

Boundary Line Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin R. Musselman

LONG TITLE**Committee Note:**

The Political Subdivisions Interim Committee recommended this bill.

Legislative Vote: 8 voting for 3 voting against 5 absent

General Description:

This bill modifies provisions related to boundary changes.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

32 **10-9a-608**, as last amended by Laws of Utah 2023, Chapter 501
 33 **17-27a-103**, as last amended by Laws of Utah 2024, Chapter 464
 34 **17-27a-522**, as last amended by Laws of Utah 2021, Chapter 385
 35 **17-27a-523**, as last amended by Laws of Utah 2021, Chapter 385
 36 **17-27a-605**, as last amended by Laws of Utah 2020, Chapter 434
 37 **17-27a-608**, as last amended by Laws of Utah 2023, Chapter 501
 38 **57-1-13**, as last amended by Laws of Utah 2021, Chapter 385
 39 **57-1-45**, as last amended by Laws of Utah 2022, Chapter 355
 40 **57-8-32**, as last amended by Laws of Utah 2024, Chapter 519

41 ENACTS:

42 **57-1-45.5**, Utah Code Annotated 1953

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

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

46 **10-9a-103 . Definitions.**

47 As used in this chapter:

- 48 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
 49 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
 52 or land use decision; or
 53 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
 54 general community as a result of the land use decision.
- 55 (3) "Affected entity" means a county, municipality, special district, special service district
 56 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
 57 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
 58 specified public utility, property owner, property owners association, or the Department
 59 of Transportation, if:
 60 (a) the entity's services or facilities are likely to require expansion or significant
 61 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
 63 plan; or
 64 (c) the entity has filed with the municipality a request for notice during the same
 65 calendar year and before the municipality provides notice to an affected entity in

- 66 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
70 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
73 designated by ordinance to decide an appeal of a decision of a land use application or a
74 variance.
- 75 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
76 residential property if the sign is designed or intended to direct attention to a business,
77 product, or service that is not sold, offered, or existing on the property where the sign is
78 located.
- 79 (7)(a) "Charter school" means:
- 80 (i) an operating charter school;
- 81 (ii) a charter school applicant that a charter school authorizer approves in accordance
82 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
84 applicant to develop or construct a charter school building.
- 85 (b) "Charter school" does not include a therapeutic school.
- 86 (8)(a) "Boundary adjustment" means an agreement between adjoining property owners
87 to relocate a common boundary that requires a conveyance of property between the
88 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.
- 92 (9)(a) "Boundary establishment" means an agreement:
- 93 (i) between adjoining property owners to clarify the location of an ambiguous,
94 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
98 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
- 103 potential impact of the land use on the municipality, surrounding neighbors, or adjacent
- 104 land uses, may not be compatible in some areas or may be compatible only if certain
- 105 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
- 107 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" means the transfer of ownership of any portion of real
- 111 property from one person to another person.
- 112 (13) "Conveyance document" means an instrument that:
- 113 (a) meets the definition of "document" in Section 57-1-1; and
- 114 (b) meets the requirements of Section 57-1-45.5.
- 115 (14) "Culinary water authority" means the department, agency, or public entity with
- 116 responsibility to review and approve the feasibility of the culinary water system and
- 117 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 (a) any construction or expansion of a building, structure, or use that creates additional
- 121 demand and need for public facilities;
- 122 (b) any change in use of a building or structure that creates additional demand and need
- 123 for public facilities; or
- 124 (c) any change in the use of land that creates additional demand and need for public
- 125 facilities.
- 126 [~~12~~] (17)(a) "Development agreement" means a written agreement or amendment to a
- 127 written agreement between a municipality and one or more parties that regulates or
- 128 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
- 131 limits one or more of a person's major life activities, including a person having a
- 132 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

134 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21
135 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
140 program for any combination of grades from preschool through grade 12,
141 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)]

144 (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
147 personnel; and

148 (b) does not include:

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

152 (A) not located on the same property as a building described in Subsection [

153 ~~(14)~~](a)(i)] (20)(a)(i); and

154 (B) used in support of the purposes of a building described in Subsection [

155 ~~(14)~~](a)(i)] (20)(a)(i); or

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.

160 [~~(15)~~] (22) "Fire authority" means the department, agency, or public entity with

161 responsibility to review and approve the feasibility of fire protection and suppression
162 services for the subject property.

163 [~~(16)~~] (23) "Flood plain" means land that:

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

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

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

170 ~~[(17)]~~ (24) "General plan" means a document that a municipality adopts that sets forth
171 general guidelines for proposed future development of the land within the municipality.

172 ~~[(18)]~~ (25) "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) "Historic preservation authority" means a person, board, commission, or other
185 body designated by a legislative body to:

- 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
188 district or area.

189 ~~[(20)]~~ (27) "Home-based microschool" means the same as that term is defined in Section
190 53G-6-201.

191 ~~[(21)]~~ (28) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
192 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or
193 other utility system.

194 ~~[(22)]~~ (29) "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
197 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
200 the previously approved plans is located;
 - 201 (ii) is subject to the same geological and meteorological conditions and the same law

- 202 as the building described in the previously approved plans;
- 203 (iii) has a floor plan identical to the building plan previously submitted to and
- 204 reviewed and approved by the municipality; and
- 205 (iv) does not require any additional engineering or analysis.
- 206 [~~(23)~~] (30) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 207 Impact Fees Act.
- 208 [~~(24)~~] (31) "Improvement completion assurance" means a surety bond, letter of credit,
- 209 financial institution bond, cash, assignment of rights, lien, or other equivalent security
- 210 required by a municipality to guaranty the proper completion of landscaping or an
- 211 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) "Improvement warranty" means an applicant's unconditional warranty that the
- 215 applicant's installed and accepted landscaping or infrastructure improvement:
- 216 (a) complies with the municipality's written standards for design, materials, and
- 217 workmanship; and
- 218 (b) will not fail in any material respect, as a result of poor workmanship or materials,
- 219 within the improvement warranty period.
- 220 [~~(26)~~] (33) "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,
- 223 unless the municipality:
- 224 (i) determines for good cause that a one-year period would be inadequate to protect
- 225 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
- 229 suspect soil and the municipality has not otherwise required the applicant to
- 230 mitigate the suspect soil.
- 231 [~~(27)~~] (34) "Infrastructure improvement" means permanent infrastructure that is essential for
- 232 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

- 236 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
- 241 multifamily project.
- 242 ~~[(28)]~~ (35) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 243 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
- 246 the plat; or
- 247 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 248 described on the plat.
- 249 ~~[(29)]~~ (36) "Land use applicant" means a property owner, or the property owner's designee,
- 250 who submits a land use application regarding the property owner's land.
- 251 ~~[(30)]~~ (37) "Land use application":
- 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) "Land use authority" means:
- 257 (a) a person, board, commission, agency, or body, including the local legislative body,
- 258 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,
- 260 or body, the local legislative body.
- 261 ~~[(32)]~~ (39) "Land use decision" means an administrative decision of a land use authority or
- 262 appeal authority regarding:
- 263 (a) a land use permit; or
- 264 (b) a land use application.
- 265 ~~[(33)]~~ (40) "Land use permit" means a permit issued by a land use authority.
- 266 ~~[(34)]~~ (41) "Land use regulation":
- 267 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
- 268 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;

- 270 and
- 271 (c) does not include:
- 272 (i) a land use decision of the legislative body acting as the land use authority, even if
- 273 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
- 276 specification; or
- 277 (B) impact a land use applicant's use of land.
- 278 ~~[(35)]~~ (42) "Legislative body" means the municipal council.
- 279 ~~[(36)]~~ (43) "Local historic district or area" means a geographically definable area that:
- 280 (a) contains any combination of buildings, structures, sites, objects, landscape features,
- 281 archeological sites, or works of art that contribute to the historic preservation goals of
- 282 a legislative body; and
- 283 (b) is subject to land use regulations to preserve the historic significance of the local
- 284 historic district or area.
- 285 ~~[(37)]~~ (44) "Lot" means a tract of land, regardless of any label, that is created by and shown
- 286 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
- 288 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 ~~[(e) "Lot line adjustment" does not include a boundary line adjustment made by the~~
- 295 ~~Department of Transportation.]~~
- 296 ~~[(39)]~~ (45) "Major transit investment corridor" means public transit service that uses or
- 297 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
- 301 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) "Micro-education entity" means the same as that term is defined in Section
305 53G-6-201.
- 306 ~~[(41)]~~ (47) "Moderate income housing" means housing occupied or reserved for occupancy
307 by households with a gross household income equal to or less than 80% of the median
308 gross income for households of the same size in the county in which the city is located.
- 309 ~~[(42)]~~ (48) "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
311 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
313 54-3-27;
- 314 (c) the municipality or the municipality's affiliated governmental entity uses and
315 occupies to provide a utility service, including sanitary sewer, culinary water,
316 electrical, storm water, or communications or data lines;
- 317 (d) is used or occupied with the consent of the municipality in accordance with an
318 authorized franchise or other agreement;
- 319 (e)(i) is used or occupied by a specified public utility in accordance with an
320 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) "Nominal fee" means a fee that reasonably reimburses a municipality only for
324 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
327 previously reviewed and approved building plans.
- 328 ~~[(44)]~~ (50) "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
331 the setback, height restrictions, or other regulations, excluding those regulations,
332 which govern the use of land.
- 333 ~~[(45)]~~ (51) "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
336 the land changed; and
337 (c) because of one or more subsequent land use ordinance changes, does not conform to

