

Calvin R. Musselman proposes the following substitute bill:

**Boundary Line Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Calvin R. Musselman**

House Sponsor: Paul A. Cutler

---

---

**LONG TITLE**

**General Description:**

This bill modifies provisions related to boundary changes.

**Highlighted Provisions:**

This bill:

- modifies definitions applicable to municipal and county land use and development;
- modifies the process for proposing a boundary adjustment;
- modifies the process for creating a boundary establishment;
- modifies the process for a municipality or county to review a proposed boundary adjustment;
- modifies exemptions from plat requirements;
- modifies the process for a subdivision amendment;
- clarifies and creates recording requirements for boundary adjustments and boundary establishments; and
- makes technical and conforming changes.

**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 2024, Chapter 464

**10-9a-523**, as last amended by Laws of Utah 2021, Chapter 385

**10-9a-524**, as last amended by Laws of Utah 2021, Chapter 385

**10-9a-529**, as last amended by Laws of Utah 2024, Chapter 464

**10-9a-605**, as last amended by Laws of Utah 2020, Chapter 434

**10-9a-608**, as last amended by Laws of Utah 2023, Chapter 501  
**17-27a-103**, as last amended by Laws of Utah 2024, Chapter 464  
**17-27a-522**, as last amended by Laws of Utah 2021, Chapter 385  
**17-27a-523**, as last amended by Laws of Utah 2021, Chapter 385  
**17-27a-605**, as last amended by Laws of Utah 2020, Chapter 434  
**17-27a-608**, as last amended by Laws of Utah 2023, Chapter 501  
**57-1-13**, as last amended by Laws of Utah 2021, Chapter 385  
**57-1-45**, as last amended by Laws of Utah 2022, Chapter 355  
**57-8-32**, as last amended by Laws of Utah 2024, Chapter 519

ENACTS:

**57-1-45.5**, Utah Code Annotated 1953

---

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

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

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

As used in this chapter:

- (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.
- (2) "Adversely affected party" means a person other than a land use applicant who:
  - (a) owns real property adjoining the property that is the subject of a land use application or land use decision; or
  - (b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.
- (3) "Affected entity" means a county, municipality, special district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, property owner, property owners association, or the Department of Transportation, if:
  - (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
  - (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
  - (c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in

compliance with a requirement imposed under this chapter.

(4) "Affected owner" means the owner of real property that is:

(a) a single project;

(b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(6); and

(c) determined to be legally referable under Section 20A-7-602.8.

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

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

(7)(a) "Boundary adjustment" means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.

(b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:

(i) creates an additional lot or parcel; or

(ii) is made by the Department of Transportation.

(8)(a) "Boundary establishment" means an agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary.

(b) "Boundary establishment" does not mean a modification of a lot or parcel boundary that:

(i) creates an additional lot or parcel; or

(ii) is made by the Department of Transportation.

[(7)] (9)(a) "Charter school" means:

(i) an operating charter school;

(ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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

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

[(8)]

~~(10)~~ "Conditional use" means a land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

~~[(9)]~~ (11) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

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

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

~~[(10)]~~ (12) "Conveyance document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.5.

(13) "Conveyance of property" means the transfer of ownership of any portion of real property from one person to another person.

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

(15) "Department of Transportation" means the entity created in Section 72-1-201.

~~[(14)]~~ (16) "Development activity" means:

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

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

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

~~[(12)]~~ (17)(a) "Development agreement" means a written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use or development of a specific area of land.

(b) "Development agreement" does not include an improvement completion assurance.

~~[(13)]~~ (18)(a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

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

(19) "Document" means the same as that term is defined in Section 57-1-1.

~~[(14)]~~ (20) "Educational facility":

(a) means:

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

(ii) a structure or facility:

(A) located on the same property as a building described in Subsection ~~[(14)(a)(i)]~~

~~(20)(a)(i)~~; and

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

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

(b) does not include:

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

(A) not located on the same property as a building described in Subsection [ ~~(14)(a)(i)]~~ ~~(20)(a)(i)~~; and

(B) used in support of the purposes of a building described in Subsection [ ~~(14)(a)(i)]~~ ~~(20)(a)(i)~~; or

(ii) a therapeutic school.

(21) "Establishment document" means an instrument that:

(a) meets the definition of "document" in Section 57-1-1; and

(b) meets the requirements of Section 57-1-45.

(22) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary adjustment.

~~[(15)]~~ (23) "Fire authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

~~[(16)]~~ (24) "Flood plain" means land that:

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

(b) has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or a catastrophic flood

event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency.

~~[(17)]~~ (25) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

~~[(18)]~~ (26) "Geologic hazard" means:

- (a) a surface fault rupture;
- (b) shallow groundwater;
- (c) liquefaction;
- (d) a landslide;
- (e) a debris flow;
- (f) unstable soil;
- (g) a rock fall; or
- (h) any other geologic condition that presents a risk:
  - (i) to life;
  - (ii) of substantial loss of real property; or
  - (iii) of substantial damage to real property.

~~[(19)]~~ (27) "Historic preservation authority" means a person, board, commission, or other body designated by a legislative body to:

- (a) recommend land use regulations to preserve local historic districts or areas; and
- (b) administer local historic preservation land use regulations within a local historic district or area.

~~[(20)]~~ (28) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.

~~[(21)]~~ (29) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other utility system.

~~[(22)]~~ (30) "Identical plans" means building plans submitted to a municipality that:

- (a) are clearly marked as "identical plans";
- (b) are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality; and
- (c) describe a building that:
  - (i) is located on land zoned the same as the land on which the building described in the previously approved plans is located;
  - (ii) is subject to the same geological and meteorological conditions and the same law

- 199 as the building described in the previously approved plans;
- 200 (iii) has a floor plan identical to the building plan previously submitted to and
- 201 reviewed and approved by the municipality; and
- 202 (iv) does not require any additional engineering or analysis.
- 203 ~~[(23)]~~ (31) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 204 Impact Fees Act.
- 205 ~~[(24)]~~ (32) "Improvement completion assurance" means a surety bond, letter of credit,
- 206 financial institution bond, cash, assignment of rights, lien, or other equivalent security
- 207 required by a municipality to guaranty the proper completion of landscaping or an
- 208 infrastructure improvement required as a condition precedent to:
- 209 (a) recording a subdivision plat; or
- 210 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 211 ~~[(25)]~~ (33) "Improvement warranty" means an applicant's unconditional warranty that the
- 212 applicant's installed and accepted landscaping or infrastructure improvement:
- 213 (a) complies with the municipality's written standards for design, materials, and
- 214 workmanship; and
- 215 (b) will not fail in any material respect, as a result of poor workmanship or materials,
- 216 within the improvement warranty period.
- 217 ~~[(26)]~~ (34) "Improvement warranty period" means a period:
- 218 (a) no later than one year after a municipality's acceptance of required landscaping; or
- 219 (b) no later than one year after a municipality's acceptance of required infrastructure,
- 220 unless the municipality:
- 221 (i) determines for good cause that a one-year period would be inadequate to protect
- 222 the public health, safety, and welfare; and
- 223 (ii) has substantial evidence, on record:
- 224 (A) of prior poor performance by the applicant; or
- 225 (B) that the area upon which the infrastructure will be constructed contains
- 226 suspect soil and the municipality has not otherwise required the applicant to
- 227 mitigate the suspect soil.
- 228 ~~[(27)]~~ (35) "Infrastructure improvement" means permanent infrastructure that is essential for
- 229 the public health and safety or that:
- 230 (a) is required for human occupation; and
- 231 (b) an applicant must install:
- 232 (i) in accordance with published installation and inspection specifications for public

- 233 improvements; and
- 234 (ii) whether the improvement is public or private, as a condition of:
- 235 (A) recording a subdivision plat;
- 236 (B) obtaining a building permit; or
- 237 (C) development of a commercial, industrial, mixed use, condominium, or
- 238 multifamily project.
- 239 ~~[(28)]~~ (36) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 240 designation that:
- 241 (a) runs with the land; and
- 242 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
- 243 the plat; or
- 244 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 245 described on the plat.
- 246 ~~[(29)]~~ (37) "Land use applicant" means a property owner, or the property owner's designee,
- 247 who submits a land use application regarding the property owner's land.
- 248 ~~[(30)]~~ (38) "Land use application":
- 249 (a) means an application that is:
- 250 (i) required by a municipality; and
- 251 (ii) submitted by a land use applicant to obtain a land use decision; and
- 252 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 253 ~~[(31)]~~ (39) "Land use authority" means:
- 254 (a) a person, board, commission, agency, or body, including the local legislative body,
- 255 designated by the local legislative body to act upon a land use application; or
- 256 (b) if the local legislative body has not designated a person, board, commission, agency,
- 257 or body, the local legislative body.
- 258 ~~[(32)]~~ (40) "Land use decision" means an administrative decision of a land use authority or
- 259 appeal authority regarding:
- 260 (a) a land use permit; or
- 261 (b) a land use application.
- 262 ~~[(33)]~~ (41) "Land use permit" means a permit issued by a land use authority.
- 263 ~~[(34)]~~ (42) "Land use regulation":
- 264 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
- 265 specification, fee, or rule that governs the use or development of land;
- 266 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;



and

(c) does not include:

(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or

(ii) a temporary revision to an engineering specification that does not materially:

(A) increase a land use applicant's cost of development compared to the existing specification; or

(B) impact a land use applicant's use of land.

~~[(35)]~~ (43) "Legislative body" means the municipal council.

~~[(36)]~~ (44) "Local historic district or area" means a geographically definable area that:

(a) contains any combination of buildings, structures, sites, objects, landscape features, archeological sites, or works of art that contribute to the historic preservation goals of a legislative body; and

(b) is subject to land use regulations to preserve the historic significance of the local historic district or area.

~~[(37)]~~ (45) "Lot" means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder.

~~[(38)(a) "Lot line adjustment" means a relocation of a lot line boundary between adjoining lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:]~~

~~[(i) whether or not the lots are located in the same subdivision; and]~~

~~[(ii) with the consent of the owners of record.]~~

~~[(b) "Lot line adjustment" does not mean a new boundary line that:]~~

~~[(i) creates an additional lot; or]~~

~~[(ii) constitutes a subdivision or a subdivision amendment.]~~

~~[(c) "Lot line adjustment" does not include a boundary line adjustment made by the Department of Transportation.]~~

~~[(39)]~~ (46) "Major transit investment corridor" means public transit service that uses or occupies:

(a) public transit rail right-of-way;

(b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or

(c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or county and:

(i) a public transit district as defined in Section 17B-2a-802; or

- 301 (ii) an eligible political subdivision as defined in Section 59-12-2219.
- 302 [(40)] (47) "Micro-education entity" means the same as that term is defined in Section  
303 53G-6-201.
- 304 [(41)] (48) "Moderate income housing" means housing occupied or reserved for occupancy  
305 by households with a gross household income equal to or less than 80% of the median  
306 gross income for households of the same size in the county in which the city is located.
- 307 [(42)] (49) "Municipal utility easement" means an easement that:
- 308 (a) is created or depicted on a plat recorded in a county recorder's office and is described  
309 as a municipal utility easement granted for public use;
- 310 (b) is not a protected utility easement or a public utility easement as defined in Section  
311 54-3-27;
- 312 (c) the municipality or the municipality's affiliated governmental entity uses and  
313 occupies to provide a utility service, including sanitary sewer, culinary water,  
314 electrical, storm water, or communications or data lines;
- 315 (d) is used or occupied with the consent of the municipality in accordance with an  
316 authorized franchise or other agreement;
- 317 (e)(i) is used or occupied by a specified public utility in accordance with an  
318 authorized franchise or other agreement; and
- 319 (ii) is located in a utility easement granted for public use; or
- 320 (f) is described in Section 10-9a-529 and is used by a specified public utility.
- 321 [(43)] (50) "Nominal fee" means a fee that reasonably reimburses a municipality only for  
322 time spent and expenses incurred in:
- 323 (a) verifying that building plans are identical plans; and
- 324 (b) reviewing and approving those minor aspects of identical plans that differ from the  
325 previously reviewed and approved building plans.
- 326 [(44)] (51) "Noncomplying structure" means a structure that:
- 327 (a) legally existed before the structure's current land use designation; and
- 328 (b) because of one or more subsequent land use ordinance changes, does not conform to  
329 the setback, height restrictions, or other regulations, excluding those regulations,  
330 which govern the use of land.
- 331 [(45)] (52) "Nonconforming use" means a use of land that:
- 332 (a) legally existed before its current land use designation;
- 333 (b) has been maintained continuously since the time the land use ordinance governing  
334 the land changed; and

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

~~[(46)]~~ (53) "Official map" means a map drawn by municipal authorities and recorded in a county recorder's office that:

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

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

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

~~[(47)]~~ (54) "Parcel" means any real property that is not a lot.

