

Calvin R. Musselman proposes the following substitute bill:

Boundary Line Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin R. Musselman

House Sponsor:

LONG TITLE

General Description:

This bill modifies provisions related to boundary changes.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

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

- 29 **10-9a-608**, as last amended by Laws of Utah 2023, Chapter 501
- 30 **17-27a-103**, as last amended by Laws of Utah 2024, Chapter 464
- 31 **17-27a-522**, as last amended by Laws of Utah 2021, Chapter 385
- 32 **17-27a-523**, as last amended by Laws of Utah 2021, Chapter 385
- 33 **17-27a-605**, as last amended by Laws of Utah 2020, Chapter 434
- 34 **17-27a-608**, as last amended by Laws of Utah 2023, Chapter 501
- 35 **57-1-13**, as last amended by Laws of Utah 2021, Chapter 385
- 36 **57-1-45**, as last amended by Laws of Utah 2022, Chapter 355
- 37 **57-8-32**, as last amended by Laws of Utah 2024, Chapter 519

38 ENACTS:

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



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

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

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

44 As used in this chapter:

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

- 63 compliance with a requirement imposed under this chapter.
- 64 (4) "Affected owner" means the owner of real property that is:
- 65 (a) a single project;
- 66 (b) the subject of a land use approval that sponsors of a referendum timely challenged in
- 67 accordance with Subsection 20A-7-601(6); and
- 68 (c) determined to be legally referable under Section 20A-7-602.8.
- 69 (5) "Appeal authority" means the person, board, commission, agency, or other body
- 70 designated by ordinance to decide an appeal of a decision of a land use application or a
- 71 variance.
- 72 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
- 73 residential property if the sign is designed or intended to direct attention to a business,
- 74 product, or service that is not sold, offered, or existing on the property where the sign is
- 75 located.
- 76 (7)(a) "Boundary adjustment" means an agreement between adjoining property owners
- 77 to relocate a common boundary that results in a conveyance of property between the
- 78 adjoining lots, adjoining parcels, or adjoining lots and parcels.
- 79 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
- 80 (i) creates an additional lot or parcel; or
- 81 (ii) is made by the Department of Transportation.
- 82 (8)(a) "Boundary establishment" means an agreement between adjoining property
- 83 owners to clarify the location of an ambiguous, uncertain, or disputed common
- 84 boundary.
- 85 (b) "Boundary establishment" does not mean a modification of a lot or parcel boundary
- 86 that:
- 87 (i) creates an additional lot or parcel; or
- 88 (ii) is made by the Department of Transportation.
- 89 [(7)] (9)(a) "Charter school" means:
- 90 (i) an operating charter school;
- 91 (ii) a charter school applicant that a charter school authorizer approves in accordance
- 92 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- 93 (iii) an entity that is working on behalf of a charter school or approved charter
- 94 applicant to develop or construct a charter school building.
- 95 (b) "Charter school" does not include a therapeutic school.
- 96 [(8)]

- 97 (10) "Conditional use" means a land use that, because of the unique characteristics or
98 potential impact of the land use on the municipality, surrounding neighbors, or adjacent
99 land uses, may not be compatible in some areas or may be compatible only if certain
100 conditions are required that mitigate or eliminate the detrimental impacts.
- 101 ~~[(9)]~~ (11) "Constitutional taking" means a governmental action that results in a taking of
102 private property so that compensation to the owner of the property is required by the:
103 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
104 (b) Utah Constitution, Article I, Section 22.
- 105 ~~[(10)]~~ (12) "Conveyance document" means an instrument that:
106 (a) meets the definition of "document" in Section 57-1-1; and
107 (b) meets the requirements of Section 57-1-45.5.
- 108 (13) "Conveyance of property" means the transfer of ownership of any portion of real
109 property from one person to another person.
- 110 (14) "Culinary water authority" means the department, agency, or public entity with
111 responsibility to review and approve the feasibility of the culinary water system and
112 sources for the subject property.
- 113 (15) "Department of Transportation" means the entity created in Section 72-1-201.
- 114 ~~[(11)]~~ (16) "Development activity" means:
115 (a) any construction or expansion of a building, structure, or use that creates additional
116 demand and need for public facilities;
117 (b) any change in use of a building or structure that creates additional demand and need
118 for public facilities; or
119 (c) any change in the use of land that creates additional demand and need for public
120 facilities.
- 121 ~~[(12)]~~ (17)(a) "Development agreement" means a written agreement or amendment to a
122 written agreement between a municipality and one or more parties that regulates or
123 controls the use or development of a specific area of land.
124 (b) "Development agreement" does not include an improvement completion assurance.
- 125 ~~[(13)]~~ (18)(a) "Disability" means a physical or mental impairment that substantially
126 limits one or more of a person's major life activities, including a person having a
127 record of such an impairment or being regarded as having such an impairment.
128 (b) "Disability" does not include current illegal use of, or addiction to, any federally
129 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21
130 U.S.C. 802.

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

132 [~~14~~] (20) "Educational facility":

133 (a) means:

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

137 (ii) a structure or facility:

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

139 (20)(a)(i); and

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

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

143 (b) does not include:

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

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

148 ~~14~~](a)(i)] (20)(a)(i); and

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

150 ~~14~~](a)(i)] (20)(a)(i); or

151 (ii) a therapeutic school.

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

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

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

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

157 [~~15~~] (23) "Fire authority" means the department, agency, or public entity with

158 responsibility to review and approve the feasibility of fire protection and suppression

159 services for the subject property.

160 [~~16~~] (24) "Flood plain" means land that:

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

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

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

167 ~~[(17)]~~ (25) "General plan" means a document that a municipality adopts that sets forth
168 general guidelines for proposed future development of the land within the municipality.

169 ~~[(18)]~~ (26) "Geologic hazard" means:

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

181 ~~[(19)]~~ (27) "Historic preservation authority" means a person, board, commission, or other
182 body designated by a legislative body to:

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

186 ~~[(20)]~~ (28) "Home-based microschool" means the same as that term is defined in Section
187 53G-6-201.

188 ~~[(21)]~~ (29) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
189 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or
190 other utility system.

191 ~~[(22)]~~ (30) "Identical plans" means building plans submitted to a municipality that:

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

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

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

- 267 and
- 268 (c) does not include:
- 269 (i) a land use decision of the legislative body acting as the land use authority, even if
- 270 the decision is expressed in a resolution or ordinance; or
- 271 (ii) a temporary revision to an engineering specification that does not materially:
- 272 (A) increase a land use applicant's cost of development compared to the existing
- 273 specification; or
- 274 (B) impact a land use applicant's use of land.
- 275 ~~[(35)]~~ (43) "Legislative body" means the municipal council.
- 276 ~~[(36)]~~ (44) "Local historic district or area" means a geographically definable area that:
- 277 (a) contains any combination of buildings, structures, sites, objects, landscape features,
- 278 archeological sites, or works of art that contribute to the historic preservation goals of
- 279 a legislative body; and
- 280 (b) is subject to land use regulations to preserve the historic significance of the local
- 281 historic district or area.
- 282 ~~[(37)]~~ (45) "Lot" means a tract of land, regardless of any label, that is created by and shown
- 283 on a subdivision plat that has been recorded in the office of the county recorder.
- 284 ~~[(38)(a)]~~ "Lot line adjustment" means a relocation of a lot line boundary between
- 285 adjoining lots or between a lot and adjoining parcels in accordance with Section
- 286 ~~10-9a-608:~~
- 287 ~~[(i) whether or not the lots are located in the same subdivision; and]~~
- 288 ~~[(ii) with the consent of the owners of record.]~~
- 289 ~~[(b) "Lot line adjustment" does not mean a new boundary line that:]~~
- 290 ~~[(i) creates an additional lot; or]~~
- 291 ~~[(ii) constitutes a subdivision or a subdivision amendment.]~~
- 292 ~~[(c) "Lot line adjustment" does not include a boundary line adjustment made by the~~
- 293 ~~Department of Transportation.]~~
- 294 ~~[(39)]~~ (46) "Major transit investment corridor" means public transit service that uses or
- 295 occupies:
- 296 (a) public transit rail right-of-way;
- 297 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
- 298 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
- 299 municipality or county and:
- 300 (i) a public transit district as defined in Section 17B-2a-802; or

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

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

337 ~~[(46)]~~ (53) "Official map" means a map drawn by municipal authorities and recorded in a
 338 county recorder's office that:

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

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

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

345 ~~[(47)]~~ (54) "Parcel" means any real property that is not a lot.

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

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

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

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

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

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

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

358 ~~[(49)]~~ (55) "Person" means an individual, corporation, partnership, organization,
 359 association, trust, governmental agency, or any other legal entity.

360 ~~[(50)]~~ (56) "Plan for moderate income housing" means a written document adopted by a
 361 municipality's legislative body that includes:

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

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

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

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

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

371 [~~(51)~~] (57) "Plat" means an instrument subdividing property into lots as depicted on a map
372 or other graphical representation of lands that a licensed professional land surveyor
373 makes and prepares in accordance with Section 10-9a-603 or 57-8-13.

374 [~~(52)~~] (58) "Potential geologic hazard area" means an area that:

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

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

381 [~~(53)~~] (59) "Public agency" means:

382 (a) the federal government;

383 (b) the state;

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

386 (d) a charter school.

387 [~~(54)~~] (60) "Public hearing" means a hearing at which members of the public are provided a
388 reasonable opportunity to comment on the subject of the hearing.

389 [~~(55)~~] (61) "Public meeting" means a meeting that is required to be open to the public under
390 Title 52, Chapter 4, Open and Public Meetings Act.

391 [~~(56)~~] (62) "Public street" means a public right-of-way, including a public highway, public
392 avenue, public boulevard, public parkway, public road, public lane, public alley, public
393 viaduct, public subway, public tunnel, public bridge, public byway, other public
394 transportation easement, or other public way.

395 [~~(57)~~] (63) "Receiving zone" means an area of a municipality that the municipality
396 designates, by ordinance, as an area in which an owner of land may receive a
397 transferable development right.

398 [~~(58)~~] (64) "Record of survey map" means a map of a survey of land prepared in accordance
399 with Section[~~10-9a-603,~~] 17-23-17[~~, 17-27a-603, or 57-8-13~~].

400 [~~(59)~~] (65) "Residential facility for persons with a disability" means a residence:

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

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

403 under:

- 404 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
 405 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

406 [~~(60)~~] (66) "Residential roadway" means a public local residential road that:

- 407 (a) will serve primarily to provide access to adjacent primarily residential areas and
 408 property;
 409 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
 410 (c) is not identified as a supplementary to a collector or other higher system classified
 411 street in an approved municipal street or transportation master plan;
 412 (d) has a posted speed limit of 25 miles per hour or less;
 413 (e) does not have higher traffic volumes resulting from connecting previously separated
 414 areas of the municipal road network;
 415 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
 416 intended for high volume traffic or community centers, including schools, recreation
 417 centers, sports complexes, or libraries; and
 418 (g) primarily serves traffic within a neighborhood or limited residential area and is not
 419 necessarily continuous through several residential areas.

420 [~~(61)~~] (67) "Rules of order and procedure" means a set of rules that govern and prescribe in
 421 a public meeting:

- 422 (a) parliamentary order and procedure;
 423 (b) ethical behavior; and
 424 (c) civil discourse.

425 [~~(62)~~] (68) "Sanitary sewer authority" means the department, agency, or public entity with
 426 responsibility to review and approve the feasibility of sanitary sewer services or onsite
 427 wastewater systems.

428 [~~(63)~~] (69) "Sending zone" means an area of a municipality that the municipality designates,
 429 by ordinance, as an area from which an owner of land may transfer a transferable
 430 development right.

