

**STATE DATABASES AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul Ray**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill establishes provisions relating to information to be contained in certain databases maintained by the state.

**Highlighted Provisions:**

This bill:

▸ requires a municipality and a county to submit, to the Automated Geographic Reference Center, information for inclusion in the unified statewide 911 emergency service database;

▸ requires the State Geographic Information Database to contain certain information regarding each public highway in the state; and

▸ makes conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-9a-603**, as last amended by Laws of Utah 2017, Chapters 410 and 428

**10-9a-604**, as last amended by Laws of Utah 2017, Chapter 405

**17-27a-603**, as last amended by Laws of Utah 2017, Chapters 410 and 428



28 [17-27a-604](#), as last amended by Laws of Utah 2017, Chapter 405

29 [63F-1-507](#), as last amended by Laws of Utah 2009, Chapter 350

30

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

32 Section 1. Section [10-9a-603](#) is amended to read:

33 **[10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner](#)**  
34 **acknowledgment, surveyor certification, and underground utility facility owner**  
35 **verification of plat -- Recording plat.**

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

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

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

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

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

50 (2) (a) Subject to Subsections (3), (4), and ~~[(5)]~~ (6), if the plat conforms to the  
51 municipality's ordinances and this part and has been approved by the culinary water authority,  
52 the sanitary sewer authority, and the local health department, as defined in Section [26A-1-102](#),  
53 if the local health department and the municipality consider the local health department's  
54 approval necessary, the municipality shall approve the plat.

55 ~~[(b) Municipalities are encouraged to receive a recommendation from the fire authority~~  
56 ~~before approving a plat.]~~

57 (b) (i) Before approving a plat, a municipality shall request recommendations on the  
58 plat from the fire authority and the public safety answering point that have jurisdiction over the

59 area described in the plat.

60 (ii) If a fire authority or public safety answering point fails to provide a  
61 recommendation on the plat within 20 days after the municipality requests a recommendation  
62 under Subsection (2)(b)(i), the municipality may approve the plat without the recommendation.

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

65 (i) is not an employee or agent of the municipality; or

66 (ii) does not:

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

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

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

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

74 (d) For a subdivision application that includes land located within a notification zone,  
75 as determined under Subsection (2)(e), the land use authority shall:

76 (i) within 20 days after the day on which a complete subdivision application is filed,  
77 provide written notice of the application to the canal owner or associated canal operator contact  
78 described in:

79 (A) Section 10-9a-211;

80 (B) Subsection 73-5-7(2); or

81 (C) Subsection [~~(4)~~] (5)(c); and

82 (ii) wait to approve or reject the subdivision application for at least 20 days after the  
83 day on which the land use authority mails the notice described in Subsection (2)(d)(i) in order  
84 to receive input from the canal owner or associated canal operator, including input regarding:

85 (A) access to the canal;

86 (B) maintenance of the canal;

87 (C) canal protection; and

88 (D) canal safety.

89 (e) The land use authority shall provide the notice described in Subsection (2)(d) to a

90 canal owner or associated canal operator if:

91 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and

92 (ii) the centerline alignment is available to the land use authority:

93 (A) from information provided by the canal company under Section 10-9a-211, using  
94 mapping-grade global positioning satellite units or digitized data from the most recent aerial  
95 photo available to the canal owner or associated canal operator;

96 (B) using the state engineer's inventory of canals under Section 73-5-7; or

97 (C) from information provided by a surveyor under Subsection ~~[(4)]~~ (5)(c).

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

101 (4) (a) Within 30 days after approving a final plat under this section, a municipality  
102 shall submit to the Automated Geographic Reference Center, created in Section 63F-1-506, for  
103 inclusion in the unified statewide 911 emergency service database described in Subsection  
104 63H-7a-304(4)(b):

105 (i) an electronic copy of the approved final plat; or

106 (ii) preliminary geospatial data that depict any new streets and situs addresses proposed  
107 for construction within the bounds of the approved plat.

108 (b) If requested by the Automated Geographic Reference Center, a municipality that  
109 approves a final plat under this section shall:

110 (i) coordinate with the Automated Geographic Reference Center to validate the  
111 information described in Subsection (4)(a); and

112 (ii) assist the Automated Geographic Reference Center in creating electronic files that  
113 contain the information described in Subsection (4)(a) for inclusion in the unified statewide  
114 911 emergency service database.

115 ~~[(4)]~~ (5) (a) A plat may not be submitted to a county recorder for recording unless:

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

118 (ii) the signature of each owner described in Subsection ~~[(4)]~~ (5)(a)(i) is acknowledged  
119 as provided by law.