- 338 the regulations that now govern the use of the land.
- 339 [(46)] (52) "Official map" means a map drawn by municipal authorities and recorded in a
340 county recorder's office that:
- 341 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
342 highways and other transportation facilities;
- 343 (b) provides a basis for restricting development in designated rights-of-way or between
344 designated setbacks to allow the government authorities time to purchase or
345 otherwise reserve the land; and
- 346 (c) has been adopted as an element of the municipality's general plan.
- 347 [(47)] (53) "Parcel" means any real property that is not a lot.
- 348 [(48)(a)] "Parcel boundary adjustment" means a recorded agreement between owners of
349 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
350 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
354 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
358 the Department of Transportation.]
- 359 [(49)] (54) "Person" means an individual, corporation, partnership, organization,
360 association, trust, governmental agency, or any other legal entity.
- 361 [(50)] (55) "Plan for moderate income housing" means a written document adopted by a
362 municipality's legislative body that includes:
- 363 (a) an estimate of the existing supply of moderate income housing located within the
364 municipality;
- 365 (b) an estimate of the need for moderate income housing in the municipality for the next
366 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
369 income housing; and
- 370 (e) a description of the municipality's program to encourage an adequate supply of
371 moderate income housing.

372 [(51)] (56) "Plat" means an instrument subdividing property into lots as depicted on a map
373 or other graphical representation of lands that a licensed professional land surveyor
374 makes and prepares in accordance with Section 10-9a-603 or 57-8-13.

375 [(52)] (57) "Potential geologic hazard area" means an area that:

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

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

382 [(53)] (58) "Public agency" means:

383 (a) the federal government;

384 (b) the state;

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

387 (d) a charter school.

388 [(54)] (59) "Public hearing" means a hearing at which members of the public are provided a
389 reasonable opportunity to comment on the subject of the hearing.

390 [(55)] (60) "Public meeting" means a meeting that is required to be open to the public under
391 Title 52, Chapter 4, Open and Public Meetings Act.

392 [(56)] (61) "Public street" means a public right-of-way, including a public highway, public
393 avenue, public boulevard, public parkway, public road, public lane, public alley, public
394 viaduct, public subway, public tunnel, public bridge, public byway, other public
395 transportation easement, or other public way.

396 [(57)] (62) "Receiving zone" means an area of a municipality that the municipality
397 designates, by ordinance, as an area in which an owner of land may receive a
398 transferable development right.

399 [(58)] (63) "Record of survey map" means a map of a survey of land prepared in accordance
400 with Section [10-9a-603,] 17-23-17[, 17-27a-603, or 57-8-13].

401 [(59)] (64) "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
404 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) "Residential roadway" means a public local residential road that:
- 408 (a) will serve primarily to provide access to adjacent primarily residential areas and
- 409 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
- 412 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
- 415 areas of the municipal road network;
- 416 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
- 417 intended for high volume traffic or community centers, including schools, recreation
- 418 centers, sports complexes, or libraries; and
- 419 (g) primarily serves traffic within a neighborhood or limited residential area and is not
- 420 necessarily continuous through several residential areas.
- 421 ~~[(61)]~~ (66) "Rules of order and procedure" means a set of rules that govern and prescribe in
- 422 a public meeting:
- 423 (a) parliamentary order and procedure;
- 424 (b) ethical behavior; and
- 425 (c) civil discourse.
- 426 ~~[(62)]~~ (67) "Sanitary sewer authority" means the department, agency, or public entity with
- 427 responsibility to review and approve the feasibility of sanitary sewer services or onsite
- 428 wastewater systems.
- 429 ~~[(63)]~~ (68) "Sending zone" means an area of a municipality that the municipality designates,
- 430 by ordinance, as an area from which an owner of land may transfer a transferable
- 431 development right.
- 432 (69) "Simple boundary adjustment" means the process to relocate a common boundary
- 433 between adjoining lots, adjoining parcels, or between an adjoining lot and parcel where
- 434 the relocation would not:
- 435 (a) affect a public right-of-way, municipal utility easement, or other public property;
- 436 (b) affect an existing easement or an internal lot restriction; or
- 437 (c) result in a lot or parcel out of conformity with land use regulations.
- 438 ~~[(64)]~~ (70) "Special district" means an entity under Title 17B, Limited Purpose Local
- 439 Government Entities - Special Districts, and any other governmental or

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

441 [(65)] (71) "Specified public agency" means:

442 (a) the state;

443 (b) a school district; or

444 (c) a charter school.

445 [(66)] (72) "Specified public utility" means an electrical corporation, gas corporation, or
446 telephone corporation, as those terms are defined in Section 54-2-1.

447 [(67)] (73) "State" includes any department, division, or agency of the state.

448 [(68)] (74)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to
449 be divided into two or more lots or other division of land for the purpose, whether
450 immediate or future, for offer, sale, lease, or development either on the installment
451 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
454 description, devise and testacy, map, plat, or other recorded instrument, regardless
455 of whether the division includes all or a portion of a parcel or lot; and

456 (ii) except as provided in Subsection [(68)(c)] (74)(c), divisions of land for residential
457 and nonresidential uses, including land used or to be used for commercial,
458 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~~
461 ~~of the resulting separate parcels to a contiguous parcel of unsubdivided~~
462 ~~agricultural land, if neither the resulting combined parcel nor the parcel remaining~~
463 ~~from the division or partition violates an applicable land use ordinance] land used
464 for agricultural purposes as provided in Subsection 10-9a-605(2);~~

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

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

469 (A) [~~revising the legal descriptions of~~] consolidating multiple lots or parcels into
470 one legal description encompassing all [such] lots by reference to a recorded
471 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

474 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and
475 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) a bona fide division of land by deed or other instrument if the deed or other
479 instrument states in writing that the division:

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) a [~~parcel~~] boundary adjustment;

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

485 [~~(viii)~~ (vii) a road, street, or highway dedication plat;

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

487 [~~(x)~~ (ix) any other division of land authorized by law.

488 [~~(69)~~ (75)(a) "Subdivision amendment" means an amendment to a recorded subdivision
489 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
494 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 [~~;~~
497 ~~between a single lot and an adjoining lot or parcel, that alters the outside boundary of~~
498 ~~the subdivision~~].

499 [~~(70)~~ (76) "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) "Suspect soil" means soil that has:

503 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
504 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
507 commonly associated with dissolution and collapse features.

- 508 ~~[(72)]~~ (78) "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
- 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
- 521 behavioral development, a familial development, or a social development.
- 522 ~~[(73)]~~ (79) "Transferable development right" means a right to develop and use land that
- 523 originates by an ordinance that authorizes a land owner in a designated sending zone to
- 524 transfer land use rights from a designated sending zone to a designated receiving zone.
- 525 ~~[(74)]~~ (80) "Unincorporated" means the area outside of the incorporated area of a city or
- 526 town.
- 527 ~~[(75)]~~ (81) "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) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
- 533 land use zones, overlays, or districts.
- 534 Section 2. Section **10-9a-523** is amended to read:
- 535 **10-9a-523 . Simple boundary adjustment -- Other boundary adjustments --**
- 536 **Process -- Review by land use authority.**
- 537 (1) A person may propose a simple boundary adjustment to a land use authority as
- 538 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 (3) A land use authority shall consent to a proposed simple boundary adjustment if the land
 543 use authority verifies that the proposed simple boundary adjustment:
 544 (a) meets the requirements of Subsection (2); and
 545 (b) does not:
 546 (i) affect a public right-of-way, municipal utility easement, or other public property;
 547 (ii) affect an existing easement or an internal lot restriction;
 548 (iii) result in a lot or parcel out of conformity with land use regulations; or
 549 (iv) require other land use authority review.
- 550 (4) If the land use authority determines that a proposed simple boundary adjustment does
 551 not meet the requirements of Subsection (3), the proposal does not qualify as a simple
 552 boundary adjustment.
- 553 (5) To [make] propose a [parcel] boundary adjustment[; a property owner] that does not
 554 qualify for a simple boundary adjustment, the adjoining property owners shall submit a
 555 proposal to the land use authority that includes:
 556 [a) execute a boundary adjustment through:]
 557 (i) a quitclaim deed; or]
 558 (ii) a boundary line agreement under Section 10-9a-524; and]
 559 (b) record the quitclaim deed or boundary line agreement described in Subsection
 560 (1)(a) in the office of the county recorder of the county in which each property is
 561 located:]
- 562 (a) a conveyance document that complies with Section 57-1-45.5;
 563 (b) a survey that includes information that the land use authority requires to approve the
 564 boundary adjustment, which may include depictions of:
 565 (i) existing dwellings, outbuildings, improvements, and other physical features;
 566 (ii) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;
 567 (iii) the current boundary location;
 568 (iv) the proposed new boundary location;
 569 (v) the size, shape, and dimensions of each adjusted lot or parcel; and
 570 (vi) other existing or proposed improvements that impact or are subject to land use
 571 regulations; and
- 572 (c) a proposed plat amendment corresponding with the proposed boundary adjustment,
 573 prepared in accordance with Section 10-9a-608.
- 574 (6) A land use authority shall consent to a proposed boundary adjustment made under
 575 Subsection (5) if:

