

SUBDIVISION OF LAND AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Joseph G. Murray

AN ACT RELATING TO THE MUNICIPAL CODE AND COUNTIES; AMENDING AND CLARIFYING PROVISIONS RELATING TO THE SUBDIVIDING OF LAND; PROVIDING FOR AN EXEMPTION FOR CERTAIN AGRICULTURAL SUBDIVISIONS; PROVIDING DEFINITIONS; AND MAKING TECHNICAL CHANGES.

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

AMENDS:

- 10-1-104**, as last amended by Chapter 389, Laws of Utah 1997
- 10-9-103**, as last amended by Chapter 291, Laws of Utah 1999
- 10-9-804**, as last amended by Chapter 13, Laws of Utah 1998
- 10-9-805**, as last amended by Chapter 142, Laws of Utah 1997
- 10-9-806**, as last amended by Chapter 179, Laws of Utah 1995
- 10-9-807**, as enacted by Chapter 235, Laws of Utah 1991
- 10-9-808**, as last amended by Chapter 176, Laws of Utah 1999
- 10-9-811**, as last amended by Chapter 180, Laws of Utah 1995
- 17-27-103**, as last amended by Chapters 139 and 291, Laws of Utah 1999
- 17-27-804**, as last amended by Chapter 13, Laws of Utah 1998
- 17-27-805**, as last amended by Chapter 142, Laws of Utah 1997
- 17-27-806**, as last amended by Chapter 179, Laws of Utah 1995
- 17-27-807**, as enacted by Chapter 235, Laws of Utah 1991
- 17-27-808**, as last amended by Chapter 176, Laws of Utah 1999
- 17-27-811**, as last amended by Chapter 142, Laws of Utah 1997

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

Section 1. Section **10-1-104** is amended to read:

10-1-104. Definitions.

As used in this title:

(1) "City" includes a city of the first class, a city of the second class, and a city of the third class, as classified in Section 10-2-301.

(2) "Contiguous" means:

(a) if used to described an area, continuous, uninterrupted, and without an island of territory not included as part of the area; and

(b) if used to describe an area's relationship to another area, sharing a common boundary.

(3) "Governing body" means collectively the legislative body and the executive of any municipality. Unless otherwise provided:

(a) in a city of the first or second class, the governing body is the city commission;

(b) in a city of the third class, the governing body is the city council; and

(c) in a town, the governing body is the town council.

(4) "Municipal" means of or relating to a municipality.

(5) "Municipality" means a city of the first class, city of the second class, city of the third class, or a town, as classified in Section 10-2-301.

(6) "Peninsula," when used to describe an unincorporated area, means an area surrounded on more than 1/2 of its boundary distance, but not completely, by incorporated territory and situated so that the length of a line drawn across the unincorporated area from an incorporated area to an incorporated area on the opposite side shall be less than 25% of the total aggregate boundaries of the unincorporated area.

(7) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

~~[(7)]~~ (8) "Provisions of law" shall include other statutes of the state of Utah and ordinances, rules, and regulations properly adopted by any municipality unless the construction is clearly contrary to the intent of state law.

~~[(8)]~~ (9) "Recorder," unless clearly inapplicable, includes and applies to a town clerk.

~~[(9)]~~ (10) "Town" means a town as classified in Section 10-2-301.

~~[(10)]~~ (11) "Unincorporated" means not within a municipality.

Section 2. Section **10-9-103** is amended to read:

10-9-103. Definitions -- Notice.

(1) As used in this chapter:

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

(b) "Chief executive officer" means:

(i) the mayor in municipalities operating under all forms of municipal government except the council-manager form; or

(ii) the city manager in municipalities operating under the council-manager form of municipal government.

(c) "Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(d) "Constitutional taking" has the meaning as defined in Section 63-34-13.

(e) "County" means the unincorporated area of the county.

