

SB0104S02 compared with SB0104

{Omitted text} shows text that was in SB0104 but was omitted in SB0104S02

inserted text shows text that was not in SB0104 but was inserted into SB0104S02

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Boundary Line Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin R. Musselman

House Sponsor:

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

SB0104

SB0104 compared with SB0104S02

20 None

23 AMENDS:

24 **10-9a-103** , as last amended by Laws of Utah 2024, Chapter 464 , as last amended by Laws of Utah
2024, Chapter 464

25 **10-9a-523** , as last amended by Laws of Utah 2021, Chapter 385 , as last amended by Laws of Utah
2021, Chapter 385

26 **10-9a-524** , as last amended by Laws of Utah 2021, Chapter 385 , as last amended by Laws of Utah
2021, Chapter 385

27 **10-9a-529** , as last amended by Laws of Utah 2024, Chapter 464 , as last amended by Laws of Utah
2024, Chapter 464

28 **10-9a-605** , as last amended by Laws of Utah 2020, Chapter 434 , as last amended by Laws of Utah
2020, Chapter 434

29 **10-9a-608** , as last amended by Laws of Utah 2023, Chapter 501 , as last amended by Laws of Utah
2023, Chapter 501

30 **17-27a-103** , as last amended by Laws of Utah 2024, Chapter 464 , as last amended by Laws of
Utah 2024, Chapter 464

31 **17-27a-522** , as last amended by Laws of Utah 2021, Chapter 385 , as last amended by Laws of
Utah 2021, Chapter 385

32 **17-27a-523** , as last amended by Laws of Utah 2021, Chapter 385 , as last amended by Laws of
Utah 2021, Chapter 385

33 **17-27a-605** , as last amended by Laws of Utah 2020, Chapter 434 , as last amended by Laws of
Utah 2020, Chapter 434

34 **17-27a-608** , as last amended by Laws of Utah 2023, Chapter 501 , as last amended by Laws of
Utah 2023, Chapter 501

35 **57-1-13** , as last amended by Laws of Utah 2021, Chapter 385 , as last amended by Laws of Utah
2021, Chapter 385

36 **57-1-45** , as last amended by Laws of Utah 2022, Chapter 355 , as last amended by Laws of Utah
2022, Chapter 355

37 **57-8-32** , as last amended by Laws of Utah 2024, Chapter 519 , as last amended by Laws of Utah
2024, Chapter 519

38 ENACTS:

SB0104 compared with SB0104S02

39 **57-1-45.5** , Utah Code Annotated 1953 , Utah Code Annotated 1953

40

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

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

43 **10-9a-103. Definitions.**

As used in this chapter:

- 48 (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.
- 50 (2) "Adversely affected party" means a person other than a land use applicant who:
- 51 (a) owns real property adjoining the property that is the subject of a land use application or land use
decision; or
- 53 (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.
- 55 (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:
- 60 (a) the entity's services or facilities are likely to require expansion or significant modification because
of an intended use of land;
- 62 (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
- 64 (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.
- 67 (4) "Affected owner" means the owner of real property that is:
- 68 (a) a single project;
- 69 (b) the subject of a land use approval that sponsors of a referendum timely challenged in accordance
with Subsection 20A-7-601(6); and
- 71 (c) determined to be legally referable under Section 20A-7-602.8.
- 72 (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.

SB0104 compared with SB0104S02

- (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.

76 (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.

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

80 (i) creates an additional lot or parcel; or

81 (ii) is made by the Department of Transportation.

82 (8)

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

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

87 (i) creates an additional lot or parcel; or

88 (ii) is made by the Department of Transportation.

79 [(7)] (9)

- . (a) "Charter school" means:

80 (i) an operating charter school;

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

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

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

86 [(8)]

- . {(a)} (10) {"Boundary adjustment" means an agreement between adjoining property owners to relocate a common boundary that requires a conveyance of property between the adjoining lots, adjoining parcels, or adjoining lots and parcels.

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

90 {(i)} {creates an additional lot or parcel; or}

91 {(ii)} {is made by the Department of Transportation.}

SB0104 compared with SB0104S02

- 92 ~~{(9)}~~
- ~~{(a)} {"Boundary establishment" means an agreement: }~~
- 93 (i) ~~{between adjoining property owners to clarify the location of an ambiguous, uncertain, or~~
 ~~disputed common boundary; and }~~
- 95 (ii) ~~{that does not require the recording of a conveyance document. }~~
- 96 ~~{(b)} {"Boundary establishment" does not mean: }~~
- 97 ~~{(i)} {an agreement where adjoining property owners do not or cannot identify a common boundary~~
 ~~that is ambiguous, uncertain, or disputed; }~~
- 99 ~~{(ii)} {a modification of a lot or parcel boundary that: }~~
- 100 ~~{(A)} {creates an additional lot or parcel; or }~~
- 101 ~~{(B)} {is made by the Department of Transportation. }~~
- 102 ~~{(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.
- 106 ~~[(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:
- 108 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 109 (b) Utah Constitution, Article I, Section 22.
- 110 ~~[(10)]~~ (12) "Conveyance ~~{of property}~~ document" means ~~{the transfer of ownership of any portion of~~
 ~~real property from one person to another person. }~~ an instrument that:
- 112 ~~{(13)}~~ (a) {"Conveyance document" meets the definition of "document" {means an instrument that: } in
 Section 57-1-1; and
- 113 ~~{(a)}~~ (b) meets the ~~{definition}~~ requirements of ~~{"document" in }~~ Section ~~{57-1-1; and }~~ 57-1-45.5.
- 114 ~~{(b)}~~ (13) {meets} "Conveyance of property" means the {requirements} transfer of ownership of any
 portion of {Section 57-1-45.5} real property from one person to another person.
- 115 (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.
- 118 (15) "Department of Transportation" means the entity created in Section 72-1-201.
- 119 ~~[(11)]~~ (16) "Development activity" means:
- 120

SB0104 compared with SB0104S02

- (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
- 122 (b) any change in use of a building or structure that creates additional demand and need for public facilities; or
- 124 (c) any change in the use of land that creates additional demand and need for public facilities.
- 126 ~~[(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.
 - 129 (b) "Development agreement" does not include an improvement completion assurance.
 - 130 ~~[(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.
 - 133 (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.
 - 136 (19) "Document" means the same as that term is defined in Section 57-1-1.
 - 137 ~~[(14)]~~ (20) "Educational facility":
 - 138 (a) means:
 - 139 (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;
 - 142 (ii) a structure or facility:
 - 143 (A) located on the same property as a building described in Subsection ~~[(14)(a)(i)]~~ (20)(a)(i); and
 - 145 (B) used in support of the use of that building; and
 - 146 (iii) a building to provide office and related space to a school district's administrative personnel; and
 - 148 (b) does not include:
 - 149 (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:
 - 152 (A) not located on the same property as a building described in Subsection ~~[(14)(a)(i)]~~ (20)(a)(i); and
 - 154 (B) used in support of the purposes of a building described in Subsection ~~[(14)(a)(i)]~~ (20)(a)(i); or

SB0104 compared with SB0104S02

- 156 (ii) a therapeutic school.
- 157 (21) "Establishment document" means an instrument that:
- 158 (a) meets the definition of "document" in Section 57-1-1; and
- 159 (b) meets the requirements of Section 57-1-45.
- 155 (22) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary
adjustment.
- 160 [(15)] {(22)} (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.
- 163 [(16)] {(23)} (24) "Flood plain" means land that:
- 164 (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or
- 166 (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.
- 170 [(17)] {(24)} (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.
- 172 [(18)] {(25)} (26) "Geologic hazard" means:
- 173 (a) a surface fault rupture;
- 174 (b) shallow groundwater;
- 175 (c) liquefaction;
- 176 (d) a landslide;
- 177 (e) a debris flow;
- 178 (f) unstable soil;
- 179 (g) a rock fall; or
- 180 (h) any other geologic condition that presents a risk:
- 181 (i) to life;
- 182 (ii) of substantial loss of real property; or
- 183 (iii) of substantial damage to real property.
- 184 [(19)] {(26)} (27) "Historic preservation authority" means a person, board, commission, or other body
designated by a legislative body to:

SB0104 compared with SB0104S02

- 186 (a) recommend land use regulations to preserve local historic districts or areas; and
187 (b) administer local historic preservation land use regulations within a local historic district or area.
189 [(20)] {~~(27)~~} (28) "Home-based microschool" means the same as that term is defined in Section
53G-6-201.
- 191 [(21)] {~~(28)~~} (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.
- 194 [(22)] {~~(29)~~} (30) "Identical plans" means building plans submitted to a municipality that:
195 (a) are clearly marked as "identical plans";
196 (b) are substantially identical to building plans that were previously submitted to and reviewed and
approved by the municipality; and
198 (c) describe a building that:
199 (i) is located on land zoned the same as the land on which the building described in the previously
approved plans is located;
201 (ii) is subject to the same geological and meteorological conditions and the same law as the building
described in the previously approved plans;
203 (iii) has a floor plan identical to the building plan previously submitted to and reviewed and approved
by the municipality; and
205 (iv) does not require any additional engineering or analysis.
- 206 [(23)] {~~(30)~~} (31) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
Impact Fees Act.
- 208 [(24)] {~~(31)~~} (32) "Improvement completion assurance" means a surety bond, letter of credit, financial
institution bond, cash, assignment of rights, lien, or other equivalent security required by a
municipality to guaranty the proper completion of landscaping or an infrastructure improvement
required as a condition precedent to:
212 (a) recording a subdivision plat; or
213 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 214 [(25)] {~~(32)~~} (33) "Improvement warranty" means an applicant's unconditional warranty that the
applicant's installed and accepted landscaping or infrastructure improvement:
216 (a) complies with the municipality's written standards for design, materials, and workmanship; and
218

SB0104 compared with SB0104S02

(b) will not fail in any material respect, as a result of poor workmanship or materials, within the improvement warranty period.

220 [(26)] {~~(33)~~} (34) "Improvement warranty period" means a period:

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

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

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

226 (ii) has substantial evidence, on record:

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

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

231 [(27)] {~~(34)~~} (35) "Infrastructure improvement" means permanent infrastructure that is essential for the public health and safety or that:

233 (a) is required for human occupation; and

234 (b) an applicant must install:

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

237 (ii) whether the improvement is public or private, as a condition of:

238 (A) recording a subdivision plat;

239 (B) obtaining a building permit; or

240 (C) development of a commercial, industrial, mixed use, condominium, or multifamily project.

242 [(28)] {~~(35)~~} (36) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that:

244 (a) runs with the land; and

245 (b)

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

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

249 [(29)] {~~(36)~~} (37) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.

