

**Senator Peter C. Knudson** proposes the following substitute bill:

**VACATING OR CHANGING A SUBDIVISION**

**PLAT**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Peter C. Knudson**

House Sponsor: Ronda Rudd Menlove

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**LONG TITLE**

**General Description:**

This bill modifies county and municipal provisions relating to land use and development.

**Highlighted Provisions:**

This bill:

- ▶ modifies the definition of "subdivision" to exclude recorded agreements between owners of adjoining subdivided properties adjusting their mutual boundary;
- ▶ modifies the conditions upon which a land use authority is required to approve an exchange of title;
- ▶ modifies the process for vacating or altering a street or alley described in a subdivision plat;
- ▶ eliminates a requirement that a public hearing be held under certain circumstances;
- ▶ eliminates a requirement for planning commission review and recommendation of a request to vacate, alter, or amend a subdivision plat;
- ▶ authorizes a land use authority to consider an owner's land use application to join two or more contiguous, residential lots;
- ▶ eliminates a requirement for notice before planning commission consideration for a



- 26 petition that lacks the consent of all property owners;
- 27       ▶ requires a conveyance of title to be recorded after an exchange of title is approved;
- 28       ▶ eliminates a provision requiring land use authority consideration of a petition to
- 29 vacate or change a plat within a certain time;
- 30       ▶ modifies the method for expressing approval of a vacation, alteration, or
- 31 amendment of a subdivision plat;
- 32       ▶ requires a land use authority to make a recommendation concerning a request to
- 33 vacate or alter a street or alley; and
- 34       ▶ requires the legislative body to hold a public hearing concerning a request to vacate
- 35 or alter a street or alley and to determine whether good cause exists for the vacation
- 36 or alteration.

37 **Monies Appropriated in this Bill:**

38       None

39 **Other Special Clauses:**

40       None

41 **Utah Code Sections Affected:**

42 **AMENDS:**

43       **10-9a-103**, as last amended by Chapter 7 and renumbered and amended by Chapter  
44 254, Laws of Utah 2005

45       **10-9a-603**, as renumbered and amended by Chapter 254, Laws of Utah 2005

46       **10-9a-608**, as renumbered and amended by Chapter 254, Laws of Utah 2005

47       **10-9a-609**, as renumbered and amended by Chapter 254, Laws of Utah 2005

48       **17-27a-103**, as last amended by Chapter 7 and renumbered and amended by Chapter  
49 254, Laws of Utah 2005

50       **17-27a-603**, as renumbered and amended by Chapter 254, Laws of Utah 2005

51       **17-27a-608**, as renumbered and amended by Chapter 254, Laws of Utah 2005

52       **17-27a-609**, as renumbered and amended by Chapter 254, Laws of Utah 2005

53 **ENACTS:**

54       **10-9a-609.5**, Utah Code Annotated 1953

55       **17-27a-609.5**, Utah Code Annotated 1953



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

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

59 **10-9a-103. Definitions.**

60 As used in this chapter:

61 (1) "Affected entity" means a county, municipality, independent special district under  
62 Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2,  
63 Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter  
64 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of  
65 Transportation, if:

66 (a) the entity's services or facilities are likely to require expansion or significant  
67 modification because of an intended use of land;

68 (b) the entity has filed with the municipality a copy of the entity's general or long-range  
69 plan; or

70 (c) the entity's boundaries or facilities are within one mile of land which is the subject  
71 of a general plan amendment or land use ordinance change.

72 (2) "Appeal authority" means the person, board, commission, agency, or other body  
73 designated by ordinance to decide an appeal of a decision of a land use application or a  
74 variance.

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

78 (4) "Charter school" includes:

79 (a) an operating charter school;

80 (b) a charter school applicant that has its application approved by a chartering entity in  
81 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

82 (c) an entity who is working on behalf of a charter school or approved charter applicant  
83 to develop or construct a charter school building.

84 (5) "Chief executive officer" means the:

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

87 (b) city manager in municipalities operating under the council-manager form of

88 municipal government.

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

93 (7) "Constitutional taking" means a governmental action that results in a taking of  
94 private property so that compensation to the owner of the property is required by the:

95 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

96 (b) Utah Constitution Article I, Section 22.

97 (8) "Culinary water authority" means the department, agency, or public entity with  
98 responsibility to review and approve the feasibility of the culinary water system and sources for  
99 the subject property.

100 (9) (a) "Disability" means a physical or mental impairment that substantially limits one  
101 or more of a person's major life activities, including a person having a record of such an  
102 impairment or being regarded as having such an impairment.

103 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
104 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
105 802.