~~[(48)(a) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line agreement in accordance with Section 10-9a-524, if no additional parcel is created and:]~~

~~[(i) none of the property identified in the agreement is a lot; or]~~

~~[(ii) the adjustment is to the boundaries of a single person's parcels.]~~

~~[(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:]~~

~~[(i) creates an additional parcel; or]~~

~~[(ii) constitutes a subdivision.]~~

~~[(e) "Parcel boundary adjustment" does not include a boundary line adjustment made by the Department of Transportation.]~~

~~[(49)]~~ (55) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

~~[(50)]~~ (56) "Plan for moderate income housing" means a written document adopted by a municipality's legislative body that includes:

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

(b) an estimate of the need for moderate income housing in the municipality for the next five years;

(c) a survey of total residential land use;

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

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

~~[(51)]~~ (57) "Plat" means an instrument subdividing property into lots as depicted on a map or other graphical representation of lands that a licensed professional land surveyor makes and prepares in accordance with Section 10-9a-603 or 57-8-13.

~~[(52)]~~ (58) "Potential geologic hazard area" means an area that:

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

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

~~[(53)]~~ (59) "Public agency" means:

(a) the federal government;

(b) the state;

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

(d) a charter school.

~~[(54)]~~ (60) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

~~[(55)]~~ (61) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

~~[(56)]~~ (62) "Public street" means a public right-of-way, including a public highway, public avenue, public boulevard, public parkway, public road, public lane, public alley, public viaduct, public subway, public tunnel, public bridge, public byway, other public transportation easement, or other public way.

~~[(57)]~~ (63) "Receiving zone" means an area of a municipality that the municipality designates, by ordinance, as an area in which an owner of land may receive a transferable development right.

~~[(58)]~~ (64) "Record of survey map" means a map of a survey of land prepared in accordance with Section~~[-10-9a-603,]~~ 17-23-17~~[-17-27a-603, or 57-8-13].~~

~~[(59)]~~ (65) "Residential facility for persons with a disability" means a residence:

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

(b) which is licensed or certified by the Department of Health and Human Services

under:

(i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or

(ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

~~[(60)]~~ (66) "Residential roadway" means a public local residential road that:

(a) will serve primarily to provide access to adjacent primarily residential areas and property;

(b) is designed to accommodate minimal traffic volumes or vehicular traffic;

(c) is not identified as a supplementary to a collector or other higher system classified street in an approved municipal street or transportation master plan;

(d) has a posted speed limit of 25 miles per hour or less;

(e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;

(f) cannot have a primary access, but can have a secondary access, and does not abut lots intended for high volume traffic or community centers, including schools, recreation centers, sports complexes, or libraries; and

(g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.

~~[(61)]~~ (67) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

~~[(62)]~~ (68) "Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

~~[(63)]~~ (69) "Sending zone" means an area of a municipality that the municipality designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.

(70) "Simple boundary adjustment" means a boundary adjustment that does not:

(a) affect a public right-of-way, municipal utility easement, or other public property;

(b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or

(c) result in a lot or parcel out of conformity with land use regulations.

~~[(64)]~~ (71) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts, and any other governmental or

quasi-governmental entity that is not a county, municipality, school district, or the state.

[(65)] (72) "Specified public agency" means:

(a) the state;

(b) a school district; or

(c) a charter school.

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

[(67)] (74) "State" includes any department, division, or agency of the state.

[(68)] (75)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(b) "Subdivision" includes:

(i) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

(ii) except as provided in Subsection [(68)(c)] (75)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(c) "Subdivision" does not include:

(i) a bona fide division or partition of ~~agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance~~ land used for agricultural purposes as provided in Subsection 10-9a-605(2);

[(ii)] a boundary line agreement recorded with the county recorder's office between owners of adjoining parcels adjusting the mutual boundary in accordance with Section 10-9a-524 if no new parcel is created;

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

(A) ~~[revising the legal descriptions of]~~ consolidating multiple lots or parcels into one legal description encompassing all [such] lots by reference to a recorded plat and all parcels by metes and bounds description; or

(B) joining a lot to a parcel;

~~[(iv) a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and 10-9a-608 if:]~~

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

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

~~[(v)] (iii) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:~~

~~(A) is in anticipation of future land use approvals on the parcel or parcels;~~

~~(B) does not confer any land use approvals; and~~

~~(C) has not been approved by the land use authority;~~

~~[(vi)] (iv) a [parcel-]boundary adjustment;~~

~~[(vii)] (v) a [lot line adjustment] boundary establishment;~~

~~[(viii)] (vi) a road, street, or highway dedication plat;~~

~~[(ix)] (vii) a deed or easement for a road, street, or highway purpose; or~~

~~[(x)] (viii) any other division of land authorized by law.~~

~~[(69)] (76)(a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 10-9a-608 that:~~

~~(i) vacates all or a portion of the subdivision;~~

~~[(ii) alters the outside boundary of the subdivision;]~~

~~[(iii)] (ii) [changes-] increases the number of lots within the subdivision;~~

~~[(iv)] (iii) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or~~

~~[(v)] (iv) alters a common area or other common amenity within the subdivision.~~

~~(b) "Subdivision amendment" does not include a [lot line] simple boundary adjustment[; between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision].~~

~~[(70)] (77) "Substantial evidence" means evidence that:~~

~~(a) is beyond a scintilla; and~~

~~(b) a reasonable mind would accept as adequate to support a conclusion.~~

~~[(71)] (78) "Suspect soil" means soil that has:~~

~~(a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;~~

~~(b) bedrock units with high shrink or swell susceptibility; or~~

~~(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum~~

commonly associated with dissolution and collapse features.

~~[(72)]~~ (79) "Therapeutic school" means a residential group living facility:

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

(i) the owner of the facility; or

(ii) the primary service provider of the facility;

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

(i) at home;

(ii) in a public school; or

(iii) in a nonresidential private school; and

(c) that offers:

(i) room and board; and

(ii) an academic education integrated with:

(A) specialized structure and supervision; or

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

~~[(73)]~~ (80) "Transferable development right" means a right to develop and use land that originates by an ordinance that authorizes a land owner in a designated sending zone to transfer land use rights from a designated sending zone to a designated receiving zone.

~~[(74)]~~ (81) "Unincorporated" means the area outside of the incorporated area of a city or town.

~~[(75)]~~ (82) "Water interest" means any right to the beneficial use of water, including:

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

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

(i) a contract; or

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

~~[(76)]~~ (83) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

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

**10-9a-523 . Simple boundary adjustment -- Full boundary adjustment -- Process -- Review by land use authority.**

(1) A person may propose a simple boundary adjustment to a land use authority as described in this section.

(2) A proposal for a simple boundary adjustment shall:

(a) include a conveyance document that complies with Section 57-1-45.5; and



- 539 (b) describe all lots or parcels affected by the proposed boundary adjustment.
- 540 (3) A land use authority shall consent to a proposed simple boundary adjustment if the land
- 541 use authority verifies that the proposed simple boundary adjustment:
- 542 (a) meets the requirements of Subsection (2); and
- 543 (b) does not:
- 544 (i) affect a public right-of-way, municipal utility easement, or other public property;
- 545 (ii) affect an existing easement, onsite wastewater system, or an internal lot
- 546 restriction; or
- 547 (iii) result in a lot or parcel out of conformity with land use regulations.
- 548 (4) If the land use authority determines that a proposed simple boundary adjustment does
- 549 not meet the requirements of Subsection (3), a full boundary adjustment is required.
- 550 (5) To [make] propose a [parcel] full boundary adjustment[, a property owner] , the adjoining
- 551 property owners shall submit a proposal to the land use authority that includes:
- 552 [(a) execute a boundary adjustment through:]
- 553 [(i) a quitclaim deed; or]
- 554 [(ii) a boundary line agreement under Section 10-9a-524; and]
- 555 [(b) record the quitclaim deed or boundary line agreement described in Subsection (1)(a)
- 556 in the office of the county recorder of the county in which each property is located.]
- 557 (a) a conveyance document that complies with Section 57-1-45.5;
- 558 (b) a survey that complies with Subsection ~~5~~ → [57-1-4.5(3)(b)]
- 558a 57-1-45.5(3)(b) ← 5 ; and
- 559 (c) if required by municipal ordinance, a proposed plat amendment corresponding with
- 560 the proposed full boundary adjustment, prepared in accordance with Section
- 561 10-9a-608.
- 562 (6) A land use authority shall consent to a proposed full boundary adjustment made under
- 563 Subsection (5) if:
- 564 (a) the proposal submitted to the land use authority under Subsection (5) includes all
- 565 necessary information;
- 566 (b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land
- 567 use regulation; and
- 568 (c) if required by municipal ordinance, the plat amendment corresponding with the
- 569 proposed full boundary adjustment has been approved in accordance with Section
- 570 10-9a-608.
- 571 (7)(a) Consent under Subsection (3) or (6) is an administrative act.

(b) Notice of consent under Subsection (3) or (6) shall be provided to the person proposing the boundary adjustment in a format that makes clear:

(i) the land use authority is not responsible for any error related to the boundary adjustment; and

(ii) a county recorder may record the boundary adjustment.

~~[(2) To make a lot line adjustment, a property owner shall:]~~

~~[(a) obtain approval of the boundary adjustment under Section 10-9a-608;]~~

~~[(b) execute a boundary adjustment through:]~~

~~[(i) a quitclaim deed; or]~~

~~[(ii) a boundary line agreement under Section 10-9a-524; and]~~

~~[(c) record the quitclaim deed or boundary line agreement described in Subsection (2)(b) in the office of the county recorder of the county in which each property is located.]~~

(8) A boundary adjustment is effective from the day on which the boundary adjustment, as consented to by the land use authority, is recorded by a county recorder along with the relevant conveyance document.

~~[(3) A parcel boundary adjustment under Subsection (1) is not subject to review of a land use authority unless:]~~

~~[(a) the parcel includes a dwelling; and]~~

~~[(b) the land use authority's approval is required under Subsection 10-9a-524(5).]~~

~~[(4)]~~ (9) The recording of a boundary [line agreement or other document used to adjust a mutual boundary line that is not subject to review of a land use authority:] adjustment does not constitute a land use approval.

~~[(a) does not constitute a land use approval; and]~~

~~[(b) does not affect the validity of the boundary line agreement or other document used to adjust a mutual boundary line.]~~

~~[(5)]~~ (10) A municipality may enforce municipal ordinances against, or withhold approval of a land use application for, property that is subject to a [recorded boundary line agreement or other document used to adjust a mutual boundary line] boundary adjustment if the municipality determines that the resulting lots or parcels [as adjusted by the boundary line agreement or other document used to adjust the mutual boundary line,] are not in compliance with the municipality's land use regulations in effect on the day on which the boundary [line agreement or other document used to adjust the mutual boundary line] adjustment is recorded.

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

**10-9a-524 . Boundary establishment -- Process -- Boundary agreement not  
subject to review by land use authority -- Prohibitions.**

(1) ~~[If properly executed and acknowledged as required by law, an agreement between-] The~~  
owners of adjoining property ~~[that designates the boundary line between the adjoining~~  
~~properties acts, upon recording in the office of the recorder of the county in which each~~  
~~property is located, as a quitclaim deed to convey all of each party's right, title, interest,~~  
~~and estate in property outside the agreed boundary line that had been the subject of the~~  
~~boundary line agreement or dispute that led to the boundary line agreement]~~ may initiate  
a boundary establishment to:

(a) resolve an ambiguous, uncertain, or disputed boundary between the adjoining  
properties; and

(b) agree upon the location of an existing common boundary between the adjoining  
properties.

(2) Adjoining property owners executing a boundary ~~[line agreement]~~ establishment  
described in Subsection (1) shall:

(a) prepare an establishment document that complies with Section 57-1-45; and

(b) record the boundary establishment with the county recorder for the county in which  
the property exists, in accordance with Section 57-1-45.

