

Representative Melvin R. Brown proposes the following substitute bill:

BOUNDARY ADJUSTMENT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melvin R. Brown

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill enacts provisions related to the adjustment of a property boundary.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prescribes the method by which a property owner may:
 - execute a parcel boundary adjustment; and
 - execute a boundary line agreement; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-103, as last amended by Laws of Utah 2012, Chapter 231

17-27a-103, as last amended by Laws of Utah 2012, Chapter 231

ENACTS:



- 26 **10-9a-523**, Utah Code Annotated 1953
- 27 **10-9a-524**, Utah Code Annotated 1953
- 28 **17-27a-522**, Utah Code Annotated 1953
- 29 **17-27a-523**, Utah Code Annotated 1953



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

32 Section 1. Section **10-9a-103** is amended to read:

33 **10-9a-103. Definitions.**

34 As used in this chapter:

35 (1) "Affected entity" means a county, municipality, local district, special service
36 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
37 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
38 public utility, a property owner, a property owners association, or the Utah Department of
39 Transportation, if:

40 (a) the entity's services or facilities are likely to require expansion or significant
41 modification because of an intended use of land;

42 (b) the entity has filed with the municipality a copy of the entity's general or long-range
43 plan; or

44 (c) the entity has filed with the municipality a request for notice during the same
45 calendar year and before the municipality provides notice to an affected entity in compliance
46 with a requirement imposed under this chapter.

47 (2) "Appeal authority" means the person, board, commission, agency, or other body
48 designated by ordinance to decide an appeal of a decision of a land use application or a
49 variance.

50 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
51 residential property if the sign is designed or intended to direct attention to a business, product,
52 or service that is not sold, offered, or existing on the property where the sign is located.

53 (4) (a) "Charter school" means:

54 (i) an operating charter school;

55 (ii) a charter school applicant that has its application approved by a chartering entity in
56 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

57 (iii) an entity who is working on behalf of a charter school or approved charter
58 applicant to develop or construct a charter school building.

59 (b) "Charter school" does not include a therapeutic school.

60 (5) "Conditional use" means a land use that, because of its unique characteristics or
61 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be
62 compatible in some areas or may be compatible only if certain conditions are required that
63 mitigate or eliminate the detrimental impacts.

64 (6) "Constitutional taking" means a governmental action that results in a taking of
65 private property so that compensation to the owner of the property is required by the:

66 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

67 (b) Utah Constitution Article I, Section 22.

68 (7) "Culinary water authority" means the department, agency, or public entity with
69 responsibility to review and approve the feasibility of the culinary water system and sources for
70 the subject property.

71 (8) "Development activity" means:

72 (a) any construction or expansion of a building, structure, or use that creates additional
73 demand and need for public facilities;

74 (b) any change in use of a building or structure that creates additional demand and need
75 for public facilities; or

76 (c) any change in the use of land that creates additional demand and need for public
77 facilities.

78 (9) (a) "Disability" means a physical or mental impairment that substantially limits one
79 or more of a person's major life activities, including a person having a record of such an
80 impairment or being regarded as having such an impairment.

81 (b) "Disability" does not include current illegal use of, or addiction to, any federally
82 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
83 802.

84 (10) "Educational facility":

85 (a) means:

86 (i) a school district's building at which pupils assemble to receive instruction in a
87 program for any combination of grades from preschool through grade 12, including

88 kindergarten and a program for children with disabilities;

89 (ii) a structure or facility:

90 (A) located on the same property as a building described in Subsection (10)(a)(i); and

91 (B) used in support of the use of that building; and

92 (iii) a building to provide office and related space to a school district's administrative
93 personnel; and

94 (b) does not include:

95 (i) land or a structure, including land or a structure for inventory storage, equipment
96 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

97 (A) not located on the same property as a building described in Subsection (10)(a)(i);

98 and

99 (B) used in support of the purposes of a building described in Subsection (10)(a)(i); or

100 (ii) a therapeutic school.

101 (11) "Elderly person" means a person who is 60 years old or older, who desires or
102 needs to live with other elderly persons in a group setting, but who is capable of living
103 independently.

104 (12) "Fire authority" means the department, agency, or public entity with responsibility
105 to review and approve the feasibility of fire protection and suppression services for the subject
106 property.