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

109 (11) "General plan" means a document that a municipality adopts that sets forth general  
110 guidelines for proposed future development of the land within the municipality.

111 (12) "Identical plans" means building plans submitted to a municipality that are  
112 substantially identical to building plans that were previously submitted to and reviewed and  
113 approved by the municipality and describe a building that is:

114 (a) located on land zoned the same as the land on which the building described in the  
115 previously approved plans is located; and

116 (b) subject to the same geological and meteorological conditions and the same law as  
117 the building described in the previously approved plans.

118 (13) "Land use application" means an application required by a municipality's land use

119 ordinance.

120 (14) "Land use authority" means a person, board, commission, agency, or other body  
121 designated by the local legislative body to act upon a land use application.

122 (15) "Land use ordinance" means a planning, zoning, development, or subdivision  
123 ordinance of the municipality, but does not include the general plan.

124 (16) "Legislative body" means the municipal council.

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

127 (18) "Moderate income housing" means housing occupied or reserved for occupancy  
128 by households with a gross household income equal to or less than 80% of the median gross  
129 income for households of the same size in the county in which the city is located.

130 (19) "Nominal fee" means a fee that reasonably reimburses a municipality only for time  
131 spent and expenses incurred in:

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

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

135 (20) "Noncomplying structure" means a structure that:

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

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

140 (21) "Nonconforming use" means a use of land that:

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

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

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

146 (22) "Official map" means a map drawn by municipal authorities and recorded in a  
147 county recorder's office that:

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

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

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

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

156 (24) "Plan for moderate income housing" means a written document adopted by a city  
157 legislative body that includes:

158 (a) an estimate of the existing supply of moderate income housing located within the  
159 city;

160 (b) an estimate of the need for moderate income housing in the city for the next five  
161 years as revised biennially;

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

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

165 (e) a description of the city's program to encourage an adequate supply of moderate  
166 income housing.

167 (25) "Plat" means a map or other graphical representation of lands being laid out and  
168 prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

169 (26) "Public hearing" means a hearing at which members of the public are provided a  
170 reasonable opportunity to comment on the subject of the hearing.

171 (27) "Public meeting" means a meeting that is required to be open to the public under  
172 Title 52, Chapter 4, Open and Public Meetings.

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

175 (29) "Residential facility for elderly persons" means a single-family or multiple-family  
176 dwelling unit that meets the requirements of Part 4, General Plan, but does not include a health  
177 care facility as defined by Section 26-21-2.

178 (30) "Residential facility for persons with a disability" means a residence:

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

180 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,

181 Chapter 2, Licensure of Programs and Facilities; or

182 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
183 Health Care Facility Licensing and Inspection Act.

184 (31) "Sanitary sewer authority" means the department, agency, or public entity with  
185 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
186 wastewater systems.

187 (32) "Special district" means an entity established under the authority of Title 17A,  
188 Special Districts, and any other governmental or quasi-governmental entity that is not a county,  
189 municipality, school district, or unit of the state.

190 (33) "Specified public utility" means an electrical corporation, gas corporation, or  
191 telephone corporation, as those terms are defined in Section 54-2-1.

192 (34) "Street" means a public right-of-way, including a highway, avenue, boulevard,  
193 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other  
194 way.

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

199 (b) "Subdivision" includes:

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

202 (ii) except as provided in Subsection (35)(c), divisions of land for residential and  
203 nonresidential uses, including land used or to be used for commercial, agricultural, and  
204 industrial purposes.

205 (c) "Subdivision" does not include:

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

210 (ii) a recorded agreement between owners of adjoining unsubdivided properties  
211 adjusting their mutual boundary if:

- 212 (A) no new lot is created; and
- 213 (B) the adjustment does not violate applicable land use ordinances; [~~or~~]
- 214 (iii) a recorded document, executed by the owner of record:
- 215 (A) revising the legal description of more than one contiguous unsubdivided parcel of
- 216 property into one legal description encompassing all such parcels of property; or
- 217 (B) joining a subdivided parcel of property to another parcel of property that has not
- 218 been subdivided, if the joinder does not violate applicable land use ordinances[~~;~~ or
- 219 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting
- 220 their mutual boundary if:
- 221 (A) no new dwelling lot or housing unit will result from the adjustment; and
- 222 (B) the adjustment will not violate any applicable land use ordinance.
- 223 (d) The joining of a subdivided parcel of property to another parcel of property that has
- 224 not been subdivided does not constitute a subdivision under this Subsection (35) as to the
- 225 unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
- 226 subdivision ordinance.

227 (36) "Unincorporated" means the area outside of the incorporated area of a city or  
 228 town.