(f) "Elderly person" means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

(g) (i) "General plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality, as set forth in Sections 10-9-301 and 10-9-302.

(ii) "General plan" includes what is also commonly referred to as a "master plan."

(h) "Legislative body" means the city council or city commission.

(i) "Lot line adjustment" in a subdivision means the relocation of the property boundary line between two adjoining lots with the consent of the owners of record.

(j) "Municipality" means a city or town.

(k) "Nonconforming structure" means a structure that:

(i) legally existed before its current zoning designation; and

(ii) because of subsequent zoning changes, does not conform with the zoning regulation's setback, height restrictions, or other regulations that govern the structure.

(l) "Nonconforming use" means a use of land that:

(i) legally existed before its current zoning designation;

(ii) has been maintained continuously since the time the zoning regulation governing the land changed; and

(iii) because of subsequent zoning changes, does not conform with the zoning regulations that now govern the land.

(m) "Official map" means a map of proposed streets that has the legal effect of prohibiting development of the property until the municipality develops the proposed street.

(n) "Plat" means a map or other graphical representation of lands being laid out and prepared in accordance with Section 10-9-804.

(o) "Record of survey map" means a map of a survey of land prepared in accordance with Section 17-23-17.

~~[(n)]~~ (p) (i) "Residential facility for elderly persons" means a single-family or multiple-family dwelling unit that meets the requirements of Part 5 and any ordinance adopted under authority of that part.

(ii) "Residential facility for elderly persons" does not include a health care facility as defined by Section 26-21-2.

~~[(o)]~~ (q) "Special district" means all entities established under the authority of Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

~~[(p)]~~ (r) "Street" means public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways.

~~[(q)]~~ (s) (i) "Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or

upon any and all other plans, terms, and conditions.

(ii) "Subdivision" includes:

(A) the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and

(B) except as provided in Subsection (1)~~(c)~~ (s)(iii), divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(iii) "Subdivision" does not include:

(A) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance;

(B) a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

(I) no new lot is created; and

(II) the adjustment does not result in a violation of applicable zoning ordinances; or

(C) a recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.

(iv) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this Subsection (1)~~(c)~~ (s) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

~~(r)~~ (t) "Unincorporated" means the area outside of the incorporated boundaries of cities and towns.

(2) (a) A municipality meets the requirements of reasonable notice required by this chapter if it:

(i) posts notice of the hearing or meeting in at least three public places within the jurisdiction

and publishes notice of the hearing or meeting in a newspaper of general circulation in the jurisdiction, if one is available; or

(ii) gives actual notice of the hearing or meeting.

(b) A municipal legislative body may enact an ordinance establishing stricter notice requirements than those required by this Subsection (2).

(c) (i) Proof that one of the two forms of notice authorized by this Subsection (2) was given is prima facie evidence that notice was properly given.

(ii) If notice given under authority of this section is not challenged as provided in Section 10-9-1001 within 30 days from the date of the meeting for which the notice was given, the notice is considered adequate and proper.

Section 3. Section **10-9-804** is amended to read:

10-9-804. Plats required.

(1) Unless exempt under Section 10-9-806 or not included in the definition of subdivision under Subsection 10-9-103(1), whenever any lands are laid out and platted, the owner of those lands shall provide an accurate [~~map or~~] plat that describes or specifies:

(a) the boundaries, course, and dimensions of the parcels of ground;

(b) whether the parcels of ground are intended to be used as streets or for other public uses, and whether any areas are reserved for public purposes;

(c) the [~~number, temporary~~] lot or unit reference, the block or building reference, the street or site address, the street name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale; and

(d) existing right-of-way and easement grants of record for underground facilities, as defined in Section 54-8a-2, and for other utility facilities.

(2) (a) The owner of the land shall acknowledge the [~~map or~~] plat before an officer authorized by law to take the acknowledgement of conveyances of real estate.

(b) The surveyor making the [~~map or~~] plat shall certify it.

