

**Representative Gage Froerer** proposes the following substitute bill:

**LOCAL LAND USE REVISIONS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gage Froerer**

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

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the land development authority of a municipal or county land use authority and legislative body.

**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;
- ▶ amends provisions governing the dedication of streets and other public places on a plat;
- ▶ amends provisions authorizing a municipal or county legislative body to vacate or amend a subdivision plat;
- ▶ amends provisions authorizing a land use authority to amend a plat;
- ▶ amends provisions authorizing a legislative body to adopt an ordinance or resolution to vacate certain streets, rights-of-way, or easements; and
- ▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **10-9a-103**, as last amended by Laws of Utah 2012, Chapter 231

32 **10-9a-607**, as last amended by Laws of Utah 2010, Chapter 381

33 **10-9a-608**, as last amended by Laws of Utah 2010, Chapters 269 and 381

34 **10-9a-609**, as last amended by Laws of Utah 2010, Chapter 381

35 **10-9a-609.5**, as last amended by Laws of Utah 2010, Chapter 381

36 **17-27a-103**, as last amended by Laws of Utah 2012, Chapter 231

37 **17-27a-607**, as last amended by Laws of Utah 2010, Chapter 381

38 **17-27a-608**, as last amended by Laws of Utah 2010, Chapters 269 and 381

39 **17-27a-609**, as last amended by Laws of Utah 2010, Chapter 381

40 **17-27a-609.5**, as last amended by Laws of Utah 2010, Chapter 381

41 ENACTS:

42 **10-9a-523**, Utah Code Annotated 1953

43 **10-9a-524**, Utah Code Annotated 1953

44 **17-27a-522**, Utah Code Annotated 1953

45 **17-27a-523**, Utah Code Annotated 1953



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

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

49 **10-9a-103. Definitions.**

50 As used in this chapter:

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

56 (a) the entity's services or facilities are likely to require expansion or significant

57 modification because of an intended use of land;

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

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

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

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

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

70 (i) an operating charter school;

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

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

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

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

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

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

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

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

87 (8) "Development activity" means:

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

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

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

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

97 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
98 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
99 802.

100 (10) "Educational facility":

101 (a) means:

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

105 (ii) a structure or facility:

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

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

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

110 (b) does not include:

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

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

114 and

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

116 (ii) a therapeutic school.

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

119 independently.

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

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

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

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

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

132 (15) "Geologic hazard" means:

133 (a) a surface fault rupture;

134 (b) shallow groundwater;

135 (c) liquefaction;

136 (d) a landslide;

137 (e) a debris flow;

138 (f) unstable soil;

139 (g) a rock fall; or

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

141 (i) to life;

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

143 (iii) of substantial damage to real property.

144 (16) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
145 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other  
146 utility system.

147 (17) "Identical plans" means building plans submitted to a municipality that:

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

149 (b) are substantially identical to building plans that were previously submitted to and

150 reviewed and approved by the municipality; and

151 (c) describe a building that:

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

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

156 (iii) has a floor plan identical to the building plan previously submitted to and reviewed  
157 and approved by the municipality; and

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

159 (18) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,  
160 Impact Fees Act.

161 (19) "Improvement assurance" means a surety bond, letter of credit, cash, or other  
162 security:

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

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

165 (i) recording a subdivision plat; or

166 (ii) beginning development activity; and

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

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

170 (ii) issue a permit for development activity.

171 (20) "Improvement assurance warranty" means a promise that the materials and  
172 workmanship of improvements:

173 (a) comport with standards that the municipality has officially adopted; and

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

175 (21) "Internal lot restriction" means a platted note, platted demarcation, or platted  
176 designation that:

177 (a) runs with the land; and

178 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
179 the plat; or

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

181 described on the plat.

182 (22) "Land use application" means an application required by a municipality's land use  
183 ordinance.

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

186 (24) "Land use ordinance" means a planning, zoning, development, or subdivision  
187 ordinance of the municipality, but does not include the general plan.

188 (25) "Land use permit" means a permit issued by a land use authority.

189 (26) "Legislative body" means the municipal council.

190 (27) "Local district" means an entity under Title 17B, Limited Purpose Local  
191 Government Entities - Local Districts, and any other governmental or quasi-governmental  
192 entity that is not a county, municipality, school district, or the state.

193 (28) (a) "Lot" means a lot, unit, area, building, tract, or other description of real estate  
194 that is identified on a recorded plat.

195 (b) "Lot" does not include a parcel.

196 [~~28~~] (29) "Lot line adjustment" means the relocation of the property boundary line in  
197 a subdivision between two adjoining lots with the consent of the owners of record.

198 [~~29~~] (30) "Moderate income housing" means housing occupied or reserved for  
199 occupancy by households with a gross household income equal to or less than 80% of the  
200 median gross income for households of the same size in the county in which the city is located.

201 [~~30~~] (31) "Nominal fee" means a fee that reasonably reimburses a municipality only  
202 for time spent and expenses incurred in:

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

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

206 [~~31~~] (32) "Noncomplying structure" means a structure that:

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

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

211 [~~32~~] (33) "Nonconforming use" means a use of land that:

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

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

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

217 ~~[(33)]~~ (34) "Official map" means a map drawn by municipal authorities and recorded in  
218 a county recorder's office that:

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

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

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

225 (35) "Parcel" means a description of real estate that is not part of a recorded plat.

226 (36) "Parcel boundary adjustment" means a recorded agreement between owners of  
227 adjoining properties adjusting their mutual boundary if:

228 (a) no additional parcel is created; and

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

231 ~~[(34)]~~ (37) "Person" means an individual, corporation, partnership, organization,  
232 association, trust, governmental agency, or any other legal entity.

233 ~~[(35)]~~ (38) "Plan for moderate income housing" means a written document adopted by  
234 a city legislative body that includes:

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

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

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

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

242 (e) a description of the city's program to encourage an adequate supply of moderate



243 income housing.

244 ~~[(36)]~~ (39) "Plat" or "final plat" means a map, plat, or other graphical representation of  
245 lands being laid out ~~[and prepared in accordance with Section 10-9a-603, 17-23-17, or~~  
246 ~~57-8-13]~~, subdivided, defined, or described for a subdivision, condominium, townhouse,  
247 planned unit development, or other land development purpose.

248 ~~[(37)]~~ (40) "Potential geologic hazard area" means an area that:

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

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

255 ~~[(38)]~~ (41) "Public agency" means:

256 (a) the federal government;

257 (b) the state;

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

260 (d) a charter school.

261 ~~[(39)]~~ (42) "Public hearing" means a hearing at which members of the public are  
262 provided a reasonable opportunity to comment on the subject of the hearing.

263 ~~[(40)]~~ (43) "Public meeting" means a meeting that is required to be open to the public  
264 under Title 52, Chapter 4, Open and Public Meetings Act.

265 ~~[(41)]~~ (44) "Receiving zone" means an area of a municipality that the municipality  
266 designates, by ordinance, as an area in which an owner of land may receive a transferable  
267 development right.

268 ~~[(42)]~~ (45) "Record of survey map" means a map of a survey of land prepared in  
269 accordance with Section 17-23-17.

270 ~~[(43)]~~ (46) "Residential facility for elderly persons" means a single-family or  
271 multiple-family dwelling unit that meets the requirements of Section 10-9a-516, but does not  
272 include a health care facility as defined by Section 26-21-2.

