

Representative Scott D. Sandall proposes the following substitute bill:

HIGH PRIORITY TRANSPORTATION CORRIDORS

AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: R. Curt Webb

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- modifies the circumstances under which a municipality or county is required to notify the Department of Transportation or a canal owner or operator when the municipality or county receives a land use application that relates to land located within the boundaries of a high priority transportation corridor or canal, respectively;

- removes notice to the department or a canal owner or operator 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



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **10-9a-206**, as enacted by Laws of Utah 2005, Chapter 254

29 **10-9a-211**, as enacted by Laws of Utah 2010, Chapter 332

30 **10-9a-509**, as last amended by Laws of Utah 2014, Chapter 136

31 **10-9a-603**, as last amended by Laws of Utah 2015, Chapter 327

32 **17-27a-206**, as enacted by Laws of Utah 2005, Chapter 254

33 **17-27a-211**, as enacted by Laws of Utah 2010, Chapter 332

34 **17-27a-508**, as last amended by Laws of Utah 2014, Chapter 136

35 **17-27a-603**, as last amended by Laws of Utah 2015, Chapter 327



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

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

39 **10-9a-206. Third party notice -- High priority transportation corridor notice.**

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

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

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

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

48 (2) (a) As used in this Subsection (2), "high priority transportation corridor" means a
49 transportation corridor identified as a high priority transportation corridor under Section
50 72-5-403.

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

55 (c) If the municipality receives a written request as provided in Subsection (2)(b), the
56 municipality shall provide the Department of Transportation with timely electronic notice of

57 each land use application that the request specifies.

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

59 **10-9a-211. Canal owner or operator -- Notice to municipality.**

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

63 (a) a current mailing address and phone number;

64 (b) a contact name; and

65 (c) a general description of the location of each canal owned or operated by the canal
66 owner or canal operator.

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

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

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

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

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

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

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

88 would prohibit approval of the application as submitted.

89 ~~[(b) (i) Except as provided in Subsection (1)(c), an applicant is not entitled to approval~~
90 ~~of a land use application until the requirements of this Subsection (1)(b) have been met if the~~
91 ~~land use application relates to land located within the boundaries of a high priority~~
92 ~~transportation corridor designated in accordance with Section 72-5-403.]~~

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

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

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

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

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

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

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

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

115 ~~[(B) The notification under Subsection (1)(b)(iv)(A) shall be in writing and mailed by~~
116 ~~certified or registered mail to the canal company or canal operator contact described in Section~~
117 ~~10-9a-211.]~~

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

119 ~~[(f) provided by a canal company or canal operator to the land use authority; and]~~
120 ~~[(H) (Aa) determined by use of mapping-grade global positioning satellite units; or]~~
121 ~~[(Bb) digitized from the most recent aerial photo available to the canal company or~~
122 ~~canal operator.]~~

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

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

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

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

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

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

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

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

140 ~~(i) 180 days have passed since the proceedings were initiated; and~~
141 ~~(ii) the proceedings have not resulted in an enactment that prohibits approval of the~~
142 ~~application as submitted.~~

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

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

149 ~~[(h) (e) A municipality may not impose on an applicant who has submitted a complete~~

150 application for preliminary subdivision approval a requirement that is not expressed in:

151 (i) this chapter;

152 (ii) a municipal ordinance; or

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

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

157 (i) in a land use permit;

158 (ii) on the subdivision plat;

159 (iii) in a document on which the land use permit or subdivision plat is based;

160 (iv) in the written record evidencing approval of the land use permit or subdivision
161 plat;

162 (v) in this chapter; or

163 (vi) in a municipal ordinance.

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

167 (i) in the building permit or subdivision plat, documents on which the building permit
168 or subdivision plat is based, or the written record evidencing approval of the land use permit or
169 subdivision plat; or

170 (ii) in this chapter or the municipality's ordinances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

209 (ii) does not:

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

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

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

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

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

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

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

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

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

228 (C) Subsection (4)(c); and

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

232 (A) access to the canal;

233 (B) maintenance of the canal;

234 (C) canal protection; and

235 (D) canal safety.

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

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

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

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

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

244 (C) from information provided by a surveyor under Subsection (4)(c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

282 **17-27a-206. Third party notice -- High priority transportation corridor notice.**

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

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

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

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

290 (2) (a) As used in this Subsection (2), "high priority transportation corridor" means a
291 transportation corridor identified as a high priority transportation corridor under Section
292 72-5-403.

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

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

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

300 **17-27a-211. Canal owner or operator -- Notice to county.**

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

304 (a) a current mailing address and phone number;

305 (b) a contact name; and

306 (c) a general description of the location of each canal owned or operated by the canal
307 owner or canal operator.

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

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

313 **17-27a-508. Applicant's entitlement to land use application approval --**
314 **Exceptions -- Application relating to land in a high priority transportation corridor --**
315 **County's requirements and limitations -- Vesting upon submission of development plan**
316 **and schedule.**

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

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

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

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

330 ~~[(b) (i) Except as provided in Subsection (1)(c), an applicant is not entitled to approval~~
331 ~~of a land use application until the requirements of this Subsection (1)(b)(i) and Subsection~~
332 ~~(1)(b)(ii) have been met if the land use application relates to land located within the boundaries~~
333 ~~of a high priority transportation corridor designated in accordance with Section 72-5-403.]~~

334 ~~[(ii) (A) A county shall notify the executive director of the Department of~~
335 ~~Transportation of any land use applications that relate to land located within the boundaries of~~

336 a high priority transportation corridor.]

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

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

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

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

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

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

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

356 ~~[(B) The notification under Subsection (1)(b)(iv)(A) shall be in writing and mailed by~~
357 ~~certified or registered mail to the canal company or canal operator contact described in Section~~
358 ~~17-27a-211:]~~

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

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

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

362 ~~[(Bb) digitized from the most recent aerial photo available to the canal company or~~
363 ~~canal operator:]~~

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

366 ~~[(A) the land use application relates to land that was the subject of a previous land use~~

367 application; and]

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

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

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

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

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

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

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

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

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

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

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

392 (i) in this chapter;

393 (ii) in a county ordinance; or

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

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

- 398 (i) in a land use permit;
- 399 (ii) on the subdivision plat;
- 400 (iii) in a document on which the land use permit or subdivision plat is based;
- 401 (iv) in the written record evidencing approval of the land use permit or subdivision
- 402 plat;
- 403 (v) in this chapter; or
- 404 (vi) in a county ordinance.

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

- 408 (i) in the building permit or subdivision plat, documents on which the building permit
- 409 or subdivision plat is based, or the written record evidencing approval of the building permit or
- 410 subdivision plat; or
- 411 (ii) in this chapter or the county's ordinances.

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

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

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

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

423 **17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
424 **acknowledgment, surveyor certification, and underground utility facility owner**
425 **verification of plat -- Recording plat.**

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

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

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

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

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

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

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

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

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

450 (ii) does not:

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

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

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

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

459 [~~(iii) is not entitled to notice of the subdivision pursuant to Subsection~~

460 ~~17-27a-508(1)(b)(iv) for the purpose of determining the accuracy of the information depicted~~
461 ~~on the plat.]~~

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

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

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

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

469 (C) Subsection (4)(c); and

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

473 (A) access to the canal;

474 (B) maintenance of the canal;

475 (C) canal protection; and

476 (D) canal safety.

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

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

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

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

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

485 (C) from information provided by a surveyor under Subsection (4)(c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

517 (IV) any other provision of law.

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

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

522 renders the plat voidable.