

Boundary Line Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin R. Musselman

LONG TITLE**General Description:**

This bill modifies provisions related to boundary changes.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

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

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

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

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

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

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

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

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

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

40

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

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

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

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) "Charter school" means:

77 (i) an operating charter school;

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

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

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

83 (8)(a) "Boundary adjustment" means an agreement between adjoining property owners
84 to relocate a common boundary that requires a conveyance of property between the
85 adjoining lots, adjoining parcels, or adjoining lots and parcels.

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

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

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

89 (9)(a) "Boundary establishment" means an agreement:

90 (i) between adjoining property owners to clarify the location of an ambiguous,
91 uncertain, or disputed common boundary; and

92 (ii) that does not require the recording of a conveyance document.

93 (b) "Boundary establishment" does not mean:

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

96 (ii) a modification of a lot or parcel boundary that:

97 (A) creates an additional lot or parcel; or

98 (B) is made by the Department of Transportation.

99 (10) "Conditional use" means a land use that, because of the unique characteristics or

100 potential impact of the land use on the municipality, surrounding neighbors, or adjacent
101 land uses, may not be compatible in some areas or may be compatible only if certain
102 conditions are required that mitigate or eliminate the detrimental impacts.

103 ~~[(9)]~~ (11) "Constitutional taking" means a governmental action that results in a taking of
104 private property so that compensation to the owner of the property is required by the:

- 105 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 106 (b) Utah Constitution, Article I, Section 22.

107 ~~[(10)]~~ (12) "Conveyance of property" means the transfer of ownership of any portion of real
108 property from one person to another person.

109 (13) "Conveyance document" means an instrument that:

- 110 (a) meets the definition of "document" in Section 57-1-1; and
- 111 (b) meets the requirements of Section 57-1-45.5.

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

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

116 ~~[(11)]~~ (16) "Development activity" means:

- 117 (a) any construction or expansion of a building, structure, or use that creates additional
118 demand and need for public facilities;
- 119 (b) any change in use of a building or structure that creates additional demand and need
120 for public facilities; or
- 121 (c) any change in the use of land that creates additional demand and need for public
122 facilities.

123 ~~[(12)]~~ (17)(a) "Development agreement" means a written agreement or amendment to a
124 written agreement between a municipality and one or more parties that regulates or
125 controls the use or development of a specific area of land.

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

127 ~~[(13)]~~ (18)(a) "Disability" means a physical or mental impairment that substantially
128 limits one or more of a person's major life activities, including a person having a
129 record of such an impairment or being regarded as having such an impairment.

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

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

134 [(14)] (20) "Educational facility":

135 (a) means:

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

139 (ii) a structure or facility:

140 (A) located on the same property as a building described in Subsection [(14)(a)(i)]
141 (20)(a)(i); and

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

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

145 (b) does not include:

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

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

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

153 (ii) a therapeutic school.

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

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

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

157 [(15)] (22) "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)] (23) "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)] (24) "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)] (25) "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)] (26) "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)] (27) "Home-based microschool" means the same as that term is defined in Section
187 53G-6-201.

188 [(21)] (28) "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)] (29) "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)~~] (30) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
204 Impact Fees Act.
- 205 [~~(24)~~] (31) "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)~~] (32) "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)~~] (33) "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)~~] (34) "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)]~~ (35) "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)]~~ (36) "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)]~~ (37) "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)]~~ (38) "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)]~~ (39) "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)]~~ (40) "Land use permit" means a permit issued by a land use authority.
- 263 ~~[(34)]~~ (41) "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)] (42) "Legislative body" means the municipal council.
- 276 [(36)] (43) "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)] (44) "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 adjoining
- 285 lots or between a lot and adjoining parcels in accordance with Section 10-9a-608:]
- 286 [(i) whether or not the lots are located in the same subdivision; and]
- 287 [(ii) with the consent of the owners of record.]
- 288 [(b) "Lot line adjustment" does not mean a new boundary line that:]
- 289 [(i) creates an additional lot; or]
- 290 [(ii) constitutes a subdivision or a subdivision amendment.]
- 291 [(e) "Lot line adjustment" does not include a boundary line adjustment made by the
- 292 Department of Transportation.]
- 293 [(39)] (45) "Major transit investment corridor" means public transit service that uses or
- 294 occupies:
- 295 (a) public transit rail right-of-way;
- 296 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
- 297 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
- 298 municipality or county and:
- 299 (i) a public transit district as defined in Section 17B-2a-802; or
- 300 (ii) an eligible political subdivision as defined in Section 59-12-2219.
- 301 [(40)] (46) "Micro-education entity" means the same as that term is defined in Section
- 302 53G-6-201.
- 303 [(41)] (47) "Moderate income housing" means housing occupied or reserved for occupancy

304 by households with a gross household income equal to or less than 80% of the median
305 gross income for households of the same size in the county in which the city is located.

306 [~~(42)~~] (48) "Municipal utility easement" means an easement that:

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

309 (b) is not a protected utility easement or a public utility easement as defined in Section
310 54-3-27;

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

314 (d) is used or occupied with the consent of the municipality in accordance with an
315 authorized franchise or other agreement;

316 (e)(i) is used or occupied by a specified public utility in accordance with an
317 authorized franchise or other agreement; and

318 (ii) is located in a utility easement granted for public use; or

319 (f) is described in Section 10-9a-529 and is used by a specified public utility.

320 [~~(43)~~] (49) "Nominal fee" means a fee that reasonably reimburses a municipality only for
321 time spent and expenses incurred in:

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

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

325 [~~(44)~~] (50) "Noncomplying structure" means a structure that:

326 (a) legally existed before the structure's current land use designation; and

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

330 [~~(45)~~] (51) "Nonconforming use" means a use of land that:

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

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

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

336 [~~(46)~~] (52) "Official map" means a map drawn by municipal authorities and recorded in a
337 county recorder's office that:

- 338 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
 339 highways and other transportation facilities;
- 340 (b) provides a basis for restricting development in designated rights-of-way or between
 341 designated setbacks to allow the government authorities time to purchase or
 342 otherwise reserve the land; and
- 343 (c) has been adopted as an element of the municipality's general plan.
- 344 [(47)] (53) "Parcel" means any real property that is not a lot.
- 345 [(48)(a)] "Parcel boundary adjustment" means a recorded agreement between owners of
 346 adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line
 347 agreement in accordance with Section 10-9a-524, if no additional parcel is created and:]
- 348 [(i) none of the property identified in the agreement is a lot; or]
 349 [(ii) the adjustment is to the boundaries of a single person's parcels.]
- 350 [(b)] "Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line
 351 that:]
- 352 [(i) creates an additional parcel; or]
 353 [(ii) constitutes a subdivision.]
- 354 [(c)] "Parcel boundary adjustment" does not include a boundary line adjustment made by
 355 the Department of Transportation.]
- 356 [(49)] (54) "Person" means an individual, corporation, partnership, organization,
 357 association, trust, governmental agency, or any other legal entity.
- 358 [(50)] (55) "Plan for moderate income housing" means a written document adopted by a
 359 municipality's legislative body that includes:
- 360 (a) an estimate of the existing supply of moderate income housing located within the
 361 municipality;
- 362 (b) an estimate of the need for moderate income housing in the municipality for the next
 363 five years;
- 364 (c) a survey of total residential land use;
- 365 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
 366 income housing; and
- 367 (e) a description of the municipality's program to encourage an adequate supply of
 368 moderate income housing.
- 369 [(51)] (56) "Plat" means an instrument subdividing property into lots as depicted on a map
 370 or other graphical representation of lands that a licensed professional land surveyor
 371 makes and prepares in accordance with Section 10-9a-603 or 57-8-13.

- 372 [~~52~~] (57) "Potential geologic hazard area" means an area that:
- 373 (a) is designated by a Utah Geological Survey map, county geologist map, or other
374 relevant map or report as needing further study to determine the area's potential for
375 geologic hazard; or
- 376 (b) has not been studied by the Utah Geological Survey or a county geologist but
377 presents the potential of geologic hazard because the area has characteristics similar
378 to those of a designated geologic hazard area.
- 379 [~~53~~] (58) "Public agency" means:
- 380 (a) the federal government;
- 381 (b) the state;
- 382 (c) a county, municipality, school district, special district, special service district, or
383 other political subdivision of the state; or
- 384 (d) a charter school.
- 385 [~~54~~] (59) "Public hearing" means a hearing at which members of the public are provided a
386 reasonable opportunity to comment on the subject of the hearing.
- 387 [~~55~~] (60) "Public meeting" means a meeting that is required to be open to the public under
388 Title 52, Chapter 4, Open and Public Meetings Act.
- 389 [~~56~~] (61) "Public street" means a public right-of-way, including a public highway, public
390 avenue, public boulevard, public parkway, public road, public lane, public alley, public
391 viaduct, public subway, public tunnel, public bridge, public byway, other public
392 transportation easement, or other public way.
- 393 [~~57~~] (62) "Receiving zone" means an area of a municipality that the municipality
394 designates, by ordinance, as an area in which an owner of land may receive a
395 transferable development right.
- 396 [~~58~~] (63) "Record of survey map" means a map of a survey of land prepared in accordance
397 with Section [~~10-9a-603,~~] 17-23-17[, ~~17-27a-603,~~ or ~~57-8-13~~].
- 398 [~~59~~] (64) "Residential facility for persons with a disability" means a residence:
- 399 (a) in which more than one person with a disability resides; and
- 400 (b) which is licensed or certified by the Department of Health and Human Services
401 under:
- 402 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
- 403 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 404 [~~60~~] (65) "Residential roadway" means a public local residential road that:
- 405 (a) will serve primarily to provide access to adjacent primarily residential areas and

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

418 ~~[(61)]~~ (66) "Rules of order and procedure" means a set of rules that govern and prescribe in

419 a public meeting:

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

423 ~~[(62)]~~ (67) "Sanitary sewer authority" means the department, agency, or public entity with

424 responsibility to review and approve the feasibility of sanitary sewer services or onsite

425 wastewater systems.

426 ~~[(63)]~~ (68) "Sending zone" means an area of a municipality that the municipality designates,

427 by ordinance, as an area from which an owner of land may transfer a transferable

428 development right.

429 (69) "Simple boundary adjustment" means the process to relocate a common boundary

430 between adjoining lots, adjoining parcels, or between an adjoining lot and parcel where

431 the relocation would 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)]~~ (70) "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)]~~ (71) "Specified public agency" means:

- 439 (a) the state;

440 (b) a school district; or

441 (c) a charter school.

442 [(66)] (72) "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)] (73) "State" includes any department, division, or agency of the state.

445 [(68)] (74)(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)(e)] (74)(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]~~ establishment recorded with the county recorder's
463 office [~~between owners of adjoining parcels adjusting the mutual boundary]~~ in
464 accordance with Section 10-9a-524 [~~if no new parcel is created];~~

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

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

469 (B) joining a lot to a parcel;

470 [(iv) a boundary line agreement between owners of adjoining subdivided properties
471 adjusting the mutual lot line boundary in accordance with Sections 10-9a-524 and
472 10-9a-608 if:]

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

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

- 508 (ii) the primary service provider of the facility;
- 509 (b) that serves students who have a history of failing to function:
- 510 (i) at home;
- 511 (ii) in a public school; or
- 512 (iii) in a nonresidential private school; and
- 513 (c) that offers:
- 514 (i) room and board; and
- 515 (ii) an academic education integrated with:
- 516 (A) specialized structure and supervision; or
- 517 (B) services or treatment related to a disability, an emotional development, a
- 518 behavioral development, a familial development, or a social development.