251 [(30)] {~~(37)~~} (38) "Land use application":

SB0104 compared with SB0104S02

- 252 (a) means an application that is:
- 253 (i) required by a municipality; and
- 254 (ii) submitted by a land use applicant to obtain a land use decision; and
- 255 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 256 ~~[(31)]~~ ~~{(38)}~~ (39) "Land use authority" means:
- 257 (a) a person, board, commission, agency, or body, including the local legislative body, designated by
the local legislative body to act upon a land use application; or
- 259 (b) if the local legislative body has not designated a person, board, commission, agency, or body, the
local legislative body.
- 261 ~~[(32)]~~ ~~{(39)}~~ (40) "Land use decision" means an administrative decision of a land use authority or
appeal authority regarding:
- 263 (a) a land use permit; or
- 264 (b) a land use application.
- 265 ~~[(33)]~~ ~~{(40)}~~ (41) "Land use permit" means a permit issued by a land use authority.
- 266 ~~[(34)]~~ ~~{(41)}~~ (42) "Land use regulation":
- 267 (a) means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or
rule that governs the use or development of land;
- 269 (b) includes the adoption or amendment of a zoning map or the text of the zoning code; and
- 271 (c) does not include:
- 272 (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
- 274 (ii) a temporary revision to an engineering specification that does not materially:
- 275 (A) increase a land use applicant's cost of development compared to the existing specification; or
- 277 (B) impact a land use applicant's use of land.
- 278 ~~[(35)]~~ ~~{(42)}~~ (43) "Legislative body" means the municipal council.
- 279 ~~[(36)]~~ ~~{(43)}~~ (44) "Local historic district or area" means a geographically definable area that:
- 280 (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
- 283 (b) is subject to land use regulations to preserve the historic significance of the local historic district or
area.

285

SB0104 compared with SB0104S02

[(37)] ~~{(44)}~~ (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.

287 [(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.;~~

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

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

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

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

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

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

296 [(39)] ~~{(45)}~~ (46) "Major transit investment corridor" means public transit service that uses or occupies:

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

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

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

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

303 (ii) an eligible political subdivision as defined in Section 59-12-2219.

304 [(40)] ~~{(46)}~~ (47) "Micro-education entity" means the same as that term is defined in Section 53G-6-201.

306 [(41)] ~~{(47)}~~ (48) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

309 [(42)] ~~{(48)}~~ (49) "Municipal utility easement" means an easement that:

310 (a) is created or depicted on a plat recorded in a county recorder's office and is described as a municipal utility easement granted for public use;

312 (b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;

314 (c) the municipality or the municipality's affiliated governmental entity uses and occupies to provide a utility service, including sanitary sewer, culinary water, electrical, storm water, or communications or data lines;

SB0104 compared with SB0104S02

- 317 (d) is used or occupied with the consent of the municipality in accordance with an authorized franchise
or other agreement;
- 319 (e)
- . (i) is used or occupied by a specified public utility in accordance with an authorized franchise or other
agreement; and
- 321 (ii) is located in a utility easement granted for public use; or
- 322 (f) is described in Section 10-9a-529 and is used by a specified public utility.
- 323 [(43)] ~~{(49)}~~ (50) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
spent and expenses incurred in:
- 325 (a) verifying that building plans are identical plans; and
- 326 (b) reviewing and approving those minor aspects of identical plans that differ from the previously
reviewed and approved building plans.
- 328 [(44)] ~~{(50)}~~ (51) "Noncomplying structure" means a structure that:
- 329 (a) legally existed before the structure's current land use designation; and
- 330 (b) because of one or more subsequent land use ordinance changes, does not conform to the setback,
height restrictions, or other regulations, excluding those regulations, which govern the use of land.
- 333 [(45)] ~~{(51)}~~ (52) "Nonconforming use" means a use of land that:
- 334 (a) legally existed before its current land use designation;
- 335 (b) has been maintained continuously since the time the land use ordinance governing the land changed;
and
- 337 (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.
- 339 [(46)] ~~{(52)}~~ (53) "Official map" means a map drawn by municipal authorities and recorded in a county
recorder's office that:
- 341 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and
other transportation facilities;
- 343 (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
- 346 (c) has been adopted as an element of the municipality's general plan.
- 347 [(47)] ~~{(53)}~~ (54) "Parcel" means any real property that is not a lot.
- 348 [(48)]

SB0104 compared with SB0104S02

- . (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:]
- 351 [(i) none of the property identified in the agreement is a lot; or]
- 352 [(ii) the adjustment is to the boundaries of a single person's parcels.]
- 353 [(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:]
- 355 [(i) creates an additional parcel; or]
- 356 [(ii) constitutes a subdivision.]
- 357 [(c) "Parcel boundary adjustment" does not include a boundary line adjustment made by the Department of Transportation.]
- 359 [(49)] ~~{(54)}~~ (55) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.
- 361 [(50)] ~~{(55)}~~ (56) "Plan for moderate income housing" means a written document adopted by a municipality's legislative body that includes:
- 363 (a) an estimate of the existing supply of moderate income housing located within the municipality;
- 365 (b) an estimate of the need for moderate income housing in the municipality for the next five years;
- 367 (c) a survey of total residential land use;
- 368 (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- 370 (e) a description of the municipality's program to encourage an adequate supply of moderate income housing.
- 372 [(51)] ~~{(56)}~~ (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.
- 375 [(52)] ~~{(57)}~~ (58) "Potential geologic hazard area" means an area that:
- 376 (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
- 379 (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.
- 382 [(53)] ~~{(58)}~~ (59) "Public agency" means:

SB0104 compared with SB0104S02

- 383 (a) the federal government;
384 (b) the state;
385 (c) a county, municipality, school district, special district, special service district, or other political
subdivision of the state; or
387 (d) a charter school.
- 388 [(54)] ~~[(59)]~~ (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.
- 390 [(55)] ~~[(60)]~~ (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.
- 392 [(56)] ~~[(61)]~~ (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.
- 396 [(57)] ~~[(62)]~~ (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.
- 399 [(58)] ~~[(63)]~~ (64) "Record of survey map" means a map of a survey of land prepared in accordance
with Section ~~[f]~~ (f) 10-9a-603,] 17-23-17[, 17-27a-603, or 57-8-13].
- 401 [(59)] ~~[(64)]~~ (65) "Residential facility for persons with a disability" means a residence:
402 (a) in which more than one person with a disability resides; and
403 (b) which is licensed or certified by the Department of Health and Human Services under:
405 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
406 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 407 [(60)] ~~[(65)]~~ (66) "Residential roadway" means a public local residential road that:
408 (a) will serve primarily to provide access to adjacent primarily residential areas and property;
410 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
411 (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;
413 (d) has a posted speed limit of 25 miles per hour or less;
414 (e) does not have higher traffic volumes resulting from connecting previously separated areas of the
municipal road network;

416

SB0104 compared with SB0104S02

- (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
- 419 (g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.
- 421 [(61)] ~~{(66)}~~ (67) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
- 423 (a) parliamentary order and procedure;
- 424 (b) ethical behavior; and
- 425 (c) civil discourse.
- 426 [(62)] ~~{(67)}~~ (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.
- 429 [(63)] ~~{(68)}~~ (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.
- 432 ~~{(69)}~~ (70) "Simple boundary adjustment" means ~~{the process to relocate} a {common boundary between adjoining lots, adjoining parcels, or between an adjoining lot and parcel where the relocation would}~~ boundary adjustment that does not:
- 435 (a) affect a public right-of-way, municipal utility easement, or other public property;
- 436 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
- 437 (c) result in a lot or parcel out of conformity with land use regulations.
- 438 [(64)] ~~{(70)}~~ (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.
- 441 [(65)] ~~{(71)}~~ (72) "Specified public agency" means:
- 442 (a) the state;
- 443 (b) a school district; or
- 444 (c) a charter school.
- 445 [(66)] ~~{(72)}~~ (73) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.
- 447 [(67)] ~~{(73)}~~ (74) "State" includes any department, division, or agency of the state.

SB0104 compared with SB0104S02

- 448 [(68)] {(74)} (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.
- 452 (b) "Subdivision" includes:
- 453 (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
- 456 (ii) except as provided in Subsection [(68)(e)] {(74)(e)} (75)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- 459 (c) "Subdivision" does not include:
- 460 (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);
- 465 ~~[(ii) a boundary {f} line agreement {f} establishment recorded with the county recorder's office {f} between owners of adjoining parcels adjusting the mutual boundary {f} in accordance with Section 10-9a-524 {f} if no new parcel is created {f} ;]~~
- 468 ~~[(iii)]~~ (ii) a recorded [document, executed by the owner of record] conveyance document:
- 469 (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
- 472 (B) joining a lot to a parcel;
- 473 ~~[(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:]~~
- 476 ~~[(A) no new dwelling lot or housing unit will result from the adjustment; and]~~
- 477 ~~[(B) the adjustment will not violate any applicable land use ordinance;]~~
- 478 ~~[(v)]~~ {(iv)} (iii) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:

SB0104 compared with SB0104S02

- 480 (A) is in anticipation of future land use approvals on the parcel or parcels;
481 (B) does not confer any land use approvals; and
482 (C) has not been approved by the land use authority;
- 483 [(vi)] {(v)} (iv) a [~~parcel~~{}] ~~]~~ boundary adjustment;
484 [(vii)] {(vi)} (v) a [~~lot line adjustment~~] boundary establishment;
485 [(viii)] {(vii)} (vi) a road, street, or highway dedication plat;
486 [(ix)] {(viii)} (vii) a deed or easement for a road, street, or highway purpose; or
487 [(x)] {(ix)} (viii) any other division of land authorized by law.
488 [(69)] {(75)} (76)
- . (a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 10-9a-608 that:
- 490 (i) vacates all or a portion of the subdivision;
491 [(ii)] ~~alters the outside boundary of the subdivision;~~
492 [(iii)] (ii) [~~changes~~] increases the number of lots within the subdivision;
493 [(iv)] (iii) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
495 [(v)] (iv) alters a common area or other common amenity within the subdivision.
- 496 (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~~].
- 499 [(70)] {(76)} (77) "Substantial evidence" means evidence that:
500 (a) is beyond a scintilla; and
501 (b) a reasonable mind would accept as adequate to support a conclusion.
- 502 [(71)] {(77)} (78) "Suspect soil" means soil that has:
503 (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;
505 (b) bedrock units with high shrink or swell susceptibility; or
506 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly associated with dissolution and collapse features.
- 508 [(72)] {(78)} (79) "Therapeutic school" means a residential group living facility:
509 (a) for four or more individuals who are not related to:
510 (i) the owner of the facility; or

SB0104 compared with SB0104S02

- 511 (ii) the primary service provider of the facility;
512 (b) that serves students who have a history of failing to function:
513 (i) at home;
514 (ii) in a public school; or
515 (iii) in a nonresidential private school; and
516 (c) that offers:
517 (i) room and board; and
518 (ii) an academic education integrated with:
519 (A) specialized structure and supervision; or
520 (B) services or treatment related to a disability, an emotional development, a behavioral development, a
familial development, or a social development.
- 522 [(73)] ~~{(79)}~~ (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.
- 525 [(74)] ~~{(80)}~~ (81) "Unincorporated" means the area outside of the incorporated area of a city or town.
- 527 [(75)] ~~{(81)}~~ (82) "Water interest" means any right to the beneficial use of water, including:
528 (a) each of the rights listed in Section 73-1-11; and
529 (b) an ownership interest in the right to the beneficial use of water represented by:
530 (i) a contract; or
531 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 532 [(76)] ~~{(82)}~~ (83) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land
use zones, overlays, or districts.
- 532 Section 2. Section **10-9a-523** is amended to read:
- 533 **10-9a-523. Simple boundary adjustment -- ~~{Other}~~ Full boundary ~~{adjustments}~~**
adjustment -- Process -- Review by land use authority.
- 537 (1) A person may propose a simple boundary adjustment to a land use authority as described in this
section.
- 539 (2) A proposal for a simple boundary adjustment shall:
540 (a) include a conveyance document that complies with Section 57-1-45.5; and
541 (b) describe all lots or parcels affected by the proposed boundary adjustment.
542

SB0104 compared with SB0104S02

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

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

(b) does not:

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

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

(iii) result in a lot or parcel out of conformity with land use regulations{~~;-or~~}.