- 576 (a) the proposal submitted to the land use authority under Subsection (5) includes all
 577 necessary information;
- 578 (b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land
 579 use regulation; and
- 580 (c) the plat amendment corresponding with the proposed boundary adjustment has been
 581 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
 584 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
 586 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~~
 594 ~~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
 596 consented to by the land use authority, is recorded by a county recorder along with the
 597 relevant conveyance document.
- 598 [~~(3) A parcel boundary adjustment under Subsection (1) is not subject to review of a land~~
 599 ~~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 [(4)] (9) The recording of a boundary [line agreement or other document used to adjust a
 603 mutual boundary line that is not subject to review of a land use authority:] adjustment
 604 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~~
 607 ~~to adjust a mutual boundary line.]~~]
- 608 [(5)] (10) A municipality may withhold approval of a land use application for property that
 609 is subject to a [recorded boundary line agreement or other document used to adjust a

610 ~~mutual boundary line]~~ boundary adjustment if the municipality determines that the
 611 resulting lots or parcels~~[, as adjusted by the boundary line agreement or other document~~
 612 ~~used to adjust the mutual boundary line,]~~ are not in compliance with the municipality's
 613 land use regulations in effect on the day on which the boundary [~~line agreement or other~~
 614 ~~document used to adjust the mutual boundary line]~~ adjustment is recorded.

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

616 **10-9a-524 . Boundary establishment -- Process -- Boundary agreement not**
 617 **subject to review by land use authority -- Prohibitions.**

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

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

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

629 (2) Adjoining property owners executing a boundary [~~line agreement]~~ establishment
 630 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
 633 the property exists, in accordance with Section 57-1-45.

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

635 [(i) a legal description of the agreed upon boundary line and of each parcel or lot
 636 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
 641 line is changed; and]

642 [(vi) the date of the agreement if the date is not included in the acknowledgment in a
 643 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
645 amended plat in accordance with Section 10-9a-608 before executing the
646 boundary line agreement; and]
- 647 [(c) if none of the property subject to the boundary line agreement is a lot, ensure
648 that the boundary line agreement includes a statement citing the file number of a
649 record of a survey map in accordance with Section 17-23-17, unless the statement
650 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
654 recorded.
- 655 (4) A boundary establishment is effective from the day it is recorded by a county recorder.
- 656 (5) A boundary establishment that seeks to convey or exchange title to any portion of
657 property or otherwise establish a conveyance is voidable.
- 658 ~~[(3)]~~ (6) A boundary [line agreement described in Subsection (1) that complies with
659 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
661 day on which the agreement is executed [~~unless the owner of the property benefitting~~
662 ~~from the easement specifically modifies the easement within the boundary line~~
663 ~~agreement or a separate recorded easement modification or relinquishment document];~~
664 and
- 665 (b) [~~relocates the parties' common boundary line for an exchange of consideration.~~]
666 affixes 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~~
668 ~~boundary line agreement that only affects parcels is not subject to:]~~
- 669 ~~[(a) any public notice, public hearing, or preliminary platting requirement;]~~
670 ~~[(b) the review of a land use authority; or]~~
- 671 ~~[(e) an engineering review or approval of the municipality, except as provided in~~
672 ~~Subsection (5).]~~
- 673 ~~[(5)(a) If a parcel that is the subject of a boundary line agreement contains a dwelling unit,~~
674 ~~the municipality may require a review of the boundary line agreement if the~~
675 ~~municipality:]~~
- 676 ~~[(i) adopts an ordinance that:]~~
- 677 ~~[(A) requires review and approval for a boundary line agreement containing a dwelling~~

678 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

681 submits the boundary line agreement for review.]

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

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

684 information to approve the boundary line agreement, the municipality shall send, within

685 the time period described in Subsection (5)(a)(ii), written notice to the property owner

686 that:]

687 [(A) describes the specific deficiency or additional information that the municipality

688 requires to approve the boundary line agreement; and]

689 [(B) states that the municipality shall approve the boundary line agreement upon the

690 property owner's correction of the deficiency or submission of the additional

691 information

692 described in Subsection (5)(b)(i)(A).]

693 [(ii) If a municipality, upon a review under Subsection (5)(a), approves the boundary line

694 agreement, the municipality shall send written notice of the boundary line agreement's

695 approval to the property owner within the time period described in Subsection (5)(a)(ii).]

696 [(e) If a municipality fails to send a written notice under Subsection (5)(b) within the time

697 period described in Subsection (5)(a)(ii), the property owner may record the boundary

698 line agreement as if no review under this Subsection (5) was required.]

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

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

700 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
- 703 (2) that is located within a municipal utility easement described in Subsections [10-9a-103
- 704 (42)(a) through (e)]10-9a-103(48)(a) through (e).

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

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
- 709 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
712 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
715 general plan unless the municipality has approved the location and dedication
716 of any public street, municipal utility easement, any other easement, or any
717 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
719 authority;
- 720 (C) is located in a zoned area; and
- 721 (D) conforms to all applicable land use ordinances or has properly received a
722 variance from the requirements of an otherwise conflicting and applicable land
723 use ordinance.
- 724 (2)(a) Subject to Subsection (1), a ~~[lot or]~~ parcel resulting from a division of agricultural
725 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~~
730 ~~graphically illustrated on a record of survey map that, after receiving the same~~
731 ~~approvals as are required for a plat under Section 10-9a-604, shall be recorded with~~
732 ~~the county recorder.]~~
- 733 ~~[(c)]~~ (b) If a ~~[lot or]~~ parcel exempted under Subsection (2)(a) is used for a nonagricultural
734 purpose, the municipality may require the ~~[lot or]~~ parcel to comply with the
735 requirements of Section 10-9a-603.
- 736 (3)(a) Documents recorded in the county recorder's office that divide property by a
737 metes and bounds description do not create an approved subdivision allowed by this
738 part unless the land use authority's certificate of written approval required by
739 Subsection (1) is attached to the document.
- 740 (b) The absence of the certificate or written approval required by Subsection (1) does
741 not:
- 742 (i) prohibit the county recorder from recording a document; or
- 743 (ii) affect the validity of a recorded document.
- 744 (c) A document which does not meet the requirements of Subsection (1) may be

745 corrected by the recording of an affidavit to which the required certificate or written
746 approval is attached and that complies with Section 57-3-106.

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

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

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

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

756 **10-9a-608 . Subdivision amendments.**

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

760 (b) Upon filing a [~~written~~] petition to request a subdivision amendment under Subsection
761 (1)(a), the owner shall prepare and, if approved by the land use authority, record a
762 plat in accordance with Section 10-9a-603 that:

- 763 (i) depicts only the portion of the subdivision that is proposed to be amended;
- 764 (ii) includes a plat name distinguishing the amended plat from the original plat;
- 765 (iii) describes the differences between the amended plat and the original plat; and
- 766 (iv) includes references to the original plat.

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

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

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

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

779 notice.

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

783 (i) any property owner within the ~~[plat]~~ subdivision that is proposed to be amended
784 notifies the municipality of the owner's objection in writing~~[within 10 days of~~
785 ~~mailed notification]~~ before the deadline for objections as described in Subsection
786 (1)(c)(ii); or

787 (ii) the land use authority requires a public hearing ~~[is required because]~~ if all of the
788 property owners ~~[in]~~ within the portion of the subdivision proposed to be amended
789 have not signed the ~~[revised]~~ proposed amended plat.

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

792 (i) the day after the day on which written objections were due to the land use
793 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
795 public hearing takes place.