~~[(a) ensure that the agreement includes:]~~

~~[(i) a legal description of the agreed upon boundary line and of each parcel or lot after~~  
~~the boundary line is changed;]~~

~~[(ii) the name and signature of each grantor that is party to the agreement;]~~

~~[(iii) a sufficient acknowledgment for each grantor's signature;]~~

~~[(iv) the address of each grantee for assessment purposes;]~~

~~[(v) a legal description of the parcel or lot each grantor owns before the boundary line~~  
~~is changed; and]~~

~~[(vi) the date of the agreement if the date is not included in the acknowledgment in a~~  
~~form substantially similar to a quitclaim deed as described in Section 57-1-13;]~~

~~[(b) if any of the property subject to the boundary line agreement is a lot, prepare an~~  
~~amended plat in accordance with Section 10-9a-608 before executing the boundary~~  
~~line agreement; and]~~

~~[(c) if none of the property subject to the boundary line agreement is a lot, ensure that~~  
~~the boundary line agreement includes a statement citing the file number of a record of~~  
~~a survey map in accordance with Section 17-23-17, unless the statement is exempted~~

640 by the municipality.]

641 (3) A boundary establishment:

642 (a) is not subject to review of a land use authority; and

643 (b) does not require consent or approval from a land use authority before it may be

644 recorded.

645 (4) A boundary establishment is effective from the day it is recorded by a county recorder.

646 (5) A municipality may enforce municipal ordinances against property with a boundary

647 establishment that violates a land use regulation.

648 [(3)] (6) A boundary [line agreement described in Subsection (1) that complies with

649 Subsection (2)] establishment that complies with this section presumptively:

650 (a) has no detrimental effect on any easement on the property that is recorded before the

651 day on which the agreement is executed[unless the owner of the property benefitting

652 from the easement specifically modifies the easement within the boundary line

653 agreement or a separate recorded easement modification or relinquishment document];

654 and

655 (b) [relocates the parties' common boundary line for an exchange of consideration.]

656 conveys the ownership of the adjoining parties to the established common boundary.

657 [(4) Notwithstanding Part 6, Subdivisions, or a municipality's ordinances or policies, a

658 boundary line agreement that only affects parcels is not subject to:]

659 [(a) any public notice, public hearing, or preliminary platting requirement;]

660 [(b) the review of a land use authority; or]

661 [(c) an engineering review or approval of the municipality, except as provided in

662 Subsection (5).]

663 [(5)(a) If a parcel that is the subject of a boundary line agreement contains a dwelling

664 unit, the municipality may require a review of the boundary line agreement if the

665 municipality:]

666 [(i) adopts an ordinance that:

667 [(A) requires review and approval for a boundary line agreement containing a

668 dwelling unit; and]

669 [(B) includes specific criteria for approval; and]

670 [(ii) completes the review within 14 days after the day on which the property owner

671 submits the boundary line agreement for review.]

672 [(b)(i) If a municipality, upon a review under Subsection (5)(a), determines that the

673 boundary line agreement is deficient or if the municipality requires additional

information to approve the boundary line agreement, the municipality shall send, within the time period described in Subsection (5)(a)(ii), written notice to the property owner that:]

[(A) describes the specific deficiency or additional information that the municipality requires to approve the boundary line agreement; and]

[(B) states that the municipality shall approve the boundary line agreement upon the property owner's correction of the deficiency or submission of the additional information described in Subsection (5)(b)(i)(A).]

[(ii) If a municipality, upon a review under Subsection (5)(a), approves the boundary line agreement, the municipality shall send written notice of the boundary line agreement's approval to the property owner within the time period described in Subsection (5)(a)(ii).]

[(e) If a municipality fails to send a written notice under Subsection (5)(b) within the time period described in Subsection (5)(a)(ii), the property owner may record the boundary line agreement as if no review under this Subsection (5) was required.]

Section 4. Section **10-9a-529** is amended to read:

**10-9a-529 . Specified public utility located in a municipal utility easement.**

A specified public utility may exercise each power of a public utility under Section 54-3-27 if the specified public utility uses an easement:

- (1) with the consent of a municipality; and
- (2) that is located within a municipal utility easement described in Subsections [10-9a-103(42)(a) through (e)] ~~§~~ → **10-9a-103(48)(a)** **10-9a-103(49)(a)** ← ~~§~~ through (e).

Section 5. Section **10-9a-605** is amended to read:

**10-9a-605 . Exemptions from plat requirement.**

- (1) Notwithstanding any other provision of law, a plat is not required if:
  - (a) a municipality establishes a process to approve an administrative land use decision for a subdivision of 10 or fewer [lots] parcels without a plat; and
  - (b) the municipality provides in writing that:
    - (i) the municipality has provided [notice] a certificate or written approval as required by ordinance; and
    - (ii) the proposed subdivision:
      - (A) is not traversed by the mapped lines of a proposed street as shown in the general plan unless the municipality has approved the location and dedication

- of any public street, municipal utility easement, any other easement, or any other land for public purposes as the municipality's ordinance requires;
- (B) has been approved by the culinary water authority and the sanitary sewer authority;
- (C) is located in a zoned area; and
- (D) conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.
- (2)(a) Subject to Subsection (1), a ~~[lot or]~~ parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 10-9a-603 if the ~~[lot or]~~ parcel:
- (i) qualifies as land in agricultural use under Section 59-2-502;
  - (ii) meets the minimum size requirement of applicable land use ordinances; and
  - (iii) is not used and will not be used for any nonagricultural purpose.
- ~~[(b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Section 10-9a-604, shall be recorded with the county recorder.]~~
- ~~[(e)] (b)~~ If a ~~[lot or]~~ parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the municipality may require the ~~[lot or]~~ parcel to comply with the requirements of Section 10-9a-603.
- (3)(a) Documents recorded in the county recorder's office that divide property by a metes and bounds description do not create an approved subdivision allowed by this part unless the land use authority's certificate of written approval required by Subsection (1) is attached to the document.
- (b) The absence of the certificate or written approval required by Subsection (1) does not:
- (i) prohibit the county recorder from recording a document; or
  - (ii) affect the validity of a recorded document.
- (c) A document which does not meet the requirements of Subsection (1) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached and that complies with Section 57-3-106.
- (4)(a) The boundaries of any subdivision exempted from the plat requirement under this section shall be graphically illustrated on a record of survey map that includes:
- (i) a legal description of the parcel to be divided;

- (ii) a legal description of each parcel created by the subdivision; and
- (iii) a citation to the specific provision of this section for which an exemption to the plat requirement is authorized.

- (b) The record of survey map described in Subsection (4)(a) shall be filed with the county surveyor in accordance with Section 17-23-17.

Section 6. Section **10-9a-608** is amended to read:

**10-9a-608 . Subdivision amendments.**

- (1)(a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a ~~[written-]~~petition with the land use authority to request a subdivision amendment.
- (b) Upon filing a ~~[written-]~~petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 10-9a-603 that:
  - (i) depicts only the portion of the subdivision that is proposed to be amended;
  - (ii) includes a plat name distinguishing the amended plat from the original plat;
  - (iii) describes the differences between the amended plat and the original plat; and
  - (iv) includes references to the original plat.
- (c)(i) ~~[If a petition is filed under Subsection (1)(a), the]~~ The land use authority shall provide notice of ~~[the]~~ a petition filed under Subsection (1)(a) by mail~~;~~ or email~~;~~ or other effective means to~~[-]~~ :
  - (A) each affected entity that provides a service to [an] a property owner of record of the portion of the plat that is being vacated or amended[at least 10 calendar days before the land use authority may approve the petition for a subdivision amendment.] ; and
  - (B) each property owner of record within the portion of the subdivision that is proposed to be amended.
- (ii) The notice described in Subsection (1)(c)(i)(B) shall include a deadline by which written objections to the petition are due to the land use authority, but no earlier than 10 calendar days after the day on which the land use authority sends the notice.
- (d) ~~[If a petition is filed under Subsection (1)(a), the]~~ The land use authority shall hold a public hearing within 45 days after the day on which ~~[the]~~ a petition is filed under Subsection (1)(a) if:
  - (i) any property owner within the [plat] subdivision that is proposed to be amended

- 775 notifies the municipality of the owner's objection in writing~~[within 10 days of~~  
776 ~~mailed notification]~~ before the deadline for objections as described in Subsection  
777 (1)(c)(ii); or
- 778 (ii) a municipal ordinance requires a public hearing ~~[is required because]~~ if all of the  
779 property owners ~~[in]~~ within the portion of the subdivision proposed to be amended  
780 have not signed the ~~[revised]~~ proposed amended plat.
- 781 (e) A land use authority may approve a petition for subdivision amendment no earlier  
782 than:
- 783 (i) the day after the day on which written objections were due to the land use  
784 authority, as described in Subsection (1)(c)(ii); or
- 785 (ii) if a public hearing is required as described in Subsection (1)(d), the day the public  
786 hearing takes place.
- 787 (f) A land use authority may not approve a petition for a subdivision amendment under  
788 this section unless the amendment identifies and preserves any easements owned by a  
789 culinary water authority and sanitary sewer authority for existing facilities located  
790 within the subdivision.
- 791 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use  
792 authority may consider at a public meeting an owner's petition for a subdivision  
793 amendment if:
- 794 (a) the petition seeks to:
- 795 (i) join two or more of the petitioner fee owner's contiguous lots;
- 796 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will  
797 not result in a violation of a land use ordinance or a development condition;
- 798 ~~[(iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if~~  
799 ~~the fee owners of each of the adjoining properties join in the petition, regardless of~~  
800 ~~whether the properties are located in the same subdivision;]~~
- 801 ~~[(iv)]~~ (iii) on a lot owned by the petitioning fee owner, adjust an internal lot restriction  
802 imposed by the local political subdivision; or
- 803 ~~[(v)]~~ (iv) alter the plat in a manner that does not change existing boundaries or other  
804 attributes of lots within the subdivision that are not:
- 805 (A) owned by the petitioner; or
- 806 (B) designated as a common area; and
- 807 (b) notice has been given to adjoining property owners in accordance with any  
808 applicable local ordinance.



- (3) A petition under Subsection (1)(a) that contains a request to amend a public street or municipal utility easement is also subject to Section 10-9a-609.5.
- (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a portion of a plat shall include:
- (a) the name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and
  - (b) the signature of each owner described in Subsection (4)(a) who consents to the petition.
- ~~[(5)(a) The owners of record of adjoining properties where one or more of the properties is a lot may exchange title to portions of those properties if the exchange of title is approved by the land use authority as a lot line adjustment in accordance with Subsection (5)(b).]~~
- ~~[(b) The land use authority shall approve a lot line adjustment under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.]~~
- ~~[(c) If a lot line adjustment is approved under Subsection (5)(b):]~~
- ~~[(i) a notice of lot line adjustment approval shall be recorded in the office of the county recorder which:]~~
  - ~~[(A) is approved by the land use authority; and]~~
  - ~~[(B) recites the legal descriptions of both the original properties and the properties resulting from the exchange of title; and]~~
  - ~~[(ii) a document of conveyance shall be recorded in the office of the county recorder.]~~
- ~~[(d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.]~~
- ~~[(6)(a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (6)(c).]~~
- ~~[(b) The surveyor preparing the amended plat shall certify that the surveyor:]~~
- ~~[(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;]~~
  - ~~[(ii)(A) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; or]~~
  - ~~[(B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and]~~
  - ~~[(iii) has placed monuments as represented on the plat.]~~

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

~~[(d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.]~~

(5) A surveyor preparing an amended plat under this section shall certify that the surveyor:

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

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

(ii) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; or

(iii) has referenced the original plat that created the lot boundaries being amended; and

(c) has placed monuments as represented on the plat.

Section 7. Section **17-27a-103** is amended to read:

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

As used in this chapter:

(1) "Accessory dwelling unit" means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

(2) "Adversely affected party" means a person other than a land use applicant who:

(a) owns real property adjoining the property that is the subject of a land use application or land use decision; or

(b) will suffer a damage different in kind than, or an injury distinct from, that of the general community as a result of the land use decision.

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

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

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

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

(4) "Affected owner" means the owner of real property that is:

(a) a single project;

(b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance with Subsection 20A-7-601(6); and

(c) determined to be legally referable under Section 20A-7-602.8.

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

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

(7)(a) "Boundary adjustment" means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.

(b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:

(i) creates an additional lot or parcel; or

(ii) is made by the Department of Transportation.

(8)(a) "Boundary establishment" means an agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary.

(b) "Boundary establishment" does not mean a modification of a lot or parcel boundary that:

(i) creates an additional lot or parcel; or

(ii) is made by the Department of Transportation.

