

CHANGES IN SUBDIVISION PLATS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Howard C. Nielson

AN ACT RELATING TO CITIES AND TOWNS AND COUNTIES; REQUIRING MUNICIPAL AND COUNTY PLANNING COMMISSIONS TO MAKE A RECOMMENDATION ON ANY PROPOSED VACATION, ALTERATION, OR AMENDMENT OF A SUBDIVISION PLAT; AND MAKING TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

10-9-808, as last amended by Chapter 179, Laws of Utah 1995

17-27-808, as last amended by Chapter 179, Laws of Utah 1995

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

Section 1. Section **10-9-808** is amended to read:

10-9-808. Vacating or changing a subdivision plat.

(1) (a) [The] Subject to Subsection (2), the legislative body of a municipality or any other officer that the legislative body designates by ordinance may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.

(b) If a petition is filed, the responsible body or officer shall hold the public hearing within 45 days after ~~[it is filed]~~ receipt of the planning commission's recommendation under Subsection (2) if:

- (i) the plat change includes the vacation of a public street or alley;
- (ii) any owner within the plat notifies the municipality of their objection in writing within ten days of mailed notification; or
- (iii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(2) (a) Before the legislative body or officer designated by the legislative body may consider a proposed vacation, alteration, or amendment under Subsection (1)(a) or (6), the

legislative body or officer shall refer the proposal to the planning commission for its recommendation.

(b) The planning commission shall give its recommendation within 30 days after the proposed vacation, alteration, or amendment is referred to it.

~~[(2)]~~ (3) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the legislative body to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.

~~[(3)-A]~~ (4) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:

- (a) the name and address of all owners of record of the land contained in the entire plat;
- (b) the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
- (c) the signature of each of these owners who consents to the petition.

~~[(4)]~~ (5) (a) ~~[Petitions]~~ A petition that ~~[lack]~~ lacks the consent of all owners referred to in Subsection ~~[(3)]~~ (4) may not be scheduled for consideration at a public hearing before the legislative body until the notice required by this part is given.

(b) The petitioner shall pay the cost of the notice.

~~[(5)-When]~~ (6) Subject to Subsection (2), if the responsible body or officer proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this part.

~~[(6)]~~ (7) Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed if:

- (a) no new dwelling lot or housing unit results from the lot line adjustment;
- (b) the adjoining property owners consent to the lot line adjustment;
- (c) the lot line adjustment does not result in remnant land that did not previously exist; and
- (d) the adjustment does not result in violation of applicable zoning requirements.

~~[(7)]~~ (8) Municipalities operating under the council-mayor form of government shall comply

with Section 10-3-1219.5.

Section 2. Section **17-27-808** is amended to read:

17-27-808. Vacating or changing a subdivision plat.

(1) (a) ~~[The]~~ Subject to Subsection (2), the county legislative body or any other officer that the legislative body designates by ordinance may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.

(b) If a petition is filed, the responsible body or officer shall hold the public hearing within 45 days after ~~[it is filed]~~ receipt of the planning commission's recommendation under Subsection (2) if:

(i) the plat change includes the vacation of a public street or alley;

(ii) any owner within the plat notifies the municipality of their objection in writing within ten days of mailed notification; or

(iii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(2) (a) Before the county legislative body or officer designated by the county legislative body may consider a proposed vacation, alteration, or amendment under Subsection (1)(a) or (6), the county legislative body or officer shall refer the proposal to the planning commission for its recommendation.

(b) The planning commission shall give its recommendation within 30 days after the proposed vacation, alteration, or amendment is referred to it.

~~[(2)]~~ (3) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the legislative body to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.

~~[(3)-A]~~ (4) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:

(a) the name and address of all owners of record of the land contained in the entire plat;

(b) the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and

(c) the signature of each of these owners who consents to the petition.

~~[(4)]~~ (5) (a) ~~[Petitions]~~ A petition that ~~[lack]~~ lacks the consent of all owners referred to in Subsection ~~[(3)]~~ (4) may not be scheduled for consideration at a public hearing before the responsible body or officer until the notice required by this part is given.

(b) The petitioner shall pay the cost of the notice.

~~[(5) When]~~ (6) Subject to Subsection (2), if the responsible body or officer proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this part.

~~[(6)]~~ (7) Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed if:

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