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

- 432 (a) affect a public right-of-way, municipal utility easement, or other public property;
 433 (b) affect an existing easement or an internal lot restriction; or
 434 (c) result in a lot or parcel out of conformity with land use regulations.

435 [~~(64)~~] (71) "Special district" means an entity under Title 17B, Limited Purpose Local
 436 Government Entities - Special Districts, and any other governmental or

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

438 [(65)] (72) "Specified public agency" means:

439 (a) the state;

440 (b) a school district; or

441 (c) a charter school.

442 [(66)] (73) "Specified public utility" means an electrical corporation, gas corporation, or
443 telephone corporation, as those terms are defined in Section 54-2-1.

444 [(67)] (74) "State" includes any department, division, or agency of the state.

445 [(68)] (75)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to
446 be divided into two or more lots or other division of land for the purpose, whether
447 immediate or future, for offer, sale, lease, or development either on the installment
448 plan or upon any and all other plans, terms, and conditions.

449 (b) "Subdivision" includes:

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

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

456 (c) "Subdivision" does not include:

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

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

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

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

470 (B) joining a lot to a parcel;

- 471 ~~[(iv) a boundary line agreement between owners of adjoining subdivided properties~~
 472 ~~adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and~~
 473 ~~10-9a-608 if:]~~
- 474 ~~[(A) no new dwelling lot or housing unit will result from the adjustment; and]~~
 475 ~~[(B) the adjustment will not violate any applicable land use ordinance;]~~
- 476 ~~[(v)] (iii) a bona fide division of land by deed or other instrument if the deed or other~~
 477 ~~instrument states in writing that the division:~~
- 478 ~~(A) is in anticipation of future land use approvals on the parcel or parcels;~~
 479 ~~(B) does not confer any land use approvals; and~~
 480 ~~(C) has not been approved by the land use authority;~~
- 481 ~~[(vi)] (iv) a ~~[parcel]~~ boundary adjustment;~~
 482 ~~[(vii)] (v) a ~~[lot line adjustment]~~ boundary establishment;~~
 483 ~~[(viii)] (vi) a road, street, or highway dedication plat;~~
 484 ~~[(ix)] (vii) a deed or easement for a road, street, or highway purpose; or~~
 485 ~~[(x)] (viii) any other division of land authorized by law.~~
- 486 ~~[(69)] (76)(a) "Subdivision amendment" means an amendment to a recorded subdivision~~
 487 ~~in accordance with Section 10-9a-608 that:~~
- 488 ~~(i) vacates all or a portion of the subdivision;~~
 489 ~~[(ii) alters the outside boundary of the subdivision;]~~
- 490 ~~[(iii)] (ii) ~~[changes]~~ increases the number of lots within the subdivision;~~
 491 ~~[(iv)] (iii) alters a public right-of-way, a public easement, or public infrastructure~~
 492 ~~within the subdivision; or~~
- 493 ~~[(v)] (iv) alters a common area or other common amenity within the subdivision.~~
- 494 ~~(b) "Subdivision amendment" does not include a ~~[lot line]~~ simple boundary adjustment;~~
 495 ~~between a single lot and an adjoining lot or parcel, that alters the outside boundary of~~
 496 ~~the subdivision].~~
- 497 ~~[(70)] (77) "Substantial evidence" means evidence that:~~
- 498 ~~(a) is beyond a scintilla; and~~
 499 ~~(b) a reasonable mind would accept as adequate to support a conclusion.~~
- 500 ~~[(71)] (78) "Suspect soil" means soil that has:~~
- 501 ~~(a) a high susceptibility for volumetric change, typically clay rich, having more than a~~
 502 ~~3% swell potential;~~
- 503 ~~(b) bedrock units with high shrink or swell susceptibility; or~~
 504 ~~(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum~~

505 commonly associated with dissolution and collapse features.

506 [~~(72)~~] (79) "Therapeutic school" means a residential group living facility:

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

508 (i) the owner of the facility; or

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

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

511 (i) at home;

512 (ii) in a public school; or

513 (iii) in a nonresidential private school; and

514 (c) that offers:

515 (i) room and board; and

516 (ii) an academic education integrated with:

517 (A) specialized structure and supervision; or

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

520 [~~(73)~~] (80) "Transferable development right" means a right to develop and use land that
521 originates by an ordinance that authorizes a land owner in a designated sending zone to
522 transfer land use rights from a designated sending zone to a designated receiving zone.

523 [~~(74)~~] (81) "Unincorporated" means the area outside of the incorporated area of a city or
524 town.

525 [~~(75)~~] (82) "Water interest" means any right to the beneficial use of water, including:

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

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

528 (i) a contract; or

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

530 [~~(76)~~] (83) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
531 land use zones, overlays, or districts.

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

533 **10-9a-523 . Simple boundary adjustment -- Full boundary adjustment -- Process**
534 **-- Review by land use authority.**

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

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

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

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

- 573 (i) the land use authority is not responsible for any error related to the boundary
574 adjustment; and
- 575 (ii) a county recorder may record the boundary adjustment.
- 576 [~~(2) To make a lot line adjustment, a property owner shall:~~]
577 ~~[(a) obtain approval of the boundary adjustment under Section 10-9a-608;]~~
578 ~~[(b) execute a boundary adjustment through:]~~
579 ~~[(i) a quitclaim deed; or]~~
580 ~~[(ii) a boundary line agreement under Section 10-9a-524; and]~~
581 ~~[(c) record the quitclaim deed or boundary line agreement described in Subsection (2)(b)~~
582 ~~in the office of the county recorder of the county in which each property is located.]~~
- 583 (8) A boundary adjustment is effective from the day on which the boundary adjustment, as
584 consented to by the land use authority, is recorded by a county recorder along with the
585 relevant conveyance document.
- 586 [~~(3) A parcel boundary adjustment under Subsection (1) is not subject to review of a land~~
587 ~~use authority unless:]~~
- 588 ~~[(a) the parcel includes a dwelling; and]~~
589 ~~[(b) the land use authority's approval is required under Subsection 10-9a-524(5).]~~
- 590 [~~(4)~~ (9) The recording of a boundary [line agreement or other document used to adjust a
591 mutual boundary line that is not subject to review of a land use authority:] adjustment
592 does not constitute a land use approval.
- 593 ~~[(a) does not constitute a land use approval; and]~~
594 ~~[(b) does not affect the validity of the boundary line agreement or other document used~~
595 ~~to adjust a mutual boundary line.]~~
- 596 [~~(5)~~ (10) A municipality may withhold approval of a land use application for property that
597 is subject to a[~~recorded boundary line agreement or other document used to adjust a~~
598 ~~mutual boundary line] boundary adjustment if the municipality determines that the~~
599 ~~resulting~~ lots or parcels[, ~~as adjusted by the boundary line agreement or other document~~
600 ~~used to adjust the mutual boundary line,]~~ are not in compliance with the municipality's
601 land use regulations in effect on the day on which the boundary [line agreement or other
602 document used to adjust the mutual boundary line] adjustment is recorded.
- 603 Section 3. Section **10-9a-524** is amended to read:
- 604 **10-9a-524 . Boundary establishment -- Process -- Boundary agreement not**
605 **subject to review by land use authority -- Prohibitions.**
- 606 (1) [~~If properly executed and acknowledged as required by law, an agreement between-~~] The

607 owners of adjoining property [that designates the boundary line between the adjoining
 608 properties acts, upon recording in the office of the recorder of the county in which each
 609 property is located, as a quitclaim deed to convey all of each party's right, title, interest,
 610 and estate in property outside the agreed boundary line that had been the subject of the
 611 boundary line agreement or dispute that led to the boundary line agreement] may initiate
 612 a boundary establishment to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

639 (3) A boundary establishment:

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

- 641 (b) does not require consent or approval from a land use authority before it may be
 642 recorded.
- 643 (4) A boundary establishment is effective from the day it is recorded by a county recorder.
- 644 (5) A boundary establishment that violates a land use regulation is voidable.
- 645 ~~[(3)]~~ (6) A boundary [line agreement described in Subsection (1) that complies with
 646 Subsection (2)] establishment that complies with this section presumptively:
- 647 (a) has no detrimental effect on any easement on the property that is recorded before the
 648 day on which the agreement is executed~~[unless the owner of the property benefitting~~
 649 ~~from the easement specifically modifies the easement within the boundary line~~
 650 ~~agreement or a separate recorded easement modification or relinquishment document];~~
 651 and
- 652 (b) ~~[relocates the parties' common boundary line for an exchange of consideration.]~~
 653 conveys the ownership of the adjoining parties to the established common boundary.
- 654 ~~[(4) Notwithstanding Part 6, Subdivisions, or a municipality's ordinances or policies, a~~
 655 ~~boundary line agreement that only affects parcels is not subject to:]~~
- 656 ~~[(a) any public notice, public hearing, or preliminary platting requirement;]~~
 657 ~~[(b) the review of a land use authority; or]~~
 658 ~~[(c) an engineering review or approval of the municipality, except as provided in~~
 659 ~~Subsection (5).:]~~
- 660 ~~[(5)(a) If a parcel that is the subject of a boundary line agreement contains a dwelling~~
 661 ~~unit, the municipality may require a review of the boundary line agreement if the~~
 662 ~~municipality:]~~
- 663 ~~[(i) adopts an ordinance that:]~~
- 664 ~~[(A) requires review and approval for a boundary line agreement containing a~~
 665 ~~dwelling unit; and]~~
- 666 ~~[(B) includes specific criteria for approval; and]~~
- 667 ~~[(ii) completes the review within 14 days after the day on which the property owner~~
 668 ~~submits the boundary line agreement for review.]~~
- 669 ~~[(b)(i) If a municipality, upon a review under Subsection (5)(a), determines that the~~
 670 ~~boundary line agreement is deficient or if the municipality requires additional~~
 671 ~~information to approve the boundary line agreement, the municipality shall send,~~
 672 ~~within the time period described in Subsection (5)(a)(ii), written notice to the~~
 673 ~~property owner that:]~~
- 674 ~~[(A) describes the specific deficiency or additional information that the~~

675 municipality requires to approve the boundary line agreement; and]
 676 [~~(B) states that the municipality shall approve the boundary line agreement upon~~
 677 ~~the property owner's correction of the deficiency or submission of the~~
 678 ~~additional information described in Subsection (5)(b)(i)(A).]~~

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

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

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

687 **10-9a-529 . Specified public utility located in a municipal utility easement.**

688 A specified public utility may exercise each power of a public utility under Section
 689 54-3-27 if the specified public utility uses an easement:

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

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

694 **10-9a-605 . Exemptions from plat requirement.**

- 695 (1) Notwithstanding any other provision of law, a plat is not required if:
 696 (a) a municipality establishes a process to approve an administrative land use decision
 697 for a subdivision of 10 or fewer [~~lots~~] parcels without a plat; and
 698 (b) the municipality provides in writing that:
 699 (i) the municipality has provided [~~notice~~] a certificate or written approval as required
 700 by ordinance; and
 701 (ii) the proposed subdivision:
 702 (A) is not traversed by the mapped lines of a proposed street as shown in the
 703 general plan unless the municipality has approved the location and dedication
 704 of any public street, municipal utility easement, any other easement, or any
 705 other land for public purposes as the municipality's ordinance requires;
 706 (B) has been approved by the culinary water authority and the sanitary sewer
 707 authority;
 708 (C) is located in a zoned area; and

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

712 (2)(a) Subject to Subsection (1), a ~~[lot or]~~parcel resulting from a division of agricultural
713 land is exempt from the plat requirements of Section 10-9a-603 if the ~~[lot or]~~parcel:

- 714 (i) qualifies as land in agricultural use under Section 59-2-502;
715 (ii) meets the minimum size requirement of applicable land use ordinances; and
716 (iii) is not used and will not be used for any nonagricultural purpose.