107 (13) "Flood plain" means land that:

108 (a) is within the 100-year flood plain designated by the Federal Emergency
109 Management Agency; or

110 (b) has not been studied or designated by the Federal Emergency Management Agency
111 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
112 the land has characteristics that are similar to those of a 100-year flood plain designated by the
113 Federal Emergency Management Agency.

114 (14) "General plan" means a document that a municipality adopts that sets forth general
115 guidelines for proposed future development of the land within the municipality.

116 (15) "Geologic hazard" means:

117 (a) a surface fault rupture;

118 (b) shallow groundwater;

- 119 (c) liquefaction;
- 120 (d) a landslide;
- 121 (e) a debris flow;
- 122 (f) unstable soil;
- 123 (g) a rock fall; or
- 124 (h) any other geologic condition that presents a risk:
- 125 (i) to life;
- 126 (ii) of substantial loss of real property; or
- 127 (iii) of substantial damage to real property.
- 128 (16) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 129 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 130 utility system.
- 131 (17) "Identical plans" means building plans submitted to a municipality that:
- 132 (a) are clearly marked as "identical plans";
- 133 (b) are substantially identical to building plans that were previously submitted to and
- 134 reviewed and approved by the municipality; and
- 135 (c) describe a building that:
- 136 (i) is located on land zoned the same as the land on which the building described in the
- 137 previously approved plans is located;
- 138 (ii) is subject to the same geological and meteorological conditions and the same law
- 139 as the building described in the previously approved plans;
- 140 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
- 141 and approved by the municipality; and
- 142 (iv) does not require any additional engineering or analysis.
- 143 (18) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 144 Impact Fees Act.
- 145 (19) "Improvement assurance" means a surety bond, letter of credit, cash, or other
- 146 security:
- 147 (a) to guaranty the proper completion of an improvement;
- 148 (b) that is required as a condition precedent to:
- 149 (i) recording a subdivision plat; or

- 150 (ii) beginning development activity; and
- 151 (c) that is offered to a land use authority to induce the land use authority, before actual
- 152 construction of required improvements, to:
 - 153 (i) consent to the recording of a subdivision plat; or
 - 154 (ii) issue a permit for development activity.
- 155 (20) "Improvement assurance warranty" means a promise that the materials and
- 156 workmanship of improvements:
 - 157 (a) comport with standards that the municipality has officially adopted; and
 - 158 (b) will not fail in any material respect within a warranty period.
- 159 (21) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 160 designation that:
 - 161 (a) runs with the land; and
 - 162 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on
 - 163 the plat; or
 - 164 (ii) designates a development condition that is enclosed within the perimeter of a lot
 - 165 described on the plat.
- 166 (22) "Land use application" means an application required by a municipality's land use
- 167 ordinance.
- 168 (23) "Land use authority" means a person, board, commission, agency, or other body
- 169 designated by the local legislative body to act upon a land use application.
- 170 (24) "Land use ordinance" means a planning, zoning, development, or subdivision
- 171 ordinance of the municipality, but does not include the general plan.
- 172 (25) "Land use permit" means a permit issued by a land use authority.
- 173 (26) "Legislative body" means the municipal council.
- 174 (27) "Local district" means an entity under Title 17B, Limited Purpose Local
- 175 Government Entities - Local Districts, and any other governmental or quasi-governmental
- 176 entity that is not a county, municipality, school district, or the state.
- 177 (28) "Lot line adjustment" means the relocation of the property boundary line in a
- 178 subdivision between two adjoining lots with the consent of the owners of record.
- 179 (29) "Moderate income housing" means housing occupied or reserved for occupancy
- 180 by households with a gross household income equal to or less than 80% of the median gross

181 income for households of the same size in the county in which the city is located.

182 (30) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
183 spent and expenses incurred in:

184 (a) verifying that building plans are identical plans; and

185 (b) reviewing and approving those minor aspects of identical plans that differ from the
186 previously reviewed and approved building plans.

187 (31) "Noncomplying structure" means a structure that:

188 (a) legally existed before its current land use designation; and

189 (b) because of one or more subsequent land use ordinance changes, does not conform
190 to the setback, height restrictions, or other regulations, excluding those regulations, which
191 govern the use of land.

192 (32) "Nonconforming use" means a use of land that:

193 (a) legally existed before its current land use designation;

194 (b) has been maintained continuously since the time the land use ordinance governing
195 the land changed; and

196 (c) because of one or more subsequent land use ordinance changes, does not conform
197 to the regulations that now govern the use of the land.