229 (37) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
 230 land use zones, overlays, or districts.

231 Section 2. Section **10-9a-603** is amended to read:

232 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Recording**  
 233 **plat.**

234 (1) Unless exempt under Section 10-9a-605 or excluded from the definition of  
 235 subdivision under Subsection 10-9a-103[~~(34)~~](35), whenever any land is laid out and platted,  
 236 the owner of the land shall provide an accurate plat that describes or specifies:

237 (a) a name or designation of the subdivision that is distinct from any plat already  
 238 recorded in the county recorder's office;

239 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by  
 240 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is  
 241 intended to be used as a street or for any other public use, and whether any such area is  
 242 reserved or proposed for dedication for a public purpose;



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

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

248 (2) Subject to Subsections (3), (4), and (5), if the plat conforms to the municipality's  
249 ordinances and this part and has been approved by the culinary water authority and the sanitary  
250 sewer authority, the municipality shall approve the plat.

251 (3) The municipality may withhold an otherwise valid plat approval until the owner of  
252 the land provides the legislative body with a tax clearance indicating that all taxes, interest, and  
253 penalties owing on the land have been paid.

254 (4) (a) The owner of the land shall acknowledge the plat before an officer authorized  
255 by law to take the acknowledgement of conveyances of real estate and shall obtain the  
256 signature of each individual designated by the municipality.

257 (b) The surveyor making the plat shall certify that the surveyor:

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

260 (ii) has completed a survey of the property described on the plat in accordance with  
261 Section 17-23-17 and has verified all measurements; and

262 (iii) has placed monuments as represented on the plat.

263 (c) As applicable, the owner or operator of the underground and utility facilities shall  
264 approve the:

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

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

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

270 (5) (a) After the plat has been acknowledged, certified, and approved, the owner of the  
271 land shall, within the time period designated by ordinance, record the plat in the county  
272 recorder's office in the county in which the lands platted and laid out are situated.

273 (b) An owner's failure to record a plat within the time period designated by ordinance

274 renders the plat voidable.

275 Section 3. Section **10-9a-608** is amended to read:

276 **10-9a-608. Vacating or changing a subdivision plat.**

277 (1) (a) Subject to Section [~~10-9a-610~~] 10-9a-609.5, and provided that notice has been  
278 given pursuant to local ordinance and Section 10-9a-208, the land use authority may, with or  
279 without a petition, consider and resolve any proposed vacation, alteration, or amendment of a  
280 subdivision plat, any portion of a subdivision plat, or any [street,] lot[~~;~~or alley] contained in a  
281 subdivision plat.

282 [~~(b) If a petition is filed, the land use authority shall hold a public hearing within 45~~  
283 ~~days after receipt of the planning commission's recommendation under Subsection (2) if:]~~

284 [~~(i) the plat change includes the vacation of a public street or alley;~~]

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

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

289 [~~(2) (a) The planning commission shall consider and provide a recommendation for a~~  
290 ~~proposed vacation, alteration, or amendment under Subsection (1)(a) or (6) before the land use~~  
291 ~~authority takes final action.]~~

292 [~~(b) The planning commission shall give its recommendation within 30 days after the~~  
293 ~~proposed vacation, alteration, or amendment is referred to it, or as that time period is extended~~  
294 ~~by agreement with the applicant.]~~

295 (b) The land use authority may consider at a public meeting an owner's petition to join  
296 two or more of the owner's contiguous, residential lots, if notice has been given pursuant to  
297 local ordinance.

298 (c) Each request to vacate or alter a street or alley, contained in a petition to vacate,  
299 alter, or amend a subdivision plat, is also subject to Section 10-9a-609.5.

300 [~~(3)~~] (2) Any fee owner, as shown on the last county assessment rolls, of land within  
301 the subdivision that has been laid out and platted as provided in this part may, in writing,  
302 petition to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or  
303 amended as provided in this section and Section 10-9a-609.5.