519 ~~[(73)]~~ (79) "Transferable development right" means a right to develop and use land that

520 originates by an ordinance that authorizes a land owner in a designated sending zone to

521 transfer land use rights from a designated sending zone to a designated receiving zone.

522 ~~[(74)]~~ (80) "Unincorporated" means the area outside of the incorporated area of a city or

523 town.

524 ~~[(75)]~~ (81) "Water interest" means any right to the beneficial use of water, including:

- 525 (a) each of the rights listed in Section 73-1-11; and
- 526 (b) an ownership interest in the right to the beneficial use of water represented by:
- 527 (i) a contract; or
- 528 (ii) a share in a water company, as defined in Section 73-3-3.5.

529 ~~[(76)]~~ (82) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts

530 land use zones, overlays, or districts.

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

532 **10-9a-523 . Simple boundary adjustment -- Other boundary adjustments --**

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

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

535 section.

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

- 537 (a) include a conveyance document that complies with Section 57-1-45.5; and
- 538 (b) describe all lots or parcels affected by the proposed boundary adjustment.

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

540 use authority verifies that the proposed simple boundary adjustment:

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

- 541 (b) does not:
- 542 (i) affect a public right-of-way, municipal utility easement, or other public property;
- 543 (ii) affect an existing easement or an internal lot restriction;
- 544 (iii) result in a lot or parcel out of conformity with land use regulations; or
- 545 (iv) require other land use authority review.
- 546 (4) If the land use authority determines that a proposed simple boundary adjustment does
- 547 not meet the requirements of Subsection (3), the proposal does not qualify as a simple
- 548 boundary adjustment.
- 549 (5) To [make] propose a [parcel] boundary adjustment that does not qualify for a simple
- 550 boundary adjustment, [a property owner] the adjoining property owners shall submit a
- 551 proposal to the land use authority that includes:
- 552 [(a) execute a boundary adjustment through:]
- 553 [(i) a quitclaim deed; or]
- 554 [(ii) a boundary line agreement under Section 10-9a-524; and]
- 555 [(b) record the quitclaim deed or boundary line agreement described in Subsection
- 556 (1)(a) in the office of the county recorder of the county in which each property is
- 557 located.]
- 558 (a) a conveyance document that complies with Section 57-1-45.5;
- 559 (b) a survey that includes information that the land use authority requires to approve the
- 560 boundary adjustment, which may include depictions of:
- 561 (i) existing dwellings, outbuildings, improvements, and other physical features;
- 562 (ii) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;
- 563 (iii) the current boundary location;
- 564 (iv) the proposed new boundary location;
- 565 (v) the size, shape, and dimensions of each adjusted lot or parcel; and
- 566 (vi) other existing or proposed improvements that impact or are subject to land use
- 567 regulations; and
- 568 (c) a proposed plat amendment corresponding with the proposed boundary adjustment,
- 569 prepared in accordance with Section 10-9a-608.
- 570 (6) A land use authority shall consent to a proposed boundary adjustment made under
- 571 Subsection (5) if:
- 572 (a) the proposal submitted to the land use authority under Subsection (5) includes all
- 573 necessary information;
- 574 (b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land

- 575 use regulation; and
- 576 (c) the plat amendment corresponding with the proposed boundary adjustment has been
 577 approved in accordance with Section 10-9a-608.
- 578 (7)(a) Consent under Subsection (3) or (6) is an administrative act.
- 579 (b) Notice of consent under Subsection (3) or (6) shall be provided to the person
 580 proposing the boundary adjustment in a format that makes clear:
- 581 (i) the land use authority is not responsible for any error related to the boundary
 582 adjustment; and
- 583 (ii) a county recorder may record the boundary adjustment.
- 584 ~~[(2) To make a lot line adjustment, a property owner shall:]~~
- 585 ~~[(a) obtain approval of the boundary adjustment under Section 10-9a-608;]~~
- 586 ~~[(b) execute a boundary adjustment through:]~~
- 587 ~~[(i) a quitclaim deed; or]~~
- 588 ~~[(ii) a boundary line agreement under Section 10-9a-524; and]~~
- 589 ~~[(c) record the quitclaim deed or boundary line agreement described in Subsection (2)(b) in~~
 590 ~~the office of the county recorder of the county in which each property is located.]~~
- 591 (8) A boundary adjustment is effective from the day on which the boundary adjustment, as
 592 consented to by the land use authority, is recorded by a county recorder along with the
 593 relevant conveyance document.
- 594 ~~[(3) A parcel boundary adjustment under Subsection (1) is not subject to review of a land~~
 595 ~~use authority unless:]~~
- 596 ~~[(a) the parcel includes a dwelling; and]~~
- 597 ~~[(b) the land use authority's approval is required under Subsection 10-9a-524(5).]~~
- 598 ~~[(4)]~~ (9) The recording of a boundary [line agreement or other document used to adjust a
 599 mutual boundary line that is not subject to review of a land use authority] adjustment
 600 does not constitute a land use approval.[:]
- 601 ~~[(a) does not constitute a land use approval; and]~~
- 602 ~~[(b) does not affect the validity of the boundary line agreement or other document used~~
 603 ~~to adjust a mutual boundary line.]~~
- 604 ~~[(5)]~~ (10) A municipality may withhold approval of a land use application for property that
 605 is subject to a[recorded boundary line agreement or other document used to adjust a
 606 mutual boundary line] boundary adjustment if the municipality determines that the
 607 resulting lots or parcels[, as adjusted by the boundary line agreement or other document
 608 used to adjust the mutual boundary line,] are not in compliance with the municipality's

609 land use regulations in effect on the day on which the boundary [~~line agreement or other~~
610 ~~document used to adjust the mutual boundary line~~] adjustment is recorded.

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

612 **10-9a-524 . Boundary establishment -- Process -- Boundary agreement not**
613 **subject to review by land use authority -- Prohibitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

647 (3) A boundary establishment:

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

649 (b) does not require consent or approval from a land use authority before it may be
 650 recorded.

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

652 (5) A boundary establishment that seeks to convey or exchange title to any portion of
 653 property or otherwise establish a conveyance is voidable. (6) A boundary [line agreement]
 654 establishment [described in Subsection (1) that complies with Subsection (2)] that
 655 complies with this section presumptively:

656 (a) has no detrimental effect on any easement on the property that is recorded before the
 657 day on which the agreement is executed [unless the owner of the property benefitting

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

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

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

661 affixes the ownership of the adjoining parties to the established common boundary.

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

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

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

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

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

671 [(i) adopts an ordinance that:]

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

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

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

677 [(b)(i) If a municipality, upon a review under Subsection (5)(a), determines that the
 678 boundary line agreement is deficient or if the municipality requires additional
 679 information to approve the boundary line agreement, the municipality shall send, within
 680 the time period described in Subsection (5)(a)(ii), written notice to the property owner
 681 that:]
 682 [(A) describes the specific deficiency or additional information that the municipality
 683 requires to approve the boundary line agreement; and]
 684 [(B) states that the municipality shall approve the boundary line agreement upon the
 685 property owner's correction of the deficiency or submission of the additional
 686 information
 687 described in Subsection (5)(b)(i)(A).]
 688 [(ii) If a municipality, upon a review under Subsection (5)(a), approves the boundary line
 689 agreement, the municipality shall send written notice of the boundary line agreement's
 690 approval to the property owner within the time period described in Subsection (5)(a)(ii).]
 691 [(e) If a municipality fails to send a written notice under Subsection (5)(b) within the time
 692 period described in Subsection (5)(a)(ii), the property owner may record the boundary
 693 line agreement as if no review under this Subsection (5) was required.]

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

694 **10-9a-529 . Specified public utility located in a municipal utility easement.**

695 A specified public utility may exercise each power of a public utility under

696 Section 54-3-27 if the specified public utility uses an easement:

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

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

701 **10-9a-605 . Exemptions from plat requirement.**

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

710 general plan unless the municipality has approved the location and dedication
711 of any public street, municipal utility easement, any other easement, or any
712 other land for public purposes as the municipality's ordinance requires;
713 (B) has been approved by the culinary water authority and the sanitary sewer
714 authority;
715 (C) is located in a zoned area; and
716 (D) conforms to all applicable land use ordinances or has properly received a
717 variance from the requirements of an otherwise conflicting and applicable land
718 use ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

751 **10-9a-608 . Subdivision amendments.**

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

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

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

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

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

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

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

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

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

812 applicable local ordinance.

813 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or
814 municipal utility easement is also subject to Section 10-9a-609.5.

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

817 (a) the name and address of each owner of record of the land contained in the entire plat
818 or on that portion of the plat described in the petition; and

819 (b) the signature of each owner described in Subsection (4)(a) who consents to the
820 petition.

821 ~~[(5)(a) The owners of record of adjoining properties where one or more of the properties
822 is a lot may exchange title to portions of those properties if the exchange of title is
823 approved by the land use authority as a lot line adjustment in accordance with
824 Subsection (5)(b).]~~

825 ~~[(b) The land use authority shall approve a lot line adjustment under Subsection (5)(a) if
826 the exchange of title will not result in a violation of any land use ordinance.]~~

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

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

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

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

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

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

837 ~~[(6)(a) The name of a recorded subdivision may be changed by recording an amended plat
838 making that change, as provided in this section and subject to Subsection (6)(c).]~~

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

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

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

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

- 846 ~~[(iii) has placed monuments as represented on the plat.]~~
- 847 ~~[(e) An owner of land may not submit for recording an amended plat that gives the~~
- 848 ~~subdivision described in the amended plat the same name as a subdivision in a plat~~
- 849 ~~already recorded in the county recorder's office.]~~
- 850 ~~[(d) Except as provided in Subsection (6)(a), the recording of a declaration or other~~
- 851 ~~document that purports to change the name of a recorded plat is void.]~~
- 852 (5) A surveyor preparing an amended plat under this section shall certify that the surveyor:
- 853 (a) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
- 854 Professional Land Surveyors Licensing Act:
- 855 (b)(i) has completed a survey of the property described on the plat in accordance
- 856 with Section 17-23-17 and has verified all measurements;
- 857 (ii) has referenced a record of survey map of the existing property boundaries shown
- 858 on the plat and verified the locations of the boundaries; or
- 859 (iii) has referenced the original plat that created the lot boundaries being amended;
- 860 and
- 861 (c) has placed monuments as represented on the plat.
- 862 Section 7. Section **17-27a-103** is amended to read:
- 863 **17-27a-103 . Definitions.**
- 864 As used in this chapter:
- 865 (1) "Accessory dwelling unit" means a habitable living unit added to, created within, or
- 866 detached from a primary single-family dwelling and contained on one lot.
- 867 (2) "Adversely affected party" means a person other than a land use applicant who:
- 868 (a) owns real property adjoining the property that is the subject of a land use application
- 869 or land use decision; or
- 870 (b) will suffer a damage different in kind than, or an injury distinct from, that of the
- 871 general community as a result of the land use decision.
- 872 (3) "Affected entity" means a county, municipality, special district, special service district
- 873 under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
- 874 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act,
- 875 specified property owner, property owner's association, public utility, or the Department
- 876 of Transportation, if:
- 877 (a) the entity's services or facilities are likely to require expansion or significant
- 878 modification because of an intended use of land;
- 879 (b) the entity has filed with the county a copy of the entity's general or long-range plan;