717 ~~[(b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be~~
718 ~~graphically illustrated on a record of survey map that, after receiving the same~~
719 ~~approvals as are required for a plat under Section 10-9a-604, shall be recorded with~~
720 ~~the county recorder.]~~

721 ~~[(e)]~~ (b) If a ~~[lot or]~~parcel exempted under Subsection (2)(a) is used for a nonagricultural
722 purpose, the municipality may require the ~~[lot or]~~parcel to comply with the
723 requirements of Section 10-9a-603.

724 (3)(a) Documents recorded in the county recorder's office that divide property by a
725 metes and bounds description do not create an approved subdivision allowed by this
726 part unless the land use authority's certificate of written approval required by
727 Subsection (1) is attached to the document.

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

- 730 (i) prohibit the county recorder from recording a document; or
731 (ii) affect the validity of a recorded document.

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

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

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

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

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

744 **10-9a-608 . Subdivision amendments.**

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

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

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

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

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

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

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

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

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

775 (ii) municipal ordinance requires a public hearing [is required because] if all of the
776 property owners [in] within the portion of the subdivision proposed to be amended

- 777 have not signed the [revised] proposed amended plat.
- 778 (e) A land use authority may approve a petition for subdivision amendment no earlier
 779 than:
- 780 (i) the day after the day on which written objections were due to the land use
 781 authority, as described in Subsection (1)(c)(ii); or
- 782 (ii) if a public hearing is required as described in Subsection (1)(d), the day the public
 783 hearing takes place.
- 784 (f) A land use authority may not approve a petition for a subdivision amendment under
 785 this section unless the amendment identifies and preserves any easements owned by a
 786 culinary water authority and sanitary sewer authority for existing facilities located
 787 within the subdivision.
- 788 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use
 789 authority may consider at a public meeting an owner's petition for a subdivision
 790 amendment if:
- 791 (a) the petition seeks to:
- 792 (i) join two or more of the petitioner fee owner's contiguous lots;
- 793 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will
 794 not result in a violation of a land use ordinance or a development condition;
- 795 [~~(iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if~~
 796 ~~the fee owners of each of the adjoining properties join in the petition, regardless of~~
 797 ~~whether the properties are located in the same subdivision;]~~
- 798 [(~~iv~~) (iii) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
 799 imposed by the local political subdivision; or
- 800 [(~~v~~) (iv) alter the plat in a manner that does not change existing boundaries or other
 801 attributes of lots within the subdivision that are not:
- 802 (A) owned by the petitioner; or
- 803 (B) designated as a common area; and
- 804 (b) notice has been given to adjoining property owners in accordance with any
 805 applicable local ordinance.
- 806 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or
 807 municipal utility easement is also subject to Section 10-9a-609.5.
- 808 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a
 809 portion of a plat shall include:
- 810 (a) the name and address of each owner of record of the land contained in the entire plat

811 or on that portion of the plat described in the petition; and

812 (b) the signature of each owner described in Subsection (4)(a) who consents to the

813 petition.

814 ~~[(5)(a) The owners of record of adjoining properties where one or more of the~~

815 ~~properties is a lot may exchange title to portions of those properties if the exchange~~

816 ~~of title is approved by the land use authority as a lot line adjustment in accordance~~

817 ~~with Subsection (5)(b).]~~

818 ~~[(b) The land use authority shall approve a lot line adjustment under Subsection (5)(a) if~~

819 ~~the exchange of title will not result in a violation of any land use ordinance.]~~

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

821 ~~[(i) a notice of lot line adjustment approval shall be recorded in the office of the~~

822 ~~county recorder which:]~~

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

824 ~~[(B) recites the legal descriptions of both the original properties and the properties~~

825 ~~resulting from the exchange of title; and]~~

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

827 ~~[(d) A notice of approval recorded under this Subsection (5) does not act as a~~

828 ~~conveyance of title to real property and is not required in order to record a document~~

829 ~~conveying title to real property.]~~

830 ~~[(6)(a) The name of a recorded subdivision may be changed by recording an amended~~

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

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

833 ~~[(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers~~

834 ~~and Professional Land Surveyors Licensing Act;]~~

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

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

837 ~~[(B) has referenced a record of survey map of the existing property boundaries~~

838 ~~shown on the plat and verified the locations of the boundaries; and]~~

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

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

841 ~~subdivision described in the amended plat the same name as a subdivision in a plat~~

842 ~~already recorded in the county recorder's office.]~~

843 ~~[(d) Except as provided in Subsection (6)(a), the recording of a declaration or other~~

844 ~~document that purports to change the name of a recorded plat is void.]~~

- 845 (5) A surveyor preparing an amended plat under this section shall certify that the surveyor:
846 (a) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
847 Professional Land Surveyors Licensing Act;
848 (b)(i) has completed a survey of the property described on the plat in accordance with
849 Section 17-23-17 and has verified all measurements;
850 (ii) has referenced a record of survey map of the existing property boundaries shown
851 on the plat and verified the locations of the boundaries; or
852 (iii) has referenced the original plat that created the lot boundaries being amended;
853 and
854 (c) has placed monuments as represented on the plat.

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

856 **17-27a-103 . Definitions.**

857 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

902 [~~7~~] (9)(a) "Charter school" means:

903 (i) an operating charter school;

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

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

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

909 [~~8~~] (10) "Chief executive officer" means the person or body that exercises the executive
910 powers of the county.

911 [~~9~~] (11) "Conditional use" means a land use that, because of the unique characteristics or
912 potential impact of the land use on the county, surrounding neighbors, or adjacent land

- 913 uses, may not be compatible in some areas or may be compatible only if certain
914 conditions are required that mitigate or eliminate the detrimental impacts.
- 915 ~~[(10)]~~ (12) "Constitutional taking" means a governmental action that results in a taking of
916 private property so that compensation to the owner of the property is required by the:
917 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
918 (b) Utah Constitution, Article I, Section 22.
- 919 ~~[(11)]~~
- 920 (13) "Conveyance document" means an instrument that:
921 (a) meets the definition of "document" in Section 57-1-1; and
922 (b) meets the requirements of Section 57-1-45.5.
- 923 (14) "Conveyance of property" means the transfer of ownership of any portion of real
924 property from one person to another person.
- 925 (15) "County utility easement" means an easement that:
926 (a) a plat recorded in a county recorder's office described as a county utility easement or
927 otherwise as a utility easement;
928 (b) is not a protected utility easement or a public utility easement as defined in Section
929 54-3-27;
930 (c) the county or the county's affiliated governmental entity owns or creates; and
931 (d)(i) either:
932 (A) no person uses or occupies; or
933 (B) the county or the county's affiliated governmental entity uses and occupies to
934 provide a utility service, including sanitary sewer, culinary water, electrical,
935 storm water, or communications or data lines; or
936 (ii) a person uses or occupies with or without an authorized franchise or other
937 agreement with the county.
- 938 ~~[(12)]~~ (16) "Culinary water authority" means the department, agency, or public entity with
939 responsibility to review and approve the feasibility of the culinary water system and
940 sources for the subject property.
- 941 (17) "Department of Transportation" means the entity created in Section 72-1-201.
- 942 ~~[(13)]~~ (18) "Development activity" means:
943 (a) any construction or expansion of a building, structure, or use that creates additional
944 demand and need for public facilities;
945 (b) any change in use of a building or structure that creates additional demand and need
946 for public facilities; or

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

949 [(14)] (19)(a) "Development agreement" means a written agreement or amendment to a
950 written agreement between a county and one or more parties that regulates or controls
951 the use or development of a specific area of land.

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

953 [(15)] (20)(a) "Disability" means a physical or mental impairment that substantially
954 limits one or more of a person's major life activities, including a person having a
955 record of such an impairment or being regarded as having such an impairment.

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

959 [(16)]

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

961 (22) "Educational facility":

962 (a) means:

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

966 (ii) a structure or facility:

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

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

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

972 (b) does not include:

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

976 (A) not located on the same property as a building described in Subsection [
977 (16)(a)(i)] (22)(a)(i); and

978 (B) used in support of the purposes of a building described in Subsection [
979 (16)(a)(i)] (22)(a)(i); or

980 (ii) a therapeutic school.

- 981 (23) "Establishment document" means an instrument that:
- 982 (a) meets the definition of "document" in Section 57-1-1; and
- 983 (b) meets the requirements of Section 57-1-45.
- 984 (24) "Full boundary adjustment" means a boundary adjustment that is not a simple
- 985 boundary adjustment.
- 986 ~~[(17)]~~ (25) "Fire authority" means the department, agency, or public entity with
- 987 responsibility to review and approve the feasibility of fire protection and suppression
- 988 services for the subject property.
- 989 ~~[(18)]~~ (26) "Flood plain" means land that:
- 990 (a) is within the 100-year flood plain designated by the Federal Emergency Management
- 991 Agency; or
- 992 (b) has not been studied or designated by the Federal Emergency Management Agency
- 993 but presents a likelihood of experiencing chronic flooding or a catastrophic flood
- 994 event because the land has characteristics that are similar to those of a 100-year flood
- 995 plain designated by the Federal Emergency Management Agency.
- 996 ~~[(19)]~~ (27) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 997 ~~[(20)]~~ (28) "General plan" means a document that a county adopts that sets forth general
- 998 guidelines for proposed future development of:
- 999 (a) the unincorporated land within the county; or
- 1000 (b) for a mountainous planning district, the land within the mountainous planning
- 1001 district.
- 1002 ~~[(21)]~~ (29) "Geologic hazard" means:
- 1003 (a) a surface fault rupture;
- 1004 (b) shallow groundwater;
- 1005 (c) liquefaction;
- 1006 (d) a landslide;
- 1007 (e) a debris flow;
- 1008 (f) unstable soil;
- 1009 (g) a rock fall; or
- 1010 (h) any other geologic condition that presents a risk:
- 1011 (i) to life;
- 1012 (ii) of substantial loss of real property; or
- 1013 (iii) of substantial damage to real property.
- 1014 ~~[(22)]~~ (30) "Home-based microschool" means the same as that term is defined in Section

1015 53G-6-201.

1016 [~~(23)~~] (31) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
1017 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
1018 utility system.

1019 [~~(24)~~] (32) "Identical plans" means building plans submitted to a county that:

1020 (a) are clearly marked as "identical plans";

1021 (b) are substantially identical building plans that were previously submitted to and
1022 reviewed and approved by the county; and

1023 (c) describe a building that:

1024 (i) is located on land zoned the same as the land on which the building described in
1025 the previously approved plans is located;

1026 (ii) is subject to the same geological and meteorological conditions and the same law
1027 as the building described in the previously approved plans;

1028 (iii) has a floor plan identical to the building plan previously submitted to and
1029 reviewed and approved by the county; and

1030 (iv) does not require any additional engineering or analysis.

1031 [~~(25)~~] (33) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
1032 Impact Fees Act.

1033 [~~(26)~~] (34) "Improvement completion assurance" means a surety bond, letter of credit,
1034 financial institution bond, cash, assignment of rights, lien, or other equivalent security
1035 required by a county to guaranty the proper completion of landscaping or an
1036 infrastructure improvement required as a condition precedent to:

1037 (a) recording a subdivision plat; or

1038 (b) development of a commercial, industrial, mixed use, or multifamily project.

