

**HIGH PRIORITY TRANSPORTATION CORRIDORS**

**AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: R. Curt Webb

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to certain required notices regarding land use applications affecting high priority transportation corridors.

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-206**, as enacted by Laws of Utah 2005, Chapter 254



- 28 [10-9a-211](#), as enacted by Laws of Utah 2010, Chapter 332
- 29 [10-9a-509](#), as last amended by Laws of Utah 2014, Chapter 136
- 30 [10-9a-603](#), as last amended by Laws of Utah 2015, Chapter 327
- 31 [17-27a-206](#), as enacted by Laws of Utah 2005, Chapter 254
- 32 [17-27a-211](#), as enacted by Laws of Utah 2010, Chapter 332
- 33 [17-27a-508](#), as last amended by Laws of Utah 2014, Chapter 136
- 34 [17-27a-603](#), as last amended by Laws of Utah 2015, Chapter 327

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

37 Section 1. Section **10-9a-206** is amended to read:

38 **10-9a-206. Third party notice -- High priority transportation corridor notice.**

39 (1) (a) If a municipality requires notice to adjacent property owners, the municipality  
40 shall:

41 ~~[(a)]~~ (i) mail notice to the record owner of each parcel within parameters specified by  
42 municipal ordinance; or

43 ~~[(b)]~~ (ii) post notice on the property with a sign of sufficient size, durability, print  
44 quality, and location that is reasonably calculated to give notice to passers-by.

45 ~~[(2)]~~ (b) If a municipality mails notice to third party property owners under Subsection  
46 (1)(a), it shall mail equivalent notice to property owners within an adjacent jurisdiction.

47 (2) (a) As used in this Subsection (2), "high priority transportation corridor" means a  
48 transportation corridor identified as a high priority transportation corridor under Section  
49 [72-5-403](#).

50 (b) The Department of Transportation may request, in writing, that a municipality  
51 provide the department with electronic notice of each land use application received by the  
52 municipality that may adversely impact the development of a high priority transportation  
53 corridor.

54 (c) If the municipality receives a written request as provided in Subsection (2)(b), the  
55 municipality shall provide the Department of Transportation with timely electronic notice of  
56 each land use application that the request specifies.

57 Section 2. Section **10-9a-211** is amended to read:

58 **10-9a-211. Canal owner or operator -- Notice to municipality.**

59 (1) [~~For purposes of Subsection 10-9a-509(1)(b)(iv), a~~] A canal company or a canal  
60 operator shall provide on or before July 1, 2010, any municipality in which the canal company  
61 or canal operator owns or operates a canal:

- 62 (a) a current mailing address and phone number;
- 63 (b) a contact name; and
- 64 (c) a general description of the location of each canal owned or operated by the canal  
65 owner or canal operator.

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

70 Section 3. Section 10-9a-509 is amended to read:

71 **10-9a-509. Applicant's entitlement to land use application approval --**  
72 **Municipality's requirements and limitations -- Vesting upon submission of development**  
73 **plan and schedule.**

74 (1) (a) (i) An applicant who has filed a complete land use application, including the  
75 payment of all application fees, is entitled to substantive land use review of the land use  
76 application under the land use laws in effect on the date that the application is complete and as  
77 further provided in this section.

78 (ii) [~~Except as provided in Subsection (1)(b), an~~] An applicant is entitled to approval of  
79 a land use application if the application conforms to the requirements of the municipality's land  
80 use maps, zoning map, a municipal specification for public improvements applicable to a  
81 subdivision or development, and an applicable land use ordinance in effect when a complete  
82 application is submitted and all application fees have been paid, unless:

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

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

88 [~~(b) (i) Except as provided in Subsection (1)(c), an applicant is not entitled to approval~~  
89 ~~of a land use application until the requirements of this Subsection (1)(b) have been met if the~~

90 land use application relates to land located within the boundaries of a high priority  
91 transportation corridor designated in accordance with Section ~~72-5-403~~.]

92 [(ii) (A) A municipality shall notify the executive director of the Department of  
93 Transportation of any land use applications that relate to land located within the boundaries of  
94 a high priority transportation corridor.]

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

97 [(iii) Except as provided in Subsection (1)(c), a municipality may not approve a land  
98 use application that relates to land located within the boundaries of a high priority  
99 transportation corridor until:]

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

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

105 [(iv) (A) If an application is an application for a subdivision approval, including any  
106 land, subject to Subsection (1)(b)(iv)(C), located within 100 feet of the center line of a canal,  
107 the land use authority shall:]

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

111 [(H) wait at least 10 days after the day on which the land use authority notifies a canal  
112 company or canal operator under Subsection (1)(b)(iv)(A)(I) to approve or reject the  
113 subdivision application described in Subsection (1)(b)(iv)(A).]

114 [(B) The notification under Subsection (1)(b)(iv)(A) shall be in writing and mailed by  
115 certified or registered mail to the canal company or canal operator contact described in Section  
116 ~~10-9a-211~~.]