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

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

803 (a) the petition seeks to:

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

805 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will
806 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~~
808 ~~the fee owners of each of the adjoining properties join in the petition, regardless of~~
809 ~~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
811 imposed by the local political subdivision; or

812 ~~[(v)]~~ (iv) alter the plat in a manner that does not change existing boundaries or other

- 813 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
- 817 applicable local ordinance.
- 818 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or
- 819 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
- 821 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
- 823 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
- 825 petition.
- 826 ~~[(5)(a) The owners of record of adjoining properties where one or more of the properties~~
- 827 ~~is a lot may exchange title to portions of those properties if the exchange of title is~~
- 828 ~~approved by the land use authority as a lot line adjustment in accordance with~~
- 829 ~~Subsection (5)(b).]~~
- 830 ~~[(b) The land use authority shall approve a lot line adjustment under Subsection (5)(a) if~~
- 831 ~~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~~
- 834 ~~recorder which:]~~
- 835 ~~[(A) is approved by the land use authority; and]~~
- 836 ~~[(B) recites the legal descriptions of both the original properties and the properties~~
- 837 ~~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~~
- 840 ~~of title to real property and is not required in order to record a document conveying title~~
- 841 ~~to real property.]~~
- 842 ~~[(6)(a) The name of a recorded subdivision may be changed by recording an amended plat~~
- 843 ~~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~~
- 846 ~~Professional Land Surveyors Licensing Act;]~~

- 847 ~~[(ii)(A) has completed a survey of the property described on the plat in accordance with~~
848 ~~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~~
850 ~~the plat and verified the locations of the boundaries; and]~~
851 ~~[(iii) has placed monuments as represented on the plat.]~~
852 ~~[(e) An owner of land may not submit for recording an amended plat that gives the~~
853 ~~subdivision described in the amended plat the same name as a subdivision in a plat~~
854 ~~already recorded in the county recorder's office.]~~
855 ~~[(d) Except as provided in Subsection (6)(a), the recording of a declaration or other~~
856 ~~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
859 Professional Land Surveyors Licensing Act:
860 (b)(i) has completed a survey of the property described on the plat in accordance
861 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
863 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;
865 and
866 (c) has placed monuments as represented on the plat.
867 Section 7. Section **17-27a-103** is amended to read:
868 **17-27a-103 . Definitions.**
869 As used in this chapter:
870 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
871 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
874 or land use decision; or
875 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
876 general community as a result of the land use decision.
877 (3) "Affected entity" means a county, municipality, special district, special service district
878 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
879 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
880 specified property owner, property owner's association, public utility, or the Department

- 881 of Transportation, if:
- 882 (a) the entity's services or facilities are likely to require expansion or significant
883 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;
885 or
- 886 (c) the entity has filed with the county a request for notice during the same calendar year
887 and before the county provides notice to an affected entity in compliance with a
888 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
892 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
895 designated by ordinance to decide an appeal of a decision of a land use application or a
896 variance.
- 897 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
898 residential property if the sign is designed or intended to direct attention to a business,
899 product, or service that is not sold, offered, or existing on the property where the sign is
900 located.
- 901 (7)(a) "Boundary adjustment" means an agreement between adjoining property owners
902 to relocate a common boundary that requires a conveyance of property between the
903 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:
908 (i) between adjoining property owners to clarify the location of an ambiguous,
909 uncertain, or disputed common boundary; and
910 (ii) that does not require the recording of a conveyance document.
- 911 (b) "Boundary establishment" does not mean:
912 (i) an agreement where adjoining property owners do not or cannot identify a
913 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
920 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
922 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
925 powers of the county.
- 926 ~~[(9)]~~ (11) "Conditional use" means a land use that, because of the unique characteristics or
927 potential impact of the land use on the county, surrounding neighbors, or adjacent land
928 uses, may not be compatible in some areas or may be compatible only if certain
929 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
931 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" means the transfer of ownership of any portion of real
936 property from one person to another person.
- 937 (14) "Conveyance document" means an instrument that:
938 (a) meets the definition of "document" in Section 57-1-1; and
939 (b) meets the requirements of Section 57-1-45.5.
- 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
942 otherwise as a utility easement;
943 (b) is not a protected utility easement or a public utility easement as defined in Section
944 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

949 provide a utility service, including sanitary sewer, culinary water, electrical,
950 storm water, or communications or data lines; or

951 (ii) a person uses or occupies with or without an authorized franchise or other
952 agreement with the county.

953 ~~[(12)]~~ (16) "Culinary water authority" means the department, agency, or public entity with
954 responsibility to review and approve the feasibility of the culinary water system and
955 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
959 demand and need for public facilities;

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

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

964 ~~[(14)]~~ (19)(a) "Development agreement" means a written agreement or amendment to a
965 written agreement between a county and one or more parties that regulates or controls
966 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
969 limits one or more of a person's major life activities, including a person having a
970 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
972 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21
973 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
979 program for any combination of grades from preschool through grade 12,
980 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)]~~

- 983 (22)(a)(i); and
- 984 (B) used in support of the use of that building; and
- 985 (iii) a building to provide office and related space to a school district's administrative
- 986 personnel; and
- 987 (b) does not include:
- 988 (i) land or a structure, including land or a structure for inventory storage, equipment
- 989 storage, food processing or preparing, vehicle storage or maintenance, or similar
- 990 use that is:
- 991 (A) not located on the same property as a building described in Subsection [
- 992 ~~(16)(a)(i)~~ (22)(a)(i); and
- 993 (B) used in support of the purposes of a building described in Subsection [
- 994 ~~(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.
- 999 ~~[(17)]~~ (24) "Fire authority" means the department, agency, or public entity with
- 1000 responsibility to review and approve the feasibility of fire protection and suppression
- 1001 services for the subject property.
- 1002 ~~[(18)]~~ (25) "Flood plain" means land that:
- 1003 (a) is within the 100-year flood plain designated by the Federal Emergency Management
- 1004 Agency; or
- 1005 (b) has not been studied or designated by the Federal Emergency Management Agency
- 1006 but presents a likelihood of experiencing chronic flooding or a catastrophic flood
- 1007 event because the land has characteristics that are similar to those of a 100-year flood
- 1008 plain designated by the Federal Emergency Management Agency.
- 1009 ~~[(19)]~~ (26) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 1010 ~~[(20)]~~ (27) "General plan" means a document that a county adopts that sets forth general
- 1011 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
- 1014 district.
- 1015 ~~[(21)]~~ (28) "Geologic hazard" means:
- 1016 (a) a surface fault rupture;

- 1017 (b) shallow groundwater;
- 1018 (c) liquefaction;
- 1019 (d) a landslide;
- 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) "Home-based microschool" means the same as that term is defined in Section
- 1028 53G-6-201.
- 1029 [~~(23)~~] (30) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 1030 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
- 1031 utility system.
- 1032 [~~(24)~~] (31) "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
- 1035 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
- 1038 the previously approved plans is located;
- 1039 (ii) is subject to the same geological and meteorological conditions and the same law
- 1040 as the building described in the previously approved plans;
- 1041 (iii) has a floor plan identical to the building plan previously submitted to and
- 1042 reviewed and approved by the county; and
- 1043 (iv) does not require any additional engineering or analysis.
- 1044 [~~(25)~~] (32) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 1045 Impact Fees Act.
- 1046 [~~(26)~~] (33) "Improvement completion assurance" means a surety bond, letter of credit,
- 1047 financial institution bond, cash, assignment of rights, lien, or other equivalent security
- 1048 required by a county to guaranty the proper completion of landscaping or an
- 1049 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.
- 1052 [~~(27)~~] (34) "Improvement warranty" means an applicant's unconditional warranty that the
- 1053 applicant's installed and accepted landscaping or infrastructure improvement:
- 1054 (a) complies with the county's written standards for design, materials, and workmanship;
- 1055 and
- 1056 (b) will not fail in any material respect, as a result of poor workmanship or materials,
- 1057 within the improvement warranty period.
- 1058 [~~(28)~~] (35) "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
- 1061 the county:
- 1062 (i) determines for good cause that a one-year period would be inadequate to protect
- 1063 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
- 1067 suspect soil and the county has not otherwise required the applicant to mitigate
- 1068 the suspect soil.
- 1069 [~~(29)~~] (36) "Infrastructure improvement" means permanent infrastructure that is essential for
- 1070 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
- 1074 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
- 1079 project.
- 1080 [~~(30)~~] (37) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 1081 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
- 1084 the plat; or

1085 (ii) designates a development condition that is enclosed within the perimeter of a lot
1086 described on the plat.