198 (33) "Official map" means a map drawn by municipal authorities and recorded in a
199 county recorder's office that:

200 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
201 highways and other transportation facilities;

202 (b) provides a basis for restricting development in designated rights-of-way or between
203 designated setbacks to allow the government authorities time to purchase or otherwise reserve
204 the land; and

205 (c) has been adopted as an element of the municipality's general plan.

206 (34) "Parcel boundary adjustment" means a recorded agreement between owners of
207 adjoining properties adjusting their mutual boundary if:

208 (a) no additional parcel is created; and

209 (b) each property identified in the agreement is unsubdivided land, including a
210 remainder of subdivided land.

211 [~~34~~] (35) "Person" means an individual, corporation, partnership, organization,

212 association, trust, governmental agency, or any other legal entity.

213 ~~[(35)]~~ (36) "Plan for moderate income housing" means a written document adopted by
214 a city legislative body that includes:

215 (a) an estimate of the existing supply of moderate income housing located within the
216 city;

217 (b) an estimate of the need for moderate income housing in the city for the next five
218 years as revised biennially;

219 (c) a survey of total residential land use;

220 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
221 income housing; and

222 (e) a description of the city's program to encourage an adequate supply of moderate
223 income housing.

224 ~~[(36)]~~ (37) "Plat" means a map or other graphical representation of lands being laid out
225 and prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

226 ~~[(37)]~~ (38) "Potential geologic hazard area" means an area that:

227 (a) is designated by a Utah Geological Survey map, county geologist map, or other
228 relevant map or report as needing further study to determine the area's potential for geologic
229 hazard; or

230 (b) has not been studied by the Utah Geological Survey or a county geologist but
231 presents the potential of geologic hazard because the area has characteristics similar to those of
232 a designated geologic hazard area.

233 ~~[(38)]~~ (39) "Public agency" means:

234 (a) the federal government;

235 (b) the state;

236 (c) a county, municipality, school district, local district, special service district, or other
237 political subdivision of the state; or

238 (d) a charter school.

239 ~~[(39)]~~ (40) "Public hearing" means a hearing at which members of the public are
240 provided a reasonable opportunity to comment on the subject of the hearing.

241 ~~[(40)]~~ (41) "Public meeting" means a meeting that is required to be open to the public
242 under Title 52, Chapter 4, Open and Public Meetings Act.

243 [~~(41)~~] (42) "Receiving zone" means an area of a municipality that the municipality
244 designates, by ordinance, as an area in which an owner of land may receive a transferable
245 development right.

246 [~~(42)~~] (43) "Record of survey map" means a map of a survey of land prepared in
247 accordance with Section 17-23-17.

248 [~~(43)~~] (44) "Residential facility for elderly persons" means a single-family or
249 multiple-family dwelling unit that meets the requirements of Section 10-9a-516, but does not
250 include a health care facility as defined by Section 26-21-2.

251 [~~(44)~~] (45) "Residential facility for persons with a disability" means a residence:

252 (a) in which more than one person with a disability resides; and

253 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,
254 Chapter 2, Licensure of Programs and Facilities; or

255 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,
256 Health Care Facility Licensing and Inspection Act.

257 [~~(45)~~] (46) "Rules of order and procedure" means a set of rules that govern and
258 prescribe in a public meeting:

259 (a) parliamentary order and procedure;

260 (b) ethical behavior; and

261 (c) civil discourse.

262 [~~(46)~~] (47) "Sanitary sewer authority" means the department, agency, or public entity
263 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
264 wastewater systems.

265 [~~(47)~~] (48) "Sending zone" means an area of a municipality that the municipality
266 designates, by ordinance, as an area from which an owner of land may transfer a transferable
267 development right.

268 [~~(48)~~] (49) "Specified public agency" means:

269 (a) the state;

270 (b) a school district; or

271 (c) a charter school.

272 [~~(49)~~] (50) "Specified public utility" means an electrical corporation, gas corporation,
273 or telephone corporation, as those terms are defined in Section 54-2-1.

274 [~~(50)~~] (51) "State" includes any department, division, or agency of the state.

275 [~~(51)~~] (52) "Street" means a public right-of-way, including a highway, avenue,
276 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
277 or other way.

278 [~~(52)~~] (53) (a) "Subdivision" means any land that is divided, resubdivided or proposed
279 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
280 purpose, whether immediate or future, for offer, sale, lease, or development either on the
281 installment plan or upon any and all other plans, terms, and conditions.

