

STATE DATABASES AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Allen M. Christensen

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:

- ▶ encourages counties and municipalities to receive a recommendation from the public safety answering point before approving a plat;
- ▶ requires counties and municipalities 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;
- ▶ requires conformity to the Utah Coordinate System by a specified date; 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

30 17-27a-603, as last amended by Laws of Utah 2017, Chapters 410 and 428

31 17-27a-604, as last amended by Laws of Utah 2017, Chapter 405

32 57-10-11, as last amended by Laws of Utah 2001, Chapter 62

33 63F-1-507, as last amended by Laws of Utah 2009, Chapter 350



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

36 Section 1. Section 10-9a-603 is amended to read:

37 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
38 **acknowledgment, surveyor certification, and underground utility facility owner**
39 **verification of plat -- Recording plat.**

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

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

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

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

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

54 (2) (a) Subject to Subsections (3), (4), and [~~5~~] (6), if the plat conforms to the
55 municipality's ordinances and this part and has been approved by the culinary water authority,
56 the sanitary sewer authority, and the local health department, as defined in Section 26A-1-102,
57 if the local health department and the municipality consider the local health department's

58 approval necessary, the municipality shall approve the plat.

59 (b) Municipalities are encouraged to receive a recommendation from the fire authority
60 and the public safety answering point before approving a plat.

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

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

64 (ii) does not:

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

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

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

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

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

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

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

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

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

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

83 (A) access to the canal;

84 (B) maintenance of the canal;

85 (C) canal protection; and

86 (D) canal safety.

87 (e) The land use authority shall provide the notice described in Subsection (2)(d) to a
88 canal owner or associated canal operator if:

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

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

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

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

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

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

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

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

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

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

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

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

113 [~~(4)~~] (5) (a) A plat may not be submitted to a county recorder for recording unless:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

140 (IV) any other provision of law.

141 [~~(5)~~] (6) (a) After the plat has been acknowledged, certified, and approved, the owner

142 of the land shall, within the time period designated by ordinance, record the plat in the county
143 recorder's office in the county in which the lands platted and laid out are situated.

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

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

147 **10-9a-604. Subdivision plat approval procedure -- Effect of not complying.**

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

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

151 (b) the plat has been approved by:

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

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

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

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

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

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

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

165 **17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
166 **acknowledgment, surveyor certification, and underground utility facility owner**
167 **verification of plat -- Recording plat.**

168 (1) Unless exempt under Section **17-27a-605** or excluded from the definition of
169 subdivision under Section **17-27a-103**, whenever any land is laid out and platted, the owner of

170 the land shall provide an accurate plat that describes or specifies:

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

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

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

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

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

187 (b) Counties are encouraged to receive a recommendation from the fire authority and
188 the public safety answering point before approving a plat.

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

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

192 (ii) does not:

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

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

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

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

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

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

- 205 (A) Section 17-27a-211;
- 206 (B) Subsection 73-5-7(2); or
- 207 (C) Subsection [~~(4)~~] (5)(c); and

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

- 211 (A) access to the canal;
- 212 (B) maintenance of the canal;
- 213 (C) canal protection; and
- 214 (D) canal safety.

215 (e) The land use authority shall provide the notice described in Subsection (2)(d) to a
216 canal owner or associated canal operator if:

- 217 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and
- 218 (ii) the centerline alignment is available to the land use authority:

219 (A) from information provided by the canal company under Section 17-27a-211 using
220 mapping-grade global positioning satellite units or digitized data from the most recent aerial
221 photo available to the canal owner or canal operator;

- 222 (B) using the state engineer's inventory of canals under Section 73-5-7; or
- 223 (C) from information provided by a surveyor under Subsection [~~(4)~~] (5)(c).

224 (3) The county may withhold an otherwise valid plat approval until the owner of the
225 land provides the legislative body with a tax clearance indicating that all taxes, interest, and

226 penalties owing on the land have been paid.

227 (4) (a) Within 30 days after approving a final plat under this section, a county shall
228 submit to the Automated Geographic Reference Center, created in Section 63F-1-506, for
229 inclusion in the unified statewide 911 emergency service database described in Subsection
230 63H-7a-304(4)(b):

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

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

234 (b) If requested by the Automated Geographic Reference Center, a county that
235 approves a final plat under this section shall:

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

238 (ii) assist the Automated Geographic Reference Center in creating electronic files that
239 contain the information described in Subsection (4)(a) for inclusion in the unified statewide
240 911 emergency service database.

241 ~~[(4)]~~ (5) (a) A plat may not be submitted to a county recorder for recording unless,
242 subject to Subsection 17-27a-604~~[(2)]~~(1):

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

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

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

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

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

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

253 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of

254 an existing or proposed underground facility or utility facility within the proposed subdivision,
255 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's
256 depiction of the:

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

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

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

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

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

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

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

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

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

269 (IV) any other provision of law.

270 [~~(5)~~] (6) (a) After the plat has been acknowledged, certified, and approved, the owner
271 of the land shall, within the time period designated by ordinance, record the plat in the county
272 recorder's office in the county in which the lands platted and laid out are situated.

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

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

276 **17-27a-604. Subdivision plat approval procedure -- Effect of not complying.**

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

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

280 (b) the plat has been approved by:

281 (i) the land use authority of the:

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

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

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

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

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

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

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

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

297 Section 5. Section 57-10-11 is amended to read:

298 **57-10-11. Requirement to conform to the Utah Coordinate System.**

299 [~~After January 1, 2002, any~~] A person, corporation, municipality, county, or state
300 agency [~~who is not~~] that is utilizing an existing county coordinate system [~~and is~~] or
301 establishing a new countywide coordinate network for surveying or mapping, or both, [~~must~~]
302 shall, by January 1, 2021, conform to the current Utah Coordinate System [~~of 1983~~], along with
303 the current federal coordinate update.

304 Section 6. Section 63F-1-507 is amended to read:

305 **63F-1-507. State Geographic Information Database.**

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

308 (2) The database shall:

309 (a) serve as the central reference for all information contained in any GIS database by

310 any state agency;

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

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

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

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

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

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

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

325 [~~(3)~~] (4) Each state agency that acquires, purchases, or produces digital geographic
326 information data shall:

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

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

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

330 [~~(4)~~] (5) At least annually, the State Tax Commission shall deliver to the center
331 information the State Tax Commission receives under Section 67-1a-6.5 relating to the creation
332 or modification of the boundaries of political subdivisions.

333 [~~(5)~~] (6) The boundary of a political subdivision within the State Geographic
334 Information Database is the official boundary of the political subdivision for purposes of
335 meeting the needs of the United States Bureau of the Census in identifying the boundary of the
336 political subdivision.