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

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

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

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

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

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

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

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

135 (ii) The cooperation of an owner or operator under Subsection [~~(4)~~] (5)(c)(i):

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

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

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

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

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

142 (IV) any other provision of law.

143 [~~(5)~~] (6) (a) After the plat has been acknowledged, certified, and approved, the owner  
144 of the land shall, within the time period designated by ordinance, record the plat in the county  
145 recorder's office in the county in which the lands platted and laid out are situated.

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

148 Section 2. Section 10-9a-604 is amended to read:

149 **10-9a-604. Subdivision plat approval procedure -- Effect of not complying.**

150 (1) A person may not submit a subdivision plat to the county recorder's office for  
151 recording unless:

152 (a) the person has complied with the requirements of Subsection 10-9a-603~~(4)~~(5)(a);

153 (b) the plat has been approved by:

154 (i) the land use authority of the municipality in which the land described in the plat is  
155 located; and

156 (ii) other officers that the municipality designates in its ordinance;

157 (c) all approvals described in Subsection (1)(b) are entered in writing on the plat by the  
158 designated officers; and

159 (d) if the person submitting the plat intends the plat to be or if the plat is part of a  
160 community association subject to Title 57, Chapter 8a, Community Association Act, the plat  
161 includes language conveying to the association, as that term is defined in Section 57-8a-102, all  
162 common areas, as that term is defined in Section 57-8a-102.

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

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

166 Section 3. Section 17-27a-603 is amended to read:

167 **17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner**  
168 **acknowledgment, surveyor certification, and underground utility facility owner**  
169 **verification of plat -- Recording plat.**

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

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

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

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

182 (d) every existing right-of-way and easement grant of record for an underground

183 facility, as defined in Section 54-8a-2, and for any other utility facility.

184 (2) (a) Subject to Subsections (3), (4), and ~~[(5)]~~ (6), if the plat conforms to the county's  
185 ordinances and this part and has been approved by the culinary water authority, the sanitary  
186 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local  
187 health department and the county consider the local health department's approval necessary, the  
188 county shall approve the plat.

189 ~~[(b) Counties are encouraged to receive a recommendation from the fire authority  
190 before approving a plat.]~~

191 (b) (i) Before approving a plat, a county shall request recommendations on the plat  
192 from the fire authority and the public safety answering point that have jurisdiction over the area  
193 described in the plat.

194 (ii) If a fire authority or public safety answering point fails to provide a  
195 recommendation on the plat within 20 days after the county requests a recommendation under  
196 Subsection (2)(b)(i), the county may approve the plat without the recommendation.

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

199 (i) is not an employee or agent of the county; or

200 (ii) does not:

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

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

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

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

208 (d) For a subdivision application that includes land located within a notification zone,  
209 as determined under Subsection (2)(e), the land use authority shall:

210 (i) within 20 days after the day on which a complete subdivision application is filed,  
211 provide written notice of the application to the canal owner or associated canal operator contact  
212 described in:

213 (A) Section 17-27a-211;

214 (B) Subsection 73-5-7(2); or  
215 (C) Subsection [~~(4)~~] (5)(c); and  
216 (ii) wait to approve or reject the subdivision application for at least 20 days after the  
217 day on which the land use authority mails the notice under Subsection (2)(d)(i) in order to  
218 receive input from the canal owner or associated canal operator, including input regarding:  
219 (A) access to the canal;  
220 (B) maintenance of the canal;  
221 (C) canal protection; and  
222 (D) canal safety.  
223 (e) The land use authority shall provide the notice described in Subsection (2)(d) to a  
224 canal owner or associated canal operator if:  
225 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and  
226 (ii) the centerline alignment is available to the land use authority:  
227 (A) from information provided by the canal company under Section 17-27a-211 using  
228 mapping-grade global positioning satellite units or digitized data from the most recent aerial  
229 photo available to the canal owner or canal operator;  
230 (B) using the state engineer's inventory of canals under Section 73-5-7; or  
231 (C) from information provided by a surveyor under Subsection [~~(4)~~] (5)(c).  
232 (3) The county may withhold an otherwise valid plat approval until the owner of the  
233 land provides the legislative body with a tax clearance indicating that all taxes, interest, and  
234 penalties owing on the land have been paid.  
235 (4) (a) Within 30 days after approving a final plat under this section, a county shall  
236 submit to the Automated Geographic Reference Center, created in Section 63F-1-506, for  
237 inclusion in the unified statewide 911 emergency service database described in Subsection  
238 63H-7a-304(4)(b):  
239 (i) an electronic copy of the approved final plat; or  
240 (ii) preliminary geospatial data that depict any new streets and situs addresses proposed  
241 for construction within the bounds of the approved plat.  
242 (b) If requested by the Automated Geographic Reference Center, a county that  
243 approves a final plat under this section shall:  
244 (i) coordinate with the Automated Geographic Reference Center to validate the



245 information described in Subsection (4)(a); and

246 (ii) assist the Automated Geographic Reference Center in creating electronic files that  
247 contain the information described in Subsection (4)(a) for inclusion in the unified statewide  
248 911 emergency service database.