1087 [~~(31)~~] (38) "Interstate pipeline company" means a person or entity engaged in natural gas
1088 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
1089 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1090 [~~(32)~~] (39) "Intrastate pipeline company" means a person or entity engaged in natural gas
1091 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1092 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

1093 [~~(33)~~] (40) "Land use applicant" means a property owner, or the property owner's designee,
1094 who submits a land use application regarding the property owner's land.

1095 [~~(34)~~] (41) "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) "Land use authority" means:

1101 (a) a person, board, commission, agency, or body, including the local legislative body,
1102 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,
1104 or body, the local legislative body.

1105 [~~(36)~~] (43) "Land use decision" means an administrative decision of a land use authority or
1106 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) "Land use permit" means a permit issued by a land use authority.

1111 [~~(38)~~] (45) "Land use regulation":

1112 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1113 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;
1115 and

1116 (c) does not include:

1117 (i) a land use decision of the legislative body acting as the land use authority, even if
1118 the decision is expressed in a resolution or ordinance; or

- 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
 1121 specification; or
 1122 (B) impact a land use applicant's use of land.
- 1123 ~~[(39)]~~ (46) "Legislative body" means the county legislative body, or for a county that has
 1124 adopted an alternative form of government, the body exercising legislative powers.
- 1125 ~~[(40)]~~ (47) "Lot" means a tract of land, regardless of any label, that is created by and shown
 1126 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~~
 1128 ~~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~~
 1135 ~~Department of Transportation.]~~
- 1136 ~~[(42)]~~ (48) "Major transit investment corridor" means public transit service that uses or
 1137 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
 1141 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) "Micro-education entity" means the same as that term is defined in Section
 1145 53G-6-201.
- 1146 ~~[(44)]~~ (50) "Moderate income housing" means housing occupied or reserved for occupancy
 1147 by households with a gross household income equal to or less than 80% of the median
 1148 gross income for households of the same size in the county in which the housing is
 1149 located.
- 1150 ~~[(45)]~~ (51) "Mountainous planning district" means an area designated by a county legislative
 1151 body in accordance with Section 17-27a-901.
- 1152 ~~[(46)]~~ (52) "Nominal fee" means a fee that reasonably reimburses a county only for time

1153 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
1156 previously reviewed and approved building plans.

1157 [(47)] (53) "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
1160 the setback, height restrictions, or other regulations, excluding those regulations that
1161 govern the use of land.

1162 [(48)] (54) "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
1165 governing the land changed; and

1166 (c) because of one or more subsequent land use ordinance changes, does not conform to
1167 the regulations that now govern the use of the land.

1168 [(49)] (55) "Official map" means a map drawn by county authorities and recorded in the
1169 county recorder's office that:

1170 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
1171 highways and other transportation facilities;

1172 (b) provides a basis for restricting development in designated rights-of-way or between
1173 designated setbacks to allow the government authorities time to purchase or
1174 otherwise reserve the land; and

1175 (c) has been adopted as an element of the county's general plan.

1176 [(50)] (56) "Parcel" means any real property that is not a lot.

1177 [(51)(a)] "Parcel boundary adjustment" means a recorded agreement between owners of
1178 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
1179 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
1183 that:]

1184 [(i)] creates an additional parcel; or]

1185 [(ii)] constitutes a subdivision.]

1186 [(c)] "Parcel boundary adjustment" does not include a boundary line adjustment made by

- 1187 the Department of Transportation.]
- 1188 [(52)] (57) "Person" means an individual, corporation, partnership, organization,
1189 association, trust, governmental agency, or any other legal entity.
- 1190 [(53)] (58) "Plan for moderate income housing" means a written document adopted by a
1191 county legislative body that includes:
- 1192 (a) an estimate of the existing supply of moderate income housing located within the
1193 county;
- 1194 (b) an estimate of the need for moderate income housing in the county for the next five
1195 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
1198 income housing; and
- 1199 (e) a description of the county's program to encourage an adequate supply of moderate
1200 income housing.
- 1201 [(54)] (59) "Planning advisory area" means a contiguous, geographically defined portion of
1202 the unincorporated area of a county established under this part with planning and zoning
1203 functions as exercised through the planning advisory area planning commission, as
1204 provided in this chapter, but with no legal or political identity separate from the county
1205 and no taxing authority.
- 1206 [(55)] (60) "Plat" means an instrument subdividing property into lots as depicted on a map
1207 or other graphical representation of lands that a licensed professional land surveyor
1208 makes and prepares in accordance with Section 17-27a-603 or 57-8-13.
- 1209 [(56)] (61) "Potential geologic hazard area" means an area that:
- 1210 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1211 relevant map or report as needing further study to determine the area's potential for
1212 geologic hazard; or
- 1213 (b) has not been studied by the Utah Geological Survey or a county geologist but
1214 presents the potential of geologic hazard because the area has characteristics similar
1215 to those of a designated geologic hazard area.
- 1216 [(57)] (62) "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
1220 other political subdivision of the state; or

- 1221 (d) a charter school.
- 1222 [(58)] (63) "Public hearing" means a hearing at which members of the public are provided a
 1223 reasonable opportunity to comment on the subject of the hearing.
- 1224 [(59)] (64) "Public meeting" means a meeting that is required to be open to the public under
 1225 Title 52, Chapter 4, Open and Public Meetings Act.
- 1226 [(60)] (65) "Public street" means a public right-of-way, including a public highway, public
 1227 avenue, public boulevard, public parkway, public road, public lane, public alley, public
 1228 viaduct, public subway, public tunnel, public bridge, public byway, other public
 1229 transportation easement, or other public way.
- 1230 [(61)] (66) "Receiving zone" means an unincorporated area of a county that the county
 1231 designates, by ordinance, as an area in which an owner of land may receive a
 1232 transferable development right.
- 1233 [(62)] (67) "Record of survey map" means a map of a survey of land prepared in accordance
 1234 with Section [10-9a-603,] 17-23-17[, 17-27a-603, or 57-8-13].
- 1235 [(63)] (68) "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
 1238 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) "Residential roadway" means a public local residential road that:
 1242 (a) will serve primarily to provide access to adjacent primarily residential areas and
 1243 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
 1246 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
 1249 areas of the municipal road network;
 1250 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
 1251 intended for high volume traffic or community centers, including schools, recreation
 1252 centers, sports complexes, or libraries; and
 1253 (g) primarily serves traffic within a neighborhood or limited residential area and is not
 1254 necessarily continuous through several residential areas.

- 1255 [~~(65)~~] (70) "Rules of order and procedure" means a set of rules that govern and prescribe in
1256 a public meeting:
- 1257 (a) parliamentary order and procedure;
- 1258 (b) ethical behavior; and
- 1259 (c) civil discourse.
- 1260 [~~(66)~~] (71) "Sanitary sewer authority" means the department, agency, or public entity with
1261 responsibility to review and approve the feasibility of sanitary sewer services or onsite
1262 wastewater systems.
- 1263 [~~(67)~~] (72) "Sending zone" means an unincorporated area of a county that the county
1264 designates, by ordinance, as an area from which an owner of land may transfer a
1265 transferable development right.
- 1266 (73) "Simple boundary adjustment" means the process to relocate a common boundary
1267 between adjoining lots, adjoining parcels, or between an adjoining lot and parcel where
1268 the relocation would not:
- 1269 (a) affect a public right-of-way, municipal utility easement, or other public property;
1270 (b) affect an existing easement or an internal lot restriction; or
1271 (c) result in a lot or parcel out of conformity with land use regulations.
- 1272 [~~(68)~~] (74) "Site plan" means a document or map that may be required by a county during a
1273 preliminary review preceding the issuance of a building permit to demonstrate that an
1274 owner's or developer's proposed development activity meets a land use requirement.
- 1275 [~~(69)~~] (75)(a) "Special district" means an entity under Title 17B, Limited Purpose Local
1276 Government Entities - Special Districts.
- 1277 (b) "Special district" includes a governmental or quasi-governmental entity that is not a
1278 county, municipality, school district, or the state.
- 1279 [~~(70)~~] (76) "Specified public agency" means:
- 1280 (a) the state;
- 1281 (b) a school district; or
- 1282 (c) a charter school.
- 1283 [~~(71)~~] (77) "Specified public utility" means an electrical corporation, gas corporation, or
1284 telephone corporation, as those terms are defined in Section 54-2-1.
- 1285 [~~(72)~~] (78) "State" includes any department, division, or agency of the state.
- 1286 [~~(73)~~] (79)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to
1287 be divided into two or more lots or other division of land for the purpose, whether
1288 immediate or future, for offer, sale, lease, or development either on the installment