{(iv) {require other land use authority review.}}

(4) If the land use authority determines that a proposed simple boundary adjustment does not meet the requirements of Subsection (3), {~~the proposal does not qualify as~~} a {~~simple~~} full boundary adjustmentis required.

(5) To [make] propose a [parcel] full boundary adjustment[, a property owner] {~~that does not qualify for a simple boundary adjustment~~}, the adjoining property owners shall submit a proposal to the land use authority that includes:

[(a) execute a boundary adjustment through:]

[(i) a quitclaim deed; or]

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

[(b) record the quitclaim deed or boundary line agreement described in Subsection (1)(a) in the office of the county recorder of the county in which each property is located.]

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

{(b) {a survey that includes information that the land use authority requires to approve the boundary adjustment, which may include depictions of:}}

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

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

{(iii) {the current boundary location;}}

{(iv) {the proposed new boundary location;}}

{(v) {the size, shape, and dimensions of each adjusted lot or parcel; and}}

{(vi) {other existing or proposed improvements that impact or are subject to land use regulations; and}}

}

(b) a survey that complies with Subsection 57-1-4.5(3)(b); and

SB0104 compared with SB0104S02

- (c) if required by municipal ordinance, a proposed plat amendment corresponding with the proposed full boundary adjustment, prepared in accordance with Section 10-9a-608.
- 574 (6) A land use authority shall consent to a proposed full boundary adjustment made under Subsection (5) if:
- 576 (a) the proposal submitted to the land use authority under Subsection (5) includes all necessary information;
- 578 (b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land use regulation; and
- 580 (c) if required by municipal ordinance, the plat amendment corresponding with the proposed full boundary adjustment has been approved in accordance with Section 10-9a-608.
- 582 (7)
- . (a) Consent under Subsection (3) or (6) is an administrative act.
- 583 (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:
- 585 (i) the land use authority is not responsible for any error related to the boundary adjustment; and
- 587 (ii) a county recorder may record the boundary adjustment.
- 588 [(2) To make a lot line adjustment, a property owner shall:]
- 589 [(a) obtain approval of the boundary adjustment under Section 10-9a-608;]
- 590 [(b) execute a boundary adjustment through:]
- 591 [(i) a quitclaim deed; or]
- 592 [(ii) a boundary line agreement under Section 10-9a-524; and]
- 593 [(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.]
- 595 (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.
- 598 [(3) A parcel boundary adjustment under Subsection (1) is not subject to review of a land use authority unless:]
- 600 [(a) the parcel includes a dwelling; and]
- 601 [(b) the land use authority's approval is required under Subsection 10-9a-524(5).]
- 602

SB0104 compared with SB0104S02

[~~(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.

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

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

608 [~~(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.~~

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

606 **10-9a-524. Boundary establishment -- Process -- Boundary { } agreement not subject to review by land use authority -- Prohibitions.**

618 (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:

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

627 (b) agree upon the location of an existing common boundary between the adjoining properties { where no conveyance of property is intended or required }.

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

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

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

634 [(a) ~~ensure that the agreement includes;~~]

SB0104 compared with SB0104S02

- 635 [(i) a legal description of the agreed upon boundary line and of each parcel or lot after the boundary line
is changed;]
- 637 [(ii) the name and signature of each grantor that is party to the agreement;]
- 638 [(iii) a sufficient acknowledgment for each grantor's signature;]
- 639 [(iv) the address of each grantee for assessment purposes;]
- 640 [(v) a legal description of the parcel or lot each grantor owns before the boundary line is changed; and]
- 642 [(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;]
- 644 [(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]
- 647 [(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 by the municipality.]
- 651 (3) A boundary establishment:
- 652 (a) is not subject to review of a land use authority; and
- 653 (b) does not require consent or approval from a land use authority before it may be recorded.
- 655 (4) A boundary establishment is effective from the day it is recorded by a county recorder.
- 656 (5) A municipality may enforce municipal ordinances against property with a boundary establishment
that { seeks to convey or exchange title to any portion of property or otherwise establish } violates a
{ conveyance is voidable } land use regulation.
- 658 [(3)] (6) A boundary [line agreement described in Subsection (1) that complies with Subsection
(2)] establishment that complies with this section presumptively:
- 660 (a) has no detrimental effect on any easement on the property that is recorded before the day on
which the agreement is executed[unless the owner of the property benefitting from the easement
specifically modifies the easement within the boundary line agreement or a separate recorded
easement modification or relinquishment document]; and
- 665 (b) [relocates the parties' common boundary line for an exchange of consideration.] { affixes } conveys
the ownership of the adjoining parties to the established common boundary.
- 667 [(4) Notwithstanding Part 6, Subdivisions, or a municipality's ordinances or policies, a boundary line
agreement that only affects parcels is not subject to:]
- 669 [(a) any public notice, public hearing, or preliminary platting requirement;]

SB0104 compared with SB0104S02

- 670 ~~[(b) the review of a land use authority; or]~~
671 ~~[(c) an engineering review or approval of the municipality, except as provided in Subsection (5).]~~
673 ~~[(5)~~
 . ~~(a) If a parcel that is the subject of a boundary line agreement contains a dwelling unit, the municipality~~
 ~~may require a review of the boundary line agreement if the municipality:]~~
676 ~~[(i) adopts an ordinance that:]~~
677 ~~[(A) requires review and approval for a boundary line agreement containing a dwelling unit; and]~~
679 ~~[(B) includes specific criteria for approval; and]~~
680 ~~[(ii) completes the review within 14 days after the day on which the property owner submits the~~
 ~~boundary line agreement for review.]~~
682 ~~[(b)~~
 . ~~(i) If a municipality, upon a review under Subsection (5)(a), determines that the 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:]~~
687 ~~[(A) describes the specific deficiency or additional information that the municipality requires to~~
 ~~approve the boundary line agreement; and]~~
689 ~~[(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).]~~
692 ~~[(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).]~~
695 ~~[(c) 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.]~~
689 Section 4. Section **10-9a-529** is amended to read:
690 **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
701 54-3-27 if the specified public utility uses an easement:
702 (1) with the consent of a municipality; and

SB0104 compared with SB0104S02

- 703 (2) that is located within a municipal utility easement described in Subsections ~~[10-9a-103(42)(a)~~
through (e)]10-9a-103(48)(a) through (e).
- 696 Section 5. Section **10-9a-605** is amended to read:
- 697 **10-9a-605. Exemptions from plat requirement.**
- 707 (1) Notwithstanding any other provision of law, a plat is not required if:
- 708 (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
- 710 (b) the municipality provides in writing that:
- 711 (i) the municipality has provided ~~[notice]~~ a certificate or written approval as required by ordinance; and
- 713 (ii) the proposed subdivision:
- 714 (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;
- 718 (B) has been approved by the culinary water authority and the sanitary sewer authority;
- 720 (C) is located in a zoned area; and
- 721 (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.
- 724 (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:
- 726 (i) qualifies as land in agricultural use under Section 59-2-502;
- 727 (ii) meets the minimum size requirement of applicable land use ordinances; and
- 728 (iii) is not used and will not be used for any nonagricultural purpose.
- 729 ~~[(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.]~~
- 733 ~~[(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.
- 736 (3)
- .

SB0104 compared with SB0104S02

(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{f}] petition with the land use authority to request a subdivision amendment.

(b) Upon filing a [written{f}] 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.

SB0104 compared with SB0104S02

- 767 (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 ~~{:}~~ [-] :
- 770 (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
- 774 (B) each property owner of record within the portion of the subdivision that is proposed to be
amended.
- 776 (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.
- 780 (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:
- 783 (i) any property owner within the [plat] subdivision that is proposed to be amended notifies the
municipality of the owner's objection in writing~~[within 10 days of mailed notification]~~ before the
deadline for objections as described in Subsection (1)(c)(ii); or
- 787 (ii) ~~{the land use authority}~~ a municipal ordinance requires a public hearing ~~[is required because]~~ if all
of the property owners [in] within the portion of the subdivision proposed to be amended have not
signed the ~~[revised]~~ proposed amended plat.
- 790 (e) A land use authority may approve a petition for subdivision amendment no earlier than:
- 792 (i) the day after the day on which written objections were due to the land use authority, as described in
Subsection (1)(c)(ii); or
- 794 (ii) if a public hearing is required as described in Subsection (1)(d), the day {after} the public hearing
takes place.
- 796 (f) A land use authority may not approve a petition for a subdivision amendment under this section
unless the amendment identifies and preserves any easements owned by a culinary water authority
and sanitary sewer authority for existing facilities located within the subdivision.
- 800 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may
consider at a public meeting an owner's petition for a subdivision amendment if:
- 803 (a) the petition seeks to:
- 804 (i) join two or more of the petitioner fee owner's contiguous lots;

SB0104 compared with SB0104S02

- 805 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a
violation of a land use ordinance or a development condition;
- 807 [~~(iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of
each of the adjoining properties join in the petition, regardless of whether the properties are located
in the same subdivision;~~]
- 810 [(iv)] (iii) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the
local political subdivision; or
- 812 [(v)] (iv) alter the plat in a manner that does not change existing boundaries or other attributes of lots
within the subdivision that are not:
- 814 (A) owned by the petitioner; or
- 815 (B) designated as a common area; and
- 816 (b) notice has been given to adjoining property owners in accordance with any applicable local
ordinance.
- 818 (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.
- 820 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a portion of a
plat shall include:
- 822 (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
- 824 (b) the signature of each owner described in Subsection (4)(a) who consents to the petition.
- 826 [(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).]~~
- 830 [(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.~~]
- 832 [(c) ~~If a lot line adjustment is approved under Subsection (5)(b):]~~
- 833 [(i) ~~a notice of lot line adjustment approval shall be recorded in the office of the county recorder
which:~~]
- 835 [(A) ~~is approved by the land use authority; and]~~
- 836

SB0104 compared with SB0104S02

- [~~(B) recites the legal descriptions of both the original properties and the properties resulting from the exchange of title; and]~~
- 838 [(ii) a document of conveyance shall be recorded in the office of the county recorder.]
- 839 [~~(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.~~]
- 842 [(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).]
- 844 [(b) The surveyor preparing the amended plat shall certify that the surveyor:]
- 845 [(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;]
- 847 [(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]
- 849 [~~(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]~~
- 851 [(iii) has placed monuments as represented on the plat.]
- 852 [(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 in a plat already recorded in the county recorder's office.]
- 855 [~~(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.~~]
- 857 (5) A surveyor preparing an amended plat under this section shall certify that the surveyor:
- 858 (a) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act~~{ : }~~;
- 860 (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;
- 862 (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
- 864 (iii) has referenced the original plat that created the lot boundaries being amended; and

SB0104 compared with SB0104S02

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

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

859 **17-27a-103. Definitions.**

As used in this chapter:

870 (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.