273 ~~[(44)]~~ (47) "Residential facility for persons with a disability" means a residence:

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

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

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

279 [~~45~~] (48) "Rules of order and procedure" means a set of rules that govern and  
280 prescribe in a public meeting:

281 (a) parliamentary order and procedure;

282 (b) ethical behavior; and

283 (c) civil discourse.

284 [~~46~~] (49) "Sanitary sewer authority" means the department, agency, or public entity  
285 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
286 wastewater systems.

287 [~~47~~] (50) "Sending zone" means an area of a municipality that the municipality  
288 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
289 development right.

290 [~~48~~] (51) "Specified public agency" means:

291 (a) the state;

292 (b) a school district; or

293 (c) a charter school.

294 [~~49~~] (52) "Specified public utility" means an electrical corporation, gas corporation,  
295 or telephone corporation, as those terms are defined in Section 54-2-1.

296 [~~50~~] (53) "State" includes any department, division, or agency of the state.

297 [~~51~~] (54) "Street" means a public right-of-way, including a highway, avenue,  
298 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
299 or other way.

300 [~~52~~] (55) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
301 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
302 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
303 installment plan or upon any and all other plans, terms, and conditions.

304 (b) "Subdivision" includes:

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

307 (ii) except as provided in Subsection [~~(52)~~] (55)(c), divisions of land for residential and  
308 nonresidential uses, including land used or to be used for commercial, agricultural, and  
309 industrial purposes.

310 (c) "Subdivision" does not include:

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

315 (ii) a [~~recorded agreement between owners of adjoining unsubdivided properties~~  
316 ~~adjusting their mutual boundary~~] parcel boundary adjustment if:

317 (A) no new lot is created; and

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

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

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

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

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

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

327 (B) the adjustment will not violate any applicable land use ordinance; or

328 (v) a bona fide division or partition of land by deed or other instrument where the land  
329 use authority expressly approves in writing the division in anticipation of further land use  
330 approvals on the parcel or parcels.

331 (d) The joining of a subdivided parcel of property to another parcel of property that has  
332 not been subdivided does not constitute a subdivision under this Subsection [~~(52)~~] (55) as to  
333 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's  
334 subdivision ordinance.

335 [~~(53)~~] (56) "Therapeutic school" means a residential group living facility:

- 336 (a) for four or more individuals who are not related to:
- 337 (i) the owner of the facility; or
- 338 (ii) the primary service provider of the facility;
- 339 (b) that serves students who have a history of failing to function:
- 340 (i) at home;
- 341 (ii) in a public school; or
- 342 (iii) in a nonresidential private school; and
- 343 (c) that offers:
- 344 (i) room and board; and
- 345 (ii) an academic education integrated with:
- 346 (A) specialized structure and supervision; or
- 347 (B) services or treatment related to a disability, an emotional development, a
- 348 behavioral development, a familial development, or a social development.
- 349 ~~[(54)]~~ (57) "Transferable development right" means a right to develop and use land that
- 350 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
- 351 land use rights from a designated sending zone to a designated receiving zone.
- 352 ~~[(55)]~~ (58) "Unincorporated" means the area outside of the incorporated area of a city
- 353 or town.
- 354 (59) "Vacate" means the process in which a legislative body takes formal action to:
- 355 (a) abdicate the public interest or the interest of a public utility within a recorded plat
- 356 by eliminating the ability to describe real estate by reference to the plat or portion of the plat
- 357 that is vacated; and
- 358 (b) relinquish a public use or claim.
- 359 (60) "Vacating plat" means a plat that:
- 360 (a) shows and describes a public street that is being vacated;
- 361 (b) identifies and describes the ownership of each part or portion of the vacated street;
- 362 and
- 363 (c) is prepared by a surveyor.
- 364 ~~[(56)]~~ (61) "Water interest" means any right to the beneficial use of water, including:
- 365 (a) each of the rights listed in Section 73-1-11; and
- 366 (b) an ownership interest in the right to the beneficial use of water represented by:

367 (i) a contract; or  
 368 (ii) a share in a water company, as defined in Section 73-3-3.5.  
 369 [(57)] (62) "Zoning map" means a map, adopted as part of a land use ordinance, that  
 370 depicts land use zones, overlays, or districts.

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

372 **10-9a-523. Parcel boundary adjustment.**

373 (1) A property owner:

374 (a) may execute a parcel boundary adjustment by quitclaim deed; and

375 (b) shall record a parcel boundary adjustment in the office of the county recorder.

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

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

378 **10-9a-524. Boundary line agreement.**

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

381 (2) A property owner:

382 (a) may execute a boundary line agreement by quitclaim deed; and

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

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

385 Section 4. Section **10-9a-607** is amended to read:

386 **10-9a-607. Dedication of streets and other public places.**

387 (1) A final plat that [is signed, dedicated, and acknowledged by each owner of record,  
 388 and approved according to the procedures specified in this part,] meets the requirements of  
 389 Section 10-9a-604:

390 (a) operates, when recorded, as a dedication and granting of an easement or  
 391 right-of-way of all streets and other public places[;]; and

392 (b) vests the fee of a public easement or right-of-way of those parcels of land in the  
 393 municipality for [the public for the uses] public use or an entity's use as specifically named or  
 394 intended in the dedication language included on the final plat.

395 (2) The dedication established by this section does not impose liability upon the  
 396 municipality for streets and other public places that are dedicated in this manner but are  
 397 unimproved.

398 (3) (a) If a public easement or right-of-way is located in an area that is annexed, the  
399 easement or right-of-way shall vest in the annexing entity.

400 (b) A change of a vesting right described in Subsection (3)(a) does not affect a public  
401 utility or other facility, structure, monument, or other property that is owned or controlled by a  
402 municipality or a utility owner.

403 Section 5. Section **10-9a-608** is amended to read:

404 **10-9a-608. Vacating or amending a subdivision plat -- Legislative body --**  
405 **Recording the amended plat.**

406 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a  
407 subdivision, condominium, or platted project, that has been laid out and platted as provided in  
408 this part, may file a written petition with:

409 (i) the land use authority [to], in accordance with Section 10-9a-609, to amend some or  
410 all of a plat; or

411 (ii) the legislative body, in accordance with this section, to have some or all of the plat  
412 vacated or amended.

413 (b) If a petition signed by each owner of interest of property located within the plat or a  
414 portion of a plat is filed under Subsection (1)(a)(i) to vacate all of a plat or a portion of a plat,  
415 the [~~land use authority~~] legislative body shall:

416 (i) prepare a vacating plat; and

417 (ii) except as provided in Subsection (2), hold a public hearing within 45 days after the  
418 day on which the petition is filed [if:].

419 [~~(i) any owner within the plat notifies the municipality of the owner's objection in~~  
420 ~~writing within 10 days of mailed notification; or]~~

421 [~~(ii) a public hearing is required because all of the owners in the subdivision have not~~  
422 ~~signed the revised plat.]~~

423 [~~(2) Unless a local ordinance provides otherwise, the public hearing requirement of~~  
424 ~~Subsection (1)(b) does not apply and a land use authority may consider at a public meeting an~~  
425 ~~owner's petition to vacate or amend a subdivision plat if:]~~

426 [~~(a) the petition seeks to:]~~

427 [~~(i) join two or more of the petitioner fee owner's contiguous lots;]~~

428 [~~(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will~~

429 ~~not result in a violation of a land use ordinance or a development condition;]~~

430 ~~[(iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the~~  
431 ~~adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located~~  
432 ~~in the same subdivision;]~~

433 ~~[(iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction~~  
434 ~~imposed by the local political subdivision; or]~~

435 ~~[(v) alter the plat in a manner that does not change existing boundaries or other~~  
436 ~~attributes of lots within the subdivision that are not:]~~

437 ~~[(A) owned by the petitioner; or]~~

438 ~~[(B) designated as a common area; and]~~

439 ~~[(b) notice has been given to adjacent property owners in accordance with any~~  
440 ~~applicable local ordinance.]~~

441 (c) The legislative body:

442 (i) may, in accordance with Section 10-9a-609.5, approve the plat vacation if no owner  
443 of interest of property located within the plat or a portion of the plat objects to the vacation at  
444 the public hearing; and

445 (ii) may not approve the plat vacation if an owner of interest of property located within  
446 the plat or a portion of the plat objects to the vacation at the public hearing.