[~~(7)~~] (9)(a) "Charter school" means:

(i) an operating charter school;

(ii) a charter school applicant that a charter school authorizer approves in accordance with Title 53G, Chapter 5, Part 3, Charter School Authorization; or

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

- 911 (b) "Charter school" does not include a therapeutic school.
- 912 ~~[(8)]~~ (10) "Chief executive officer" means the person or body that exercises the executive
- 913 powers of the county.
- 914 ~~[(9)]~~ (11) "Conditional use" means a land use that, because of the unique characteristics or
- 915 potential impact of the land use on the county, surrounding neighbors, or adjacent land
- 916 uses, may not be compatible in some areas or may be compatible only if certain
- 917 conditions are required that mitigate or eliminate the detrimental impacts.
- 918 ~~[(10)]~~ (12) "Constitutional taking" means a governmental action that results in a taking of
- 919 private property so that compensation to the owner of the property is required by the:
- 920 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 921 (b) Utah Constitution, Article I, Section 22.
- 922 ~~[(11)]~~
- 923 (13) "Conveyance document" means an instrument that:
- 924 (a) meets the definition of "document" in Section 57-1-1; and
- 925 (b) meets the requirements of Section 57-1-45.5.
- 926 (14) "Conveyance of property" means the transfer of ownership of any portion of real
- 927 property from one person to another person.
- 928 (15) "County utility easement" means an easement that:
- 929 (a) a plat recorded in a county recorder's office described as a county utility easement or
- 930 otherwise as a utility easement;
- 931 (b) is not a protected utility easement or a public utility easement as defined in Section
- 932 54-3-27;
- 933 (c) the county or the county's affiliated governmental entity owns or creates; and
- 934 (d)(i) either:
- 935 (A) no person uses or occupies; or
- 936 (B) the county or the county's affiliated governmental entity uses and occupies to
- 937 provide a utility service, including sanitary sewer, culinary water, electrical,
- 938 storm water, or communications or data lines; or
- 939 (ii) a person uses or occupies with or without an authorized franchise or other
- 940 agreement with the county.
- 941 ~~[(12)]~~ (16) "Culinary water authority" means the department, agency, or public entity with
- 942 responsibility to review and approve the feasibility of the culinary water system and
- 943 sources for the subject property.
- 944 (17) "Department of Transportation" means the entity created in Section 72-1-201.

945    ~~[(13)]~~ (18) "Development activity" means:

- 946           (a) any construction or expansion of a building, structure, or use that creates additional  
947           demand and need for public facilities;  
948           (b) any change in use of a building or structure that creates additional demand and need  
949           for public facilities; or  
950           (c) any change in the use of land that creates additional demand and need for public  
951           facilities.

952    ~~[(14)]~~ (19)(a) "Development agreement" means a written agreement or amendment to a  
953           written agreement between a county and one or more parties that regulates or controls  
954           the use or development of a specific area of land.

955           (b) "Development agreement" does not include an improvement completion assurance.

956    ~~[(15)]~~ (20)(a) "Disability" means a physical or mental impairment that substantially  
957           limits one or more of a person's major life activities, including a person having a  
958           record of such an impairment or being regarded as having such an impairment.

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

962           ~~[(16)]~~

963    (21) "Document" means the same as that term is defined in Section 57-1-1.

964    (22) "Educational facility":

965           (a) means:

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

969           (ii) a structure or facility:

970           (A) located on the same property as a building described in Subsection ~~[(16)(a)(i)]~~

971           (22)(a)(i); and

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

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

975           (b) does not include:

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

- 979 (A) not located on the same property as a building described in Subsection [  
980 ~~(16)(a)(i)~~] ~~(22)(a)(i)~~; and
- 981 (B) used in support of the purposes of a building described in Subsection [  
982 ~~(16)(a)(i)~~] ~~(22)(a)(i)~~; or
- 983 (ii) a therapeutic school.
- 984 ~~(23)~~ "Establishment document" means an instrument that:
- 985 (a) meets the definition of "document" in Section 57-1-1; and
- 986 (b) meets the requirements of Section 57-1-45.
- 987 ~~(24)~~ "Full boundary adjustment" means a boundary adjustment that is not a simple  
988 boundary adjustment.
- 989 ~~[(17)] (25)~~ "Fire authority" means the department, agency, or public entity with  
990 responsibility to review and approve the feasibility of fire protection and suppression  
991 services for the subject property.
- 992 ~~[(18)] (26)~~ "Flood plain" means land that:
- 993 (a) is within the 100-year flood plain designated by the Federal Emergency Management  
994 Agency; or
- 995 (b) has not been studied or designated by the Federal Emergency Management Agency  
996 but presents a likelihood of experiencing chronic flooding or a catastrophic flood  
997 event because the land has characteristics that are similar to those of a 100-year flood  
998 plain designated by the Federal Emergency Management Agency.
- 999 ~~[(19)] (27)~~ "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 1000 ~~[(20)] (28)~~ "General plan" means a document that a county adopts that sets forth general  
1001 guidelines for proposed future development of:
- 1002 (a) the unincorporated land within the county; or
- 1003 (b) for a mountainous planning district, the land within the mountainous planning  
1004 district.
- 1005 ~~[(21)] (29)~~ "Geologic hazard" means:
- 1006 (a) a surface fault rupture;
- 1007 (b) shallow groundwater;
- 1008 (c) liquefaction;
- 1009 (d) a landslide;
- 1010 (e) a debris flow;
- 1011 (f) unstable soil;
- 1012 (g) a rock fall; or

- 1013 (h) any other geologic condition that presents a risk:
- 1014 (i) to life;
- 1015 (ii) of substantial loss of real property; or
- 1016 (iii) of substantial damage to real property.
- 1017 [~~(22)~~] (30) "Home-based microschool" means the same as that term is defined in Section
- 1018 53G-6-201.
- 1019 [~~(23)~~] (31) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 1020 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
- 1021 utility system.
- 1022 [~~(24)~~] (32) "Identical plans" means building plans submitted to a county that:
- 1023 (a) are clearly marked as "identical plans";
- 1024 (b) are substantially identical building plans that were previously submitted to and
- 1025 reviewed and approved by the county; and
- 1026 (c) describe a building that:
- 1027 (i) is located on land zoned the same as the land on which the building described in
- 1028 the previously approved plans is located;
- 1029 (ii) is subject to the same geological and meteorological conditions and the same law
- 1030 as the building described in the previously approved plans;
- 1031 (iii) has a floor plan identical to the building plan previously submitted to and
- 1032 reviewed and approved by the county; and
- 1033 (iv) does not require any additional engineering or analysis.
- 1034 [~~(25)~~] (33) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 1035 Impact Fees Act.
- 1036 [~~(26)~~] (34) "Improvement completion assurance" means a surety bond, letter of credit,
- 1037 financial institution bond, cash, assignment of rights, lien, or other equivalent security
- 1038 required by a county to guaranty the proper completion of landscaping or an
- 1039 infrastructure improvement required as a condition precedent to:
- 1040 (a) recording a subdivision plat; or
- 1041 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 1042 [~~(27)~~] (35) "Improvement warranty" means an applicant's unconditional warranty that the
- 1043 applicant's installed and accepted landscaping or infrastructure improvement:
- 1044 (a) complies with the county's written standards for design, materials, and workmanship;
- 1045 and
- 1046 (b) will not fail in any material respect, as a result of poor workmanship or materials,

1047 within the improvement warranty period.

1048 [~~(28)~~] (36) "Improvement warranty period" means a period:

1049 (a) no later than one year after a county's acceptance of required landscaping; or

1050 (b) no later than one year after a county's acceptance of required infrastructure, unless  
1051 the county:

1052 (i) determines for good cause that a one-year period would be inadequate to protect  
1053 the public health, safety, and welfare; and

1054 (ii) has substantial evidence, on record:

1055 (A) of prior poor performance by the applicant; or

1056 (B) that the area upon which the infrastructure will be constructed contains  
1057 suspect soil and the county has not otherwise required the applicant to mitigate  
1058 the suspect soil.

1059 [~~(29)~~] (37) "Infrastructure improvement" means permanent infrastructure that is essential for  
1060 the public health and safety or that:

1061 (a) is required for human consumption; and

1062 (b) an applicant must install:

1063 (i) in accordance with published installation and inspection specifications for public  
1064 improvements; and

1065 (ii) as a condition of:

1066 (A) recording a subdivision plat;

1067 (B) obtaining a building permit; or

1068 (C) developing a commercial, industrial, mixed use, condominium, or multifamily  
1069 project.

1070 [~~(30)~~] (38) "Internal lot restriction" means a platted note, platted demarcation, or platted  
1071 designation that:

1072 (a) runs with the land; and

1073 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on  
1074 the plat; or

1075 (ii) designates a development condition that is enclosed within the perimeter of a lot  
1076 described on the plat.

1077 [~~(31)~~] (39) "Interstate pipeline company" means a person or entity engaged in natural gas  
1078 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission  
1079 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1080 [~~(32)~~] (40) "Intrastate pipeline company" means a person or entity engaged in natural gas



1081 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
1082 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1083 ~~[(33)]~~ (41) "Land use applicant" means a property owner, or the property owner's designee,  
1084 who submits a land use application regarding the property owner's land.

1085 ~~[(34)]~~ (42) "Land use application":  
1086 (a) means an application that is:  
1087 (i) required by a county; and  
1088 (ii) submitted by a land use applicant to obtain a land use decision; and  
1089 (b) does not mean an application to enact, amend, or repeal a land use regulation.

1090 ~~[(35)]~~ (43) "Land use authority" means:  
1091 (a) a person, board, commission, agency, or body, including the local legislative body,  
1092 designated by the local legislative body to act upon a land use application; or  
1093 (b) if the local legislative body has not designated a person, board, commission, agency,  
1094 or body, the local legislative body.

1095 ~~[(36)]~~ (44) "Land use decision" means an administrative decision of a land use authority or  
1096 appeal authority regarding:  
1097 (a) a land use permit;  
1098 (b) a land use application; or  
1099 (c) the enforcement of a land use regulation, land use permit, or development agreement.

1100 ~~[(37)]~~ (45) "Land use permit" means a permit issued by a land use authority.

1101 ~~[(38)]~~ (46) "Land use regulation":  
1102 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,  
1103 specification, fee, or rule that governs the use or development of land;  
1104 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;  
1105 and  
1106 (c) does not include:  
1107 (i) a land use decision of the legislative body acting as the land use authority, even if  
1108 the decision is expressed in a resolution or ordinance; or  
1109 (ii) a temporary revision to an engineering specification that does not materially:  
1110 (A) increase a land use applicant's cost of development compared to the existing  
1111 specification; or  
1112 (B) impact a land use applicant's use of land.

1113 ~~[(39)]~~ (47) "Legislative body" means the county legislative body, or for a county that has  
1114 adopted an alternative form of government, the body exercising legislative powers.

- 1115 [(40)] (48) "Lot" means a tract of land, regardless of any label, that is created by and shown  
1116 on a subdivision plat that has been recorded in the office of the county recorder.
- 1117 [(41)(a) "Lot line adjustment" means a relocation of a lot line boundary between  
1118 adjoining lots or between a lot and adjoining parcels in accordance with Section  
1119 17-27a-608:]
- 1120 [(i) whether or not the lots are located in the same subdivision; and]  
1121 [(ii) with the consent of the owners of record.]
- 1122 [(b) "Lot line adjustment" does not mean a new boundary line that:]
- 1123 [(i) creates an additional lot; or]  
1124 [(ii) constitutes a subdivision or a subdivision amendment.]
- 1125 [(c) "Lot line adjustment" does not include a boundary line adjustment made by the  
1126 Department of Transportation.]
- 1127 [(42)] (49) "Major transit investment corridor" means public transit service that uses or  
1128 occupies:
- 1129 (a) public transit rail right-of-way;  
1130 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or  
1131 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a  
1132 municipality or county and:
- 1133 (i) a public transit district as defined in Section 17B-2a-802; or  
1134 (ii) an eligible political subdivision as defined in Section 59-12-2219.
- 1135 [(43)] (50) "Micro-education entity" means the same as that term is defined in Section  
1136 53G-6-201.
- 1137 [(44)] (51) "Moderate income housing" means housing occupied or reserved for occupancy  
1138 by households with a gross household income equal to or less than 80% of the median  
1139 gross income for households of the same size in the county in which the housing is  
1140 located.
- 1141 [(45)] (52) "Mountainous planning district" means an area designated by a county legislative  
1142 body in accordance with Section 17-27a-901.
- 1143 [(46)] (53) "Nominal fee" means a fee that reasonably reimburses a county only for time  
1144 spent and expenses incurred in:
- 1145 (a) verifying that building plans are identical plans; and  
1146 (b) reviewing and approving those minor aspects of identical plans that differ from the  
1147 previously reviewed and approved building plans.
- 1148 [(47)] (54) "Noncomplying structure" means a structure that:

- 1149 (a) legally existed before the structure's current land use designation; and  
1150 (b) because of one or more subsequent land use ordinance changes, does not conform to  
1151 the setback, height restrictions, or other regulations, excluding those regulations that  
1152 govern the use of land.