(c) The owner or operator of the underground and utility facilities shall approve the [~~map or~~] plat of its property interest if it specifies:

(i) the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record;

(ii) the location of existing underground and utility facilities; and

(iii) any conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision.

(d) The legislative body shall approve the [map or] plat as provided in this part. Before the legislative body may approve a [map or] plat, the owner of the land shall provide the legislative body with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(3) After the [map or] plat has been acknowledged, certified, and approved, the owner of the land shall file and record it in the county recorder's office in the county in which the lands platted and laid out are situated.

Section 4. Section **10-9-805** is amended to read:

10-9-805. Subdivision approval procedure.

(1) A person may not submit a plat of a subdivision to the county recorder's office for [filing or] recording unless a recommendation has been received from the planning commission and:

(a) the plat has been approved by:

(i) the legislative body of the municipality in which the subdivision is located; or

(ii) other officers that the municipal legislative body designates in an ordinance; and

(b) the approvals are entered in writing on the plat by the mayor or chairperson of the legislative body or by the other officers designated in the ordinance.

(2) In municipalities under the council-mayor form of government, Section 10-3-1219.5 governs.

Section 5. Section **10-9-806** is amended to read:

10-9-806. Exemptions from plat requirement.

(1) (a) [~~In subdivisions of less than ten lots, land may be sold~~] Notwithstanding Sections 10-9-804 and 10-9-805, a person may submit to the county recorder's office for recording a document that subdivides property by metes and bounds into less than ten lots, without the necessity of recording a plat, if:

~~[(a) a recommendation has been received from]~~

(i) the planning commission[?], if required by municipal ordinance, has given the municipal legislative body its recommendation, whether favorable or not; and

~~[(b) (ii) the [deed contains a stamp or other mark indicating that the subdivision has been approved by]~~ document contains a certificate or written approval from:

~~[(†)] (A) the legislative body of the municipality in which the property is located; or~~

~~[(†)] (B) other officers that the municipal legislative body designates in an ordinance[?].~~

(b) By indicating its approval on a document under Subsection (1)(a), the municipal legislative body or other officer designated by the municipal legislative officer certifies that:

(i) the planning commission:

(A) has given its recommendation to the municipal legislative body; or

(B) is not required by municipal ordinance to give its recommendation;

~~[(€)] (ii) the subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; and~~

~~[(†)] (iii) if the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the board of adjustment.~~

(2) Municipalities under the council-mayor form of government shall comply with Section 10-3-1219.5.

(3) (a) Subject to Subsection (3)(b), a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 10-9-804 if the lot or parcel:

(i) qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act;

(ii) meets the minimum size requirement of applicable zoning ordinances; and

(iii) is not used and will not be used for any nonagricultural purpose.

(b) The boundaries of each lot or parcel exempted under Subsection (3)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are

required for a plat under Section 10-9-805, shall be recorded with the county recorder.

(c) If a lot or parcel exempted under Subsection (3)(a) is used for a nonagricultural purpose, the municipality in which the lot or parcel is located may require the lot or parcel to comply with the requirements of Section 10-9-804.

(4) (a) A person may not submit to the county recorder's office for recording a document that subdivides property by metes and bounds unless it contains the certificate or written approval required by this section.

(b) The recording of a document that subdivides property by metes and bounds and does not contain the certificate or written approval required by this section:

(i) does not affect the validity of the document; and

(ii) does not affect whether the subdivided property complies with applicable municipal ordinances on land use and development.

Section 6. Section **10-9-807** is amended to read:

10-9-807. Dedication of streets.

(1) ~~[Maps and plats]~~ Plats, when made, acknowledged, ~~[filed,]~~ and recorded according to the procedures specified in this part, operate as a dedication of all streets and other public places, and vest the fee of those parcels of land in the municipality for the public for the uses named or intended in those ~~[maps or]~~ plats.