- 1289 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
- 1292 description, devise and testacy, map, plat, or other recorded instrument, regardless
- 1293 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
- 1295 and nonresidential uses, including land used or to be used for commercial,
- 1296 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
- 1300 office [~~between owners of adjoining parcels adjusting the mutual boundary~~] in
- 1301 accordance with Section 17-27a-523[~~if no new lot is created~~];
- 1302 (iii) a recorded conveyance document[~~, executed by the owner of record~~]:
- 1303 (A) [~~revising the legal descriptions of~~] consolidating multiple lots or parcels into
- 1304 one legal description encompassing all [~~such~~] lots or parcels by metes and
- 1305 bounds description; or
- 1306 (B) joining a lot to a parcel;
- 1307 (iv) a bona fide division or partition of land in a county other than a first class county
- 1308 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
- 1312 utility service regeneration, transformation, retransmission, or amplification
- 1313 facility;
- 1314 [~~(v) a boundary line agreement between owners of adjoining subdivided properties~~
- 1315 ~~adjusting the mutual lot line boundary in accordance with Sections 17-27a-523~~
- 1316 ~~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) a bona fide division of land by deed or other instrument if the deed or other
- 1320 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) 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)(a) "Subdivision amendment" means an amendment to a recorded subdivision
- 1330 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
- 1335 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[;
- 1338 ~~between a single lot and an adjoining lot or parcel, that alters the outside boundary of~~
- 1339 ~~the subdivision].~~
- 1340 [(75)] (81) "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) "Suspect soil" means soil that has:
- 1344 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
- 1345 3% swell potential;
- 1346 (b) bedrock units with high shrink or swell susceptibility; or
- 1347 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
- 1348 commonly associated with dissolution and collapse features.
- 1349 [(77)] (83) "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
- 1362 behavioral development, a familial development, or a social development.
- 1363 ~~[(78)]~~ (84) "Transferable development right" means a right to develop and use land that
- 1364 originates by an ordinance that authorizes a land owner in a designated sending zone to
- 1365 transfer land use rights from a designated sending zone to a designated receiving zone.
- 1366 ~~[(79)]~~ (85) "Unincorporated" means the area outside of the incorporated area of a
- 1367 municipality.
- 1368 ~~[(80)]~~ (86) "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) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
- 1374 land use zones, overlays, or districts.
- 1375 Section 8. Section **17-27a-522** is amended to read:
- 1376 **17-27a-522 . Simple boundary adjustment -- Other boundary adjustments --**
- 1377 **Process -- Review by land use authority.**
- 1378 (1) A person may propose a simple boundary adjustment to a land use authority as
- 1379 described in this 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
- 1384 use 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 existing easement or an internal lot restriction;
- 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
1392 not meet the requirements of Subsection (3), the proposal does not qualify as a simple
1393 boundary adjustment.
- 1394 (5) To [make] propose a parcel [line] boundary adjustment[,-a property owner] that does not
1395 qualify for a simple boundary adjustment, the adjoining property owners shall submit a
1396 proposal to 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
1401 (1)(a) in the office of the county recorder of the county in which each property is
1402 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
1405 boundary 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;
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
1412 regulations; and
- 1413 (c) a proposed plat amendment corresponding with the proposed boundary adjustment,
1414 prepared in accordance with Section 17-27a-608.
- 1415 (6) The land use authority shall consent to a proposed boundary adjustment made under
1416 Subsection (5) if:
- 1417 (a) the proposal submitted to the land use authority under Subsection (5) includes all
1418 necessary information;
- 1419 (b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land
1420 use regulation; and
- 1421 (c) the plat amendment corresponding with the proposed boundary adjustment has been
1422 approved in accordance with Section 17-27a-608.
- 1423 (7)(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

- 1425 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
- 1427 adjustment; and
- 1428 (ii) a county recorder may record the boundary adjustment.
- 1429 (8) A boundary adjustment is effective from the day it is recorded by a county recorder.
- 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~~
- 1437 ~~the office of the county recorder of the county in which each property is located.]~~
- 1438 ~~[(3) A parcel boundary adjustment under Subsection (1) is not subject to review of a land~~
- 1439 ~~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~~
- 1443 ~~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~~
- 1446 ~~adjust a mutual boundary line.]~~
- 1447 ~~[(5)]~~ (10) A county may withhold approval of a land use application for property that is
- 1448 subject to a ~~[recorded boundary line agreement or other document used to adjust a~~
- 1449 ~~mutual boundary line]~~ boundary adjustment if the county determines that the resulting
- 1450 ~~lots or parcels[, as adjusted by the boundary line agreement or other document used to~~
- 1451 ~~adjust the mutual boundary line,]~~ are not in compliance with the county's land use
- 1452 regulations in effect on the day on which the boundary ~~[line agreement or other~~
- 1453 ~~document used to adjust the mutual boundary line]~~ adjustment is recorded.
- 1454 Section 9. Section **17-27a-523** is amended to read:
- 1455 **17-27a-523 . Boundary establishment -- Process -- Boundary agreement not**
- 1456 **subject to review by land use authority -- Prohibitions.**
- 1457 (1) ~~[If properly executed and acknowledged as required by law, an agreement between]~~ The
- 1458 owners of adjoining property ~~[that designates the boundary line between the adjoining~~

1459 properties acts, upon recording in the office of the recorder of the county in which each
 1460 property is located, as a quitclaim deed to convey all of each party's right, title, interest,
 1461 and estate in property outside the agreed boundary line that had been the subject of the
 1462 boundary line agreement or dispute that led to the boundary line agreement.] may initiate
 1463 a boundary establishment to:

1464 (a) resolve an ambiguous, uncertain, or disputed boundary between the adjoining
 1465 properties;

1466 (b) agree upon the location of the boundary between the adjoining properties

1467 (2) Adjoining property owners executing a boundary [line agreement] establishment
 1468 described in Subsection (1) shall:

1469 [(a) ensure that the agreement includes:]

1470 [(i) a legal description of the agreed-upon boundary line and of each parcel or lot after
 1471 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
 1476 changed; and]

1477 [(vi) the date of the agreement if the date is not included in the acknowledgment in a
 1478 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
 1480 amended plat in accordance with Section 17-27a-608 before executing the boundary
 1481 line agreement; and]

1482 [(c) if none of the property subject to the boundary line agreement is a lot, ensure that
 1483 the boundary line agreement includes a statement citing the file number of a record of
 1484 a survey map in accordance with Section 17-23-17, unless the statement is exempted
 1485 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
 1488 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
 1492 recorded.

- 1493 (4) A boundary establishment is effective from the day it is recorded by a county recorder.
- 1494 (5) A boundary establishment that seeks to convey title or otherwise establish a conveyance
- 1495 is voidable.
- 1496 [~~(3)~~] ~~(6)~~ A boundary [~~line agreement described in Subsection (1) that complies with~~
- 1497 ~~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
- 1499 day on which the agreement is executed~~[unless the owner of the property benefitting~~
- 1500 ~~from the easement specifically modifies the easement within the boundary line~~
- 1501 ~~agreement or a separate recorded easement modification or relinquishment document];~~
- 1502 and
- 1503 (b) [~~relocates the parties' common boundary line for an exchange of consideration.~~]
- 1504 affixes 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~~
- 1506 ~~line agreement that only affects parcels is not subject to:]~~
- 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,~~
- 1511 ~~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~~
- 1514 ~~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~~
- 1517 ~~submits the boundary line agreement for review.]~~
- 1518 [~~(b)(i) If a county, upon a review under Subsection (5)(a), determines that the boundary~~
- 1519 ~~line agreement is deficient or if the county requires additional information to approve~~
- 1520 ~~the boundary line agreement, the county shall send, within the time period described in~~
- 1521 ~~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~~
- 1523 ~~approve the boundary line agreement; and]~~
- 1524 [~~(B) states that the county shall approve the boundary line agreement upon the property~~
- 1525 ~~owner's correction of the deficiency or submission of the additional information~~
- 1526 ~~described in Subsection (5)(b)(i)(A).]~~

1527 ~~[(ii) If a county, upon a review under Subsection (5)(a), approves the boundary line~~
 1528 ~~agreement, the county shall send written notice of the boundary line agreement's~~
 1529 ~~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
 1531 described in Subsection (5)(a)(ii), the property owner may record the boundary line
 1532 agreement as if no review under this Subsection (5) was required.]

1533 Section 10. Section **17-27a-605** is amended to read:

1534 **17-27a-605 . Exemptions from plat requirement.**

1535 (1) Notwithstanding any other provision of law, a plat is not required if:

1536 (a) a county establishes a process to approve an administrative land use decision for the
 1537 subdivision of unincorporated land or mountainous planning district land into 10 or
 1538 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
 1541 ordinance; and

1542 (ii) the proposed subdivision:

1543 (A) is not traversed by the mapped lines of a proposed street as shown in the
 1544 general plan unless the county has approved the location and dedication of any
 1545 public street, county utility easement, any other easement, or any other land for
 1546 public purposes as the county's ordinance requires;

1547 (B) has been approved by the culinary water authority and the sanitary sewer
 1548 authority;

1549 (C) is located in a zoned area; and

1550 (D) conforms to all applicable land use ordinances or has properly received a
 1551 variance from the requirements of an otherwise conflicting and applicable land
 1552 use ordinance.