304 [~~(4)~~] (3) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a

305 street or lot contained in a plat shall include:

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

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

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

310 ~~[(5) (a) A petition that lacks the consent of all owners referred to in Subsection (4) may~~  
311 ~~not be scheduled for consideration at a public hearing before the planning commission until the~~  
312 ~~notice required by Section 10-9a-207 or 10-9a-208, as applicable is given.]~~

313 ~~[(b) The petitioner shall pay the cost of the notice.]~~

314 ~~[(6) Subject to Subsection (2), if the applicant proposes to vacate, alter, or amend a~~  
315 ~~subdivision plat, or any street or lot contained in a subdivision plat, the planning commission~~  
316 ~~shall consider the issue at a public hearing after giving the notice required by Section~~  
317 ~~10-9a-207 or 10-9a-208, as applicable.]~~

318 ~~[(7) (4) (a) The owners of record of adjacent parcels that are described by either a~~  
319 ~~metes and bounds description or a recorded plat may exchange title to portions of those parcels~~  
320 ~~if the exchange of title is approved by the land use authority in accordance with Subsection~~

321 ~~[(7) (4)(b).~~

322 (b) The land use authority shall approve an exchange of title under Subsection ~~[(7)~~  
323 ~~(4)(a) if: (i) no new dwelling lot or housing unit will result from the exchange of title; and~~  
324 ~~(ii)] the exchange of title will not result in a violation of any land use ordinance.~~

325 (c) If an exchange of title is approved under Subsection ~~[(7) (4)(b)]~~:

326 (i) a notice of approval shall be recorded in the office of the county recorder which:

327 ~~[(i) (A) is executed by each owner included in the exchange and by the land use~~  
328 ~~authority;~~

329 ~~[(ii) (B) contains an acknowledgment for each party executing the notice in~~  
330 ~~accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act;~~  
331 ~~and~~

332 ~~[(iii) (C) recites the descriptions of both the original parcels and the parcels created by~~  
333 ~~the exchange of title]; and~~

334 (ii) a conveyance of title reflecting the approved change shall be recorded in the office  
335 of the county recorder.

336 (d) A notice of approval recorded under this Subsection ~~[(7)]~~ (4) does not act as a  
337 conveyance of title to real property and is not required for the recording of a document  
338 purporting to convey title to real property.

339 ~~[(8)]~~ (5) (a) The name of a recorded subdivision may be changed by recording an  
340 amended plat making that change, as provided in this section and subject to Subsection ~~[(8)]~~  
341 (5)(c).

342 (b) The surveyor preparing the amended plat shall certify that the surveyor:

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

345 (ii) has completed a survey of the property described on the plat in accordance with  
346 Section 17-23-17 and has verified all measurements; and

347 (iii) has placed monuments as represented on the plat.

348 (c) An owner of land may not submit for recording an amended plat that gives the  
349 subdivision described in the amended plat the same name as a subdivision in a plat already  
350 recorded in the county recorder's office.

351 (d) Except as provided in Subsection ~~[(8)]~~ (5)(a), the recording of a declaration or other  
352 document that purports to change the name of a recorded plat is voidable.

353 Section 4. Section **10-9a-609** is amended to read:

354 **10-9a-609. Land use authority consideration of petition to vacate or change a plat**  
355 **-- Criteria for vacating or changing a plat -- Recording the vacation or change.**

356 ~~[(1) Within 30 days after the public hearing required by this part, or as that time period~~  
357 ~~may be extended by agreement of the parties, the land use authority shall consider the petition~~  
358 ~~to vacate or change a plat.]~~

359 ~~[(2)]~~ (1) If the land use authority is satisfied that ~~[neither]~~ the public interest ~~[nor any~~  
360 ~~person]~~ will not be materially injured by the proposed vacation, alteration, or amendment, and  
361 that there is good cause for the vacation, alteration, or amendment, the land use authority may  
362 vacate, alter, or amend the plat~~;~~ or any portion of the plat, ~~[or any street or lot]~~ subject to  
363 Section 10-9a-609.5.

364 ~~[(3)]~~ (2) The land use authority may approve the vacation, alteration, or amendment by  
365 ~~[resolution, amended plat, administrative order, or deed containing a stamp or mark indicating~~  
366 ~~approval by the land use authority]~~ signing an amended plat showing the vacation, alteration, or

367 amendment.

368 [~~(4)~~] (3) The land use authority shall ensure that the amended plat showing the  
369 vacation, alteration, or amendment is recorded in the office of the county recorder in which the  
370 land is located.

371 [~~(5)~~] ~~The action of the land use authority vacating or narrowing a street or alley that has~~  
372 ~~been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon~~  
373 ~~the effective date of the vacating ordinance, as a revocation of the acceptance thereof, and the~~  
374 ~~relinquishment of the city's fee therein, but the right-of-way and easements therein, if any, of~~  
375 ~~any lot owner and the franchise rights of any public utility may not be impaired thereby.]~~

376 (4) If an entire subdivision is vacated, the legislative body shall ensure that a legislative  
377 body resolution containing a legal description of the entire vacated subdivision is recorded in  
378 the county recorder's office.