(2) The dedication established by this section does not impose liability upon the municipality for streets and other public places that are dedicated in this manner but unimproved.

Section 7. Section **10-9-808** is amended to read:

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

(1) (a) 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 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.
- (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.
- (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.
- (5) (a) A petition that lacks the consent of all owners referred to in Subsection (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.
- (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.
- (7) Petitions to adjust lot lines between adjacent properties may be executed upon the

recording 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.

(8) (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section.

(b) Except as provided in Subsection (8)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

~~[(8)]~~ (9) Municipalities operating under the council-mayor form of government shall comply with Section 10-3-1219.5.

Section 8. Section **10-9-811** is amended to read:

10-9-811. Prohibited acts.

(1) (a) A county recorder may not record a subdivision plat ~~[of a subdivision without the approval of]~~ that has not been approved by the [governing] legislative body of the municipality in which the subdivision is located.

(b) A plat of a subdivision recorded without the approval of the ~~[governing]~~ municipal legislative body required by this part is void.

(2) (a) An owner ~~[or agent of the owner]~~ of any land located in a subdivision, as defined in this chapter, who transfers or sells any land in that subdivision ~~[must disclose to the transferee or purchaser the location, width, and restrictions of a right-of-way and easement of record within the subdivision, or before a plan or plat of the subdivision has been approved and recorded]~~ before a plat of the subdivision has been approved and recorded violates this part for each lot or parcel transferred or sold.

(b) The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (2)(a) or from the penalties or remedies provided in this chapter.

(c) Notwithstanding any other provision of this Subsection (2), the recording of an instrument

of transfer or other document used in the process of selling or transferring real property that violates this part:

(i) does not affect the validity of the instrument or other document; and

(ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable municipal ordinances on land use and development.

(3) (a) A municipality may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted under the authority of this part.

(b) An action under this Subsection (3) may include an injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.

(c) A municipality need only establish the violation to obtain the injunction.

Section 9. Section **17-27-103** is amended to read:

17-27-103. Definitions -- Notice.

(1) As used in this chapter:

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

(b) "Chief executive officer" means the county executive, or if the county has adopted an alternative form of government, the official who exercises the executive powers.

(c) "Conditional use" means a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(d) "Constitutional taking" has the meaning as defined in Section 63-34-13.

(e) "County" means the unincorporated area of the county.

(f) "Elderly person" means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

(g) "Gas corporation" has the same meaning as defined in Section 54-2-1.

(h) (i) "General plan" means a document that a county adopts that sets forth general

guidelines for proposed future development of the land within the county, as set forth in Sections 17-27-301 and 17-27-302.

(ii) "General plan" includes what is also commonly referred to as a "master plan."

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

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

(k) "Legislative body" means the county legislative body, or for a county that has adopted an alternative form of government, the body exercising legislative powers.

(l) "Lot line adjustment" means the relocation of the property boundary line between two adjoining lots with the consent of the owners of record.

(m) "Municipality" means a city or town.

(n) "Nonconforming structure" means a structure that:

(i) legally existed before its current zoning designation; and

(ii) because of subsequent zoning changes, does not conform with the zoning regulation's setback, height restrictions, or other regulations that govern the structure.

(o) "Nonconforming use" means a use of land that:

(i) legally existed before its current zoning designation;

(ii) has been maintained continuously since the time the zoning regulation governing the land changed; and

(iii) because of subsequent zoning changes, does not conform with the zoning regulations that now govern the land.

(p) "Official map" means a map of proposed streets that has the legal effect of prohibiting development of the property until the county develops the proposed street.

(q) "Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

(r) "Plat" means a map or other graphical representation of lands being laid out and prepared in accordance with Section 17-27-804.

(s) "Record of survey map" means a map of a survey of land prepared in accordance with Section 17-23-17.

~~(t)~~ (t) (i) "Residential facility for elderly persons" means a single-family or multiple-family dwelling unit that meets the requirements of Part 5 and any ordinance adopted under authority of that part.