- 880 or
- 881 (c) the entity has filed with the county a request for notice during the same calendar year
882 and before the county provides notice to an affected entity in compliance with a
883 requirement imposed under this chapter.
- 884 (4) "Affected owner" means the owner of real property that is:
- 885 (a) a single project;
- 886 (b) the subject of a land use approval that sponsors of a referendum timely challenged in
887 accordance with Subsection 20A-7-601(6); and
- 888 (c) determined to be legally referable under Section 20A-7-602.8.
- 889 (5) "Appeal authority" means the person, board, commission, agency, or other body
890 designated by ordinance to decide an appeal of a decision of a land use application or a
891 variance.
- 892 (6) "Billboard" means a freestanding ground sign located on industrial, commercial, or
893 residential property if the sign is designed or intended to direct attention to a business,
894 product, or service that is not sold, offered, or existing on the property where the sign is
895 located.
- 896 (7)(a) "Boundary adjustment" means an agreement between adjoining property owners
897 to relocate a common boundary that requires a conveyance of property between the
898 adjoining lots, adjoining parcels, or adjoining lots and parcels.
- 899 (b) "Boundary adjustment" does not mean a modification of a lot or parcel boundary that:
- 900 (i) creates an additional lot or parcel; or
- 901 (ii) is made by the Department of Transportation.
- 902 (8)(a) "Boundary establishment" means an agreement:
- 903 (i) between adjoining property owners to clarify the location of an ambiguous,
904 uncertain, or disputed common boundary; and
- 905 (ii) that does not require the recording of a conveyance document.
- 906 (b) "Boundary establishment" does not mean:
- 907 (i) an agreement where adjoining property owners do not or cannot identify a
908 common boundary that is ambiguous, uncertain, or disputed;
- 909 (ii) a modification of a lot or parcel boundary that:
- 910 (A) creates an additional lot or parcel; or
- 911 (B) is made by the Department of Transportation.
- 912 [(7)] (9)(a) "Charter school" means:
- 913 (i) an operating charter school;

- 914 (ii) a charter school applicant that a charter school authorizer approves in accordance
915 with Title 53G, Chapter 5, Part 3, Charter School Authorization; or
- 916 (iii) an entity that is working on behalf of a charter school or approved charter
917 applicant to develop or construct a charter school building.
- 918 (b) "Charter school" does not include a therapeutic school.
- 919 ~~[(8)]~~ (10) "Chief executive officer" means the person or body that exercises the executive
920 powers of the county.
- 921 ~~[(9)]~~ (11) "Conditional use" means a land use that, because of the unique characteristics or
922 potential impact of the land use on the county, surrounding neighbors, or adjacent land
923 uses, may not be compatible in some areas or may be compatible only if certain
924 conditions are required that mitigate or eliminate the detrimental impacts.
- 925 ~~[(10)]~~ (12) "Constitutional taking" means a governmental action that results in a taking of
926 private property so that compensation to the owner of the property is required by the:
- 927 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
928 (b) Utah Constitution, Article I, Section 22.
- 929 ~~[(11)]~~
- 930 (13) "Conveyance of property" means the transfer of ownership of any portion of real
931 property from one person to another person.
- 932 (14) "Conveyance document" means an instrument that:
- 933 (a) meets the definition of "document" in Section 57-1-1; and
934 (b) meets the requirements of Section 57-1-45.5.
- 935 (15) "County utility easement" means an easement that:
- 936 (a) a plat recorded in a county recorder's office described as a county utility easement or
937 otherwise as a utility easement;
- 938 (b) is not a protected utility easement or a public utility easement as defined in Section
939 54-3-27;
- 940 (c) the county or the county's affiliated governmental entity owns or creates; and
941 (d)(i) either:
- 942 (A) no person uses or occupies; or
943 (B) the county or the county's affiliated governmental entity uses and occupies to
944 provide a utility service, including sanitary sewer, culinary water, electrical,
945 storm water, or communications or data lines; or
- 946 (ii) a person uses or occupies with or without an authorized franchise or other
947 agreement with the county.

948 ~~[(12)]~~ (16) "Culinary water authority" means the department, agency, or public entity with
949 responsibility to review and approve the feasibility of the culinary water system and
950 sources for the subject property.

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

952 ~~[(13)]~~ (18) "Development activity" means:

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

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

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

959 ~~[(14)]~~ (19)(a) "Development agreement" means a written agreement or amendment to a
960 written agreement between a county and one or more parties that regulates or controls
961 the use or development of a specific area of land.

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

963 ~~[(15)]~~ (20)(a) "Disability" means a physical or mental impairment that substantially
964 limits one or more of a person's major life activities, including a person having a
965 record of such an impairment or being regarded as having such an impairment.

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

969 ~~[(16)]~~

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

971 (22) "Educational facility":

972 (a) means:

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

976 (ii) a structure or facility:

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

978 (22)(a)(i); and

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

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

- 982 (b) does not include:
- 983 (i) land or a structure, including land or a structure for inventory storage, equipment
984 storage, food processing or preparing, vehicle storage or maintenance, or similar
985 use that is:
- 986 (A) not located on the same property as a building described in Subsection [
987 ~~(16)(a)(i)~~] (22)(a)(i); and
- 988 (B) used in support of the purposes of a building described in Subsection [
989 ~~(16)(a)(i)~~] (22)(a)(i); or
- 990 (ii) a therapeutic school.
- 991 (23) "Establishment document" means an instrument that:
- 992 (a) meets the definition of "document" in Section 57-1-1; and
- 993 (b) meets the requirements of Section 57-1-45.
- 994 [~~(17)~~] (24) "Fire authority" means the department, agency, or public entity with
995 responsibility to review and approve the feasibility of fire protection and suppression
996 services for the subject property.
- 997 [~~(18)~~] (25) "Flood plain" means land that:
- 998 (a) is within the 100-year flood plain designated by the Federal Emergency Management
999 Agency; or
- 1000 (b) has not been studied or designated by the Federal Emergency Management Agency
1001 but presents a likelihood of experiencing chronic flooding or a catastrophic flood
1002 event because the land has characteristics that are similar to those of a 100-year flood
1003 plain designated by the Federal Emergency Management Agency.
- 1004 [~~(19)~~] (26) "Gas corporation" has the same meaning as defined in Section 54-2-1.
- 1005 [~~(20)~~] (27) "General plan" means a document that a county adopts that sets forth general
1006 guidelines for proposed future development of:
- 1007 (a) the unincorporated land within the county; or
- 1008 (b) for a mountainous planning district, the land within the mountainous planning
1009 district.
- 1010 [~~(21)~~] (28) "Geologic hazard" means:
- 1011 (a) a surface fault rupture;
- 1012 (b) shallow groundwater;
- 1013 (c) liquefaction;
- 1014 (d) a landslide;
- 1015 (e) a debris flow;

- 1016 (f) unstable soil;
- 1017 (g) a rock fall; or
- 1018 (h) any other geologic condition that presents a risk:
- 1019 (i) to life;
- 1020 (ii) of substantial loss of real property; or
- 1021 (iii) of substantial damage to real property.
- 1022 [~~(22)~~] (29) "Home-based microschool" means the same as that term is defined in Section
- 1023 53G-6-201.
- 1024 [~~(23)~~] (30) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 1025 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
- 1026 utility system.
- 1027 [~~(24)~~] (31) "Identical plans" means building plans submitted to a county that:
- 1028 (a) are clearly marked as "identical plans";
- 1029 (b) are substantially identical building plans that were previously submitted to and
- 1030 reviewed and approved by the county; and
- 1031 (c) describe a building that:
- 1032 (i) is located on land zoned the same as the land on which the building described in
- 1033 the previously approved plans is located;
- 1034 (ii) is subject to the same geological and meteorological conditions and the same law
- 1035 as the building described in the previously approved plans;
- 1036 (iii) has a floor plan identical to the building plan previously submitted to and
- 1037 reviewed and approved by the county; and
- 1038 (iv) does not require any additional engineering or analysis.
- 1039 [~~(25)~~] (32) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
- 1040 Impact Fees Act.
- 1041 [~~(26)~~] (33) "Improvement completion assurance" means a surety bond, letter of credit,
- 1042 financial institution bond, cash, assignment of rights, lien, or other equivalent security
- 1043 required by a county to guaranty the proper completion of landscaping or an
- 1044 infrastructure improvement required as a condition precedent to:
- 1045 (a) recording a subdivision plat; or
- 1046 (b) development of a commercial, industrial, mixed use, or multifamily project.
- 1047 [~~(27)~~] (34) "Improvement warranty" means an applicant's unconditional warranty that the
- 1048 applicant's installed and accepted landscaping or infrastructure improvement:
- 1049 (a) complies with the county's written standards for design, materials, and workmanship;

- 1050 and
- 1051 (b) will not fail in any material respect, as a result of poor workmanship or materials,
- 1052 within the improvement warranty period.
- 1053 [~~(28)~~] (35) "Improvement warranty period" means a period:
- 1054 (a) no later than one year after a county's acceptance of required landscaping; or
- 1055 (b) no later than one year after a county's acceptance of required infrastructure, unless
- 1056 the county:
- 1057 (i) determines for good cause that a one-year period would be inadequate to protect
- 1058 the public health, safety, and welfare; and
- 1059 (ii) has substantial evidence, on record:
- 1060 (A) of prior poor performance by the applicant; or
- 1061 (B) that the area upon which the infrastructure will be constructed contains
- 1062 suspect soil and the county has not otherwise required the applicant to mitigate
- 1063 the suspect soil.
- 1064 [~~(29)~~] (36) "Infrastructure improvement" means permanent infrastructure that is essential for
- 1065 the public health and safety or that:
- 1066 (a) is required for human consumption; and
- 1067 (b) an applicant must install:
- 1068 (i) in accordance with published installation and inspection specifications for public
- 1069 improvements; and
- 1070 (ii) as a condition of:
- 1071 (A) recording a subdivision plat;
- 1072 (B) obtaining a building permit; or
- 1073 (C) developing a commercial, industrial, mixed use, condominium, or multifamily
- 1074 project.
- 1075 [~~(30)~~] (37) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 1076 designation that:
- 1077 (a) runs with the land; and
- 1078 (b)(i) creates a restriction that is enclosed within the perimeter of a lot described on
- 1079 the plat; or
- 1080 (ii) designates a development condition that is enclosed within the perimeter of a lot
- 1081 described on the plat.
- 1082 [~~(31)~~] (38) "Interstate pipeline company" means a person or entity engaged in natural gas
- 1083 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission

- 1084 under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 1085 [~~(32)~~] (39) "Intrastate pipeline company" means a person or entity engaged in natural gas
1086 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory
1087 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.
- 1088 [~~(33)~~] (40) "Land use applicant" means a property owner, or the property owner's designee,
1089 who submits a land use application regarding the property owner's land.
- 1090 [~~(34)~~] (41) "Land use application":
- 1091 (a) means an application that is:
- 1092 (i) required by a county; and
- 1093 (ii) submitted by a land use applicant to obtain a land use decision; and
- 1094 (b) does not mean an application to enact, amend, or repeal a land use regulation.
- 1095 [~~(35)~~] (42) "Land use authority" means:
- 1096 (a) a person, board, commission, agency, or body, including the local legislative body,
1097 designated by the local legislative body to act upon a land use application; or
- 1098 (b) if the local legislative body has not designated a person, board, commission, agency,
1099 or body, the local legislative body.
- 1100 [~~(36)~~] (43) "Land use decision" means an administrative decision of a land use authority or
1101 appeal authority regarding:
- 1102 (a) a land use permit;
- 1103 (b) a land use application; or
- 1104 (c) the enforcement of a land use regulation, land use permit, or development agreement.
- 1105 [~~(37)~~] (44) "Land use permit" means a permit issued by a land use authority.
- 1106 [~~(38)~~] (45) "Land use regulation":
- 1107 (a) means a legislative decision enacted by ordinance, law, code, map, resolution,
1108 specification, fee, or rule that governs the use or development of land;
- 1109 (b) includes the adoption or amendment of a zoning map or the text of the zoning code;
1110 and
- 1111 (c) does not include:
- 1112 (i) a land use decision of the legislative body acting as the land use authority, even if
1113 the decision is expressed in a resolution or ordinance; or
- 1114 (ii) a temporary revision to an engineering specification that does not materially:
- 1115 (A) increase a land use applicant's cost of development compared to the existing
1116 specification; or
- 1117 (B) impact a land use applicant's use of land.