282 (b) "Subdivision" includes:

283 (i) the division or development of land whether by deed, metes and bounds description,
284 devise and testacy, map, plat, or other recorded instrument; and

285 (ii) except as provided in Subsection [~~(52)~~] (53)(c), divisions of land for residential and
286 nonresidential uses, including land used or to be used for commercial, agricultural, and
287 industrial purposes.

288 (c) "Subdivision" does not include:

289 (i) a bona fide division or partition of agricultural land for the purpose of joining one of
290 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if
291 neither the resulting combined parcel nor the parcel remaining from the division or partition
292 violates an applicable land use ordinance;

293 (ii) a recorded agreement between owners of adjoining unsubdivided properties
294 adjusting their mutual boundary if:

295 (A) no new lot is created; and

296 (B) the adjustment does not violate applicable land use ordinances;

297 (iii) a recorded document, executed by the owner of record:

298 (A) revising the legal description of more than one contiguous unsubdivided parcel of
299 property into one legal description encompassing all such parcels of property; or

300 (B) joining a subdivided parcel of property to another parcel of property that has not
301 been subdivided, if the joinder does not violate applicable land use ordinances;

302 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting
303 their mutual boundary if:

304 (A) no new dwelling lot or housing unit will result from the adjustment; and

305 (B) the adjustment will not violate any applicable land use ordinance; [~~or~~]

306 (v) a bona fide division or partition of land by deed or other instrument where the land
307 use authority expressly approves in writing the division in anticipation of further land use
308 approvals on the parcel or parcels[~~;~~]; or

309 (vi) a parcel boundary adjustment.

310 (d) The joining of a subdivided parcel of property to another parcel of property that has
311 not been subdivided does not constitute a subdivision under this Subsection [~~(52)~~] (53) as to
312 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
313 subdivision ordinance.

314 [~~(53)~~] (54) "Therapeutic school" means a residential group living facility:

315 (a) for four or more individuals who are not related to:

- 316 (i) the owner of the facility; or
- 317 (ii) the primary service provider of the facility;

318 (b) that serves students who have a history of failing to function:

- 319 (i) at home;
- 320 (ii) in a public school; or
- 321 (iii) in a nonresidential private school; and

322 (c) that offers:

- 323 (i) room and board; and
- 324 (ii) an academic education integrated with:

- 325 (A) specialized structure and supervision; or
- 326 (B) services or treatment related to a disability, an emotional development, a
327 behavioral development, a familial development, or a social development.

328 [~~(54)~~] (55) "Transferable development right" means a right to develop and use land that
329 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
330 land use rights from a designated sending zone to a designated receiving zone.

331 [~~(55)~~] (56) "Unincorporated" means the area outside of the incorporated area of a city
332 or town.

333 [~~(56)~~] (57) "Water interest" means any right to the beneficial use of water, including:

- 334 (a) each of the rights listed in Section 73-1-11; and
- 335 (b) an ownership interest in the right to the beneficial use of water represented by:

336 (i) a contract; or

337 (ii) a share in a water company, as defined in Section 73-3-3.5.

338 [(57)] (58) "Zoning map" means a map, adopted as part of a land use ordinance, that
339 depicts land use zones, overlays, or districts.

340 Section 2. Section 10-9a-523 is enacted to read:

341 **10-9a-523. Parcel boundary adjustment.**

342 (1) A property owner:

343 (a) may execute a parcel boundary adjustment by quitclaim deed ~~H→~~ or by a boundary
343a line agreement as described in Section 57-1-45 ~~←H~~ ; and

344 (b) shall record ~~H→~~ [a parcel boundary adjustment] the quitclaim deed or boundary line
344a agreement ~~←H~~ in the office of the county recorder.

345 (2) A parcel boundary adjustment is not subject to the review of a land use authority.

346 Section 3. Section 10-9a-524 is enacted to read:

347 **10-9a-524. Boundary line agreement.**

348 (1) As used in this section, "boundary line agreement" is an agreement described in
349 Section 57-1-45.

350 (2) A property owner:

351 (a) may execute a boundary line agreement ~~H→~~ [by quitclaim deed] ~~←H~~ ; and

352 (b) shall record a boundary line agreement in the office of the county recorder.

353 (3) A boundary line agreement is not subject to the review of a land use authority.