379 Section 5. Section **10-9a-609.5** is enacted to read:

380 **10-9a-609.5. Vacating or altering a road or alley.**

381 (1) If a petition is submitted containing a request to vacate or alter any portion of a  
382 street or alley within a subdivision:

383 (a) the land use authority shall, after providing notice pursuant to local ordinance and  
384 Section 10-9a-208, make a recommendation to the legislative body concerning the request to  
385 vacate or alter; and

386 (b) the legislative body shall hold a public hearing in accordance with Section  
387 10-9a-208 and determine whether good cause exists for the vacation or alteration.

388 (2) If the legislative body vacates or alters any portion of a street or alley, the  
389 legislative body shall ensure that the plat is recorded in the office of the recorder of the county  
390 in which the land is located.

391 (3) The action of the legislative body vacating or narrowing a street or alley that has  
392 been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon  
393 the effective date of the vacating plat, as a revocation of the acceptance thereof, and the  
394 relinquishment of the city's fee therein, but the right-of-way and easements therein, if any, of  
395 any lot owner and the franchise rights of any public utility may not be impaired thereby.

396 Section 6. Section **17-27a-103** is amended to read:

397 **17-27a-103. Definitions.**

398 As used in this chapter:

399 (1) "Affected entity" means a county, municipality, independent special district under  
400 Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2,  
401 Local Districts, school district, interlocal cooperation entity established under Title 11, Chapter  
402 13, Interlocal Cooperation Act, specified public utility, or the Utah Department of  
403 Transportation, if:

404 (a) the entity's services or facilities are likely to require expansion or significant  
405 modification because of an intended use of land;

406 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
407 or

408 (c) the entity's boundaries or facilities are within one mile of land that is the subject of  
409 a general plan amendment or land use ordinance change.

410 (2) "Appeal authority" means the person, board, commission, agency, or other body  
411 designated by ordinance to decide an appeal of a decision of a land use application or a  
412 variance.

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

416 (4) "Charter school" includes:

417 (a) an operating charter school;

418 (b) a charter school applicant that has its application approved by a chartering entity in  
419 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

420 (c) an entity who is working on behalf of a charter school or approved charter applicant  
421 to develop or construct a charter school building.

422 (5) "Chief executive officer" means the person or body that exercises the executive  
423 powers of the county.

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

428 (7) "Constitutional taking" means a governmental action that results in a taking of

429 private property so that compensation to the owner of the property is required by the:

430 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

431 (b) Utah Constitution Article I, Section 22.

432 (8) "Culinary water authority" means the department, agency, or public entity with  
433 responsibility to review and approve the feasibility of the culinary water system and sources for  
434 the subject property.

435 (9) (a) "Disability" means a physical or mental impairment that substantially limits one  
436 or more of a person's major life activities, including a person having a record of such an  
437 impairment or being regarded as having such an impairment.

438 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
439 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
440 802.

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

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

445 (12) "General plan" means a document that a county adopts that sets forth general  
446 guidelines for proposed future development of the unincorporated land within the county.

447 (13) "Identical plans" means building plans submitted to a county that are substantially  
448 identical building plans that were previously submitted to and reviewed and approved by the  
449 county and describe a building that is:

450 (a) located on land zoned the same as the land on which the building described in the  
451 previously approved plans is located; and

452 (b) subject to the same geological and meteorological conditions and the same law as  
453 the building described in the previously approved plans.

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

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

460 (16) "Land use application" means an application required by a county's land use  
461 ordinance.

462 (17) "Land use authority" means a person, board, commission, agency, or other body  
463 designated by the local legislative body to act upon a land use application.

464 (18) "Land use ordinance" means a planning, zoning, development, or subdivision  
465 ordinance of the county, but does not include the general plan.

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

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

470 (21) "Moderate income housing" means housing occupied or reserved for occupancy  
471 by households with a gross household income equal to or less than 80% of the median gross  
472 income for households of the same size in the county in which the housing is located.

473 (22) "Nominal fee" means a fee that reasonably reimburses a county only for time spent  
474 and expenses incurred in:

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

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

478 (23) "Noncomplying structure" means a structure that:

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

480 (b) because of one or more subsequent land use ordinance changes, does not conform  
481 to the setback, height restrictions, or other regulations, excluding those regulations that govern  
482 the use of land.

483 (24) "Nonconforming use" means a use of land that:

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

485 (b) has been maintained continuously since the time the land use ordinance regulation  
486 governing the land changed; and

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

489 (25) "Official map" means a map drawn by county authorities and recorded in the  
490 county recorder's office that:



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

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

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

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

499 (27) "Plan for moderate income housing" means a written document adopted by a  
500 county legislative body that includes:

501 (a) an estimate of the existing supply of moderate income housing located within the  
502 county;

503 (b) an estimate of the need for moderate income housing in the county for the next five  
504 years as revised biennially;

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

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

508 (e) a description of the county's program to encourage an adequate supply of moderate  
509 income housing.