- 1118 [(39)] (46) "Legislative body" means the county legislative body, or for a county that has
1119 adopted an alternative form of government, the body exercising legislative powers.
- 1120 [(40)] (47) "Lot" means a tract of land, regardless of any label, that is created by and shown
1121 on a subdivision plat that has been recorded in the office of the county recorder.
- 1122 [(41)(a)] "Lot line adjustment" means a relocation of a lot line boundary between adjoining
1123 lots or between a lot and adjoining parcels in accordance with Section 17-27a-608:]
1124 [(i) whether or not the lots are located in the same subdivision; and]
1125 [(ii) with the consent of the owners of record.]
- 1126 [(b)] "Lot line adjustment" does not mean a new boundary line that:]
1127 [(i) creates an additional lot; or]
1128 [(ii) constitutes a subdivision or a subdivision amendment.]
- 1129 [(c)] "Lot line adjustment" does not include a boundary line adjustment made by the
1130 Department of Transportation.]
- 1131 [(42)] (48) "Major transit investment corridor" means public transit service that uses or
1132 occupies:
1133 (a) public transit rail right-of-way;
1134 (b) dedicated road right-of-way for the use of public transit, such as bus rapid transit; or
1135 (c) fixed-route bus corridors subject to an interlocal agreement or contract between a
1136 municipality or county and:
1137 (i) a public transit district as defined in Section 17B-2a-802; or
1138 (ii) an eligible political subdivision as defined in Section 59-12-2219.
- 1139 [(43)] (49) "Micro-education entity" means the same as that term is defined in Section
1140 53G-6-201.
- 1141 [(44)] (50) "Moderate income housing" means housing occupied or reserved for occupancy
1142 by households with a gross household income equal to or less than 80% of the median
1143 gross income for households of the same size in the county in which the housing is
1144 located.
- 1145 [(45)] (51) "Mountainous planning district" means an area designated by a county legislative
1146 body in accordance with Section 17-27a-901.
- 1147 [(46)] (52) "Nominal fee" means a fee that reasonably reimburses a county only for time
1148 spent and expenses incurred in:
1149 (a) verifying that building plans are identical plans; and
1150 (b) reviewing and approving those minor aspects of identical plans that differ from the
1151 previously reviewed and approved building plans.

- 1152 [(47)] (53) "Noncomplying structure" means a structure that:
- 1153 (a) legally existed before the structure's current land use designation; and
- 1154 (b) because of one or more subsequent land use ordinance changes, does not conform to
- 1155 the setback, height restrictions, or other regulations, excluding those regulations that
- 1156 govern the use of land.
- 1157 [(48)] (54) "Nonconforming use" means a use of land that:
- 1158 (a) legally existed before the current land use designation;
- 1159 (b) has been maintained continuously since the time the land use ordinance regulation
- 1160 governing the land changed; and
- 1161 (c) because of one or more subsequent land use ordinance changes, does not conform to
- 1162 the regulations that now govern the use of the land.
- 1163 [(49)] (55) "Official map" means a map drawn by county authorities and recorded in the
- 1164 county recorder's office that:
- 1165 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
- 1166 highways and other transportation facilities;
- 1167 (b) provides a basis for restricting development in designated rights-of-way or between
- 1168 designated setbacks to allow the government authorities time to purchase or
- 1169 otherwise reserve the land; and
- 1170 (c) has been adopted as an element of the county's general plan.
- 1171 [(50)] (56) "Parcel" means any real property that is not a lot.
- 1172 [(51)(a)] ~~"Parcel boundary adjustment" means a recorded agreement between owners of~~
- 1173 ~~adjoining parcels adjusting the mutual boundary, either by deed or by a boundary line~~
- 1174 ~~agreement in accordance with Section 17-27a-523, if no additional parcel is created and:]~~
- 1175 ~~[(i) none of the property identified in the agreement is a lot; or]~~
- 1176 ~~[(ii) the adjustment is to the boundaries of a single person's parcels.]~~
- 1177 [(b)] ~~"Parcel boundary adjustment" does not mean an adjustment of a parcel boundary line~~
- 1178 ~~that:]~~
- 1179 ~~[(i) creates an additional parcel; or]~~
- 1180 ~~[(ii) constitutes a subdivision.]~~
- 1181 [(c)] ~~"Parcel boundary adjustment" does not include a boundary line adjustment made by~~
- 1182 ~~the Department of Transportation.]~~
- 1183 [(52)] (57) "Person" means an individual, corporation, partnership, organization,
- 1184 association, trust, governmental agency, or any other legal entity.
- 1185 [(53)] (58) "Plan for moderate income housing" means a written document adopted by a

1186 county legislative body that includes:

- 1187 (a) an estimate of the existing supply of moderate income housing located within the
1188 county;
- 1189 (b) an estimate of the need for moderate income housing in the county for the next five
1190 years;
- 1191 (c) a survey of total residential land use;
- 1192 (d) an evaluation of how existing land uses and zones affect opportunities for moderate
1193 income housing; and
- 1194 (e) a description of the county's program to encourage an adequate supply of moderate
1195 income housing.

1196 [~~(54)~~] (59) "Planning advisory area" means a contiguous, geographically defined portion of
1197 the unincorporated area of a county established under this part with planning and zoning
1198 functions as exercised through the planning advisory area planning commission, as
1199 provided in this chapter, but with no legal or political identity separate from the county
1200 and no taxing authority.

1201 [~~(55)~~] (60) "Plat" means an instrument subdividing property into lots as depicted on a map
1202 or other graphical representation of lands that a licensed professional land surveyor
1203 makes and prepares in accordance with Section 17-27a-603 or 57-8-13.

1204 [~~(56)~~] (61) "Potential geologic hazard area" means an area that:

- 1205 (a) is designated by a Utah Geological Survey map, county geologist map, or other
1206 relevant map or report as needing further study to determine the area's potential for
1207 geologic hazard; or
- 1208 (b) has not been studied by the Utah Geological Survey or a county geologist but
1209 presents the potential of geologic hazard because the area has characteristics similar
1210 to those of a designated geologic hazard area.

1211 [~~(57)~~] (62) "Public agency" means:

- 1212 (a) the federal government;
- 1213 (b) the state;
- 1214 (c) a county, municipality, school district, special district, special service district, or
1215 other political subdivision of the state; or
- 1216 (d) a charter school.

1217 [~~(58)~~] (63) "Public hearing" means a hearing at which members of the public are provided a
1218 reasonable opportunity to comment on the subject of the hearing.

1219 [~~(59)~~] (64) "Public meeting" means a meeting that is required to be open to the public under

- 1220 Title 52, Chapter 4, Open and Public Meetings Act.
- 1221 ~~[(60)]~~ (65) "Public street" means a public right-of-way, including a public highway, public
1222 avenue, public boulevard, public parkway, public road, public lane, public alley, public
1223 viaduct, public subway, public tunnel, public bridge, public byway, other public
1224 transportation easement, or other public way.
- 1225 ~~[(61)]~~ (66) "Receiving zone" means an unincorporated area of a county that the county
1226 designates, by ordinance, as an area in which an owner of land may receive a
1227 transferable development right.
- 1228 ~~[(62)]~~ (67) "Record of survey map" means a map of a survey of land prepared in accordance
1229 with Section ~~[10-9a-603,]~~ 17-23-17~~[-17-27a-603, or 57-8-13]~~.
- 1230 ~~[(63)]~~ (68) "Residential facility for persons with a disability" means a residence:
- 1231 (a) in which more than one person with a disability resides; and
- 1232 (b) which is licensed or certified by the Department of Health and Human Services
1233 under:
- 1234 (i) Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities; or
- 1235 (ii) Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection.
- 1236 ~~[(64)]~~ (69) "Residential roadway" means a public local residential road that:
- 1237 (a) will serve primarily to provide access to adjacent primarily residential areas and
1238 property;
- 1239 (b) is designed to accommodate minimal traffic volumes or vehicular traffic;
- 1240 (c) is not identified as a supplementary to a collector or other higher system classified
1241 street in an approved municipal street or transportation master plan;
- 1242 (d) has a posted speed limit of 25 miles per hour or less;
- 1243 (e) does not have higher traffic volumes resulting from connecting previously separated
1244 areas of the municipal road network;
- 1245 (f) cannot have a primary access, but can have a secondary access, and does not abut lots
1246 intended for high volume traffic or community centers, including schools, recreation
1247 centers, sports complexes, or libraries; and
- 1248 (g) primarily serves traffic within a neighborhood or limited residential area and is not
1249 necessarily continuous through several residential areas.
- 1250 ~~[(65)]~~ (70) "Rules of order and procedure" means a set of rules that govern and prescribe in
1251 a public meeting:
- 1252 (a) parliamentary order and procedure;
- 1253 (b) ethical behavior; and

- 1254 (c) civil discourse.
- 1255 [(66)] (71) "Sanitary sewer authority" means the department, agency, or public entity with
1256 responsibility to review and approve the feasibility of sanitary sewer services or onsite
1257 wastewater systems.
- 1258 [(67)] (72) "Sending zone" means an unincorporated area of a county that the county
1259 designates, by ordinance, as an area from which an owner of land may transfer a
1260 transferable development right.
- 1261 (73) "Simple boundary adjustment" means the process to relocate a common boundary
1262 between adjoining lots, adjoining parcels, or between an adjoining lot and parcel where
1263 the relocation would not:
- 1264 (a) affect a public right-of-way, municipal utility easement, or other public property;
1265 (b) affect an existing easement or an internal lot restriction; or
1266 (c) result in a lot or parcel out of conformity with land use regulations.
- 1267 [(68)] (74) "Site plan" means a document or map that may be required by a county during a
1268 preliminary review preceding the issuance of a building permit to demonstrate that an
1269 owner's or developer's proposed development activity meets a land use requirement.
- 1270 [(69)] (75)(a) "Special district" means an entity under Title 17B, Limited Purpose Local
1271 Government Entities - Special Districts.
- 1272 (b) "Special district" includes a governmental or quasi-governmental entity that is not a
1273 county, municipality, school district, or the state.
- 1274 [(70)] (76) "Specified public agency" means:
- 1275 (a) the state;
1276 (b) a school district; or
1277 (c) a charter school.
- 1278 [(71)] (77) "Specified public utility" means an electrical corporation, gas corporation, or
1279 telephone corporation, as those terms are defined in Section 54-2-1.
- 1280 [(72)] (78) "State" includes any department, division, or agency of the state.
- 1281 [(73)] (79)(a) "Subdivision" means any land that is divided, resubdivided, or proposed to
1282 be divided into two or more lots or other division of land for the purpose, whether
1283 immediate or future, for offer, sale, lease, or development either on the installment
1284 plan or upon any and all other plans, terms, and conditions.
- 1285 (b) "Subdivision" includes:
- 1286 (i) the division or development of land, whether by deed, metes and bounds
1287 description, devise and testacy, map, plat, or other recorded instrument, regardless