(ii) "Residential facility for elderly persons" does not include a health care facility as defined by Section 26-21-2.

~~(u)~~ (u) "Special district" means all entities established under the authority of Title 17A, Special Districts, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

~~(v)~~ (v) "Street" means public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways.

~~(w)~~ (w) (i) "Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(ii) "Subdivision" includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

(iii) "Subdivision" does not include:

(A) a bona fide division or partition of agricultural land for agricultural purposes;

(B) a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

(I) no new lot is created; and

(II) the adjustment does not result in a violation of applicable zoning ordinances;

(C) a recorded document, executed by the owner of record, revising the legal description of

more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or

(D) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels, an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company.

(iv) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this Subsection (1)[(t)] (w) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision ordinance.

[(t)] (x) "Unincorporated" means the area outside of the incorporated boundaries of cities and towns.

(2) (a) A county meets the requirements of reasonable notice required by this chapter if it:

(i) posts notice of the hearing or meeting in at least three public places within the jurisdiction and publishes notice of the hearing or meeting in a newspaper of general circulation in the jurisdiction, if one is available; or

(ii) gives actual notice of the hearing or meeting.

(b) A county legislative body may enact an ordinance establishing stricter notice requirements than those required by this Subsection (2).

(c) (i) Proof that one of the two forms of notice authorized by this subsection was given is prima facie evidence that notice was properly given.

(ii) If notice given under authority of this section is not challenged as provided in Section 17-27-1001 within 30 days from the date of the meeting for which the notice was given, the notice is considered adequate and proper.

Section 10. Section **17-27-804** is amended to read:

17-27-804. Plats required.

(1) Unless exempt under Section 17-27-806 or not included in the definition of a subdivision under Subsection 17-27-103(1), whenever any lands are divided, the owner of those lands shall have

an accurate plat made of them that sets forth and describes:

(a) all the parcels of ground divided, by their boundaries, course, and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes; and

(b) ~~[aH]~~ the lot or unit reference, the block or building reference, the street or site address, the street name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale~~[- by numbers, and their precise length and width].~~

(2) (a) The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgement of conveyances of real estate.

(b) The surveyor making the plat shall certify it.

(c) The county legislative body shall approve the plat as provided in this part. Before the legislative body may approve a ~~[map or]~~ plat, the owner of the land shall provide the legislative body with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(3) After the plat has been acknowledged, certified, and approved, the owner of the land shall file and record it in the county recorder's office in the county in which the lands platted and divided are situated.

Section 11. Section **17-27-805** is amended to read:

17-27-805. Subdivision approval procedure.

A person may not submit a plat of a subdivision to the county recorder's office for ~~[filing or]~~ recording unless a recommendation has been received from the planning commission and:

(1) the plat has been approved by:

(a) the legislative body of the county in whose unincorporated area the subdivision is located;

or

(b) other officers that the county legislative body designates in an ordinance; and

(2) the approvals are entered in writing on the plat by the chief executive officer or chairperson of the legislative body or by the other officers designated in the ordinance.

Section 12. Section **17-27-806** is amended to read:

17-27-806. Exemptions from plat requirement.

~~[In subdivisions of less than ten lots, land may be sold]~~

(1) (a) Notwithstanding Sections 17-27-804 and 17-27-805, a person may submit to the county recorder's office for recording a document that subdivides property by metes and bounds into less than ten lots, without the necessity of recording a plat, if:

~~[(1) a recommendation has been received from]~~

(i) the planning commission[;], if required by county ordinance, has given the county legislative body its recommendation, whether favorable or not; and

~~[(2) the deed contains a stamp or other mark indicating that the subdivision has been approved by:]~~

(ii) the document contains a certificate or written approval from:

~~[(a)]~~ (A) the legislative body of the county in whose unincorporated area the property is located; or

~~[(b)]~~ (B) other officers that the county legislative body designates in an ordinance[;].