1553 (2)(a) Subject to Subsection (1), a ~~[lot or]~~ parcel resulting from a division of agricultural
 1554 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
 1559 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
 1562 Section 59-2-502 and will remain so until a future zoning change permits other
 1563 uses.

1564 (b) If a [lot-ør] parcel exempted under Subsection (2)(a) is used for a nonagricultural
 1565 purpose, the county shall require the [lot-ør] parcel to comply with the requirements
 1566 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
 1568 recorder's office that divides property by a metes and bounds description does not
 1569 create an approved subdivision allowed by this part unless the land use authority's
 1570 certificate of written approval required by Subsection (1) is attached to the document.

1571 (b) The absence of the certificate or written approval required by Subsection (1) does
 1572 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
 1576 corrected by the recording of an affidavit to which the required certificate or written
 1577 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);

1581 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
 1584 subdivision.

1585 (iii) "Minor subdivision" means a division of at least 100 contiguous acres of
 1586 agricultural land in a county of the third, fourth, fifth, or sixth class to create one
 1587 new [lot] parcel that, after the division, is separate from the remainder of the
 1588 original 100 or more contiguous acres of agricultural land.

1589 (iv) "Minor subdivision [lot] parcel" means a [lot] parcel created by a minor
 1590 subdivision.

1591 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100
 1592 contiguous acres of agricultural land may make a minor subdivision by submitting
 1593 for recording in the office of the recorder of the county in which the land to be
 1594 divided is located:

- 1595 (i) a recordable deed containing the legal description of the minor subdivision lot; and
1596 (ii) a notice:
- 1597 (A) indicating that the owner of the land to be divided is making a minor
1598 subdivision;
- 1599 (B) referring specifically to this section as the authority for making the minor
1600 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 (iii) is not subject to the subdivision ordinance of the county in which the minor
1608 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
1612 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
1616 subdivision [lot] parcel to reasonable health, safety, and access standards that the
1617 county has established and made public.
- 1618 (5)(a) Notwithstanding Sections 17-27a-603 and 17-27a-604, and subject to Subsection
1619 (1), the legislative body of a county may enact an ordinance allowing the subdivision
1620 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
1627 of agricultural land meet the minimum area, width, frontage, and setback
1628 requirements of the applicable zoning designation in the applicable land use

- 1629 ordinance; and
- 1630 (v) the owner of record completes, signs, and records with the county recorder a
- 1631 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,
- 1634 as defined in Section 59-2-502, and will remain as land in agricultural use until
- 1635 a future zoning change permits another use.
- 1636 (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a) is
- 1637 later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a)
- 1638 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;
- 1640 and
- 1641 (ii) comply with all applicable land use ordinance requirements.
- 1642 (6)(a) The boundaries of any subdivision exempted from the plat requirement under this
- 1643 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
- 1647 plat requirement is authorized.
- 1648 (b) The record of survey map described in Subsection (6)(a) shall be filed with the
- 1649 county surveyor in accordance with Section 17-23-17.
- 1650 Section 11. Section **17-27a-608** is amended to read:
- 1651 **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
- 1653 has been laid out and platted as provided in this part may file a [~~written~~]petition with
- 1654 the land use authority to request a subdivision amendment.
- 1655 (b) Upon filing a [~~written~~]petition to request a subdivision amendment under Subsection
- 1656 (1)(a), the owner shall prepare and, if approved by the land use authority, record a
- 1657 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

1663 provide notice of ~~[the]~~ a petition filed under Subsection (1)(a) by mail~~;~~ or email~~;~~
 1664 ~~or other effective means]~~ to:

1665 (A) each affected entity that provides a service to ~~[an]~~ a property owner of record
 1666 of the portion of the plat that is being amended~~[at least 10 calendar days~~
 1667 ~~before the land use authority may approve the petition for a subdivision~~
 1668 ~~amendment]~~ ; and

1669 (B) each property owner of record within the portion of the subdivision that is
 1670 proposed to be amended.

1671 (ii) The notice described in Subsection (1)(c)(i)(B) shall include a deadline by which
 1672 written objections to the petition are due to the land use authority, but no earlier
 1673 than 10 calendar days after the day on which the land use authority sends the
 1674 notice.

1675 (d) ~~[If a petition is filed under Subsection (1)(a), the]~~ The land use authority shall hold a
 1676 public hearing within 45 days after the day on which [the] a petition is filed under
 1677 Subsection (1)(a) if:

1678 (i) any property owner within the ~~[plat]~~ subdivision that is proposed to be amended
 1679 notifies the county of the owner's objection in writing [within 10 days of mailed
 1680 notification] by the deadline for objections, as described in Subsection (1)(c)(ii); or

1681 (ii) the land use authority requires a public hearing [is required because] if all of the
 1682 owners ~~[in]~~ within the portion of the subdivision proposed to be amended have not
 1683 signed the ~~[revised]~~ proposed amended plat.

1684 (e) A land use authority may approve a petition for subdivision amendment no earlier
 1685 than:

1686 (i) the day after the day on which written objections were due to the land authority, as
 1687 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
 1689 day on which the public hearing takes place.

1690 (f) A land use authority may not approve a petition for a subdivision amendment under
 1691 this section unless the amendment identifies and preserves any easements owned by a
 1692 culinary water authority and sanitary sewer authority for existing facilities located
 1693 within the subdivision.

1694 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use
 1695 authority may consider at a public meeting an owner's petition for a subdivision
 1696 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
- 1700 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~~
- 1702 ~~the fee owners of each of the adjoining properties join the petition, regardless of~~
- 1703 ~~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
- 1705 imposed by the local political subdivision; or
- 1706 [~~(v)~~ (iv) alter the plat in a manner that does not change existing boundaries or other
- 1707 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
- 1711 applicable local ordinance.
- 1712 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or
- 1713 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
- 1715 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~~
- 1721 ~~is a lot may exchange title to portions of those properties if the exchange of title is~~
- 1722 ~~approved by the land use authority as a lot line adjustment in accordance with~~
- 1723 ~~Subsection (5)(b).]~~
- 1724 [~~(b) The land use authority shall approve a lot line adjustment under Subsection (5)(a) if~~
- 1725 ~~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
- 1728 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

- 1731 the exchange of title; and]
- 1732 [(ii) a document of conveyance of title reflecting the approved change shall be recorded in
1733 the office of the county recorder.]
- 1734 [(d) A notice of approval recorded under this Subsection (5) does not act as a conveyance
1735 of title to real property and is not required to record a document conveying title to real
1736 property.]
- 1737 [(6)(a) The name of a recorded subdivision may be changed by recording an amended plat
1738 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
1741 Professional Land Surveyors Licensing Act;]
- 1742 [(ii)(A) has completed a survey of the property described on the plat in accordance with
1743 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
1745 the plat and verified the locations of the boundaries; and]
- 1746 [(iii) has placed monuments as represented on the plat.]
- 1747 [(c) An owner of land may not submit for recording an amended plat that gives the
1748 subdivision described in the amended plat the same name as a subdivision recorded in
1749 the county recorder's office.]
- 1750 [(d) Except as provided in Subsection (6)(a), the recording of a declaration or other
1751 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
1754 Professional Land Surveyors Licensing Act:
- 1755 (b)(i) has completed a survey of the property described on the plat in accordance
1756 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
1758 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;
1760 and
- 1761 (c) has placed monuments as represented on the plat.
- 1762 Section 12. Section **57-1-13** is amended to read:
- 1763 **57-1-13 . Form of quitclaim deed.**
- 1764 [(1)] A conveyance of land may also be substantially in the following form:

1765 "QUITCLAIM DEED

1766 _____ (here insert name), grantor, of _____ (insert place of residence), hereby quitclaims
 1767 to _____ (insert name), grantee, of _____ (here insert place of residence), for the sum of _____
 1768 dollars, the following described tract _____ of land in _____ County, Utah, to wit: (here describe
 1769 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
 1772 conveyance of all right, title, interest, and estate of the grantor in and to the premises therein
 1773 described and all rights, privileges, and appurtenances thereunto belonging, at the date of the
 1774 conveyance."