- 1288 of whether the division includes all or a portion of a parcel or lot; and
- 1289 (ii) except as provided in Subsection [~~(73)~~(e)] (79)(c), divisions of land for residential
- 1290 and nonresidential uses, including land used or to be used for commercial,
- 1291 agricultural, and industrial purposes.
- 1292 (c) "Subdivision" does not include:
- 1293 (i) a bona fide division or partition of agricultural land for agricultural purposes;
- 1294 (ii) a boundary [~~line agreement~~] establishment recorded with the county recorder's
- 1295 office [~~between owners of adjoining parcels adjusting the mutual boundary~~] in
- 1296 accordance with Section 17-27a-523 [~~if no new lot is created~~];
- 1297 (iii) a recorded conveyance document, [~~executed by the owner of record~~]:
- 1298 (A) [~~revising the legal descriptions of~~] consolidating multiple lots or parcels into
- 1299 one legal description encompassing all [such] lots or parcels by metes and
- 1300 bounds description; or
- 1301 (B) joining a lot to a parcel;
- 1302 (iv) a bona fide division or partition of land in a county other than a first class county
- 1303 for the purpose of siting, on one or more of the resulting separate parcels:
- 1304 (A) an electrical transmission line or a substation;
- 1305 (B) a natural gas pipeline or a regulation station; or
- 1306 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
- 1307 utility service regeneration, transformation, retransmission, or amplification
- 1308 facility;
- 1309 [~~(v) a boundary line agreement between owners of adjoining subdivided properties~~
- 1310 ~~adjusting the mutual lot line boundary in accordance with Sections 17-27a-523~~
- 1311 ~~and 17-27a-608 if:]~~
- 1312 [~~(A) no new dwelling lot or housing unit will result from the adjustment; and]~~
- 1313 [~~(B) the adjustment will not violate any applicable land use ordinance;]~~
- 1314 [~~(vi)~~] (v) a bona fide division of land by deed or other instrument if the deed or other
- 1315 instrument states in writing that the division:
- 1316 (A) is in anticipation of future land use approvals on the parcel or parcels;
- 1317 (B) does not confer any land use approvals; and
- 1318 (C) has not been approved by the land use authority;
- 1319 [~~(vii) a parcel boundary adjustment;]~~
- 1320 [~~(viii)~~] (vi) a [~~lot line adjustment~~] boundary establishment;
- 1321 [~~(ix)~~] (vii) a road, street, or highway dedication plat;

- 1322 [~~(x)~~] (viii) a deed or easement for a road, street, or highway purpose; or
1323 [~~(xi)~~] (ix) any other division of land authorized by law.
- 1324 [~~(74)~~] (80)(a) "Subdivision amendment" means an amendment to a recorded subdivision
1325 in accordance with Section 17-27a-608 that:
- 1326 (i) vacates all or a portion of the subdivision;
1327 [~~(ii) alters the outside boundary of the subdivision;~~]
1328 [~~(iii)~~] (ii) [~~changes~~] increases the number of lots within the subdivision;
1329 [~~(iv)~~] (iii) alters a public right-of-way, a public easement, or public infrastructure
1330 within the subdivision; or
1331 [~~(v)~~] (iv) alters a common area or other common amenity within the subdivision.
- 1332 (b) "Subdivision amendment" does not include a [~~lot line~~] simple boundary adjustment;
1333 between a single lot and an adjoining lot or parcel, that alters the outside boundary of
1334 the subdivision].
- 1335 [~~(75)~~] (81) "Substantial evidence" means evidence that:
- 1336 (a) is beyond a scintilla; and
1337 (b) a reasonable mind would accept as adequate to support a conclusion.
- 1338 [~~(76)~~] (82) "Suspect soil" means soil that has:
- 1339 (a) a high susceptibility for volumetric change, typically clay rich, having more than a
1340 3% swell potential;
1341 (b) bedrock units with high shrink or swell susceptibility; or
1342 (c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
1343 commonly associated with dissolution and collapse features.
- 1344 [~~(77)~~] (83) "Therapeutic school" means a residential group living facility:
- 1345 (a) for four or more individuals who are not related to:
1346 (i) the owner of the facility; or
1347 (ii) the primary service provider of the facility;
1348 (b) that serves students who have a history of failing to function:
1349 (i) at home;
1350 (ii) in a public school; or
1351 (iii) in a nonresidential private school; and
1352 (c) that offers:
1353 (i) room and board; and
1354 (ii) an academic education integrated with:
1355 (A) specialized structure and supervision; or

1356 (B) services or treatment related to a disability, an emotional development, a
 1357 behavioral development, a familial development, or a social development.

1358 [(78)] (84) "Transferable development right" means a right to develop and use land that
 1359 originates by an ordinance that authorizes a land owner in a designated sending zone to
 1360 transfer land use rights from a designated sending zone to a designated receiving zone.

1361 [(79)] (85) "Unincorporated" means the area outside of the incorporated area of a
 1362 municipality.

1363 [(80)] (86) "Water interest" means any right to the beneficial use of water, including:

1364 (a) each of the rights listed in Section 73-1-11; and

1365 (b) an ownership interest in the right to the beneficial use of water represented by:

1366 (i) a contract; or

1367 (ii) a share in a water company, as defined in Section 73-3-3.5.

1368 [(81)] (87) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
 1369 land use zones, overlays, or districts.

1370 Section 8. Section **17-27a-522** is amended to read:

1371 **17-27a-522 . Simple boundary adjustment -- Other boundary adjustments --**

1372 **Process -- Review by land use authority.**

1373 (1) A person may propose a simple boundary adjustment to a land use authority as described in this section.

1374 (2) A proposal for a simple boundary adjustment shall:

1375 (a) include a conveyance document that complies with Section 57-1-45.5; and

1376 (b) describe all lots or parcels affected by the proposed boundary adjustment.

1377 (3) A land use authority shall consent to a proposed simple boundary adjustment if the land
 1378 use authority verifies that the proposed simple boundary adjustment:

1379 (a) meets the requirements of Subsection (2); and

1380 (b) does not:

1381 (i) affect a public right-of-way, county utility easement, or other public property;

1382 (ii) affect a existing easement or an internal lot restriction;

1383 (iii) result in a lot or parcel out of conformity with land use regulations; or

1384 (iv) require other land use authority review.

1385 (4) If the land use authority determines that a proposed simple boundary adjustment does
 1386 not meet the requirements of Subsection (3), the proposal does not qualify as a simple
 1387 boundary adjustment.

1388 (5) To [make] propose a parcel [line] boundary adjustment that does not qualify for a simple

- 1389 boundary adjustment, [a property owner] the adjoining property owners shall submit a
1390 proposal to the land use authority that includes:
- 1391 [(a) execute a boundary adjustment through:]
- 1392 [(i) a quitclaim deed; or]
1393 [(ii) a boundary line agreement under Section 17-27a-523; and]
- 1394 [(b) record the quitclaim deed or boundary line agreement described in Subsection
1395 (1)(a) in the office of the county recorder of the county in which each property is
1396 located.]
- 1397 (a) a conveyance document that complies with Section 57-1-45.5; and
1398 (b) a survey that includes information that the land use authority requires to approve the
1399 boundary adjustment, which may include depictions of:
- 1400 (i) existing dwellings, outbuildings, improvements, and other physical features;
1401 (ii) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;
1402 (iii) the current boundary location;
1403 (iv) the proposed new boundary location;
1404 (v) the size, shape, and dimensions of each adjusted lot or parcel; and
1405 (vi) other existing or proposed improvements that impact or are subject to land use
1406 regulations; and
- 1407 (c) a proposed plat amendment corresponding with the proposed boundary adjustment,
1408 prepared in accordance with Section 17-27a-608.
- 1409 (6) The land use authority shall consent to a proposed boundary adjustment made under
1410 Subsection (5) if:
- 1411 (a) the proposal submitted to the land use authority under Subsection (5) includes all
1412 necessary information;
- 1413 (b) the survey described in Subsection (5)(b) shows no evidence of a violation of a land
1414 use regulation; and
- 1415 (c) the plat amendment corresponding with the proposed boundary adjustment has been
1416 approved in accordance with Section 17-27a-608.
- 1417 (7)(a) Consent under Subsection (3) or (6) is an administrative act;
1418 (b) Notice of consent under Subsection (3) or (6) shall be provided to the person
1419 proposing the boundary adjustment in a format that makes clear:
- 1420 (i) the land use authority is not responsible for any error related to the boundary
1421 adjustment; and
1422 (ii) a county recorder may record the boundary adjustment.

- 1423 [~~(2) To make a lot line adjustment, a property owner shall:~~
 1424 [~~(a) obtain approval of the boundary adjustment under Section 17-27a-608;~~
 1425 [~~(b) execute a boundary adjustment through:~~
 1426 [~~(i) a quitclaim deed; or~~
 1427 [~~(ii) a boundary line agreement under Section 17-27a-523; and~~
 1428 [~~(c) record the quitclaim deed or boundary line agreement described in Subsection (2)(b) in~~
 1429 [~~the office of the county recorder of the county in which each property is located.~~]
 1430 (8) A boundary adjustment is effective from the day it is recorded by a county recorder.
 1431 (9) The recording of a boundary adjustment does not constitute a land use approval.
 1432 (10)~~(5)] A county may withhold approval of a land use application for property that is~~
 1433 subject to a [~~recorded boundary line agreement or other document used to adjust a~~
 1434 ~~mutual boundary line] boundary adjustment if the county determines that the resulting
 1435 ~~lots or parcels~~[~~, as adjusted by the boundary line agreement or other document used~~
 1436 ~~to adjust the mutual boundary line,~~] are not in compliance with the county's land use
 1437 regulations in effect on the day on which the boundary [~~line agreement or other~~
 1438 ~~document used to adjust the mutual boundary line] adjustment is recorded.
 1439 [~~(3) A parcel boundary adjustment under Subsection (1) is not subject to review of a land~~
 1440 ~~use authority unless:~~
 1441 [~~(a) the parcel includes a dwelling; and~~
 1442 [~~(b) the land use authority's approval is required under Subsection 17-27a-523(5).~~]
 1443 [~~(4) The recording of a boundary line agreement or other document used to adjust a mutual~~
 1444 ~~boundary line that is not subject to review of a land use authority:~~
 1445 [~~(a) does not constitute a land use approval; and~~
 1446 [~~(b) does not affect the validity of the boundary line agreement or other document used to~~
 1447 ~~adjust a mutual boundary line.~~]
 1448 Section 9. Section **17-27a-523** is amended to read:
 1449 **17-27a-523 . Boundary establishment -- Process -- Boundary agreement not**
 1450 **subject to review by land use authority -- Prohibitions.**
 1451 (1) [~~If properly executed and acknowledged as required by law, an agreement between] The
 1452 owners of adjoining property [~~that designates the boundary line between the adjoining~~
 1453 properties acts, upon recording in the office of the recorder of the county in which each
 1454 property is located, as a quitclaim deed to convey all of each party's right, title, interest,
 1455 and estate in property outside the agreed boundary line that had been the subject of the
 1456 boundary line agreement or dispute that led to the boundary line agreement.] may initiate~~~~~~