510 (28) "Plat" means a map or other graphical representation of lands being laid out and  
511 prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

512 (29) "Public hearing" means a hearing at which members of the public are provided a  
513 reasonable opportunity to comment on the subject of the hearing.

514 (30) "Public meeting" means a meeting that is required to be open to the public under  
515 Title 52, Chapter 4, Open and Public Meetings.

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

518 (32) "Residential facility for elderly persons" means a single-family or multiple-family  
519 dwelling unit that meets the requirements of Part 4, General Plan, but does not include a health  
520 care facility as defined by Section 26-21-2.

521 (33) "Residential facility for persons with a disability" means a residence:

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

523 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,  
524 Chapter 2, Licensure of Programs and Facilities; or

525 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
526 Health Care Facility Licensing and Inspection Act.

527 (34) "Sanitary sewer authority" means the department, agency, or public entity with  
528 responsibility to review and approve the feasibility of sanitary sewer services or onsite  
529 wastewater systems.

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

533 (36) "Specified public utility" means an electrical corporation, gas corporation, or  
534 telephone corporation, as those terms are defined in Section 54-2-1.

535 (37) "Street" means a public right-of-way, including a highway, avenue, boulevard,  
536 parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other  
537 way.

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

542 (b) "Subdivision" includes:

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

545 (ii) except as provided in Subsection (38)(c), divisions of land for residential and  
546 nonresidential uses, including land used or to be used for commercial, agricultural, and  
547 industrial purposes.

548 (c) "Subdivision" does not include:

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

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

552 (A) no new lot is created; and

553 (B) the adjustment does not violate applicable land use ordinances;  
554 (iii) a recorded document, executed by the owner of record:  
555 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
556 property into one legal description encompassing all such parcels of property; or  
557 (B) joining a subdivided parcel of property to another parcel of property that has not  
558 been subdivided, if the joinder does not violate applicable land use ordinances; ~~or~~  
559 (iv) a bona fide division or partition of land in a county other than a first class county  
560 for the purpose of siting, on one or more of the resulting separate parcels:  
561 (A) an unmanned facility appurtenant to a pipeline owned or operated by a gas  
562 corporation, interstate pipeline company, or intrastate pipeline company; or  
563 (B) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
564 utility service regeneration, transformation, retransmission, or amplification facility[-]; or  
565 (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
566 their mutual boundary if:  
567 (A) no new dwelling lot or housing unit will result from the adjustment; and  
568 (B) the adjustment will not violate any applicable land use ordinance.  
569 (d) The joining of a subdivided parcel of property to another parcel of property that has  
570 not been subdivided does not constitute a subdivision under this Subsection (38) as to the  
571 unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision  
572 ordinance.  
573 (39) "Township" means a contiguous, geographically defined portion of the  
574 unincorporated area of a county, established under this part or reconstituted or reinstated under  
575 Section 17-27a-307, with planning and zoning functions as exercised through the township  
576 planning commission, as provided in this chapter, but with no legal or political identity  
577 separate from the county and no taxing authority, except that "township" means a former  
578 township under Chapter 308, Laws of Utah 1996 where the context so indicates.  
579 (40) "Unincorporated" means the area outside of the incorporated area of a  
580 municipality.  
581 (41) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts  
582 land use zones, overlays, or districts.  
583 Section 7. Section **17-27a-603** is amended to read:

584           **17-27a-603. Plat required when land is subdivided -- Approval of plat --**  
585 **Recording plat.**

586           (1) Unless exempt under Section 17-27a-605 or excluded from the definition of  
587 subdivision under Subsection 17-27a-103[~~(37)~~](38), whenever any land is laid out and platted,  
588 the owner of the land shall provide an accurate plat that describes or specifies:

589           (a) a name or designation of the subdivision that is distinct from any plat already  
590 recorded in the county recorder's office;

591           (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by  
592 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is  
593 intended to be used as a street or for any other public use, and whether any such area is  
594 reserved or proposed for dedication for a public purpose;

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

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

600           (2) Subject to Subsections (3), (4), and (5), if the plat conforms to the county's  
601 ordinances and this part and has been approved by the culinary water authority and the sanitary  
602 sewer authority, the county shall approve the plat.

603           (3) The county may withhold an otherwise valid plat approval until the owner of the  
604 land provides the legislative body with a tax clearance indicating that all taxes, interest, and  
605 penalties owing on the land have been paid.