117 [(C) The location of land described in Subsection (1)(b)(iv)(A) shall be:]

118 [(I) provided by a canal company or canal operator to the land use authority; and]

119 [(H) (Aa) determined by use of mapping-grade global positioning satellite units; or]

120 [(Bb) digitized from the most recent aerial photo available to the canal company or

121 canal operator.]

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

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

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

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

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

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

134 ~~[(d) After a municipality has complied with the requirements of Subsection (1) (b) for a~~  
135 ~~land use application, the municipality may not withhold approval of the land use application for~~  
136 ~~which the applicant is otherwise entitled under Subsection (1)(a).]~~

137 ~~[(e)]~~ (b) The municipality shall process an application without regard to proceedings  
138 initiated to amend the municipality's ordinances as provided in Subsection (1)(a)(ii)(B) if:

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

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

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

145 ~~[(g)]~~ (d) The continuing validity of an approval of a land use application is conditioned  
146 upon the applicant proceeding after approval to implement the approval with reasonable  
147 diligence.

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

150 (i) this chapter;

151 (ii) a municipal ordinance; or

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

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

- 156 (i) in a land use permit;
- 157 (ii) on the subdivision plat;
- 158 (iii) in a document on which the land use permit or subdivision plat is based;
- 159 (iv) in the written record evidencing approval of the land use permit or subdivision  
160 plat;
- 161 (v) in this chapter; or
- 162 (vi) in a municipal ordinance.

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

- 166 (i) in the building permit or subdivision plat, documents on which the building permit  
167 or subdivision plat is based, or the written record evidencing approval of the land use permit or  
168 subdivision plat; or
- 169 (ii) in this chapter or the municipality's ordinances.

170 (2) A municipality is bound by the terms and standards of applicable land use  
171 ordinances and shall comply with mandatory provisions of those ordinances.

172 (3) A municipality may not, as a condition of land use application approval, require a  
173 person filing a land use application to obtain documentation regarding a school district's  
174 willingness, capacity, or ability to serve the development proposed in the land use application.

175 (4) Upon a specified public agency's submission of a development plan and schedule as  
176 required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the  
177 specified public agency vests in the municipality's applicable land use maps, zoning map,  
178 hookup fees, impact fees, other applicable development fees, and land use ordinances in effect  
179 on the date of submission.

180 Section 4. Section 10-9a-603 is amended to read:

181 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner**  
182 **acknowledgment, surveyor certification, and underground utility facility owner**

183 **verification of plat -- Recording plat.**

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

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

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

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

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

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

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

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

207 (i) is not an employee or agent of the municipality; ~~Ŝ~~ → **[and]** or ← ~~Ŝ~~

208 (ii) does not:

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

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

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

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

217 [~~(iii) is not entitled to notice of the subdivision pursuant to Subsection~~  
218 ~~10-9a-509(1)(b)(iv) for the purpose of determining the accuracy of the information depicted on~~  
219 ~~the plat.~~]

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

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

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

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

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

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

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

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

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

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

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

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

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

244 (A) indicates only that the plat approximates the location of the existing underground



245 and utility facilities but does not warrant or verify their precise location; and

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

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

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

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

250 (IV) any other provision of law.

251 (5) (a) After the plat has been acknowledged, certified, and approved, the owner of the

252 land shall, within the time period designated by ordinance, record the plat in the county

253 recorder's office in the county in which the lands platted and laid out are situated.

254 (b) An owner's failure to record a plat within the time period designated by ordinance

255 renders the plat voidable.

256 Section 5. Section **17-27a-206** is amended to read:

257 **17-27a-206. Third party notice -- High priority transportation corridor notice.**

258 (1) (a) If a county requires notice to adjacent property owners, the county shall:

259 ~~[(a)]~~ (i) mail notice to the record owner of each parcel within parameters specified by  
260 county ordinance; or

261 ~~[(b)]~~ (ii) post notice on the property with a sign of sufficient size, durability, print  
262 quality, and location that is reasonably calculated to give notice to passers-by.

263 ~~[(2)]~~ (b) If a county mails notice to third party property owners under Subsection (1), it  
264 shall mail equivalent notice to property owners within an adjacent jurisdiction.

265 (2) (a) As used in this Subsection (2), "high priority transportation corridor" means a  
266 transportation corridor identified as a high priority transportation corridor under Section  
267 [72-5-403](#).

268 (b) The Department of Transportation may request, in writing, that a county provide  
269 the department with electronic notice of each land use application received by the county that  
270 may adversely impact the development of a high priority transportation corridor.

271 (c) If the county receives a written request as provided in Subsection (2)(b), the county  
272 shall provide the Department of Transportation with timely electronic notice of each land use  
273 application that the request specifies.

274 Section 6. Section **17-27a-211** is amended to read:

275 **17-27a-211. Canal owner or operator -- Notice to county.**

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

- 279 (a) a current mailing address and phone number;
- 280 (b) a contact name; and
- 281 (c) a general description of the location of each canal owned or operated by the canal  
282 owner or canal operator.