447 (2) If a petition signed by each owner of interest is filed in accordance with Subsection  
448 (1)(a) to amend all or a portion of a plat, the legislative body may, at a public meeting, approve  
449 the amendment subject to Subsection (3).

450 (3) (a) If a proposed amendment included in a petition is an amendment that would  
451 affect an easement held by a public utility company, and the easement is the only affected  
452 public interest, the legislative body shall:

453 (i) send notice to the affected public utility at least 30 days prior to the public meeting;  
454 and

455 (ii) if the public utility does not respond within 15 days after the day on which the  
456 notice in Subsection (3)(a)(i) is sent, and no later than 15 days before the public meeting, send  
457 a second notice.

458 (b) A notice required under Subsection (3)(a) shall:

459 (i) identify the easement identified in the proposed amendment in the petition;

460 (ii) request that the public utility provide the legislative body with a written release or  
461 notice of disinterest; and

462 (iii) provide a deadline for the public utility to submit the written release or notice to  
463 the legislative body that is no sooner than 30 days after the day on which the first notice is sent.

464 (c) If the affected public utility does not provide a written release or notice of  
465 disinterest to the legislative body within 30 days of receiving the first notice described in  
466 Subsection (3)(a)(i), the legislative body:

467 (i) may approve the amendment if there is no utility infrastructure located within a lot  
468 or easement identified in the petition; and

469 (ii) may not approve the amendment if there is utility infrastructure located within a lot  
470 or easement identified in the petition.

471 (d) The legislative body may approve an amendment described in Subsection (3)(c)(i)  
472 without a plat.

473 (e) The legislative body may not approve an amendment to a plat or a portion of a plat  
474 that affects a public interest other than an interest described in Subsection (3)(a), unless:

475 (i) the legislative body holds a public hearing prior to or concurrent with final plat  
476 approval; and

477 (ii) no member of the public objects to the amendment approval at the public hearing.

478 (4) The legislative body shall by ordinance or resolution vacate prior to or concurrent  
479 with adoption of a final amended plat each lot and each public or private interest that is  
480 amended in accordance with Subsection (2).

481 ~~[(3)]~~ (5) Each request to vacate or amend a plat that contains a request to vacate or  
482 amend a public street, right-of-way, or easement is also subject to Section 10-9a-609.5.

483 ~~[(4)]~~ (6) (a) Each petition to vacate or amend an entire plat or a portion of a plat shall  
484 include:

485 ~~[(a)]~~ (i) the name and address of each owner of record of the land contained in:

486 (A) the entire plat; or ~~[on]~~

487 (B) that portion of the plat described in the petition; ~~[and]~~

488 ~~[(b)]~~ (ii) the signature of each owner ~~[described in Subsection (4)(a)]~~ who consents to  
489 the petition~~[-]~~; and

490 (iii) the seal and signature of the surveyor who prepared the description included in the



491 petition.

492 (b) A description prepared for purposes described in Subsection (6)(a)(iii) is exempt  
493 from the requirements of Section 17-23-17.

494 [~~(5) (a) The owners of record of adjacent parcels that are described by either a metes~~  
495 ~~and bounds description or by a recorded plat may exchange title to portions of those parcels if~~  
496 ~~the exchange of title is approved by the land use authority in accordance with Subsection~~  
497 ~~(5)(b).]~~

498 [~~(b) The land use authority shall approve an exchange of title under Subsection (5)(a) if~~  
499 ~~the exchange of title will not result in a violation of any land use ordinance.]~~

500 [~~(c) If an exchange of title is approved under Subsection (5)(b):]~~

501 [~~(i) a notice of approval shall be recorded in the office of the county recorder which:]~~

502 [~~(A) is executed by each owner included in the exchange and by the land use~~  
503 ~~authority;]~~

504 [~~(B) contains an acknowledgment for each party executing the notice in accordance~~  
505 ~~with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and]~~

506 [~~(C) recites the descriptions of both the original parcels and the parcels created by the~~  
507 ~~exchange of title; and]~~

508 [~~(ii) a document of conveyance shall be recorded in the office of the county recorder.]~~

509 [~~(d) A notice of approval recorded under this Subsection (5) does not act as a~~  
510 ~~conveyance of title to real property and is not required in order to record a document conveying~~  
511 ~~title to real property.]~~

512 [~~(6)~~ (7) (a) The name of a recorded subdivision may be changed by recording an  
513 ~~[amended plat]~~ ordinance or resolution making that change, as provided in this section ~~[and].~~

514 (b) A changed name is subject to Subsection [~~(6)(c)~~] (8).

515 [~~(b) The surveyor preparing the amended plat shall certify that the surveyor:]~~

516 [~~(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and~~  
517 ~~Professional Land Surveyors Licensing Act;]~~

518 [~~(ii) has completed a survey of the property described on the plat in accordance with~~  
519 ~~Section 17-23-17 and has verified all measurements; and]~~

520 [~~(iii) has placed monuments as represented on the plat.]~~

521 [~~(c) An owner of land may not submit for recording an amended plat that gives the~~

522 ~~subdivision described in the amended plat the same name as a subdivision in a plat already~~  
 523 ~~recorded in the county recorder's office.]~~

524 (8) (a) Except as provided in Subsection (8)(b), the county recorder shall approve the  
 525 name of an amended plat.

526 (b) A county recorder may not approve the name of an amended plat, unless the name:

527 (i) identifies the plat being amended; and

528 (ii) contains a designation so that the amendment may be uniquely identified from  
 529 another plat of record.

530 (c) The county recorder may make a marginal note on the original dedication plat being  
 531 amended in accordance with Subsection (8)(a) to identify the new name and the ordinance or  
 532 resolution enacting the change of name.

533 ~~[(4)]~~ (9) Except as provided in Subsection [(6)] (7)(a), the recording of [a] an  
 534 ordinance, resolution, declaration, or other document that purports to change the name of a  
 535 recorded plat is void.

536 (10) A person may not submit an amended plat to the county recorder for recording,  
 537 unless the plat is signed, acknowledged, and dedicated by each owner of record of the portion  
 538 of the plat that is amended.

539 (11) A management committee, as defined in Section 57-8-3, may sign and dedicate an  
 540 amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act.

541 (12) A plat may be corrected in accordance with Section 57-3-106 if the correction  
 542 does not substantially or materially change the certifications, dedications, or approvals as  
 543 originally intended.

544 Section 6. Section **10-9a-609** is amended to read:

545 **10-9a-609. Amending a plat -- Land use authority -- Recording the amended plat.**

546 (1) ~~[The]~~ If authorized by the legislative body, the land use authority may approve the  
 547 [vacation or] amendment of a plat by signing an amended plat [showing the vacation or  
 548 amendment if], unless the land use authority finds that [:(a) there is good cause for the  
 549 vacation or amendment, and (b) no public] the amendment amends, changes, or alters a street,  
 550 right-of-way, or public utility easement [has been vacated or amended].