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

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

875 (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.

877 (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:

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

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

886 (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.

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

890 (a) a single project;

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

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

894 (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.

897 (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.

SB0104 compared with SB0104S02

901 (7)

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

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

905 (i) creates an additional lot or parcel; or

906 (ii) is made by the Department of Transportation.

907 (8)

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

908 ~~{(i)}~~ (b) {between adjoining property owners to clarify the location} "Boundary establishment" does not mean a modification of {an ambiguous, uncertain,} a lot or {disputed common boundary; and} parcel boundary that:

910 ~~{(ii)}~~ (i) {that does not require the recording of a conveyance document.} creates an additional lot or parcel; or

911 ~~{(b)}~~ (ii) {"Boundary establishment" does not mean:} is made by the Department of Transportation.

912 ~~{(i)}~~ {an agreement where adjoining property owners do not or cannot identify a common boundary that is ambiguous, uncertain, or disputed;}

914 ~~{(ii)}~~ {a modification of a lot or parcel boundary that:}

915 ~~{(A)}~~ {creates an additional lot or parcel; or}

916 ~~{(B)}~~ is made by the Department of Transportation.}

917 [(7)] (9)

. (a) "Charter school" means:

918 (i) an operating charter school;

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

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

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

924 [(8)] (10) "Chief executive officer" means the person or body that exercises the executive powers of the county.

SB0104 compared with SB0104S02

- 926 [(9)] (11) "Conditional use" means a land use that, because of the unique characteristics or potential
impact of the land use on the county, 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.
- 930 [(10)] (12) "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:
- 932 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 933 (b) Utah Constitution, Article I, Section 22.
- 934 [(11)]
- 935 (13) "Conveyance {~~of property~~} document" means {~~the transfer of ownership of any portion of real~~
~~property from one person to another person.~~} an instrument that:
- 937 {~~(14)~~} (a) {"Conveyance document"} meets the definition of "document" {~~means an instrument that:~~} in
Section 57-1-1; and
- 938 {~~(a)~~} (b) meets the {~~definition~~} requirements of {"~~document~~" in } Section {~~57-1-1; and~~} 57-1-45.5.
- 939 {~~(b)~~} (14) {~~meets~~} "Conveyance of property" means the {~~requirements~~} transfer of ownership of any
portion of {~~Section 57-1-45.5~~} real property from one person to another person.
- 940 (15) "County utility easement" means an easement that:
- 941 (a) a plat recorded in a county recorder's office described as a county utility easement or otherwise as a
utility easement;
- 943 (b) is not a protected utility easement or a public utility easement as defined in Section 54-3-27;
- 945 (c) the county or the county's affiliated governmental entity owns or creates; and
- 946 (d)
- . (i) either:
- 947 (A) no person uses or occupies; or
- 948 (B) the county or the county's affiliated governmental entity uses and occupies to provide a utility
service, including sanitary sewer, culinary water, electrical, storm water, or communications or
data lines; or
- 951 (ii) a person uses or occupies with or without an authorized franchise or other agreement with the
county.
- 953

SB0104 compared with SB0104S02

~~[(12)]~~ (16) "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.

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

957 ~~[(13)]~~ (18) "Development activity" means:

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

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

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

964 ~~[(14)]~~ (19)

. (a) "Development agreement" means a written agreement or amendment to a written agreement between a county and one or more parties that regulates or controls the use or development of a specific area of land.

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

968 ~~[(15)]~~ (20)

. (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.

971 (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. Sec. 802.

974 ~~[(16)]~~

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

976 (22) "Educational facility":

977 (a) means:

978 (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;

981 (ii) a structure or facility:

982 (A) located on the same property as a building described in Subsection ~~[(16)(a)(i)]~~ (22)(a)(i); and

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

SB0104 compared with SB0104S02

- 985 (iii) a building to provide office and related space to a school district's administrative personnel; and
987 (b) does not include:
- 988 (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:
- 991 (A) not located on the same property as a building described in Subsection [(16)(a)(i)] (22)(a)(i); and
993 (B) used in support of the purposes of a building described in Subsection [(16)(a)(i)] (22)(a)(i); or
995 (ii) a therapeutic school.
- 996 (23) "Establishment document" means an instrument that:
- 997 (a) meets the definition of "document" in Section 57-1-1; and
998 (b) meets the requirements of Section 57-1-45.
- 987 (24) "Full boundary adjustment" means a boundary adjustment that is not a simple boundary
adjustment.
- 999 [(17)] {(24)} (25) "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.
- 1002 [(18)] {(25)} (26) "Flood plain" means land that:
- 1003 (a) is within the 100-year flood plain designated by the Federal Emergency Management Agency; or
1005 (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.
- 1009 [(19)] {(26)} (27) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 1010 [(20)] {(27)} (28) "General plan" means a document that a county adopts that sets forth general
guidelines for proposed future development of:
- 1012 (a) the unincorporated land within the county; or
1013 (b) for a mountainous planning district, the land within the mountainous planning district.
- 1015 [(21)] {(28)} (29) "Geologic hazard" means:
- 1016 (a) a surface fault rupture;
1017 (b) shallow groundwater;
1018 (c) liquefaction;
1019 (d) a landslide;

SB0104 compared with SB0104S02

- 1020 (e) a debris flow;
- 1021 (f) unstable soil;
- 1022 (g) a rock fall; or
- 1023 (h) any other geologic condition that presents a risk:
- 1024 (i) to life;
- 1025 (ii) of substantial loss of real property; or
- 1026 (iii) of substantial damage to real property.
- 1027 [(22)] ~~{(29)}~~ (30) "Home-based microschool" means the same as that term is defined in Section 53G-6-201.
- 1029 [(23)] ~~{(30)}~~ (31) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility system.
- 1032 [(24)] ~~{(31)}~~ (32) "Identical plans" means building plans submitted to a county that:
- 1033 (a) are clearly marked as "identical plans";
- 1034 (b) are substantially identical building plans that were previously submitted to and reviewed and approved by the county; and
- 1036 (c) describe a building that:
- 1037 (i) is located on land zoned the same as the land on which the building described in the previously approved plans is located;
- 1039 (ii) is subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans;
- 1041 (iii) has a floor plan identical to the building plan previously submitted to and reviewed and approved by the county; and
- 1043 (iv) does not require any additional engineering or analysis.
- 1044 [(25)] ~~{(32)}~~ (33) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a, Impact Fees Act.
- 1046 [(26)] ~~{(33)}~~ (34) "Improvement completion assurance" means a surety bond, letter of credit, financial institution bond, cash, assignment of rights, lien, or other equivalent security required by a county to guaranty the proper completion of landscaping or an infrastructure improvement required as a condition precedent to:
- 1050 (a) recording a subdivision plat; or
- 1051 (b) development of a commercial, industrial, mixed use, or multifamily project.

SB0104 compared with SB0104S02

- 1052 [(27)] ~~{(34)}~~ (35) "Improvement warranty" means an applicant's unconditional warranty that the
applicant's installed and accepted landscaping or infrastructure improvement:
- 1054 (a) complies with the county's written standards for design, materials, and workmanship; and
- 1056 (b) will not fail in any material respect, as a result of poor workmanship or materials, within the
improvement warranty period.
- 1058 [(28)] ~~{(35)}~~ (36) "Improvement warranty period" means a period:
- 1059 (a) no later than one year after a county's acceptance of required landscaping; or
- 1060 (b) no later than one year after a county's acceptance of required infrastructure, unless the county:
- 1062 (i) determines for good cause that a one-year period would be inadequate to protect the public health,
safety, and welfare; and
- 1064 (ii) has substantial evidence, on record:
- 1065 (A) of prior poor performance by the applicant; or
- 1066 (B) that the area upon which the infrastructure will be constructed contains suspect soil and the county
has not otherwise required the applicant to mitigate the suspect soil.
- 1069 [(29)] ~~{(36)}~~ (37) "Infrastructure improvement" means permanent infrastructure that is essential for the
public health and safety or that:
- 1071 (a) is required for human consumption; and
- 1072 (b) an applicant must install:
- 1073 (i) in accordance with published installation and inspection specifications for public improvements; and
- 1075 (ii) as a condition of:
- 1076 (A) recording a subdivision plat;
- 1077 (B) obtaining a building permit; or
- 1078 (C) developing a commercial, industrial, mixed use, condominium, or multifamily project.
- 1080 [(30)] ~~{(37)}~~ (38) "Internal lot restriction" means a platted note, platted demarcation, or platted
designation that:
- 1082 (a) runs with the land; and
- 1083 (b)
- . (i) creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
- 1085 (ii) designates a development condition that is enclosed within the perimeter of a lot described on the
plat.
- 1087