1153 [(48)] (55) "Nonconforming use" means a use of land that:

- 1154 (a) legally existed before the current land use designation;  
1155 (b) has been maintained continuously since the time the land use ordinance regulation  
1156 governing the land changed; and  
1157 (c) because of one or more subsequent land use ordinance changes, does not conform to  
1158 the regulations that now govern the use of the land.

1159 [(49)] (56) "Official map" means a map drawn by county authorities and recorded in the  
1160 county recorder's office that:

- 1161 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
1162 highways and other transportation facilities;  
1163 (b) provides a basis for restricting development in designated rights-of-way or between  
1164 designated setbacks to allow the government authorities time to purchase or  
1165 otherwise reserve the land; and  
1166 (c) has been adopted as an element of the county's general plan.

1167 [(50)] (57) "Parcel" means any real property that is not a lot.

1168 ~~[(51)(a) "Parcel boundary adjustment" means a recorded agreement between owners of~~  
1169 ~~adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line~~  
1170 ~~agreement in accordance with Section 17-27a-523, if no additional parcel is created~~  
1171 ~~and:]~~

1172 ~~[(i) none of the property identified in the agreement is a lot; or]~~

1173 ~~[(ii) the adjustment is to the boundaries of a single person's parcels.]~~

1174 ~~[(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary~~  
1175 ~~line that:]~~

1176 ~~[(i) creates an additional parcel; or]~~

1177 ~~[(ii) constitutes a subdivision.]~~

1178 ~~[(c) "Parcel boundary adjustment" does not include a boundary line adjustment made by~~  
1179 ~~the Department of Transportation.]~~

1180 [(52)] (58) "Person" means an individual, corporation, partnership, organization,  
1181 association, trust, governmental agency, or any other legal entity.

1182 [(53)] (59) "Plan for moderate income housing" means a written document adopted by a

1183 county legislative body that includes:

- 1184 (a) an estimate of the existing supply of moderate income housing located within the  
1185 county;
- 1186 (b) an estimate of the need for moderate income housing in the county for the next five  
1187 years;
- 1188 (c) a survey of total residential land use;
- 1189 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
1190 income housing; and
- 1191 (e) a description of the county's program to encourage an adequate supply of moderate  
1192 income housing.

1193 ~~[(54)]~~ (60) "Planning advisory area" means a contiguous, geographically defined portion of  
1194 the unincorporated area of a county established under this part with planning and zoning  
1195 functions as exercised through the planning advisory area planning commission, as  
1196 provided in this chapter, but with no legal or political identity separate from the county  
1197 and no taxing authority.

1198 ~~[(55)]~~ (61) "Plat" means an instrument subdividing property into lots as depicted on a map  
1199 or other graphical representation of lands that a licensed professional land surveyor  
1200 makes and prepares in accordance with Section 17-27a-603 or 57-8-13.

1201 ~~[(56)]~~ (62) "Potential geologic hazard area" means an area that:

- 1202 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
1203 relevant map or report as needing further study to determine the area's potential for  
1204 geologic hazard; or
- 1205 (b) has not been studied by the Utah Geological Survey or a county geologist but  
1206 presents the potential of geologic hazard because the area has characteristics similar  
1207 to those of a designated geologic hazard area.

1208 ~~[(57)]~~ (63) "Public agency" means:

- 1209 (a) the federal government;
- 1210 (b) the state;
- 1211 (c) a county, municipality, school district, special district, special service district, or  
1212 other political subdivision of the state; or
- 1213 (d) a charter school.

1214 ~~[(58)]~~ (64) "Public hearing" means a hearing at which members of the public are provided a  
1215 reasonable opportunity to comment on the subject of the hearing.

1216 ~~[(59)]~~ (65) "Public meeting" means a meeting that is required to be open to the public under

- 1217 Title 52, Chapter 4, Open and Public Meetings Act.
- 1218 ~~[(60)]~~ (66) "Public street" means a public right-of-way, including a public highway, public
- 1219 avenue, public boulevard, public parkway, public road, public lane, public alley, public
- 1220 viaduct, public subway, public tunnel, public bridge, public byway, other public
- 1221 transportation easement, or other public way.
- 1222 ~~[(61)]~~ (67) "Receiving zone" means an unincorporated area of a county that the county
- 1223 designates, by ordinance, as an area in which an owner of land may receive a
- 1224 transferable development right.
- 1225 ~~[(62)]~~ (68) "Record of survey map" means a map of a survey of land prepared in accordance
- 1226 with Section~~[-10-9a-603,]~~ 17-23-17~~[-17-27a-603, or 57-8-13].~~
- 1227 ~~[(63)]~~ (69) "Residential facility for persons with a disability" means a residence:
- 1228 (a) in which more than one person with a disability resides; and
- 1229 (b) which is licensed or certified by the Department of Health and Human Services
- 1230 under:
- 1231 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
- 1232 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 1233 ~~[(64)]~~ (70) "Residential roadway" means a public local residential road that:
- 1234 (a) will serve primarily to provide access to adjacent primarily residential areas and
- 1235 property;
- 1236 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
- 1237 (c) is not identified as a supplementary to a collector or other higher system classified
- 1238 street in an approved municipal street or transportation master plan;
- 1239 (d) has a posted speed limit of 25 miles per hour or less;
- 1240 (e) does not have higher traffic volumes resulting from connecting previously separated
- 1241 areas of the municipal road network;
- 1242 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
- 1243 intended for high volume traffic or community centers, including schools, recreation
- 1244 centers, sports complexes, or libraries; and
- 1245 (g) primarily serves traffic within a neighborhood or limited residential area and is not
- 1246 necessarily continuous through several residential areas.
- 1247 ~~[(65)]~~ (71) "Rules of order and procedure" means a set of rules that govern and prescribe in
- 1248 a public meeting:
- 1249 (a) parliamentary order and procedure;
- 1250 (b) ethical behavior; and

- 1251 (c) civil discourse.
- 1252 [(66)] (72) "Sanitary sewer authority" means the department, agency, or public entity with  
1253 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
1254 wastewater systems.
- 1255 [(67)] (73) "Sending zone" means an unincorporated area of a county that the county  
1256 designates, by ordinance, as an area from which an owner of land may transfer a  
1257 transferable development right.
- 1258 (74) "Simple boundary adjustment" means a boundary adjustment that does not:
- 1259 (a) affect a public right-of-way, county utility easement, or other public property;  
1260 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or  
1261 (c) result in a lot or parcel out of conformity with land use regulations.
- 1262 [(68)] (75) "Site plan" means a document or map that may be required by a county during a  
1263 preliminary review preceding the issuance of a building permit to demonstrate that an  
1264 owner's or developer's proposed development activity meets a land use requirement.
- 1265 [(69)] (76)(a) "Special district" means an entity under Title 17B, Limited Purpose Local  
1266 Government Entities - Special Districts.
- 1267 (b) "Special district" includes a governmental or quasi-governmental entity that is not a  
1268 county, municipality, school district, or the state.
- 1269 [(70)] (77) "Specified public agency" means:
- 1270 (a) the state;  
1271 (b) a school district; or  
1272 (c) a charter school.
- 1273 [(71)] (78) "Specified public utility" means an electrical corporation, gas corporation, or  
1274 telephone corporation, as those terms are defined in Section 54-2-1.
- 1275 [(72)] (79) "State" includes any department, division, or agency of the state.
- 1276 [(73)] (80)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to  
1277 be divided into two or more lots or other division of land for the purpose, whether  
1278 immediate or future, for offer, sale, lease, or development either on the installment  
1279 plan or upon any and all other plans, terms, and conditions.
- 1280 (b) "Subdivision" includes:
- 1281 (i) the division or development of land, whether by deed, metes and bounds  
1282 description, devise and testacy, map, plat, or other recorded instrument, regardless  
1283 of whether the division includes all or a portion of a parcel or lot; and  
1284 (ii) except as provided in Subsection [(73)(e)] (79)(c), divisions of land for residential

- 1285 and nonresidential uses, including land used or to be used for commercial,  
 1286 agricultural, and industrial purposes.
- 1287 (c) "Subdivision" does not include:
- 1288 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 1289 ~~[(ii) a boundary line agreement recorded with the county recorder's office between~~  
 1290 ~~owners of adjoining parcels adjusting the mutual boundary in accordance with~~  
 1291 ~~Section 17-27a-523 if no new lot is created;]~~
- 1292 ~~[(iii)]~~ (ii) a recorded conveyance document~~[- executed by the owner of record]:~~
- 1293 (A) ~~[revising the legal descriptions of -]~~ consolidating multiple lots or parcels into  
 1294 one legal description encompassing all ~~[such]~~ lots ~~Ŧ→~~ **by reference to a**  
 1294a **recorded plat** ~~←Ŧ~~ **Ŧ→** ~~[or]~~ **and all** ~~←Ŧ~~ parcels by  
 1294b metes and  
 1295 bounds description; or
- 1296 (B) joining a lot to a parcel;
- 1297 ~~[(iv)]~~ (iii) a bona fide division or partition of land in a county other than a first class  
 1298 county for the purpose of siting, on one or more of the resulting separate parcels:
- 1299 (A) an electrical transmission line or a substation;
- 1300 (B) a natural gas pipeline or a regulation station; or
- 1301 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
 1302 utility service regeneration, transformation, retransmission, or amplification  
 1303 facility;
- 1304 ~~[(v) a boundary line agreement between owners of adjoining subdivided properties~~  
 1305 ~~adjusting the mutual lot line boundary in accordance with Sections 17-27a-523~~  
 1306 ~~and 17-27a-608 if:]~~
- 1307 ~~[(A) no new dwelling lot or housing unit will result from the adjustment; and]~~  
 1308 ~~[(B) the adjustment will not violate any applicable land use ordinance;]~~
- 1309 ~~[(vi)]~~ (iv) a bona fide division of land by deed or other instrument if the deed or other  
 1310 instrument states in writing that the division:
- 1311 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 1312 (B) does not confer any land use approvals; and
- 1313 (C) has not been approved by the land use authority;
- 1314 ~~[(vii)]~~ (v) a ~~[parcel]~~ boundary adjustment;
- 1315 ~~[(viii)]~~ (vi) a ~~[lot line adjustment]~~ boundary establishment;
- 1316 ~~[(ix)]~~ (vii) a road, street, or highway dedication plat;

- 1317           ~~[(x)]~~ (viii) a deed or easement for a road, street, or highway purpose; or  
1318           ~~[(xi)]~~ (ix) any other division of land authorized by law.
- 1319   ~~[(74)]~~ (81)(a) "Subdivision amendment" means an amendment to a recorded subdivision  
1320       in accordance with Section 17-27a-608 that:
- 1321           (i) vacates all or a portion of the subdivision;  
1322           ~~[(ii) alters the outside boundary of the subdivision;]~~  
1323           ~~[(iii)]~~ (ii) ~~[changes-]~~ increases the number of lots within the subdivision;  
1324           ~~[(iv)]~~ (iii) alters a public right-of-way, a public easement, or public infrastructure  
1325               within the subdivision; or  
1326           ~~[(v)]~~ (iv) alters a common area or other common amenity within the subdivision.
- 1327       (b) "Subdivision amendment" does not include a ~~[lot line]~~ simple boundary adjustment[;  
1328       ~~between a single lot and an adjoining lot or parcel, that alters the outside boundary of~~  
1329       ~~the subdivision].~~
- 1330   ~~[(75)]~~ (82) "Substantial evidence" means evidence that:
- 1331           (a) is beyond a scintilla; and  
1332           (b) a reasonable mind would accept as adequate to support a conclusion.
- 1333   ~~[(76)]~~ (83) "Suspect soil" means soil that has:
- 1334           (a) a high susceptibility for volumetric change, typically clay rich, having more than a  
1335               3% swell potential;  
1336           (b) bedrock units with high shrink or swell susceptibility; or  
1337           (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum  
1338               commonly associated with dissolution and collapse features.
- 1339   ~~[(77)]~~ (84) "Therapeutic school" means a residential group living facility:
- 1340           (a) for four or more individuals who are not related to:  
1341               (i) the owner of the facility; or  
1342               (ii) the primary service provider of the facility;  
1343           (b) that serves students who have a history of failing to function:  
1344               (i) at home;  
1345               (ii) in a public school; or  
1346               (iii) in a nonresidential private school; and  
1347           (c) that offers:  
1348               (i) room and board; and  
1349               (ii) an academic education integrated with:  
1350               (A) specialized structure and supervision; or



1351 (B) services or treatment related to a disability, an emotional development, a  
 1352 behavioral development, a familial development, or a social development.