- 1457 a boundary establishment to:
- 1458 (a) resolve an ambiguous, uncertain, or disputed boundary between the adjoining
- 1459 properties;
- 1460 (b) agree upon the location of the boundary between the adjoining properties
- 1461 (2) Adjoining property owners executing a boundary [line-agreement] establishment
- 1462 described in Subsection (1) shall:
- 1463 [~~(a) ensure that the agreement includes:]~~
- 1464 [~~(i) a legal description of the agreed upon boundary line and of each parcel or lot after~~
- 1465 ~~the boundary line is changed;]~~
- 1466 [~~(ii) the name and signature of each grantor that is party to the agreement;]~~
- 1467 [~~(iii) a sufficient acknowledgment for each grantor's signature;]~~
- 1468 [~~(iv) the address of each grantee for assessment purposes;]~~
- 1469 [~~(v) a legal description of the parcel or lot each grantor owns before the boundary line is~~
- 1470 ~~changed; and]~~
- 1471 [~~(vi) the date of the agreement if the date is not included in the acknowledgment in a~~
- 1472 ~~form substantially similar to a quitclaim deed as described in Section 57-1-13;]~~
- 1473 [~~(b) if any of the property subject to the boundary line agreement is a lot, prepare an~~
- 1474 ~~amended plat in accordance with Section 17-27a-608 before executing the boundary~~
- 1475 ~~line agreement; and]~~
- 1476 [~~(c) if none of the property subject to the boundary line agreement is a lot, ensure that~~
- 1477 ~~the boundary line agreement includes a statement citing the file number of a record of~~
- 1478 ~~a survey map in accordance with Section 17-23-17, unless the statement is exempted~~
- 1479 ~~by the county.]~~
- 1480 (a) prepare an establishment document that complies with Section 57-1-45; and
- 1481 (b) record the boundary establishment with the county recorder, in accordance with
- 1482 Section 57-1-45.
- 1483 (3) A boundary establishment:
- 1484 (a) is not subject to review of a land use authority; and
- 1485 (b) does not require consent or approval from a land use authority before it may be
- 1486 recorded.
- 1487 (4) A boundary establishment is effective from the day it is recorded by a county recorder.
- 1488 (5) A boundary establishment that seeks to convey title or otherwise establish a conveyance
- 1489 is voidable. (6) A boundary [line-agreement described in Subsection (1) that complies with
- 1490 Subsection (2)] establishment that complies with this section presumptively:

1491 (a) has no detrimental effect on any easement on the property that is recorded before the
1492 day on which the agreement is executed [~~unless the owner of the property benefitting~~
1493 ~~from the easement specifically modifies the easement within the boundary line~~
1494 ~~agreement or a separate recorded easement modification or relinquishment document];~~
1495 and (b) [~~relocates the parties' common boundary line for an exchange of consideration;~~
1496 affixes the ownership of the adjoining parties to the established common boundary.

1497 [(4) ~~Notwithstanding Part 6, Subdivisions, or a county's ordinances or policies, a boundary~~
1498 ~~line agreement that only affects parcels is not subject to:~~
1499 [(a) ~~any public notice, public hearing, or preliminary platting requirement;~~
1500 [(b) ~~the review of a land use authority; or~~
1501 [(c) ~~an engineering review or approval of the county, except as provided in Subsection (5):~~]
1502 [(5)(a) ~~If a parcel that is the subject of a boundary line agreement contains a dwelling unit,~~
1503 ~~the county may require a review of the boundary line agreement if the county:~~
1504 [(i) ~~adopts an ordinance that:~~
1505 [(A) ~~requires review and approval for a boundary line agreement containing a dwelling~~
1506 ~~unit; and~~
1507 [(B) ~~includes specific criteria for approval; and~~
1508 [(ii) ~~completes the review within 14 days after the day on which the property owner~~
1509 ~~submits the boundary line agreement for review.~~]
1510 [(b)(i) ~~If a county, upon a review under Subsection (5)(a), determines that the boundary~~
1511 ~~line agreement is deficient or if the county requires additional information to approve~~
1512 ~~the boundary line agreement, the county shall send, within the time period described in~~
1513 ~~Subsection (5)(a)(ii), written notice to the property owner that:~~
1514 [(A) ~~describes the specific deficiency or additional information that the county requires to~~
1515 ~~approve the boundary line agreement; and~~
1516 [(B) ~~states that the county shall approve the boundary line agreement upon the property~~
1517 ~~owner's correction of the deficiency or submission of the additional information~~
1518 ~~described in Subsection (5)(b)(i)(A).]~~
1519 [(ii) ~~If a county, upon a review under Subsection (5)(a), approves the boundary line~~
1520 ~~agreement, the county shall send written notice of the boundary line agreement's~~
1521 ~~approval to the property owner within the time period described in Subsection (5)(a)(ii):~~]
1522 [(e) ~~If a county fails to send a written notice under Subsection (5)(b) within the time period~~
1523 ~~described in Subsection (5)(a)(ii), the property owner may record the boundary line~~
1524 ~~agreement as if no review under this Subsection (5) was required.]~~

1525 Section 10. Section **17-27a-605** is amended to read:

1526 **17-27a-605 . Exemptions from plat requirement.**

1527 (1) Notwithstanding any other provision of law, a plat is not required if:

1528 (a) a county establishes a process to approve an administrative land use decision for the
1529 subdivision of unincorporated land or mountainous planning district land into 10 or
1530 fewer [~~lots~~] parcels without a plat; and

1531 (b) the county provides in writing that:

1532 (i) the county has provided [~~notice~~] a certificate or written approval as required by
1533 ordinance; and

1534 (ii) the proposed subdivision:

1535 (A) is not traversed by the mapped lines of a proposed street as shown in the
1536 general plan unless the county has approved the location and dedication of any
1537 public street, county utility easement, any other easement, or any other land for
1538 public purposes as the county's ordinance requires;

1539 (B) has been approved by the culinary water authority and the sanitary sewer
1540 authority;

1541 (C) is located in a zoned area; and

1542 (D) conforms to all applicable land use ordinances or has properly received a
1543 variance from the requirements of an otherwise conflicting and applicable land
1544 use ordinance.

1545 (2)(a) Subject to Subsection (1), a [~~lot- or~~] parcel resulting from a division of agricultural
1546 land is exempt from the plat requirements of Section 17-27a-603 if:

1547 (i) the [~~lot- or~~] parcel:

1548 (A) qualifies as land in agricultural use under Section 59-2-502; and

1549 (B) is not used and will not be used for any nonagricultural purpose; and

1550 (ii) the new owner of record completes, signs, and records with the county recorder a
1551 notice:

1552 (A) describing the parcel by legal description; and

1553 (B) stating that the lot or parcel is created for agricultural purposes as defined in
1554 Section 59-2-502 and will remain so until a future zoning change permits other
1555 uses.

1556 (b) If a [~~lot- or~~] parcel exempted under Subsection (2)(a) is used for a nonagricultural
1557 purpose, the county shall require the [~~lot- or~~] parcel to comply with the requirements
1558 of Section 17-27a-603 and all applicable land use ordinance requirements.

- 1559 (3)(a) Except as provided in Subsection (4), a document recorded in the county
1560 recorder's office that divides property by a metes and bounds description does not
1561 create an approved subdivision allowed by this part unless the land use authority's
1562 certificate of written approval required by Subsection (1) is attached to the document.
- 1563 (b) The absence of the certificate or written approval required by Subsection (1) does
1564 not:
- 1565 (i) prohibit the county recorder from recording a document; or
 - 1566 (ii) affect the validity of a recorded document.
- 1567 (c) A document which does not meet the requirements of Subsection (1) may be
1568 corrected by the recording of an affidavit to which the required certificate or written
1569 approval is attached and that complies with Section 57-3-106.
- 1570 (4)(a) As used in this Subsection (4):
- 1571 (i) "Divided land" means land that:
 - 1572 (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii);
 - 1573 and
 - 1574 (B) has been divided by a minor subdivision.
 - 1575 (ii) "Land to be divided" means land that is proposed to be divided by a minor
1576 subdivision.
 - 1577 (iii) "Minor subdivision" means a division of at least 100 contiguous acres of
1578 agricultural land in a county of the third, fourth, fifth, or sixth class to create one
1579 new ~~[]~~ parcel that, after the division, is separate from the remainder of the
1580 original 100 or more contiguous acres of agricultural land.
 - 1581 (iv) "Minor subdivision ~~[]~~ parcel" means a ~~[]~~ parcel created by a minor
1582 subdivision.
- 1583 (b) Notwithstanding Sections 17-27a-603 and 17-27a-604, an owner of at least 100
1584 contiguous acres of agricultural land may make a minor subdivision by submitting
1585 for recording in the office of the recorder of the county in which the land to be
1586 divided is located:
- 1587 (i) a recordable deed containing the legal description of the minor subdivision lot; and
 - 1588 (ii) a notice:
 - 1589 (A) indicating that the owner of the land to be divided is making a minor
1590 subdivision;
 - 1591 (B) referring specifically to this section as the authority for making the minor
1592 subdivision; and

- 1593 (C) containing the legal description of:
- 1594 (I) the land to be divided; and
- 1595 (II) the minor subdivision [§] parcel.
- 1596 (c) A minor subdivision [§] parcel:
- 1597 (i) may not be less than one acre in size;
- 1598 (ii) may not be within 1,000 feet of another minor subdivision [§] parcel; and
- 1599 (iii) is not subject to the subdivision ordinance of the county in which the minor
- 1600 subdivision [§] parcel is located.
- 1601 (d) Land to be divided by a minor subdivision may not include divided land.
- 1602 (e) A county:
- 1603 (i) may not deny a building permit to an owner of a minor subdivision [§] parcel
- 1604 based on:
- 1605 (A) the [§]'s parcel's status as a minor subdivision [§] parcel; or
- 1606 (B) the absence of standards described in Subsection (4)(e)(ii); and
- 1607 (ii) may, in connection with the issuance of a building permit, subject a minor
- 1608 subdivision [§] parcel to reasonable health, safety, and access standards that the
- 1609 county has established and made public.
- 1610 (5)(a) Notwithstanding Sections 17-27a-603 and 17-27a-604, and subject to Subsection
- 1611 (1), the legislative body of a county may enact an ordinance allowing the subdivision
- 1612 of a parcel, without complying with the plat requirements of Section 17-27a-603, if:
- 1613 (i) the parcel contains an existing legal single family dwelling unit;
- 1614 (ii) the subdivision results in two parcels, one of which is agricultural land;
- 1615 (iii) the parcel of agricultural land:
- 1616 (A) qualifies as land in agricultural use under Section 59-2-502; and
- 1617 (B) is not used, and will not be used, for a nonagricultural purpose;
- 1618 (iv) both the parcel with an existing legal single family dwelling unit and the parcel
- 1619 of agricultural land meet the minimum area, width, frontage, and setback
- 1620 requirements of the applicable zoning designation in the applicable land use
- 1621 ordinance; and
- 1622 (v) the owner of record completes, signs, and records with the county recorder a
- 1623 notice:
- 1624 (A) describing the parcel of agricultural land by legal description; and
- 1625 (B) stating that the parcel of agricultural land is created as land in agricultural use,
- 1626 as defined in Section 59-2-502, and will remain as land in agricultural use until