551 (2) The land use authority shall ensure that the amended plat ~~[showing the vacation or~~  
 552 amendment] prepared by a surveyor is recorded in the office of the county recorder in which

553 the land is located.

554 ~~[(3) A legislative body may vacate a subdivision or a portion of a subdivision by~~  
555 ~~recording in the county recorder's office an ordinance describing the subdivision or the portion~~  
556 ~~being vacated.]~~

557 (3) (a) Unless a local ordinance provides otherwise, and subject to Subsection (3)(b), a  
558 land use authority shall consider an owner's petition to amend a plat or a portion of a plat if the  
559 petition seeks to:

560 (i) join two or more petitioning fee owner's contiguous lots;

561 (ii) subdivide one or more of the petitioning fee owner's lots;

562 (iii) adjust an internal lot restriction or easement on a lot owned by a petitioning fee  
563 owner; or

564 (iv) alter a plat in a manner that does not change existing boundaries or other attributes  
565 of a lot within the subdivision if:

566 (A) the lot is not owned by the petitioner;

567 (B) the alteration is not designated as a common area; and

568 (C) in accordance with an applicable local ordinance, each adjacent property owner has  
569 received notice of the proposed alteration.

570 (b) The land use authority may not approve an amendment proposed in a petition if:

571 (i) the subdivision will result in a violation of a land use ordinance or development  
572 condition;

573 (ii) the amendment requires the alteration or vacation of a public street or public  
574 easement; or

575 (iii) the land use authority has not complied with the requirements of Subsection (4).

576 (c) If a land use authority approves a petition, the land use authority shall submit to the  
577 legislative body a proposed ordinance or resolution to vacate prior to or concurrent with  
578 approval of an amended plat each lot or easement involved in an adjustment described in  
579 Subsection (3)(a).

580 (d) The land use authority shall ensure that the amended plat prepared by the surveyor  
581 is recorded in the office of the county recorder in which the land is located.

582 (4) (a) If a proposed amendment included in a petition is an amendment that would  
583 affect an easement held by a public utility company, the land use authority shall:

584 (i) send notice to the affected public utility at least 30 days prior to taking action on the  
585 petition; and

586 (ii) if the public utility does not respond within 15 days after the day on which the  
587 notice in Subsection (4)(a)(i) is sent, and no later than 15 days before taking final action, send a  
588 second notice.

589 (b) A notice required under Subsection (4)(a) shall:

590 (i) identify the easement identified in the proposed amendment in the petition;

591 (ii) request that the public utility provide the land use authority with a written release  
592 or notice of disinterest; and

593 (iii) provide a deadline for the public utility to submit the written release or notice to  
594 the land use authority that is no sooner than 30 days after the day on which the first notice is  
595 sent.

596 (c) If the affected public utility does not provide a written release or notice of  
597 disinterest to the land use authority within 30 days of receiving the first notice described in  
598 Subsection (4)(a)(i), the land use authority:

599 (i) may approve the amendment and propose to the legislative body an ordinance or  
600 resolution to vacate prior to or concurrent with approval of an amended plat each lot or  
601 easement described in a petition described in Subsection (3)(a) if there is no utility  
602 infrastructure located within a lot or easement identified in the petition; and

603 (ii) may not approve the amendment or propose to the legislative body an ordinance or  
604 resolution to vacate if there is utility infrastructure located within a lot or easement identified in  
605 the petition.

606 (5) (a) The owners of record of adjacent parcels may exchange title to portions of those  
607 parcels if the exchange of title is:

608 (i) approved by the land use authority in accordance with Subsection (5)(b); and

609 (ii) an exchange described in Subsection 17-27a-103(59)(c).

610 (b) The land use authority shall approve an exchange of title in accordance with this  
611 Subsection (5) if the exchange of title will not result in a violation of a land use ordinance.

612 (c) If an exchange of title is approved under Subsection (5)(b):

613 (i) the land use authority shall affix a notice of approval to the face of a plat prepared in  
614 accordance with Section 17-23-17 showing the exchange of title and file the notice in the office

615 of the county surveyor; and

616 (ii) each owner of record shall, concurrent with the filing of the record of survey plat  
617 required in accordance with Subsection (5)(c)(i), record a deed of conveyance of title reflecting  
618 the approved change in the office of the county recorder of each affected county.

619 (d) A notice of approval recorded under this Subsection (5) does not act as a  
620 conveyance of title to real property and is not required to record a document conveying title to  
621 real property.

622 ~~[(4)]~~ (6) An amended plat may not be submitted to the county recorder for recording  
623 unless it is signed, acknowledged, and dedicated by each owner of record of the portion of the  
624 plat that is amended.

625 ~~[(5)]~~ (7) A management committee may sign and dedicate an amended plat as provided  
626 in Title 57, Chapter 8, Condominium Ownership Act.

627 ~~[(6)]~~ (8) A plat may be corrected as provided in Section 57-3-106 if the correction does  
628 not substantially or materially change the certifications, dedications, or approvals as originally  
629 intended.

630 Section 7. Section **10-9a-609.5** is amended to read:

631 **10-9a-609.5. Vacating a street, right-of-way, or easement.**

632 (1) A petition to vacate some or all of a public street, right-of-way, or easement shall  
633 include:

634 (a) the name and address of each owner of record of land that is:

635 (i) adjacent to the public street, right-of-way, or easement; or

636 (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or  
637 easement; and

638 (b) the signature of each owner under Subsection (1)(a) who consents to the vacation.

639 (2) If a petition is submitted containing a request to vacate some or all of a street,  
640 right-of-way, or easement, the legislative body shall hold a public hearing in accordance with  
641 Section 10-9a-208 and determine whether:

642 (a) good cause exists for the vacation; and

643 (b) the public interest or any person will be materially injured by the proposed  
644 vacation.

645 (3) The legislative body may adopt an ordinance or resolution granting a petition to

646 vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:

647 (a) good cause exists for the vacation; and

648 (b) neither the public interest nor any person will be materially injured by the vacation.

649 (4) If the legislative body adopts an ordinance or resolution vacating some or all of a  
650 public street, right-of-way, or easement, the legislative body shall ensure that one or both of the  
651 following is recorded in the office of the recorder of the county in which the land is located:

652 (a) a plat [~~reflecting the vacation~~], if required in accordance with Section 10-9a-609; or

653 (b) an ordinance or resolution described in Subsection (3).

654 (5) The action of the legislative body vacating some or all of a street, right-of-way, or  
655 easement that has been dedicated to public use:

656 (a) operates to the extent to which it is vacated, upon the [~~effective date of the recorded~~  
657 plat,] date of recording in accordance with Subsection (4) as a revocation of the acceptance of  
658 and the relinquishment of the municipality's fee or other property interest in the vacated street,  
659 right-of-way, or easement; and

660 (b) may not be construed to impair:

661 (i) any right-of-way or easement of any lot owner; or

662 (ii) the franchise rights of any public utility.

663 Section 8. Section **17-27a-103** is amended to read:

664 **17-27a-103. Definitions.**

665 As used in this chapter:

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

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

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

674 or

675 (c) the entity has filed with the county a request for notice during the same calendar  
676 year and before the county provides notice to an affected entity in compliance with a

677 requirement imposed under this chapter.