(b) By indicating its approval on a document under Subsection (1)(a), the county legislative body or other officer designated by the county legislative officer certifies that:

(i) the planning commission:

(A) has given its recommendation to the county legislative body; or

(B) is not required by county ordinance to give its recommendation;

~~[(3)]~~ (ii) the subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes; and

~~[(4)]~~ (iii) if the subdivision is located in a zoned area, each lot in the subdivision meets the frontage, width, and area requirements of the zoning ordinance or has been granted a variance from those requirements by the board of adjustment.

(2) (a) Subject to Subsection (2)(b), a lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of Section 17-27-804 if the lot or parcel:

(i) qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment

Act:

(ii) meets the minimum size requirement of applicable zoning ordinances; and

(iii) is not used and will not be used for any nonagricultural purpose.

(b) The boundaries of each lot or parcel exempted under Subsection (2)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under Section 17-27-805, shall be recorded with the county recorder.

(c) If a lot or parcel exempted under Subsection (2)(a) is used for a nonagricultural purpose, the county in whose unincorporated area the lot or parcel is located may require the lot or parcel to comply with the requirements of Section 17-27-804.

(3) (a) A person may not submit to the county recorder's office for recording a document that subdivides property by metes and bounds unless it contains the certificate or written approval required

by this section.

(b) The recording of a document that subdivides property by metes and bounds and does not contain the certificate or written approval required by this section:

(i) does not affect the validity of the document; and

(ii) does not affect whether the subdivided property complies with applicable county ordinances on land use and development.

Section 13. Section **17-27-807** is amended to read:

17-27-807. Dedication of streets.

(1) [~~Maps and plats~~] Plats, when made, acknowledged, [~~filed,~~] and recorded according to the procedures specified in this part, operate as a dedication of all streets and other public places, and vest the fee of those parcels of land in the county for the public for the uses named or intended in those [~~maps or~~] plats.

(2) The dedication established by this section does not impose liability upon the county for streets and other public places that are dedicated in this manner but unimproved.

Section 14. Section **17-27-808** is amended to read:

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

(1) (a) 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 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.

(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.

(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.

(5) (a) A petition that lacks the consent of all owners referred to in Subsection (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.

(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.

(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.

(8) (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section.

(b) Except as provided in Subsection (8)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

Section 15. Section **17-27-811** is amended to read:

17-27-811. Prohibited acts -- Plat void if recorded without approvals -- Penalties.

(1) (a) A county recorder may not ~~[file or]~~ record a subdivision plat ~~[of a subdivision without the approvals required by this part]~~ that has not been approved by the legislative body of the county in whose unincorporated area the subdivision is located.

(b) ~~[Any]~~ A plat of a subdivision ~~[filed or]~~ recorded without the ~~[approvals required by this part]~~ approval of the county legislative body is void.

(2) (a) ~~[Any]~~ An owner ~~[or agent of the owner]~~ of any land located in a subdivision, as defined in this ~~[part]~~ chapter, who transfers or sells any land in that subdivision before a ~~[plan or]~~ plat of the subdivision has been approved and recorded as required in this part ~~[is guilty of a violation of]~~ violates this part for each lot or parcel transferred or sold.

(b) The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from a violation of

Subsection (2)(a) or from the penalties or remedies provided in this [part] chapter.

(c) Notwithstanding any other provision of this Subsection (2), the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this part:

(i) does not affect the validity of the instrument or other document; and

(ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable municipal ordinances on land use and development.

(3) (a) A county may bring an action against an owner to require the property to conform to the provisions of this part or an ordinance enacted under the authority of this part.

(b) An action under this Subsection (3)(d) may include an injunction, abatement, merger of title, or any other appropriate action or proceedings to prevent, enjoin, or abate the violation.

(c) A county need only establish the violation to obtain the injunction.