1353 [(78)] (85) "Transferable development right" means a right to develop and use land that  
 1354 originates by an ordinance that authorizes a land owner in a designated sending zone to  
 1355 transfer land use rights from a designated sending zone to a designated receiving zone.

1356 [(79)] (86) "Unincorporated" means the area outside of the incorporated area of a  
 1357 municipality.

1358 [(80)] (87) "Water interest" means any right to the beneficial use of water, including:

1359 (a) each of the rights listed in Section 73-1-11; and

1360 (b) an ownership interest in the right to the beneficial use of water represented by:

1361 (i) a contract; or

1362 (ii) a share in a water company, as defined in Section 73-3-3.5.

1363 [(81)] (88) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
 1364 land use zones, overlays, or districts.

1365 Section 8. Section **17-27a-522** is amended to read:

1366 **17-27a-522 . Simple boundary adjustment -- Full boundary adjustment --**

1367 **Process -- Review by land use authority.**

1368 (1) A person may propose a simple boundary adjustment to a land use authority as  
 1369 described in this section.

1370 (2) A proposal for a simple boundary adjustment shall:

1371 (a) include a conveyance document that complies with Section 57-1-45.5; and

1372 (b) describe all lots or parcels affected by the proposed boundary adjustment.

1373 (3) A land use authority shall consent to a proposed simple boundary adjustment if the land  
 1374 use authority verifies that the proposed simple boundary adjustment:

1375 (a) meets the requirements of Subsection (2); and

1376 (b) does not:

1377 (i) affect a public right-of-way, county utility easement, or other public property;

1378 (ii) affect an existing easement, onsite wastewater system, or an internal lot

1379 restriction; or

1380 (iii) result in a lot or parcel out of conformity with land use regulations.

1381 (4) If the land use authority determines that a proposed simple boundary adjustment does  
 1382 not meet the requirements of Subsection (3), a full boundary adjustment is required.

1383 (5) To [make] propose a [parcel-line] full boundary adjustment[, a property owner] , the  
 1384 adjoining property owners shall submit a proposal to the land use authority that includes:

- 1385        [(a) execute a boundary adjustment through:]  
 1386            [(i) a quitclaim deed; or]  
 1387            [(ii) a boundary line agreement under Section 17-27a-523; and]  
 1388        [(b) record the quitclaim deed or boundary line agreement described in Subsection (1)(a)  
 1389            in the office of the county recorder of the county in which each property is located.]  
 1390        (a) a conveyance document that complies with Section 57-1-45.5;  
 1391        (b) a survey that complies with Subsection 57-1-4.5(3)(b); and  
 1392        (c) if required by county ordinance, a proposed plat amendment corresponding with the  
 1393            proposed full boundary adjustment, prepared in accordance with Section 17-27a-608.  
 1394        (6) The land use authority shall consent to a proposed full boundary adjustment made under  
 1395            Subsection (5) if:  
 1396            (a) the proposal submitted to the land use authority under Subsection (5) includes all  
 1397                necessary information;  
 1398            (b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land  
 1399                use regulation; and  
 1400            (c) if required by county ordinance, the plat amendment corresponding with the  
 1401                proposed full boundary adjustment has been approved in accordance with Section  
 1402                17-27a-608.  
 1403        (7)(a) Consent under Subsection (3) or (6) is an administrative act.  
 1404            (b) Notice of consent under Subsection (3) or (6) shall be provided to the person  
 1405                proposing the boundary adjustment in a format that makes clear:  
 1406                (i) the land use authority is not responsible for any error related to the boundary  
 1407                    adjustment; and  
 1408                (ii) a county recorder may record the boundary adjustment.  
 1409        (8) A boundary adjustment is effective from the day on which the boundary adjustment, as  
 1410            consented to by the land use authority, is recorded by the county recorder along with the  
 1411            relevant conveyance document.  
 1412        (9) The recording of a boundary adjustment does not constitute a land use approval.  
 1413        [(2) To make a lot line adjustment, a property owner shall:]  
 1414            [(a) obtain approval of the boundary adjustment under Section 17-27a-608;]  
 1415            [(b) execute a boundary adjustment through:]  
 1416                [(i) a quitclaim deed; or]  
 1417                [(ii) a boundary line agreement under Section 17-27a-523; and]  
 1418            [(c) record the quitclaim deed or boundary line agreement described in Subsection (2)(b)]

1419 in the office of the county recorder of the county in which each property is located.]

1420 [(3) A parcel boundary adjustment under Subsection (1) is not subject to review of a land

1421 use authority unless:]

1422 [(a) the parcel includes a dwelling; and]

1423 [(b) the land use authority's approval is required under Subsection 17-27a-523(5).]

1424 [(4) The recording of a boundary line agreement or other document used to adjust a mutual

1425 boundary line that is not subject to review of a land use authority:]

1426 [(a) does not constitute a land use approval; and]

1427 [(b) does not affect the validity of the boundary line agreement or other document used

1428 to adjust a mutual boundary line.]

1429 [(5)] (10) A county may enforce county ordinances against, or withhold approval of a land

1430 use application for, property that is subject to a [recorded boundary line agreement or

1431 other document used to adjust a mutual boundary line] boundary adjustment if the county

1432 determines that the resulting lots or parcels[, as adjusted by the boundary line agreement

1433 or other document used to adjust the mutual boundary line,] are not in compliance with

1434 the county's land use regulations in effect on the day on which the boundary [line

1435 agreement or other document used to adjust the mutual boundary line] adjustment is

1436 recorded.

1437 Section 9. Section **17-27a-523** is amended to read:

1438 **17-27a-523 . Boundary establishment -- Process -- Boundary agreement not**

1439 **subject to review by land use authority -- Prohibitions.**

1440 (1) [If properly executed and acknowledged as required by law, an agreement between] The

1441 owners of adjoining property [that designates the boundary line between the adjoining

1442 properties acts, upon recording in the office of the recorder of the county in which each

1443 property is located, as a quitclaim deed to convey all of each party's right, title, interest,

1444 and estate in property outside the agreed boundary line that had been the subject of the

1445 boundary line agreement or dispute that led to the boundary line agreement.] may initiate

1446 a boundary establishment to:

1447 (a) resolve an ambiguous, uncertain, or disputed boundary between the adjoining

1448 properties; and

1449 (b) agree upon the location of the boundary between the adjoining properties.

1450 (2) Adjoining property owners executing a boundary [line agreement] establishment

1451 described in Subsection (1) shall:

1452 [(a) ensure that the agreement includes:]

- 1453           ~~[(i) a legal description of the agreed upon boundary line and of each parcel or lot after~~  
1454           ~~the boundary line is changed;]~~
- 1455           ~~[(ii) the name and signature of each grantor that is party to the agreement;]~~
- 1456           ~~[(iii) a sufficient acknowledgment for each grantor's signature;]~~
- 1457           ~~[(iv) the address of each grantee for assessment purposes;]~~
- 1458           ~~[(v) a legal description of the parcel or lot each grantor owns before the boundary line~~  
1459           ~~is changed; and]~~
- 1460           ~~[(vi) the date of the agreement if the date is not included in the acknowledgment in a~~  
1461           ~~form substantially similar to a quitclaim deed as described in Section 57-1-13;]~~
- 1462           ~~[(b) if any of the property subject to the boundary line agreement is a lot, prepare an~~  
1463           ~~amended plat in accordance with Section 17-27a-608 before executing the boundary~~  
1464           ~~line agreement; and]~~
- 1465           ~~[(c) if none of the property subject to the boundary line agreement is a lot, ensure that~~  
1466           ~~the boundary line agreement includes a statement citing the file number of a record of~~  
1467           ~~a survey map in accordance with Section 17-23-17, unless the statement is exempted~~  
1468           ~~by the county.]~~
- 1469           ~~(a) prepare an establishment document that complies with Section 57-1-45; and~~
- 1470           ~~(b) record the boundary establishment with the county recorder, in accordance with~~  
1471           ~~Section 57-1-45.~~
- 1472           ~~(3) A boundary establishment:~~
- 1473           ~~(a) is not subject to review of a land use authority; and~~
- 1474           ~~(b) does not require consent or approval from a land use authority before it may be~~  
1475           ~~recorded.~~
- 1476           ~~(4) A boundary establishment is effective from the day it is recorded by the county recorder.~~
- 1477           ~~(5) A county may enforce county ordinances against property with a boundary~~  
1478           ~~establishment that violates a land use regulation.~~
- 1479           ~~[(3)] (6) A boundary [line agreement described in Subsection (1) that complies with~~  
1480           ~~Subsection (2)] establishment that complies with this section presumptively:~~
- 1481           ~~(a) has no detrimental effect on any easement on the property that is recorded before the~~  
1482           ~~day on which the agreement is executed[ unless the owner of the property benefitting~~  
1483           ~~from the easement specifically modifies the easement within the boundary line~~  
1484           ~~agreement or a separate recorded easement modification or relinquishment document];~~  
1485           ~~and~~
- 1486           ~~(b) [relocates the parties' common boundary line for an exchange of consideration.]~~

conveys the ownership of the adjoining parties to the established common boundary.

~~[(4) Notwithstanding Part 6, Subdivisions, or a county's ordinances or policies, a boundary line agreement that only affects parcels is not subject to:]~~

~~[(a) any public notice, public hearing, or preliminary platting requirement;]~~

~~[(b) the review of a land use authority; or]~~

~~[(c) an engineering review or approval of the county, except as provided in Subsection (5).]~~

~~[(5)(a) If a parcel that is the subject of a boundary line agreement contains a dwelling unit, the county may require a review of the boundary line agreement if the county:]~~

~~[(i) adopts an ordinance that:]~~

~~[(A) requires review and approval for a boundary line agreement containing a dwelling unit; and]~~

~~[(B) includes specific criteria for approval; and]~~

~~[(ii) completes the review within 14 days after the day on which the property owner submits the boundary line agreement for review.]~~

~~[(b)(i) If a county, upon a review under Subsection (5)(a), determines that the boundary line agreement is deficient or if the county requires additional information to approve the boundary line agreement, the county shall send, within the time period described in Subsection (5)(a)(ii), written notice to the property owner that:]~~

~~[(A) describes the specific deficiency or additional information that the county requires to approve the boundary line agreement; and]~~

~~[(B) states that the county shall approve the boundary line agreement upon the property owner's correction of the deficiency or submission of the additional information described in Subsection (5)(b)(i)(A).]~~

~~[(ii) If a county, upon a review under Subsection (5)(a), approves the boundary line agreement, the county shall send written notice of the boundary line agreement's approval to the property owner within the time period described in Subsection (5)(a)(ii).]~~

~~[(c) If a county fails to send a written notice under Subsection (5)(b) within the time period described in Subsection (5)(a)(ii), the property owner may record the boundary line agreement as if no review under this Subsection (5) was required.]~~

Section 10. Section **17-27a-605** is amended to read:

**17-27a-605 . Exemptions from plat requirement.**

- 1521 (1) Notwithstanding any other provision of law, a plat is not required if:
- 1522 (a) a county establishes a process to approve an administrative land use decision for the
- 1523 subdivision of unincorporated land or mountainous planning district land into 10 or
- 1524 fewer [~~lots~~] parcels without a plat; and
- 1525 (b) the county provides in writing that:
- 1526 (i) the county has provided [~~notice~~] a certificate or written approval as required by
- 1527 ordinance; and
- 1528 (ii) the proposed subdivision:
- 1529 (A) is not traversed by the mapped lines of a proposed street as shown in the
- 1530 general plan unless the county has approved the location and dedication of any
- 1531 public street, county utility easement, any other easement, or any other land for
- 1532 public purposes as the county's ordinance requires;
- 1533 (B) has been approved by the culinary water authority and the sanitary sewer
- 1534 authority;
- 1535 (C) is located in a zoned area; and
- 1536 (D) conforms to all applicable land use ordinances or has properly received a
- 1537 variance from the requirements of an otherwise conflicting and applicable land
- 1538 use ordinance.
- 1539 (2)(a) Subject to Subsection (1), a [~~lot or~~]parcel resulting from a division of agricultural
- 1540 land is exempt from the plat requirements of Section 17-27a-603 if:
- 1541 (i) the [~~lot or~~]parcel:
- 1542 (A) qualifies as land in agricultural use under Section 59-2-502; and
- 1543 (B) is not used and will not be used for any nonagricultural purpose; and
- 1544 (ii) the new owner of record completes, signs, and records with the county recorder a
- 1545 notice:
- 1546 (A) describing the parcel by legal description; and
- 1547 (B) stating that the [~~lot or~~]parcel is created for agricultural purposes as defined in
- 1548 Section 59-2-502 and will remain so until a future zoning change permits other
- 1549 uses.
- 1550 (b) If a [~~lot or~~]parcel exempted under Subsection (2)(a) is used for a nonagricultural
- 1551 purpose, the county shall require the [~~lot or~~]parcel to comply with the requirements
- 1552 of Section 17-27a-603 and all applicable land use ordinance requirements.
- 1553 (3)(a) Except as provided in Subsection (4), a document recorded in the county
- 1554 recorder's office that divides property by a metes and bounds description does not

create an approved subdivision allowed by this part unless the land use authority's certificate of written approval required by Subsection (1) is attached to the document.

