

1 **HIGH PRIORITY TRANSPORTATION CORRIDORS**

2 **AMENDMENTS**

3 2017 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne A. Harper**

6 House Sponsor: R. Curt Webb

7
8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

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

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **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

35

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; and

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 ~~[(I) 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)(I) 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 ~~[(I) 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

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.

Legislative Review Note
Office of Legislative Research and General Counsel