SB0104 compared with SB0104S02

- [~~(31)~~] [~~(38)~~] (39) "Interstate pipeline company" means a person or entity engaged in natural gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 1090 [~~(32)~~] [~~(39)~~] (40) "Intrastate pipeline company" means a person or entity engaged in natural gas transportation that is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 1093 [~~(33)~~] [~~(40)~~] (41) "Land use applicant" means a property owner, or the property owner's designee, who submits a land use application regarding the property owner's land.
- 1095 [~~(34)~~] [~~(41)~~] (42) "Land use application":
- 1096 (a) means an application that is:
- 1097 (i) required by a county; and
- 1098 (ii) submitted by a land use applicant to obtain a land use decision; and
- 1099 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 1100 [~~(35)~~] [~~(42)~~] (43) "Land use authority" means:
- 1101 (a) a person, board, commission, agency, or body, including the local legislative body, designated by the local legislative body to act upon a land use application; or
- 1103 (b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.
- 1105 [~~(36)~~] [~~(43)~~] (44) "Land use decision" means an administrative decision of a land use authority or appeal authority regarding:
- 1107 (a) a land use permit;
- 1108 (b) a land use application; or
- 1109 (c) the enforcement of a land use regulation, land use permit, or development agreement.
- 1110 [~~(37)~~] [~~(44)~~] (45) "Land use permit" means a permit issued by a land use authority.
- 1111 [~~(38)~~] [~~(45)~~] (46) "Land use regulation":
- 1112 (a) means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land;
- 1114 (b) includes the adoption or amendment of a zoning map or the text of the zoning code; and
- 1116 (c) does not include:
- 1117 (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

SB0104 compared with SB0104S02

- 1119 (ii) a temporary revision to an engineering specification that does not materially:
1120 (A) increase a land use applicant's cost of development compared to the existing specification; or
1122 (B) impact a land use applicant's use of land.
- 1123 [(39)] ~~{(46)}~~ (47) "Legislative body" means the county legislative body, or for a county that has
adopted an alternative form of government, the body exercising legislative powers.
- 1125 [(40)] ~~{(47)}~~ (48) "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.
- 1127 ~~[(41)]~~
- . (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 17-27a-608:]~~
- 1129 ~~[(i) whether or not the lots are located in the same subdivision; and]~~
- 1130 ~~[(ii) with the consent of the owners of record.]~~
- 1131 ~~[(b) "Lot line adjustment" does not mean a new boundary line that:]~~
- 1132 ~~[(i) creates an additional lot; or]~~
- 1133 ~~[(ii) constitutes a subdivision or a subdivision amendment.]~~
- 1134 ~~[(c) "Lot line adjustment" does not include a boundary line adjustment made by the Department of
Transportation.]~~
- 1136 [(42)] ~~{(48)}~~ (49) "Major transit investment corridor" means public transit service that uses or occupies:
1138 (a) public transit rail right-of-way;
1139 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
1140 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a municipality or
county and:
- 1142 (i) a public transit district as defined in Section 17B-2a-802; or
1143 (ii) an eligible political subdivision as defined in Section 59-12-2219.
- 1144 [(43)] ~~{(49)}~~ (50) "Micro-education entity" means the same as that term is defined in Section
53G-6-201.
- 1146 [(44)] ~~{(50)}~~ (51) "Moderate income housing" means housing occupied or reserved for occupancy by
households with a gross household income equal to or less than 80% of the median gross income for
households of the same size in the county in which the housing is located.
- 1150 [(45)] ~~{(51)}~~ (52) "Mountainous planning district" means an area designated by a county legislative
body in accordance with Section 17-27a-901.

SB0104 compared with SB0104S02

- 1152 [(46)] {(52)} (53) "Nominal fee" means a fee that reasonably reimburses a county only for time spent
and expenses incurred in:
- 1154 (a) verifying that building plans are identical plans; and
- 1155 (b) reviewing and approving those minor aspects of identical plans that differ from the previously
reviewed and approved building plans.
- 1157 [(47)] {(53)} (54) "Noncomplying structure" means a structure that:
- 1158 (a) legally existed before the structure's current land use designation; and
- 1159 (b) because of one or more subsequent land use ordinance changes, does not conform to the setback,
height restrictions, or other regulations, excluding those regulations that govern the use of land.
- 1162 [(48)] {(54)} (55) "Nonconforming use" means a use of land that:
- 1163 (a) legally existed before the current land use designation;
- 1164 (b) has been maintained continuously since the time the land use ordinance regulation governing the
land changed; and
- 1166 (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.
- 1168 [(49)] {(55)} (56) "Official map" means a map drawn by county authorities and recorded in the county
recorder's office that:
- 1170 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and
other transportation facilities;
- 1172 (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
- 1175 (c) has been adopted as an element of the county's general plan.
- 1176 [(50)] {(56)} (57) "Parcel" means any real property that is not a lot.
- 1177 [(51)]
- . (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 17-27a-523, if no additional parcel is created and:]
- 1180 [(i) none of the property identified in the agreement is a lot; or]
- 1181 [(ii) the adjustment is to the boundaries of a single person's parcels.]
- 1182 [(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line that:]
- 1184 [(i) creates an additional parcel; or]

SB0104 compared with SB0104S02

- 1185 [(ii) constitutes a subdivision.]
- 1186 [(e) "Parcel boundary adjustment" does not include a boundary line adjustment made by the Department
of Transportation.]
- 1188 [(52)] ~~[(57)]~~ (58) "Person" means an individual, corporation, partnership, organization, association,
trust, governmental agency, or any other legal entity.
- 1190 [(53)] ~~[(58)]~~ (59) "Plan for moderate income housing" means a written document adopted by a county
legislative body that includes:
- 1192 (a) an estimate of the existing supply of moderate income housing located within the county;
- 1194 (b) an estimate of the need for moderate income housing in the county for the next five years;
- 1196 (c) a survey of total residential land use;
- 1197 (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing;
and
- 1199 (e) a description of the county's program to encourage an adequate supply of moderate income housing.
- 1201 [(54)] ~~[(59)]~~ (60) "Planning advisory area" means a contiguous, geographically defined portion of the
unincorporated area of a county established under this part with planning and zoning functions as
exercised through the planning advisory area planning commission, as provided in this chapter, but
with no legal or political identity separate from the county and no taxing authority.
- 1206 [(55)] ~~[(60)]~~ (61) "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 17-27a-603 or 57-8-13.
- 1209 [(56)] ~~[(61)]~~ (62) "Potential geologic hazard area" means an area that:
- 1210 (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
- 1213 (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.
- 1216 [(57)] ~~[(62)]~~ (63) "Public agency" means:
- 1217 (a) the federal government;
- 1218 (b) the state;
- 1219 (c) a county, municipality, school district, special district, special service district, or other political
subdivision of the state; or

SB0104 compared with SB0104S02

- 1221 (d) a charter school.
- 1222 [(58)] [(63)] (64) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- 1224 [(59)] [(64)] (65) "Public meeting" means a meeting that is required to be open to the public under Title 52, Chapter 4, Open and Public Meetings Act.
- 1226 [(60)] [(65)] (66) "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.
- 1230 [(61)] [(66)] (67) "Receiving zone" means an unincorporated area of a county that the county designates, by ordinance, as an area in which an owner of land may receive a transferable development right.
- 1233 [(62)] [(67)] (68) "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~~.
- 1235 [(63)] [(68)] (69) "Residential facility for persons with a disability" means a residence:
- 1236 (a) in which more than one person with a disability resides; and
- 1237 (b) which is licensed or certified by the Department of Health and Human Services under:
- 1239 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
- 1240 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 1241 [(64)] [(69)] (70) "Residential roadway" means a public local residential road that:
- 1242 (a) will serve primarily to provide access to adjacent primarily residential areas and property;
- 1244 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
- 1245 (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;
- 1247 (d) has a posted speed limit of 25 miles per hour or less;
- 1248 (e) does not have higher traffic volumes resulting from connecting previously separated areas of the municipal road network;
- 1250 (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

1253

SB0104 compared with SB0104S02

- (g) primarily serves traffic within a neighborhood or limited residential area and is not necessarily continuous through several residential areas.
- 1255 [(65)] {~~(70)~~} (71) "Rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
- 1257 (a) parliamentary order and procedure;
- 1258 (b) ethical behavior; and
- 1259 (c) civil discourse.
- 1260 [(66)] {~~(71)~~} (72) "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.
- 1263 [(67)] {~~(72)~~} (73) "Sending zone" means an unincorporated area of a county that the county designates, by ordinance, as an area from which an owner of land may transfer a transferable development right.
- 1266 {~~(73)~~} (74) "Simple boundary adjustment" means {~~the process to relocate~~} a {~~common boundary between adjoining lots, adjoining parcels, or between an adjoining lot and parcel where the relocation would~~} boundary adjustment that does not:
- 1269 (a) affect a public right-of-way, {~~municipal~~} county utility easement, or other public property;
- 1270 (b) affect an existing easement, onsite wastewater system, or an internal lot restriction; or
- 1271 (c) result in a lot or parcel out of conformity with land use regulations.
- 1272 [(68)] {~~(74)~~} (75) "Site plan" means a document or map that may be required by a county during a preliminary review preceding the issuance of a building permit to demonstrate that an owner's or developer's proposed development activity meets a land use requirement.
- 1275 [(69)] {~~(75)~~} (76)
- . (a) "Special district" means an entity under Title 17B, Limited Purpose Local Government Entities - Special Districts.
- 1277 (b) "Special district" includes a governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
- 1279 [(70)] {~~(76)~~} (77) "Specified public agency" means:
- 1280 (a) the state;
- 1281 (b) a school district; or
- 1282 (c) a charter school.
- 1283

SB0104 compared with SB0104S02

- [71] [(77)] (78) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.
- 1285 [(72)] [(78)] (79) "State" includes any department, division, or agency of the state.
- 1286 [(73)] [(79)] (80)
- . (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.
- 1290 (b) "Subdivision" includes:
- 1291 (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
- 1294 (ii) except as provided in Subsection [(73)(e)] (79)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.
- 1297 (c) "Subdivision" does not include:
- 1298 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 1299 [(ii) a boundary { } line agreement { } establishment } recorded with the county recorder's office { } between owners of adjoining parcels adjusting the mutual boundary { } in accordance with Section 17-27a-523 { } if no new lot is created { } ;]
- 1302 [(iii)] (ii) a recorded conveyance document[, executed by the owner of record]:
- 1303 (A) [revising the legal descriptions of] consolidating multiple lots or parcels into one legal description encompassing all [such] lots or parcels by metes and bounds description; or
- 1306 (B) joining a lot to a parcel;
- 1307 [(iv)] (iii) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels:
- 1309 (A) an electrical transmission line or a substation;
- 1310 (B) a natural gas pipeline or a regulation station; or
- 1311 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility;
- 1314