1039 [~~(27)~~] (35) "Improvement warranty" means an applicant's unconditional warranty that the
1040 applicant's installed and accepted landscaping or infrastructure improvement:

1041 (a) complies with the county's written standards for design, materials, and workmanship;
1042 and

1043 (b) will not fail in any material respect, as a result of poor workmanship or materials,
1044 within the improvement warranty period.

1045 [~~(28)~~] (36) "Improvement warranty period" means a period:

1046 (a) no later than one year after a county's acceptance of required landscaping; or

1047 (b) no later than one year after a county's acceptance of required infrastructure, unless
1048 the county:

- 1049 (i) determines for good cause that a one-year period would be inadequate to protect
1050 the public health, safety, and welfare; and
- 1051 (ii) has substantial evidence, on record:
- 1052 (A) of prior poor performance by the applicant; or
- 1053 (B) that the area upon which the infrastructure will be constructed contains
1054 suspect soil and the county has not otherwise required the applicant to mitigate
1055 the suspect soil.
- 1056 [~~(29)~~] (37) "Infrastructure improvement" means permanent infrastructure that is essential for
1057 the public health and safety or that:
- 1058 (a) is required for human consumption; and
- 1059 (b) an applicant must install:
- 1060 (i) in accordance with published installation and inspection specifications for public
1061 improvements; and
- 1062 (ii) as a condition of:
- 1063 (A) recording a subdivision plat;
- 1064 (B) obtaining a building permit; or
- 1065 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
1066 project.
- 1067 [~~(30)~~] (38) "Internal lot restriction" means a platted note, platted demarcation, or platted
1068 designation that:
- 1069 (a) runs with the land; and
- 1070 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
1071 the plat; or
- 1072 (ii) designates a development condition that is enclosed within the perimeter of a lot
1073 described on the plat.
- 1074 [~~(31)~~] (39) "Interstate pipeline company" means a person or entity engaged in natural gas
1075 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission
1076 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 1077 [~~(32)~~] (40) "Intrastate pipeline company" means a person or entity engaged in natural gas
1078 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1079 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 1080 [~~(33)~~] (41) "Land use applicant" means a property owner, or the property owner's designee,
1081 who submits a land use application regarding the property owner's land.
- 1082 [~~(34)~~] (42) "Land use application":

- 1083 (a) means an application that is:
- 1084 (i) required by a county; and
- 1085 (ii) submitted by a land use applicant to obtain a land use decision; and
- 1086 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 1087 [(35)] (43) "Land use authority" means:
- 1088 (a) a person, board, commission, agency, or body, including the local legislative body,
- 1089 designated by the local legislative body to act upon a land use application; or
- 1090 (b) if the local legislative body has not designated a person, board, commission, agency,
- 1091 or body, the local legislative body.
- 1092 [(36)] (44) "Land use decision" means an administrative decision of a land use authority or
- 1093 appeal authority regarding:
- 1094 (a) a land use permit;
- 1095 (b) a land use application; or
- 1096 (c) the enforcement of a land use regulation, land use permit, or development agreement.
- 1097 [(37)] (45) "Land use permit" means a permit issued by a land use authority.
- 1098 [(38)] (46) "Land use regulation":
- 1099 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
- 1100 specification, fee, or rule that governs the use or development of land;
- 1101 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
- 1102 and
- 1103 (c) does not include:
- 1104 (i) a land use decision of the legislative body acting as the land use authority, even if
- 1105 the decision is expressed in a resolution or ordinance; or
- 1106 (ii) a temporary revision to an engineering specification that does not materially:
- 1107 (A) increase a land use applicant's cost of development compared to the existing
- 1108 specification; or
- 1109 (B) impact a land use applicant's use of land.
- 1110 [(39)] (47) "Legislative body" means the county legislative body, or for a county that has
- 1111 adopted an alternative form of government, the body exercising legislative powers.
- 1112 [(40)] (48) "Lot" means a tract of land, regardless of any label, that is created by and shown
- 1113 on a subdivision plat that has been recorded in the office of the county recorder.
- 1114 [(41)(a)] ~~"Lot line adjustment" means a relocation of a lot line boundary between~~
- 1115 ~~adjoining lots or between a lot and adjoining parcels in accordance with Section~~
- 1116 ~~17-27a-608:]~~

- 1117 [(i) whether or not the lots are located in the same subdivision; and]
- 1118 [(ii) with the consent of the owners of record.]
- 1119 [(b) "Lot line adjustment" does not mean a new boundary line that:]
- 1120 [(i) creates an additional lot; or]
- 1121 [(ii) constitutes a subdivision or a subdivision amendment.]
- 1122 [(e) "Lot line adjustment" does not include a boundary line adjustment made by the
- 1123 Department of Transportation.]
- 1124 [(42)] (49) "Major transit investment corridor" means public transit service that uses or
- 1125 occupies:
- 1126 (a) public transit rail right-of-way;
- 1127 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
- 1128 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
- 1129 municipality or county and:
- 1130 (i) a public transit district as defined in Section 17B-2a-802; or
- 1131 (ii) an eligible political subdivision as defined in Section 59-12-2219.
- 1132 [(43)] (50) "Micro-education entity" means the same as that term is defined in Section
- 1133 53G-6-201.
- 1134 [(44)] (51) "Moderate income housing" means housing occupied or reserved for occupancy
- 1135 by households with a gross household income equal to or less than 80% of the median
- 1136 gross income for households of the same size in the county in which the housing is
- 1137 located.
- 1138 [(45)] (52) "Mountainous planning district" means an area designated by a county legislative
- 1139 body in accordance with Section 17-27a-901.
- 1140 [(46)] (53) "Nominal fee" means a fee that reasonably reimburses a county only for time
- 1141 spent and expenses incurred in:
- 1142 (a) verifying that building plans are identical plans; and
- 1143 (b) reviewing and approving those minor aspects of identical plans that differ from the
- 1144 previously reviewed and approved building plans.
- 1145 [(47)] (54) "Noncomplying structure" means a structure that:
- 1146 (a) legally existed before the structure's current land use designation; and
- 1147 (b) because of one or more subsequent land use ordinance changes, does not conform to
- 1148 the setback, height restrictions, or other regulations, excluding those regulations that
- 1149 govern the use of land.
- 1150 [(48)] (55) "Nonconforming use" means a use of land that:

- 1151 (a) legally existed before the current land use designation;
 1152 (b) has been maintained continuously since the time the land use ordinance regulation
 1153 governing the land changed; and
 1154 (c) because of one or more subsequent land use ordinance changes, does not conform to
 1155 the regulations that now govern the use of the land.

1156 ~~[(49)]~~ (56) "Official map" means a map drawn by county authorities and recorded in the
 1157 county recorder's office that:

- 1158 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
 1159 highways and other transportation facilities;
 1160 (b) provides a basis for restricting development in designated rights-of-way or between
 1161 designated setbacks to allow the government authorities time to purchase or
 1162 otherwise reserve the land; and
 1163 (c) has been adopted as an element of the county's general plan.

1164 ~~[(50)]~~ (57) "Parcel" means any real property that is not a lot.

1165 ~~[(51)(a) "Parcel boundary adjustment" means a recorded agreement between owners of
 1166 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
 1167 agreement in accordance with Section 17-27a-523, if no additional parcel is created
 1168 and:]~~

1169 ~~[(i) none of the property identified in the agreement is a lot; or]~~

1170 ~~[(ii) the adjustment is to the boundaries of a single person's parcels.]~~

1171 ~~[(b) "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary
 1172 line that:]~~

1173 ~~[(i) creates an additional parcel; or]~~

1174 ~~[(ii) constitutes a subdivision.]~~

1175 ~~[(e) "Parcel boundary adjustment" does not include a boundary line adjustment made by
 1176 the Department of Transportation.]~~

1177 ~~[(52)]~~ (58) "Person" means an individual, corporation, partnership, organization,
 1178 association, trust, governmental agency, or any other legal entity.

1179 ~~[(53)]~~ (59) "Plan for moderate income housing" means a written document adopted by a
 1180 county legislative body that includes:

- 1181 (a) an estimate of the existing supply of moderate income housing located within the
 1182 county;
 1183 (b) an estimate of the need for moderate income housing in the county for the next five
 1184 years;

- 1185 (c) a survey of total residential land use;
- 1186 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1187 income housing; and
- 1188 (e) a description of the county's program to encourage an adequate supply of moderate
1189 income housing.
- 1190 [~~(54)~~] (60) "Planning advisory area" means a contiguous, geographically defined portion of
1191 the unincorporated area of a county established under this part with planning and zoning
1192 functions as exercised through the planning advisory area planning commission, as
1193 provided in this chapter, but with no legal or political identity separate from the county
1194 and no taxing authority.
- 1195 [~~(55)~~] (61) "Plat" means an instrument subdividing property into lots as depicted on a map
1196 or other graphical representation of lands that a licensed professional land surveyor
1197 makes and prepares in accordance with Section 17-27a-603 or 57-8-13.
- 1198 [~~(56)~~] (62) "Potential geologic hazard area" means an area that:
- 1199 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1200 relevant map or report as needing further study to determine the area's potential for
1201 geologic hazard; or
- 1202 (b) has not been studied by the Utah Geological Survey or a county geologist but
1203 presents the potential of geologic hazard because the area has characteristics similar
1204 to those of a designated geologic hazard area.
- 1205 [~~(57)~~] (63) "Public agency" means:
- 1206 (a) the federal government;
- 1207 (b) the state;
- 1208 (c) a county, municipality, school district, special district, special service district, or
1209 other political subdivision of the state; or
- 1210 (d) a charter school.
- 1211 [~~(58)~~] (64) "Public hearing" means a hearing at which members of the public are provided a
1212 reasonable opportunity to comment on the subject of the hearing.
- 1213 [~~(59)~~] (65) "Public meeting" means a meeting that is required to be open to the public under
1214 Title 52, Chapter 4, Open and Public Meetings Act.
- 1215 [~~(60)~~] (66) "Public street" means a public right-of-way, including a public highway, public
1216 avenue, public boulevard, public parkway, public road, public lane, public alley, public
1217 viaduct, public subway, public tunnel, public bridge, public byway, other public
1218 transportation easement, or other public way.