354 Section 4. Section 17-27a-103 is amended to read:

355 **17-27a-103. Definitions.**

356 As used in this chapter:

357 (1) "Affected entity" means a county, municipality, local district, special service
358 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
359 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
360 property owner, property owners association, public utility, or the Utah Department of
361 Transportation, if:

362 (a) the entity's services or facilities are likely to require expansion or significant
363 modification because of an intended use of land;

364 (b) the entity has filed with the county a copy of the entity's general or long-range plan;

365 or

366 (c) the entity has filed with the county a request for notice during the same calendar

367 year and before the county provides notice to an affected entity in compliance with a
368 requirement imposed under this chapter.

369 (2) "Appeal authority" means the person, board, commission, agency, or other body
370 designated by ordinance to decide an appeal of a decision of a land use application or a
371 variance.

372 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
373 residential property if the sign is designed or intended to direct attention to a business, product,
374 or service that is not sold, offered, or existing on the property where the sign is located.

375 (4) (a) "Charter school" means:

376 (i) an operating charter school;

377 (ii) a charter school applicant that has its application approved by a chartering entity in
378 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

379 (iii) an entity who is working on behalf of a charter school or approved charter
380 applicant to develop or construct a charter school building.

381 (b) "Charter school" does not include a therapeutic school.

382 (5) "Chief executive officer" means the person or body that exercises the executive
383 powers of the county.

384 (6) "Conditional use" means a land use that, because of its unique characteristics or
385 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be
386 compatible in some areas or may be compatible only if certain conditions are required that
387 mitigate or eliminate the detrimental impacts.

388 (7) "Constitutional taking" means a governmental action that results in a taking of
389 private property so that compensation to the owner of the property is required by the:

390 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

391 (b) Utah Constitution Article I, Section 22.

392 (8) "Culinary water authority" means the department, agency, or public entity with
393 responsibility to review and approve the feasibility of the culinary water system and sources for
394 the subject property.

395 (9) "Development activity" means:

396 (a) any construction or expansion of a building, structure, or use that creates additional
397 demand and need for public facilities;

398 (b) any change in use of a building or structure that creates additional demand and need
399 for public facilities; or

400 (c) any change in the use of land that creates additional demand and need for public
401 facilities.

402 (10) (a) "Disability" means a physical or mental impairment that substantially limits
403 one or more of a person's major life activities, including a person having a record of such an
404 impairment or being regarded as having such an impairment.

405 (b) "Disability" does not include current illegal use of, or addiction to, any federally
406 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.
407 802.

408 (11) "Educational facility":

409 (a) means:

410 (i) a school district's building at which pupils assemble to receive instruction in a
411 program for any combination of grades from preschool through grade 12, including
412 kindergarten and a program for children with disabilities;

413 (ii) a structure or facility:

414 (A) located on the same property as a building described in Subsection (11)(a)(i); and

415 (B) used in support of the use of that building; and

416 (iii) a building to provide office and related space to a school district's administrative
417 personnel; and

418 (b) does not include:

419 (i) land or a structure, including land or a structure for inventory storage, equipment
420 storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:

421 (A) not located on the same property as a building described in Subsection (11)(a)(i);

422 and

423 (B) used in support of the purposes of a building described in Subsection (11)(a)(i); or

424 (ii) a therapeutic school.

425 (12) "Elderly person" means a person who is 60 years old or older, who desires or
426 needs to live with other elderly persons in a group setting, but who is capable of living
427 independently.

428 (13) "Fire authority" means the department, agency, or public entity with responsibility

429 to review and approve the feasibility of fire protection and suppression services for the subject
430 property.

431 (14) "Flood plain" means land that:

432 (a) is within the 100-year flood plain designated by the Federal Emergency

433 Management Agency; or

434 (b) has not been studied or designated by the Federal Emergency Management Agency

435 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because

436 the land has characteristics that are similar to those of a 100-year flood plain designated by the

437 Federal Emergency Management Agency.

438 (15) "Gas corporation" has the same meaning as defined in Section 54-2-1.

439 (16) "General plan" means a document that a county adopts that sets forth general

440 guidelines for proposed future development of the unincorporated land within the county.

441 (17) "Geologic hazard" means:

442 (a) a surface fault rupture;

443 (b) shallow groundwater;

444 (c) liquefaction;

445 (d) a landslide;

446 (e) a debris flow;

447 (f) unstable soil;

448 (g) a rock fall; or

449 (h) any other geologic condition that presents a risk:

450 (i) to life;

451 (ii) of substantial loss of real property; or

452 (iii) of substantial damage to real property.