SB0104 compared with SB0104S02

- [~~(v)~~ a boundary line agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Sections 17-27a-523 and 17-27a-608 if:]
- 1317 [~~(A)~~ no new dwelling lot or housing unit will result from the adjustment; and]
- 1318 [~~(B)~~ the adjustment will not violate any applicable land use ordinance;]
- 1319 [~~(vi)~~] ~~{~~(v)~~}~~ (iv) a bona fide division of land by deed or other instrument if the deed or other instrument states in writing that the division:
- 1321 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 1322 (B) does not confer any land use approvals; and
- 1323 (C) has not been approved by the land use authority;
- 1324 [~~(vii)~~] (v) {a } [~~parcel~~] {boundary adjustment;}
- 1325 [~~(viii)~~] (vi) a [~~lot line adjustment~~] boundary establishment;
- 1326 [~~(ix)~~] (vii) a road, street, or highway dedication plat;
- 1327 [~~(x)~~] (viii) a deed or easement for a road, street, or highway purpose; or
- 1328 [~~(xi)~~] (ix) any other division of land authorized by law.
- 1329 [~~(74)~~] ~~{~~(80)~~}~~ (81)
- . (a) "Subdivision amendment" means an amendment to a recorded subdivision in accordance with Section 17-27a-608 that:
- 1331 (i) vacates all or a portion of the subdivision;
- 1332 [~~(ii)~~ alters the outside boundary of the subdivision;]
- 1333 [~~(iii)~~] (ii) [~~changes~~] increases the number of lots within the subdivision;
- 1334 [~~(iv)~~] (iii) alters a public right-of-way, a public easement, or public infrastructure within the subdivision; or
- 1336 [~~(v)~~] (iv) alters a common area or other common amenity within the subdivision.
- 1337 (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].
- 1340 [~~(75)~~] ~~{~~(81)~~}~~ (82) "Substantial evidence" means evidence that:
- 1341 (a) is beyond a scintilla; and
- 1342 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1343 [~~(76)~~] ~~{~~(82)~~}~~ (83) "Suspect soil" means soil that has:
- 1344 (a) a high susceptibility for volumetric change, typically clay rich, having more than a 3% swell potential;

SB0104 compared with SB0104S02

- 1346 (b) bedrock units with high shrink or swell susceptibility; or
1347 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum commonly
associated with dissolution and collapse features.
- 1349 [(77)] ~~{(83)}~~ (84) "Therapeutic school" means a residential group living facility:
1350 (a) for four or more individuals who are not related to:
1351 (i) the owner of the facility; or
1352 (ii) the primary service provider of the facility;
1353 (b) that serves students who have a history of failing to function:
1354 (i) at home;
1355 (ii) in a public school; or
1356 (iii) in a nonresidential private school; and
1357 (c) that offers:
1358 (i) room and board; and
1359 (ii) an academic education integrated with:
1360 (A) specialized structure and supervision; or
1361 (B) services or treatment related to a disability, an emotional development, a behavioral development, a
familial development, or a social development.
- 1363 [(78)] ~~{(84)}~~ (85) "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.
- 1366 [(79)] ~~{(85)}~~ (86) "Unincorporated" means the area outside of the incorporated area of a municipality.
- 1368 [(80)] ~~{(86)}~~ (87) "Water interest" means any right to the beneficial use of water, including:
1369 (a) each of the rights listed in Section 73-1-11; and
1370 (b) an ownership interest in the right to the beneficial use of water represented by:
1371 (i) a contract; or
1372 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 1373 [(81)] ~~{(87)}~~ (88) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts land
use zones, overlays, or districts.
- 1365 Section 8. Section **17-27a-522** is amended to read:
1366 **17-27a-522. Simple boundary adjustment -- {~~Other~~} Full boundary {~~adjustments~~}
adjustment -- Process -- Review by land use authority.**

SB0104 compared with SB0104S02

- 1378 (1) A person may propose a simple boundary adjustment to a land use authority as described in this
1380 section.
- 1380 (2) A proposal for a simple boundary adjustment shall:
- 1381 (a) include a conveyance document that complies with Section 57-1-45.5; and
- 1382 (b) describe all lots or parcels affected by the proposed boundary adjustment.
- 1383 (3) A land use authority shall consent to a proposed simple boundary adjustment if the land use
1385 authority verifies that the proposed simple boundary adjustment:
- 1385 (a) meets the requirements of Subsection (2); and
- 1386 (b) does not:
- 1387 (i) affect a public right-of-way, county utility easement, or other public property;
- 1388 (ii) affect { a- } an existing easement, onsite wastewater system, or an internal lot restriction;or
- 1389 (iii) result in a lot or parcel out of conformity with land use regulations { :or } .
- 1390 {(iv) { require other land use authority review. } }
- 1391 (4) If the land use authority determines that a proposed simple boundary adjustment does not meet
1394 the requirements of Subsection (3), { the proposal does not qualify as } a { simple } full boundary
1397 adjustmentis required.
- 1394 (5) To [make] propose a [parcel { f } line] full boundary adjustment[, a property owner] { that does not
1400 qualify for a simple boundary adjustment } , the adjoining property owners shall submit a proposal to
1403 the land use authority that includes:
- 1397 [(a) execute a boundary adjustment through:
- 1398 [(i) a quitclaim deed; or
- 1399 [(ii) a boundary line agreement under Section 17-27a-523; and
- 1400 [(b) record the quitclaim deed or boundary line agreement described in Subsection (1)(a) in the office of
1403 the county recorder of the county in which each property is located.]
- 1403 (a) a conveyance document that complies with Section 57-1-45.5; { and }
- 1404 {(b) { a survey that includes information that the land use authority requires to approve the boundary
1406 adjustment, which may include depictions of: } }
- 1406 {(i) { existing dwellings, outbuildings, improvements, and other physical features; } }
- 1407 {(ii) { existing easements, rights-of-way, conditions, or restrictions recorded or apparent; } }
- 1408 {(iii) { the current boundary location; } }
- 1409 {(iv) { the proposed new boundary location; } }

SB0104 compared with SB0104S02

- 1410 {~~(v) {the size, shape, and dimensions of each adjusted lot or parcel; and}~~}
- 1411 {~~(vi) {other existing or proposed improvements that impact or are subject to land use regulations; and}~~}
- 1412 }
- 1391 (b) a survey that complies with Subsection 57-1-4.5(3)(b); and
- 1413 (c) if required by county ordinance, a proposed plat amendment corresponding with the proposed full
boundary adjustment, prepared in accordance with Section 17-27a-608.
- 1415 (6) The land use authority shall consent to a proposed full boundary adjustment made under Subsection
(5) if:
- 1417 (a) the proposal submitted to the land use authority under Subsection (5) includes all necessary
information;
- 1419 (b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land use regulation;
and
- 1421 (c) if required by county ordinance, the plat amendment corresponding with the proposed full boundary
adjustment has been approved in accordance with Section 17-27a-608.
- 1423 (7)
- 1424 . (a) Consent under Subsection (3) or (6) is an administrative act{:} :
- 1424 (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:
- 1426 (i) the land use authority is not responsible for any error related to the boundary adjustment; and
- 1428 (ii) a county recorder may record the boundary adjustment.
- 1429 (8) A boundary adjustment is effective from the day {it} on which the boundary adjustment, as
consented to by the land use authority, is recorded by {a} the county recorderalong with the
relevant conveyance document.
- 1430 (9) The recording of a boundary adjustment does not constitute a land use approval.
- 1431 [(2) To make a lot line adjustment, a property owner shall:]
- 1432 [(a) obtain approval of the boundary adjustment under Section 17-27a-608;]
- 1433 [(b) execute a boundary adjustment through:]
- 1434 [(i) a quitclaim deed; or]
- 1435 [(ii) a boundary line agreement under Section 17-27a-523; and]
- 1436 [(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.]

SB0104 compared with SB0104S02

- 1438 ~~[(3) A parcel boundary adjustment under Subsection (1) is not subject to review of a land use authority~~
~~unless:]~~
- 1440 ~~[(a) the parcel includes a dwelling; and]~~
- 1441 ~~[(b) the land use authority's approval is required under Subsection 17-27a-523(5).]~~
- 1442 ~~[(4) 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:]~~
- 1444 ~~[(a) does not constitute a land use approval; and]~~
- 1445 ~~[(b) does not affect the validity of the boundary line agreement or other document used to adjust a~~
~~mutual boundary line.]~~
- 1447 ~~[(5)]~~ (10) A county may enforce county 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 county 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 county'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.
- 1437 Section 9. Section **17-27a-523** is amended to read:
- 1438 **17-27a-523. Boundary establishment -- Process -- Boundary {-} agreement not subject to**
review by land use authority -- Prohibitions.
- 1457 (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:
- 1464 (a) resolve an ambiguous, uncertain, or disputed boundary between the adjoining properties;and
- 1466 (b) agree upon the location of the boundary between the adjoining properties.
- 1467 (2) Adjoining property owners executing a boundary ~~[line agreement]~~ establishment described in
Subsection (1) shall:
- 1469 ~~[(a) ensure that the agreement includes:]~~
- 1470

SB0104 compared with SB0104S02

- [(i) a legal description of the agreed upon boundary line and of each parcel or lot after the boundary line is changed;]
- 1472 [(ii) the name and signature of each grantor that is party to the agreement;]
- 1473 [(iii) a sufficient acknowledgment for each grantor's signature;]
- 1474 [(iv) the address of each grantee for assessment purposes;]
- 1475 [(v) a legal description of the parcel or lot each grantor owns before the boundary line is changed; and]
- 1477 [(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;]
- 1479 [(b) if any of the property subject to the boundary line agreement is a lot, prepare an amended plat in accordance with Section 17-27a-608 before executing the boundary line agreement; and]
- 1482 [(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 by the county.]
- 1486 (a) prepare an establishment document that complies with Section 57-1-45; and
- 1487 (b) record the boundary establishment with the county recorder, in accordance with Section 57-1-45.
- 1489 (3) A boundary establishment:
- 1490 (a) is not subject to review of a land use authority; and
- 1491 (b) does not require consent or approval from a land use authority before it may be recorded.
- 1493 (4) A boundary establishment is effective from the day it is recorded by {a} the county recorder.
- 1494 (5) A county may enforce county ordinances against property with a boundary establishment that {seeks to convey title or otherwise establish} violates a {conveyance is voidable} land use regulation.
- 1496 [(3)] (6) A boundary [line agreement described in Subsection (1) that complies with Subsection (2)] establishment that complies with this section presumptively:
- 1498 (a) has no detrimental effect on any easement on the property that is recorded before the day on which the agreement is executed[unless the owner of the property benefitting from the easement specifically modifies the easement within the boundary line agreement or a separate recorded easement modification or relinquishment document]; and
- 1503 (b) [relocates the parties' common boundary line for an exchange of consideration:] {affixes} conveys the ownership of the adjoining parties to the established common boundary.
- 1505 [(4) Notwithstanding Part 6, Subdivisions, or a county's ordinances or policies, a boundary line agreement that only affects parcels is not subject to:]