249 ~~[(4)]~~ (5) (a) A plat may not be submitted to a county recorder for recording unless,  
250 subject to Subsection 17-27a-604~~[(2)]~~(1):

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

253 (ii) the signature of each owner described in Subsection ~~[(4)]~~ (5)(a)(i) is acknowledged  
254 as provided by law.

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

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

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

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

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

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

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

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

270 (ii) The cooperation of an owner or operator under Subsection ~~[(4)]~~ (5)(c)(i):

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

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

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

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

276 (III) the law applicable to prescriptive rights; or  
277 (IV) any other provision of law.

278 ~~[(5)]~~ (6) (a) After the plat has been acknowledged, certified, and approved, the owner  
279 of the land shall, within the time period designated by ordinance, record the plat in the county  
280 recorder's office in the county in which the lands platted and laid out are situated.

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

283 Section 4. Section 17-27a-604 is amended to read:

284 **17-27a-604. Subdivision plat approval procedure -- Effect of not complying.**

285 (1) A person may not submit a subdivision plat to the county recorder's office for  
286 recording unless:

287 (a) the person has complied with the requirements of Subsection 17-27a-603~~[(4)]~~(5)(a);

288 (b) the plat has been approved by:

289 (i) the land use authority of the:

290 (A) county in whose unincorporated area the land described in the plat is located; or

291 (B) mountainous planning district in whose area the land described in the plat is  
292 located; and

293 (ii) other officers that the county designates in its ordinance;

294 (c) all approvals described in Subsection (1)(b) are entered in writing on the plat by  
295 designated officers; and

296 (d) if the person submitting the plat intends the plat to be or if the plat is part of a  
297 community association subject to Title 57, Chapter 8a, Community Association Act, the plat  
298 includes language conveying to the association, as that term is defined in Section 57-8a-102, all  
299 common areas, as that term is defined in Section 57-8a-102.

300 (2) An owner of a platted lot is the owner of record sufficient to re-subdivide the lot if  
301 the owner's platted lot is not part of a community association subject to Title 57, Chapter 8a,  
302 Community Association Act.

303 (3) A plat recorded without the signatures required under this section is void.

304 (4) A transfer of land pursuant to a void plat is voidable.

305 Section 5. Section 63F-1-507 is amended to read:

306 **63F-1-507. State Geographic Information Database.**

307 (1) There is created a State Geographic Information Database to be managed by the  
308 center.

309 (2) The database shall:

310 (a) serve as the central reference for all information contained in any GIS database by  
311 any state agency;

312 (b) serve as a clearing house and repository for all data layers required by multiple  
313 users;

314 (c) serve as a standard format for geographic information acquired, purchased, or  
315 produced by any state agency; [~~and~~]

316 (d) include an accurate representation of all civil subdivision boundaries of the state[~~;~~];  
317 and

318 (e) for each public highway, as defined in Section 72-1-102, in the state, include an  
319 accurate representation of the highway's centerline, physical characteristics, and associated  
320 street address ranges.

321 (3) The center shall, in coordination with municipalities, counties, emergency  
322 communications centers, and the Department of Transportation:

323 (a) develop the information described in Subsection (2)(e); and

324 (b) update the information described in Subsection (2)(e) in a timely manner after a  
325 county recorder records a final plat.

326 [~~(3)~~] (4) Each state agency that acquires, purchases, or produces digital geographic  
327 information data shall:

328 (a) inform the center of the existence of the data layers and their geographic extent;

329 (b) allow the center access to all data classified public; and

330 (c) comply with any database requirements established by the center.

331 [~~(4)~~] (5) At least annually, the State Tax Commission shall deliver to the center  
332 information the State Tax Commission receives under Section 67-1a-6.5 relating to the creation  
333 or modification of the boundaries of political subdivisions.

334 [~~(5)~~] (6) The boundary of a political subdivision within the State Geographic  
335 Information Database is the official boundary of the political subdivision for purposes of  
336 meeting the needs of the United States Bureau of the Census in identifying the boundary of the  
337 political subdivision.

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