453 (18) "Internal lot restriction" means a platted note, platted demarcation, or platted

454 designation that:

455 (a) runs with the land; and

456 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on

457 the plat; or

458 (ii) designates a development condition that is enclosed within the perimeter of a lot

459 described on the plat.

460 (19) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
461 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility
462 system.

463 (20) "Identical plans" means building plans submitted to a county that:

464 (a) are clearly marked as "identical plans";

465 (b) are substantially identical building plans that were previously submitted to and
466 reviewed and approved by the county; and

467 (c) describe a building that:

468 (i) is located on land zoned the same as the land on which the building described in the
469 previously approved plans is located;

470 (ii) is subject to the same geological and meteorological conditions and the same law
471 as the building described in the previously approved plans;

472 (iii) has a floor plan identical to the building plan previously submitted to and reviewed
473 and approved by the county; and

474 (iv) does not require any additional engineering or analysis.

475 (21) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
476 Impact Fees Act.

477 (22) "Improvement assurance" means a surety bond, letter of credit, cash, or other
478 security:

479 (a) to guaranty the proper completion of an improvement;

480 (b) that is required as a condition precedent to:

481 (i) recording a subdivision plat; or

482 (ii) beginning development activity; and

483 (c) that is offered to a land use authority to induce the land use authority, before actual
484 construction of required improvements, to:

485 (i) consent to the recording of a subdivision plat; or

486 (ii) issue a permit for development activity.

487 (23) "Improvement assurance warranty" means a promise that the materials and
488 workmanship of improvements:

489 (a) comport with standards that the county has officially adopted; and

490 (b) will not fail in any material respect within a warranty period.

491 (24) "Interstate pipeline company" means a person or entity engaged in natural gas
492 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under
493 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

494 (25) "Intrastate pipeline company" means a person or entity engaged in natural gas
495 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
496 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

497 (26) "Land use application" means an application required by a county's land use
498 ordinance.

499 (27) "Land use authority" means a person, board, commission, agency, or other body
500 designated by the local legislative body to act upon a land use application.

501 (28) "Land use ordinance" means a planning, zoning, development, or subdivision
502 ordinance of the county, but does not include the general plan.

503 (29) "Land use permit" means a permit issued by a land use authority.

504 (30) "Legislative body" means the county legislative body, or for a county that has
505 adopted an alternative form of government, the body exercising legislative powers.

506 (31) "Local district" means any entity under Title 17B, Limited Purpose Local
507 Government Entities - Local Districts, and any other governmental or quasi-governmental
508 entity that is not a county, municipality, school district, or the state.

509 (32) "Lot line adjustment" means the relocation of the property boundary line in a
510 subdivision between two adjoining lots with the consent of the owners of record.

511 (33) "Moderate income housing" means housing occupied or reserved for occupancy
512 by households with a gross household income equal to or less than 80% of the median gross
513 income for households of the same size in the county in which the housing is located.

514 (34) "Nominal fee" means a fee that reasonably reimburses a county only for time spent
515 and expenses incurred in:

516 (a) verifying that building plans are identical plans; and

517 (b) reviewing and approving those minor aspects of identical plans that differ from the
518 previously reviewed and approved building plans.

519 (35) "Noncomplying structure" means a structure that:

520 (a) legally existed before its current land use designation; and

521 (b) because of one or more subsequent land use ordinance changes, does not conform

522 to the setback, height restrictions, or other regulations, excluding those regulations that govern
523 the use of land.

524 (36) "Nonconforming use" means a use of land that:

525 (a) legally existed before its current land use designation;

526 (b) has been maintained continuously since the time the land use ordinance regulation
527 governing the land changed; and

528 (c) because of one or more subsequent land use ordinance changes, does not conform
529 to the regulations that now govern the use of the land.

530 (37) "Official map" means a map drawn by county authorities and recorded in the
531 county recorder's office that:

532 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
533 highways and other transportation facilities;

534 (b) provides a basis for restricting development in designated rights-of-way or between
535 designated setbacks to allow the government authorities time to purchase or otherwise reserve
536 the land; and

537 (c) has been adopted as an element of the county's general plan.

538 (38) "Parcel boundary adjustment" means a recorded agreement between owners of
539 adjoining properties adjusting their mutual boundary if:

540 (a) no additional parcel is created; and

541 (b) each property identified in the agreement is unsubdivided land, including a
542 remainder of subdivided land.