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

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

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

685 (i) an operating charter school;

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

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

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

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

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

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

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

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

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

704 (9) "Development activity" means:

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

707 (b) any change in use of a building or structure that creates additional demand and need

708 for public facilities; or

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

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

714 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
715 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
716 802.

717 (11) "Educational facility":

718 (a) means:

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

722 (ii) a structure or facility:

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

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

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

727 (b) does not include:

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

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

731 and

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

733 (ii) a therapeutic school.

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

737 (13) "Fire authority" means the department, agency, or public entity with responsibility  
738 to review and approve the feasibility of fire protection and suppression services for the subject



739 property.

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

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

742 Management Agency; or

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

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

748 (16) "General plan" means a document that a county adopts that sets forth general  
749 guidelines for proposed future development of the unincorporated land within the county.

750 (17) "Geologic hazard" means:

751 (a) a surface fault rupture;

752 (b) shallow groundwater;

753 (c) liquefaction;

754 (d) a landslide;

755 (e) a debris flow;

756 (f) unstable soil;

757 (g) a rock fall; or

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

759 (i) to life;

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

761 (iii) of substantial damage to real property.

762 (18) "Internal lot restriction" means a platted note, platted demarcation, or platted  
763 designation that:

764 (a) runs with the land; and

765 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
766 the plat; or

767 (ii) designates a development condition that is enclosed within the perimeter of a lot  
768 described on the plat.

769 (19) "Hookup fee" means a fee for the installation and inspection of any pipe, line,

770 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility  
771 system.

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

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

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

776 (c) describe a building that:

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

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

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

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

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

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

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

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

790 (i) recording a subdivision plat; or

791 (ii) beginning development activity; and

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

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

795 (ii) issue a permit for development activity.

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

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

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

800 (24) "Interstate pipeline company" means a person or entity engaged in natural gas

801 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
802 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

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

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

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

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

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

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

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

818 (32) (a) "Lot" means a lot, unit, area, building, tract, or other description of real estate  
819 that is identified on a recorded plat.

820 (b) "Lot" does not include a parcel.

821 [~~32~~] (33) "Lot line adjustment" means the relocation of the property boundary line in  
822 a recorded subdivision between two or more adjoining lots with the consent of the owners of  
823 record.

824 [~~33~~] (34) "Moderate income housing" means housing occupied or reserved for  
825 occupancy by households with a gross household income equal to or less than 80% of the  
826 median gross income for households of the same size in the county in which the housing is  
827 located.

828 [~~34~~] (35) "Nominal fee" means a fee that reasonably reimburses a county only for  
829 time spent and expenses incurred in:

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

831 (b) reviewing and approving those minor aspects of identical plans that differ from the

832 previously reviewed and approved building plans.

833 ~~[(35)]~~ (36) "Noncomplying structure" means a structure that:

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

835 (b) because of one or more subsequent land use ordinance changes, does not conform  
836 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
837 the use of land.

838 ~~[(36)]~~ (37) "Nonconforming use" means a use of land that:

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

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

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

844 ~~[(37)]~~ (38) "Official map" means a map drawn by county authorities and recorded in  
845 the county recorder's office that:

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

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

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

852 (39) "Parcel" means a description of real estate that is not part of a recorded plat.

853 (40) "Parcel boundary adjustment" means a recorded agreement between owners of  
854 adjoining properties adjusting their mutual boundary if:

855 (a) no additional parcel is created; and

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

858 ~~[(38)]~~ (41) "Person" means an individual, corporation, partnership, organization,  
859 association, trust, governmental agency, or any other legal entity.

860 ~~[(39)]~~ (42) "Plan for moderate income housing" means a written document adopted by  
861 a county legislative body that includes:

862 (a) an estimate of the existing supply of moderate income housing located within the

863 county;

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

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

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

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

871 ~~[(40)]~~ (43) "Plat" or "final plat" means a map, plat, or other graphical representation of  
872 lands being laid out ~~[and prepared in accordance with Section 17-27a-603, 17-23-17, or~~  
873 ~~57-8-13], subdivided, defined, or described for a subdivision, condominium, townhouse,~~  
874 ~~planned unit development, or other land development purpose.~~

875 ~~[(41)]~~ (44) "Potential geologic hazard area" means an area that:

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

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

882 ~~[(42)]~~ (45) "Public agency" means:

883 (a) the federal government;

884 (b) the state;

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

887 (d) a charter school.

888 ~~[(43)]~~ (46) "Public hearing" means a hearing at which members of the public are  
889 provided a reasonable opportunity to comment on the subject of the hearing.

890 ~~[(44)]~~ (47) "Public meeting" means a meeting that is required to be open to the public  
891 under Title 52, Chapter 4, Open and Public Meetings Act.

892 ~~[(45)]~~ (48) "Receiving zone" means an unincorporated area of a county that the county  
893 designates, by ordinance, as an area in which an owner of land may receive a transferable

894 development right.

895 [~~(46)~~] (49) "Record of survey map" means a map of a survey of land prepared in  
896 accordance with Section 17-23-17.

897 [~~(47)~~] (50) "Residential facility for elderly persons" means a single-family or  
898 multiple-family dwelling unit that meets the requirements of Section 17-27a-515, but does not  
899 include a health care facility as defined by Section 26-21-2.

900 [~~(48)~~] (51) "Residential facility for persons with a disability" means a residence:

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

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

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

906 [~~(49)~~] (52) "Rules of order and procedure" means a set of rules that govern and  
907 prescribe in a public meeting:

908 (a) parliamentary order and procedure;

909 (b) ethical behavior; and

910 (c) civil discourse.

911 [~~(50)~~] (53) "Sanitary sewer authority" means the department, agency, or public entity  
912 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
913 wastewater systems.

914 [~~(51)~~] (54) "Sending zone" means an unincorporated area of a county that the county  
915 designates, by ordinance, as an area from which an owner of land may transfer a transferable  
916 development right.

917 [~~(52)~~] (55) "Specified public agency" means:

918 (a) the state;

919 (b) a school district; or

920 (c) a charter school.

921 [~~(53)~~] (56) "Specified public utility" means an electrical corporation, gas corporation,  
922 or telephone corporation, as those terms are defined in Section 54-2-1.

923 [~~(54)~~] (57) "State" includes any department, division, or agency of the state.

924 [~~(55)~~] (58) "Street" means a public right-of-way, including a highway, avenue,

925 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
926 or other way.

927 ~~[(56)]~~ (59) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
928 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
929 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
930 installment plan or upon any and all other plans, terms, and conditions.

931 (b) "Subdivision" includes:

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

934 (ii) except as provided in Subsection ~~[(56)]~~ (59)(c), divisions of land for residential and  
935 nonresidential uses, including land used or to be used for commercial, agricultural, and  
936 industrial purposes.

937 (c) "Subdivision" does not include:

938 ~~[(i) a bona fide division or partition of agricultural land for agricultural purposes;]~~

939 ~~[(ii) a recorded agreement between owners of adjoining properties adjusting their  
940 mutual boundary if:]~~

941 (i) a parcel boundary adjustment if:

942 (A) no new lot is created; and

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

944 ~~[(iii)]~~ (ii) a recorded document, executed by the owner of record:

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

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

949 ~~[(iv)]~~ (iii) a bona fide division or partition of land in a county other than a first class  
950 county for the purpose of siting, on one or more of the resulting separate parcels:

951 (A) an electrical transmission line or a substation;

952 (B) a natural gas pipeline or a regulation station; or

953 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
954 utility service regeneration, transformation, retransmission, or amplification facility;

955 ~~[(v)]~~ (iv) a recorded agreement between owners of adjoining subdivided properties

956 adjusting their mutual boundary if:

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

958 (B) the adjustment will not violate any applicable land use ordinance; or

959 [~~(vi)~~] (v) a bona fide division or partition of land by deed or other instrument where the  
960 land use authority expressly approves in writing the division in anticipation of further land use  
961 approvals on the parcel or parcels.