(b) The absence of the certificate or written approval required by Subsection (1) does not:

(i) prohibit the county recorder from recording a document; or

(ii) affect the validity of a recorded document.

(c) A document which does not meet the requirements of Subsection (1) may be corrected by the recording of an affidavit to which the required certificate or written approval is attached and that complies with Section 57-3-106.

(4)(a) As used in this Subsection (4):

(i) "Divided land" means land that:

(A) is described as the land to be divided in a notice under Subsection (4)(b)(ii);

and

(B) has been divided by a minor subdivision.

(ii) "Land to be divided" means land that is proposed to be divided by a minor subdivision.

(iii) "Minor subdivision" means a division of at least 100 contiguous acres of agricultural land in a county of the third, fourth, fifth, or sixth class to create one new ~~[lot]~~ parcel that, after the division, is separate from the remainder of the original 100 or more contiguous acres of agricultural land.

(iv) "Minor subdivision ~~[lot]~~ parcel" means a ~~[lot]~~ parcel created by a minor subdivision.

(b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100 contiguous acres of agricultural land may make a minor subdivision by submitting for recording in the office of the recorder of the county in which the land to be divided is located:

(i) a recordable deed containing the legal description of the minor subdivision ~~[lot]~~ parcel; and

(ii) a notice:

(A) indicating that the owner of the land to be divided is making a minor subdivision;

(B) referring specifically to this section as the authority for making the minor subdivision; and

(C) containing the legal description of:

- 1589 (I) the land to be divided; and
- 1590 (II) the minor subdivision ~~[lot]~~ parcel.
- 1591 (c) A minor subdivision ~~[lot]~~ parcel:
- 1592 (i) may not be less than one acre in size;
- 1593 (ii) may not be within 1,000 feet of another minor subdivision ~~[lot]~~ parcel; and
- 1594 (iii) is not subject to the subdivision ordinance of the county in which the minor
- 1595 subdivision ~~[lot]~~ parcel is located.
- 1596 (d) Land to be divided by a minor subdivision may not include divided land.
- 1597 (e) A county:
- 1598 (i) may not deny a building permit to an owner of a minor subdivision ~~[lot]~~ parcel
- 1599 based on:
- 1600 (A) the ~~[lot's]~~ parcel's status as a minor subdivision ~~[lot]~~ parcel; or
- 1601 (B) the absence of standards described in Subsection (4)(e)(ii); and
- 1602 (ii) may, in connection with the issuance of a building permit, subject a minor
- 1603 subdivision ~~[lot]~~ parcel to reasonable health, safety, and access standards that the
- 1604 county has established and made public.
- 1605 (5)(a) Notwithstanding Sections 17-27a-603 and 17-27a-604, and subject to Subsection
- 1606 (1), the legislative body of a county may enact an ordinance allowing the subdivision
- 1607 of a parcel, without complying with the plat requirements of Section 17-27a-603, if:
- 1608 (i) the parcel contains an existing legal single family dwelling unit;
- 1609 (ii) the subdivision results in two parcels, one of which is agricultural land;
- 1610 (iii) the parcel of agricultural land:
- 1611 (A) qualifies as land in agricultural use under Section 59-2-502; and
- 1612 (B) is not used, and will not be used, for a nonagricultural purpose;
- 1613 (iv) both the parcel with an existing legal single family dwelling unit and the parcel
- 1614 of agricultural land meet the minimum area, width, frontage, and setback
- 1615 requirements of the applicable zoning designation in the applicable land use
- 1616 ordinance; and
- 1617 (v) the owner of record completes, signs, and records with the county recorder a
- 1618 notice:
- 1619 (A) describing the parcel of agricultural land by legal description; and
- 1620 (B) stating that the parcel of agricultural land is created as land in agricultural use,
- 1621 as defined in Section 59-2-502, and will remain as land in agricultural use until
- 1622 a future zoning change permits another use.



(b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a) is later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a) no longer applies, and the county shall require the owner of the parcel to:

(i) retroactively comply with the subdivision plat requirements of Section 17-27a-603;

and

(ii) comply with all applicable land use ordinance requirements.

(6)(a) The boundaries of any subdivision exempted from the plat requirement under this section shall be graphically illustrated on a record of survey map that includes:

(i) a legal description of the parcel to be divided;

(ii) a legal description of each parcel created by the subdivision; and

(iii) a citation to the specific provision of this section for which an exemption to the plat requirement is authorized.

(b) The record of survey map described in Subsection (6)(a) shall be filed with the county surveyor in accordance with Section 17-23-17.

Section 11. Section **17-27a-608** is amended to read:

**17-27a-608 . Subdivision amendments.**

(1)(a) A fee owner of a lot, as shown on the last county assessment roll, in a plat that has been laid out and platted as provided in this part may file a ~~[written]~~ petition with the land use authority to request a subdivision amendment.

(b) Upon filing a ~~[written]~~ petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 17-27a-603 that:

(i) depicts only the portion of the subdivision that is proposed to be amended;

(ii) includes a plat name distinguishing the amended plat from the original plat;

(iii) describes the differences between the amended plat and the original plat; and

(iv) includes references to the original plat.

(c)(i) ~~[If a petition is filed under Subsection (1)(a), the]~~ The land use authority shall provide notice of ~~[the]~~ a petition filed under Subsection (1)(a) by mail~~;~~ or email~~;~~ ~~or other effective means]~~ to:

(A) each affected entity that provides a service to [an] a property owner of record of the portion of the plat that is being amended[ at least 10 calendar days before the land use authority may approve the petition for a subdivision amendment] ; and

(B) each property owner of record within the portion of the subdivision that is

1657                    proposed to be amended.

1658            (ii) The notice described in Subsection (1)(c)(i)(B) shall include a deadline by which  
1659            written objections to the petition are due to the land use authority, but no earlier  
1660            than 10 calendar days after the day on which the land use authority sends the  
1661            notice.

1662        (d) ~~[If a petition is filed under Subsection (1)(a), the]~~ The land use authority shall hold a  
1663            public hearing within 45 days after the day on which [the] a petition is filed under  
1664            Subsection (1)(a) if:

1665            (i) any property owner within the [plat] subdivision that is proposed to be amended  
1666            notifies the county of the owner's objection in writing [within 10 days of mailed  
1667            notification] by the deadline for objections, as described in Subsection (1)(c)(ii); or  
1668            (ii) a county ordinance requires a public hearing [is required because] if all of the  
1669            owners [in] within the portion of the subdivision proposed to be amended have not  
1670            signed the [revised] proposed amended plat.

1671        (e) A land use authority may approve a petition for subdivision amendment no earlier  
1672            than:

1673            (i) the day after the day on which written objections were due to the land authority, as  
1674            described in Subsection (1)(c)(ii); or

1675            (ii) if a public hearing is required as described in Subsection (1)(d), the day on which  
1676            the public hearing takes place.

1677        (f) A land use authority may not approve a petition for a subdivision amendment under  
1678            this section unless the amendment identifies and preserves any easements owned by a  
1679            culinary water authority and sanitary sewer authority for existing facilities located  
1680            within the subdivision.

1681        (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use  
1682            authority may consider at a public meeting an owner's petition for a subdivision  
1683            amendment if:

1684            (a) the petition seeks to:

1685            (i) join two or more of the petitioning fee owner's contiguous lots;

1686            (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will  
1687            not result in a violation of a land use ordinance or a development condition;

1688            ~~[(iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if~~  
1689            ~~the fee owners of each of the adjoining properties join the petition, regardless of~~  
1690            ~~whether the properties are located in the same subdivision;]~~

1691           ~~[(iv)]~~ (iii) on a lot owned by the petitioning fee owner, adjust an internal lot restriction  
1692                   imposed by the local political subdivision; or  
1693           ~~[(v)]~~ (iv) alter the plat in a manner that does not change existing boundaries or other  
1694                   attributes of lots within the subdivision that are not:  
1695                   (A) owned by the petitioner; or  
1696                   (B) designated as a common area; and  
1697       (b) notice has been given to adjoining property owners in accordance with any  
1698           applicable local ordinance.  
1699       (3) A petition under Subsection (1)(a) that contains a request to amend a public street or  
1700           county utility easement is also subject to Section 17-27a-609.5.  
1701       (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a  
1702           portion of a plat shall include:  
1703           (a) the name and address of each owner of record of the land contained in:  
1704               (i) the entire plat; or  
1705               (ii) that portion of the plan described in the petition; and  
1706           (b) the signature of each owner who consents to the petition.  
1707       ~~[(5)(a) The owners of record of adjoining properties where one or more of the~~  
1708           ~~properties is a lot may exchange title to portions of those properties if the exchange~~  
1709           ~~of title is approved by the land use authority as a lot line adjustment in accordance~~  
1710           ~~with Subsection (5)(b).]~~  
1711       ~~[(b) The land use authority shall approve a lot line adjustment under Subsection (5)(a) if~~  
1712           ~~the exchange of title will not result in a violation of any land use ordinance.]~~  
1713       ~~[(c) If a lot line adjustment is approved under Subsection (5)(b):]~~  
1714           ~~[(i) a notice of lot line adjustment approval shall be recorded in the office of the~~  
1715           ~~county recorder which:]~~  
1716           ~~[(A) is approved by the land use authority; and]~~  
1717           ~~[(B) recites the legal descriptions of both the properties and the properties~~  
1718           ~~resulting from the exchange of title; and]~~  
1719           ~~[(ii) a document of conveyance of title reflecting the approved change shall be~~  
1720           ~~recorded in the office of the county recorder.]~~  
1721       ~~[(d) A notice of approval recorded under this Subsection (5) does not act as a~~  
1722           ~~conveyance of title to real property and is not required to record a document~~  
1723           ~~conveying title to real property.]~~  
1724       ~~[(6)(a) The name of a recorded subdivision may be changed by recording an amended~~

plat making that change, as provided in this section and subject to Subsection (6)(e).]

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

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

[(ii)(A) has completed a survey of the property described on the plat in

accordance with Section 17-23-17 and has verified all measurements; or]

[(B) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; and]

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

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

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

[(d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.]

(5) A surveyor preparing an amended plat under this section shall certify that the surveyor:

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

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

(ii) has referenced a record of survey map of the existing property boundaries shown on the plat and verified the locations of the boundaries; or

(iii) has referenced the original plat that created the lot boundaries being amended;  
and

(c) has placed monuments as represented on the plat.

Section 12. Section **57-1-13** is amended to read:

**57-1-13 . Form of quitclaim deed.**

[(1)] A conveyance of land may also be substantially in the following form:

"QUITCLAIM DEED

\_\_\_\_ (here insert name), grantor, of \_\_\_\_ (insert place of residence), hereby quitclaims to \_\_\_\_ (insert name), grantee, of \_\_\_\_ (here insert place of residence), for the sum of \_\_\_\_ dollars, the following described tract \_\_\_\_ of land in \_\_\_\_ County, Utah, to wit: (here describe the premises).

Witness the hand of said grantor this \_\_\_\_\_(month\day\year).