543 [~~38~~] (39) "Person" means an individual, corporation, partnership, organization,
544 association, trust, governmental agency, or any other legal entity.

545 [~~39~~] (40) "Plan for moderate income housing" means a written document adopted by
546 a county legislative body that includes:

547 (a) an estimate of the existing supply of moderate income housing located within the
548 county;

549 (b) an estimate of the need for moderate income housing in the county for the next five
550 years as revised biennially;

551 (c) a survey of total residential land use;

552 (d) an evaluation of how existing land uses and zones affect opportunities for moderate

553 income housing; and

554 (e) a description of the county's program to encourage an adequate supply of moderate
555 income housing.

556 [~~(40)~~] (41) "Plat" means a map or other graphical representation of lands being laid out
557 and prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

558 [~~(41)~~] (42) "Potential geologic hazard area" means an area that:

559 (a) is designated by a Utah Geological Survey map, county geologist map, or other
560 relevant map or report as needing further study to determine the area's potential for geologic
561 hazard; or

562 (b) has not been studied by the Utah Geological Survey or a county geologist but
563 presents the potential of geologic hazard because the area has characteristics similar to those of
564 a designated geologic hazard area.

565 [~~(42)~~] (43) "Public agency" means:

566 (a) the federal government;

567 (b) the state;

568 (c) a county, municipality, school district, local district, special service district, or other
569 political subdivision of the state; or

570 (d) a charter school.

571 [~~(43)~~] (44) "Public hearing" means a hearing at which members of the public are
572 provided a reasonable opportunity to comment on the subject of the hearing.

573 [~~(44)~~] (45) "Public meeting" means a meeting that is required to be open to the public
574 under Title 52, Chapter 4, Open and Public Meetings Act.

575 [~~(45)~~] (46) "Receiving zone" means an unincorporated area of a county that the county
576 designates, by ordinance, as an area in which an owner of land may receive a transferable
577 development right.

578 [~~(46)~~] (47) "Record of survey map" means a map of a survey of land prepared in
579 accordance with Section 17-23-17.

580 [~~(47)~~] (48) "Residential facility for elderly persons" means a single-family or
581 multiple-family dwelling unit that meets the requirements of Section 17-27a-515, but does not
582 include a health care facility as defined by Section 26-21-2.

583 [~~(48)~~] (49) "Residential facility for persons with a disability" means a residence:

584 (a) in which more than one person with a disability resides; and

585 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,
586 Chapter 2, Licensure of Programs and Facilities; or

587 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,
588 Health Care Facility Licensing and Inspection Act.

589 [~~49~~] (50) "Rules of order and procedure" means a set of rules that govern and
590 prescribe in a public meeting:

591 (a) parliamentary order and procedure;

592 (b) ethical behavior; and

593 (c) civil discourse.

594 [~~50~~] (51) "Sanitary sewer authority" means the department, agency, or public entity
595 with responsibility to review and approve the feasibility of sanitary sewer services or onsite
596 wastewater systems.

597 [~~51~~] (52) "Sending zone" means an unincorporated area of a county that the county
598 designates, by ordinance, as an area from which an owner of land may transfer a transferable
599 development right.

600 [~~52~~] (53) "Specified public agency" means:

601 (a) the state;

602 (b) a school district; or

603 (c) a charter school.

604 [~~53~~] (54) "Specified public utility" means an electrical corporation, gas corporation,
605 or telephone corporation, as those terms are defined in Section 54-2-1.

606 [~~54~~] (55) "State" includes any department, division, or agency of the state.

607 [~~55~~] (56) "Street" means a public right-of-way, including a highway, avenue,
608 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,
609 or other way.

610 [~~56~~] (57) (a) "Subdivision" means any land that is divided, resubdivided or proposed
611 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the
612 purpose, whether immediate or future, for offer, sale, lease, or development either on the
613 installment plan or upon any and all other plans, terms, and conditions.