962 (d) The joining of a subdivided parcel of property to another parcel of property that has  
963 not been subdivided does not constitute a subdivision under this Subsection [~~(56)~~] (59) as to  
964 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's  
965 subdivision ordinance.

966 [~~(57)~~] (60) "Therapeutic school" means a residential group living facility:

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

968 (i) the owner of the facility; or

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

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

971 (i) at home;

972 (ii) in a public school; or

973 (iii) in a nonresidential private school; and

974 (c) that offers:

975 (i) room and board; and

976 (ii) an academic education integrated with:

977 (A) specialized structure and supervision; or

978 (B) services or treatment related to a disability, an emotional development, a  
979 behavioral development, a familial development, or a social development.

980 [~~(58)~~] (61) "Township" means a contiguous, geographically defined portion of the  
981 unincorporated area of a county, established under this part or reconstituted or reinstated under  
982 Section 17-27a-306, with planning and zoning functions as exercised through the township  
983 planning commission, as provided in this chapter, but with no legal or political identity  
984 separate from the county and no taxing authority, except that "township" means a former  
985 township under Laws of Utah 1996, Chapter 308, where the context so indicates.

986 [~~(59)~~] (62) "Transferable development right" means a right to develop and use land that



987 originates by an ordinance that authorizes a land owner in a designated sending zone to transfer  
988 land use rights from a designated sending zone to a designated receiving zone.

989 ~~[(60)]~~ (63) "Unincorporated" means the area outside of the incorporated area of a  
990 municipality.

991 (64) "Vacate" means the process in which a legislative body takes formal action to:

992 (a) abdicate the public interest or the interest of a public utility within a recorded plat  
993 by eliminating the ability to describe real estate by reference to the plat or portion of the plat  
994 that is vacated; and

995 (b) relinquish a public use or claim.

996 (65) "Vacating plat" means a plat that:

997 (a) shows and describes a public street that is being vacated;

998 (b) identifies and describes the ownership of each part or portion of the vacated street;

999 and

1000 (c) is prepared by a surveyor.

1001 ~~[(61)]~~ (66) "Water interest" means any right to the beneficial use of water, including:

1002 (a) each of the rights listed in Section 73-1-11; and

1003 (b) an ownership interest in the right to the beneficial use of water represented by:

1004 (i) a contract; or

1005 (ii) a share in a water company, as defined in Section 73-3-3.5.

1006 ~~[(62)]~~ (67) "Zoning map" means a map, adopted as part of a land use ordinance, that  
1007 depicts land use zones, overlays, or districts.

1008 Section 9. Section **17-27a-522** is enacted to read:

1009 **17-27a-522. Parcel boundary adjustment.**

1010 (1) A property owner:

1011 (a) may execute a parcel boundary adjustment by quitclaim deed; and

1012 (b) shall record a parcel boundary adjustment in the office of the county recorder.

1013 (2) A parcel boundary adjustment is not subject to the review of a land use authority.

1014 Section 10. Section **17-27a-523** is enacted to read:

1015 **17-27a-523. Boundary line agreement.**

1016 (1) As used in this section, "boundary line agreement" is an agreement described in

1017 Section 57-1-45.

- 1018 (2) A property owner:
- 1019 (a) may execute a boundary line agreement by quitclaim deed; and
- 1020 (b) shall record a boundary line agreement in the office of the county recorder.
- 1021 (3) A boundary line agreement is not subject to the review of a land use authority.

1022 Section 11. Section **17-27a-607** is amended to read:

1023 **17-27a-607. Dedication of streets and other public places.**

1024 (1) A final plat that [~~is signed, dedicated, and acknowledged by each owner of record,~~  
1025 ~~and approved according to the procedures specified in this part,~~] meets the requirements of  
1026 Section 17-27a-604:

- 1027 (a) operates, when recorded, as a dedication and granting of an easement or  
1028 right-of-way of all streets and other public places[;]; and
- 1029 (b) vests the fee of a public easement or right-of-way on those parcels of land in the  
1030 county for [the public for the uses] public use or an entity's use as specifically named or  
1031 intended in the dedication language included on the final plat.

1032 (2) The dedication established by this section does not impose liability upon the county  
1033 for streets and other public places that are dedicated in this manner but are unimproved.

1034 (3) (a) If a public easement or right-of-way is located in an area that is annexed, the  
1035 easement or right-of-way shall vest in the annexing entity.

1036 (b) A change of a vesting right described in Subsection (3)(a) does not affect a public  
1037 utility or other facility, structure, monument, or other property that is owned or controlled by a  
1038 county or a utility owner.

1039 Section 12. Section **17-27a-608** is amended to read:

1040 **17-27a-608. Vacating or amending a subdivision plat -- Legislative body --**  
1041 **Recording the amended plat.**

1042 (1) (a) A fee owner of land, as shown on the last county assessment roll, in a  
1043 subdivision, condominium, or platted project, that has been laid out and platted as provided in  
1044 this part, may file a written petition with:

1045 (i) the land use authority, in accordance with Section 17-27a-609, to amend some or all  
1046 of a plat; or

1047 (ii) the legislative body, in accordance with this section, to have some or all of the plat  
1048 vacated or amended.

1049 (b) If a petition signed by each owner of interest of property located within the plat or a  
1050 portion of a plat is filed under Subsection (1)(a)(i) to vacate all of a plat or a portion of a plat,  
1051 the [land use authority] legislative body shall:

1052 (i) prepare a vacating plat; and

1053 (ii) except as provided in Subsection (2), hold a public hearing within 45 days after the  
1054 day on which the petition is filed [if:].

1055 [~~(i) any owner within the plat notifies the county of the owner's objection in writing~~  
1056 ~~within 10 days of mailed notification; or]~~

1057 [~~(ii) a public hearing is required because all of the owners in the subdivision have not~~  
1058 ~~signed the revised plat.]~~

1059 [~~(2) Unless a local ordinance provides otherwise, the public hearing requirement of~~  
1060 ~~Subsection (1)(b) does not apply and a land use authority may consider at a public meeting an~~  
1061 ~~owner's petition to vacate or amend a subdivision plat if:]~~

1062 [~~(a) the petition seeks to:]~~

1063 [~~(i) join two or more of the petitioning fee owner's contiguous lots;]~~

1064 [~~(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will~~  
1065 ~~not result in a violation of a land use ordinance or a development condition;]~~

1066 [~~(iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the~~  
1067 ~~adjoining lots or parcels join the petition, regardless of whether the lots or parcels are located in~~  
1068 ~~the same subdivision;]~~

1069 [~~(iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction~~  
1070 ~~imposed by the local political subdivision; or]~~

1071 [~~(v) alter the plat in a manner that does not change existing boundaries or other~~  
1072 ~~attributes of lots within the subdivision that are not:]~~

1073 [~~(A) owned by the petitioner; or]~~

1074 [~~(B) designated as a common area; and]~~

1075 [~~(b) notice has been given to adjacent property owners in accordance with any~~  
1076 ~~applicable local ordinance.]~~

1077 (c) The legislative body:

1078 (i) may, in accordance with Section 17-27a-609.5, approve the plat vacation if no  
1079 owner of interest of property located within the plat or a portion of the plat objects to the

1080 vacation at the public hearing; and

1081 (ii) may not approve the plat vacation if an owner of interest of property located within  
1082 the plat or a portion of the plat objects to the vacation at the public hearing.