A quitclaim deed when executed as required by law shall have the effect of a

1759 conveyance of all right, title, interest, and estate of the grantor in and to the premises therein  
 1760 described and all rights, privileges, and appurtenances thereunto belonging, at the date of the  
 1761 conveyance."

1762 ~~[(2) A boundary line agreement operating as a quitclaim deed shall meet the requirements~~  
 1763 ~~described in Section 10-9a-524 or 17-27a-523, as applicable.]~~

1764 Section 13. Section **57-1-45** is amended to read:

1765 **57-1-45 . Boundary establishments -- Establishment documents -- Effect.**

1766 ~~[(1) An agreement to adjust a known boundary between adjoining properties shall comply~~  
 1767 ~~with Section 10-9a-524 or 17-27a-523, as applicable.]~~

1768 ~~[(2) A recorded boundary line agreement to establish the location of a boundary between~~  
 1769 ~~adjoining properties where the location of the boundary is ambiguous, uncertain, or~~  
 1770 ~~disputed shall comply with Subsections (3) and (4).]~~

1771 ~~[(3)] (1) A boundary establishment shall:~~

1772 ~~(a) be finalized by recording an establishment document, as defined in Sections~~  
 1773 ~~10-9a-103 and 17-27a-103; and~~

1774 ~~(b) comply with this section.~~

1775 ~~(2) [A boundary line agreement between adjoining property owners establishing the owners'~~  
 1776 ~~existing common boundary for the purpose of settling an ambiguity, uncertainty, or~~  
 1777 ~~dispute] An establishment document shall include:~~

1778 ~~(a) the name and signature of each party to the [agreement and, if applicable, the name~~  
 1779 ~~and signature of a party's predecessor in interest who agreed to the location of the~~  
 1780 ~~boundary line] establishment document;~~

1781 ~~[(b) the date of the boundary line agreement;]~~

1782 ~~[(e)] (b) the address of each party to the [boundary line agreement] establishment~~  
 1783 ~~document for assessment purposes;~~

1784 ~~[(d)] (c) a statement describing [why the owners of adjoining properties were unable to~~  
 1785 ~~determine the true location of the boundary line between the adjoining properties] the~~  
 1786 ~~ambiguity, uncertainty, or dispute being resolved with the boundary establishment;~~

1787 ~~[(e)] (d) a statement that the adjoining property owners [of the adjoining properties]~~  
 1788 ~~agree on the established boundary [line] location described in the [boundary line~~  
 1789 ~~agreement] establishment document;~~

1790 ~~[(f)] (e) a current legal description of each parcel or lot that is subject to the established~~  
 1791 ~~boundary[ line agreement];~~

1792 ~~[(g)] (f) a new legal description of the [agreed] established boundary[ line];~~

1793 ~~[(h)]~~ (g)(i) if the property owners have conducted a survey, a reference to a record of  
 1794 the survey map, as defined in Section 17-23-17[ in conjunction with the boundary  
 1795 line agreement that shows] , showing information necessary to identify the  
 1796 established boundary that may include:

- 1797 (A) existing dwellings, outbuildings, improvements, and other physical features;
- 1798 (B) existing easements, rights-of-way, conditions, or restrictions recorded or
- 1799 apparent;
- 1800 (C) the location of the agreed boundary~~[line]~~; and
- 1801 (D) an explanation in the survey narrative of the reason for the boundary ~~[line~~
- 1802 ~~agreement]~~ establishment; or
- 1803 (ii) if the parcels or lots are unimproved, or if the property owners have otherwise not  
 1804 conducted a survey, an attached [exhibit] visual or graphic depicting a [graphical-]  
 1805 representation of the location of the [agreed] established boundary [line-]relative to  
 1806 physical objects marking the [agreed] established boundary;

1807 ~~[(i)]~~ (h) if any of the property that is the subject of the [agreement] establishment  
 1808 document is located in a recorded subdivision[ and the agreed boundary line is  
 1809 different from the boundary line recorded in the plat], an acknowledgment that each  
 1810 party to the agreement has been [advised] notified of the potential requirement of a  
 1811 subdivision plat amendment; and

1812 ~~[(j)]~~ (i) a sufficient acknowledgment for each party's signature.

1813 ~~[(4)]~~ (3) ~~[A boundary line agreement-]~~ An establishment document described in Subsection [  
 1814 (3)] (2) may not be used to create a new parcel or new lot.[:]

1815 ~~[(a) used to adjust a known boundary described in Subsection (1) between adjoining~~  
 1816 ~~properties;]~~

1817 ~~[(b) used to adjust a lot line in a recorded subdivision plat or create a new parcel or lot; or]~~

1818 ~~[(c) used by or recorded by a successor in interest to a property owner who agreed to the~~  
 1819 ~~boundary line unless the property owners who agreed to the boundary line treated the~~  
 1820 ~~line as the actual boundary as demonstrated by:]~~

- 1821 ~~[(i) actual possession by each owner up to the boundary line;]~~
- 1822 ~~[(ii) a fence built and agreed to by each owner on the boundary line; or]~~
- 1823 ~~[(iii) each owner cultivating or controlling the land up to the boundary line.]~~

1824 (4) Property owners who agree to a boundary establishment shall treat the established  
 1825 boundary as the common boundary, as demonstrated by:

- 1826 (a) actual possession by each owner of the owner's property up to the common

1827 boundary, as visibly marked by monuments, fences, buildings, or other physical  
1828 improvements; or  
1829 (b) each owner cultivating or controlling the owner's property up to the visibly marked  
1830 common boundary.  
1831 (5)(a) Before recording an establishment document, a county recorder shall confirm that  
1832 the establishment document and any accompanying exhibit is presented in a legible  
1833 and recordable format.  
1834 (b) Upon receipt of an establishment document that is not in a legible and recordable  
1835 format, the county recorder shall provide the person submitting the establishment  
1836 document with an explanation of corrections necessary to record the establishment  
1837 document.  
1838 (6)(a) An establishment document is effective on the day it is recorded.  
1839 (b) A recorded establishment document creates a boundary establishment.  
1840 (c) If a judgment made by a court that establishes the location of a disputed boundary is  
1841 recorded in the county title record:  
1842 (i) the judgment is considered an establishment document; and  
1843 (ii) the recording of the judgment creates a boundary establishment.  
1844 ~~[(5)]~~ (7) ~~[A boundary line agreement]~~ Once recorded, an establishment document described  
1845 in Subsection ~~[(3)]~~ (2):  
1846 (a) does not affect any previously recorded easement~~[unless the easement is expressly~~  
1847 ~~modified by the boundary line agreement];~~  
1848 (b) establishes the location of the common boundary between the adjoining properties~~[~~  
1849 ~~in the originally intended location of the boundary line];~~  
1850 (c) ~~[affixes-]~~ conveys the ownership of the adjoining parties to the agreed boundary~~[-line];~~  
1851 and  
1852 ~~[(d) is not subject to the review or approval of a municipal or county land use authority;~~  
1853 ~~and]~~  
1854 ~~[(e)]~~ (d) shall be indexed by a county recorder in the title record against each property  
1855 affected by the [agreed] established boundary~~[-line].~~  
1856 ~~[(6)]~~ (8) The recording of [a boundary line agreement described in Subsection (3)] an  
1857 establishment document does not constitute a land use approval by a municipality or a  
1858 county.  
1859 ~~[(7)]~~ (9) A municipality or a county may enforce a municipal or county ordinance against, or  
1860 withhold approval of a land use application for, property that is subject to a boundary [

~~line agreement described in Subsection (3)] establishment~~ if the municipality or the county determines that the ~~[land, as established by the boundary line agreement,]~~ established boundary was not in compliance with the municipality's or the county's land use regulations in effect on the day on which the boundary ~~[line agreement] establishment~~ was recorded.

~~[(8) If a judgment made by a court that establishes the location of a disputed boundary is recorded in the county title record, the judgment shall act as a boundary line agreement recorded under this section.]~~

Section 14. Section **57-1-45.5** is enacted to read:

**57-1-45.5 . Conveyance document for a boundary adjustment -- Form and effect.**

(1) A conveyance document, as defined in Sections 10-9a-103 and 17-27a-103, for a boundary adjustment shall comply with this section.

(2) A conveyance document shall include:

(a) the name and signature of each party to the conveyance document;

(b) the address of each party to the conveyance document for assessment purposes;

(c) a legal description of the parcel or lot owned by each party before the boundary adjustment;

(d) a legal description of the parcel or lot owned by each party after the boundary adjustment; and

(e) sufficient language to convey title from one party to another party, in conformity with the proposed boundary adjustment.

(3) In addition to the information required in Subsection (2), a conveyance document shall include as an exhibit, in a legible and recordable format:

(a) a visual or graphic of the proposed boundary adjustment and all properties affected by the proposed boundary adjustment, depicting:

(i) the former boundary location;

(ii) the new boundary location; and

(iii) the size, shape, and dimensions of each adjusted parcel or lot;

(b) if the property owners have conducted a survey, a reference to the record of the survey map, as defined in Section 17-23-17, showing:

(i) existing dwellings, outbuildings, improvements, and other physical features;

(ii) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;

(iii) the former boundary location;

(iv) the new boundary location;



- 1895           (v) the size, shape, and dimensions of each adjusted lot or adjusted parcel; and  
1896           (vi) other existing or proposed improvements that impact or are subject to land use  
1897           regulations; and
- 1898           (c) if the conveyance document addresses a boundary adjustment that requires an  
1899           amendment to a subdivision plat under Section 10-9a-523 or 17-27a-522, the  
1900           amendment to the subdivision plat.
- 1901       (4)(a) A conveyance document is effective on the day it is recorded as part of a  
1902           boundary adjustment.
- 1903           (b) Before recording a conveyance document, a county recorder shall confirm that the  
1904           conveyance document is:
- 1905           (i) in a legible and recordable format, including any exhibit to the conveyance  
1906           document; and
- 1907           (ii) accompanied by a notice of consent to the boundary adjustment from a land use  
1908           authority under Subsection 10-9a-523(3) or (6) or Subsection 17-27a-522(3) or (6).
- 1909           (c) Upon receipt of a conveyance document, or any exhibit to a conveyance document,  
1910           that is not in a legible and recordable format, a county recorder shall provide the  
1911           person submitting the conveyance document with an explanation of the corrections  
1912           necessary to record the conveyance document.
- 1913       (5) The recording of a boundary adjustment presumptively:
- 1914           (a) relocates an existing boundary by creating a new boundary between the adjoining  
1915           properties;
- 1916           (b) changes the size, shape, or configuration of two or more adjoining lots or parcels;
- 1917           (c) does not affect any previously recorded easement unless the easement is expressly  
1918           and properly modified by the boundary adjustment; and
- 1919           (d) affixes the ownership of the adjoining parties to the adjusted boundary.
- 1920       Section 15. Section **57-8-32** is amended to read:
- 1921       **57-8-32 . Sale of property and common areas and facilities.**
- 1922       (1) Subject to Subsection [~~10-9a-605(5)~~] 10-9a-606(5) or 17-27a-606(5), unless otherwise  
1923       provided in the declaration or bylaws, and notwithstanding the provisions of Sections  
1924       57-8-30 and 57-8-31, the unit owners may by an affirmative vote of at least 67% of unit  
1925       owners, elect to sell, convey, transfer, or otherwise dispose of the property or all or part  
1926       of the common areas and facilities.
- 1927       (2) An affirmative vote described in Subsection (1) is binding upon all unit owners, and  
1928       each unit owner shall execute and deliver the appropriate instruments and perform all

1929 acts as necessary to [effect] affect the sale, conveyance, transfer, or other disposition of  
1930 the property or common areas and facilities.

1931 (3) The general easement of ingress, egress, and use of the common areas and facilities  
1932 granted to an association and unit owners through recorded governing documents is  
1933 extinguished in any portion of the common areas and facilities the unit owners sell,  
1934 convey, transfer, or otherwise dispose of, if:

1935 (a) the unit owners, in selling, conveying, transferring, or otherwise disposing of the  
1936 portion of the common areas and facilities, comply with:

1937 (i) the provisions of this section; and

1938 (ii) Section 10-9a-606 or 17-27a-606; and

1939 (b) the sale, conveyance, transfer, or other disposition of the portion of the common  
1940 areas and facilities results in a person other than the association or a unit owner  
1941 owning the portion of the common areas and facilities.

1942 (4) This section applies to an association of unit owners regardless of when the association  
1943 of unit owners is created.

1944 Section 16. **Effective Date.**

1945 This bill takes effect on May 7, 2025.