- 1219 [(61)] (67) "Receiving zone" means an unincorporated area of a county that the county
1220 designates, by ordinance, as an area in which an owner of land may receive a
1221 transferable development right.
- 1222 [(62)] (68) "Record of survey map" means a map of a survey of land prepared in accordance
1223 with Section[~~10-9a-603,~~] 17-23-17[, ~~17-27a-603, or 57-8-13~~].
- 1224 [(63)] (69) "Residential facility for persons with a disability" means a residence:
1225 (a) in which more than one person with a disability resides; and
1226 (b) which is licensed or certified by the Department of Health and Human Services
1227 under:
1228 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
1229 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 1230 [(64)] (70) "Residential roadway" means a public local residential road that:
1231 (a) will serve primarily to provide access to adjacent primarily residential areas and
1232 property;
1233 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
1234 (c) is not identified as a supplementary to a collector or other higher system classified
1235 street in an approved municipal street or transportation master plan;
1236 (d) has a posted speed limit of 25 miles per hour or less;
1237 (e) does not have higher traffic volumes resulting from connecting previously separated
1238 areas of the municipal road network;
1239 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
1240 intended for high volume traffic or community centers, including schools, recreation
1241 centers, sports complexes, or libraries; and
1242 (g) primarily serves traffic within a neighborhood or limited residential area and is not
1243 necessarily continuous through several residential areas.
- 1244 [(65)] (71) "Rules of order and procedure" means a set of rules that govern and prescribe in
1245 a public meeting:
1246 (a) parliamentary order and procedure;
1247 (b) ethical behavior; and
1248 (c) civil discourse.
- 1249 [(66)] (72) "Sanitary sewer authority" means the department, agency, or public entity with
1250 responsibility to review and approve the feasibility of sanitary sewer services or onsite
1251 wastewater systems.
- 1252 [(67)] (73) "Sending zone" means an unincorporated area of a county that the county

- 1253 designates, by ordinance, as an area from which an owner of land may transfer a
 1254 transferable development right.
- 1255 (74) "Simple boundary adjustment" means a boundary adjustment that does not:
 1256 (a) affect a public right-of-way, county utility easement, or other public property;
 1257 (b) affect an existing easement or an internal lot restriction; or
 1258 (c) result in a lot or parcel out of conformity with land use regulations.
- 1259 ~~[(68)]~~ (75) "Site plan" means a document or map that may be required by a county during a
 1260 preliminary review preceding the issuance of a building permit to demonstrate that an
 1261 owner's or developer's proposed development activity meets a land use requirement.
- 1262 ~~[(69)]~~ (76)(a) "Special district" means an entity under Title 17B, Limited Purpose Local
 1263 Government Entities - Special Districts.
 1264 (b) "Special district" includes a governmental or quasi-governmental entity that is not a
 1265 county, municipality, school district, or the state.
- 1266 ~~[(70)]~~ (77) "Specified public agency" means:
 1267 (a) the state;
 1268 (b) a school district; or
 1269 (c) a charter school.
- 1270 ~~[(71)]~~ (78) "Specified public utility" means an electrical corporation, gas corporation, or
 1271 telephone corporation, as those terms are defined in Section 54-2-1.
- 1272 ~~[(72)]~~ (79) "State" includes any department, division, or agency of the state.
- 1273 ~~[(73)]~~ (80)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to
 1274 be divided into two or more lots or other division of land for the purpose, whether
 1275 immediate or future, for offer, sale, lease, or development either on the installment
 1276 plan or upon any and all other plans, terms, and conditions.
 1277 (b) "Subdivision" includes:
 1278 (i) the division or development of land, whether by deed, metes and bounds
 1279 description, devise and testacy, map, plat, or other recorded instrument, regardless
 1280 of whether the division includes all or a portion of a parcel or lot; and
 1281 (ii) except as provided in Subsection ~~[(73)](e)]~~ (79)(c), divisions of land for residential
 1282 and nonresidential uses, including land used or to be used for commercial,
 1283 agricultural, and industrial purposes.
 1284 (c) "Subdivision" does not include:
 1285 (i) a bona fide division or partition of agricultural land for agricultural purposes;
 1286 ~~[(ii) a boundary line agreement recorded with the county recorder's office between~~

- 1287 owners of adjoining parcels adjusting the mutual boundary in accordance with
 1288 Section 17-27a-523 if no new lot is created;]
- 1289 ~~[(iii)]~~ (ii) a recorded conveyance document~~[-, executed by the owner of record]:~~
- 1290 (A) ~~[revising the legal descriptions of -]~~ consolidating multiple lots or parcels into
 1291 one legal description encompassing all ~~[such]~~ lots or parcels by metes and
 1292 bounds description; or
- 1293 (B) joining a lot to a parcel;
- 1294 ~~[(iv)]~~ (iii) a bona fide division or partition of land in a county other than a first class
 1295 county for the purpose of siting, on one or more of the resulting separate parcels:
- 1296 (A) an electrical transmission line or a substation;
- 1297 (B) a natural gas pipeline or a regulation station; or
- 1298 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
 1299 utility service regeneration, transformation, retransmission, or amplification
 1300 facility;
- 1301 ~~[(v) a boundary line agreement between owners of adjoining subdivided properties~~
 1302 ~~adjusting the mutual lot line boundary in accordance with Sections 17-27a-523~~
 1303 ~~and 17-27a-608 if:]~~
- 1304 ~~[(A) no new dwelling lot or housing unit will result from the adjustment; and]~~
 1305 ~~[(B) the adjustment will not violate any applicable land use ordinance;]~~
- 1306 ~~[(vi)]~~ (iv) a bona fide division of land by deed or other instrument if the deed or other
 1307 instrument states in writing that the division:
- 1308 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 1309 (B) does not confer any land use approvals; and
- 1310 (C) has not been approved by the land use authority;
- 1311 ~~[(vii)]~~ (v) a ~~[parcel-]~~boundary adjustment;
- 1312 ~~[(viii)]~~ (vi) a ~~[lot line adjustment]~~ boundary establishment;
- 1313 ~~[(ix)]~~ (vii) a road, street, or highway dedication plat;
- 1314 ~~[(x)]~~ (viii) a deed or easement for a road, street, or highway purpose; or
- 1315 ~~[(xi)]~~ (ix) any other division of land authorized by law.
- 1316 ~~[(74)]~~ (81)(a) "Subdivision amendment" means an amendment to a recorded subdivision
 1317 in accordance with Section 17-27a-608 that:
- 1318 (i) vacates all or a portion of the subdivision;
- 1319 ~~[(ii) alters the outside boundary of the subdivision;]~~
- 1320 ~~[(iii)]~~ (ii) ~~[changes-]~~ increases the number of lots within the subdivision;

- 1321 ~~[(iv)]~~ (iii) alters a public right-of-way, a public easement, or public infrastructure
1322 within the subdivision; or
- 1323 ~~[(v)]~~ (iv) alters a common area or other common amenity within the subdivision.
- 1324 (b) "Subdivision amendment" does not include a ~~[lot line]~~ simple boundary adjustment[;
1325 ~~between a single lot and an adjoining lot or parcel, that alters the outside boundary of~~
1326 ~~the subdivision].~~
- 1327 ~~[(75)]~~ (82) "Substantial evidence" means evidence that:
- 1328 (a) is beyond a scintilla; and
- 1329 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1330 ~~[(76)]~~ (83) "Suspect soil" means soil that has:
- 1331 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
1332 3% swell potential;
- 1333 (b) bedrock units with high shrink or swell susceptibility; or
- 1334 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
1335 commonly associated with dissolution and collapse features.
- 1336 ~~[(77)]~~ (84) "Therapeutic school" means a residential group living facility:
- 1337 (a) for four or more individuals who are not related to:
- 1338 (i) the owner of the facility; or
- 1339 (ii) the primary service provider of the facility;
- 1340 (b) that serves students who have a history of failing to function:
- 1341 (i) at home;
- 1342 (ii) in a public school; or
- 1343 (iii) in a nonresidential private school; and
- 1344 (c) that offers:
- 1345 (i) room and board; and
- 1346 (ii) an academic education integrated with:
- 1347 (A) specialized structure and supervision; or
- 1348 (B) services or treatment related to a disability, an emotional development, a
1349 behavioral development, a familial development, or a social development.
- 1350 ~~[(78)]~~ (85) "Transferable development right" means a right to develop and use land that
1351 originates by an ordinance that authorizes a land owner in a designated sending zone to
1352 transfer land use rights from a designated sending zone to a designated receiving zone.
- 1353 ~~[(79)]~~ (86) "Unincorporated" means the area outside of the incorporated area of a
1354 municipality.

- 1355 ~~[(80)]~~ (87) "Water interest" means any right to the beneficial use of water, including:
- 1356 (a) each of the rights listed in Section 73-1-11; and
- 1357 (b) an ownership interest in the right to the beneficial use of water represented by:
- 1358 (i) a contract; or
- 1359 (ii) a share in a water company, as defined in Section 73-3-3.5.
- 1360 ~~[(81)]~~ (88) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
- 1361 land use zones, overlays, or districts.
- 1362 Section 8. Section **17-27a-522** is amended to read:
- 1363 **17-27a-522 . Simple boundary adjustment -- Full boundary adjustment --**
- 1364 **Process -- Review by land use authority.**
- 1365 (1) A person may propose a simple boundary adjustment to a land use authority as
- 1366 described in this section.
- 1367 (2) A proposal for a simple boundary adjustment shall:
- 1368 (a) include a conveyance document that complies with Section 57-1-45.5; and
- 1369 (b) describe all lots or parcels affected by the proposed boundary adjustment.
- 1370 (3) A land use authority shall consent to a proposed simple boundary adjustment if the land
- 1371 use authority verifies that the proposed simple boundary adjustment:
- 1372 (a) meets the requirements of Subsection (2); and
- 1373 (b) does not:
- 1374 (i) affect a public right-of-way, county utility easement, or other public property;
- 1375 (ii) affect an existing easement or an internal lot restriction; or
- 1376 (iii) result in a lot or parcel out of conformity with land use regulations.
- 1377 (4) If the land use authority determines that a proposed simple boundary adjustment does
- 1378 not meet the requirements of Subsection (3), a full boundary adjustment is required.
- 1379 (5) To ~~[make]~~ propose a ~~[parcel-line]~~ full boundary adjustment~~[-, a property owner]~~ , the
- 1380 adjoining property owners shall submit a proposal to the land use authority that includes:
- 1381 ~~[(a) execute a boundary adjustment through:]~~
- 1382 ~~[(i) a quitclaim deed; or]~~
- 1383 ~~[(ii) a boundary line agreement under Section 17-27a-523; and]~~
- 1384 ~~[(b) record the quitclaim deed or boundary line agreement described in Subsection (1)(a)~~
- 1385 ~~in the office of the county recorder of the county in which each property is located.]~~
- 1386 (a) a conveyance document that complies with Section 57-1-45.5;
- 1387 (b) a survey that complies with Subsection 57-1-4.5(3)(b); and
- 1388 (c) if required by county ordinance, a proposed plat amendment corresponding with the

- 1389 proposed full boundary adjustment, prepared in accordance with Section 17-27a-608.
- 1390 (6) The land use authority shall consent to a proposed full boundary adjustment made under
- 1391 Subsection (5) if:
- 1392 (a) the proposal submitted to the land use authority under Subsection (5) includes all
- 1393 necessary information;
- 1394 (b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land
- 1395 use regulation; and
- 1396 (c) if required by county ordinance, the plat amendment corresponding with the
- 1397 proposed full boundary adjustment has been approved in accordance with Section
- 1398 17-27a-608.
- 1399 (7)(a) Consent under Subsection (3) or (6) is an administrative act.
- 1400 (b) Notice of consent under Subsection (3) or (6) shall be provided to the person
- 1401 proposing the boundary adjustment in a format that makes clear:
- 1402 (i) the land use authority is not responsible for any error related to the boundary
- 1403 adjustment; and
- 1404 (ii) a county recorder may record the boundary adjustment.
- 1405 (8) A boundary adjustment is effective from the day on which the boundary adjustment, as
- 1406 consented to by the land use authority, is recorded by the county recorder along with the
- 1407 relevant conveyance document.
- 1408 (9) The recording of a boundary adjustment does not constitute a land use approval.
- 1409 [~~(2) To make a lot line adjustment, a property owner shall:~~]
- 1410 [~~(a) obtain approval of the boundary adjustment under Section 17-27a-608;~~]
- 1411 [~~(b) execute a boundary adjustment through:~~]
- 1412 [~~(i) a quitclaim deed; or~~]
- 1413 [~~(ii) a boundary line agreement under Section 17-27a-523; and~~]
- 1414 [~~(c) record the quitclaim deed or boundary line agreement described in Subsection (2)(b)~~]
- 1415 [~~in the office of the county recorder of the county in which each property is located.~~]
- 1416 [~~(3) A parcel boundary adjustment under Subsection (1) is not subject to review of a land~~]
- 1417 [~~use authority unless:~~]
- 1418 [~~(a) the parcel includes a dwelling; and~~]
- 1419 [~~(b) the land use authority's approval is required under Subsection 17-27a-523(5).~~]
- 1420 [~~(4) The recording of a boundary line agreement or other document used to adjust a mutual~~]
- 1421 [~~boundary line that is not subject to review of a land use authority:~~]
- 1422 [~~(a) does not constitute a land use approval; and~~]

1423 ~~[(b) does not affect the validity of the boundary line agreement or other document used~~
 1424 ~~to adjust a mutual boundary line.]~~

1425 ~~[(5)]~~ (10) A county may withhold approval of a land use application for property that is
 1426 subject to a ~~[recorded boundary line agreement or other document used to adjust a~~
 1427 ~~mutual boundary line]~~ boundary adjustment if the county determines that the resulting
 1428 ~~lots or parcels[, as adjusted by the boundary line agreement or other document used to~~
 1429 ~~adjust the mutual boundary line,]~~ are not in compliance with the county's land use
 1430 regulations in effect on the day on which the boundary ~~[line agreement or other~~
 1431 ~~document used to adjust the mutual boundary line]~~ adjustment is recorded.