1083 (2) If a petition signed by each owner of interest is filed in accordance with Subsection  
1084 (1)(a) to amend all or a portion of a plat, the legislative body may, at a public meeting, approve  
1085 the amendment subject to Subsection (3).

1086 (3) (a) If a proposed amendment included in a petition is an amendment that would  
1087 affect an easement held by a public utility company, and the easement is the only affected  
1088 public interest, the legislative body shall:

1089 (i) send notice to the affected public utility at least 30 days prior to the public meeting;  
1090 and

1091 (ii) if the public utility does not respond within 15 days after the day on which the  
1092 notice in Subsection (3)(a)(i) is sent, and no later than 15 days before the public meeting, send  
1093 a second notice.

1094 (b) A notice required under Subsection (3)(a) shall:

1095 (i) identify the easement identified in the proposed amendment in the petition;

1096 (ii) request that the public utility provide the legislative body with a written release or  
1097 notice of disinterest; and

1098 (iii) provide a deadline for the public utility to submit the written release or notice to  
1099 the legislative body that is no sooner than 30 days after the day on which the first notice is sent.

1100 (c) If the affected public utility does not provide a written release or notice of  
1101 disinterest to the legislative body within 30 days of receiving the first notice described in  
1102 Subsection (3)(a)(i), the legislative body:

1103 (i) may approve the amendment if there is no utility infrastructure located within a lot  
1104 or easement identified in the petition; and

1105 (ii) may not approve the amendment if there is utility infrastructure located within a lot  
1106 or easement identified in the petition.

1107 (d) The legislative body may approve an amendment described in Subsection (3)(c)(i)  
1108 without a plat.

1109 (e) The legislative body may not approve an amendment to a plat or a portion of a plat  
1110 that affects a public interest other than an interest described in Subsection (3)(a), unless:

1111 (i) the legislative body holds a public hearing prior to or concurrent with final plat  
 1112 approval; and

1113 (ii) no member of the public objects to the amendment approval at the public hearing.

1114 (4) The legislative body shall by ordinance or resolution vacate prior to or concurrent  
 1115 with adoption of a final amended plat each lot and each public or private interest that is  
 1116 amended in accordance with Subsection (2).

1117 [~~(3)~~] (5) Each request to vacate or amend a plat that contains a request to vacate or  
 1118 amend a public street, right-of-way, or easement is also subject to Section 17-27a-609.5.

1119 [~~(4)~~] (6) (a) Each petition to vacate or amend an entire plat or a portion of a plat shall  
 1120 include:

1121 [~~(a)~~] (i) the name and address of each owner of record of the land contained in:

1122 [~~(i)~~] (A) the entire plat; or

1123 [~~(ii)~~] (B) that portion of the [~~plan~~] plat described in the petition; [~~and~~]

1124 [~~(b)~~] (ii) the signature of each owner who consents to the petition[-]; and

1125 (iii) the seal and signature of the surveyor who prepared the description included in the  
 1126 petition.

1127 (b) A description prepared for purposes described in Subsection (6)(a)(iii) is exempt  
 1128 from the requirements of Section 17-23-17.

1129 [~~(5) (a) The owners of record of adjacent parcels that are described by either a metes~~  
 1130 ~~and bounds description or by a recorded plat may exchange title to portions of those parcels if~~  
 1131 ~~the exchange of title is approved by the land use authority in accordance with Subsection~~  
 1132 ~~(5)(b).]~~

1133 [~~(b) The land use authority shall approve an exchange of title under Subsection (5)(a) if~~  
 1134 ~~the exchange of title will not result in a violation of any land use ordinance.]~~

1135 [~~(c) If an exchange of title is approved under Subsection (5)(b).]~~

1136 [~~(i) a notice of approval shall be recorded in the office of the county recorder which:]~~

1137 [~~(A) is executed by each owner included in the exchange and by the land use~~  
 1138 ~~authority;]~~

1139 [~~(B) contains an acknowledgment for each party executing the notice in accordance~~  
 1140 ~~with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act, and]~~

1141 [~~(C) recites the descriptions of both the original parcels and the parcels created by the~~

1142 exchange of title; and]

1143 ~~[(ii) a document of conveyance of title reflecting the approved change shall be recorded~~  
1144 ~~in the office of the county recorder.]~~

1145 ~~[(d) A notice of approval recorded under this Subsection (5) does not act as a~~  
1146 ~~conveyance of title to real property and is not required to record a document conveying title to~~  
1147 ~~real property.]~~

1148 ~~[(6)] (7) (a) The name of a recorded subdivision may be changed by recording an~~  
1149 ~~[amended plat] ordinance or resolution making that change, as provided in this section [and].~~

1150 ~~(b) A changed name is subject to Subsection [(6)(c)] (8).~~

1151 ~~[(b) The surveyor preparing the amended plat shall certify that the surveyor:]~~

1152 ~~[(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and~~  
1153 ~~Professional Land Surveyors Licensing Act;]~~

1154 ~~[(ii) has completed a survey of the property described on the plat in accordance with~~  
1155 ~~Section 17-23-17 and has verified all measurements; and]~~

1156 ~~[(iii) has placed monuments as represented on the plat.]~~

1157 ~~[(c) An owner of land may not submit for recording an amended plat that gives the~~  
1158 ~~subdivision described in the amended plat the same name as a subdivision recorded in the~~  
1159 ~~county recorder's office.]~~

1160 (8) (a) Except as provided in Subsection (8)(b), the county recorder shall approve the  
1161 name of an amended plat.

1162 (b) A county recorder may not approve the name of an amended plat, unless the name:

1163 (i) identifies the plat being amended; and

1164 (ii) contains a designation so that the amendment may be uniquely identified from  
1165 another plat of record.

1166 (c) The county recorder may make a marginal note on the original dedication plat being  
1167 amended in accordance with Subsection (8)(a) to identify the new name and the ordinance or  
1168 resolution enacting the change of name.

1169 ~~[(d)] (9) Except as provided in Subsection [(6)] (7)(a), the recording of [a] an~~  
1170 ~~ordinance, resolution, declaration, or other document that purports to change the name of a~~  
1171 ~~recorded plat is void.~~

1172 (10) A person may not submit an amended plat to the county recorder for recording.

1173 unless the plat is signed, acknowledged, and dedicated by each owner of record of the portion  
1174 of the plat that is amended.

1175 (11) A management committee, as defined in Section 57-8-3, may sign and dedicate an  
1176 amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act.

1177 (12) A plat may be corrected in accordance with Section 57-3-106 if the correction  
1178 does not substantially or materially change the certifications, dedications, or approvals as  
1179 originally intended.

1180 Section 13. Section **17-27a-609** is amended to read:

1181 **17-27a-609. Amending a plat -- Land use authority -- Recording the amended**  
1182 **plat.**

1183 (1) ~~[The]~~ If authorized by the legislative body, the land use authority may approve the  
1184 ~~[vacation or]~~ amendment of a plat by signing an amended plat ~~[showing the vacation or~~  
1185 ~~amendment if], unless~~ the land use authority finds that ~~[(a) there is good cause for the~~  
1186 ~~vacation or amendment, and (b) no public]~~ the amendment amends, changes, or alters a street,  
1187 right-of-way, or public utility easement [has been vacated or amended].