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

287 Section 7. Section 17-27a-508 is amended to read:

288 **17-27a-508. Applicant's entitlement to land use application approval --**  
 289 **Exceptions -- Application relating to land in a high priority transportation corridor --**  
 290 **County's requirements and limitations -- Vesting upon submission of development plan**  
 291 **and schedule.**

292 (1) (a) (i) An applicant who has filed a complete land use application, including the  
293 payment of all application fees, is entitled to substantive land use review of the land use  
294 application under the land use laws in effect on the date that the application is complete and as  
295 further provided in this section.

296 (ii) [~~Except as provided in Subsection (1)(b), an~~] An applicant is entitled to approval of  
297 a land use application if the application conforms to the requirements of the county's land use  
298 maps, zoning map, and applicable land use ordinance in effect when a complete application is  
299 submitted and all application fees have been paid, unless:

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

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

305 [~~(b) (i) Except as provided in Subsection (1)(c), an applicant is not entitled to approval~~  
306 ~~of a land use application until the requirements of this Subsection (1)(b)(i) and Subsection~~

307 ~~(1)(b)(ii) have been met if the land use application relates to land located within the boundaries~~  
308 ~~of a high priority transportation corridor designated in accordance with Section 72-5-403.]~~

309 ~~[(ii) (A) A county shall notify the executive director of the Department of~~  
310 ~~Transportation of any land use applications that relate to land located within the boundaries of~~  
311 ~~a high priority transportation corridor.]~~

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

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

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

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

322 ~~[(iv) (A) If an application is an application for a subdivision approval, including any~~  
323 ~~land, subject to Subsection (1)(b)(iv)(C), located within 100 feet of the center line of a canal,~~  
324 ~~the land use authority shall:]~~

325 ~~[(F) within 30 days after the day on which the application is filed, notify the canal~~  
326 ~~company or canal operator responsible for the canal, if the canal company or canal owner has~~  
327 ~~provided information under Section 17-27a-211; and]~~

328 ~~[(H) wait at least 10 days after the day on which the land use authority notifies a canal~~  
329 ~~company or canal operator under Subsection (1)(b)(iv)(A)(F) to approve or reject the~~  
330 ~~subdivision application described in Subsection (1)(b)(iv)(A).]~~

331 ~~[(B) The notification under Subsection (1)(b)(iv)(A) shall be in writing and mailed by~~  
332 ~~certified or registered mail to the canal company or canal operator contact described in Section~~  
333 ~~17-27a-211.]~~

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

335 ~~[(f) provided by a canal company or canal operator to the land use authority; and]~~

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

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

338 canal operator:]

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

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

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

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

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

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

351 ~~[(d) After a county has complied with the requirements of Subsection (1)(b) for a land~~  
352 ~~use application, the county may not withhold approval of the land use application for which the~~  
353 ~~applicant is otherwise entitled under Subsection (1)(a).]~~

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

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

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

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

362 ~~[(g)]~~ (d) The continuing validity of an approval of a land use application is conditioned  
363 upon the applicant proceeding after approval to implement the approval with reasonable  
364 diligence.

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

367 (i) in this chapter;

368 (ii) in a county ordinance; or

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

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

- 373 (i) in a land use permit;
- 374 (ii) on the subdivision plat;
- 375 (iii) in a document on which the land use permit or subdivision plat is based;
- 376 (iv) in the written record evidencing approval of the land use permit or subdivision  
377 plat;
- 378 (v) in this chapter; or
- 379 (vi) in a county ordinance.

380 [~~(g)~~] (g) A county may not withhold issuance of a certificate of occupancy or  
381 acceptance of subdivision improvements because of an applicant's failure to comply with a  
382 requirement that is not expressed:

- 383 (i) in the building permit or subdivision plat, documents on which the building permit  
384 or subdivision plat is based, or the written record evidencing approval of the building permit or  
385 subdivision plat; or
- 386 (ii) in this chapter or the county's ordinances.

387 (2) A county is bound by the terms and standards of applicable land use ordinances and  
388 shall comply with mandatory provisions of those ordinances.

389 (3) A county may not, as a condition of land use application approval, require a person  
390 filing a land use application to obtain documentation regarding a school district's willingness,  
391 capacity, or ability to serve the development proposed in the land use application.

392 (4) Upon a specified public agency's submission of a development plan and schedule as  
393 required in Subsection 17-27a-305(8) that complies with the requirements of that subsection,  
394 the specified public agency vests in the county's applicable land use maps, zoning map, hookup  
395 fees, impact fees, other applicable development fees, and land use ordinances in effect on the  
396 date of submission.

397 Section 8. Section 17-27a-603 is amended to read:

398 **17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner**  
399 **acknowledgment, surveyor certification, and underground utility facility owner**

400 **verification of plat -- Recording plat.**

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

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

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

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

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

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

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

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

424 (i) is not an employee or agent of the county; ~~and~~ **[and]** ~~or~~ **or**

425 (ii) does not:

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

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

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

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

434 [~~(iii) is not entitled to notice of the subdivision pursuant to Subsection~~  
435 ~~17-27a-508(1)(b)(iv) for the purpose of determining the accuracy of the information depicted~~  
436 ~~on the plat.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

468 (IV) any other provision of law.

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

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

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**