1432 Section 9. Section **17-27a-523** is amended to read:

1433 **17-27a-523 . Boundary establishment -- Process -- Boundary agreement not**
 1434 **subject to review by land use authority -- Prohibitions.**

1435 (1) ~~[If properly executed and acknowledged as required by law, an agreement between]~~ The
 1436 ~~owners of adjoining property [that designates the boundary line between the adjoining~~
 1437 ~~properties acts, upon recording in the office of the recorder of the county in which each~~
 1438 ~~property is located, as a quitclaim deed to convey all of each party's right, title, interest,~~
 1439 ~~and estate in property outside the agreed boundary line that had been the subject of the~~
 1440 ~~boundary line agreement or dispute that led to the boundary line agreement.]~~ may initiate
 1441 a boundary establishment to:

1442 (a) resolve an ambiguous, uncertain, or disputed boundary between the adjoining
 1443 properties; and
 1444 (b) agree upon the location of the boundary between the adjoining properties.

1445 (2) Adjoining property owners executing a boundary ~~[line agreement]~~ establishment
 1446 described in Subsection (1) shall:

1447 ~~[(a) ensure that the agreement includes:]~~

1448 ~~[(i) a legal description of the agreed upon boundary line and of each parcel or lot after~~
 1449 ~~the boundary line is changed;]~~

1450 ~~[(ii) the name and signature of each grantor that is party to the agreement;]~~

1451 ~~[(iii) a sufficient acknowledgment for each grantor's signature;]~~

1452 ~~[(iv) the address of each grantee for assessment purposes;]~~

1453 ~~[(v) a legal description of the parcel or lot each grantor owns before the boundary line~~
 1454 ~~is changed; and]~~

1455 ~~[(vi) the date of the agreement if the date is not included in the acknowledgment in a~~
 1456 ~~form substantially similar to a quitclaim deed as described in Section 57-1-13;]~~

- 1457 ~~[(b) if any of the property subject to the boundary line agreement is a lot, prepare an~~
1458 ~~amended plat in accordance with Section 17-27a-608 before executing the boundary~~
1459 ~~line agreement; and]~~
- 1460 ~~[(e) if none of the property subject to the boundary line agreement is a lot, ensure that~~
1461 ~~the boundary line agreement includes a statement citing the file number of a record of~~
1462 ~~a survey map in accordance with Section 17-23-17, unless the statement is exempted~~
1463 ~~by the county.]~~
- 1464 ~~(a) prepare an establishment document that complies with Section 57-1-45; and~~
1465 ~~(b) record the boundary establishment with the county recorder, in accordance with~~
1466 ~~Section 57-1-45.~~
- 1467 ~~(3) A boundary establishment:~~
- 1468 ~~(a) is not subject to review of a land use authority; and~~
1469 ~~(b) does not require consent or approval from a land use authority before it may be~~
1470 ~~recorded.~~
- 1471 ~~(4) A boundary establishment is effective from the day it is recorded by the county recorder.~~
- 1472 ~~(5) A boundary establishment that violates a land use regulation is voidable.~~
- 1473 ~~[(3)] ~~(6) A boundary [line agreement described in Subsection (1) that complies with~~~~
1474 ~~Subsection (2)] establishment that complies with this section presumptively:~~
- 1475 ~~(a) has no detrimental effect on any easement on the property that is recorded before the~~
1476 ~~day on which the agreement is executed[unless the owner of the property benefitting~~
1477 ~~from the easement specifically modifies the easement within the boundary line~~
1478 ~~agreement or a separate recorded easement modification or relinquishment document];~~
1479 ~~and~~
- 1480 ~~(b) [relocates the parties' common boundary line for an exchange of consideration.]~~
1481 ~~conveys the ownership of the adjoining parties to the established common boundary.~~
- 1482 ~~[(4) Notwithstanding Part 6, Subdivisions, or a county's ordinances or policies, a boundary~~
1483 ~~line agreement that only affects parcels is not subject to:]~~
- 1484 ~~[(a) any public notice, public hearing, or preliminary platting requirement;]~~
1485 ~~[(b) the review of a land use authority; or]~~
- 1486 ~~[(c) an engineering review or approval of the county, except as provided in Subsection~~
1487 ~~(5).]~~
- 1488 ~~[(5)(a) If a parcel that is the subject of a boundary line agreement contains a dwelling~~
1489 ~~unit, the county may require a review of the boundary line agreement if the county:]~~
- 1490 ~~[(i) adopts an ordinance that:]~~

1491 ~~[(A) requires review and approval for a boundary line agreement containing a~~
 1492 ~~dwelling unit; and]~~

1493 ~~[(B) includes specific criteria for approval; and]~~

1494 ~~[(ii) completes the review within 14 days after the day on which the property owner~~
 1495 ~~submits the boundary line agreement for review.]~~

1496 ~~[(b)(i) If a county, upon a review under Subsection (5)(a), determines that the~~
 1497 ~~boundary line agreement is deficient or if the county requires additional~~
 1498 ~~information to approve the boundary line agreement, the county shall send, within~~
 1499 ~~the time period described in Subsection (5)(a)(ii), written notice to the property~~
 1500 ~~owner that:]~~

1501 ~~[(A) describes the specific deficiency or additional information that the county~~
 1502 ~~requires to approve the boundary line agreement; and]~~

1503 ~~[(B) states that the county shall approve the boundary line agreement upon the~~
 1504 ~~property owner's correction of the deficiency or submission of the additional~~
 1505 ~~information described in Subsection (5)(b)(i)(A).]~~

1506 ~~[(ii) If a county, upon a review under Subsection (5)(a), approves the boundary line~~
 1507 ~~agreement, the county shall send written notice of the boundary line agreement's~~
 1508 ~~approval to the property owner within the time period described in Subsection~~
 1509 ~~(5)(a)(ii).]~~

1510 ~~[(e) If a county fails to send a written notice under Subsection (5)(b) within the time~~
 1511 ~~period described in Subsection (5)(a)(ii), the property owner may record the~~
 1512 ~~boundary line agreement as if no review under this Subsection (5) was required.]~~

1513 Section 10. Section **17-27a-605** is amended to read:

1514 **17-27a-605 . Exemptions from plat requirement.**

1515 (1) Notwithstanding any other provision of law, a plat is not required if:

1516 (a) a county establishes a process to approve an administrative land use decision for the
 1517 subdivision of unincorporated land or mountainous planning district land into 10 or
 1518 fewer ~~[lots]~~ parcels without a plat; and

1519 (b) the county provides in writing that:

1520 (i) the county has provided ~~[notice]~~ a certificate or written approval as required by
 1521 ordinance; and

1522 (ii) the proposed subdivision:

1523 (A) is not traversed by the mapped lines of a proposed street as shown in the
 1524 general plan unless the county has approved the location and dedication of any

1525 public street, county utility easement, any other easement, or any other land for
1526 public purposes as the county's ordinance requires;

1527 (B) has been approved by the culinary water authority and the sanitary sewer
1528 authority;

1529 (C) is located in a zoned area; and

1530 (D) conforms to all applicable land use ordinances or has properly received a
1531 variance from the requirements of an otherwise conflicting and applicable land
1532 use ordinance.

1533 (2)(a) Subject to Subsection (1), a ~~[lot- or]~~parcel resulting from a division of agricultural
1534 land is exempt from the plat requirements of Section 17-27a-603 if:

1535 (i) the ~~[lot- or]~~parcel:

1536 (A) qualifies as land in agricultural use under Section 59-2-502; and

1537 (B) is not used and will not be used for any nonagricultural purpose; and

1538 (ii) the new owner of record completes, signs, and records with the county recorder a
1539 notice:

1540 (A) describing the parcel by legal description; and

1541 (B) stating that the ~~[lot- or]~~ parcel is created for agricultural purposes as defined in
1542 Section 59-2-502 and will remain so until a future zoning change permits other
1543 uses.

1544 (b) If a ~~[lot- or]~~parcel exempted under Subsection (2)(a) is used for a nonagricultural
1545 purpose, the county shall require the ~~[lot- or]~~parcel to comply with the requirements
1546 of Section 17-27a-603 and all applicable land use ordinance requirements.

1547 (3)(a) Except as provided in Subsection (4), a document recorded in the county
1548 recorder's office that divides property by a metes and bounds description does not
1549 create an approved subdivision allowed by this part unless the land use authority's
1550 certificate of written approval required by Subsection (1) is attached to the document.

1551 (b) The absence of the certificate or written approval required by Subsection (1) does
1552 not:

1553 (i) prohibit the county recorder from recording a document; or

1554 (ii) affect the validity of a recorded document.

1555 (c) A document which does not meet the requirements of Subsection (1) may be
1556 corrected by the recording of an affidavit to which the required certificate or written
1557 approval is attached and that complies with Section 57-3-106.