SB0104 compared with SB0104S02

- 1507 [~~(a) any public notice, public hearing, or preliminary platting requirement;~~]
1508 [~~(b) the review of a land use authority; or~~]
1509 [~~(c) an engineering review or approval of the county, except as provided in Subsection (5).]~~
1510 [~~(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:]
1512 [(i) adopts an ordinance that:]
1513 [~~(A) requires review and approval for a boundary line agreement containing a dwelling unit; and]~~
1515 [~~(B) includes specific criteria for approval; and]~~
1516 [(ii) completes the review within 14 days after the day on which the property owner submits the
boundary line agreement for review.]
1518 [(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:]
1522 [(A) describes the specific deficiency or additional information that the county requires to approve
the boundary line agreement; and]
1524 [(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).]
1527 [(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).]
1530 [(e) 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.]
1519 Section 10. Section **17-27a-605** is amended to read:
1520 **17-27a-605. Exemptions from plat requirement.**
1535 (1) Notwithstanding any other provision of law, a plat is not required if:
1536

SB0104 compared with SB0104S02

- (a) a county establishes a process to approve an administrative land use decision for the subdivision of unincorporated land or mountainous planning district land into 10 or fewer ~~[lots]~~ parcels without a plat; and
- 1539 (b) the county provides in writing that:
- 1540 (i) the county has provided ~~[notice]~~ a certificate or written approval as required by ordinance; and
- 1542 (ii) the proposed subdivision:
- 1543 (A) is not traversed by the mapped lines of a proposed street as shown in the general plan unless the county has approved the location and dedication of any public street, county utility easement, any other easement, or any other land for public purposes as the county's ordinance requires;
- 1547 (B) has been approved by the culinary water authority and the sanitary sewer authority;
- 1549 (C) is located in a zoned area; and
- 1550 (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.
- 1553 (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 17-27a-603 if:
- 1555 (i) the ~~[lot or]~~parcel:
- 1556 (A) qualifies as land in agricultural use under Section 59-2-502; and
- 1557 (B) is not used and will not be used for any nonagricultural purpose; and
- 1558 (ii) the new owner of record completes, signs, and records with the county recorder a notice:
- 1560 (A) describing the parcel by legal description; and
- 1561 (B) stating that the ~~[lot or]~~parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.
- 1564 (b) If a ~~[lot or { }]~~parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the county shall require the ~~[lot or { }]~~parcel to comply with the requirements of Section 17-27a-603 and all applicable land use ordinance requirements.
- 1567 (3)
- . (a) Except as provided in Subsection (4), a document recorded in the county 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.

SB0104 compared with SB0104S02

- 1571 (b) The absence of the certificate or written approval required by Subsection (1) does not:
1573 (i) prohibit the county recorder from recording a document; or
1574 (ii) affect the validity of a recorded document.
- 1575 (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.
- 1578 (4)
. (a) As used in this Subsection (4):
- 1579 (i) "Divided land" means land that:
1580 (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and
1582 (B) has been divided by a minor subdivision.
- 1583 (ii) "Land to be divided" means land that is proposed to be divided by a minor subdivision.
1585 (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.
- 1589 (iv) "Minor subdivision [lot] parcel" means a [lot] parcel created by a minor subdivision.
- 1591 (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:
- 1595 (i) a recordable deed containing the legal description of the minor subdivision [lot] parcel; and
1596 (ii) a notice:
1597 (A) indicating that the owner of the land to be divided is making a minor subdivision;
1599 (B) referring specifically to this section as the authority for making the minor subdivision; and
1601 (C) containing the legal description of:
1602 (I) the land to be divided; and
1603 (II) the minor subdivision [lot] parcel.
- 1604 (c) A minor subdivision [lot] parcel:
1605 (i) may not be less than one acre in size;
1606 (ii) may not be within 1,000 feet of another minor subdivision [lot] parcel; and
1607

SB0104 compared with SB0104S02

(iii) is not subject to the subdivision ordinance of the county in which the minor subdivision [lot] parcel is located.

1609 (d) Land to be divided by a minor subdivision may not include divided land.

1610 (e) A county:

1611 (i) may not deny a building permit to an owner of a minor subdivision [lot] parcel based on:

1613 (A) the [lot's] parcel's status as a minor subdivision [lot] parcel; or

1614 (B) the absence of standards described in Subsection (4)(e)(ii); and

1615 (ii) may, in connection with the issuance of a building permit, subject a minor subdivision [lot] parcel to reasonable health, safety, and access standards that the county has established and made public.

1618 (5)

. (a) Notwithstanding Sections 17-27a-603 and 17-27a-604, and subject to Subsection (1), the legislative body of a county may enact an ordinance allowing the subdivision of a parcel, without complying with the plat requirements of Section 17-27a-603, if:

1621 (i) the parcel contains an existing legal single family dwelling unit;

1622 (ii) the subdivision results in two parcels, one of which is agricultural land;

1623 (iii) the parcel of agricultural land:

1624 (A) qualifies as land in agricultural use under Section 59-2-502; and

1625 (B) is not used, and will not be used, for a nonagricultural purpose;

1626 (iv) both the parcel with an existing legal single family dwelling unit and the parcel of agricultural land meet the minimum area, width, frontage, and setback requirements of the applicable zoning designation in the applicable land use ordinance; and

1630 (v) the owner of record completes, signs, and records with the county recorder a notice:

1632 (A) describing the parcel of agricultural land by legal description; and

1633 (B) stating that the parcel of agricultural land is created as land in agricultural use, as defined in Section 59-2-502, and will remain as land in agricultural use until a future zoning change permits another use.

1636 (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:

1639 (i) retroactively comply with the subdivision plat requirements of Section 17-27a-603; and

1641 (ii) comply with all applicable land use ordinance requirements.

SB0104 compared with SB0104S02

1642 (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:

1644 (i) a legal description of the parcel to be divided;

1645 (ii) a legal description of each parcel created by the subdivision; and

1646 (iii) a citation to the specific provision of this section for which an exemption to the plat requirement is authorized.

1648 (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.

1637 Section 11. Section **17-27a-608** is amended to read:

1638 **17-27a-608. Subdivision amendments.**

1652 (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.

1655 (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:

1658 (i) depicts only the portion of the subdivision that is proposed to be amended;

1659 (ii) includes a plat name distinguishing the amended plat from the original plat;

1660 (iii) describes the differences between the amended plat and the original plat; and

1661 (iv) includes references to the original plat.

1662 (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:

1665 (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

1669 (B) each property owner of record within the portion of the subdivision that is proposed to be amended.

1671

SB0104 compared with SB0104S02

- (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.
- 1675 (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:
- 1678 (i) any property owner within the ~~[plat]~~ subdivision that is proposed to be amended notifies the county of the owner's objection in writing ~~[within 10 days of mailed notification]~~ by the deadline for objections, as described in Subsection (1)(c)(ii); or
- 1681 (ii) ~~{ the land use authority }~~ a county ordinance requires a public hearing ~~[is required because]~~ if all of the owners ~~[in]~~ within the portion of the subdivision proposed to be amended have not signed the ~~[revised]~~ proposed amended plat.
- 1684 (e) A land use authority may approve a petition for subdivision amendment no earlier than:
- 1686 (i) the day after the day on which written objections were due to the land authority, as described in Subsection (1)(c)(ii); or
- 1688 (ii) if a public hearing is required as described in Subsection (1)(d), the day { after the day } on which the public hearing takes place.
- 1690 (f) A land use authority may not approve a petition for a subdivision amendment under this section unless the amendment identifies and preserves any easements owned by a culinary water authority and sanitary sewer authority for existing facilities located within the subdivision.
- 1694 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:
- 1697 (a) the petition seeks to:
- 1698 (i) join two or more of the petitioning fee owner's contiguous lots;
- 1699 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
- 1701 ~~[(iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join the petition, regardless of whether the properties are located in the same subdivision;]~~
- 1704 ~~[(iv)]~~ (iii) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
- 1706

SB0104 compared with SB0104S02

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

1708 (A) owned by the petitioner; or

1709 (B) designated as a common area; and

1710 (b) notice has been given to adjoining property owners in accordance with any applicable local ordinance.

1712 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or county utility easement is also subject to Section 17-27a-609.5.

1714 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a portion of a plat shall include:

1716 (a) the name and address of each owner of record of the land contained in:

1717 (i) the entire plat; or

1718 (ii) that portion of the plan described in the petition; and

1719 (b) the signature of each owner who consents to the petition.

1720 [(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).]~~

1724 [(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.~~]

1726 [(c) ~~If a lot line adjustment is approved under Subsection (5)(b):]~~

1727 [(i) ~~a notice of lot line adjustment approval shall be recorded in the office of the county recorder which:~~]

1729 [(A) ~~is approved by the land use authority; and]~~

1730 [(B) ~~recites the legal descriptions of both the properties and the properties resulting from the exchange of title; and]~~

1732 [(ii) ~~a document of conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.~~]

1734 [(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 to record a document conveying title to real property.~~]

1737 [(6)

SB0104 compared with SB0104S02

- . (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).]~~
- 1739 [(b) ~~The surveyor preparing the amended plat shall certify that the surveyor:~~]
- 1740 [(i) ~~holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;~~]
- 1742 [(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]~~
- 1744 [(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]~~
- 1746 [(iii) ~~has placed monuments as represented on the plat.]~~
- 1747 [(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 recorded in the county recorder's office.]~~
- 1750 [(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.]~~
- 1752 (5) A surveyor preparing an amended plat under this section shall certify that the surveyor:
- 1753 (a) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act{:} ;
- 1755 (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;
- 1757 (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
- 1759 (iii) has referenced the original plat that created the lot boundaries being amended; and
- 1761 (c) has placed monuments as represented on the plat.
- 1749 Section 12. Section **57-1-13** is amended to read:
- 1750 **57-1-13. Form of quitclaim deed.**
- 1764 [(4)] A conveyance of land may also be substantially in the following form:
- 1765