1775 [~~(2) A boundary line agreement operating as a quitclaim deed shall meet the requirements~~
 1776 ~~described in Section 10-9a-524 or 17-27a-523, as applicable.~~]

1777 Section 13. Section **57-1-45** is amended to read:

1778 **57-1-45 . Boundary establishments -- Establishment documents -- Effect.**

1779 [~~(1) An agreement to adjust a known boundary between adjoining properties shall comply~~
 1780 ~~with Section 10-9a-524 or 17-27a-523, as applicable.~~]

1781 [~~(2) A recorded boundary line agreement to establish the location of a boundary between~~
 1782 ~~adjoining properties where the location of the boundary is ambiguous, uncertain, or~~
 1783 ~~disputed shall comply 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
 1786 10-9a-103 and Section 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~~
 1790 ~~dispute.] An establishment document shall include:~~

1791 (a) the name and signature of each party to the [~~agreement and, if applicable, the name~~
 1792 ~~and signature of a party's predecessor in interest who agreed to the location of the~~
 1793 ~~boundary line] establishment document;~~

1794 [(b) ~~the date of the boundary line agreement;~~]

1795 [(e)] (b) the address of each party to the [~~boundary line agreement] clarification document~~

1796 for assessment purposes;

1797 [(d)] (c) a statement describing [~~why the owners of adjoining properties were unable to~~
 1798 ~~determine the true location of the boundary line between the adjoining properties] the~~

1799 ambiguity, uncertainty, or dispute being resolved with the boundary establishment;
1800 [~~(e)~~] (d) a statement that the adjoining property owners [~~of the adjoining properties~~]
1801 agree on the established boundary [~~line~~] location described in the [~~boundary line~~
1802 agreement] establishment document;

1803 [~~(f)~~] (e) a legal description of each parcel or lot that is subject to the established boundary[
1804 line agreement];

1805 [~~(g)~~] (f) a 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
1807 the survey map, as defined in Section 17-23-17[~~in conjunction with the boundary~~
1808 line agreement that shows] , showing information necessary to identify the
1809 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
1812 apparent;
1813 (C) the location of the agreed boundary [~~line~~]; and
1814 (D) an explanation in the survey narrative of the reason for the boundary [~~line~~
1815 agreement] establishment; or

1816 (ii) if the parcels or lots are unimproved, or if the property owners have otherwise not
1817 conducted a survey, an attached [~~exhibit~~] visual or graphic depicting a [~~graphical~~]
1818 representation of the location of the [~~agreed~~] established boundary [~~line~~] relative to
1819 physical objects marking the [~~agreed~~] established boundary;

1820 [~~(i)~~] (h) if any of the property that is the subject of the [~~agreement~~] establishment
1821 document is located in a recorded subdivision[~~and the agreed boundary line is~~
1822 different from the boundary line recorded in the plat], an acknowledgment that each
1823 party to the agreement has been [~~advised~~] notified of the potential requirement of a
1824 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 [
1827 ~~(3)~~] (2) may not be used to:

1828 (a) convey real property; or
1829 (b) create a new parcel or new lot.

1830 [~~(a) used to adjust a known boundary described in Subsection (1) between adjoining~~
1831 properties];

1832 [~~(b) used to adjust a lot line in a recorded subdivision plat or create a new parcel or~~

- 1833 lot; or]
- 1834 [~~(e) used by or recorded by a successor in interest to a property owner who agreed to~~
- 1835 ~~the boundary line unless the property owners who agreed to the boundary line~~
- 1836 ~~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
- 1841 boundary as the common boundary, as demonstrated by:
- 1842 (a) actual possession by each owner of the owner's property up to the common
- 1843 boundary, as visibly marked by monuments, fences, buildings, or other physical
- 1844 improvements; or
- 1845 (b) each owner cultivating or controlling the owner's property up to the visibly marked
- 1846 common boundary.
- 1847 (5)(a) Before recording an establishment document, a county recorder shall ensure that
- 1848 the establishment document and any accompanying exhibit is presented in a legible
- 1849 and recordable format.
- 1850 (b) Upon receipt of an establishment document that is not in a legible and recordable
- 1851 format, the county recorder shall provide the person submitting the establishment
- 1852 document with an explanation of corrections necessary to record the establishment
- 1853 document.
- 1854 (6)(a) An establishment document is effective on the day it is recorded.
- 1855 (b) A recorded establishment document creates a boundary establishment.
- 1856 (c) If a judgment made by a court that establishes the location of a disputed boundary is
- 1857 recorded in the county title record:
- 1858 (i) the judgment is considered an establishment document; and
- 1859 (ii) the recording of the judgment creates a boundary establishment.
- 1860 ~~[(5)]~~ (7) [A boundary line agreement] Once recorded, an establishment document described
- 1861 in Subsection [(3)] (2):
- 1862 (a) does not affect any previously recorded easement[unless the easement is expressly
- 1863 modified by the boundary line agreement];
- 1864 (b) establishes the location of the common boundary between the adjoining properties [
- 1865 in the originally intended location of the] with placement of physical monuments to
- 1866 mark the established boundary[line];

1867 (c) affixes 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;~~
 1869 ~~and]~~
 1870 ~~[(e)]~~ (d) shall be indexed by a county recorder in the title record against each property
 1871 affected by the ~~[agreed]~~ established boundary~~[-line]~~.

1872 ~~[(6)]~~ (8) The recording of ~~[a boundary line agreement described in Subsection (3)]~~ an
 1873 establishment document does not constitute a land use approval by a municipality or a
 1874 county.

1875 ~~[(7)]~~ (9) A municipality or a county may withhold approval of a land use application for
 1876 property that is subject to a boundary ~~[line agreement described in Subsection (3)]~~
 1877 establishment if the municipality or the county determines that the ~~[land, as established~~
 1878 ~~by the boundary line agreement,]~~ established boundary was not in compliance with the
 1879 municipality's or the county's land use regulations in effect on the day on which the
 1880 boundary ~~[line agreement]~~ establishment was recorded.

1881 ~~[(8) If a judgment made by a court that establishes the location of a disputed boundary is~~
 1882 ~~recorded in the county title record, the judgment shall act as a boundary line agreement~~
 1883 ~~recorded under this section.]~~

1884 Section 14. Section **57-1-45.5** is enacted to read:

1885 **57-1-45.5 . Conveyance document for a boundary adjustment -- Form and effect.**

1886 (1) A conveyance document, as defined in Section 10-9a-103 and 17-27a-103, for a
 1887 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
 1892 adjustment;

1893 (d) a legal description of the parcel or lot owned by each party after the boundary
 1894 adjustment; and

1895 (e) sufficient language to convey title from one party to another party, in conformity
 1896 with the proposed boundary adjustment.

1897 (3) In addition to the information required in Subsection (2), a conveyance document shall
 1898 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
 1900 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
 1905 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
 1910 (c) if the conveyance document addresses a boundary adjustment that requires an
 1911 amendment to a subdivision plat under Section 10-9a-523 or 17-27a-522, the
 1912 amendment to the subdivision plat.
 1913 (4)(a) A conveyance document is effective on the day it is recorded as part of a
 1914 boundary adjustment.
 1915 (b) Before recording a conveyance document, a county recorder shall confirm that the
 1916 conveyance document is:
 1917 (i) in a legible and recordable format, including any exhibit to the conveyance
 1918 document; and
 1919 (ii) accompanied by a notice of consent to the boundary adjustment from a land use
 1920 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,
 1922 that is not in a legible and recordable format, a county recorder shall provide the
 1923 person submitting the conveyance document with an explanation of the corrections
 1924 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
 1927 properties;
 1928 (b) changes the size, shape, or configuration of two or more adjoining lots or parcels;
 1929 (c) does not effect any previously recorded easement unless the easement is expressly
 1930 and properly modified by the boundary adjustment; and
 1931 (d) affixes the ownership of the adjoining parties to the adjusted boundary.
 1932 Section 15. Section **57-8-32** is amended to read:
 1933 **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

1935 provided in the declaration or bylaws, and notwithstanding the provisions of Sections
1936 57-8-30 and 57-8-31, the unit owners may by an affirmative vote of at least 67% of unit
1937 owners, elect to sell, convey, transfer, or otherwise dispose of the property or all or part
1938 of the common areas and facilities.

1939 (2) An affirmative vote described in Subsection (1) is binding upon all unit owners, and
1940 each unit owner shall execute and deliver the appropriate instruments and perform all
1941 acts as necessary to effect the sale, conveyance, transfer, or other disposition of the
1942 property or common areas and facilities.

1943 (3) The general easement of ingress, egress, and use of the common areas and facilities
1944 granted to an association and unit owners through recorded governing documents is
1945 extinguished in any portion of the common areas and facilities the unit owners sell,
1946 convey, transfer, or otherwise dispose of, if:

1947 (a) the unit owners, in selling, conveying, transferring, or otherwise disposing of the
1948 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
1952 areas and facilities results in a person other than the association or a unit owner
1953 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
1955 of unit owners is created.

1956 Section 16. **Effective Date.**

1957 This bill takes effect on May 7, 2025.