1558 (4)(a) As used in this Subsection (4):

- 1559 (i) "Divided land" means land that:
- 1560 (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii);
- 1561 and
- 1562 (B) has been divided by a minor subdivision.
- 1563 (ii) "Land to be divided" means land that is proposed to be divided by a minor
- 1564 subdivision.
- 1565 (iii) "Minor subdivision" means a division of at least 100 contiguous acres of
- 1566 agricultural land in a county of the third, fourth, fifth, or sixth class to create one
- 1567 new [§] parcel that, after the division, is separate from the remainder of the
- 1568 original 100 or more contiguous acres of agricultural land.
- 1569 (iv) "Minor subdivision [§] parcel" means a [§] parcel created by a minor
- 1570 subdivision.
- 1571 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100
- 1572 contiguous acres of agricultural land may make a minor subdivision by submitting
- 1573 for recording in the office of the recorder of the county in which the land to be
- 1574 divided is located:
- 1575 (i) a recordable deed containing the legal description of the minor subdivision [§]
- 1576 parcel; and
- 1577 (ii) a notice:
- 1578 (A) indicating that the owner of the land to be divided is making a minor
- 1579 subdivision;
- 1580 (B) referring specifically to this section as the authority for making the minor
- 1581 subdivision; and
- 1582 (C) containing the legal description of:
- 1583 (I) the land to be divided; and
- 1584 (II) the minor subdivision [§] parcel.
- 1585 (c) A minor subdivision [§] parcel:
- 1586 (i) may not be less than one acre in size;
- 1587 (ii) may not be within 1,000 feet of another minor subdivision [§] parcel; and
- 1588 (iii) is not subject to the subdivision ordinance of the county in which the minor
- 1589 subdivision [§] parcel is located.
- 1590 (d) Land to be divided by a minor subdivision may not include divided land.
- 1591 (e) A county:
- 1592 (i) may not deny a building permit to an owner of a minor subdivision [§] parcel

- 1593 based on:
- 1594 (A) the [het's] parcel's status as a minor subdivision [het] parcel; or
- 1595 (B) the absence of standards described in Subsection (4)(e)(ii); and
- 1596 (ii) may, in connection with the issuance of a building permit, subject a minor
- 1597 subdivision [het] parcel to reasonable health, safety, and access standards that the
- 1598 county has established and made public.
- 1599 (5)(a) Notwithstanding Sections 17-27a-603 and 17-27a-604, and subject to Subsection
- 1600 (1), the legislative body of a county may enact an ordinance allowing the subdivision
- 1601 of a parcel, without complying with the plat requirements of Section 17-27a-603, if:
- 1602 (i) the parcel contains an existing legal single family dwelling unit;
- 1603 (ii) the subdivision results in two parcels, one of which is agricultural land;
- 1604 (iii) the parcel of agricultural land:
- 1605 (A) qualifies as land in agricultural use under Section 59-2-502; and
- 1606 (B) is not used, and will not be used, for a nonagricultural purpose;
- 1607 (iv) both the parcel with an existing legal single family dwelling unit and the parcel
- 1608 of agricultural land meet the minimum area, width, frontage, and setback
- 1609 requirements of the applicable zoning designation in the applicable land use
- 1610 ordinance; and
- 1611 (v) the owner of record completes, signs, and records with the county recorder a
- 1612 notice:
- 1613 (A) describing the parcel of agricultural land by legal description; and
- 1614 (B) stating that the parcel of agricultural land is created as land in agricultural use,
- 1615 as defined in Section 59-2-502, and will remain as land in agricultural use until
- 1616 a future zoning change permits another use.
- 1617 (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a) is
- 1618 later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a)
- 1619 no longer applies, and the county shall require the owner of the parcel to:
- 1620 (i) retroactively comply with the subdivision plat requirements of Section 17-27a-603;
- 1621 and
- 1622 (ii) comply with all applicable land use ordinance requirements.
- 1623 (6)(a) The boundaries of any subdivision exempted from the plat requirement under this
- 1624 section shall be graphically illustrated on a record of survey map that includes:
- 1625 (i) a legal description of the parcel to be divided;
- 1626 (ii) a legal description of each parcel created by the subdivision; and

1627 (iii) a citation to the specific provision of this section for which an exemption to the
 1628 plat requirement is authorized.

1629 (b) The record of survey map described in Subsection (6)(a) shall be filed with the
 1630 county surveyor in accordance with Section 17-23-17.

1631 Section 11. Section **17-27a-608** is amended to read:

1632 **17-27a-608 . Subdivision amendments.**

1633 (1)(a) A fee owner of a lot, as shown on the last county assessment roll, in a plat that has
 1634 been laid out and platted as provided in this part may file a [~~written~~]petition with the
 1635 land use authority to request a subdivision amendment.

1636 (b) Upon filing a [~~written~~]petition to request a subdivision amendment under Subsection
 1637 (1)(a), the owner shall prepare and, if approved by the land use authority, record a
 1638 plat in accordance with Section 17-27a-603 that:

- 1639 (i) depicts only the portion of the subdivision that is proposed to be amended;
- 1640 (ii) includes a plat name distinguishing the amended plat from the original plat;
- 1641 (iii) describes the differences between the amended plat and the original plat; and
- 1642 (iv) includes references to the original plat.

1643 (c)(i) [~~If a petition is filed under Subsection (1)(a), the]~~ The land use authority shall
 1644 provide notice of [~~the]~~ a petition filed under Subsection (1)(a) by mail[;] or email[;
 1645 or other effective means] to:

1646 (A) each affected entity that provides a service to [an] a property owner of record
 1647 of the portion of the plat that is being amended[~~at least 10 calendar days~~
 1648 before the land use authority may approve the petition for a subdivision
 1649 amendment] ; and

1650 (B) each property owner of record within the portion of the subdivision that is
 1651 proposed to be amended.

1652 (ii) The notice described in Subsection (1)(c)(i)(B) shall include a deadline by which
 1653 written objections to the petition are due to the land use authority, but no earlier
 1654 than 10 calendar days after the day on which the land use authority sends the
 1655 notice.

1656 (d) [~~If a petition is filed under Subsection (1)(a), the]~~ The land use authority shall hold a
 1657 public hearing within 45 days after the day on which [~~the]~~ a petition is filed under
 1658 Subsection (1)(a) if:

1659 (i) any property owner within the [plat] subdivision that is proposed to be amended
 1660 notifies the county of the owner's objection in writing [~~within 10 days of mailed~~

1661 notification] by the deadline for objections, as described in Subsection (1)(c)(ii); or
 1662 (ii) the land use authority requires a public hearing [~~is required because~~] if all of the
 1663 owners [~~is~~] within the portion of the subdivision proposed to be amended have not
 1664 signed the [~~revised~~] proposed amended plat.

1665 (e) A land use authority may approve a petition for subdivision amendment no earlier
 1666 than:

1667 (i) the day after the day on which written objections were due to the land authority, as
 1668 described in Subsection (1)(c)(ii); or

1669 (ii) if a public hearing is required as described in Subsection (1)(d), the day the day
 1670 on which the public hearing takes place.

1671 (f) A land use authority may not approve a petition for a subdivision amendment under
 1672 this section unless the amendment identifies and preserves any easements owned by a
 1673 culinary water authority and sanitary sewer authority for existing facilities located
 1674 within the subdivision.

1675 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use
 1676 authority may consider at a public meeting an owner's petition for a subdivision
 1677 amendment if:

1678 (a) the petition seeks to:

1679 (i) join two or more of the petitioning fee owner's contiguous lots;

1680 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will
 1681 not result in a violation of a land use ordinance or a development condition;

1682 [~~(iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if~~
 1683 ~~the fee owners of each of the adjoining properties join the petition, regardless of~~
 1684 ~~whether the properties are located in the same subdivision;]~~

1685 [~~(iv)~~] (iii) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
 1686 imposed by the local political subdivision; or

1687 [~~(v)~~] (iv) alter the plat in a manner that does not change existing boundaries or other
 1688 attributes of lots within the subdivision that are not:

1689 (A) owned by the petitioner; or

1690 (B) designated as a common area; and

1691 (b) notice has been given to adjoining property owners in accordance with any
 1692 applicable local ordinance.

1693 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or
 1694 county utility easement is also subject to Section 17-27a-609.5.

- 1695 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a
 1696 portion of a plat shall include:
- 1697 (a) the name and address of each owner of record of the land contained in:
- 1698 (i) the entire plat; or
- 1699 (ii) that portion of the plan described in the petition; and
- 1700 (b) the signature of each owner who consents to the petition.
- 1701 ~~[(5)(a) The owners of record of adjoining properties where one or more of the~~
 1702 ~~properties is a lot may exchange title to portions of those properties if the exchange~~
 1703 ~~of title is approved by the land use authority as a lot line adjustment in accordance~~
 1704 ~~with Subsection (5)(b).]~~
- 1705 ~~[(b) The land use authority shall approve a lot line adjustment under Subsection (5)(a) if~~
 1706 ~~the exchange of title will not result in a violation of any land use ordinance.]~~
- 1707 ~~[(c) If a lot line adjustment is approved under Subsection (5)(b):]~~
- 1708 ~~[(i) a notice of lot line adjustment approval shall be recorded in the office of the~~
 1709 ~~county recorder which:]~~
- 1710 ~~[(A) is approved by the land use authority; and]~~
- 1711 ~~[(B) recites the legal descriptions of both the properties and the properties~~
 1712 ~~resulting from the exchange of title; and]~~
- 1713 ~~[(ii) a document of conveyance of title reflecting the approved change shall be~~
 1714 ~~recorded in the office of the county recorder.]~~
- 1715 ~~[(d) A notice of approval recorded under this Subsection (5) does not act as a~~
 1716 ~~conveyance of title to real property and is not required to record a document~~
 1717 ~~conveying title to real property.]~~
- 1718 ~~[(6)(a) The name of a recorded subdivision may be changed by recording an amended~~
 1719 ~~plat making that change, as provided in this section and subject to Subsection (6)(e).]~~
- 1720 ~~[(b) The surveyor preparing the amended plat shall certify that the surveyor:]~~
- 1721 ~~[(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers~~
 1722 ~~and Professional Land Surveyors Licensing Act;]~~
- 1723 ~~[(ii)(A) has completed a survey of the property described on the plat in~~
 1724 ~~accordance with Section 17-23-17 and has verified all measurements; or]~~
- 1725 ~~[(B) has referenced a record of survey map of the existing property boundaries~~
 1726 ~~shown on the plat and verified the locations of the boundaries; and]~~
- 1727 ~~[(iii) has placed monuments as represented on the plat.]~~
- 1728 ~~[(c) An owner of land may not submit for recording an amended plat that gives the~~

1729 subdivision described in the amended plat the same name as a subdivision recorded
1730 in the county recorder's office.]

1731 [(d) Except as provided in Subsection (6)(a), the recording of a declaration or other
1732 document that purports to change the name of a recorded plat is void.]

1733 (5) A surveyor preparing an amended plat under this section shall certify that the surveyor:

1734 (a) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
1735 Professional Land Surveyors Licensing Act;

1736 (b)(i) has completed a survey of the property described on the plat in accordance with
1737 Section 17-23-17 and has verified all measurements;

1738 (ii) has referenced a record of survey map of the existing property boundaries shown
1739 on the plat and verified the locations of the boundaries; or

1740 (iii) has referenced the original plat that created the lot boundaries being amended;
1741 and

1742 (c) has placed monuments as represented on the plat.

1743 Section 12. Section **57-1-13** is amended to read:

1744 **57-1-13 . Form of quitclaim deed.**

1745 [(1)] A conveyance of land may also be substantially in the following form:

1746 "QUITCLAIM DEED

1747 ____ (here insert name), grantor, of ____ (insert place of residence), hereby quitclaims
1748 to ____ (insert name), grantee, of ____ (here insert place of residence), for the sum of ____
1749 dollars, the following described tract ____ of land in ____ County, Utah, to wit: (here describe
1750 the premises).

1751 Witness the hand of said grantor this _____(month\day\year).

1752 A quitclaim deed when executed as required by law shall have the effect of a
1753 conveyance of all right, title, interest, and estate of the grantor in and to the premises therein
1754 described and all rights, privileges, and appurtenances thereunto belonging, at the date of the
1755 conveyance."

1756 [(2) ~~A boundary line agreement operating as a quitclaim deed shall meet the requirements~~
1757 ~~described in Section 10-9a-524 or 17-27a-523, as applicable.~~]

1758 Section 13. Section **57-1-45** is amended to read:

1759 **57-1-45 . Boundary establishments -- Establishment documents -- Effect.**

1760 [(1) ~~An agreement to adjust a known boundary between adjoining properties shall comply~~
1761 ~~with Section 10-9a-524 or 17-27a-523, as applicable.~~]

1762 [(2) ~~A recorded boundary line agreement to establish the location of a boundary between~~

1763 adjoining properties where the location of the boundary is ambiguous, uncertain, or
 1764 disputed shall comply with Subsections (3) and (4).]

1765 [~~(3)~~] (1) A boundary establishment shall:

1766 (a) be finalized by recording an establishment document, as defined in Sections
 1767 10-9a-103 and 17-27a-103; and

1768 (b) comply with this section.