"QUITCLAIM DEED

SB0104 compared with SB0104S02

- 1766 ____ (here insert name), grantor, of ____ (insert place of residence), hereby quitclaims to ____
1767 (insert name), grantee, of ____ (here insert place of residence), for the sum of ____ dollars, the
1768 following described tract ____ of land in ____ County, Utah, to wit: (here describe the premises).
- 1770 Witness the hand of said grantor this _____(month\day\year).
- 1771 A quitclaim deed when executed as required by law shall have the effect of a conveyance of all
1772 right, title, interest, and estate of the grantor in and to the premises therein described and all rights,
1773 privileges, and appurtenances thereunto belonging, at the date of the conveyance."
- 1775 ~~[(2) A boundary line agreement operating as a quitclaim deed shall meet the requirements described in
1776 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.**
- 1779 ~~[(1) An agreement to adjust a known boundary between adjoining properties shall comply with Section
1780 10-9a-524 or 17-27a-523, as applicable.]~~
- 1781 ~~[(2) A recorded boundary line agreement to establish the location of a boundary between adjoining
1782 properties where the location of the boundary is ambiguous, uncertain, or disputed shall comply
1783 with Subsections (3) and (4).]~~
- 1784 [(3)] (1) A boundary establishment shall:
- 1785 (a) be finalized by recording an establishment document, as defined in Sections 10-9a-103 and { [Section](#)
1786 } 17-27a-103; and
- 1787 (b) comply with this section.
- 1788 (2) ~~[A boundary line agreement between adjoining property owners establishing the owners'
1789 existing common boundary for the purpose of settling an ambiguity, uncertainty, or dispute.]~~ An
1790 establishment document shall include:
- 1791 (a) the name and signature of each party to the ~~[agreement and, if applicable, the name and signature
1792 of a party's predecessor in interest who agreed to the location of the boundary line]~~ establishment
1793 document;
- 1794 ~~[(b) the date of the boundary line agreement;]~~
- 1795 ~~[(c)]~~ (b) the address of each party to the ~~[boundary line agreement]~~ { ~~[clarification](#)~~ } establishment
1796 document for assessment purposes;
- 1797

SB0104 compared with SB0104S02

- [~~(d)~~] (c) a statement describing [~~why the owners of adjoining properties were unable to determine the true location of the boundary line between the adjoining properties~~] the ambiguity, uncertainty, or dispute being resolved with the boundary establishment;
- 1800 [~~(e)~~] (d) a statement that the adjoining property owners [~~of the adjoining properties~~{~~f~~} ~~]~~ agree on the established boundary [~~line~~] location described in the [~~boundary line agreement~~] establishment document;
- 1803 [~~(f)~~] (e) a current legal description of each parcel or lot that is subject to the established boundary [~~line agreement~~];
- 1805 [~~(g)~~] (f) a new legal description of the [~~agreed~~] established boundary [~~line~~];
- 1806 [~~(h)~~] (g)
- . (i) if the property owners have conducted a survey, a reference to a record of the survey map, as defined in Section 17-23-17 [~~in conjunction with the boundary line agreement that shows~~] , showing information necessary to identify the established boundary that may include:
- 1810 (A) existing dwellings, outbuildings, improvements, and other physical features;
- 1811 (B) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;
- 1813 (C) the location of the agreed boundary~~[-{f} line]~~; and
- 1814 (D) an explanation in the survey narrative of the reason for the boundary [~~line agreement~~] establishment; or
- 1816 (ii) if the parcels or lots are unimproved, or if the property owners have otherwise not conducted a survey, an attached [~~exhibit~~] visual or graphic depicting a [~~graphical~~{~~f~~} ~~]~~ representation of the location of the [~~agreed~~] established boundary [~~line~~{~~f~~} ~~]~~ relative to physical objects marking the [~~agreed~~] established boundary;
- 1820 [~~(i)~~] (h) if any of the property that is the subject of the [~~agreement~~] establishment document is located in a recorded subdivision [~~and the agreed boundary line is different from the boundary line recorded in the plat~~], an acknowledgment that each party to the agreement has been [~~advised~~] notified of the potential requirement of a subdivision plat amendment; and
- 1825 [~~(j)~~] (i) a sufficient acknowledgment for each party's signature.
- 1826 [~~(4)~~] (3) [~~A boundary line agreement-~~] An establishment document described in Subsection [~~(3)~~] (2) may not be used to create a new parcel or new lot.~~[:]~~
- 1828 {~~(a) convey real property; or~~}
- 1829 {~~(b) create a new parcel or new lot.~~}

SB0104 compared with SB0104S02

- 1830 ~~[(a) used to adjust a known boundary described in Subsection (1) between adjoining properties;]~~
1832 ~~[(b) used to adjust a lot line in a recorded subdivision plat or create a new parcel or lot; or]~~
1834 ~~[(c) used by or recorded by a successor in interest to a property owner who agreed to the boundary line
unless the property owners who agreed to the boundary line treated the line as the actual boundary
as demonstrated by:]~~
1837 ~~[(i) actual possession by each owner up to the boundary line;]~~
1838 ~~[(ii) a fence built and agreed to by each owner on the boundary line; or]~~
1839 ~~[(iii) each owner cultivating or controlling the land up to the boundary line.]~~
1840 (4) Property owners who agree to a boundary establishment shall treat the established boundary as the
common boundary, as demonstrated by:
1842 (a) actual possession by each owner of the owner's property up to the common boundary, as visibly
marked by monuments, fences, buildings, or other physical improvements; or
1845 (b) each owner cultivating or controlling the owner's property up to the visibly marked common
boundary.
1847 (5)
.
1850 (a) Before recording an establishment document, a county recorder shall {~~ensure~~} confirm that the
establishment document and any accompanying exhibit is presented in a legible and recordable
format.
1854 (b) Upon receipt of an establishment document that is not in a legible and recordable format, the county
recorder shall provide the person submitting the establishment document with an explanation of
corrections necessary to record the establishment document.
1855 (6)
.
1856 (a) An establishment document is effective on the day it is recorded.
1858 (b) A recorded establishment document creates a boundary establishment.
1859 (c) If a judgment made by a court that establishes the location of a disputed boundary is recorded in the
county title record:
1860 (i) the judgment is considered an establishment document; and
1862 (ii) the recording of the judgment creates a boundary establishment.
1860 ~~[(5)]~~ (7) [A boundary line agreement] Once recorded, an establishment document described in
Subsection [(3)] (2):
1862

SB0104 compared with SB0104S02

- (a) does not affect any previously recorded easement~~[-unless the easement is expressly modified by the boundary line agreement];~~
- 1864 (b) establishes the location of the common boundary between the adjoining properties~~[-{f} in the originally intended location of the {f} with placement of physical monuments to mark the established]~~ boundary~~{f} -line];~~
- 1867 (c) affixes conveys the ownership of the adjoining parties to the agreed boundary~~[-line]; and~~
- 1868 ~~[(d) is not subject to the review or approval of a municipal or county land use authority; and]~~
- 1870 ~~[(e)]~~ (d) shall be indexed by a county recorder in the title record against each property affected by the ~~[agreed]~~ established boundary~~[-line]~~.
- 1872 ~~[(6)]~~ (8) The recording of ~~[a boundary line agreement described in Subsection (3)]~~ an establishment document does not constitute a land use approval by a municipality or a county.
- 1875 ~~[(7)]~~ (9) A municipality or a county may enforce a municipal or county ordinance against, or 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.
- 1881 ~~[(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.]~~
- 1869 Section 14. Section **14** is enacted to read:
- 1870 **57-1-45.5. Conveyance document for a boundary adjustment -- Form and effect.**
- 1886 (1) A conveyance document, as defined in {Section-} Sections 10-9a-103 and 17-27a-103, for a boundary adjustment shall comply with this section.
- 1888 (2) A conveyance document shall include:
- 1889 (a) the name and signature of each party to the conveyance document;
- 1890 (b) the address of each party to the conveyance document for assessment purposes;
- 1891 (c) a legal description of the parcel or lot owned by each party before the boundary adjustment;
- 1893 (d) a legal description of the parcel or lot owned by each party after the boundary adjustment; and
- 1895 (e) sufficient language to convey title from one party to another party, in conformity with the proposed boundary adjustment.

1897

SB0104 compared with SB0104S02

- (3) In addition to the information required in Subsection (2), a conveyance document shall include as an exhibit, in a legible and recordable format:
- 1899 (a) a visual or graphic of the proposed boundary adjustment and all properties affected by the proposed
boundary adjustment, depicting:
- 1901 (i) the former boundary location;
- 1902 (ii) the new boundary location; and
- 1903 (iii) the size, shape, and dimensions of each adjusted parcel or lot;
- 1904 (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:
- 1906 (i) existing dwellings, outbuildings, improvements, and other physical features;
- 1907 (ii) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;
- 1908 (iii) the former boundary location; {and}
- 1909 (iv) the new boundary location; {and}
- 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 regulations; and
- 1910 (c) if the conveyance document addresses a boundary adjustment that requires an amendment to a
subdivision plat under Section 10-9a-523 or 17-27a-522, the amendment to the subdivision plat.
- 1913 (4)
- . (a) A conveyance document is effective on the day it is recorded as part of a boundary adjustment.
- 1915 (b) Before recording a conveyance document, a county recorder shall confirm that the conveyance
document is:
- 1917 (i) in a legible and recordable format, including any exhibit to the conveyance document; and
- 1919 (ii) accompanied by a notice of consent to the boundary adjustment from a land use authority under
Subsection 10-9a-523(3) or (6) or Subsection 17-27a-522(3) or (6).
- 1921 (c) Upon receipt of a conveyance document, or any exhibit to a conveyance document, that is not in a
legible and recordable format, a county recorder shall provide the person submitting the conveyance
document with an explanation of the corrections necessary to record the conveyance document.
- 1925 (5) The recording of a boundary adjustment presumptively:
- 1926 (a) relocates an existing boundary by creating a new boundary between the adjoining properties;
- 1928 (b) changes the size, shape, or configuration of two or more adjoining lots or parcels;
- 1929

SB0104 compared with SB0104S02

(c) does not {effect} ~~effect~~ any previously recorded easement unless the easement is expressly and properly modified by the boundary adjustment; and

1931 (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.**

1934 (1) Subject to Subsection [~~10-9a-605(5)~~] 10-9a-606(5) or 17-27a-606(5), unless otherwise provided in the declaration or bylaws, and notwithstanding the provisions of Sections 57-8-30 and 57-8-31, the unit owners may by an affirmative vote of at least 67% of unit owners, elect to sell, convey, transfer, or otherwise dispose of the property or all or part of the common areas and facilities.

1939 (2) An affirmative vote described in Subsection (1) is binding upon all unit owners, and each unit owner shall execute and deliver the appropriate instruments and perform all acts as necessary to [effect] ~~effect~~ the sale, conveyance, transfer, or other disposition of the property or common areas and facilities.

1943 (3) The general easement of ingress, egress, and use of the common areas and facilities granted to an association and unit owners through recorded governing documents is extinguished in any portion of the common areas and facilities the unit owners sell, convey, transfer, or otherwise dispose of, if:

1947 (a) the unit owners, in selling, conveying, transferring, or otherwise disposing of the portion of the common areas and facilities, comply with:

1949 (i) the provisions of this section; and

1950 (ii) Section 10-9a-606 or 17-27a-606; and

1951 (b) the sale, conveyance, transfer, or other disposition of the portion of the common areas and facilities results in a person other than the association or a unit owner owning the portion of the common areas and facilities.

1954 (4) This section applies to an association of unit owners regardless of when the association of unit owners is created.

1944 Section 16. **Effective date.**

This bill takes effect on May 7, 2025.

2-5-25 8:51 AM