614 (b) "Subdivision" includes:

- 615 (i) the division or development of land whether by deed, metes and bounds description,
616 devise and testacy, map, plat, or other recorded instrument; and
- 617 (ii) except as provided in Subsection [~~(56)~~ (57)(c), divisions of land for residential and
618 nonresidential uses, including land used or to be used for commercial, agricultural, and
619 industrial purposes.
- 620 (c) "Subdivision" does not include:
- 621 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 622 (ii) a recorded agreement between owners of adjoining properties adjusting their
623 mutual boundary if:
- 624 (A) no new lot is created; and
- 625 (B) the adjustment does not violate applicable land use ordinances;
- 626 (iii) a recorded document, executed by the owner of record:
- 627 (A) revising the legal description of more than one contiguous unsubdivided parcel of
628 property into one legal description encompassing all such parcels of property; or
- 629 (B) joining a subdivided parcel of property to another parcel of property that has not
630 been subdivided, if the joinder does not violate applicable land use ordinances;
- 631 (iv) a bona fide division or partition of land in a county other than a first class county
632 for the purpose of siting, on one or more of the resulting separate parcels:
- 633 (A) an electrical transmission line or a substation;
- 634 (B) a natural gas pipeline or a regulation station; or
- 635 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
636 utility service regeneration, transformation, retransmission, or amplification facility;
- 637 (v) a recorded agreement between owners of adjoining subdivided properties adjusting
638 their mutual boundary if:
- 639 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 640 (B) the adjustment will not violate any applicable land use ordinance; [~~or~~]
- 641 (vi) a bona fide division or partition of land by deed or other instrument where the land
642 use authority expressly approves in writing the division in anticipation of further land use
643 approvals on the parcel or parcels[-]; or
- 644 (vii) a parcel boundary adjustment.
- 645 (d) The joining of a subdivided parcel of property to another parcel of property that has

646 not been subdivided does not constitute a subdivision under this Subsection [~~(56)~~] (57) as to
647 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's
648 subdivision ordinance.

649 [~~(57)~~] (58) "Therapeutic school" means a residential group living facility:

650 (a) for four or more individuals who are not related to:

651 (i) the owner of the facility; or

652 (ii) the primary service provider of the facility;

653 (b) that serves students who have a history of failing to function:

654 (i) at home;

655 (ii) in a public school; or

656 (iii) in a nonresidential private school; and

657 (c) that offers:

658 (i) room and board; and

659 (ii) an academic education integrated with:

660 (A) specialized structure and supervision; or

661 (B) services or treatment related to a disability, an emotional development, a

662 behavioral development, a familial development, or a social development.

663 [~~(58)~~] (59) "Township" means a contiguous, geographically defined portion of the
664 unincorporated area of a county, established under this part or reconstituted or reinstated under
665 Section 17-27a-306, with planning and zoning functions as exercised through the township
666 planning commission, as provided in this chapter, but with no legal or political identity
667 separate from the county and no taxing authority, except that "township" means a former
668 township under Laws of Utah 1996, Chapter 308, where the context so indicates.

669 [~~(59)~~] (60) "Transferable development right" means a right to develop and use land that
670 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
671 land use rights from a designated sending zone to a designated receiving zone.

672 [~~(60)~~] (61) "Unincorporated" means the area outside of the incorporated area of a
673 municipality.

674 [~~(61)~~] (62) "Water interest" means any right to the beneficial use of water, including:

675 (a) each of the rights listed in Section 73-1-11; and

676 (b) an ownership interest in the right to the beneficial use of water represented by:

677 (i) a contract; or

678 (ii) a share in a water company, as defined in Section 73-3-3.5.

679 [(62)] (63) "Zoning map" means a map, adopted as part of a land use ordinance, that
680 depicts land use zones, overlays, or districts.

681 Section 5. Section 17-27a-522 is enacted to read:

682 **17-27a-522. Parcel boundary adjustment.**

683 (1) A property owner:

684 (a) may execute a parcel boundary adjustment by quitclaim deed ~~H→~~ or by a boundary
684a line agreement as described in Section 57-1-45 ~~←H~~ ; and

685 (b) shall record ~~H→~~ [a parcel boundary adjustment] the quitclaim deed or boundary line
685a agreement ~~←H~~ in the office of the county recorder.

686 (2) A parcel boundary adjustment is not subject to the review of a land use authority.

687 Section 6. Section 17-27a-523 is enacted to read:

688 **17-27a-523. Boundary line agreement.**

689 (1) As used in this section, "boundary line agreement" is an agreement described in
690 Section 57-1-45.

691 (2) A property owner:

692 (a) may execute a boundary line agreement ~~H→~~ [by quitclaim deed] ~~←H~~ ; and

693 (b) shall record a boundary line agreement in the office of the county recorder.

694 (3) A boundary line agreement is not subject to the review of a land use authority.