1769 (2) [~~A boundary line agreement between adjoining property owners establishing the owners'~~
 1770 ~~existing common boundary for the purpose of settling an ambiguity, uncertainty, or~~
 1771 ~~dispute~~] An establishment document shall include:

1772 (a) the name and signature of each party to the [~~agreement and, if applicable, the name~~
 1773 ~~and signature of a party's predecessor in interest who agreed to the location of the~~
 1774 ~~boundary line~~] establishment document;

1775 [(b) ~~the date of the boundary line agreement;~~]

1776 [(e)] (b) the address of each party to the [~~boundary line agreement~~] establishment
 1777 document for assessment purposes;

1778 [(d)] (c) a statement describing [~~why the owners of adjoining properties were unable to~~
 1779 ~~determine the true location of the boundary line between the adjoining properties~~] the
 1780 ambiguity, uncertainty, or dispute being resolved with the boundary establishment;

1781 [(e)] (d) a statement that the adjoining property owners [~~of the adjoining properties~~]
 1782 agree on the established boundary [~~line~~] location described in the [~~boundary line~~
 1783 ~~agreement~~] establishment document;

1784 [(f)] (e) a current legal description of each parcel or lot that is subject to the established
 1785 boundary [~~line agreement~~];

1786 [(g)] (f) a new legal description of the [~~agreed~~] established boundary [~~line~~];

1787 [(h)] (g)(i) if the property owners have conducted a survey, a reference to a record of
 1788 the survey map, as defined in Section 17-23-17 [~~in conjunction with the boundary~~
 1789 ~~line agreement that shows~~] , showing information necessary to identify the
 1790 established boundary that may include:

1791 (A) existing dwellings, outbuildings, improvements, and other physical features;

1792 (B) existing easements, rights-of-way, conditions, or restrictions recorded or
 1793 apparent;

1794 (C) the location of the agreed boundary [~~line~~]; and

1795 (D) an explanation in the survey narrative of the reason for the boundary [~~line~~
 1796 ~~agreement~~] establishment; or

- 1797 (ii) if the parcels or lots are unimproved, or if the property owners have otherwise not
 1798 conducted a survey, an attached [~~exhibit~~] visual or graphic depicting a [~~graphical~~]
 1799 representation of the location of the [~~agreed~~] established boundary [~~line~~] relative to
 1800 physical objects marking the [~~agreed~~] established boundary;
- 1801 [(+)] (h) if any of the property that is the subject of the [~~agreement~~] establishment
 1802 document is located in a recorded subdivision [~~and the agreed boundary line is~~
 1803 ~~different from the boundary line recorded in the plat~~], an acknowledgment that each
 1804 party to the agreement has been [~~advised~~] notified of the potential requirement of a
 1805 subdivision plat amendment; and
- 1806 [(+)] (i) a sufficient acknowledgment for each party's signature.
- 1807 [(4)] (3) [~~A boundary line agreement~~] An establishment document described in Subsection [~~(3)~~]
 1808 (2) may not be used to create a new parcel or new lot.[:]
 1809 [(a) ~~used to adjust a known boundary described in Subsection (1) between adjoining~~
 1810 ~~properties;~~]
 1811 [(b) ~~used to adjust a lot line in a recorded subdivision plat or create a new parcel or lot; or~~]
 1812 [(c) ~~used by or recorded by a successor in interest to a property owner who agreed to the~~
 1813 ~~boundary line unless the property owners who agreed to the boundary line treated the~~
 1814 ~~line as the actual boundary as demonstrated by:~~]
 1815 [(i) ~~actual possession by each owner up to the boundary line;~~]
 1816 [(ii) ~~a fence built and agreed to by each owner on the boundary line; or~~]
 1817 [(iii) ~~each owner cultivating or controlling the land up to the boundary line.~~]
- 1818 (4) Property owners who agree to a boundary establishment shall treat the established
 1819 boundary as the common boundary, as demonstrated by:
- 1820 (a) actual possession by each owner of the owner's property up to the common
 1821 boundary, as visibly marked by monuments, fences, buildings, or other physical
 1822 improvements; or
- 1823 (b) each owner cultivating or controlling the owner's property up to the visibly marked
 1824 common boundary.
- 1825 (5)(a) Before recording an establishment document, a county recorder shall confirm that
 1826 the establishment document and any accompanying exhibit is presented in a legible
 1827 and recordable format.
- 1828 (b) Upon receipt of an establishment document that is not in a legible and recordable
 1829 format, the county recorder shall provide the person submitting the establishment
 1830 document with an explanation of corrections necessary to record the establishment

- 1831 document.
- 1832 (6)(a) An establishment document is effective on the day it is recorded.
- 1833 (b) A recorded establishment document creates a boundary establishment.
- 1834 (c) If a judgment made by a court that establishes the location of a disputed boundary is
 1835 recorded in the county title record:
- 1836 (i) the judgment is considered an establishment document; and
- 1837 (ii) the recording of the judgment creates a boundary establishment.
- 1838 [(5)] (7) [A boundary line agreement] Once recorded, an establishment document described
 1839 in Subsection [(3)] (2):
- 1840 (a) does not affect any previously recorded easement[~~unless the easement is expressly~~
 1841 ~~modified by the boundary line agreement~~];
- 1842 (b) establishes the location of the common boundary between the adjoining properties[
 1843 ~~in the originally intended location of the boundary line~~];
- 1844 (c) [~~affixes~~] conveys the ownership of the adjoining parties to the agreed boundary[~~line~~];
 1845 and
- 1846 [(d) ~~is not subject to the review or approval of a municipal or county land use authority;~~
 1847 ~~and~~]
- 1848 [(e)] (d) shall be indexed by a county recorder in the title record against each property
 1849 affected by the [~~agreed~~] established boundary[~~line~~].
- 1850 [(6)] (8) The recording of [~~a boundary line agreement described in Subsection (3)] an~~
 1851 establishment document does not constitute a land use approval by a municipality or a
 1852 county.
- 1853 [(7)] (9) A municipality or a county may withhold approval of a land use application for
 1854 property that is subject to a boundary [~~line agreement described in Subsection (3)]~~
 1855 establishment if the municipality or the county determines that the [~~land, as established~~
 1856 ~~by the boundary line agreement,~~] established boundary was not in compliance with the
 1857 municipality's or the county's land use regulations in effect on the day on which the
 1858 boundary [~~line agreement~~] establishment was recorded.
- 1859 [(8) ~~If a judgment made by a court that establishes the location of a disputed boundary is~~
 1860 ~~recorded in the county title record, the judgment shall act as a boundary line agreement~~
 1861 ~~recorded under this section.~~]
- 1862 Section 14. Section **57-1-45.5** is enacted to read:
- 1863 **57-1-45.5 . Conveyance document for a boundary adjustment -- Form and effect.**
- 1864 (1) A conveyance document, as defined in Sections 10-9a-103 and 17-27a-103, for a

- 1865 boundary adjustment shall comply with this section.
- 1866 (2) A conveyance document shall include:
- 1867 (a) the name and signature of each party to the conveyance document;
- 1868 (b) the address of each party to the conveyance document for assessment purposes;
- 1869 (c) a legal description of the parcel or lot owned by each party before the boundary
- 1870 adjustment;
- 1871 (d) a legal description of the parcel or lot owned by each party after the boundary
- 1872 adjustment; and
- 1873 (e) sufficient language to convey title from one party to another party, in conformity
- 1874 with the proposed boundary adjustment.
- 1875 (3) In addition to the information required in Subsection (2), a conveyance document shall
- 1876 include as an exhibit, in a legible and recordable format:
- 1877 (a) a visual or graphic of the proposed boundary adjustment and all properties affected
- 1878 by the proposed boundary adjustment, depicting:
- 1879 (i) the former boundary location;
- 1880 (ii) the new boundary location; and
- 1881 (iii) the size, shape, and dimensions of each adjusted parcel or lot;
- 1882 (b) if the property owners have conducted a survey, a reference to the record of the
- 1883 survey map, as defined in Section 17-23-17, showing:
- 1884 (i) existing dwellings, outbuildings, improvements, and other physical features;
- 1885 (ii) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;
- 1886 (iii) the former boundary location;
- 1887 (iv) the new boundary location;
- 1888 (v) the size, shape, and dimensions of each adjusted lot or adjusted parcel; and
- 1889 (vi) other existing or proposed improvements that impact or are subject to land use
- 1890 regulations; and
- 1891 (c) if the conveyance document addresses a boundary adjustment that requires an
- 1892 amendment to a subdivision plat under Section 10-9a-523 or 17-27a-522, the
- 1893 amendment to the subdivision plat.
- 1894 (4)(a) A conveyance document is effective on the day it is recorded as part of a
- 1895 boundary adjustment.
- 1896 (b) Before recording a conveyance document, a county recorder shall confirm that the
- 1897 conveyance document is:
- 1898 (i) in a legible and recordable format, including any exhibit to the conveyance

- 1899 document; and
- 1900 (ii) accompanied by a notice of consent to the boundary adjustment from a land use
- 1901 authority under Subsection 10-9a-523(3) or (6) or Subsection 17-27a-522(3) or (6).
- 1902 (c) Upon receipt of a conveyance document, or any exhibit to a conveyance document,
- 1903 that is not in a legible and recordable format, a county recorder shall provide the
- 1904 person submitting the conveyance document with an explanation of the corrections
- 1905 necessary to record the conveyance document.
- 1906 (5) The recording of a boundary adjustment presumptively:
- 1907 (a) relocates an existing boundary by creating a new boundary between the adjoining
- 1908 properties;
- 1909 (b) changes the size, shape, or configuration of two or more adjoining lots or parcels;
- 1910 (c) does not affect any previously recorded easement unless the easement is expressly
- 1911 and properly modified by the boundary adjustment; and
- 1912 (d) affixes the ownership of the adjoining parties to the adjusted boundary.
- 1913 Section 15. Section **57-8-32** is amended to read:
- 1914 **57-8-32 . Sale of property and common areas and facilities.**
- 1915 (1) Subject to Subsection [~~10-9a-605(5)~~] 10-9a-606(5) or 17-27a-606(5), unless otherwise
- 1916 provided in the declaration or bylaws, and notwithstanding the provisions of Sections
- 1917 57-8-30 and 57-8-31, the unit owners may by an affirmative vote of at least 67% of unit
- 1918 owners, elect to sell, convey, transfer, or otherwise dispose of the property or all or part
- 1919 of the common areas and facilities.
- 1920 (2) An affirmative vote described in Subsection (1) is binding upon all unit owners, and
- 1921 each unit owner shall execute and deliver the appropriate instruments and perform all
- 1922 acts as necessary to [~~effect~~] affect the sale, conveyance, transfer, or other disposition of
- 1923 the property or common areas and facilities.
- 1924 (3) The general easement of ingress, egress, and use of the common areas and facilities
- 1925 granted to an association and unit owners through recorded governing documents is
- 1926 extinguished in any portion of the common areas and facilities the unit owners sell,
- 1927 convey, transfer, or otherwise dispose of, if:
- 1928 (a) the unit owners, in selling, conveying, transferring, or otherwise disposing of the
- 1929 portion of the common areas and facilities, comply with:
- 1930 (i) the provisions of this section; and
- 1931 (ii) Section 10-9a-606 or 17-27a-606; and
- 1932 (b) the sale, conveyance, transfer, or other disposition of the portion of the common

- 1933 areas and facilities results in a person other than the association or a unit owner
1934 owning the portion of the common areas and facilities.
- 1935 (4) This section applies to an association of unit owners regardless of when the association
1936 of unit owners is created.
- 1937 Section 16. **Effective Date.**
- 1938 This bill takes effect on May 7, 2025.