606           (4) (a) The owner of the land shall acknowledge the plat before an officer authorized  
607 by law to take the acknowledgment of conveyances of real estate and shall obtain the signature  
608 of each individual designated by the county.

609           (b) The surveyor making the plat shall certify that the surveyor:

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

612           (ii) has completed a survey of the property described on the plat in accordance with  
613 Section 17-23-17 and has verified all measurements; and

614           (iii) has placed monuments as represented on the plat.

615 (c) As applicable, the owner or operator of the underground and utility facilities shall  
616 approve the:

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

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

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

622 (5) (a) After the plat has been acknowledged, certified, and approved, the owner of the  
623 land shall, within the time period designated by ordinance, record the plat in the county  
624 recorder's office in the county in which the lands platted and laid out are situated.

625 (b) An owner's failure to record a plat within the time period designated by ordinance  
626 renders the plat voidable.

627 Section 8. Section **17-27a-608** is amended to read:

628 **17-27a-608. Vacating or changing a subdivision plat.**

629 (1) (a) Subject to Section [~~17-27a-610~~] 17-27a-609.5, and provided that notice has  
630 been given pursuant to local ordinance and Section 17-27a-208, the land use authority may,  
631 with or without a petition, consider and resolve any proposed vacation, alteration, or  
632 amendment of a subdivision plat, any portion of a subdivision plat, or any [~~street,~~] lot[~~, or~~  
633 ~~alley~~] contained in a subdivision plat.

634 [~~(b) If a petition is filed, the land use authority shall hold a public hearing within 45~~  
635 ~~days after receipt of the planning commission's recommendation under Subsection (2) if:]~~

636 [~~(i) the plat change includes the vacation of a public street or alley;]~~

637 [~~(ii) any owner within the plat notifies the county of their objection in writing within~~  
638 ~~ten days of mailed notification; or]~~

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

641 [~~(2) (a) The planning commission shall consider and provide a recommendation for a~~  
642 ~~proposed vacation, alteration, or amendment under Subsection (1)(a) or (6) before the land use~~  
643 ~~authority takes final action:]~~

644 [~~(b) The planning commission shall give its recommendation within 30 days after the~~  
645 ~~proposed vacation, alteration, or amendment is referred to it, or as that time period is extended~~

646 by agreement with the applicant.]

647 (b) The land use authority may consider at a public meeting an owner's petition to join  
648 two or more of the owner's contiguous, residential lots, if notice has been given pursuant to  
649 local ordinance.

650 (c) Each request to vacate or alter a street or alley, contained in a petition to vacate,  
651 alter, or amend a subdivision plat, is also subject to Section 17-27a-609.5.

652 ~~[(3)]~~ (2) Any fee owner, as shown on the last county assessment rolls, of land within  
653 the subdivision that has been laid out and platted as provided in this part may, in writing,  
654 petition to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or  
655 amended as provided in this section and Section 17-27a-609.5.

656 ~~[(4)]~~ (3) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a  
657 street or lot contained in a plat shall include:

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

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

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

662 ~~[(5) (a) A petition that lacks the consent of all owners referred to in Subsection (4) may~~  
663 ~~not be scheduled for consideration at a public hearing before the planning commission until the~~  
664 ~~notice required by Section 17-27a-207 or 17-27a-208, as applicable, is given.]~~

665 ~~[(b) The petitioner shall pay the cost of the notice.]~~

666 ~~[(6) Subject to Subsection (2), if the applicant proposes to vacate, alter, or amend a~~  
667 ~~subdivision plat, or any street or lot contained in a subdivision plat, the planning commission~~  
668 ~~shall consider the issue at a public hearing after giving the notice required by Section~~  
669 ~~17-27a-207 or 17-27a-208, as applicable.]~~

670 ~~[(7)]~~ (4) (a) The owners of record of adjacent parcels that are described by either a  
671 metes and bounds description or a recorded plat may exchange title to portions of those parcels  
672 if the exchange of title is approved by the land use authority in accordance with Subsection  
673 ~~[(7)]~~ (4)(b).

674 (b) The land use authority shall approve an exchange of title under Subsection ~~[(7)]~~  
675 (4)(a) if: ~~(i) no new dwelling lot or housing unit will result from the exchange of title; and~~  
676 ~~(ii)]~~ the exchange of title will not result in a violation of any land use ordinance.