- 1627 a future zoning change permits another use.
- 1628 (b) If a parcel of agricultural land divided from another parcel under Subsection (5)(a) is
 1629 later used for a nonagricultural purpose, the exemption provided in Subsection (5)(a)
 1630 no longer applies, and the county shall require the owner of the parcel to:
- 1631 (i) retroactively comply with the subdivision plat requirements of Section 17-27a-603;
 1632 and
- 1633 (ii) comply with all applicable land use ordinance requirements.
- 1634 (6)(a) The boundaries of any subdivision exempted from the plat requirement under this
 1635 section shall be graphically illustrated on a record of survey map that includes:
- 1636 (i) a legal description of the parcel to be divided;
 1637 (ii) a legal description of each parcel created by the subdivision; and
 1638 (iii) a citation to the specific provision of this section for which an exemption to the
 1639 plat requirement is authorized.
- 1640 (b) The record of survey map described in Subsection (6)(a) shall be filed with the
 1641 county surveyor in accordance with Section 17-23-17.
- 1642 Section 11. Section **17-27a-608** is amended to read:
- 1643 **17-27a-608 . Subdivision amendments.**
- 1644 (1)(a) A fee owner of a lot, as shown on the last county assessment roll, in a plat that
 1645 has been laid out and platted as provided in this part may file a [written] petition with
 1646 the land use authority to request a subdivision amendment.
- 1647 (b) Upon filing a [written] petition to request a subdivision amendment under Subsection
 1648 (1)(a), the owner shall prepare and, if approved by the land use authority, record a
 1649 plat in accordance with Section 17-27a-603 that:
- 1650 (i) depicts only the portion of the subdivision that is proposed to be amended;
 1651 (ii) includes a plat name distinguishing the amended plat from the original plat;
 1652 (iii) describes the differences between the amended plat and the original plat; and
 1653 (iv) includes references to the original plat.
- 1654 (c)(i) [~~If a petition is filed under Subsection (1)(a), the~~] The land use authority shall
 1655 provide notice of [~~the~~] a petition filed under Subsection (1)(a) by mail[;] or email[;
 1656 ~~or other effective means~~]to:
- 1657 (A) each affected entity that provides a service to [an] a property owner of record
 1658 of the portion of the plat that is being amended [at least 10 calendar days
 1659 before the land use authority may approve the petition for a subdivision
 1660 amendment] ; and

- 1661 (B) each property owner of record within the portion of the subdivision that is
 1662 proposed to be amended.
- 1663 (ii) The notice described in Subsection (1)(c)(i)(B) shall include a deadline by which
 1664 written objections to the petition are due to the land use authority, but no earlier
 1665 than 10 calendar days after the day on which the land use authority sends the
 1666 notice.
- 1667 (d) ~~[If a petition is filed under Subsection (1)(a), the]~~ The land use authority shall hold a
 1668 public hearing within 45 days after the day on which ~~[the]~~ a petition is filed under
 1669 Subsection (1)(a) if:
- 1670 (i) any property owner within the [plat] subdivision that is proposed to be amended
 1671 notifies the county of the owner's objection in writing [within 10 days of mailed
 1672 notification] by the deadline for objections, as described in Subsection (1)(c)(ii); or
- 1673 (ii) the land use authority requires a public hearing [is required because] if all of the
 1674 owners [in] within the portion of the subdivision proposed to be amended have not
 1675 signed the [revised] proposed amended plat.
- 1676 (e) A land use authority may approve a petition for subdivision amendment no earlier
 1677 than:
- 1678 (i) the day after the day on which written objections were due to the land authority, as
 1679 described in Subsection (1)(c)(ii); or
- 1680 (ii) if a public hearing is required as described in Subsection (1)(d), the day after the
 1681 day on which the public hearing takes place.
- 1682 (f) A land use authority may not approve a petition for a subdivision amendment under
 1683 this section unless the amendment identifies and preserves any easements owned by a
 1684 culinary water authority and sanitary sewer authority for existing facilities located
 1685 within the subdivision.
- 1686 (2) The public hearing requirement of Subsection (1)(d) does not apply and a land use
 1687 authority may consider at a public meeting an owner's petition for a subdivision
 1688 amendment if:
- 1689 (a) the petition seeks to:
- 1690 (i) join two or more of the petitioning fee owner's contiguous lots;
- 1691 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will
 1692 not result in a violation of a land use ordinance or a development condition;
- 1693 ~~[(iii) adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if~~
 1694 the fee owners of each of the adjoining properties join the petition, regardless of

- 1695 ~~whether the properties are located in the same subdivision;]~~
- 1696 ~~[(iv)] (iii) on a lot owned by the petitioning fee owner, adjust an internal lot restriction~~
- 1697 ~~imposed by the local political subdivision; or~~
- 1698 ~~[(v)] (iv) alter the plat in a manner that does not change existing boundaries or other~~
- 1699 ~~attributes of lots within the subdivision that are not:~~
- 1700 ~~(A) owned by the petitioner; or~~
- 1701 ~~(B) designated as a common area; and~~
- 1702 (b) notice has been given to adjoining property owners in accordance with any
- 1703 applicable local ordinance.
- 1704 (3) A petition under Subsection (1)(a) that contains a request to amend a public street or
- 1705 county utility easement is also subject to Section 17-27a-609.5.
- 1706 (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a
- 1707 portion of a plat shall include:
- 1708 (a) the name and address of each owner of record of the land contained in:
- 1709 (i) the entire plat; or
- 1710 (ii) that portion of the plan described in the petition; and
- 1711 (b) the signature of each owner who consents to the petition.
- 1712 ~~[(5)(a) The owners of record of adjoining properties where one or more of the properties~~
- 1713 ~~is a lot may exchange title to portions of those properties if the exchange of title is~~
- 1714 ~~approved by the land use authority as a lot line adjustment in accordance with~~
- 1715 ~~Subsection (5)(b).]~~
- 1716 ~~[(b) The land use authority shall approve a lot line adjustment under Subsection (5)(a) if~~
- 1717 ~~the exchange of title will not result in a violation of any land use ordinance.]~~
- 1718 ~~[(c) If a lot line adjustment is approved under Subsection (5)(b):]~~
- 1719 ~~[(i) a notice of lot line adjustment approval shall be recorded in the office of the county~~
- 1720 ~~recorder which:]~~
- 1721 ~~[(A) is approved by the land use authority; and]~~
- 1722 ~~[(B) recites the legal descriptions of both the properties and the properties resulting from~~
- 1723 ~~the exchange of title; and]~~
- 1724 ~~[(ii) a document of conveyance of title reflecting the approved change shall be recorded in~~
- 1725 ~~the office of the county recorder.]~~
- 1726 ~~[(d) A notice of approval recorded under this Subsection (5) does not act as a conveyance~~
- 1727 ~~of title to real property and is not required to record a document conveying title to real~~
- 1728 ~~property.]~~

- 1729 ~~[(6)(a) The name of a recorded subdivision may be changed by recording an amended plat~~
 1730 ~~making that change, as provided in this section and subject to Subsection (6)(c).]~~
- 1731 ~~[(b) The surveyor preparing the amended plat shall certify that the surveyor:]~~
- 1732 ~~[(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and~~
 1733 ~~Professional Land Surveyors Licensing Act;]~~
- 1734 ~~[(ii)(A) has completed a survey of the property described on the plat in accordance with~~
 1735 ~~Section 17-23-17 and has verified all measurements; or]~~
- 1736 ~~[(B) has referenced a record of survey map of the existing property boundaries shown on~~
 1737 ~~the plat and verified the locations of the boundaries; and]~~
- 1738 ~~[(iii) has placed monuments as represented on the plat.]~~
- 1739 ~~[(c) An owner of land may not submit for recording an amended plat that gives the~~
 1740 ~~subdivision described in the amended plat the same name as a subdivision recorded in~~
 1741 ~~the county recorder's office.]~~
- 1742 ~~[(d) Except as provided in Subsection (6)(a), the recording of a declaration or other~~
 1743 ~~document that purports to change the name of a recorded plat is void.]~~
- 1744 (5) A surveyor preparing an amended plat under this section shall certify that the surveyor:
- 1745 (a) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
 1746 Professional Land Surveyors Licensing Act:
- 1747 (b)(i) has completed a survey of the property described on the plat in accordance
 1748 with Section 17-23-17 and has verified all measurements;
- 1749 (ii) has referenced a record of survey map of the existing property boundaries shown
 1750 on the plat and verified the locations of the boundaries; or
- 1751 (iii) has referenced the original plat that created the lot boundaries being amended;
 1752 and
- 1753 (c) has placed monuments as represented on the plat.
- 1754 Section 12. Section **57-1-13** is amended to read:
- 1755 **57-1-13 . Form of quitclaim deed .**
- 1756 [(4)] A conveyance of land may also be substantially in the following form:

"QUITCLAIM DEED

1758 _____ (here insert name), grantor, of _____ (insert place of residence), hereby quitclaims to
 1759 _____ (insert name), grantee, of _____ (here insert place of residence), for the sum of _____
 1760 dollars, the following described tract _____ of land in _____ County, Utah, to wit: (here describe
 1761 the premises).

1762 Witness the hand of said grantor this _____(month\day\year).

1763 A quitclaim deed when executed as required by law shall have the effect of a conveyance of
1764 all right, title, interest, and estate of the grantor in and to the premises therein described and all
1765 rights, privileges, and appurtenances thereunto belonging, at the date of the conveyance."

1766 [~~(2) A boundary line agreement operating as a quitclaim deed shall meet the requirements~~
1767 ~~described in Section 10-9a-524 or 17-27a-523, as applicable.~~]

1768 Section 13. Section **57-1-45** is amended to read:

1769 **57-1-45 . Boundary establishments -- Establishment documents -- Effect.**

1770 [~~(1) An agreement to adjust a known boundary between adjoining properties shall comply~~
1771 ~~with Section 10-9a-524 or 17-27a-523, as applicable.~~]

1772 [~~(2) A recorded boundary line agreement to establish the location of a boundary between~~
1773 ~~adjoining properties where the location of the boundary is ambiguous, uncertain, or~~
1774 ~~disputed shall comply with Subsections (3) and (4).~~]

1775 [~~(3)~~] (1) A boundary establishment shall:

1776 (a) be finalized by recording an establishment document, as defined in Sections
1777 10-9a-103 and Section 17-27a-103; and

1778 (b) comply with this section.

