality.

446 [~~(42)~~] (43) "Zoning map" means a map, adopted as part of a land use ordinance, that  
447 depicts land use zones, overlays, or districts.

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

449 **17-27a-603. Plat required when land is subdivided -- Approval of plat --**



450 **Recording plat.**

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

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

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

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

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

465 (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's  
466 ordinances and this part and has been approved by the culinary water authority and the sanitary  
467 sewer authority, the county shall approve the plat.

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

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

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

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

477 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and

478 Land Surveyors Licensing Act;

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

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

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

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

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

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

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

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