677 (c) If an exchange of title is approved under Subsection [~~(7)~~] (4)(b)[~~;~~];  
678 (i) a notice of approval shall be recorded in the office of the county recorder which:  
679 [~~(i)~~] (A) is executed by each owner included in the exchange and by the land use  
680 authority;  
681 [~~(ii)~~] (B) contains an acknowledgment for each party executing the notice in  
682 accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act;  
683 and  
684 [~~(iii)~~] (C) recites the descriptions of both the original parcels and the parcels created by  
685 the exchange of title[~~;~~]; and  
686 (ii) a conveyance of title reflecting the approved change shall be recorded in the office  
687 of the county recorder.  
688 (d) A notice of approval recorded under this Subsection [~~(7)~~] (4) does not act as a  
689 conveyance of title to real property and is not required for the recording of a document  
690 purporting to convey title to real property.  
691 [~~(8)~~] (5) (a) The name of a recorded subdivision may be changed by recording an  
692 amended plat making that change, as provided in this section and subject to Subsection [~~(8)~~]  
693 (5)(c).  
694 (b) The surveyor preparing the amended plat shall certify that the surveyor:  
695 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and  
696 Land Surveyors Licensing Act;  
697 (ii) has completed a survey of the property described on the plat in accordance with  
698 Section 17-23-17 and has verified all measurements; and  
699 (iii) has placed monuments as represented on the plat.  
700 (c) An owner of land may not submit for recording an amended plat that gives the  
701 subdivision described in the amended plat the same name as a subdivision in a plat already  
702 recorded in the county recorder's office.  
703 (d) Except as provided in Subsection [~~(8)~~] (5)(a), the recording of a declaration or other  
704 document that purports to change the name of a recorded plat is voidable.  
705 Section 9. Section **17-27a-609** is amended to read:  
706 **17-27a-609. Land use authority consideration of petition to vacate or change a**  
707 **plat -- Criteria for vacating or changing a plat -- Recording the vacation or change.**

708 ~~[(1) Within 30 days after the public hearing required by this part, or as that time period~~  
709 ~~may be extended by agreement of the parties, the land use authority shall consider the petition~~  
710 ~~to vacate or change a plat.]~~

711 ~~[(2)]~~ (1) If the land use authority is satisfied that the public interest will not be  
712 materially injured by the proposed vacation, alteration, or amendment, and that there is good  
713 cause for the vacation, alteration, or amendment, the land use authority may vacate, alter, or  
714 amend the plat[;] or any portion of the plat, [or any street or lot] subject to Section  
715 17-27a-609.5.

716 ~~[(3)]~~ (2) The land use authority may approve the vacation, alteration, or amendment by  
717 ~~[resolution, amended plat, administrative order, or deed containing a stamp or mark indicating~~  
718 ~~approval by the land use authority]~~ signing an amended plat showing the vacation, alteration, or  
719 amendment.

720 ~~[(4)]~~ (3) The land use authority shall ensure that the amended plat showing the  
721 vacation, alteration, or amendment is recorded in the office of the county recorder in which the  
722 land is located.

723 ~~[(5) The action of the land use authority vacating or narrowing a street or alley that has~~  
724 ~~been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon~~  
725 ~~the effective date of the vacating ordinance, as a revocation of the acceptance thereof, and the~~  
726 ~~relinquishment of the county's fee therein, but the right-of-way and easements therein, if any, of~~  
727 ~~any lot owner and the franchise rights of any public utility may not be impaired thereby.]~~

728 (4) If an entire subdivision is vacated, the legislative body shall ensure that a legislative  
729 body resolution containing a legal description of the entire vacated subdivision is recorded in  
730 the county recorder's office.

731 Section 10. Section **17-27a-609.5** is enacted to read:

732 **17-27a-609.5. Vacating or altering a road or alley.**

733 (1) If a petition is submitted containing a request to vacate or alter any portion of a  
734 street or alley within a subdivision:

735 (a) the land use authority shall, after providing notice pursuant to local ordinance and  
736 Section 17-27a-208, make a recommendation to the legislative body concerning the request to  
737 vacate or alter; and

738 (b) the legislative body shall hold a public hearing in accordance with Section



739 17-27a-208 and determine whether good cause exists for the vacation or alteration.

740 (2) If the legislative body vacates or alters any portion of a street or alley, the  
741 legislative body shall ensure that the plat is recorded in the office of the recorder of the county  
742 in which the land is located.

743 (3) The action of the legislative body vacating or narrowing a street or alley that has  
744 been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon  
745 the effective date of the vacating plat, as a revocation of the acceptance thereof, and the  
746 relinquishment of the county's fee therein, but the right-of-way and easements therein, if any, of  
747 any lot owner and the franchise rights of any public utility may not be impaired thereby.