1779 [~~(2) [A boundary line agreement between adjoining property owners establishing the owners'~~
1780 ~~existing common boundary for the purpose of settling an ambiguity, uncertainty, or~~
1781 ~~dispute]~~ An establishment document shall include:

1782 (a) the name and signature of each party to the [~~agreement]~~ establishment document [~~and,~~
1783 ~~if applicable, the name and signature of a party's predecessor in interest who agreed~~
1784 ~~to the location of the boundary line];~~

1785 [(b) ~~the date of the boundary line agreement;~~]

1786 [(e)] (b) the address of each party to the [~~boundary line agreement]~~ clarification document
1787 for assessment purposes;

1788 [(d)] (c) a statement describing [~~why the owners of adjoining properties were unable to~~
1789 ~~determine the true location of the boundary line between the adjoining properties]~~ the
1790 ambiguity, uncertainty, or dispute being resolved with the boundary establishment;

1791 [(e)] (d) a statement that the adjoining property owners [~~of the adjoining properties]~~
1792 agree on the established boundary [~~line]~~ location described in the [~~boundary line]~~ [
1793 ~~agreement]~~ establishment document;

1794 [(f)] (e) a legal description of each parcel or lot that is subject to the established boundary [
1795 ~~line]~~ [~~agreement];~~

- 1796 ~~[(g)]~~ (f) a legal description of the ~~[agreed]~~ established boundary ~~[line]~~;
- 1797 ~~[(h)]~~ (g)(i) if the property owners have conducted a survey, a reference to a record of
- 1798 the survey map, as defined in Section 17-23-17, ~~[in conjunction with the boundary~~
- 1799 ~~line agreement that shows]~~ showing information necessary to identify the
- 1800 established boundary that may include:
- 1801 (A) existing dwellings, outbuildings, improvements, and other physical features;
- 1802 (B) existing easements, rights-of-way, conditions, or restrictions recorded or
- 1803 apparent;
- 1804 (C) the location of the agreed boundary ~~[line]~~; and
- 1805 (D) an explanation in the survey narrative of the reason for the boundary ~~[line]~~ [~~]~~
- 1806 agreement] establishment; or
- 1807 (ii) if the parcels or lots are unimproved, or if the property owners have otherwise not
- 1808 conducted a survey, an attached ~~[exhibit]~~ visual or graphic depicting a ~~[graphical]~~
- 1809 representation of the location of the [agreed] established boundary [line] relative to
- 1810 physical objects marking the [agreed] established boundary;
- 1811 ~~[(i)]~~ (h) if any of the property that is the subject of the [agreement] establishment
- 1812 document is located in a recorded subdivision [and the agreed boundary line is
- 1813 different from the boundary line recorded in the plat], an acknowledgment that each
- 1814 party to the agreement has been ~~[advised]~~ notified of the potential requirement of a
- 1815 subdivision plat amendment; and
- 1816 ~~[(j)]~~ (i) a sufficient acknowledgment for each party's signature.
- 1817 ~~[(4)]~~ (3) ~~[A boundary line agreement-]~~ An establishment document described in Subsection [~~]~~
- 1818 ~~(3)]~~ (2) may not be used to:
- 1819 (a) convey real property; or
- 1820 (b) create a new parcel or new lot.
- 1821 ~~[(a) used to adjust a known boundary described in Subsection (1) between adjoining~~
- 1822 ~~properties;]~~
- 1823 ~~[(b) used to adjust a lot line in a recorded subdivision plat or create a new parcel or~~
- 1824 ~~lot; or]~~
- 1825 ~~[(c) used by or recorded by a successor in interest to a property owner who agreed to~~
- 1826 ~~the boundary line unless the property owners who agreed to the boundary line~~
- 1827 ~~treated the line as the actual boundary as demonstrated by:]~~
- 1828 ~~[(i) actual possession by each owner up to the boundary line;]~~
- 1829 ~~[(ii) a fence built and agreed to by each owner on the boundary line; or]~~

- 1830 ~~[(iii) each owner cultivating or controlling the land up to the boundary line.]~~
- 1831 (4) Property owners who agree to a boundary establishment shall treat the established
- 1832 boundary as the common boundary, as demonstrated by:
- 1833 (a) actual possession by each owner of the owner's property up to the common
- 1834 boundary, as visibly marked by monuments, fences, buildings, or other physical
- 1835 improvements; or
- 1836 (b) each owner cultivating or controlling the owner's property up to the visibly marked
- 1837 common boundary.
- 1838 (5)(a) Before recording an establishment document, a county recorder shall ensure that
- 1839 the establishment document and any accompanying exhibit is presented in a legible
- 1840 and recordable format.
- 1841 (b) Upon receipt of an establishment document that is not in a legible and recordable
- 1842 format, the county recorder shall provide the person submitting the establishment
- 1843 document with an explanation of corrections necessary to record the establishment
- 1844 document.
- 1845 (6)(a) An establishment document is effective on the day it is recorded.
- 1846 (b) A recorded establishment document creates a boundary establishment.
- 1847 (c) If a judgment made by a court that establishes the location of a disputed boundary is
- 1848 recorded in the county title record:
- 1849 (i) the judgment is considered an establishment document; and
- 1850 (ii) the recording of the judgment creates a boundary establishment.
- 1851 ~~[(5)]~~ (7) [A] [boundary line agreement] Once recorded, an establishment document described
- 1852 in Subsection [(3)] (2):
- 1853 (a) does not affect any previously recorded easement [unless the easement is expressly
- 1854 modified by the boundary line agreement];
- 1855 (b) establishes the location of the common boundary between the adjoining properties [
- 1856 in the originally intended location of the] with placement of physical monuments to
- 1857 mark the established boundary [Hine]; (c) affixes the ownership of the adjoining parties
- 1858 to the agreed boundary [Hine]; and
- 1859 ~~[(d) is not subject to the review or approval of a municipal or county land use authority;~~
- 1860 ~~and]~~
- 1861 ~~[(e)]~~ (d) shall be indexed by a county recorder in the title record against each property
- 1862 affected by the [agreed] established boundary [Hine].
- 1863 ~~[(6)]~~ (8) The recording of [a boundary line agreement described in Subsection (3)] an

1864 establishment document does not constitute a land use approval by a municipality or a
1865 county.

1866 ~~[(7)]~~ (9) A municipality or a county may withhold approval of a land use application for
1867 property that is subject to a boundary ~~[line]~~ ~~[agreement]~~ establishment ~~[described in~~
1868 ~~Subsection (3)]~~ if the municipality or the county determines that the ~~[land, as established~~
1869 ~~by the boundary line agreement,]~~ established boundary was not in compliance with the
1870 municipality's or the county's land use regulations in effect on the day on which the
1871 boundary ~~[line]~~ ~~[agreement]~~ establishment was recorded.

1872 ~~[(8) If a judgment made by a court that establishes the location of a disputed boundary is~~
1873 ~~recorded in the county title record, the judgment shall act as a boundary line agreement~~
1874 ~~recorded under this section.]~~

1875 Section 14. Section **57-1-45.5** is enacted to read:

1876 **57-1-45.5 . Conveyance document for a boundary adjustment -- Form and effect.**

1877 (1) A conveyance document, as defined in Section 10-9a-103 and 17-27a-103, for a
1878 boundary adjustment shall comply with this section.

1879 (2) A conveyance document shall include:

1880 (a) the name and signature of each party to the conveyance document;

1881 (b) the address of each party to the conveyance document for assessment purposes;

1882 (c) a legal description of the parcel or lot owned by each party before the boundary
1883 adjustment;

1884 (d) a legal description of the parcel or lot owned by each party after the boundary
1885 adjustment; and

1886 (e) sufficient language to convey title from one party to another party, in conformity
1887 with the proposed boundary adjustment.

1888 (3) In addition to the information required in Subsection (2), a conveyance document shall
1889 include as an exhibit, in a legible and recordable format:

1890 (a) a visual or graphic of the proposed boundary adjustment and all properties affected
1891 by the proposed boundary adjustment, depicting:

1892 (i) the former boundary location;

1893 (ii) the new boundary location; and

1894 (iii) the size, shape, and dimensions of each adjusted parcel or lot;

1895 (b) if the property owners have conducted a survey, a reference to the record of the
1896 survey map, as defined in Section 17-23-17, showing:

1897 (i) existing dwellings, outbuildings, improvements, and other physical features;

- 1898 (ii) existing easements, rights-of-way, conditions, or restrictions recorded or apparent;
- 1899 (iii) the former boundary location; and
- 1900 (iv) the new boundary location; and
- 1901 (c) if the conveyance document addresses a boundary adjustment that requires an
- 1902 amendment to a subdivision plat under Section 10-9a-523 or 17-27a-522, the
- 1903 amendment to the subdivision plat.
- 1904 (4)(a) A conveyance document is effective on the day it is recorded as part of a
- 1905 boundary adjustment.
- 1906 (b) Before recording a conveyance document, a county recorder shall confirm that the
- 1907 conveyance document is:
- 1908 (i) in a legible and recordable format, including any exhibit to the conveyance
- 1909 document; and
- 1910 (ii) accompanied by a notice of consent to the boundary adjustment from a land use
- 1911 authority under Subsection 10-9a-523(3) or (6) or Subsection 17-27a-522(3) or (6).
- 1912 (c) Upon receipt of a conveyance document, or any exhibit to a conveyance document,
- 1913 that is not in a legible and recordable format, a county recorder shall provide the
- 1914 person submitting the conveyance document with an explanation of the corrections
- 1915 necessary to record the conveyance document.
- 1916 (5) The recording of a boundary adjustment presumptively:
- 1917 (a) relocates an existing boundary by creating a new boundary between the adjoining
- 1918 properties;
- 1919 (b) changes the size, shape, or configuration of two or more adjoining lots or parcels;
- 1920 (c) does not effect any previously recorded easement unless the easement is expressly
- 1921 and properly modified by the boundary adjustment; and
- 1922 (d) affixes the ownership of the adjoining parties to the adjusted boundary.
- 1923 Section 15. Section **57-8-32** is amended to read:
- 1924 **57-8-32 . Sale of property and common areas and facilities.**
- 1925 (1) Subject to Subsection [~~10-9a-605(5)~~] 10-9a-606(5) or 17-27a-606(5), unless otherwise
- 1926 provided in the declaration or bylaws, and notwithstanding the provisions of Sections
- 1927 57-8-30 and 57-8-31, the unit owners may by an affirmative vote of at least 67% of unit
- 1928 owners, elect to sell, convey, transfer, or otherwise dispose of the property or all or part
- 1929 of the common areas and facilities.
- 1930 (2) An affirmative vote described in Subsection (1) is binding upon all unit owners, and
- 1931 each unit owner shall execute and deliver the appropriate instruments and perform all

- 1932 acts as necessary to effect the sale, conveyance, transfer, or other disposition of the
1933 property or common areas and facilities.
- 1934 (3) The general easement of ingress, egress, and use of the common areas and facilities
1935 granted to an association and unit owners through recorded governing documents is
1936 extinguished in any portion of the common areas and facilities the unit owners sell,
1937 convey, transfer, or otherwise dispose of, if:
- 1938 (a) the unit owners, in selling, conveying, transferring, or otherwise disposing of the
1939 portion of the common areas and facilities, comply with:
- 1940 (i) the provisions of this section; and
1941 (ii) Section 10-9a-606 or 17-27a-606; and
- 1942 (b) the sale, conveyance, transfer, or other disposition of the portion of the common
1943 areas and facilities results in a person other than the association or a unit owner
1944 owning the portion of the common areas and facilities.
- 1945 (4) This section applies to an association of unit owners regardless of when the association
1946 of unit owners is created.
- 1947 Section 16. **Effective date.**
1948 This bill takes effect on May 7, 2025.