1188 (2) The land use authority shall ensure that the amended plat ~~[showing the vacation or~~  
1189 ~~amendment]~~ prepared by a surveyor is recorded in the office of the county recorder in which  
1190 the land is located.

1191 ~~[(3) A legislative body may vacate a subdivision or a portion of a subdivision by~~  
1192 ~~recording in the county recorder's office an ordinance describing the subdivision or the portion~~  
1193 ~~being vacated.]~~

1194 (3) (a) Unless a local ordinance provides otherwise, and subject to Subsection (3)(b), a  
1195 land use authority shall consider an owner's petition to amend a plat or a portion of a plat if the  
1196 petition seeks to:

1197 (i) join two or more petitioning fee owner's contiguous lots;

1198 (ii) subdivide one or more of the petitioning fee owner's lots;

1199 (iii) adjust an internal lot restriction or easement on a lot owned by a petitioning fee  
1200 owner; or

1201 (iv) alter a plat in a manner that does not change existing boundaries or other attributes  
1202 of a lot within the subdivision if:

1203 (A) the lot is not owned by the petitioner;

1204 (B) the alteration is not designated as a common area; and  
1205 (C) in accordance with an applicable local ordinance, each adjacent property owner has  
1206 received notice of the proposed alteration.  
1207 (b) The land use authority may not approve an amendment proposed in a petition if:  
1208 (i) the subdivision will result in a violation of a land use ordinance or development  
1209 condition;  
1210 (ii) the amendment requires the alteration or vacation of a public street or public  
1211 easement; or  
1212 (iii) the land use authority has not complied with the requirements of Subsection (4).  
1213 (c) If a land use authority approves a petition, the land use authority shall submit to the  
1214 legislative body a proposed ordinance or resolution to vacate prior to or concurrent with  
1215 approval of an amended plat each lot or easement involved in an adjustment described in  
1216 Subsection (3)(a).  
1217 (d) The land use authority shall ensure that the amended plat prepared by the surveyor  
1218 is recorded in the office of the county recorder in which the land is located.  
1219 (4) (a) If a proposed amendment included in a petition is an amendment that would  
1220 affect an easement held by a public utility company, the land use authority shall:  
1221 (i) send notice to the affected public utility at least 30 days prior to taking action on the  
1222 petition; and  
1223 (ii) if the public utility does not respond within 15 days after the day on which the  
1224 notice in Subsection (4)(a)(i) is sent, and no later than 15 days before taking final action, send a  
1225 second notice.  
1226 (b) A notice required under Subsection (4)(a) shall:  
1227 (i) identify the easement identified in the proposed amendment in the petition;  
1228 (ii) request that the public utility provide the land use authority with a written release  
1229 or notice of disinterest; and  
1230 (iii) provide a deadline for the public utility to submit the written release or notice to  
1231 the land use authority that is no sooner than 30 days after the day on which the first notice is  
1232 sent.  
1233 (c) If the affected public utility does not provide a written release or notice of  
1234 disinterest to the land use authority within 30 days of receiving the first notice described in



1235 Subsection (4)(a)(i), the land use authority:

1236 (i) may approve the amendment and propose to the legislative body an ordinance or  
1237 resolution to vacate prior to or concurrent with approval of an amended plat each lot or  
1238 easement described in a petition described in Subsection (3)(a) if there is no utility  
1239 infrastructure located within a lot or easement identified in the petition; and

1240 (ii) may not approve the amendment or propose to the legislative body an ordinance or  
1241 resolution to vacate if there is utility infrastructure located within a lot or easement identified in  
1242 the petition.

1243 (5) (a) The owners of record of adjacent parcels may exchange title to portions of those  
1244 parcels if the exchange of title is:

1245 (i) approved by the land use authority in accordance with Subsection (5)(b); and

1246 (ii) an exchange described in Subsection 17-27a-103(59)(c).

1247 (b) The land use authority shall approve an exchange of title in accordance with this  
1248 Subsection (5) if the exchange of title will not result in a violation of a land use ordinance.

1249 (c) If an exchange of title is approved under Subsection (5)(b):

1250 (i) the land use authority shall affix a notice of approval to the face of a plat prepared in  
1251 accordance with Section 17-23-17 showing the exchange of title and file the notice in the office  
1252 of the county surveyor; and

1253 (ii) each owner of record shall, concurrent with the filing of the record of survey plat  
1254 required in accordance with Subsection (5)(c)(i), record a deed of conveyance of title reflecting  
1255 the approved change in the office of the county recorder of each affected county.

1256 (d) A notice of approval recorded under this Subsection (5) does not act as a  
1257 conveyance of title to real property and is not required to record a document conveying title to  
1258 real property.

1259 ~~[(4)]~~ (6) An amended plat may not be submitted to the county recorder for recording  
1260 unless it is signed, acknowledged, and dedicated by each owner of record of the portion of the  
1261 plat that is amended.

1262 ~~[(5)]~~ (7) A management committee may sign and dedicate an amended plat as provided  
1263 in Title 57, Chapter 8, Condominium Ownership Act.

1264 ~~[(6)]~~ (8) A plat may be corrected as provided in Section 57-3-106 if the correction does  
1265 not substantially or materially change the certifications, dedications, or approvals as originally

1266 intended.

1267 Section 14. Section **17-27a-609.5** is amended to read:

1268 **17-27a-609.5. Vacating a street, right-of-way, or easement.**

1269 (1) A petition to vacate some or all of a public street, right-of-way, or easement shall  
1270 include:

1271 (a) the name and address of each owner of record of land that is:

1272 (i) adjacent to the public street, right-of-way, or easement; or

1273 (ii) accessed exclusively by or within 300 feet of the public street, right-of-way, or  
1274 easement; and

1275 (b) the signature of each owner under Subsection (1)(a) who consents to the vacation.

1276 (2) If a petition is submitted containing a request to vacate some or all of a street,  
1277 right-of-way, or easement, the legislative body shall hold a public hearing in accordance with  
1278 Section 17-27a-208 and determine whether:

1279 (a) good cause exists for the vacation; and

1280 (b) the public interest or any person will be materially injured by the proposed  
1281 vacation.

1282 (3) The legislative body may adopt an ordinance or resolution granting a petition to  
1283 vacate some or all of a public street, right-of-way, or easement if the legislative body finds that:

1284 (a) good cause exists for the vacation; and

1285 (b) neither the public interest nor any person will be materially injured by the vacation.

1286 (4) If the legislative body adopts an ordinance or resolution vacating some or all of a  
1287 public street, right-of-way, or easement, the legislative body shall ensure that one or both of the  
1288 following is recorded in the office of the recorder of the county in which the land is located:

1289 (a) a plat [~~reflecting the vacation~~], if required in accordance with Section 17-27a-608;

1290 or

1291 (b) an ordinance or resolution described in Subsection (3).

1292 (5) The action of the legislative body vacating some or all of a street, right-of-way, or  
1293 easement that has been dedicated to public use:

1294 (a) operates to the extent to which it is vacated, upon the [~~effective date of the recorded~~  
1295 plat,] date of recording in accordance with Subsection (4) as a revocation of the acceptance of  
1296 and the relinquishment of the county's fee or other property interest in the vacated street,

1297 right-of-way, or easement; and

1298 (b) may not be construed to impair:

1299 (i) any right-of-way or easement of any lot owner; or

1300 (ii) the franchise rights of any public utility.