1	HIGH PRIORITY TRANSPORTATION CORRIDORS
2	AMENDMENTS
3	2017 GENERAL SESSION
ļ	STATE OF UTAH
5	Chief Sponsor: Wayne A. Harper
5	House Sponsor: R. Curt Webb
7	LONG TITLE
)	General Description:
	This bill modifies provisions related to certain required notices regarding land use
	applications affecting high priority transportation corridors.
	Highlighted Provisions:
	This bill:
	<ul> <li>modifies the circumstances under which a municipality or county is required to</li> </ul>
	notify the Department of Transportation when the municipality or county receives a
	land use application that relates to land located within the boundaries of a high
	priority transportation corridor;
	<ul> <li>removes notice to the department as a condition to rights vesting in a land use</li> </ul>
	application; and
	<ul><li>makes technical and conforming changes.</li></ul>
	Money Appropriated in this Bill:
	None
	Other Special Clauses:
	None
	Utah Code Sections Affected:
	AMENDS:
	10-9a-206, as enacted by Laws of Utah 2005, Chapter 254



28	10-9a-211, as enacted by Laws of Utah 2010, Chapter 332
29	10-9a-509, as last amended by Laws of Utah 2014, Chapter 136
80	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 35	17-27a-603, as last amended by Laws of Utah 2015, Chapter 327
36 86	Be it enacted by the Legislature of the state of Utah:
37	Section 1. Section 10-9a-206 is amended to read:
8	10-9a-206. Third party notice High priority transportation corridor notice.
9	(1) (a) If a municipality requires notice to adjacent property owners, the municipality
10	shall:
1	[(a)] (i) mail notice to the record owner of each parcel within parameters specified by
12	municipal ordinance; or
13	[(b)] (ii) post notice on the property with a sign of sufficient size, durability, print
14	quality, and location that is reasonably calculated to give notice to passers-by.
15	[(2)] (b) If a municipality mails notice to third party property owners under Subsection
16	(1)(a), it shall mail equivalent notice to property owners within an adjacent jurisdiction.
17	(2) (a) As used in this Subsection (2), "high priority transportation corridor" means a
8	transportation corridor identified as a high priority transportation corridor under Section
19	<u>72-5-403.</u>
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	<u>corridor.</u>
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
6	each land use application that the request specifies.
57	Section 2. Section 10-9a-211 is amended to read:
8	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 payment of all application fees, is entitled to substantive land use review of the land use 75 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 subdivision or development, and an applicable land use ordinance in effect when a complete 81 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.

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

88

89

90	tand 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	[(II) 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)(l) 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	<del>10-9a-211.</del> ]
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	[(II) (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

## S.B. 181

181

182

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	[(i)] (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	[(j)] (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:

10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner

acknowledgment, surveyor certification, and underground utility facility owner

## verification of plat -- Recording plat.

- (1) Unless exempt under Section 10-9a-605 or excluded from the definition of subdivision under Section 10-9a-103, whenever any land is laid out and platted, the owner of the land shall provide an accurate plat that describes or specifies:
- (a) a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;
- (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;
- (c) the lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale; and
- (d) every existing right-of-way and easement grant of record for an underground facility, as defined in Section 54-8a-2, and for any other utility facility.
- (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the municipality's ordinances and this part and has been approved by the culinary water authority, the sanitary sewer authority, and the local health department, as defined in Section 26A-1-102, if the local health department and the municipality consider the local health department's approval necessary, the municipality shall approve the plat.
- (b) Municipalities are encouraged to receive a recommendation from the fire authority before approving a plat.
- (c) A municipality may not require that a plat be approved or signed by a person or entity who:
  - (i) is not an employee or agent of the municipality;  $\hat{S} \rightarrow [\underline{and}] \underline{or} \leftarrow \hat{S}$
- (ii) does not:
  - (A) have a legal or equitable interest in the property within the proposed subdivision;
  - (B) provide a utility or other service directly to a lot within the subdivision;
  - (C) own an easement or right-of-way adjacent to the proposed subdivision who signs for the purpose of confirming the accuracy of the location of the easement or right-of-way in 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	<del>or</del> ] <u>.</u>
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	<u>72-5-403.</u>
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.

## S.B. 181

302

303

304

305 306

276	(1) [For purposes of Subsection 17-27a-508(1)(b)(iv), a] $\underline{A}$ can 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

- interest would be jeopardized by approving the application; or
- (B) in the manner provided by local ordinance and before the application is submitted, the county has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
- [(b) (i) Except as provided in Subsection (1)(c), an applicant is not entitled to approval 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	[(II) 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	<del>17-27a-211.</del> ]
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	[(II) (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

02-06-17 11:57 AM S.B. 181

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	[(i)] (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	[(j)] (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

## verification of plat -- Recording plat.

- (1) Unless exempt under Section 17-27a-605 or excluded from the definition of subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of the land shall provide an accurate plat that describes or specifies:
- (a) a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office;
- (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;
- (c) the lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale; and
- (d) every existing right-of-way and easement grant of record for an underground facility, as defined in Section 54-8a-2, and for any other utility facility.
- (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's ordinances and this part and has been approved by the culinary water authority, the sanitary sewer authority, and the local health department, as defined in Section 26A-1-102, if the local health department and the county consider the local health department's approval necessary, the county shall approve the plat.
- (b) Counties are encouraged to receive a recommendation from the fire authority before approving a plat.
- (c) A county may not require that a plat be approved or signed by a person or entity who:
  - (i) is not an employee or agent of the county;  $\hat{S} \rightarrow [\underline{and}] \underline{or} \leftarrow \hat{S}$
- 425 (ii) does not:
  - (A) have a legal or equitable interest in the property within the proposed subdivision;
  - (B) provide a utility or other service directly to a lot within the subdivision;
  - (C) own an easement or right-of-way adjacent to the proposed subdivision who signs for the purpose of confirming the accuracy of the location of the easement or right-of-way in 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	<u>or].</u>
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):

S.B. 181 02-06-17 11:57 AM

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.
169	(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